TEXAS GOVERNMENT



Lumen Learning

LibreTexts™

Texas Government

Lumen Learning

This text is disseminated via the Open Education Resource (OER) LibreTexts Project (https://LibreTexts.org) and like the thousands of other texts available within this powerful platform, it is freely available for reading, printing, and "consuming."

The LibreTexts mission is to bring together students, faculty, and scholars in a collaborative effort to provide an accessible, and comprehensive platform that empowers our community to develop, curate, adapt, and adopt openly licensed resources and technologies; through these efforts we can reduce the financial burden born from traditional educational resource costs, ensuring education is more accessible for students and communities worldwide.

Most, but not all, pages in the library have licenses that may allow individuals to make changes, save, and print this book. Carefully consult the applicable license(s) before pursuing such effects. Instructors can adopt existing LibreTexts texts or Remix them to quickly build course-specific resources to meet the needs of their students. Unlike traditional textbooks, LibreTexts' web based origins allow powerful integration of advanced features and new technologies to support learning.



LibreTexts is the adaptable, user-friendly non-profit open education resource platform that educators trust for creating, customizing, and sharing accessible, interactive textbooks, adaptive homework, and ancillary materials. We collaborate with individuals and organizations to champion open education initiatives, support institutional publishing programs, drive curriculum development projects, and more.

The LibreTexts libraries are Powered by NICE CXone Expert and was supported by the Department of Education Open Textbook Pilot Project, the California Education Learning Lab, the UC Davis Office of the Provost, the UC Davis Library, the California State University Affordable Learning Solutions Program, and Merlot. This material is based upon work supported by the National Science Foundation under Grant No. 1246120, 1525057, and 1413739.

Any opinions, findings, and conclusions or recommendations expressed in this material are those of the author(s) and do not necessarily reflect the views of the National Science Foundation nor the US Department of Education.

Have questions or comments? For information about adoptions or adaptions contact info@LibreTexts.org or visit our main website at https://LibreTexts.org.

This text was compiled on 04/14/2026

TABLE OF CONTENTS

Licensing

1: Texas History and Culture

- 1.1: Introduction- Six Flags over Texas
- 1.2: Independence for Texas
- 1.3: The Mexican-American War, 1846–1848
- 1.4: Texas in the American Civil War
- 1.5: Reconstruction
- 1.6: Governor E.J. Davis
- 1.7: The Texas Oil Boom
- 1.8: Texas' Demographics
- 1.9: State Political Culture

2: Texas' Constitution

- 2.1: Introduction- The Constitutions of Texas
- 2.2: Federal Constitution of the United Mexican States (1824)
- 2.3: Constitution Of Coahuila And Texas (1827)
- 2.4: Constitution of the Republic of Texas (1836)
- 2.5: Constitution of 1845
- 2.6: Constitution of 1861
- 2.7: Constitution of 1866
- 2.8: Constitution of 1869
- 2.9: Constitution of 1876

3: Federalism

- 3.1: Division of Powers
- 3.2: The Evolution of Federalism

4: Political Learning

- 4.1: Political Socialization
- 4.2: Political Ideology
- 4.3: Public Opinion

5: Linkage Institutions

- 5.1: The Media
- 5.2: Interest Groups
- 5.3: Political Parties
- 5.4: Party Identification

6: Elections and Voting

- 6.1: Elections
- 6.2: Voting

7: The Legislative Branch

- 7.1: Introduction
- 7.2: Sessions (Regular and Special)
- 7.3: Qualifications for Service and Terms of Office
- 7.4: Composition
- 7.5: Compensation
- 7.6: Organization and Leadership
- 7.7: Redistricting
- 7.8: How A Bill Becomes a Law in Texas
- 7.9: Legislative Immunities

8: The Executive Branch

- 8.1: Introduction
- 8.2: Gubernatorial Elections and Qualifications
- 8.3: The Role Played by Texas' Governor
- 8.4: The Texas Plural Executive

9: The Judicial Branch

- 9.1: Sources of law
- 9.2: Types of Law and Jurisdiction
- 9.3: Criminal Law Penalties
- 9.4: Court Organization
- 9.5: Judicial Selection Processes
- 9.6: Texas' Criminal Justice Process

10: Local Government

- 10.1: Introduction to Local Government

11: Texas Revenue and Budget

- 11.1: Fiscal Policy
- 11.2: Texas Revenue
- 11.3: Texas' Budgetary Processes and Expenditures

Index

Glossary

Detailed Licensing

Licensing

*A detailed breakdown of this resource's licensing can be found in **Back Matter/Detailed Licensing**.*

CHAPTER OVERVIEW

1: Texas History and Culture

1.1: Introduction- Six Flags over Texas
1.2: Independence for Texas
1.3: The Mexican-American War, 1846–1848
1.4: Texas in the American Civil War
1.5: Reconstruction
1.6: Governor E.J. Davis
1.7: The Texas Oil Boom
1.8: Texas' Demographics
1.9: State Political Culture

This page titled 1: Texas History and Culture is shared under a CC BY 4.0 license and was authored, remixed, and/or curated by Lumen Learning.

1.1: Introduction- Six Flags over Texas

Texas has a rich and diverse history. Understanding that history helps explain why contemporary Texas is the way it is. This chapter explores a tiny piece of that history.

“Six flags over Texas” is the slogan used to describe the six nations that have had sovereignty over some or all of the current territory of the U.S. state of Texas: Spain (1519–1685; 1690–1821), France (1685–1690), Mexico (1821–1836), the Republic of Texas (1836–1845), the Confederate States of America (1861–1865), and the United States of America (1845–1861; 1865–present).

The image below shows the six flags flying over the Texas State History Museum, in Austin.



Six Flags over Texas

Contributors and Attributions

CC licensed content, Original

- Six Flags Over Texas. **Authored by**: Kris S. Seago. **License**: *Public Domain: No Known Copyright*

CC licensed content, Shared previously

- Six Flags of Texas. **Provided by**: Wikimedia. **Located at**: https://commons.wikimedia.org/wiki/File:Six_Flags_of_Texas.jpg. **License**: *CC BY: Attribution*

This page titled 1.1: Introduction- Six Flags over Texas is shared under a CC BY 4.0 license and was authored, remixed, and/or curated by Lumen Learning.

1.2: Independence for Texas

Learning Objectives

By the end of this section, you will be able to:

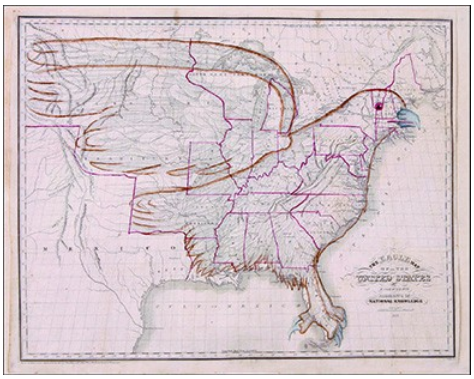
- Explain why American settlers in Texas sought independence from Mexico
- Discuss early attempts to make Texas independent of Mexico
- Describe the relationship between Anglo-Americans and Tejanos in Texas before and after independence

As the incursions of the earlier filibusters into Texas demonstrated, American expansionists had desired this area of Spain's empire in America for many years. After the 1819 Adams-Onís treaty established the boundary between Mexico and the United States, more American expansionists began to move into the northern portion of Mexico's province of Coahuila y Texas. Following Mexico's independence from Spain in 1821, American settlers immigrated to Texas in even larger numbers, intent on taking the land from the new and vulnerable Mexican nation in order to create a new American slave state.

AMERICAN SETTLERS MOVE TO TEXAS

After the 1819 **Adams-Onís Treaty** defined the U.S.-Mexico boundary, Spain began actively encouraging Americans to settle their northern province. Texas was sparsely settled, and the few Mexican farmers and ranchers who lived there were under constant threat of attack by hostile Indian tribes, especially the Comanche, who supplemented their hunting with raids in pursuit of horses and cattle.

To increase the non-Indian population in Texas and provide a buffer zone between its hostile tribes and the rest of Mexico, Spain began to recruit *empresarios*. An ***empresario*** was someone who brought settlers to the region in exchange for generous grants of land. **Moses Austin**, a once-prosperous entrepreneur reduced to poverty by the Panic of 1819, requested permission to settle three hundred English-speaking American residents in Texas. Spain agreed on the condition that the resettled people convert to Roman Catholicism.



By the early 1830s, all the lands east of the Mississippi River had been settled and admitted to the Union as states. The land west of the river, though in this contemporary map united with the settled areas in the body of an eagle symbolizing the territorial ambitions of the United States, remained largely unsettled by white Americans. Texas (just southwest of the bird's tail feathers) remained outside the U.S. border.

On his deathbed in 1821, Austin asked his son Stephen to carry out his plans, and Mexico, which had won independence from Spain the same year, allowed Stephen to take control of his father's grant. Like Spain, Mexico also wished to encourage settlement in the state of Coahuila y Texas and passed colonization laws to encourage immigration. Thousands of Americans, primarily from slave states, flocked to Texas and quickly came to outnumber the Tejanos, the Mexican residents of the region. The soil and climate offered good opportunities to expand slavery and the cotton kingdom. Land was plentiful and offered at generous terms. Unlike the U.S. government, Mexico allowed buyers to pay for their land in installments and did not require a minimum purchase.

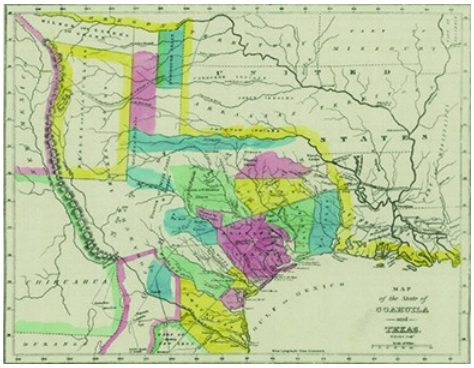
Furthermore, to many whites, it seemed not only their God-given right but also their patriotic duty to populate the lands beyond the Mississippi River, bringing with them American slavery, culture, laws, and political traditions.

THE TEXAS WAR FOR INDEPENDENCE

Many Americans who migrated to Texas at the invitation of the Mexican government did not completely shed their identity or loyalty to the United States. They brought American traditions and expectations with them (including, for many, the right to own slaves). For instance, the majority of these new settlers were Protestant, and though they were not required to attend the Catholic mass, Mexico's prohibition on the public practice of other religions upset them and they routinely ignored it.

Accustomed to representative democracy, jury trials, and the defendant's right to appear before a judge, the Anglo-American settlers in Texas also disliked the Mexican legal system, which provided for an initial hearing by an *alcalde*, an administrator who often combined the duties of mayor, judge, and law enforcement officer. The ***alcalde*** sent a written record of the proceeding to a judge in Saltillo, the state capital, who decided the outcome. Settlers also resented that at most two Texas representatives were allowed in the state legislature.

Their greatest source of discontent, though, was the Mexican government's 1829 abolition of slavery. Most American settlers were from southern states, and many had brought slaves with them. Mexico tried to accommodate them by maintaining the fiction that the slaves were indentured servants. But American slaveholders in Texas distrusted the Mexican government and wanted Texas to be a new U.S. slave state. The dislike of most for Roman Catholicism (the prevailing religion of Mexico) and a widely held belief in American racial superiority led them generally to regard Mexicans as dishonest, ignorant, and backward.



This 1833 map shows the extent of land grants made by Mexico to American settlers in Texas. Nearly all are in the eastern portion of the state, one factor that led to war with Mexico in 1846.

Belief in their own superiority inspired some Texans to try to undermine the power of the Mexican government. When *empresario* Haden Edwards attempted to evict people who had settled his land grant before he gained title to it, the Mexican government nullified its agreement with him. Outraged, Edwards and a small party of men took prisoner the *alcalde* of Nacogdoches. The Mexican army marched to the town, and Edwards and his troops then declared the formation of the Republic of Fredonia between the Sabine and Rio Grande Rivers. To demonstrate loyalty to their adopted country, a force led by Stephen Austin hastened to Nacogdoches to support the Mexican army. Edwards's revolt collapsed, and the revolutionaries fled Texas.

The growing presence of American settlers in Texas, their reluctance to abide by Mexican law, and their desire for independence caused the Mexican government to grow wary. In 1830, it forbade future U.S. immigration and increased its military presence in Texas. Settlers continued to stream illegally across the long border; by 1835, after immigration resumed, there were twenty thousand Anglo-Americans in Texas.

Fifty-five delegates from the Anglo-American settlements gathered in 1831 to demand the suspension of customs duties, the resumption of immigration from the United States, better protection from Indian tribes, the granting of promised land titles, and the creation of an independent state of Texas separate from Coahuila. Ordered to disband, the delegates reconvened in early April 1833 to write a constitution for an independent Texas. Surprisingly, **General Antonio Lopez de Santa Anna**, Mexico's new president, agreed to all demands, except the call for statehood. Coahuila y Texas made provisions for jury trials, increased Texas's representation in the state legislature, and removed restrictions on commerce.



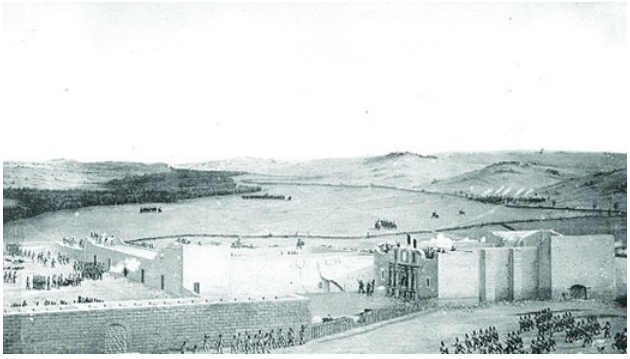
This portrait of General Antonio Lopez de Santa Anna depicts the Mexican president and general in full military regalia.

Texans' hopes for independence were quashed in 1834, however, when Santa Anna dismissed the Mexican Congress and abolished all state governments, including that of Coahuila y Texas. In January 1835, reneging on earlier promises, he dispatched troops to the town of Anahuac to collect customs duties. Lawyer and soldier William B. Travis and a small force marched on Anahuac in June, and the fort surrendered. On October 2, Anglo-American forces met Mexican troops at the town of Gonzales; the Mexican troops fled and the Americans moved on to take San Antonio. Now more cautious, delegates to the **Consultation of 1835** at San Felipe de Austin voted against declaring independence, instead drafting a statement, which became known as the **Declaration of Causes**, promising continued loyalty if Mexico returned to a constitutional form of government. They selected **Henry Smith**, leader of the Independence Party, as governor of Texas and placed **Sam Houston**, a former soldier who had been a congressman and governor of Tennessee, in charge of its small military force.

The **Consultation** delegates met again in March 1836. They declared their independence from Mexico and drafted a constitution calling for an American-style judicial system and an elected president and legislature. Significantly, they also established that slavery would not be prohibited in Texas. Many wealthy Tejanos supported the push for independence, hoping for liberal governmental reforms and economic benefits.

REMEMBER THE ALAMO!

Mexico had no intention of losing its northern province. Santa Anna and his army of four thousand had besieged San Antonio in February 1836. Hopelessly outnumbered, its two hundred defenders, under Travis, fought fiercely from their refuge in an old mission known as the Alamo. After ten days, however, the mission was taken and all but a few of the defenders were dead, including Travis and James Bowie, the famed frontiersman who was also a land speculator and slave trader. A few male survivors, possibly including the frontier legend and former Tennessee congressman **Davy Crockett**, were led outside the walls and executed. The few women and children inside the mission were allowed to leave with the only adult male survivor, a slave owned by Travis who was then freed by the Mexican Army. Terrified, they fled.



The Fall of the Alamo, painted by Theodore Gentilz fewer than ten years after this pivotal moment in the Texas Revolution, depicts the 1836 assault on the Alamo complex.

Although hungry for revenge, the Texas forces under Sam Houston nevertheless withdrew across Texas, gathering recruits as they went. Coming upon Santa Anna's encampment on the banks of San Jacinto River on April 21, 1836, they waited as the Mexican troops settled for an afternoon nap. Assured by Houston that "Victory is certain!" and told to "Trust in God and fear not!" the seven hundred men descended on a sleeping force nearly twice their number with cries of "Remember the Alamo!" Within fifteen minutes the **Battle of San Jacinto** was over. Approximately half the Mexican troops were killed, and the survivors, including Santa Anna, taken prisoner.

Santa Anna grudgingly signed a peace treaty and was sent to Washington, where he met with President Andrew Jackson and, under pressure, agreed to recognize an independent Texas with the Rio Grande River as its southwestern border. By the time the agreement had been signed, however, Santa Anna had been removed from power in Mexico. For that reason, the Mexican Congress refused to be bound by Santa Anna's promises and continued to insist that the renegade territory still belonged to Mexico.

THE LONE STAR REPUBLIC

In September 1836, military hero Sam Houston was elected president of Texas, and, following the relentless logic of U.S. expansion, Texans voted in favor of annexation to the United States. This had been the dream of many settlers in Texas all along. They wanted to expand the United States west and saw Texas as the next logical step. Slaveholders there, such as Sam Houston, **William B. Travis** and **James Bowie** (the latter two of whom died at the Alamo), believed too in the destiny of slavery. Mindful of the vicious debates over Missouri that had led to talk of disunion and war, American politicians were reluctant to annex Texas or, indeed, even to recognize it as a sovereign nation. Annexation would almost certainly mean war with Mexico, and the admission of a state with a large slave population, though permissible under the Missouri Compromise, would bring the issue of slavery once again to the fore. Texas had no choice but to organize itself as the independent Lone Star Republic. To protect itself from Mexican attempts to reclaim it, Texas sought and received recognition from France, Great Britain, Belgium, and the Netherlands. The United States did not officially recognize Texas as an independent nation until March 1837, nearly a year after the final victory over the Mexican army at San Jacinto.

