



JIGSAW OF THE TEXAS CONSTITUTIONS

Learning Objectives: The students will...

1. Summarize the eight constitutions of Texas for the key ideas of each.
2. Participate in a structured group processing of the eight Texas Constitutions.

TEKS: 7.2D, 7.3C, 7.14A

Materials Needed: One set of the readings of the History of the Constitutions of Texas for each group of students, one copy of the Texas Flag Graphic Organizer cut into strips for each group, copies of the blank Texas Flag Graphic Organizer for each student to be used at the completion of the jigsaw.

Teaching Strategy:

1. To prepare the packet of the History of the Constitutions of Texas, print out the readings and attach the appropriate strip of the graphic organizer to the corresponding Constitution.
2. Divide the class into groups of eight and give each group one packet of the eight Texas Constitutions. Each student in the group is to get one of the eight Constitutions of Texas with the corresponding strip. Note—If the class numbers do not divide equally into groups of eight, assign pairs of students to work together on the Constitution of 1876 and/or the Constitution of 1869 to assure that all eight Constitutions are covered.
3. After each student within the group has been assigned a Constitution, have the students form new “expert groups”—an “expert group” is comprised of all the students in the class who have the same Constitution. As an expert group, they will complete the following:
 - a. Silently read the assigned Constitution and highlight or underline key ideas.
 - b. After everyone in the group has had time to read, have the group members discuss the key ideas identified in their reading.
 - c. As a group they should decide on the three key ideas that summarize the main ideas from the Constitution. Each person should write the ideas identified on his/her strip of the graphic organizer. NOTE—It should be stressed that everyone in the group have the same information on their graphic organizer strip.
4. After the expert groups complete their analysis, students should return to their original group to complete the following:
 - a. The student with the first Constitution will share his/her conclusions and place the strip down on the desk for the group to see.
 - b. Repeat this process until all eight Constitutions have been discussed and the graphic organizer of the Texas flag is complete.
 - c. Hand out a blank copy of the Texas Flag Graphic Organizer to each student in the group and instruct the students to copy the notes on their personal copy for use in the Constitutional Relay the next day.

1824

1827

1836

1845

1861

1866

1869

1876

The Federal Constitution of the United Mexican States—1824

The first two constitutions existed when a thinly populated Texas was part of the Federal Republic of Mexico. During the 1820s, **empresarios** (colonization agents) began the process of bringing Anglo-Americans legally into Texas. In 1821, Mexican authorities endorsed a proposal allowing Moses Austin to settle 300 Catholic families from Louisiana in Texas. Moses Austin died in 1821, and his son Stephen F. Austin took up his father’s undertaking. Other important **empresarios** who received grants to establish colonies in Texas were Martin de Leon, Green DeWitt, and Hadden Edwards. In 1824, Mexico adopted **The Federal Constitution of the United Mexican States**. At the Congress which drafted it, the area known as Texas was represented by Juan Erasmo Seguin. This 1824 Constitution placed more emphasis on the power of the individual states which made up the **Federal Republic of Mexico** than it did on the power of the central government. The federal government had three branches: a General Congress composed of two chambers (the Chamber of Deputies and the Senate); a President with “supreme executive power” who had to “be born a Mexican citizen, be at least 35 years of age,” and was chosen by a vote of the legislatures of the states; and a Supreme Court of Justice. This Constitution declared that “the religion of the Mexican nation shall perpetually remain Roman Catholic.”



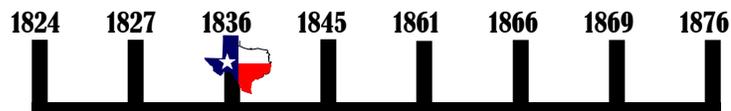
The Constitution of the State of Coahuila y Tejas—1827

In March, 1827, The Constitution of the State of Coahuila y Tejas was adopted. It created a unicameral (one chamber) Congress with 12 members chosen by the people, but only two of the members were from Texas. Laws made by this Congress were published in Spanish which only a few Texas residents understood. It also provided for a Governor and a Vice-Governor. This 1827 Constitution provided certain protections for citizens. For example, it forbade the seizure of private property, guaranteed that criminal trials would be public, outlawed the use of torture, and established trial by jury in criminal cases. It also provided that “no one shall be born a slave and after six months the introduction of slaves under any pretext shall not be permitted.” In addition, it provided that in all towns primary schools would be established. Local government was very important. In Texas there were four municipalities: Bexar, Goliad, San Felipe de Austin, and Nacogdoches. The Constitution created an ayuntamiento, a four-man council, to govern each municipality. The ayuntamiento was responsible for local roads, public buildings, public safety, etc. An official called the alcalde, a combination of mayor, sheriff, and judge, presided over the ayuntamiento. The alcalde and other members of the ayuntamiento were elected by adult male citizens of the municipality.



