

UNIT



9

# The Government of Texas

## Why It Matters

*As you study Unit 9, you will learn about Texas government. Texans have created a system of state, county, and local governments to protect freedom and ensure justice.*

### Primary Sources Library

*See pages 700–701 for primary source readings to accompany Unit 9.*

New members of the Texas Senate are sworn in at the Capitol on the opening day of the 77th legislative session in Austin.





*“All political power is  
inherent in the people.”*

—Article 1, Section 2, Texas Constitution  
of 1876, Governor Richard Coke







Scientists are banding elf owls in West Texas so they can keep track of the tiny birds. Researchers are setting up nest boxes to see if the owls will use them when their natural homes have been destroyed.



Students get ready to plant a tree in Austin. Trees contribute to clean air by removing carbon dioxide and releasing oxygen.



A student closely examines a beaker of pond water. Learning about plants and animals is key to understanding our environment.

# CARING FOR THE EARTH



**Water Problems in Texas**

- Threatened aquifers
- River pollution
- Coastal pollution
- Severe coastal pollution

As water supplies dwindle, some Texans are trying to conserve and clean up polluted waterways.

**Bright lights spread across the night sky of Texas,** one of the fastest growing states in the country. Between 1993 and 2000, Texas grew by more than two and a half million people. Today there are 21 million Texans, and the population is expected to double in the next 50 years. Growth puts a strain on the environment, but many people are trying to preserve the air, water, and wildlife.

## Water

Water, which sustains people, crops, animals, and industry, is getting scarce in some regions of Texas. During recent droughts, roaring rivers like the Rio Grande slowed to a mere trickle. Many Texans depend on aquifers, or natural underground reservoirs, for water. As more and more people need water, aquifers like the Ogallala and the Hueco-Mesilla Bolson are being drained faster than they can refill. To save water, some cities are asking residents not to water yards on certain days.

## Air

Some Texas students are trying to clean the air and beautify the environment by planting trees. Pollutants from cars, oil refineries, chemical plants, and other industries may contribute to poor air quality. People can improve the air by walking, riding bikes, carpooling, or using public transportation when possible instead of using their own car.

## Wildlife

As people clear land to grow crops or build houses, stores, factories, and roads, they destroy many animal homes. Some Texans are making an effort to provide water, nest boxes, and local plants for wildlife on their own property.

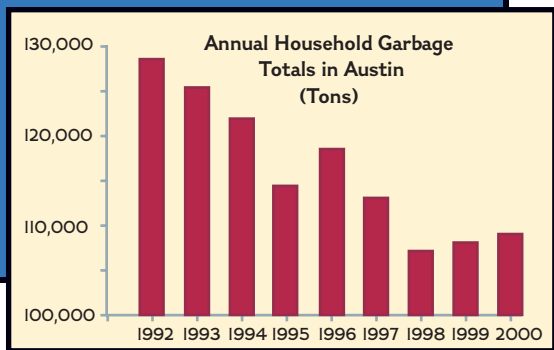
## Trash

More people generally means more garbage, but cities like Austin have actually reduced the amount of garbage people generate. Austin has encouraged its residents to recycle paper, plastics, glass, and aluminum.

Maintaining a healthy environment is a challenge, but many Texans are cleaning up, recycling, saving water, and trying to protect the natural resources of the state.



Volunteers help protect coastal wildlife and the beauty of the beach by picking up trash on Padre Island.



## LEARNING from GEOGRAPHY

1. In what areas of Texas does the map show the greatest growth since 1993? Are there many new lights near your community? How would you describe the rate of development in your region?
2. What environmental problems are there in your area?