Uncertainty about its future did not discourage Americans committed to expansion, especially slaveholders, from rushing to settle in the **Lone Star Republic**, however. Between 1836 and 1846, its population nearly tripled. By 1840, nearly twelve thousand enslaved Africans had been brought to Texas by American slaveholders. Many new settlers had suffered financial losses in the severe financial depression of 1837 and hoped for a new start in the new nation. According to folklore, across the United States, homes and farms were deserted overnight, and curious neighbors found notes reading only "**GTT**" ("Gone to Texas"). Many Europeans, especially Germans, also immigrated to Texas during this period.

In keeping with the program of ethnic cleansing and white racial domination, as illustrated by the image at the beginning of this chapter, Americans in Texas generally treated both Tejano and Indian residents with utter contempt, eager to displace and dispossess them. Anglo-American leaders failed to return the support their Tejano neighbors had extended during the rebellion and repaid them by seizing their lands. In 1839, the republic's militia attempted to drive out the Cherokee and Comanche.

The impulse to expand did not lay dormant, and Anglo-American settlers and leaders in the newly formed Texas republic soon cast their gaze on the Mexican province of New Mexico as well. Repeating the tactics of earlier filibusters, a Texas force set out in 1841 intent on taking Santa Fe. Its members encountered an army of New Mexicans and were taken prisoner and sent to Mexico City. On Christmas Day, 1842, Texans avenged a Mexican assault on San Antonio by attacking the Mexican town of Mier. In August, another Texas army was sent to attack Santa Fe, but Mexican troops forced them to retreat. Clearly, hostilities between Texas and Mexico had not ended simply because Texas had declared its independence.

Contributors and Attributions

CC licensed content, Original

- Revision and Adaptation. **Authored by**: Daniel M. Regalado. **License**: *CC BY: Attribution*

CC licensed content, Shared previously

- U.S. History. **Authored by**: OpenStax. **Provided by**: OpenStax; Rice University. **Located at**: http://cnx.org/contents/a7ba2fb8-8925-4987-b182-5f4429d48daa@6.16.. **License**: *CC BY: Attribution*. **License Terms**: Download for free at http://cnx.org/contents/a7ba2fb8-892...429d48daa@6.16.

This page titled 1.2: Independence for Texas is shared under a CC BY 4.0 license and was authored, remixed, and/or curated by Lumen Learning.

1.3: The Mexican-American War, 1846–1848

Learning Objectives

By the end of this section, you will be able to:

- Identify the causes of the Mexican-American War
- Describe the outcomes of the war in 1848, especially the Mexican Cession

Tensions between the United States and Mexico rapidly deteriorated in the 1840s as American expansionists eagerly eyed Mexican land to the west, including the lush northern Mexican province of California. Indeed, in 1842, a U.S. naval fleet, incorrectly believing war had broken out, seized Monterey, California, a part of Mexico. Monterey was returned the next day, but the episode only added to the uneasiness with which Mexico viewed its northern neighbor. The forces of expansion, however, could not be contained, and American voters elected **James Polk** in 1844 because he promised to deliver more lands. President Polk fulfilled his promise by gaining Oregon and, most spectacularly, provoking a war with Mexico that ultimately fulfilled the wildest fantasies of expansionists. By 1848, the United States encompassed much of North America, a republic that stretched from the Atlantic to the Pacific.

JAMES K. POLK AND THE TRIUMPH OF EXPANSION

A fervent belief in expansion gripped the United States in the 1840s. In 1845, a New York newspaper editor, John O'Sullivan, introduced the concept of "**manifest destiny**" to describe the popular idea of the special role of the United States in overspreading the continent—the divine right and duty of white Americans to seize and settle the American West, thus spreading Protestant, democratic values. In this climate of opinion, voters in 1844 elected James K. Polk, a slaveholder from Tennessee, because he vowed to annex Texas as a new slave state and take Oregon.

Annexing Oregon was an important objective for U.S. foreign policy because it appeared to be an area rich in commercial possibilities. Northerners favored U.S. control of Oregon because ports in the Pacific Northwest would be gateways for trade with Asia. Southerners hoped that, in exchange for their support of expansion into the northwest, northerners would not oppose plans for expansion into the southwest.



This map of the Oregon territory during the period of joint occupation by the United States and Great Britain shows the area whose ownership was contested by the two powers.

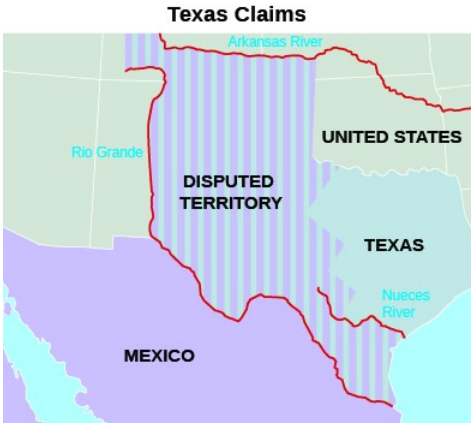
President Polk—whose campaign slogan in 1844 had been "**Fifty-four forty or fight**!"—asserted the United States' right to gain full control of what was known as Oregon Country, from its southern border at 42° latitude (the current boundary with California) to its northern border at 54° 40′ latitude. According to an 1818 agreement, Great Britain and the United States held joint ownership

of this territory, but the 1827 Treaty of Joint Occupation opened the land to settlement by both countries. Realizing that the British were not willing to cede all claims to the territory, Polk proposed the land be divided at 49° latitude (the current border between Washington and Canada). The British, however, denied U.S. claims to land north of the Columbia River (Oregon's current northern border). Indeed, the British foreign secretary refused even to relay Polk's proposal to London. However, reports of the difficulty Great Britain would face defending Oregon in the event of a U.S. attack, combined with concerns over affairs at home and elsewhere in its empire, quickly changed the minds of the British, and in June 1846, Queen Victoria's government agreed to a division at the forty-ninth parallel.

In contrast to the diplomatic solution with Great Britain over Oregon, when it came to Mexico, Polk and the American people proved willing to use force to wrest more land for the United States. In keeping with voters' expectations, President Polk set his sights on the Mexican state of California. After the mistaken capture of Monterey, negotiations about purchasing the port of San Francisco from Mexico broke off until September 1845. Then, following a revolt in California that left it divided in two, Polk attempted to purchase Upper California and New Mexico as well. These efforts went nowhere. The Mexican government, angered by U.S. actions, refused to recognize the independence of Texas.

Finally, after nearly a decade of public clamoring for the annexation of Texas, in December 1845 Polk officially agreed to the annexation of the former Mexican state, making the Lone Star Republic an additional slave state. Incensed that the United States had annexed Texas, however, the Mexican government refused to discuss the matter of selling land to the United States. Indeed, Mexico refused even to acknowledge Polk's emissary, John Slidell, who had been sent to Mexico City to negotiate. Not to be deterred, Polk encouraged Thomas O. Larkin, the U.S. consul in Monterey, to assist any American settlers and any Californios, the Mexican residents of the state, who wished to proclaim their independence from Mexico. By the end of 1845, having broken diplomatic ties with the United States over Texas and having grown alarmed by American actions in California, the Mexican government warily anticipated the next move. It did not have long to wait.

WAR WITH MEXICO, 1846–1848



In 1845, when Texas joined the United States, Mexico insisted the United States had a right only to the territory northeast of the Nueces River. The United States argued in turn that it should have title to all land between the Nueces and the Rio Grande as well.

Expansionistic fervor propelled the United States to war against Mexico in 1846. The United States had long argued that the **Rio Grande** was the border between Mexico and the United States, and at the end of the Texas war for independence Santa Anna had been pressured to agree. Mexico, however, refused to be bound by Santa Anna's promises and insisted the border lay farther north, at the Nueces River. To set it at the Rio Grande would, in effect, allow the United States to control land it had never occupied. In Mexico's eyes, therefore, President Polk violated its sovereign territory when he ordered U.S. troops into the disputed lands in 1846. From the Mexican perspective, it appeared the United States had invaded their nation.

In January 1846, the U.S. force that was ordered to the banks of the Rio Grande to build a fort on the "American" side encountered a Mexican cavalry unit on patrol. Shots rang out, and sixteen U.S. soldiers were killed or wounded. Angrily declaring that Mexico

"has invaded our territory and shed American blood upon American soil," President Polk demanded the United States declare war on Mexico. On May 12, Congress obliged.

The small but vocal antislavery faction decried the decision to go to war, arguing that Polk had deliberately provoked hostilities so the United States could annex more slave territory. Illinois representative Abraham Lincoln and other members of Congress issued the "Spot Resolutions" in which they demanded to know the precise spot on U.S. soil where American blood had been spilled. Many Whigs also denounced the war. Democrats, however, supported Polk's decision, and volunteers for the army came forward in droves from every part of the country except New England, the seat of abolitionist activity. Enthusiasm for the war was aided by the widely held belief that Mexico was a weak, impoverished country and that the Mexican people, perceived as ignorant, lazy, and controlled by a corrupt Roman Catholic clergy, would be easy to defeat.



Anti-Catholic sentiment played an important role in the Mexican-American War. The American public widely regarded Roman Catholics as cowardly and vice-ridden, like the clergy in this ca. 1846 lithograph who are shown fleeing the Mexican town of Matamoros accompanied by pretty women and baskets full of alcohol. (credit: Library of Congress)

U.S. military strategy had three main objectives: 1) Take control of northern Mexico, including New Mexico; 2) seize California; and 3) capture Mexico City. General Zachary Taylor and his Army of the Center were assigned to accomplish the first goal, and with superior weapons they soon captured the Mexican city of Monterrey. Taylor quickly became a hero in the eyes of the American people, and Polk appointed him commander of all U.S. forces.

General Stephen Watts Kearny, commander of the Army of the West, accepted the surrender of Santa Fe, New Mexico, and moved on to take control of California, leaving Colonel Sterling Price in command. Despite Kearny's assurances that New Mexicans need not fear for their lives or their property, and in fact the region's residents rose in revolt in January 1847 in an effort to drive the Americans away. Although Price managed to put an end to the rebellion, tensions remained high.

Kearny, meanwhile, arrived in California to find it already in American hands through the joint efforts of California settlers, U.S. naval commander John D. Sloat, and John C. Fremont, a former army captain and son-in-law of Missouri senator Thomas Benton. Sloat, at anchor off the coast of Mazatlan, learned that war had begun and quickly set sail for California. He seized the town of Monterey in July 1846, less than a month after a group of American settlers led by William B. Ide had taken control of Sonoma and declared California a republic. A week after the fall of Monterey, the navy took San Francisco with no resistance. Although some Californios staged a short-lived rebellion in September 1846, many others submitted to the U.S. takeover. Thus Kearny had little to do other than take command of California as its governor.

Leading the Army of the South was **General Winfield Scott**. Both Taylor and Scott were potential competitors for the presidency, and believing—correctly—that whoever seized Mexico City would become a hero, Polk assigned Scott the campaign to avoid elevating the more popular Taylor, who was affectionately known as "**Old Rough and Ready**."

Scott captured **Veracruz** in March 1847, and moving in a northwesterly direction from there (much as Spanish conquistador Hernán Cortés had done in 1519), he slowly closed in on the capital. Every step of the way was a hard-fought victory, however, and Mexican soldiers and civilians both fought bravely to save their land from the American invaders. Mexico City's defenders, including young military cadets, fought to the end. According to legend, cadet Juan Escutia's last act was to save the Mexican flag,

and he leapt from the city's walls with it wrapped around his body. On September 14, 1847, Scott entered Mexico City's central plaza; the city had fallen. While Polk and other expansionists called for "all Mexico," the Mexican government and the United States negotiated for peace in 1848, resulting in the Treaty of Guadalupe Hidalgo.



In General Scott's Entrance into Mexico (1851), Carl Nebel depicts General Winfield Scott on a white horse entering Mexico City's Plaza de la Constitución as anxious residents of the city watch. One woman peers furtively from behind the curtain of an upstairs window. On the left, a man bends down to pick up a paving stone to throw at the invaders.

The **Treaty of Guadalupe Hidalgo**, signed in February 1848, was a triumph for American expansionism under which Mexico ceded nearly half its land to the United States. The Mexican Cession, as the conquest of land west of the Rio Grande was called, included the current states of California, New Mexico, Arizona, Nevada, Utah, and portions of Colorado and Wyoming. Mexico also recognized the Rio Grande as the border with the United States. Mexican citizens in the ceded territory were promised U.S. citizenship in the future when the territories they were living in became states. In exchange, the United States agreed to assume $3.35 million worth of Mexican debts owed to U.S. citizens, paid Mexico $15 million for the loss of its land, and promised to guard the residents of the Mexican Cession from Indian raids.

As extensive as the Mexican Cession was, some argued the United States should not be satisfied until it had taken all of Mexico. Many who were opposed to this idea were southerners who, while desiring the annexation of more slave territory, did not want to make Mexico's large mestizo (people of mixed Indian and European ancestry) population part of the United States. Others did not want to absorb a large group of Roman Catholics. These expansionists could not accept the idea of new U.S. territory filled with mixed-race, Catholic populations.

Contributors and Attributions

CC licensed content, Original

- Revision and Adaptation. **Authored by**: Daniel M. Regalado. **License**: *CC BY: Attribution*

CC licensed content, Shared previously

- U.S. History. **Authored by**: OpenStax. **Provided by**: OpenStax; Rice University. **Located at**: http://cnx.org/contents/a7ba2fb8-8925-4987-b182-5f4429d48daa@6.16. **License**: *CC BY: Attribution*. **License Terms**: Download for free at http://cnx.org/contents/a7ba2fb8-892...429d48daa@6.16.

This page titled 1.3: The Mexican-American War, 1846–1848 is shared under a CC BY 4.0 license and was authored, remixed, and/or curated by Lumen Learning.

1.4: Texas in the American Civil War

Learning Objectives

By the end of this section, you'll be able to

- Understand Texas' role in the American Civil War
- Understand the influence the American Civil War had on Texas
- Undertand the continuing influence the American Civil has on contemporary Texas

Introduction

The U.S. state of Texas declared its secession from the United States of America on February 1, 1861, and joined the Confederate States on March 2, 1861, after it replaced its governor, Sam Houston, when he refused to take an oath of allegiance to the Confederacy. As with those of other States, the Declaration was not recognized by the United States government at Washington. Some Texan military units fought in the Civil War east of the Mississippi River, but Texas was most useful for supplying soldiers and horses for Confederate forces. Texas' supply role lasted until mid-1863, after which time Union gunboats controlled the Mississippi River, making large transfers of men, horses or cattle impossible. Some cotton was sold in Mexico, but most of the crop became useless because of the Union naval blockade of Galveston, Houston, and other ports.

Secession

In the late winter of 1860, Texan counties sent delegates to a special convention to debate the merits of secession. The convention adopted an "Ordinance of Secession" by a vote of 166 to 8, which was ratified by a popular referendum on February 23.[1]

Separately from the Ordinance of Secession, which was considered a legal document, Texas also issued a declaration of causes spelling out the rationale for declaring secession.[2] The document specifies several reasons for secession, including its solidarity with its "sister slave-holding States," the U.S. government's inability to prevent Indian attacks, slave-stealing raids, and other border-crossing acts of banditry. It accuses northern politicians and abolitionists of committing a variety of outrages upon Texans. The bulk of the document offers justifications for slavery saying that remaining a part of the United States would jeopardize the security of the two. The declaration includes this extract praising slavery, in which the Union itself is referred to as the "confederacy":

> We hold as undeniable truths that the governments of the various States, and of the confederacy itself, were established exclusively by the white race, for themselves and their posterity; that the African race had no agency in their establishment; that they were rightfully held and regarded as an inferior and dependent race, and in that condition only could their existence in this country be rendered beneficial or tolerable.
> — Texas Secession Convention, A Declaration of the Causes which Impel the State of Texas to Secede from the Federal Union, (February 1861).[3]

At this time, African Americans comprised 30 percent of the state's population, and they were overwhelmingly enslaved. According to one Texan, keeping them enslaved was the primary goal of the state in joining the Confederacy:

> Independence without slavery, would be valueless… The South without slavery would not be worth a mess of pottage.
> — Caleb Cutwell, letter to the Galveston Tri-Weekly, (February 22, 1865).[4]

Secession convention and the Confederacy

Following the election of Abraham Lincoln in 1860, public opinion in the cotton states of the Lower South (South Carolina through Texas) swung in favor of secession. By February 1861, the other six states of the sub-region had separately passed ordinances of secession. However, events in Texas were delayed, largely due to the resistance of Southern Unionist governor, Sam Houston. Unlike the other "cotton states"' chief executives, who took the initiative in secessionist efforts, Houston refused to call the Texas Legislature into special session to consider the question, relenting only when it became apparent citizens were prepared to act without him.

In early December 1860, before South Carolina even seceded, a group of State officials published via newspaper a call for a statewide election of convention delegates on January 8, 1861. This election was highly irregular, even for the standards of the day. It often relied on voice vote at public meetings, although "viva voce" (voice) voting for popular elections had been used since at least March 1846, less than three months after statehood.[5] Unionists were often discouraged from attending or chose not to participate. This resulted in lopsided representation of secessionists delegates.[6]

The election call had stipulated for the delegates to assemble in convention on January 28. Houston called the Legislature into session, hoping that the elected body would declare the unauthorized convention illegal.[7] On January 21, 1861, the Legislature met in Austin and was addressed by Houston. Calling Lincoln's election "unfortunate," he nonetheless emphasized, in a reference to the upcoming meeting of the secession convention, it was no justification for "rash action". However, the Texas Legislature voted the delegates' expense money and supplies and—over Houston's veto—made a pledge to uphold the legality of the Convention's actions. The only stipulation was that the people of Texas have the final say in referendum.

With gubernatorial forces routed, the Secession Convention convened on January 28 and, in the first order of business, voted to back the legislature 140–28 in that an ordinance of secession, if adopted, be submitted for statewide consideration. The following day, convention president Oran Roberts introduced a resolution suggesting Texas leave the Union. The ordinance was read on the floor the next day, citing the failures of the federal government to protect the lives and property of Texas citizens and accusing the Northern states of using the same as a weapon to "strike down the interests and prosperity"[8] of the Southern people.

After the grievances were listed, the ordinance repealed the one of July 4, 1845, in which Texas approved annexation by the United States and the Constitution of the United States, and revoked all powers of, obligations to, and allegiance to, the U.S. federal government and the U.S. Constitution.[9]

In the interests of historical significance and posterity, the ordinance was written to take effect on March 2, the date of Texas Declaration of Independence (and, coincidentally, Houston's birthday).