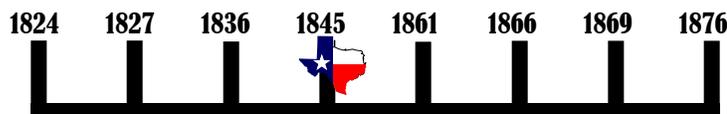
The Constitution of The Republic of Texas—1836

On March 2, 1836, at Washington-on-the-Brazos, Texas declared its independence from Mexico. A convention drafted the third constitution under which Texas has been governed, **The Constitution of The Republic of Texas.** Its content was heavily influenced by the **United States Constitution** and by the state constitutions of several southern states. Its **Preamble,** for example, was almost identical to the **Preamble to the United States Constitution.** It created a popularly-elected, bicameral, Congress made up of a House of Representatives whose members would serve one year terms and a Senate whose members would serve three year terms. Executive authority was granted to the President of the Republic chosen by the people for a term of two years in the beginning. After serving one two year term, the President could not immediately succeed himself. The powers given the President were almost identical to those given the President of the U. S. by the **U. S. Constitution.** Judicial power was vested in a Supreme Court and such lower courts as Congress might establish, and judges on these courts were chosen for four year terms by the two chambers of Congress. A section of the constitution called General Provisions provided that slaves were to remain slaves and that Congress could not pass any laws prohibiting immigrants from the U. S. from bringing their slaves into the Republic. In order to attract immigration to Texas, another provision provided that “all citizens now living in Texas ... shall be entitled to their land in the following proportion and manner: every head of a family shall be entitled to one league (4,428 acres) and labor (177 acres) of land, and every single man of the age of seventeen and upwards, shall be entitled to the third part of one league of land (1,476 acres).”



The Constitution of the State of Texas of 1845

In 1845, Texas joined the union of the United States of America drafted and adopted its fourth constitution, **The Constitution of the State of Texas of 1845**. Article I of the constitution contained a Bill of Rights. Most of its provisions were borrowed from the **Bill of Rights** of the **U. S. Constitution**. The constitution provided that all free males over 21 who were citizens of the U. S. and had resided in Texas for one year (“except Indians not taxed, Africans, and descendants of Africans”) were eligible to vote. This constitution again provided for a popularly-elected bicameral legislature which was to meet biennially in Austin, the present capital, until 1850 when Texans would vote on a permanent site for the capital. A Governor popularly elected for a two year term headed the executive branch, but in a six year period, the Governor could serve no more than four years. The Governor was given the power to choose the judges of the Supreme Court of Texas and the judges of District Courts with the advice and consent of two-thirds of the Texas Senate. The judicial branch consisted of a Supreme Court, District Courts, and such other courts as the legislature might establish. For the first time in the history of the state, a separate article of the constitution created a General Land Office where all titles to land would be registered. The constitution allowed slavery to continue and denied the legislature the power to emancipate slaves without consent of their owners. It did also, however, authorize the legislature to pass laws obliging slave owners “to treat them with humanity; to provide for their necessary food and clothing; to abstain from all injuries to them...” One final article of this **1845 Constitution** provided that because knowledge is essential to the preservation of the rights and liberties of the people, “it shall be the duty of the legislature of this state to make suitable provision for the support and maintenance of public schools.”



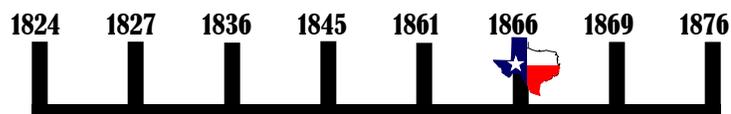
The Constitution of the State of Texas of 1861

In connection with the secession of Texas from the United States of America and its alliance with the Confederate States of America, the state adopted the fifth constitution under which it has been governed, The Constitution of the State of Texas of 1861. Basically, this constitution was simply The Constitution of 1845 with a few changes. The three branches of Texas government continued as they had been under The Constitution of 1845 except that, as a result of the 1850 amendment, most executive and judicial officers were to be popularly elected. Before taking office, members of the legislature and officers of all three branches were required to take the following oath: "I do solemnly swear (or affirm) that I will faithfully and impartially discharge and perform all the duties incumbent upon me as _____, according to the best of my skill and ability, agreeably to the Constitution and laws of the State of Texas, and also to the Constitution and laws of the Confederate States of America, so long as the State of Texas shall remain a member of that Confederacy." This constitution repeated the provisions found in the 1845 Constitution relative to slaves but with even more protection given the institution of slavery. It specifically forbade the legislature to prevent immigrants to Texas from bringing their slaves with them.