# CHAPTER 28

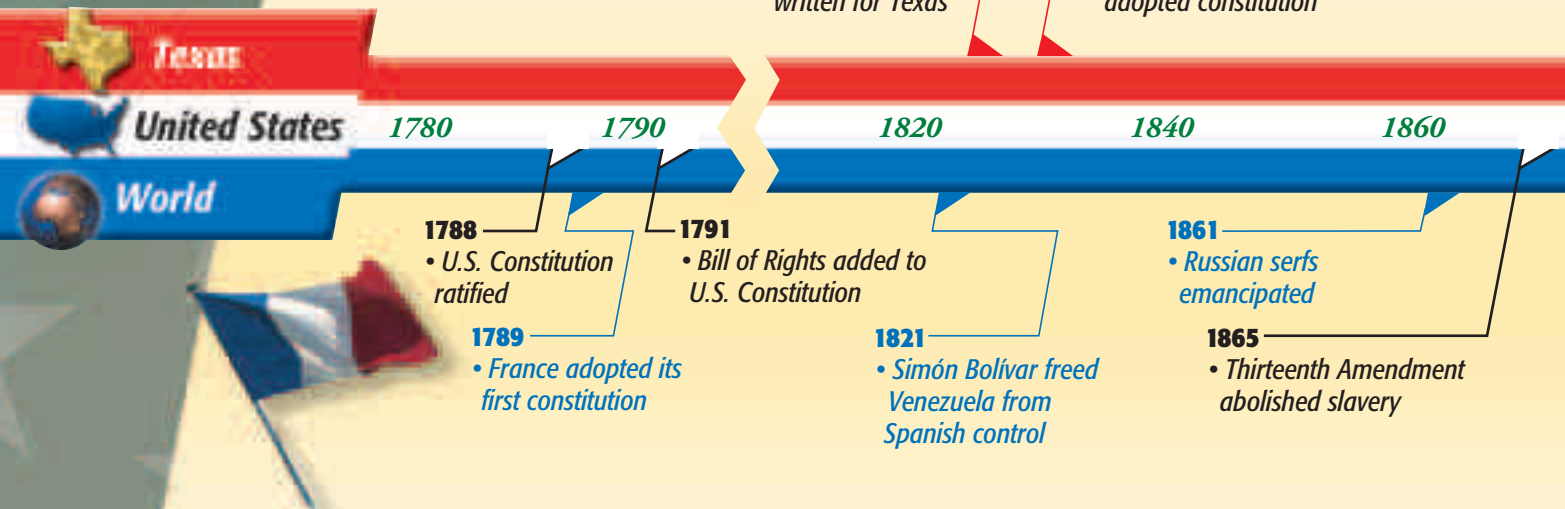
# Democracy & Constitutions

## Why It Matters

The organization of a government and a justice system are made possible through a document called a constitution. Texans live under a state constitution adopted in 1876.

## The Impact Today

The writers of the Texas Constitution of 1876 provided that many important decisions would be made by the voters. Texans, therefore, frequently vote on amendments to the constitution.





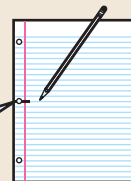


### Summarizing Information Study Foldable

Make this foldable to help you collect and analyze information about the history of the Texas constitution and democracy in Texas.

**Step 1** Mark the midpoint of the side edge of a sheet of paper.

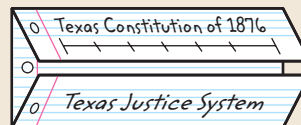
Draw a mark at the midpoint.



**Step 2** Turn the paper and fold the outside edges in to touch at the midpoint.



**Step 3** Turn and label your foldable as shown.



**Reading and Writing** As you read the chapter, record information under each tab of your foldable. For example, under the top flap, write about the constitutions of Texas. Use a time line to record significant developments. Under the bottom flap, include information on the Texas system of justice.

Article 1, Section 27, of the Texas constitution guarantees that "citizens shall have the right, in a peaceable manner, to assemble together for their common good."

**1876**

★ Current Texas constitution adopted

1880

1900

1920

1940

**1920**

• Nineteenth Amendment gave women the right to vote

**1944**

• Women in France gained right to vote



**TEXAS HISTORY Online**

### Chapter Overview

Visit the [texans.glencoe.com](http://texans.glencoe.com) Web site and click on **Chapter 28—Chapter Overviews** to preview chapter information.

**CLICK HERE**

# Texas Constitutions

## Guide to Reading

### Main Idea

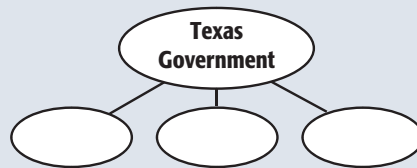
The Texas constitution establishes a framework of government for today.

### Key Terms

constitution, amendment, bill of rights, federalism, separation of powers, legislature, executive, judiciary, checks and balances, bond

### Reading Strategy

**Classifying Information** As you read this section, create a web like the one below and fill in the three branches of Texas government.



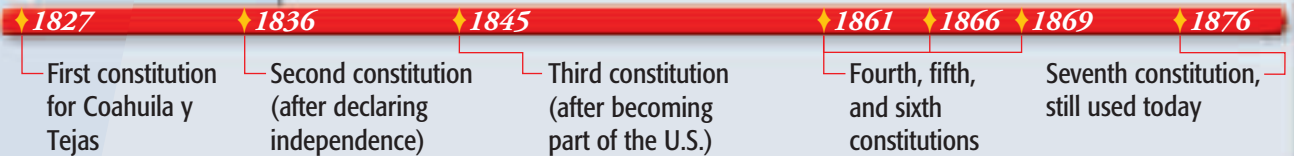
### Read to Learn

- about the Texas constitution.
- what three branches make up the state government.
- how to amend the constitution.

### Section Theme

**Government and Democracy** The current constitution of Texas emphasizes that political power belongs to the people.

### Preview of Events



*Constitution of 1876*

## A Texas Story

When the delegates to the state's Constitutional Convention of 1876 met, their goal was to create a document that would meet the needs of Texans for many years. Their experiences must have told them this would be a difficult task. Since 1827—a little less than 50 years—Texans lived under six different constitutions. Yet, without the benefits of electricity, computers, or telephones, the diverse group of men produced a constitution that is still in use today, more than 125 years later.

### The Texas Constitution in Early Government

What exactly is a **constitution**, and why is it important? A constitution is a document that outlines fundamental laws and principles of law. It describes the nature, functions, and limits of government. Citizens of





### Exploring Government

Opening day of the 77th legislative session at the State Capitol was on January 9, 2001. **How do you think politicians persuade other legislators to approve bills?**

Texas live under the laws of both the United States and the Texas constitutions.