On February 1, members of the Legislature, and a huge crowd of private citizens, packed the House galleries and balcony to watch the final vote on the question of secession. Seventy "yea" votes were recorded before there was a single "nay." One of the negative votes is enshrined in Texas history books. James Webb Throckmorton, from Collin County in North Texas, in response to the roar of hisses and boos and catcalls which greeted his decision, retorted, "When the rabble hiss, well may patriots tremble." Appreciating his style, the crowd afforded him a grudging round of applause (like many Texans who initially opposed secession, Throckmorton accepted the result and served his state, rising to the rank of brigadier-general in the Confederate army).[10]

The final tally for secession was 166–7, a vote whose legality was upheld by the Texas Legislature on February 7. Other than in South Carolina, where the vote was unanimous, this was the highest percentage of any other state of the Lower South. On February 7, the Legislature ordered a referendum to be held on the ordinance under the direction of the convention.[11] The decision was further affirmed on February 23 when a statewide referendum resulted in Texas voters approving the measure, 46,129 to 14,697.

The last order of business was to appoint a delegation to represent Texas in Montgomery, Alabama, where their counterparts from the other six seceding states were meeting to form a new Confederacy. On March 4, the convention assembled again to formally declare Texas out of the Union and to approve the "Constitution of the Confederate States of America", which had been drawn up by its "Provisional Congress" (as it turned out, Texas had already been admitted into the fold on March 1).

In March, George Williamson, the Louisianan state commissioner, addressed the Texan secession convention, where he called upon Texas and the slave states of the U.S. to declare secession from the Union in order to continue the institution of slavery:

> With the social balance wheel of slavery to regulate its machinery, we may fondly indulge the hope that our Southern government will be perpetual… Louisiana looks to the formation of a Southern confederacy to preserve the blessings of African slavery…
> — George Williamson, speech to the Texan secession convention, (March 1861).[12]

Governor Sam Houston accepted secession but asserted that the Convention had no power to link the state with the new Southern Confederacy. Instead, he urged that Texas revert to its former status as an independent republic and stay neutral. Houston took his seat on March 16, the date state officials were scheduled to take an oath of allegiance to the Confederacy. He remained silent as his name was called out three times and, after failing to respond, the office of governor was declared vacant and Houston was deposed from office.

Seizure of federal property and arms

After Texas passed its Ordinance of Secession, the state government appointed four men as “Commissioners of Public Safety” to negotiate with the federal government for the safe transfer of military installations and bases in Texas to the Confederates. Along with land baron Samuel A. Maverick and Thomas J. Devine, Dr. Philip N. Luckett met with U.S. Army General David E. Twiggs on February 8, 1861, to arrange the surrender of the federal property in San Antonio, including the military stores being housed in the old Alamo mission.

As a result of the negotiations, Twiggs delivered his entire command and its associated Army property (10,000 rifled muskets) to the Confederacy, an act that brought cries of treason from Unionists throughout the state.[13] Almost immediately, Twiggs was dismissed from the U.S. Army by President Buchanan for “treachery to the flag of his country.” Shortly afterwards, he accepted a commission as general in the Confederate Army but was so upset by being branded a traitor that he wrote a letter to Buchanan stating the intention to call upon him for a “personal interview” (then a common euphemism to fight a duel).[14] Future Confederate general Robert E. Lee, then still a colonel in the U.S. Army, was in San Antonio at the time and when he heard the news of the surrender to Texas authorities, responded, “Has it come so soon as this?”[15]

Unionist sentiment and opposition to the Confederacy

Despite the prevailing view of the vast majority of the state’s politicians and the delegates to the Secession Convention, there were a significant number of Texans who opposed secession. The referendum on the issue indicated that some 25% favored remaining in the Union at the time the question was originally considered.

The largest concentration of anti-secession sentiment was among the German Texan population in the Texas Hill Country, and in some of the counties of North Texas. In the latter region, most of the residents were originally from states of the Upper South. Some of the leaders initially opposed to secession accepted the Confederate cause once the matter was decided, some withdrew from public life, others left the state, and a few even joined the Union army.[16] Confederate conscription laws forced most men of military age into the Confederate army, regardless of their sentiment. However, at least 2000 Texans joined the Union ranks.[17]

Many Unionists were executed.[18] Conscription into the Confederate Army was unacceptable to many Unionists and some attempted to flee from Texas. Capt. James Duff, Confederate provost marshal for the Hill Country, executed two Unionists, prompting flight.[19] In August 1862, Confederate soldiers under Lt. Colin D. McRae tracked down a band of German Texans headed out of state and attacked their camp in a bend of the Nueces River. After a pitched battle that resulted in the deaths of two Confederates and the wounding of McRae and eighteen of his men, the Unionists were routed. Approximately 19 Unionists were killed in the fighting.[20] After the battle 9 to 11 of the wounded Unionists were murdered with shots to the head in what became known as the Nueces massacre. Another nine Unionists were pursued and executed in the following weeks.[21] Future Republican congressman Edward Degener was the father of two men who were murdered in the massacre.[22] The German population around Austin County, led by Paul Machemehl, was successful in reaching Mexico.

In October 1862, approximately 150 settlers in and around Cooke County on the Red River were arrested by the 11th Texas Cavalry led by Colonel William C. Young on the orders of Colonel James Bourland, Confederate Provost Marshal for northern Texas. A court was convened in Gainesville to try them for allegedly plotting to seize the arsenals at Sherman and Gainesville and to kill their Confederate neighbors, seize their property, and to cooperate with Union army forces poised to invade northern Texas from Arkansas and/or Indian Territory. Several of the settlers were hanged in what is now downtown Gainesville during the first week of October. Nineteen additional men were found guilty and hanged before the end of the month. A total of about forty Unionists were hanged in Gainesville, two were shot while trying to escape, and two more were hanged elsewhere after being turned over to a military tribunal. Under the primitive conditions on the Texas frontier during the Civil War, evidence against the accused was questionable, and the legal proceedings were highly imperfect. A granite monument in a small park marks the spot where the hangings took place.[23]

The Confederacy’s conscription act proved controversial, not only in Texas but all across the South. Despite the referendum result, some opponents argued that the war was being fought by poor people on behalf of a few wealthy slave owners. The Act exempted from the draft men who owned fifteen or more slaves.[24] Draft resistance was widespread especially among Texans of German or Mexican descent; many of the latter went to Mexico. Potential draftees went into hiding, Confederate officials hunted them down, and many were shot or captured and forced into the army.[25]

Sam Houston

Sam Houston was the premier Southern Unionist in Texas. While he argued for slave property rights and deplored the election of the Lincoln Administration, he considered secession unconstitutional and thought secession at that moment in time was a "rash action" that was certain to lead to a conflict favoring the industrial and populated North. He predicted: "Let me tell you what is coming. After the sacrifice of countless millions of treasure and hundreds of thousands of lives, you may win Southern independence if God be not against you, but I doubt it. I tell you that, while I believe with you in the doctrine of states rights, the North is determined to preserve this Union. They are not a fiery, impulsive people as you are, for they live in colder climates. But when they begin to move in a given direction, they move with the steady momentum and perseverance of a mighty avalanche; and what I fear is, they will overwhelm the South."[26]

Houston rejected the actions of the Texas Secession Convention, believing it had overstepped its authority in becoming a member state of the newly formed Confederacy. He refused to take an oath of allegiance to the Confederacy and was deposed from office. In a speech he wrote, but did not deliver, he said:

> Fellow-Citizens, in the name of your rights and liberties, which I believe have been trampled upon, I refuse to take this oath. In the name of the nationality of Texas, which has been betrayed by the Convention, I refuse to take this oath. In the name of the Constitution of Texas, I refuse to take this oath. In the name of my own conscience and manhood, which this Convention would degrade by dragging me before it, to pander to the malice of my enemies, I refuse to take this oath. I deny the power of this Convention to speak for Texas….I protest….against all the acts and doings of this convention and I declare them null and void.[27]

After his ouster from the governor's office, Houston maintained a low public profile until his death in July 1863. Before he died, Houston wrote a friend: "There comes a time a man's section is his country…I stand with mine. I was a conservative citizen of the United States…I am now a conservative citizen of the Southern Confederacy."[28]

Military recruitment

Over 70,000 Texans served in the Confederate army and Texas regiments fought in every major battle throughout the war. Some men were veterans of the Mexican–American War; a few had served in the earlier Texas Revolution. The state furnished the Confederacy with 45 regiments of cavalry, 23 regiments of infantry, 12 battalions of cavalry, 4 battalions of infantry, 5 regiments of heavy artillery, and 30 batteries of light artillery. The state maintained at its own expense some additional troops that were for home defense. These included 5 regiments and 4 battalions of cavalry, and 4 regiments and one battalion of infantry. In 1862 the Confederate Congress in Richmond, Virginia, passed a conscription law that ordered all men from 18 to 45 years of age to be placed into military service except ministers, state, city, county officers, and certain slave owners; all persons holding 20 slaves or more were exempt from Confederate conscription under the "Twenty Negro Law."[29]

When the first companies of Texas soldiers reached Richmond, Virginia, Confederate President Jefferson Davis greeted them with the words: "Texans! The troops of other states have their reputations to gain, but the sons of the defenders of the Alamo have theirs to maintain. I am assured that you will be faithful to the trust."[30]

"The Texas Brigade" (also known as "Hood's Brigade") was a unit composed of the 1st, 4th and 5th Texas infantry regiments augmented at times by the 18th Georgia Infantry and Hampton's (South Carolina) Legion until they were permanently teamed with the 3rd Arkansas Infantry. Often serving as "shock troops" of General Robert E. Lee's Army of Northern Virginia, the Texas Brigade was "always favorites" of General Lee and on more than one occasion Lee praised their fighting qualities, remarking that none had brought greater honor to their native state than "my Texans." Hood's men suffered severe casualties in a number of fights, most notably at the Battle of Antietam, where they faced off with Wisconsin's Iron Brigade, and at Gettysburg, where they assaulted Houck's Ridge and then Little Round Top.

"Walker's Greyhound Division" was a division composed of four brigades with Texan units; the only division in the Confederate States Army that maintained its single-state composition throughout the War. Formed in 1862 under command of Major General John George Walker it fought in the Western Theater and the Trans-Mississippi Department, and was considered an elite backbone of the army. Detached from the division in 1863, the 4th brigade fought at the Battle of Arkansas Post, where it became isolated and was forced to surrender. A new fourth brigade was added the division in 1865.

Among the most famous mounted units were Terry's Texas Rangers, a militia of former rangers and frontiersmen, many of whom later became peacekeepers in the Old West; and the 33rd Texas Cavalry Regiment of Colonel Santos Benavides, which guarded the Confederate cotton trade lines from Texas into northern Mexico.

Over 2,000 Texas men joined the Union Army. Notable among them was future Texas governor Edmund J. Davis who initially commanded the Union Army's 1st Texas Cavalry and rose to the rank of brigadier general.

Texas's relatively large German population around Austin County led by Paul Machemehl tried to remain neutral in the War but eventually left Confederate Texas for Mexico. East Texas gave the most support to secession, and the only East Texas counties in which significant numbers of people opposed secession were Angelina County, Fannin County, and Lamar County, although these counties supplied many men to Texas regiments, including the 9th Texas Infantry Regiment; the 1st Partisan Rangers; 3rd, 4th, 9th, 27th, and 29th Texas Cavalry; and the 9th Texas Field Battery.

In 1862, Abraham Lincoln named a former United States Congressman, Andrew J. Hamilton, as the Military Governor of Texas. Hamilton held the title throughout the War. During the early stages of Reconstruction Hamilton was named as the first provisional civilian governor. For a time thereafter, active-duty U.S. Army officers served as military governors of Texas.

Years into the war, one Confederate soldier from Texas gave his reasons for fighting for the Confederacy, stating that "we are fighting for our property", whereas Union soldiers were fighting for the "flimsy and abstract idea that a negro is equal to an Anglo."[31]

Battles in Texas

Texas did not experience many significant battles. However, the Union mounted several attempts to capture the "Trans-Mississippi" regions of Texas and Louisiana from 1862 until the war's end. With ports to the east captured or under blockade, Texas in particular became a blockade-running haven. Referred to as the "backdoor" of the Confederacy, Texas and western Louisiana continued to provide loads of harvested cottonthat were transported overland to the Mexican border town of Matamoros, Tamaulipas and shipped to Europe in exchange for supplies. Determined to shut off this trade, the Union mounted several attacks, each of them unsuccessful.

Texas occupation

The U.S. Navy blockaded the principal seaport, Galveston, for four years, and federal infantry occupied the city for three months in late 1862. Confederate troops under Gen. John B. Magruder recaptured the city on January 1, 1863 and it remained in Confederate hands until the end of the war. A few days later the Confederate raider CSS Alabama attacked and sank the USS Hatteras in a naval engagement off the coast of Galveston.

A few other cities also fell to Union troops at times during the war, including Port Lavaca, Indianola, and Brownsville. Federal attempts to seize control of Laredo, Corpus Christi, and Sabine Pass failed. By the end of the war no territory but Brazos Island and El Paso was in Union hands. The California Column occupied the region around El Paso from 1862 to the end of the war.

The most notable military battle in Texas during the war happened on September 8, 1863. At the Second Battle of Sabine Pass, a small garrison of 46 Confederates from the mostly-Irish Davis Guards under Lt. Richard W. Dowling, 1st Texas Heavy Artillery, defeated a much larger Union force from New Orleans under Gen. William B. Franklin. Skilled gunnery by Dowling's troops disabled the lead ships in Franklin's flotilla, prompting the remainder—4,000 men on 27 ships—to retreat back to New Orleans. This victory against such overwhelming odds resulted in the Confederate Congress passing a special resolution of recognition, and the only contemporary military decoration of the South, the Davis Guard Medal. CSA President Jefferson Davis stated, "Sabine Pass will stand, perhaps for all time, as the greatest military victory in the history of the world."

In 1864, many Texas forces, including a division under Camille de Polignac, a French prince and Confederate general, moved into Northwestern Louisiana to stall Union Maj. Gen. Nathaniel Banks' Red River Campaign, which was intended to advance into Texas from its eastern border. Confederate forces halted the expedition at the Battle of Mansfield, just east of the Texas border.

Union forces from Brazos Island launched the Brazos Santiago Expedition, leading to the last battle of the Civil War, the Battle of Palmito Ranch, fought in Texas on May 12, 1865, well after Robert E. Lee's surrender on April 9, 1865, at Old Appomattox Court House, Virginia.

Collapse of Confederate authority in Texas

In the spring of 1865, Texas contained over 60,000 soldiers of the Army of the Trans-Mississippi under General Edmund Kirby Smith. As garrison troops far removed from the main theaters of the war, morale had deteriorated to the point of frequent desertion and thievery. News of the surrender of Lee and other Confederate generals east of the Mississippi finally reached Texas around April 20. Local Confederate authorities had mixed opinions on their future course of action. Most senior military leaders vowed to press on with the war, including commanding general Kirby Smith. Many soldiers, however, greeted frequent speeches whose theme was "fight on, boys" with derision, or simply failed to attend them.

The month of May brought increasing rates of desertion. News of Joseph E. Johnston's and Richard Taylor's surrenders confirmed that Texas, Louisiana, and Arkansas were now essentially alone to continue the Confederate cause. On May 14, troops in Galveston briefly mutinied, but were persuaded to remain under arms. However, morale continued to sink. Generals John B. Magruder and Kirby Smith (who had already corresponded with Union Maj. Gen. John Pope regarding surrender terms on May 9) no longer sought to rally their demoralized troops, but rather began discussing the distribution of Confederate government property. Magruder pleaded that the rapid disbanding of the army would prevent depredations by disgruntled soldiers against the civilian population.

The haste to disband the army, combined with the pressing need to protect Confederate property from Union confiscation, created general mayhem. Soldiers began openly pillaging the Galveston quartermasters stores on May 21. Over the next few days, a mob demanded that a government warehouse be opened to them, and soldiers detained and plundered a train. Several hundred civilians sacked the blockade runner Lark when it docked on May 24, and troops sent to pacify the crowd soon joined in the plunder. On May 23, residents in Houston sacked the ordnance building and the clothing bureau. Riots continued in the city until May 26. Both government and private stores were raided extensively in Tyler, Marshall, Huntsville, Gonzales, Hempstead, La Grange, and Brownsville. In Navasota, a powder explosion cost eight lives and flattened twenty buildings. In Austin, the State Treasury was raided and $17,000 in gold was stolen. By May 27, half of the original confederate forces in Texas had deserted or been disbanded, and formal order had disappeared into lawlessness in many areas of Texas.

The formal remnants of Kirby Smith's army had finally disintegrated by the end of May. Upon his arrival in Houston from Shreveport, the general called a court of inquiry to investigate the "causes and manner of the disbandment of the troops in the District of Texas, New Mexico and Arizona." The May 30 findings laid the blame primarily on the civilian population. Kirby Smith addressed his few remaining soldiers and condemned those that had fled for not struggling to the last and leaving him "a commander without an army– a General without troops." On June 2, he formally surrendered what was left of the Army of the "Trans-Mississippi."

Restoration to the Union

Federal troops did not arrive in Texas to restore order until June 19, 1865, when Union Maj. Gen. Gordon Granger and 2,000 Union soldiers arrived on Galveston Island to take possession of the state and enforce the new freedoms of former slaves. The Texas holiday Juneteenth commemorates this date. The Stars and Stripes were not raised over Austin until June 25.[32]

President Andrew Johnson appointed Union General Andrew J. Hamilton, a prominent politician before the war, as the provisional governor on June 17. He granted amnesty to ex-confederates if they promised to support the Union in the future, appointing some to office. On March 30, 1870, the United States Congress permitted Texas' representatives to take their seat in Congress,[33] although Texas did not meet all the formal requirements for readmission.