The Constitution of the State of Texas of 1866

After the defeat of Texas and the other states of the Confederacy in the Civil War, Texas once more joined the union of the United States of America and adopted the sixth constitution under which it has been governed, **The Constitution of the State of Texas of 1866**. With only a few exceptions, this constitution was a repeat of the 1861 and 1845 constitutions. The Preamble and the Bill of Rights were identical. “Indians, Africans, and descendants of Africans” were still denied the right to vote or to hold office. The Texas Supreme Court was increased in size to five justices who would choose a Chief Justice from among their number. Members of all three branches of the government would still be chosen by popular vote, and the powers of all three branches were unchanged from the prior constitutions. The Governor’s term of office was changed to four years, and no individual could serve as Governor for more than eight years in any twelve year period. One article of the constitution dealt specifically with “Freedmen.” It outlawed slavery and provided protection for the rights and property of former slaves. The constitution also repudiated the ordinance of secession and debts owed by the state and the Confederacy incurred during the Civil War.



The Constitution of the State of Texas of 1869

In 1867, Radical Republicans in control of both chambers of the U. S. Congress began the process of Reconstruction in the South. In 1869, a Republican dominated state constitutional convention adopted the seventh constitution under which Texas has existed, The Constitution of the State of Texas of 1869. With some notable exceptions, the Bill of Rights was largely the same as in earlier Texas constitutions. One important exception was its opening words which were as follows: “That the heresies of nullification and secession which brought the country to grief, may be eliminated from future political discussion; that public order may be restored, private property and human life protected; and the great principles of liberty and equality secured to us and our posterity, We declare that the Constitution of the United States, and the laws and treaties made, and to be made, in pursuance thereof, are acknowledged to be the supreme law...” Another important exception provided that “importation of persons under the name of ‘coolies,’ or any other name or designation, or the adoption of any system of peonage, whereby the helpless and unfortunate may be reduced to practical bondage, shall never be authorized, or tolerated by laws of the state.” Under this constitution, the Texas Legislature met annually, and the Governor’s term was four years with no limit on the number of terms he could serve. The Governor appointed members of the Supreme Court, District Court judges, and the Superintendent of Immigration. The Bureau of Immigration dealt with all matters related to immigration. The Texas Legislature was authorized to pay in part or in whole for the passage of immigrants from Europe to Texas.



The Constitution of the State of Texas of 1876

The voters of Texas in February, 1876, overwhelmingly ratified the eighth (and last) constitution under which Texas has existed, **The Constitution of the State of Texas of 1876**. The framers of this 1876 constitution wrote it as they did largely in reaction to E. J. Davis' term as Governor of Texas from 1870-1874. The constitution is sometimes referred to as "the Redeemer Constitution" because it reflected Texans' dislike for their previous constitution and its strong, active state government and because it resulted in the return to power of the men who had controlled Texas government before and during the Civil War. Its **Preamble** reads as follows: "Humbly invoking the blessing of Almighty God, the people of the State of Texas do ordain and establish this Constitution." This new constitution reduced the Governor's term of office from four to two years (although an amendment has since restored it to four years). The framers placed severe restrictions on the powers of all three branches of state government but particularly those of the Governor. They limited the Texas Legislature by providing that it can only meet in regular session biennially in odd-numbered years only and then only for 140 days. They provided for the popular election of all Texas judges and created not one but two highest state courts: the Supreme Court for civil cases only and the Court of Criminal Appeals for criminal cases only. Article I of the constitution contains the **Texas Bill of Rights** which, with a few exceptions, protects the same rights that are protected by the **Bill of Rights of the U. S. Constitution**. One difference is that the **Texas Bill of Rights**, unlike the **U. S. Bill of Rights**, has a lengthy section dealing with "the rights of crime victims." The **Texas Constitution** also contains lengthy, detailed discussion of several specific policy issues. Because of its lengthy, detailed nature, it has been amended over 450 times since its adoption in 1876.