In 1827 the legislature of Coahuila y Tejas wrote the first of Texas's seven constitutions. Modeled after the Mexican constitution, it strictly controlled regional and individual rights. After gaining independence from Mexico in 1836, Texas wrote another constitution. This served Texas until it became part of the U.S. in 1845, when a third constitution was written. During the Civil War and Reconstruction, three more constitutions were written. Another constitution, adopted in 1876, was written at the end of Reconstruction. That document is Texas's present constitution. (See pages 710 and 711 for summaries of these constitutions.)

## The Role of Constitutions

Each Texas constitution has had four important purposes. They have outlined parts of the government and described the duties of each. Officials and governmental bodies were given various powers. The constitutions described the rights of citizens. They provided a method for making changes, or adding **amendments**.

Each constitution reflected the times in which it was written. The earliest Texas constitutions permitted slavery. Women were not even mentioned

in the early constitutions. They struggled for the right to vote until 1920. Today all Texas citizens 18 years of age or older who have not been convicted of serious crimes are eligible to vote.

Constitutions reflect the ideals and values of citizens. Later Texas constitutions were modeled after the United States Constitution. Defining citizen rights and powers became important. Most constitutions emphasize that political power belongs to the people, a concept known as **popular sovereignty**, and that citizens' voices must be heard at all levels of government. Sometimes a **bill of rights**, specifically listing individual freedoms, is included.

**Reading Check** **Contrasting** How do the earliest Texas constitutions differ from later constitutions?

## Federalism

As a state within the United States, Texas is part of a federal system of government, which means that some powers belong to the federal government and others belong to state governments. This sharing of powers and duties is



## Article 1 – Bill of Rights The Texas Constitution

1. Texas is a free and independent state.
2. All political power is inherent in the people.
3. All free men have equal rights.
4. No religious test is required to hold office.
5. Oaths are administered according to the conscience of the individual.
6. Freedom of worship is guaranteed.
7. No money shall be appropriated for sectarian (religious) purposes.
8. Freedom of speech and the press is guaranteed.
9. No unreasonable search and seizure is permitted.
10. Rights of persons accused of crime are protected.



## TAKS PRACTICE

**Analyzing** Ten of the 31 specific rights granted to Texas citizens in the state bill of rights are listed at left. *Why is freedom of speech and the press important in a democracy?*

called **federalism**. Powers given to the states are **reserved** powers. Examples are a state's right to regulate commerce within its borders, provide for a state militia, establish the legal age for marriage without parental permission, and create public school systems. On the other hand, Texas does not have the right to create its own money, declare war, or sign treaties with other countries, because those are specific powers of the federal government. Thus, the Texas constitution and other laws address all powers that do not belong to the federal government.

## Three Branches of Government

The Texas Constitution of 1876 requires that the three branches of government be separate. In Article II, the constitution states that “the powers of the government of the State of Texas

shall be divided into three distinct departments.” This **separation of powers** prevents any branch from having too much power. These divisions are known as the *legislative*, the *executive*, and the *judicial* branches of government.

The **legislature**, with its power vested in the Senate and House of Representatives, makes the laws of the state. The legislature also is given the responsibility of approving the state's budget. The **Constitution of 1876** set the limit of the Senate at 31 members. The House of Representatives consisted of one representative for every 15,000 inhabitants in the state, never to exceed 150 members. Today, the House has reached that limit. Texas has a population of nearly 20.8 million, so a member now represents many more than 15,000 people.

The **executive** department is responsible for seeing that the laws of the state are carried out. It consists of the chief executive (the governor), lieutenant governor, secretary of state, comptroller of public accounts, commissioner of the General Land Office, commissioner of agriculture, and attorney general. The office of treasurer was eliminated in 1996.

The judicial branch, or **judiciary**, interprets the laws of the state and decides how the laws should be applied. The judiciary also may try people accused of crimes and may settle other disputes. It consists of several courts, including the supreme court and courts of appeals.

The writers of the Texas constitution also believed it was important for each branch of government to act as a check on the powers of the other two. This is called the principle of **checks and balances**. The legislature, for example, makes the laws. The governor, who heads the executive branch, can check this power through the veto power. The legislature, with a two-thirds vote, can pass a law over a veto. In addition, the Texas Supreme Court and the Texas Court of Criminal Appeals—the final authorities of the judicial branch—can both rule that state laws are unconstitutional.

**TEXAS  
HISTORY  
Online**

**Student Web Activity** Visit the [texans.glencoe.com](http://texans.glencoe.com) Web site and click on **Chapter 28—Student Web Activity** to learn more about the three branches of government.

**CLICK HERE**

## The Bill of Rights Protects Citizens

Protecting the rights of citizens is so important to Texans that the constitution begins with a bill of rights, similar to the one in the United States Constitution. The Texas Bill of Rights protects freedom of speech, religion, and the press. It guarantees the right to bear arms, forbids unreasonable searches and seizures, and assures accused people a speedy trial. The bill of rights also lists special rights for crime victims. These freedoms are essential for a free and democratic society that relies on free speech and open debate to create sound public policy.