Notable Civil War leaders from Texas

A number of notable leaders were associated with Texas during the Civil War. John Bell Hood gained fame as the commander of the Texas Brigade in the Army of Northern Virginia and played a prominent role as an army commander late in the war. "Sul" Ross was a significant leader in a number of "Trans-Mississippi" Confederate armies. Felix Huston Robertson was the only native Texan Confederate general. Capt. TJ Goree was one of Lt. General James Longstreet's most trusted aides. John H. Reagan was an influential member of Jefferson Davis's cabinet. Col. Santos Benavides was a Confederate colonel during the American Civil War. Benavides was the highest-ranking Tejano soldier to serve in the Confederate military.

The office of Governor of Texas was in flux throughout the war, with several men in power at various times. Sam Houston was governor when Texas seceded from the United States, but refused to declare any loyalty to the new Confederacy. He was replaced by Lieutenant Governor Edward Clark. Clark filled the rest of Houston's term in 1861, and narrowly lost re-election by just 124 votes to Francis Lubbock. During his tenure, Lubbock supported Confederate conscription, working to draft all able-bodied men, including resident aliens, into the Confederate army. When Lubbock's term ended in 1863, he joined the military. Ardent secessionist Pendleton Murrah replaced him in office. Even after Robert E. Lee surrendered in 1865, Murrah encouraged Texans to continue the revolution, and he and several supporters fled to Mexico.

Lingering Effects

The effects of the American Civil War linger even after 150 years have passed. It's not uncommon to see the Confederate flag (especially the "Confederate Battle Flag") and there are dozens of statues, monuments, and schools named after Confederate leaders. The controversy over these elements rages today.

---

1. Buenger, Walter L. (March 8, 2011). "Secession Convention". Handbook of Texas Online. Texas State Historical Association. ↵
2. "A Declaration of the Causes which Impel the State of Texas to Secede from the Federal Union". Avalon Project. Yale Law School. 2008. ↵
3. "A Declaration of the Causes which Impel the State of Texas to Secede from the Federal Union". Avalon Project. Yale Law School. 2008. ↵
4. Cutwell, Caleb (February 22, 1865). "Letter to the Galveston Tri-Weekly". Civil War Talk. Texas. Retrieved September 13, 2015. ↵
5. An Act to direct the mode of voting in all popular elections, approved March 19, 1846. Gammel, H.P.N., ed. (1898). The Laws of Texas, 1822-1897. 2. University of North Texas. p. 1318. ↵
6. Buenger, Walter L. (March 8, 2011). "Secession Convention". Handbook of Texas Online. Texas State Historical Association. ↵
7. Buenger, Walter L. (March 8, 2011). "Secession Convention". Handbook of Texas Online. Texas State Historical Association. ↵
8. "An Ordinance: To dissolve the union between the State of Texas and the other States, united under the compact styled "The Constitution of the United States of America." Adopted in Convention, at Austin City, the first day of February, A.D. 1861." Narrative History of Texas Secessionand Readmission to the Union. Austin. August 24, 2011. ↵
9. "An Ordinance: To dissolve the union between the State of Texas and the other States, united under the compact styled "The Constitution of the United States of America." Adopted in Convention, at Austin City, the first day of February, A.D. 1861." Narrative History of Texas Secessionand Readmission to the Union. Austin. August 24, 2011. ↵
10. Minor, David (November 1, 2011). "Throckmorton, James Webb". Handbook of Texas Online. Texas State Historical Association. ↵
11. An Act to provide for submitting the Ordinance of Secession to a vote of the People, approved February 7, 1861. Gammel, H.P.N., ed. (1898). The Laws of Texas, 1822-1897. 5. University of North Texas. pp. 347–348. ↵
12. Winkler, E.W. (1861). Journal of the Secession Convention of Texas. Texas. Retrieved September 8, 2015. ↵
13. Roberts, O.M. (1899). Evans, Clement A., ed. Texas. Confederate Military History. XI. Atlanta, Georgia: Confederate Publishing Company. pp. 20–22. ↵
14. "General Twiggs and Buchanan". The New York Times. May 13, 1861. ↵
15. Freeman, Douglas S. (1934). "R. E. Lee, A Biography". Charles Scribner's Sons. Retrieved May 20, 2008. ↵
16. Enter your footnote content here. ↵
17. "Civil War". Texas Military Forces Museum. Retrieved November 5, 2015. ↵
18. Wooster, Ralph A. (March 4, 2011). "Civil War". Handbook of Texas Online. Texas State Historical Association. ↵
19. McGowen, Stanley S. (July 2000). "Battle or Massacre? The Incident on the Nueces, August 10, 1862". Southwestern Historical Quarterly. Texas State Historical Association. 104 (1): 64–86. JSTOR 30241669. ↵
20. Campbell, Randolph B. (2003). Gone to Texas: A History of the Lone Star State. New York: Oxford University Press. p. 265. ISBN 978-0-1998-8138-3. ↵
21. "Lamar W. Henkins: German Freethinkers and the Massacre at the Nueces". The Rag Blog. August 15, 2012. ↵
22. Foner, Eric (March 1989). "The South's Inner Civil War: The more fiercely the Confederacy fought for its independence, the more bitterly divided it became. To fully understand the vast changes the war unleashed on the country, you must first

understand the plight of the Southerners who didn't want secession". American Heritage. Vol. 40 no. 2. American Heritage Publishing Company. p. 5. Archived from the original on January 3, 2015. Retrieved December 18, 2013. ↵
23. McCaslin, Richard B. (June 15, 2010). "Great Hanging at Gainesville". Handbook of Texas Online. Texas State Historical Association. Retrieved 22 November 2014. ↵
24. Texas in the Civil War: A Capsule History Archived August 20, 2006, at the Wayback Machine. ↵
25. Elliott, Claude (1947). "Union Sentiment in Texas 1861-1865". Southwestern Historical Quarterly. Texas State Historical Association. 50 (4): 449–477. JSTOR 30237490. ↵
26. Williams, Alfred Mason (1893). Sam Houston and the War of Independence in Texas. Houghton, Mifflin and Company. p. 354. ↵
27. Haley, James l. (2004). Sam Houston. Norman: University of Oklahoma Press. pp. 390–391. ISBN 978-0-8061-5214-1. ↵
28. Houston, General (June 2, 1861). "Gen. Houston's Position". The New York Times. Retrieved July 11, 2011. ↵
29. Loewen, James W. (2007). Lies My Teacher Told Me: Everything Your American History Textbook Got Wrong. New York: The New Press. pp. 224–226. ISBN 978-1-56584-100-0. OCLC 29877812. Retrieved January 19, 2016. ↵
30. McComb, David G. (1989). Texas, a modern history. Austin: University of Texas Press. p. 72. ISBN 0-292-74665-2. ↵
31. McPherson, James M. (1997). For Cause and Comrades: Why Men Fought in the Civil War. New York City, New York: Oxford University Press, Inc. p. 117. ISBN 0-19-509-023-3. OCLC 34912692. Retrieved March 8, 2016. ↵
32. Clampitt, Brad R. (April 2005). "The Breakup: The Collapse of the Confederate Trans-Mississippi Army in Texas, 1865". Southwest Historical Quarterly. Texas State Historical Association. 108 (4). JSTOR 30240424. ↵
33. "An Act to admit the State of Texas to Representation in the Congress of the United States". Texas State Archives and Library Commission. Retrieved August 24, 2011. ↵

Contributors and Attributions

CC licensed content, Original

- Revision and Adaptation. **Authored by**: Kris S. Seago. **License**: *CC BY: Attribution*

This page titled 1.4: Texas in the American Civil War is shared under a CC BY 4.0 license and was authored, remixed, and/or curated by Lumen Learning.

1.5: Reconstruction

During the American Civil War, Texas had joined the Confederate States. The Confederacy was defeated, and U.S. Army soldiers arrived in Texas on June 19, 1865 to take possession of the state, restore order, and enforce the emancipation of slaves. The date is now commemorated as the holiday Juneteenth. On June 25, troops raised the American flag in Austin, the state capital.[1]

U.S. President Andrew Johnson appointed Union General Andrew J. Hamilton, a prominent politician before the war, as the provisional governor on June 17. He granted amnesty to ex-Confederates if they promised to support the Union in the future, appointing some to office. Angry returning veterans seized state property and Texas went through a period of extensive violence and disorder. Most outrages took place in northern Texas and were committed by outlaws who had their headquarters in the Indian Territory and plundered and murdered without distinction of party.

On March 30, 1870, the United States Congress readmitted Texas into the Union, although Texas did not meet all the formal requirements for readmission. Like other Southern states, by the late 1870s white Democrats regained control, often with a mix of intimidation and terrorism by paramilitary groups operating for the Democratic Party. They passed a new constitution in 1876 that segregated schools and established a poll tax to support them, but it was not originally required for voting.[2] In 1901 the Democratic-dominated legislature imposed a poll tax as a requirement for voting, and succeeded in disfranchising most blacks. The number of voters decreased from 100,000 in the 1890s to 5,000 by 1906.[3]

1. Clampit, Brad R. (April 2005). The Breakup: The Collapse of the Confederate Trans-Mississippi Army in Texas, 1865. Southwest Historical Quarterly. CVIII. ↵
2. Constitution of 1876 from the Handbook of Texas Online, accessed April 12, 2008 ↵
3. W. Marvin Dulaney, "AFRICAN AMERICANS," Handbook of Texas Online [1], accessed February 22, 2014. Uploaded on June 9, 2010. Modified on June 20, 2013. Published by the Texas State Historical Association. accessed 22 February 2014 ↵

Contributors and Attributions

CC licensed content, Original

- Revision and Adaptation. **Authored by**: Kris S. Seago. **License**: *CC BY: Attribution*

This page titled 1.5: Reconstruction is shared under a CC BY 4.0 license and was authored, remixed, and/or curated by Lumen Learning.

1.6: Governor E.J. Davis

Introduction

Edmund Jackson Davis (October 2, 1827 – February 24, 1883) was an American lawyer, soldier, and politician. He was a Southern Unionist and a general in the Union Army in the American Civil War. He also served for one term from 1870 to 1874 as the 14th Governor of Texas.

Civil War Years

In early 1861, Edmund Davis supported Governor Sam Houston in their mutual stand against secession. Davis also urged Robert E. Lee not to violate his oath of allegiance to the United States. Davis ran to become a delegate to the Secession Convention but was defeated. He thereafter refused to take an oath of allegiance to the Confederate States of America[1] and was removed from his judgeship. He fled from Texas and took refuge in Union-occupied New Orleans, Louisiana. He next sailed to Washington, D.C., where President Abraham Lincoln issued him a colonel's commission with the authority to recruit the 1st Texas Cavalry Regiment (Union).[2]

Davis recruited his regiment from Union men who had fled from Texas to Louisiana. The regiment would see considerable action during the remainder of the war. On November 10, 1864, President Lincoln appointed Davis as a brigadier general of volunteers. Lincoln did not submit Davis's nomination to this grade to the U.S. Senate until December 12, 1864.[3] The U.S. Senate confirmed the appointment on February 14, 1865.[4] Davis was among those present when General Edmund Kirby Smith surrendered the Confederate forces in Texas on June 2, 1865.[5] Davis was mustered out of the volunteers on August 24, 1865.[6]

Post war

Following the end of the war, Davis became a member of the 1866 Texas Constitutional Convention. He supported the rights of freed slaves and urged the division of Texas into several Republican-controlled states.

In 1869, he was narrowly elected governor against Andrew Jackson Hamilton, a Unionist Democrat. As a Radical Republican during Reconstruction, his term in office was controversial.

On July 22, 1870, the Texas State Police came into being to combat crime statewide in Texas. It worked against racially based crimes, and included black police officers, which caused protest from former slaveowners (and future segregationists). Davis created the "State Guard of Texas" and the "Reserve Militia," which were forerunners of the Texas National Guard.[7]

Davis' government was marked by a commitment to the civil rights of African Americans. One of his protégés was Norris Wright Cuney of Galveston, who continued the struggle for equality until his own death in 1896 and is honored as one of the important figures in Texas and American black history. Though Davis was highly unpopular among former Confederates, and most material written about him for many years was unfavorable, he was considered to have been a hero for the Union Army. He also gained the respect and friendship of Spanish-speaking residents on the Rio Grande frontier.[8]

In 1873, Davis was defeated for reelection by Democrat Richard Coke (42,633 votes to 85,549 votes) in an election marked by irregularities. Davis contested the results and refused to leave his office on the ground floor of the Capitol. Democratic lawmakers and Governor-elect Coke reportedly had to climb ladders to the Capitol's second story where the legislature convened. When President Grant refused to send troops to the defeated governor's rescue, Davis reluctantly left the capital in January 1874. He locked the door to the governor's office and took the key, forcing Coke's supporters to break in with an axe.[9] John Henninger Reagan helped to oust him after he tried to stay in office beyond the end of his term.

Davis was the last Republican governor of Texas until Republican Bill Clements defeated the Democrat John Luke Hill in 1978 and assumed the governorship the following January, 105 years after Davis vacated the office.

Following his defeat, Davis was nominated to be collector of customs at Galveston but declined the appointment because he disliked U.S. President Rutherford B. Hayes. He ran for governor again in 1880 but was soundly defeated. His name was placed in nomination for Vice President of the United States at the 1880 Republican National Convention, which met in Chicago and chose James A. Garfield as the standard-bearer. Had Davis succeeded, he might have wound up in the White House, as did Chester A. Arthur, the man who received the vice presidential nomination that year. Davis lost an election for the United States House of Representatives in 1882.

After Democrats regained power in the state legislature, they passed laws making voter registration more difficult, such as requiring payment of poll taxes, which worked to disfranchise blacks, Mexican Americans and poor whites. They also instituted a white primary. In the 1890s, more than 100,000 blacks were voting but by 1906, only 5,000 managed to get through these barriers.[10] As Texas became essentially a one-party state, the white primary excluded minorities from the political competitive process. They did not fully recover their constitutional rights until after enforcement under the Voting Rights Act of 1965.

Edmund J. Davis died in 1883 and was given a war hero's burial at the Texas State Cemetery in Austin. A large gravestone was placed in Davis' honor by a brother. Davis was survived by his wife, the former Anne Elizabeth Britton (whose father, Forbes Britton, had been chief of staff to Texas Governor Sam Houston), and two sons: Britton (a West Point graduate and military officer), and Waters (an attorney and merchant in El Paso).[11]

---

1. Odie Arambula, "Young lawyer Davis had big local role," Laredo Morning Times, May 6, 2012, p. 17A ↵
2. Texas State Handbook Online. Moneyhon, Carl H. (30 May 2010). "Davis, Edmund Jackson". Texas State Historical Association. Retrieved 29 September 2010. ↵
3. Eicher, John H., and David J. Eicher, Civil War High Commands. Stanford: Stanford University Press, 2001. ISBN 0-8047-3641-3. p. 720 ↵
4. Eicher, John H., and David J. Eicher, Civil War High Commands. Stanford: Stanford University Press, 2001. ISBN 0-8047-3641-3. p. 720 ↵
5. Texas State Handbook Online. Moneyhon, Carl H. (30 May 2010). "Davis, Edmund Jackson". Texas State Historical Association. Retrieved 29 September 2010. ↵
6. Eicher, John H., and David J. Eicher, Civil War High Commands. Stanford: Stanford University Press, 2001. ISBN 0-8047-3641-3. p. 720 ↵
7. Texas State Handbook Online. Olsen, Bruce A. (30 May 2010). "Texas National Guard". Texas State Historical Association. Retrieved 29 September 2010. ↵
8. Odie Arambula, Visiting the Past column, "Radical Republican Davis had support", Laredo Morning Times, 20 May 2012, p. 15A ↵
9. Brown, Lyle C., Langenegger, Joyce A., Garcia, Sonia R., et al. PRACTICING TEXAS POLITICS, Thirteenth Edition. Boston: Houghton Mifflin, 2006. (Page 67-68) ↵
10. African-American Pioneers of Texas: From the Old West to the New Frontiers (Teacher's Manual) (PDF). Museum of Texas Tech University: Education Division. p. 25. Archived from the original (PDF) on 2007-02-05. ↵
11. Texas State Handbook Online. Moneyhon, Carl H. (30 May 2010). "Davis, Edmund Jackson". Texas State Historical Association. Retrieved 29 September 2010. ↵

Contributors and Attributions

CC licensed content, Original

- Revision and Adaptation. **Authored by**: Kris S. Seago. **License**: *CC BY: Attribution*

CC licensed content, Shared previously

- Gov. Edmund J. Davis of TX IMG 6321.JPG. **Authored by**: Billy Hathorn . **Located at**: https://commons.wikimedia.org/wiki/File:Gov._Edmund_J._Davis_of_TX_IMG_6321.JPG. **License**: *Public Domain: No Known Copyright*

This page titled 1.6: Governor E.J. Davis is shared under a CC BY 4.0 license and was authored, remixed, and/or curated by Lumen Learning.

1.7: The Texas Oil Boom

The Texas oil boom, sometimes called the gusher age, was a period of dramatic change and economic growth in the U.S. state of Texas during the early 20th century that began with the discovery of a large petroleum reserve near Beaumont, Texas. The find was unprecedented in its size and ushered in an age of rapid regional development and industrialization that has few parallels in U.S. history. Texas quickly became one of the leading oil-producing states in the U.S., along with Oklahoma and California; soon the nation overtook the Russian Empire as the top producer of petroleum. By 1940 Texas had come to dominate U.S. production. Some historians even define the beginning of the world's Oil Age as the beginning of this era in Texas.[1]

The major petroleum strikes that began the rapid growth in petroleum exploration and speculation occurred in Southeast Texas, but soon reserves were found across Texas and wells were constructed in North Texas, East Texas, and the Permian Basin in West Texas. Although limited reserves of oil had been struck during the 19th century, the strike at Spindletop near Beaumont in 1901 gained national attention, spurring exploration and development that continued through the 1920s and beyond. Spindletop and the Joiner strike in East Texas, at the outset of the Great Depression, were the key strikes that launched this era of change in the state.

This period had a transformative effect on Texas. At the turn of the century, the state was predominantly rural with no large cities.[2] By the end of World War II, the state was heavily industrialized, and the populations of Texas cities had broken into the top 20 nationally.[3] The city of Houston was among the greatest beneficiaries of the boom, and the Houston area became home to the largest concentration of refineries and petrochemical plants in the world.[4] The city grew from a small commercial center in 1900 to one of the largest cities in the United States during the decades following the era. This period, however, changed all of Texas' commercial centers (and developed the Beaumont/Port Arthur area, where the boom began).