## The Constitution of 1876

The Constitution of 1876 is considered by some historians to be a reaction to the Reconstruction administration of Governor Davis. The Constitution of 1869 gave the executive branch more power than previous constitutions. The 1876 Constitution prevented a strong governor from controlling all the branches of government.

Adopted on February 15, 1876, the current Texas constitution established a system of public schools. It separated government into three branches and strengthened the system of checks and balances. While the constitution guaranteed that race could not prevent a person from voting, women were not mentioned. The Constitution of


1876 also removed much of the governor's power and cut salaries for state officials. Terms of office were shortened. To reduce costs and limit powers, legislative sessions were scheduled to meet once every two years instead of annually.

Many argue the constitution is badly outdated because so many changes have been made to it since 1876 to address shifting times. Several tries to adopt a new constitution have failed. Instead, Texans have updated the existing constitution by voting on amendments.

## Amending the Constitution

Amendments are formal additions to a constitution. During every legislative session, amendments are considered to keep the state current with changing times. Amendments have been passed to authorize the issuing of **bonds** (guarantees from the government to repay money it borrows), to abolish political offices, to exempt school districts or other entities from taxes, and to deal with other issues.

Adopting an amendment requires approval by two-thirds of both the House and Senate, followed by voter approval. The governor cannot veto amendments to the Texas constitution.

 **Reading Check** **Describing** Name three types of amendments that have been passed.

## SECTION 1 ASSESSMENT

### Checking for Understanding

- Using Key Terms** Use the words **constitution** and **amendment** in a sentence that explains how state laws are changed.
- Reviewing Facts** Summarize some key rights granted by the Texas Bill of Rights.

### Reviewing Themes

- Government and Democracy** How is the Texas constitution similar to the United States Constitution?

### Organizing to Learn

- Identifying Central Issues** Create a chart like the one shown and identify the major area of responsibility of each of the branches of government.

Branch of Government	Responsibility
Executive	
Legislative	
Judicial	

### Critical Thinking

- Analyzing** How does the current Texas constitution reflect the ideals and values of Texans?
- Predicting** Since the Texas constitution limits the power of the executive, what factors might affect a governor's influence or power?



**Determining Cause and Effect** Why did the framers of the 1876 Constitution limit the powers of the state government?



# Technology TAKS Skillbuilder



## Developing Multimedia Presentations

### Why Learn This Skill?

A multimedia presentation is a different way to learn and to share material. It combines many types of media. Multimedia presentations can hold your classmates' attention. They also enable you to familiarize yourself with some interesting learning tools.

### Learning the Skill

A multimedia presentation involves using several types of media, including photographs, videos, or sound recordings. The equipment can range from simple cassette players, to overhead projectors, to VCRs, to computers, and beyond.

Multimedia, as it relates to computer technology, is the combination of text, video, audio, and animation in an interactive computer program. You need certain tools to create multimedia presentations on a computer, including computer graphic tools and drawing programs, animation programs, and authoring systems that tie everything together. Your computer manual will tell you which tools your computer can support.

### Practicing the Skill

Plan and create a multimedia presentation on a topic found in the chapter, such as Texas constitutions or the Department of Criminal Justice. After selecting your topic, list three or four major ideas you would like to cover. When you decide on your topic, consider whether the topic has enough resources available. If you choose a unique or unusual topic, it will be more difficult to find resources, so choose your topic wisely. Use the questions listed in the next column as a guide when planning your presentation.

- 1 Which forms of media do I want to include? Video? Sound? Animation? Photographs? Graphics?
- 2 Which kinds of media equipment are available at my school or local library?
- 3 What types of media can I create to enhance my presentation?
- 4 Which of the media forms does my computer support?



### TAKS PRACTICE

**Developing Multimedia Presentations** Choose an individual in Texas history and create a multimedia presentation about his or her contributions. Use as many multimedia materials as possible, and share your presentation with the class.

## SECTION 2

# The Texas System of Justice

### Guide to Reading

#### Main Idea

The Texas court system protects citizens' rights.

#### Key Terms

**civil law, criminal law, felony, misdemeanor, grand jury, indictment, no bill, petit jury, plea bargain, juror, mediate**

#### Reading Strategy

**Classifying Information** As you read this section, create a chart like the one shown and list the types of cases heard in each court.

Courts	Cases Heard
Municipal	
Justice of the Peace	
County	
District	

#### Read to Learn

- about civil law and criminal law.
- about juvenile justice.
- about Texas law enforcement.

#### Section Theme

##### Civic Rights and Responsibilities

Through the system of trial and appeals courts, disputes can be settled, and people accused of crimes can be fairly tried.

#### Preview of Events

◆ 1967

Fourteenth appeals court is added in Houston

◆ 1989

Texas Department of Criminal Justice is formed

◆ 2001

Over 62,000 attorneys hold licenses to practice law in Texas



*Texas citizens participating in state government*

## A Texas Story

By the year 2001, almost 400 amendments had been added to the original Constitution of 1876 in an effort to keep the document current. Although some argue that the constitution is outdated even with the changes, the last time a constitutional convention was called to rewrite the document was back in 1974. After meeting for seven months, the convention failed by three votes to approve a new version of the constitution to submit to Texas voters—the Constitution of 1876 was to remain the law of the land.