H. Roy Cullen, H. L. Hunt, Sid W. Richardson, and Clint Murchison were the four most influential businessmen during this era. These men became among the wealthiest and most politically powerful in the state and the nation.

---

1. Olson, James Stuart (2001). Encyclopedia of the industrial revolution in America. Westport, CT: Greenwood Press. ISBN 978-0-313-30830-7. p.238. ↵
2. "Population of the 100 Largest Urban Places: 1900". U.S. Census Bureau. Retrieved November 3, 2009. ↵
3. "Population of the 100 Largest Urban Places: 1950". U.S. Census Bureau. Retrieved November 2, 2009. "Population of the 100 Largest Urban Places: 1940". U.S. Census Bureau. Retrieved November 2, 2009. ↵
4. "Chapter Two: Galveston Bay" (PDF). Texas A&M University-Galveston: Galveston Bay Information Center (Galveston Bay Estuary Project). Archived from the original (PDF) on July 20, 2011. Retrieved September 8, 2009. ... it [Galveston Bay] is at the center of the state's petrochemical industry, with 30 percent of U.S. petroleum industry and nearly 50 percent of U.S. production of ethylene and propylene Occuring [sic] on its shores. Weisman (2008), p. 166, "The industrial megaplex that begins on the east side of Houston and continues uninterrupted to the Gulf of Mexico, 50 miles away, is the largest concentration of petroleum refineries, petrochemical companies, and storage structures on Earth." ↵

Contributors and Attributions

CC licensed content, Original

- Revision and Adaptation. **Authored by**: Kris S. Seago. **License**: *CC BY: Attribution*

CC licensed content, Shared previously

- Lucas gusher.jpg. **Authored by**: None. **Located at**: https://commons.wikimedia.org/wiki/File:Lucas_gusher.jpg**. License**: *Public Domain: No Known Copyright*

This page titled 1.7: The Texas Oil Boom is shared under a CC BY 4.0 license and was authored, remixed, and/or curated by Lumen Learning.

1.8: Texas' Demographics

Texas is the second most populous U.S. state, with an estimated 2017 population of 28.449 million.[1] In recent decades, it has experienced strong population growth. Texas has many major cities and metropolitan areas, along with many towns and rural areas. Much of the population is in the major cities of Houston, San Antonio, Dallas, Fort Worth, Austin, and El Paso.

Population

The 2010 US Census recorded Texas as having a population of 25.1 million—an increase of 4.3 million since the year 2000, involving an increase in population in all three subcategories of population growth: natural increase (births minus deaths), net immigration, and net migration. The state passed New York in the 1990s to become the second-largest U.S. state in population, after California.

Texas' population growth between 2000 and 2010 represents the highest population increase, by number of people, for any U.S. state during this time period. The large population increase can somewhat be attributed to Texas' relative insulation from the US housing bubble. The state has a bigger population than that of Australia.

As of 2012, the state has an estimated 4.1 million foreign-born residents, constituting approximately 15% of the state population.[2] An estimated 1.7 million people are undocumented immigrants.[3]

U.S. Census data from 2010 indicate that 7.7% of Texas' population is under 5 years old, 27.3% is under 18, and 10.3% is aged 65 and older. Females make up 50.4% of the population.

Ethnicity

As of the 2010 US Census, the racial distribution in Texas was as follows: 70.4% of the population of Texas was White American; 11.8% African American; 3.8%, Asian American; 0.7%, American Indian; 0.1%, native Hawaiian or Pacific islander only; 10.5% of the population were of some other race only; and 2.7% were of two or more races. Hispanics (of any race) were 37.6% of the population of the state, while Non-Hispanic Whites composed 45.3%.

English Americans predominate in eastern, central, and northern Texas; German Americans, in central and western Texas. African Americans, who historically made up one-third of the state population, are concentrated in parts of northern, eastern and east central Texas as well as in the Dallas-Fort Worth, San Antonio and Houston metropolitan areas.

As in other Southern states settled largely in the 19th century, the vast majority have European ancestry: Irish, English and German. Texas includes a diverse set of European ancestries, due both to historical patterns of settlement as well as contemporary dynamics. Frontier Texas saw settlements of Germans, particularly in Fredericksburg and New Braunfels. Many Romanians, Dutch, Germans from Switzerland and Austria, Poles, Russians, Swedes, Norwegians, Czechs, Slovaks, Italians, and French immigrated at least in part because of the European revolutions of 1848. This immigration continued until World War I and the 1920s. The influence of these diverse European immigrants survives in the town names, architectural styles, music, and cuisine in Texas.

Hispanic Texans

As of 2010, 37% of Texas residents had Hispanic ancestry; these include recent immigrants from Mexico, Central America, and South America, as well as Tejanos, whose ancestors have lived in Texas as early as the 1700s. Tejanos are the largest ancestry group in southern Duval County and amongst the largest in and around Bexar County, including San Antonio, where over one million Hispanics live. The state has the second largest Hispanic population in the United States, behind California.

Hispanics dominate southern, south-central, and western Texas and form a significant portion of the residents in the cities of Dallas, Houston, and Austin. The Hispanic population contributes to Texas having a younger population than the American average, because Hispanic births have outnumbered non-Hispanic white births since the early 1990s. In 2007, for the first time since the early nineteenth century, Hispanics accounted for more than half of all births (50.2%), while non-Hispanic whites accounted for just 34%.

In 2016 the state had 59,115 persons of Cuban origin. 6,157 of them lived in Travis County.[4]

African American Texans

Texas has one of the largest African-American populations in the country. African Americans are concentrated in northern, eastern and east central Texas as well as the Dallas, Houston and San Antonio metropolitan areas. African Americans form 24 percent of both the cities of Dallas and Houston, 19% of Fort Worth, 8.1 percent of Austin, and 6.9 percent of San Antonio. They form a majority in sections of eastern San Antonio, southern Dallas, eastern Fort Worth, and southern Houston.[citation needed] A strong labor market between 1995 and 2000 contributed to Texas being one of three states in the South receiving the highest numbers of black college graduates in a New Great Migration.[5]

Asian American Texans

In recent years, the Asian American population in Texas has grown, especially in west Houston, Fort Bend County southwest of Houston, the western and northern suburbs of Dallas, and Arlington near Fort Worth. Vietnamese Americans, South Asian Americans, Chinese Americans, Filipino Americans, Korean Americans, and Japanese Americans make up the largest Asian American groups in Texas. The Gulf Coast also has large numbers of Asian Americans, because the shrimp fishing industry attracted tens of thousands of Vietnamese, Filipinos, and Chinese from the coast of the South China Sea in the late 1970s and 1980s.

---

1. Texas Population 2017 Archived 2017-01-21 at the Wayback Machine. World Population Review ↵
2. "United State Census Bureau". 2008-2012 American Community Survey 5-Year Estimates. Archived from the original on 2014-08-15. Retrieved Feb 28, 2014. ↵
3. "Pew Research Center". Archived from the original on 2014-02-21. Retrieved Feb 28, 2014. ↵
4. Bagden, Samantha. "Cubans in Texas see some hope in new relations" (Archive) Austin American-Statesman. Monday January 18, 2016. Retrieved on January 19, 2016. ↵
5. William H. Frey, "The New Great Migration: Black Americans' Return to the South, 1965-2000", May 2004, The Brookings Institution, p.1 Archived April 28, 2008, at the Wayback Machine., accessed 19 Mar 2008 ↵

Contributors and Attributions

CC licensed content, Original

- Revision and Adaptation. **Authored by**: Kris S. Seago. **License**: *CC BY: Attribution*

This page titled 1.8: Texas' Demographics is shared under a CC BY 4.0 license and was authored, remixed, and/or curated by Lumen Learning.

1.9: State Political Culture

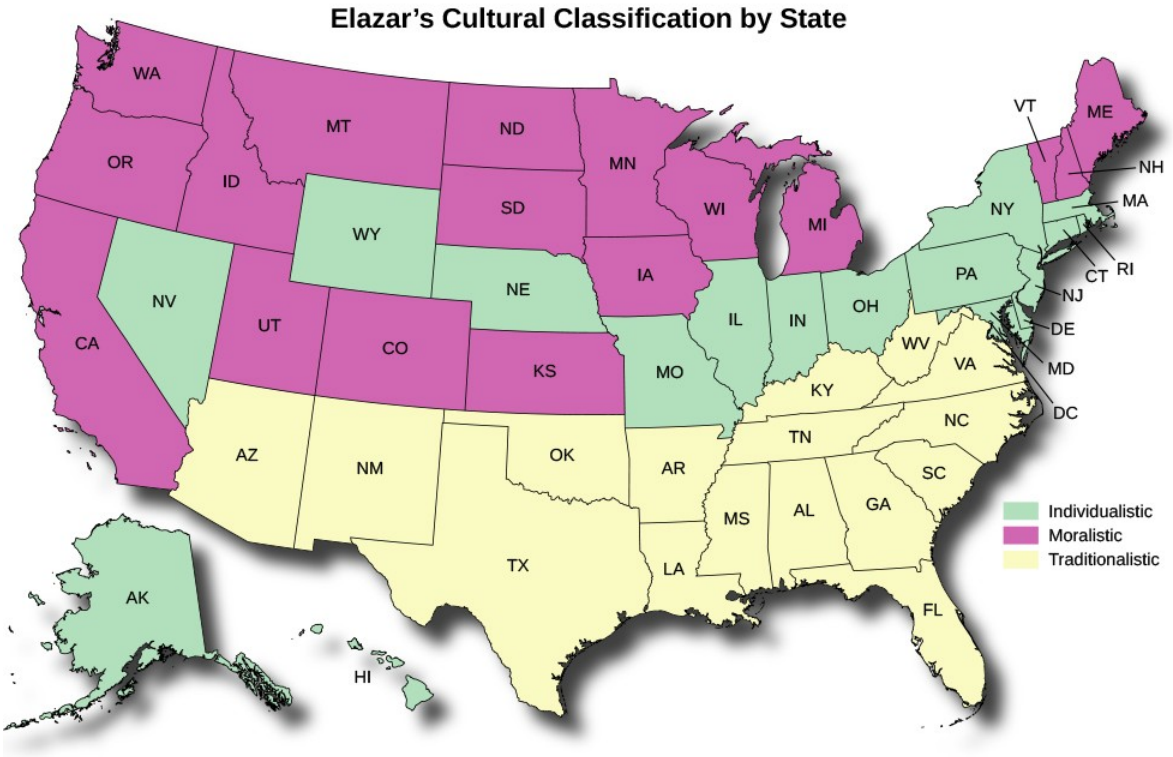
Learning Objectives

By the end of this section, you will be able to:

- Compare Daniel Elazar's three forms of political culture
- Describe how cultural differences between the states can shape attitudes about the role of government and citizen participation
- Discuss the main criticisms of Daniel Elazar's theory

Some states, such as Alaska, are endowed with natural resources. They can use their oil or natural gas reserves to their advantage to fund education or reduce taxes. Other states, like Florida, are favored with a climate that attracts tourists and retirees each winter, drawing in revenues to support infrastructure improvements throughout the state. These differences can lead to strategic advantages in the economic fortunes of a state, which can translate into differences in the levels of taxes that must be collected from citizens.

But their economic fortunes are only one component of what makes individual states unique. Theorists have long proposed that states are also unique as a function of their differing political cultures, or their attitudes and beliefs about the functions and expectations of the government. In the book, *American Federalism: A View from the States*, Daniel Elazar first theorized in 1966 that the United States could be divided into three distinct political cultures: moralistic, individualistic, and traditionalistic. The diffusion of these cultures throughout the United States is attributed to the migratory patterns of immigrants who settled in and spread out across the country from the east to the west coast. These settlers had distinct political and religious values that influenced their beliefs about the proper role of government, the need for citizen involvement in the democratic process, and the role of political parties.



Daniel Elazar posited that the United States can be divided geographically into three types of political cultures—individualistic, moralistic, and traditionalistic—which spread with the migratory patterns of immigrants across the country.

Moralistic Political Culture

In Elazar's framework, states with a **moralistic political culture** see the government as a means to better society and promote the general welfare. They expect political officials to be honest in their dealings with others, put the interests of the people they serve above their own, and commit to improving the area they represent. The political process is seen in a positive light and not as a vehicle tainted by corruption. In fact, citizens in moralistic cultures have little patience for corruption and believe that politicians should be motivated by a desire to benefit the community rather than by a need to profit financially from service.

Moralistic states thus tend to support an expanded role for government. They are more likely to believe government should promote the general welfare by allocating funds to programs that will benefit the poor. In addition, they see it as the duty of public officials to advocate for new programs that will benefit marginal citizens or solve public policy problems, even when public pressure to do so is nonexistent.

The moralistic political culture developed among the Puritans in upper New England. After several generations, these settlers moved westward, and their values diffused across the top of the United States to the upper Great Lakes. In the middle of the 1800s, Scandinavians and Northern Europeans joined this group of settlers and reinforced the Puritans' values. Together, these groups pushed further west through the northern portion of the Midwest and West and then along the West Coast.[1]

States that identify with this culture value citizen engagement and desire citizen participation in all forms of political affairs. In Elazar's model, citizens from moralistic states should be more likely to donate their time and/or resources to political campaigns and to vote. This occurs for two main reasons. First, state law is likely to make it easier for residents to register and to vote because mass participation is valued. Second, citizens who hail from moralistic states should be more likely to vote because elections are truly contested. In other words, candidates will be less likely to run unopposed and more likely to face genuine competition from a qualified opponent. According to Elazar, the heightened competition is a function of individuals' believing that public service is a worthwhile endeavor and an honorable profession.

Individualistic Political Culture

States that align with Elazar's **individualistic political culture** see the government as a mechanism for addressing issues that matter to individual citizens and for pursuing individual goals. People in this culture interact with the government in the same manner they would interact with a marketplace. They expect the government to provide goods and services they see as essential, and the public officials and bureaucrats who provide them expect to be compensated for their efforts. The focus is on meeting individual needs and private goals rather than on serving the best interests of everyone in the community. New policies will be enacted if politicians can use them to garner support from voters or other interested stakeholders, or if there is great demand for these services on the part of individuals.

According to Elazar, the individualist political culture originated with settlers from non-Puritan England and Germany. The first settlements were in the mid-Atlantic region of New York, Pennsylvania, and New Jersey and diffused into the middle portion of the United States in a fairly straight line from Ohio to Wyoming.

Given their focus on pursuing individual objectives, states with an individualistic mindset will tend to advance tax breaks as a way of trying to boost a state's economy or as a mechanism for promoting individual initiative and entrepreneurship. For instance, New Jersey governor Chris Christie made headlines in 2015 when discussing the incentives he used to attract businesses to the state. Christie encouraged a number of businesses to move to Camden, where unemployment has risen to almost 14 percent, by providing them with hundreds of millions of dollars in tax breaks.[2] The governor hopes these corporate incentives will spur job creation for citizens who need employment in an economically depressed area of the state.

Since this theoretical lens assumes that the objective of politics and the government is to advance individual interests, Elazar argues that individuals are motivated to become engaged in politics only if they have a personal interest in this area or wish to be in charge of the provision of government benefits. They will tend to remain involved if they get enjoyment from their participation or rewards in the form of patronage appointments or financial compensation. As a result of these personal motivations, citizens in individualistic states will tend to be more tolerant of corruption among their political leaders and less likely to see politics as a noble profession in which all citizens should engage.

Finally, Elazar argues that in individualistic states, electoral competition does not seek to identify the candidate with the best ideas. Instead it pits against each other political parties that are well organized and compete directly for votes. Voters are loyal to the

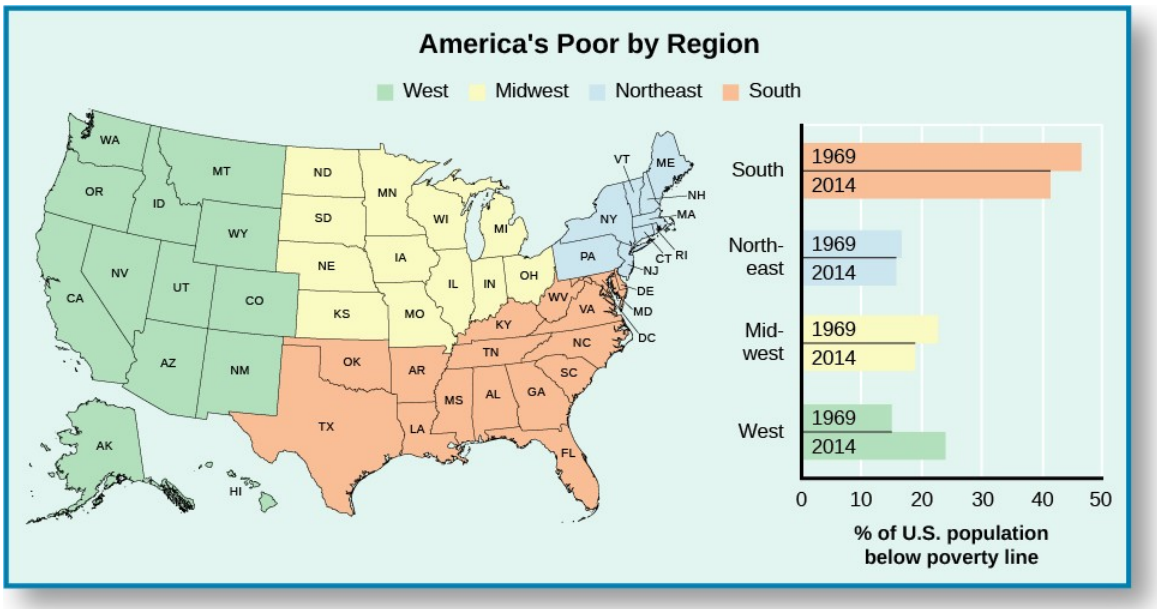
candidates who hold the same party affiliation they do. As a result, unlike the case in moralistic cultures, voters do not pay much attention to the personalities of the candidates when deciding how to vote and are less tolerant of third-party candidates.

Traditionalistic Political Culture

Given the prominence of slavery in its formation, a **traditionalistic political culture**, in Elazar's argument, sees the government as necessary to maintaining the existing social order, the status quo. Only elites belong in the political enterprise, and as a result, new public policies will be advanced only if they reinforce the beliefs and interests of those in power.

Elazar associates traditionalistic political culture with the southern portion of the United States, where it developed in the upper regions of Virginia and Kentucky before spreading to the Deep South and the Southwest. Like the individualistic culture, the traditionalistic culture believes in the importance of the individual. But instead of profiting from corporate ventures, settlers in traditionalistic states tied their economic fortunes to the necessity of slavery on plantations throughout the South.

When elected officials do not prioritize public policies that benefit them, those on the social and economic fringes of society can be plagued by poverty and pervasive health problems. For example, although the map below shows that poverty is a problem across the entire United States, the South has the highest incidence. According to the Centers for Disease Control and Prevention, the South also leads the nation in self-reported obesity, closely followed by the Midwest.[3] These statistics present challenges for lawmakers not only in the short term but also in the long term, because they must prioritize fiscal constraints in the face of growing demand for services.



While the greatest percentage of those living below the poverty line in the United States is found in the South, migration and immigration patterns over the past fifty years have resulted in a significant increase in the percentage of the nation's poor being located in the West.

While moralistic cultures expect and encourage political participation by all citizens, traditionalistic cultures are more likely to see it as a privilege reserved for only those who meet the qualifications. As a result, voter participation will generally be lower in a traditionalistic culture, and there will be more barriers to participation (e.g., a requirement to produce a photo ID at the voting booth). Conservatives argue that these laws reduce or eliminate fraud on the part of voters, while liberals believe they disproportionally disenfranchise the poor and minorities and constitute a modern-day poll tax.

Finally, under a traditionalistic political culture, Elazar argues that party competition will tend to occur between factions within a dominant party. Historically, the Democratic Party dominated the political structure in the South before realignment during the civil rights era. Today, depending on the office being sought, the parties are more likely to compete for voters.

Texas Political Culture and Elazar's Theory

Elazar's Theory claims that Texas is a mixture of traditional and individualistic political cultures. As a result, the voter turnout in Texas is lower than most other American states, with the argument that Texans view political participation as an economic perk versus the value of contributing to society.

Critiques of Elazar's Theory

Several critiques have come to light since Elazar first introduced his theory of state political culture fifty years ago. The original theory rested on the assumption that new cultures could arise with the influx of settlers from different parts of the world; however, since immigration patterns have changed over time, it could be argued that the three cultures no longer match the country's current reality. Today's immigrants are less likely to come from European countries and are more likely to originate in Latin American and Asian countries.[4] In addition, advances in technology and transportation have made it easier for citizens to travel across state lines and to relocate. Therefore, the pattern of diffusion on which the original theory rests may no longer be accurate, because people are moving around in more, and often unpredictable, directions.

It is also true that people migrate for more reasons than simple economics. They may be motivated by social issues such as widespread unemployment, urban decay, or low-quality health care of schools. Such trends may aggravate existing differences, for example the difference between urban and rural lifestyles (e.g., the city of Atlanta vs. other parts of Georgia), which are not accounted for in Elazar's classification. Finally, unlike economic or demographic characteristics that lend themselves to more precise measurement, culture is a comprehensive concept that can be difficult to quantify. This can limit its explanatory power in political science research.

---

1. Daniel Elazar. 1972. *American Federalism: A View from the States*, 2nd ed. New York: Thomas Y. Crowell Company. ↵
2. Dean DeChiaro, "$830M in Tax Breaks Later, Christie Says His Camden Plan Won't Work for America," *U.S. News and World Report*, 19 August 2015. http://www.usnews.com/news/articles/2015/08/19/830m-in-tax-breaks-later-christie-says-his-camden-plan-wont-work-for-america. ↵
3. "Division of Nutrition, Physical Activity, and Obesity: Data, Trends and Maps," http://www.cdc.gov/obesity/data/prevalence-maps.html (March 14, 2016). ↵
4. Jie Zong and Jeanne Batalova. 26 February 2015. "Frequently Requested Statistics on Immigrants and Immigration in the United States," http://www.migrationpolicy.org/article/frequently-requested-statistics-immigrants-and-immigration-united-states. ↵

Contributors and Attributions

CC licensed content, Original

- Revision and Adaptation. **Authored by**: Daniel M. Regalado. **License**: *CC BY: Attribution*

CC licensed content, Shared previously

- American Government. **Authored by**: OpenStax. **Provided by**: OpenStax; Rive University. **Located at**: . **License**: *CC BY: Attribution*

This page titled 1.9: State Political Culture is shared under a CC BY 4.0 license and was authored, remixed, and/or curated by Lumen Learning.

CHAPTER OVERVIEW

2: Texas' Constitution

2.1: Introduction- The Constitutions of Texas
2.2: Federal Constitution of the United Mexican States (1824)
2.3: Constitution Of Coahuila And Texas (1827)
2.4: Constitution of the Republic of Texas (1836)
2.5: Constitution of 1845
2.6: Constitution of 1861
2.7: Constitution of 1866
2.8: Constitution of 1869
2.9: Constitution of 1876

This page titled 2: Texas' Constitution is shared under a CC BY 4.0 license and was authored, remixed, and/or curated by Lumen Learning.

2.1: Introduction- The Constitutions of Texas

Learning Objectives

By the end of this chapter, you will be able to:

- Define a constitution
- Discuss the constitutions of Texas
- Describe the current constitution of Texas

A constitution is a body of fundamental principles or established precedents according to which a state or other organization is acknowledged to be governed.

What distinguishes Texas from other states is its unique history as an entity—a state, a republic, a nation—and the documents that actually created what became the Texas we know today.

Between the years of 1824 and 1876, Texas was at times a part of the United States of Mexico, an independent republic, a state within the Confederate States of America, and a state within the United States of America. Beginning in 1824, what we now know as Texas passed through many iterations—each with founding documents that can be accessed on this site. These founding documents legally established the entity of Texas, set forth the rights and responsibilities of its people, and defined the scope and powers of its government.

This chapter discusses those constitutions and introduces the Constititution of 1876–Texas' current constitution.

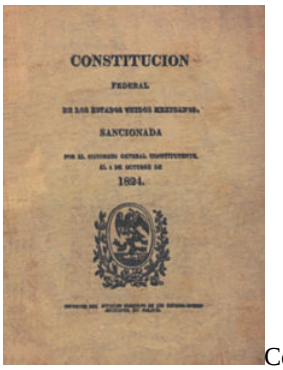
Contributors and Attributions

CC licensed content, Original

- Revision and Adaptation. **Authored by**: Kris S. Seago. **License**: *CC BY: Attribution*

This page titled 2.1: Introduction- The Constitutions of Texas is shared under a CC BY 4.0 license and was authored, remixed, and/or curated by Lumen Learning.

2.2: Federal Constitution of the United Mexican States (1824)



Constitutional government in Texas began with the Mexican federal Constitution of 1824, which, to some degree, was patterned after the United States Constitution but resembled more the Spanish Constitution of 1812. Congress was made the final interpreter of the document; the Catholic religion was made the state faith; and the church was supported by the public treasury. The president and vice president were elected for four-year terms by the legislative bodies of the states, the lower house of Congress to elect in case of a tie or lack of a majority. There were numerous limitations on the powers of the president. The Congress was composed of two houses meeting annually from January 1 to April 15. The president could prolong the regular session for an additional thirty days and could call extra sessions. Deputies in the lower house served two years, while senators were selected by their state legislatures for four-year terms. The judicial power was vested in a Supreme Court and superior courts of departments and districts. The Supreme Court was composed of eleven judges and the attorney general. There was no particular effort to define the rights of the states in the confederacy. They were required to separate executive, legislative, and judicial functions in their individual constitutions, which were to be in harmony with the national constitution, but local affairs were independent of the general government.

Contributors and Attributions

CC licensed content, Original

- Revision and Adaptation. **Authored by**: Kris S. Seago. **License**: *CC BY: Attribution*

CC licensed content, Shared previously

- Constitucion 1824.PNG. **Authored by**: Secretaria de Educacion Publica (Mexico) Material Educativo Gratuito. **Located at**: https://commons.wikimedia.org/wiki/File:Constitucion_1824.PNG. **License**: *Public Domain: No Known Copyright*

This page titled 2.2: Federal Constitution of the United Mexican States (1824) is shared under a CC BY 4.0 license and was authored, remixed, and/or curated by Lumen Learning.

2.3: Constitution Of Coahuila And Texas (1827)

The Constitution of 1824 of the Republic of Mexico provided that each state in the republic should frame its own constitution. The state of Coahuila and the former Spanish province of Texas were combined as the state of Coahuila and Texas. The legislature for the new state was organized at Saltillo in August 1824, with the Baron de Bastrop representing Texas. More than two years was spent on the framing of a constitution, which was finally published on March 11, 1827.

The constitution divided the state into three departments, of which Texas, as the District of Bexar, was one. The Catholic religion was made the state religion; citizens were guaranteed liberty, security, property, and equality; slavery was forbidden after promulgation of the constitution, and there could be no import of slaves after six months. Citizenship was defined and its forfeiture outlined. Legislative power was delegated to a unicameral legislature composed of twelve deputies elected by popular vote; Texas was allowed two of the twelve. The body, which met annually from January through April and could be called in special session, was given wide and diverse powers. In addition to legislative functions, it could elect state officials if no majority was shown in the regular voting, could serve as a grand jury in political and electoral matters, and could regulate the army and militia. It was instructed to promote education and protect the liberty of the press.

Executive power was vested in a governor and vice governor, elected for four-year terms by popular vote. The governor could recommend legislation, grant pardons, lead the state militia, and see that the laws were obeyed. The vice governor presided over the council and served as police chief at the capital. The governor appointed for each department a chief of police, and an elaborate plan of local government was set up. Judicial authority was vested in state courts having charge of minor crimes and civil cases. The courts could try cases but could not interpret the law; misdemeanors were tried by the judge without a jury. Military men and ecclesiastics were subject to rules made by their own orders. Trial by jury, promised by the constitution, was never established, nor was the school system ever set up. The laws were published only in Spanish, which few Anglo-Texans could read. Because of widespread objections to government under this document, the Convention of 1833 proposed a new constitution to give Texas statehood separate from Coahuila.

Contributors and Attributions

CC licensed content, Original

- Revision and Adaptation. **Authored by**: Kris S. Seago. **License**: *CC BY: Attribution*

This page titled 2.3: Constitution Of Coahuila And Texas (1827) is shared under a CC BY 4.0 license and was authored, remixed, and/or curated by Lumen Learning.

2.4: Constitution of the Republic of Texas (1836)

The Constitution of the Republic of Texas (1836), the first Anglo-American constitution to govern Texas, was drafted by a convention of fifty-nine delegates who assembled at Washington-on-the-Brazos on March 1, 1836. A constitution was adopted by the convention fifteen days later and ratified by a vote of the people of the republic on the first Monday in September 1836.

The ever-present threat of attack by Mexican cavalry tended to stifle originality in the document. Almost of necessity the haste to complete their task led delegates to lift portions from the Constitution of the United States and from several contemporary state constitutions. The use of such models produced a document embodying some familiar features. Like the United States Constitution it was admirably brief (less than 6,500 words) and contained generous grants of power to state officials, especially the chief executive. Furthermore, great numbers of specific limitations and restrictions upon government often found in state constitutions of the time were avoided. Finally, the well-known words and phrases of older American constitutions were preserved, making understanding easier.

Typical American features included a short preamble; separation of the powers of government into three branches-legislative, executive, and judicial; checks and balances; slavery; citizenship, with “Africans, the descendents of Africans, and Indians excepted”; a Bill of Rights; male suffrage; and method of amendment. The legislature was bicameral, the two houses being the Senate and the House of Representatives. The executive resembled the American presidency, and the four-tiered judiciary system comprised justice, county, district, and supreme courts, of which the district courts were the most important.

Some of the constitution’s atypical provisions undoubtedly reflected Jacksonian ideas current in the states from which many delegates had come; fourteen, for example, came from Tennessee. Ministers and priests were declared ineligible to hold public office. Imprisonment for debt was abolished, and monopolies, primogeniture, and entailment were prohibited. Terms of office were short, ranging from one year for representatives to four years for some judges. Annual elections were required.

Among the most important provisions adapted from Spanish-Mexican law were community property, homestead exemptions and protections, and debtor relief. Contrary to common-law practice in the American states, Texas courts were not separated into distinct courts of law and equity.

The amending process was so complex that, although in the ten-year life span of the constitution several amendments were suggested, none was ever adopted. Amendments could be proposed in one session of Congress, referred to the next session for a second approval, and then submitted to a popular vote.

Of nearly paramount importance at the time of adoption were provisions relating to land. The document sought in many ways to protect the rights of people in the unoccupied lands of the republic, lands that were the main attraction to the immigrants who had come to Texas. In its “Schedule,” for example, the constitution affirmed “that all laws now in force in Texas…shall remain in full force.” Later, in the “General Provisions,” a citizen who had not received his land grant was guaranteed “one league and one labor of land” if the head of a family; single men over seventeen years were assured of “the third part of one league of land”; and orphan children “whose parents were entitled to land” were declared eligible for all property rights of their deceased parents. The constitution also sought to void all “unjust and fraudulent claims.”

Preference of the predominantly Anglo-American settlers for the legal system they had known “back in the states” is apparent in a provision that called for the introduction of the common law of England as early as practicable and declared it the rule to be used in deciding all criminal cases. Although the constitution of 1836 was a revolutionary document written and adopted in haste, it was a product of the social and economic conditions of the time as well as of the constitutional and legal heritage of Texas, the southern and western states, and the United States. Therefore, Anglo-Americans immigrating to the Republic of Texas found institutions of law and government in accord with their experience.

Contributors and Attributions

CC licensed content, Original

- Revision and Adaptation. **Authored by**: Kris S. Seago. **License**: *CC BY: Attribution*

This page titled 2.4: Constitution of the Republic of Texas (1836) is shared under a CC BY 4.0 license and was authored, remixed, and/or curated by Lumen Learning.

2.5: Constitution of 1845

The Constitution of 1845, which provided for the government of Texas as a state in the United States, was almost twice as long as the Constitution of the Republic of Texas. The framers, members of the Convention of 1845, drew heavily on the newly adopted Constitution of Louisiana and on the constitution drawn by the Convention of 1833 , but apparently used as a working model the Constitution of the republic for a general plan of government and bill of rights.

The legislative department was composed of a Senate of from nineteen to thirty-three members and a House of Representatives of from forty-five to ninety. Representatives, elected for two years, were required to have attained the age of twenty-one. Senators were elected for four years, one-half chosen biennially, all at least thirty years old. Legislators' compensation was set at three dollars a day for each day of attendance and three dollars for each twenty-five miles of travel to and from the capital. All bills for raising revenue had to originate in the House of Representatives. Austin was made the capital until 1850, after which the people were to choose a permanent seat of government. A census was ordered for each eighth year, following which adjustment of the legislative membership was to be made. Regular sessions were biennial. Ministers of the Gospel were ineligible to be legislators.

The governor's term was two years, and he was made ineligible for more than four years in any period of six years. He was required to be a citizen and a resident of Texas for at least three years before his election and to be at least thirty years of age. He could appoint the attorney general, secretary of state, and supreme and district court judges, subject to confirmation by the Senate; but the comptroller and treasurer were elected biennially by a joint session of the legislature. The governor could convene the legislature and adjourn it in case of disagreement between the two houses and was commander-in-chief of the militia. He could grant pardons and reprieves. His veto could be overruled by two-thirds of both houses.

The judiciary consisted of a Supreme Court, district courts, and such inferior courts as the legislature might establish, the judges of the higher courts being appointed by the governor for six-year terms. The Supreme Court was made up of three judges, any two of whom constituted a quorum. Supreme and district judges could be removed by the governor on address of two-thirds of both houses of the legislature for any cause that was not sufficient ground for impeachment. A district attorney for each district was elected by joint vote of both houses, to serve for two years. County officers were elected for two years by popular vote. The sheriff was not eligible to serve more than four years of any six. Trial by jury was extended to cases in equity as well as in civil and criminal law.

The longest article of the constitution was Article VII, on General Provisions. Most of its thirty-seven sections were limitations on the legislature. One section forbade the holding of office by any citizen who had ever participated in a duel. Bank corporations were prohibited, and the legislature was forbidden to authorize individuals to issue bills, checks, promissory notes, or other paper to circulate as money. The state debt was limited to $100,000, except in case of war, insurrection, or invasion. Equal and uniform taxation was required; income and occupation taxes might be levied; each family was to be allowed an exemption of $250 on household goods. A noteworthy section made exempt from forced sale any family homestead, not to exceed 200 acres of land or city property not exceeding $2,000 in value; the owner, if a married man, could not sell or trade the homestead except with the consent of his wife. Section XIX recognized the separate ownership by married women of all real and personal property owned before marriage or acquired afterwards by gift or inheritance. Texas was a pioneer state in providing for homestead protection and for recognition of community property.

In the article on education the legislature was directed to make suitable provision for support and maintenance of public schools, and 10 percent of the revenue from taxation was set aside as a Permanent School Fund. School lands were not to be sold for twenty years but could be leased, the income from the leases becoming a part of the Available School Fund. Land provisions of the Constitution of 1836 were reaffirmed, and the General Land Office was continued in operation.

By a two-thirds vote of each house an amendment to the constitution could be proposed. If a majority of the voters approved the amendment and two-thirds of both houses of the next legislature ratified it, the measure became a part of the constitution. Only one amendment was ever made to the Constitution of 1845. It was approved on January 16, 1850, and provided for the election of state officials formerly appointed by the governor or by the legislature.

The Constitution of 1845 has been the most popular of all Texas constitutions. Its straightforward, simple form prompted many national politicians, including Daniel Webster, to remark that the Texas constitution was the best of all of the state constitutions.

Though some men, including Webster, argued against the annexation of Texas, the constitution was accepted by the United States on December 29, 1845.