### The Judicial System

The judicial branch is made up of courts and judges throughout the state. It serves three purposes. It supports a system by which those accused of crimes may be tried and, if found guilty, punished; it provides a system



## The Texas Court System

Trial Courts	Appeals Courts
<p><b>What they do:</b></p> <p>Hear civil and criminal cases and render verdicts</p>	<p><b>What they do:</b></p> <p>Determine whether trials held in trial courts were fair; can order new trials</p>
<p><b>Who they are:</b></p> <ul style="list-style-type: none"> <li>• Municipal/Justice of the Peace</li> <li>• County Courts</li> <li>• District Courts</li> </ul>	<p><b>Who they are:</b></p> <ul style="list-style-type: none"> <li>• Courts of Appeals</li> <li>• Court of Criminal Appeals (for criminal cases) and Supreme Court (for civil cases)</li> </ul>



**TAKS PRACTICE**


**Identifying** The Texas court system allows for an appeals process. *What is the major role of the appeals courts in Texas?*

in which disputes can be settled; and it decides what the laws of the state mean and how they should be enforced. Texas, like the United States, has two general areas of law—civil and criminal. With the exception of some local judges, Texas judges are elected by voters.

### Texas Civil Law

The word *civil* comes from the Latin word for *citizen*. **Civil law** pertains to legal disputes between private citizens, businesses, and governments. Lawsuits between citizens are known as civil suits and are based on civil laws.

Most civil cases concern disputes about property, money, child custody, or insurance claims. Civil cases may be decided either by a judge or by a judge and a jury. Judge and jury trials can be very expensive and time consuming. Because of this, parties to civil cases are encouraged to try to work out agreements in out-of-court settlements. Still, about one-third of the civil cases filed in Texas actually go to trial.

 **Reading Check** **Evaluating** Why are parties in civil cases encouraged to seek out-of-court settlements?

### Criminal Law

**Criminal law** is the set of laws that describe what people can and cannot do. It is concerned with crimes and punishments. Criminal laws

protect the public and help maintain order. Criminal codes make it illegal for someone to break into your home and steal your video game or television. Punishments for such crimes are also included in the criminal codes.

A criminal case is one in which a person or people are accused of breaking the law. In a criminal case, the government brings court action against the accused. A private citizen cannot file a criminal suit but may bring a civil suit resulting from a criminal action. Sometimes people have been found not guilty in criminal cases and at fault in a related civil case.

Two types of offenses are recognized under criminal law—**felony** and **misdemeanor**. A felony is a very serious crime, such as murder, arson, or kidnapping. A misdemeanor is a less serious crime, such as disorderly conduct, gambling, or dangerous traffic violations.

If convicted of a felony, the accused person usually goes to prison and, depending on the nature of the crime, might be given the death penalty. Texas leads the nation in the number of executions of violent criminals. As a result, the state has been criticized by some groups. People convicted of misdemeanors may pay fines, serve terms in county jails, or both.

 **Reading Check** **Identifying** Who is responsible for bringing court action in a criminal case?

### Justice for Juveniles

Much of the effort of the juvenile justice system is directed at preventing child and adolescent legal problems. Programs try to get youths involved in families, schools, and communities. When these programs are not enough, however, the state must intervene for the protection of both the youth and the public.

The **Texas Youth Commission** (TYC) is the state's juvenile corrections agency. The TYC provides for the care, custody, and rehabilitation of Texas's most chronically delinquent or serious juvenile offenders. Young people between the ages of 10 and 17 who have committed serious offenses are the responsibility of the TYC. While in this system, offenders receive a medical evaluation, educational testing and assessment, and a psychological evaluation. Special treatment for problems such as drug dependency or violent behavior is provided. If the crimes are serious enough, a youth may be transferred to the adult prison system (Texas Department of Criminal Justice) to complete the sentence.

 **Reading Check** **Describing** What kind of offenders are the responsibility of the Texas Youth Commission?

## The Jury System

Whenever a person is accused of a felony, a group of people called a **grand jury** considers the case. If 9 or more of the 12 members of the grand jury believe there is evidence that the person might have committed the crime, an **indictment**, called a "true bill," is issued. If the grand jury decides there is not enough evidence to justify a trial, it can issue a "**no bill.**" In most cases grand juries agree with the recommendations of the prosecuting attorney.

A **petit jury** decides the criminal cases that go to court. After the attorneys present the evidence, all members of the jury must agree on a decision of "guilty" or "not guilty." If the jury decides that the accused person is guilty, either the judge or the jury decides on a sentence.

Some cases are settled by **plea bargaining**. Usually, in such cases, the defendant agrees to plead guilty to a lesser charge. Why is plea bargaining used? Many times, both sides have something to gain. The courts cannot

handle all the cases that come up for trial. When a plea bargain occurs, the government saves the money and time involved in a trial. The guilty plea also ensures that the accused will receive some punishment.