Contributors and Attributions

CC licensed content, Original

- Revision and Adaptation. **Authored by**: Kris S. Seago. **License**: *CC BY: Attribution*

This page titled 2.5: Constitution of 1845 is shared under a CC BY 4.0 license and was authored, remixed, and/or curated by Lumen Learning.

2.6: Constitution of 1861

After the Texas voters ratified secession from the Union on February 23, 1861, the Secession Convention reconvened. Convention delegates believed it their duty to direct the transition of Texas from a state in the United States to one of the Confederate States of America. As part of that duty they amended the Constitution of 1845. In most instances the wording of the older constitution was kept intact, but some changes were required to meet new circumstances. The words United States of America were replaced with Confederate States of America. Slavery and states' rights were more directly defended. A clause providing for emancipation of slaves was eliminated, and the freeing of slaves was declared illegal. All current state officials were required to take an oath of loyalty to the Confederacy, and all existing laws not in conflict with the constitutions of Texas or the Confederate States were declared valid. Amending the constitution was also made easier. This constitution was as remarkable for what it did not do as for what it did. It did not legalize the resumption of the African slave trade, a move advocated by some leaders of the secession movement. It did not take an extreme position on the issue of states' rights. It did not substantially change any important law. It was a conservative document partly designed to allay fears of the radical nature of the secessionists and to ease the transition of Texas into the Confederacy.

Contributors and Attributions

CC licensed content, Original

- Revision and Adaptation. **Authored by**: Kris S. Seago. **License**: *CC BY: Attribution*

This page titled 2.6: Constitution of 1861 is shared under a CC BY 4.0 license and was authored, remixed, and/or curated by Lumen Learning.

2.7: Constitution of 1866

The Constitutional Convention of 1866, in addition to other actions in compliance with presidential Reconstruction, proposed a series of amendments to the fundamental law, which came to be known as the Constitution of 1866. The governor's term was increased to four years and his salary from $3,000 to $4,000 a year. He was prohibited from serving more than eight years in any twelve-year period. For the first time the governor was given the item veto on appropriations. He was empowered to convene the legislature at some place other than the state capital should the capital become dangerous "by reason of disease or the public enemy." The comptroller and treasurer were elected by the voters to hold office for four years.

The Senate was set to number from nineteen to thirty-three members and the House from forty-five to ninety; legislators were required to be white men with a prior residence of five years in Texas. Terms of office were to remain the same as before, but salaries of legislators were raised from three dollars a day to eight dollars, and mileage was increased to eight dollars for each twenty-five miles. A census and reapportionment, based on the number of white citizens, was to be held every ten years.

The Supreme Court was increased from three judges to five, with a term of office of ten years and a salary of $4,500 a year. The chief justice was to be selected by the five justices on the court from their own number. District judges were elected for eight years at salaries of $3,500 a year. The attorney general was elected for four years with a salary of $3,000. Jurisdiction of all courts was specified in detail. A change was made in the method of constitutional revision in that a three-fourths majority of each house of the legislature was required to call a convention to propose changes in the constitution, and the approval of the governor was required.

Elaborate plans were made for a system of internal improvements and for a system of public education to be directed by a superintendent of public instruction. Separate schools were ordered organized for black children. Lands were set aside for the support of public schools, for the establishment and endowment of a university, and for the support of eleemosynary institutions. The legislature was empowered to levy a school tax. An election in June ratified the proposed amendments by a vote of 28,119 to 23,400; the small majority was attributed to dissatisfaction of many citizens with the increase in officials' salaries.

Contributors and Attributions

CC licensed content, Original

- Revision and Adaptation. **Authored by**: Kris S. Seago. **License**: *CC BY: Attribution*

This page titled 2.7: Constitution of 1866 is shared under a CC BY 4.0 license and was authored, remixed, and/or curated by Lumen Learning.

2.8: Constitution of 1869

The Constitutional Convention of 1868–69, called in compliance with the Congressional Reconstruction Acts of 1867, broke up without completing a constitution. Its work was gathered up under orders of the military officers, published as the Constitution of 1869, and accepted by the electorate. The preface of the bill of rights of the new document reflected the sentiments of its makers in its condemnation of nullification and secession. The Constitution of the United States was declared to be the supreme law. Slavery was forbidden, and the equality of all persons before the law was recognized. The House of Representatives was set at ninety members and the Senate at thirty. One-third of the senators were chosen biennially, and their term of office was increased from four to six years. Sessions were held annually.

The salary of the governor was increased to five thousand dollars a year. The attorney general and secretary of state were appointed by the governor; other officials were elected by the voters. The Supreme Court was reduced from five to three judges and the term reduced to nine years, one new judge to take office every third year. All judicial offices were appointive. All elections were held at the county seat and had to continue through four consecutive days. A poll tax was authorized; its receipts, along with the income from the school lands and one-fourth of the annual taxes, went to the school fund. The office of state superintendent of public instruction was continued, and school attendance was made compulsory. An immigration bureau was authorized; county and local government was outlined in detail; blacks were included as voters; homesteads were to be given gratis to actual settlers; mineral rights were released to landowners; the legislature was forbidden to grant divorces or authorize lotteries; all qualified voters were to be qualified jurors; and the legislature was permitted to prohibit the sale of liquor near colleges, except at county seats. Permission for the legislature to call a new constitutional convention was withheld, but the amendment procedure was unchanged.

This constitution, formulated under pressure from Washington, was disputed by a large constituency of Texans. Many felt that it was one of the longest and most unsatisfactory of Texas constitutions. Over the years, however, alternate interpretations have pointed out some positive goals that delegates tried to achieve such as the establishment of a common school system, centralized law enforcement, and broader civil rights. The programs, implemented by greater taxation, drew heavy criticism from many citizens, and though it may have laid some of the foundations for a strong educational system, as well as strengthening the branches of state government, the Constitution of 1869 sparked much controversy among political and social factions in Texas.

Contributors and Attributions

CC licensed content, Original

- Revision and Adaptation. **Authored by**: Kris S. Seago. **License**: *CC BY: Attribution*

This page titled 2.8: Constitution of 1869 is shared under a CC BY 4.0 license and was authored, remixed, and/or curated by Lumen Learning.

2.9: Constitution of 1876

Texas Democrats gained control of Congress in 1873 and decided it was time to draft a new constitution for Texas. The Texas Constitutional Convention of 1875 met in Austin with the purpose of replacing the Constitution of 1869- it was believed that the new constitution should restrict the state government and hand the power back to the people. Some examples of how the government was restricted were[1]:

- Legislative sessions moved from annual to biennial sessions
- Creation of a plural executive
- Mandated a balanced budget
- State Judges would be elected by the people
- The people would vote on the ratification of amendments

The structure of the current constitution of Texas (Constitution of 1876) is a Preamble, 17 Articles, and 491 Amendments (Since 2015)[2]. The Texas Constitution does not contain a "**necessary and proper clause**" like the U.S. Constitution, therefore making it the second longest state constitution in America (2nd only to Alabama's).

- Article 1: Bill of Rights
  - Similar civil liberties and civil rights as in the U.S. Constitution's Bill of Rights
- Article 2: The Powers of the Government
  - Establishes three branches of government with separation of powers
- Article 3: Legislative Department
  - Specifics about the Texas Legislator
- Article 4: Executive Department
  - Specifics about the plural executive
- Article 5: Judicial Department
  - Specifics about the Texas Judicial system
- Article 6: Suffrage
  - Forbids the following from voting:
    - any non US citizen
    - any non-registered Texas voter
    - any convicted felon who has not completed their sentence
    - any person deemed mentally incompetent by the courts
- Article 7: Education
  - Mandates an "efficient" free public school system
  - Established the Permanent School Fund
- Article 8: Taxation and Revenue
  - Places limits on the raising and spending of public funds
- Article 9: Counties
  - Authorizes the Texas Legislature to create county governments
- Article 10: Railroads
  - Regulated the railroad system
- Article 11: Municipal Corporations
  - Specifics regarding local governments, including empowering them to tax, and how to charter cities
- Article 12: Private Corporations
  - Specifics regarding private businesses, including how they would be regulated
- Article 13: Spanish and Mexican Land Titles

- Specifics on what which land with previous claims would become state property
- Article 14: Public Lands and Land Office
  - Established the Land Office which regulated land titles
- Article 15: Impeachment
  - Specifics on how to remove a public official from office
- Article 16: General Provisions
  - Miscellaneous regulations i.e. forbid Congress from printing money, forbid U.S. public officials from holding a state office
- Article 17: Mode of Amending the Constitution of this State
  - 2/3rds proposal from Congress
  - Registered voters vote on approval, and with a majority vote the amendment is ratified

The entire Texas Constitution can be accessed at http://www.constitution.legis.state.tx.us/

---

1. https://www.tsl.texas.gov/exhibits/forever/representation/page5.html ↵
2. http://www.constitution.legis.state.tx.us/ ↵

Contributors and Attributions

CC licensed content, Original

- Constitutions of Texas. **Authored by**: Daniel M. Regalado. **License**: *CC BY: Attribution*

This page titled 2.9: Constitution of 1876 is shared under a CC BY 4.0 license and was authored, remixed, and/or curated by Lumen Learning.

CHAPTER OVERVIEW

3: Federalism

3.1: Division of Powers
3.2: The Evolution of Federalism

This page titled 3: Federalism is shared under a CC BY 4.0 license and was authored, remixed, and/or curated by Lumen Learning.

3.1: Division of Powers

Learning Objectives

By the end of this section, you will be able to:

- Explain the concept of federalism
- Discuss the constitutional logic of federalism
- Identify the powers and responsibilities of federal, state, and local governments

Modern democracies divide governmental power in two general ways; some, like the United States, use a combination of both structures. The first and more common mechanism shares power among three branches of government—the legislature, the executive, and the judiciary. The second, federalism, apportions power between two levels of government: national and subnational. In the United States, the term ***federal government*** refers to the government at the national level, while the term ***states*** means governments at the subnational level.

Federalism Defined and Contrasted

Federalism is an institutional arrangement that creates two relatively autonomous levels of government, each possessing the capacity to act directly on behalf of the people with the authority granted to it by the national constitution.[1]

Although today's federal systems vary in design, five structural characteristics are common to the United States and other federal systems around the world, including Germany and Mexico.

First, all federal systems establish two levels of government, with both levels being elected by the people and each level assigned different functions. The national government is responsible for handling matters that affect the country as a whole, for example, defending the nation against foreign threats and promoting national economic prosperity. Subnational, or state governments, are responsible for matters that lie within their regions, which include ensuring the well-being of their people by administering education, health care, public safety, and other public services. By definition, a system like this requires that different levels of government cooperate, because the institutions at each level form an interacting network. In the U.S. federal system, all national matters are handled by the federal government, which is led by the president and members of Congress, all of whom are elected by voters across the country. All matters at the subnational level are the responsibility of the fifty states, each headed by an elected governor and legislature. Thus, there is a separation of functions between the federal and state governments, and voters choose the leader at each level.[2]

While each level of government is somewhat independent of the others, a great deal of interaction occurs among them. In fact, the ability of the federal and state governments to achieve their objectives often depends on the cooperation of the other level of government. For example, the federal government's efforts to ensure homeland security are bolstered by the involvement of law enforcement agents working at local and state levels. On the other hand, the ability of states to provide their residents with public education and health care is enhanced by the federal government's financial assistance.

The second characteristic common to all federal systems is a written national constitution that cannot be changed without the substantial consent of subnational governments. In the American federal system, the twenty-seven amendments added to the Constitution since its adoption were the result of an arduous process that required approval by two-thirds of both houses of Congress and three-fourths of the states. The main advantage of this supermajority requirement is that no changes to the Constitution can occur unless there is broad support within Congress and among states. The potential drawback is that numerous national amendment initiatives—such as the **Equal Rights Amendment** (ERA), which aims to guarantee equal rights regardless of sex—have failed because they cannot garner sufficient consent among members of Congress or, in the case of the ERA, the states.

Third, the constitutions of countries with federal systems formally allocate legislative, judicial, and executive authority to the two levels of government in such a way as to ensure each level some degree of autonomy from the other. Under the U.S. Constitution, the president assumes executive power, Congress exercises legislative powers, and the federal courts (e.g., U.S. district courts, appellate courts, and the Supreme Court) assume judicial powers. In each of the fifty states, a governor assumes executive

authority, a state legislature makes laws, and state-level courts (e.g., trial courts, intermediate appellate courts, and supreme courts) possess judicial authority.

Another common characteristic of federalism around the world is that national courts commonly resolve disputes between levels and departments of government. In the United States, conflicts between states and the federal government are adjudicated by federal courts, with the U.S. Supreme Court being the final arbiter. The resolution of such disputes can preserve the autonomy of one level of government, as illustrated recently when the Supreme Court ruled that states cannot interfere with the federal government's actions relating to immigration. [3]

In other instances, a Supreme Court ruling can erode that autonomy, as demonstrated in the 1940s when, in ***United States v. Wrightwood Dairy Co.***, the Court enabled the federal government to regulate commercial activities that occurred within states, a function previously handled exclusively by the states.[4]

Finally, subnational governments are always represented in the upper house of the national legislature, enabling regional interests to influence national lawmaking.[5]

In the American federal system, the U.S. Senate functions as a territorial body by representing the fifty states: Each state elects two senators to ensure equal representation regardless of state population differences. Thus, federal laws are shaped in part by state interests, which senators convey to the federal policymaking process.

Division of power can also occur via a unitary structure or confederation. In contrast to federalism, a **unitary system** makes subnational governments dependent on the national government, where significant authority is concentrated. Before the late 1990s, the United Kingdom's unitary system was centralized to the extent that the national government held the most important levers of power. Since then, power has been gradually decentralized through a process of **devolution**, leading to the creation of regional governments in Scotland, Wales, and Northern Ireland as well as the delegation of specific responsibilities to them. Other democratic countries with unitary systems, such as France, Japan, and Sweden, have followed a similar path of decentralization.

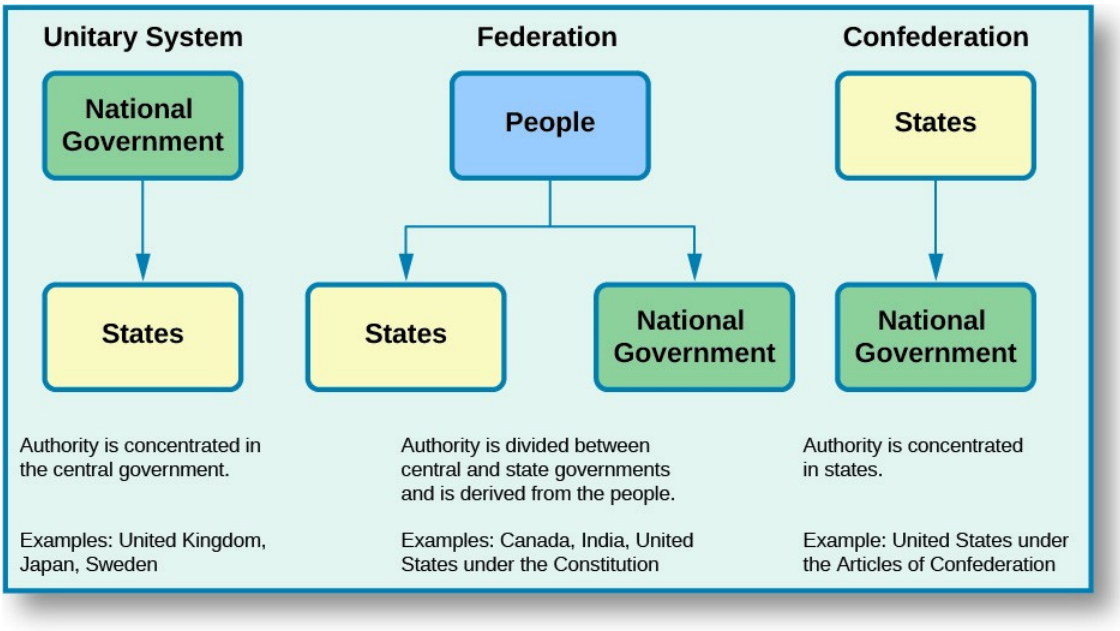


Figure 1. There are three general systems of government—unitary systems, federations, and confederations—each of which allocates power differently.

In a confederation, authority is decentralized, and the central government's ability to act depends on the consent of the subnational governments. Under the **Articles of Confederation** (the first constitution of the United States), states were sovereign and powerful while the national government was subordinate and weak. Because states were reluctant to give up any of their power, the national government lacked authority in the face of challenges such as servicing the war debt, ending commercial disputes among states, negotiating trade agreements with other countries, and addressing popular uprisings that were sweeping the country. As the brief

American experience with confederation clearly shows, the main drawback with this system of government is that it maximizes regional self-rule at the expense of effective national governance.

Federalism and the Constitution

The Constitution contains several provisions that direct the functioning of U.S. **federalism**. Some delineate the scope of national and state power, while others restrict it. The remaining provisions shape relationships among the states and between the states and the federal government.

The enumerated powers of the national legislature are found in Article I, Section 8. These powers define the jurisdictional boundaries within which the federal government has authority. In seeking not to replay the problems that plagued the young country under the Articles of Confederation, the Constitution's framers granted Congress specific powers that ensured its authority over national and foreign affairs. To provide for the general welfare of the populace, it can tax, borrow money, regulate interstate and foreign commerce, and protect property rights, for example. To provide for the common defense of the people, the federal government can raise and support armies and declare war. Furthermore, national integration and unity are fostered with the government's powers over the coining of money, naturalization, postal services, and other responsibilities.

The last clause of Article I, Section 8, commonly referred to as the **elastic clause** or the *necessary and proper cause*, enables Congress "to make all Laws which shall be necessary and proper for carrying" out its constitutional responsibilities. While the enumerated powers define the policy areas in which the national government has authority, the elastic clause allows it to create the legal means to fulfill those responsibilities. However, the open-ended construction of this clause has enabled the national government to expand its authority beyond what is specified in the Constitution, a development also motivated by the expansive interpretation of the *commerce clause*, which empowers the federal government to regulate interstate economic transactions.