## Working for Justice

Many state and local agencies work together to enforce the laws of Texas. **The Texas Department of Public Safety** (DPS) conducts criminal investigations, supervises highway traffic, and licenses drivers. County sheriffs and city police departments conduct local law enforcement. **The Texas Department of Criminal Justice** administers the state prisons for adults. The Texas Youth Commission oversees juvenile correctional facilities.

One key individual who works on behalf of justice is the state attorney general, considered to be the state's lawyer. He or she provides advice to the governor, the legislature, and all the agencies, boards, and commissions of state government. If a case goes to court, the attorney general's office represents the state.

Attorneys are often consulted in legal matters. In 2001, 62,000 attorneys were licensed to practice law in Texas. To be licensed, a Texan must complete law school, pass an examination, and become a member of the State Bar of Texas.

When a case comes to court, **jurors** have a great responsibility to determine the facts. They also may have to decide the punishment for a person found guilty. To serve on a jury, one must be a Texas citizen, be at least 18 years old, and be able to read and write. Jurors must also be of sound mind, and they cannot have any felony convictions or be under indictment for committing any felony.

### Exploring Government

An attorney addresses a jury during a trial.  
**What important job do jurors have?**





## The Three Branches of Texas Government

Legislative Branch	Judicial Branch	Executive Branch
<p><b>What they do:</b></p> <p>Make the laws of the state</p>	<p><b>What they do:</b></p> <p>Interpret the laws of the state</p>	<p><b>What they do:</b></p> <p>Enforce the laws of the state</p>
<p><b>Who they are:</b></p> <ul style="list-style-type: none"> <li>• Senate (31 members)</li> <li>• House of Representatives (150 members)</li> </ul>	<p><b>Who they are:</b></p> <ul style="list-style-type: none"> <li>• Supreme Court</li> <li>• Court of Criminal Appeals</li> <li>• District Courts</li> <li>• County Courts</li> <li>• Justice of the Peace Courts</li> </ul>	<p><b>Who they are:</b></p> <ul style="list-style-type: none"> <li>• Governor</li> <li>• Lieutenant Governor</li> <li>• Secretary of State</li> <li>• Comptroller of Public Accounts</li> <li>• Commissioner of the General Land Office</li> <li>• Commissioner of Agriculture</li> <li>• Attorney General</li> </ul>



**Analyzing** The Texas constitution divided the government into three separate branches. This is known as “separation of powers.” *How does the Texas government benefit from this structure?*

## The Court System of Texas

There are two kinds of courts in Texas—trial and appeals. Trial courts hear cases and reach a decision called a verdict. Appeals courts decide if trials held in trial courts were fair. They can order a new trial if proper procedures were not followed.

### Trial Courts

Trial courts are courts where witnesses are heard, evidence is presented, and a verdict (in a jury trial) or a decision (in a case tried by a judge) is reached. Trial courts in Texas are concerned with civil and criminal cases. Civil cases—such as divorce settlements, personal injuries, and uncollected taxes—comprise most of these cases. Criminal cases include burglary, assault, driving while intoxicated (DWI), theft, and more serious offenses. Texas has three levels of trial courts—**municipal** and **justice of the peace, county courts, and district courts**. Larger cities have municipal courts that deal with violations of city ordinances, such as fire-safety infractions, traffic offenses, and zoning

violations. They also hear misdemeanor cases in which the maximum fine is less than \$2,000.

For small towns and rural areas without municipal courts, justice of the peace courts try civil and minor criminal cases. Justices perform several roles, such as performing marriages, issuing search warrants, setting bail, and determining the cause of death. Justices can also send cases to a higher court.

County courts are the second level of trial courts. The Texas constitution requires that each of Texas’s 254 counties have at least one county court. Called constitutional county courts, they hear civil cases in which the amount of the dispute is between \$500 and \$5,000. They also hear criminal misdemeanor cases in which the fine is greater than \$200. Where needed, the legislature has the power to create additional county courts, called county courts at law. In fast-growing cities like Austin, new county courts are established every few years to handle increasing caseloads. County courts hear criminal misdemeanor cases and civil cases in which the amount in dispute is less than \$5,000.

District courts are considered important trial courts in Texas. District courts hear criminal felony cases and other serious criminal matters such as murder. Civil cases and those involving juveniles or disputes of over \$500 may also be heard in district courts.



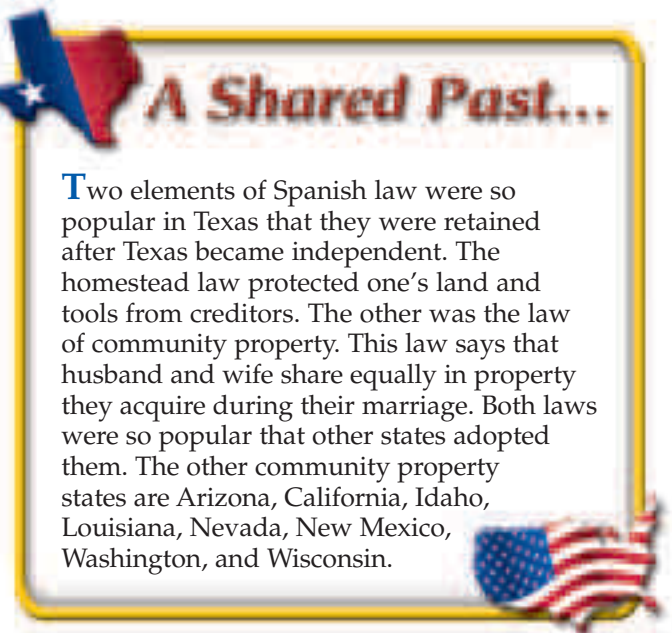
## Appeals Courts

People who file lawsuits hope to win. However, in almost every court case, one party wins and one party loses. The loser has to pay attorneys' fees and court costs.

In some cases the loser may believe that the trial was unfair. He or she may believe that evidence was illegally obtained or that the judge was not fair in making decisions. The losing party has the right to file an appeal, or a request to have the decision of a court set aside. Except for divorce cases, lower court decisions can be appealed in Texas. Appeals usually begin in the district courts of appeals but can reach the two highest courts—the Court of Criminal Appeals (for criminal cases) and the Supreme Court of Texas (for civil or juvenile cases). Texas is one of two U.S. states with more than one highest court.

Both of these high courts are composed of nine justices. In the case of the Supreme Court, the presiding justice is called the chief justice. All of the justices must be elected to a full term of six years. However, many justices begin to serve after being appointed by the governor to fill vacancies.

Divorce cases cannot be appealed. There is, however, an alternative for resolving divorce cases. Several county courts in Texas now require that people going through a divorce first **mediate**, or meet with an unbiased professional



**A Shared Past...**

Two elements of Spanish law were so popular in Texas that they were retained after Texas became independent. The homestead law protected one's land and tools from creditors. The other was the law of community property. This law says that husband and wife share equally in property they acquire during their marriage. Both laws were so popular that other states adopted them. The other community property states are Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Washington, and Wisconsin.

who helps the couple come to an agreement on the terms of their divorce. This frees the courts from having to divide a couple's property and decide who gets custody of the children. It also spares couples the additional strain of having to argue their cases in court. Mediation is fair, has a good success rate, and is becoming widely used to resolve business, workplace, neighborhood, and public policy disputes.

 **Reading Check** **Evaluating** What type of court, civil or criminal, would hear a case about a bank robbery?

## SECTION 2 ASSESSMENT

### Checking for Understanding

- Using Key Terms** Use the terms **grand jury** and **indictment** to describe what might happen in a criminal court.
- Reviewing Facts** Name four state or local agencies that work together to enforce the laws of Texas.

### Reviewing Themes

- Civic Rights and Responsibilities** What is one way that cases can be decided out of court?

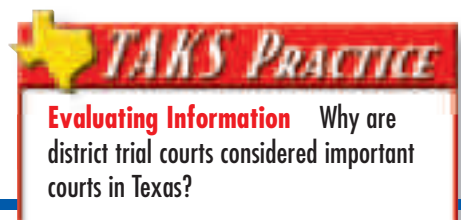
### Organizing to Learn

- Comparing and Contrasting** Create a chart like the one shown below and compare the differences between civil law and criminal law.

	Civil Law	Criminal Law
Definition		
Who decides case?		
Example of typical case		
Highest appeals court		

### Critical Thinking

- Analyzing Information** Why are juvenile offenders usually handled by a different justice system than that which deals with adults?
- Drawing Inferences** Why does the law forbid anyone with a felony conviction from serving on a jury?



**Evaluating Information** Why are district trial courts considered important courts in Texas?

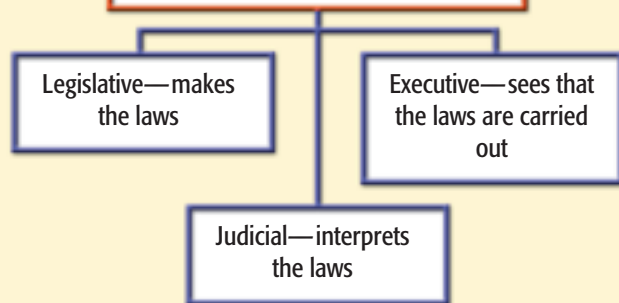
# Chapter Summary

## Democracy and Constitutions

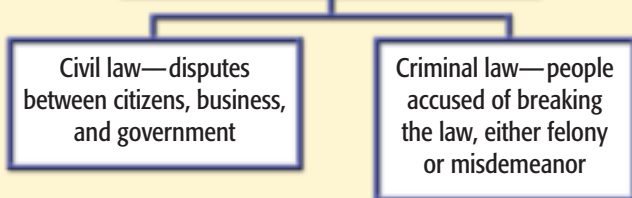
### Important Features of the Texas Constitution

- Outlines the branches of government
- Describes the powers of officials
- Protects the rights of citizens
- Provides a method for making changes

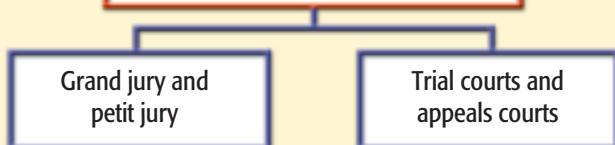
### Three Branches of Government



### Judicial System



### Jury and Court System



### Reviewing Key Terms

Write a sentence for each pair of terms.

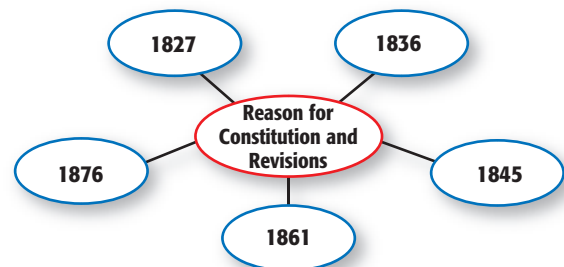
1. indictment, no bill
2. legislature, judiciary
3. amendment, bond
4. felony, misdemeanor
5. plea bargain, mediate

### Reviewing Key Facts

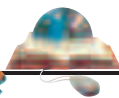
6. What are the four purposes of the Texas constitution?
7. How is Texas part of the federal system of government?
8. Why are there three branches of state government?
9. What are the duties of each branch of state government?
10. What does the Texas Bill of Rights guarantee to all Texans?
11. Why and how are amendments added to the constitution?
12. What is the difference between civil and criminal law?
13. What is the difference between a felony and a misdemeanor?
14. How do a grand jury and a petit jury differ?
15. How do a trial court and an appeals court differ?
16. Name the two highest courts in Texas.

### Critical Thinking

17. **Identifying Central Issues** In your opinion, which of the four purposes of a constitution discussed in the chapter is the most important? Explain.
18. **Drawing Conclusions** If you were chosen for jury duty, would you rather serve on a civil or a criminal case? Why?
19. **Evaluating Information** What purpose do appeals courts serve? What are their benefits? What are their disadvantages? Do the benefits outweigh the disadvantages? Be sure to explain your reasoning.
20. **Summarizing** Create a web like the one below. Use knowledge you have gained from reading earlier chapters to explain why the Texas constitution was written or rewritten in the years indicated.







**Self-Check Quiz**

Visit the [texans.glencoe.com](http://texans.glencoe.com) Web site and click on **Chapter 28—Self-Check Quizzes** to prepare for the chapter test.

**CLICK HERE**



**Geography and History**

- 21. The Capitol in Austin is the seat of Texas government. Hopefully you will visit the Capitol in the future if you have not already done so. For this activity, you will learn about the Capitol through the Internet. Go to the Texas State Preservation Board Web site at [www.tspb.state.tx.us](http://www.tspb.state.tx.us) and click on the Maps/Floorplans link. Choose two maps or floorplans. Describe four or more interesting facts that you learned from the maps or floorplans. What would you like to see if you visited the Capitol or area?

**Cooperative Learning Activity**

- 22. **Studying the Amendments** Organize into groups of three. Your task is to study an amendment to the Texas constitution and explain the reasons this particular amendment became law. Your group may choose any amendment. It is important to research background information about the issues and events that led to the amendment's adoption (see **Building Technology Skills** below). Explain why your group thinks that the amendment accomplished or did not accomplish what it was supposed to do. Present your findings to the rest of the class.

**Practicing Skills**

- 23. **Multimedia Presentations** Choose a past or present-day topic about Texas. Possible topics could be immigration, the oil industry, Texas independence, education, sports, art, or transportation. Depending on which topic you choose, think about which multimedia resources would be best for your presentation. Share your multimedia presentation with your class.



**Portfolio/TAKS Writing Activity**

- 24. **Supporting a Point of View** Think of an amendment that you think should be added to the Texas constitution. Write a paper explaining what the amendment would be, why you think it is necessary, and how you would get it approved.



**Building Technology Skills**

- 25. **Using the Internet for Research** Use the Internet or library resources to find the current Texas constitution with all of the latest amendments. Focus on one amendment and look for articles that explain the reasons it was added to the constitution. Find out whether it had

positive, negative, or no results. Use this information in your **Cooperative Learning Activity** or your **TAKS Writing Activity**.

**Law and History Activity**

- 26. **Knowing Your Public Officials** Learn more about one of the justices on the Texas Supreme Court—the state's highest appeals court for civil cases. Use at least two sources for your research. You can access information through [www.supreme.courts.state.tx.us](http://www.supreme.courts.state.tx.us) or newspapers and magazine articles. Write a brief biography about the justice you have chosen.



Use the quotation to answer the following question.

The Texas Constitution

Article 1—The Bill of Rights, Section 8

*Every person shall be at liberty to speak, write or publish his opinions on any subject, being responsible for the abuse of that privilege; and no law shall ever be passed curtailing the liberty of speech or of the press.*

Section 8 of the bill of rights of the Texas Constitution protects which of the following rights?

- F It outlines the rights of citizens to practice any religion they wish.
- G It protects citizens from discrimination on the basis of race.
- H It provides for the separation of church and state.
- J It describes the rights of citizens to express their ideas.

**Test-Taking Tip:**

Read the quotation and test question carefully. Compare each answer choice to the quotation. Eliminate any answer choices that are not mentioned in this article of the bill of rights.