The powers of the state governments were never listed in the original Constitution. The consensus among the framers was that states would retain any powers not prohibited by the Constitution or delegated to the national government.[6]

However, when it came time to ratify the Constitution, a number of states requested that an amendment be added explicitly identifying the reserved powers of the states. What these Anti-Federalists sought was further assurance that the national government's capacity to act directly on behalf of the people would be restricted, which the first ten amendments (**Bill of Rights**) provided. The **Tenth Amendment** affirms the states' reserved powers: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." Indeed, state constitutions had bills of rights, which the first Congress used as the source for the first ten amendments to the Constitution.

Some of the states' reserved powers are no longer exclusively within state domain, however. For example, since the 1940s, the federal government has also engaged in administering health, safety, income security, education, and welfare to state residents. The boundary between intrastate and interstate commerce has become indefinable as a result of broad interpretation of the commerce clause. Shared and overlapping powers have become an integral part of contemporary U.S. federalism. These **concurrent powers** range from taxing, borrowing, and making and enforcing laws to establishing court systems.[7]

Article I, Sections 9 and 10, along with several constitutional amendments, lay out the restrictions on federal and state authority. The most important restriction Section 9 places on the national government prevents measures that cause the deprivation of personal liberty. Specifically, the government cannot suspend the **writ of habeas corpus**, which enables someone in custody to petition a judge to determine whether that person's detention is legal; pass a **bill of attainder**, a legislative action declaring someone guilty without a trial; or enact an **ex post facto law**, which criminalizes an act retroactively. The Bill of Rights affirms and expands these constitutional restrictions, ensuring that the government cannot encroach on personal freedoms.



Figure 2. Constitutional powers and responsibilities are divided between the U.S. federal and state governments. The two levels of government also share concurrent powers.

The states are also constrained by the Constitution. Article I, Section 10, prohibits the states from entering into treaties with other countries, coining money, and levying taxes on imports and exports. Like the federal government, the states cannot violate personal freedoms by suspending the writ of habeas corpus, passing bills of attainder, or enacting ex post facto laws. Furthermore, the **Fourteenth Amendment**, ratified in 1868, prohibits the states from denying citizens the rights to which they are entitled by the Constitution, due process of law, or the equal protection of the laws. Lastly, three civil rights amendments—the Fifteenth, Nineteenth, and Twenty-Sixth—prevent both the states and the federal government from abridging citizens' right to vote based on race, sex, and age. This topic remains controversial because states have not always ensured equal protection.

The supremacy clause in **Article VI** of the Constitution regulates relationships between the federal and state governments by declaring that the Constitution and federal law are the supreme law of the land. This means that if a state law clashes with a federal law found to be within the national government's constitutional authority, the federal law prevails. The intent of the supremacy clause is not to subordinate the states to the federal government; rather, it affirms that one body of laws binds the country. In fact, all national and state government officials are bound by oath to uphold the Constitution regardless of the offices they hold. Yet enforcement is not always that simple. In the case of marijuana use, which the federal government defines to be illegal, twenty-three states and the District of Columbia have nevertheless established medical marijuana laws, others have decriminalized its recreational use, and four states have completely legalized it. The federal government could act in this area if it wanted to. For example, in addition to the legalization issue, there is the question of how to treat the money from marijuana sales, which the national government designates as drug money and regulates under laws regarding its deposit in banks.

Various constitutional provisions govern state-to-state relations. **Article IV**, Section 1, referred to as the **full faith and credit clause** or the *comity clause*, requires the states to accept court decisions, public acts, and contracts of other states. Thus, an adoption certificate or driver's license issued in one state is valid in any other state. The movement for marriage equality has put the full faith and credit clause to the test in recent decades. In light of ***Baehr v. Lewin***, a 1993 ruling in which the Hawaii Supreme Court asserted that the state's ban on same-sex marriage was unconstitutional, a number of states became worried that they would be required to recognize those marriage certificates.[8]

To address this concern, Congress passed and President Clinton signed the **Defense of Marriage Act** (DOMA) in 1996. The law declared that "No state (or other political subdivision within the United States) need recognize a marriage between persons of the

same sex, even if the marriage was concluded or recognized in another state." The law also barred federal benefits for same-sex partners.

DOMA clearly made the topic a state matter. It denoted a choice for states, which led many states to take up the policy issue of marriage equality. Scores of states considered legislation and ballot initiatives on the question. The federal courts took up the issue with zeal after the U.S. Supreme Court in ***United States v. Windsor*** struck down the part of DOMA that outlawed federal benefits. [9]

That move was followed by upwards of forty federal court decisions that upheld marriage equality in particular states. In 2014, the Supreme Court decided not to hear several key case appeals from a variety of states, all of which were brought by opponents of marriage equality who had lost in the federal courts. The outcome of not hearing these cases was that federal court decisions in four states were affirmed, which, when added to other states in the same federal circuit districts, brought the total number of states permitting same-sex marriage to thirty.[10]

Then, in 2015, the ***Obergefell v. Hodges*** case had a sweeping effect when the Supreme Court clearly identified a constitutional right to marriage based on the **Fourteenth Amendment**.[11]

The **privileges and immunities clause** of **Article IV** asserts that states are prohibited from discriminating against out-of-staters by denying them such guarantees as access to courts, legal protection, property rights, and travel rights. The clause has not been interpreted to mean there cannot be *any* difference in the way a state treats residents and non-residents. For example, individuals cannot vote in a state in which they do not reside, tuition at state universities is higher for out-of-state residents, and in some cases individuals who have recently become residents of a state must wait a certain amount of time to be eligible for social welfare benefits. Another constitutional provision prohibits states from establishing trade restrictions on goods produced in other states. However, a state can tax out-of-state goods sold within its borders as long as state-made goods are taxed at the same level.

The Distribution of Finances

Federal, state, and local governments depend on different sources of revenue to finance their annual expenditures. In 2014, total revenue (or receipts) reached $3.2 trillion for the federal government, $1.7 trillion for the states, and $1.2 trillion for local governments.[12]

Two important developments have fundamentally changed the allocation of revenue since the early 1900s. First, the ratification of the **Sixteenth Amendment** in 1913 authorized Congress to impose income taxes without apportioning it among the states on the basis of population, a burdensome provision that Article I, Section 9, had imposed on the national government.[13]

With this change, the federal government's ability to raise revenue significantly increased and so did its ability to spend.

The second development regulates federal grants, that is, transfers of federal money to state and local governments. These transfers, which do not have to be repaid, are designed to support the activities of the recipient governments, but also to encourage them to pursue federal policy objectives they might not otherwise adopt. The expansion of the federal government's spending power has enabled it to transfer more grant money to lower government levels, which has accounted for an increasing share of their total revenue.[14]

The sources of revenue for federal, state, and local governments are detailed in Figure 3. Although the data reflect 2013 results, the patterns we see in the figure give us a good idea of how governments have funded their activities in recent years. For the federal government, 47 percent of 2013 revenue came from individual income taxes and 34 percent from payroll taxes, which combine **Social Security** tax and **Medicare** tax.

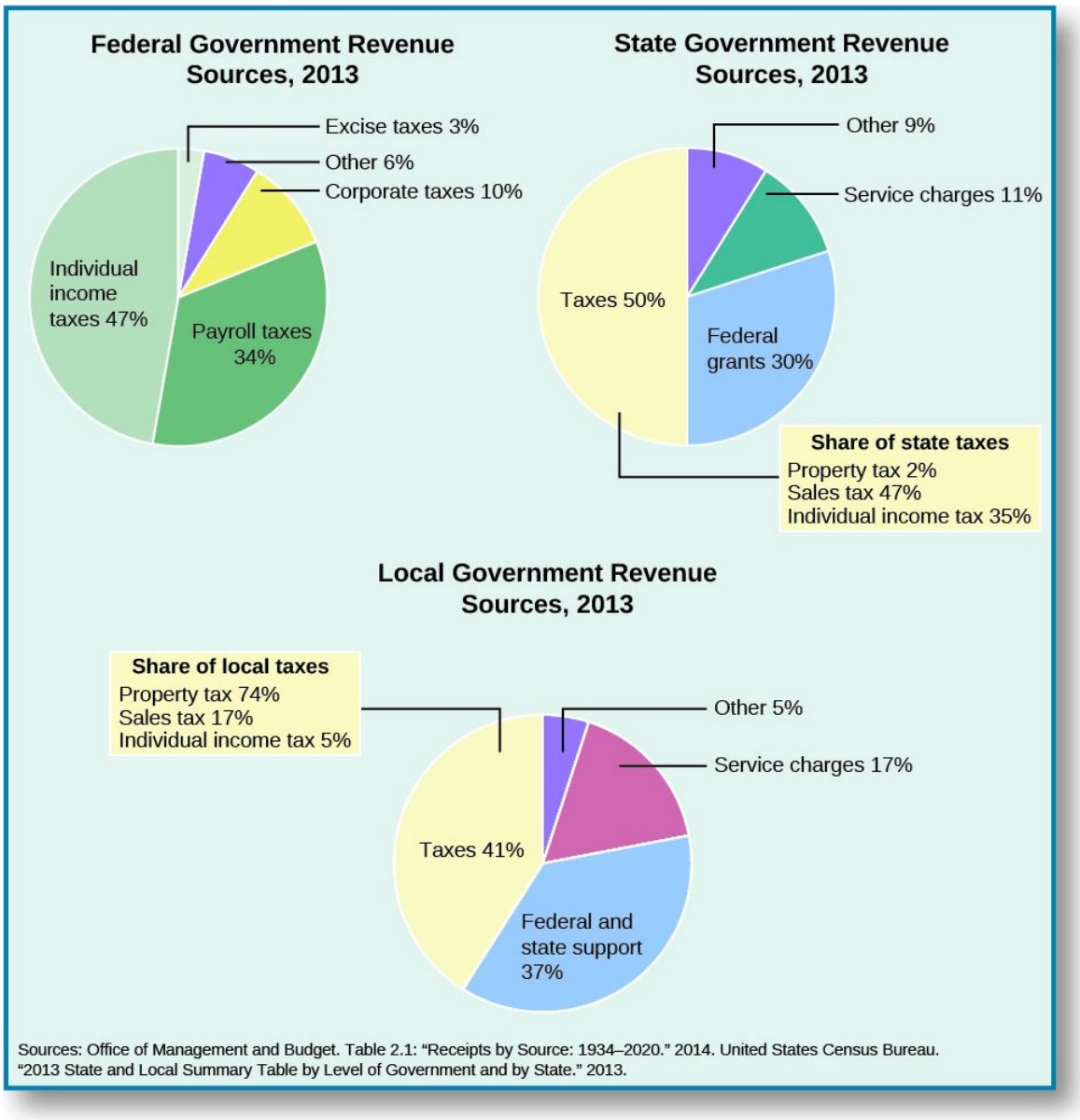


Figure 3. As these charts indicate, federal, state, and local governments raise revenue from different sources.

For state governments, 50 percent of revenue came from taxes, while 30 percent consisted of federal grants. Sales tax—which includes taxes on purchased food, clothing, alcohol, amusements, insurance, motor fuels, tobacco products, and public utilities, for example—accounted for about 47 percent of total tax revenue, and individual income taxes represented roughly 35 percent. Revenue from service charges (e.g., tuition revenue from public universities and fees for hospital-related services) accounted for 11 percent.

The tax structure of states varies. Alaska, Florida, Nevada, South Dakota, Texas, Washington, and Wyoming do not have individual income taxes. Figure 4 illustrates yet another difference: Fuel tax as a percentage of total tax revenue is much higher in South Dakota and West Virginia than in Alaska and Hawaii. However, most states have done little to prevent the erosion of the fuel tax's share of their total tax revenue between 2007 and 2014 (notice that for many states the dark blue dots for 2014 are to the *left* of the light blue numbers for 2007). Fuel tax revenue is typically used to finance state highway transportation projects, although some states do use it to fund non-transportation projects.

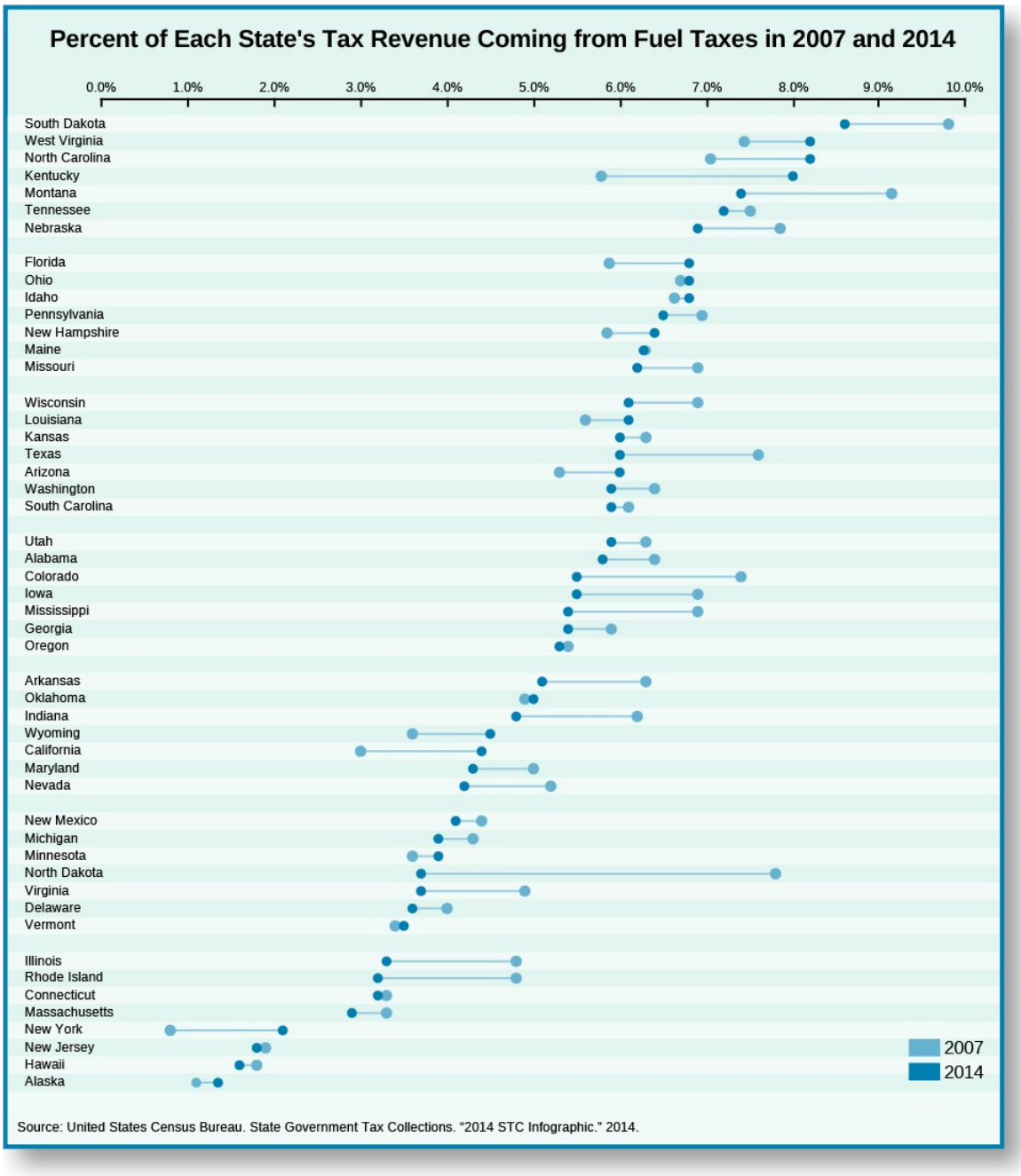


Figure 4. The fuel tax as a percentage of tax revenue varies greatly across states.

The most important sources of revenue for local governments in 2013 were taxes, federal and state grants, and service charges. For local governments the property tax, a levy on residential and commercial real estate, was the most important source of tax revenue, accounting for about 74 percent of the total. Federal and state grants accounted for 37 percent of local government revenue. State grants made up 87 percent of total local grants. Charges for hospital-related services, sewage and solid-waste management, public city university tuition, and airport services are important sources of general revenue for local governments.

Intergovernmental grants are important sources of revenue for both state and local governments. When economic times are good, such grants help states, cities, municipalities, and townships carry out their regular functions. However, during hard economic times, such as the **Great Recession** of 2007–2009, intergovernmental transfers provide much-needed fiscal relief as the revenue streams of state and local governments dry up. During the Great Recession, tax receipts dropped as business activities slowed,

consumer spending dropped, and family incomes decreased due to layoffs or work-hour reductions. To offset the adverse effects of the recession on the states and local governments, federal grants increased by roughly 33 percent during this period.[15]

In 2009, President Obama signed the **American Recovery and Reinvestment Act** (ARRA), which provided immediate economic-crisis management assistance such as helping local and state economies ride out the Great Recession and shoring up the country's banking sector. A total of $274.7 billion in grants, contracts, and loans was allocated to state and local governments under the ARRA.[16]

The bulk of the stimulus funds apportioned to state and local governments was used to create and protect existing jobs through public works projects and to fund various public welfare programs such as unemployment insurance.[17]

How are the revenues generated by our tax dollars, fees we pay to use public services and obtain licenses, and monies from other sources put to use by the different levels of government? A good starting point to gain insight on this question as it relates to the federal government is Article I, Section 8, of the Constitution. Recall, for instance, that the Constitution assigns the federal government various powers that allow it to affect the nation as a whole. A look at the federal budget in 2014 shows that the three largest spending categories were Social Security (24 percent of the total budget); Medicare, Medicaid, the Children's Health Insurance Program, and marketplace subsidies under the Affordable Care Act (24 percent); and defense and international security assistance (18 percent). The rest was divided among categories such as safety net programs (11 percent), including the Earned Income Tax Credit and Child Tax Credit, unemployment insurance, food stamps, and other low-income assistance programs; interest on federal debt (7 percent); benefits for federal retirees and veterans (8 percent); and transportation infrastructure (3 percent).[18]

It is clear from the 2014 federal budget that providing for the general welfare and national defense consumes much of the government's resources—not just its revenue, but also its administrative capacity and labor power.

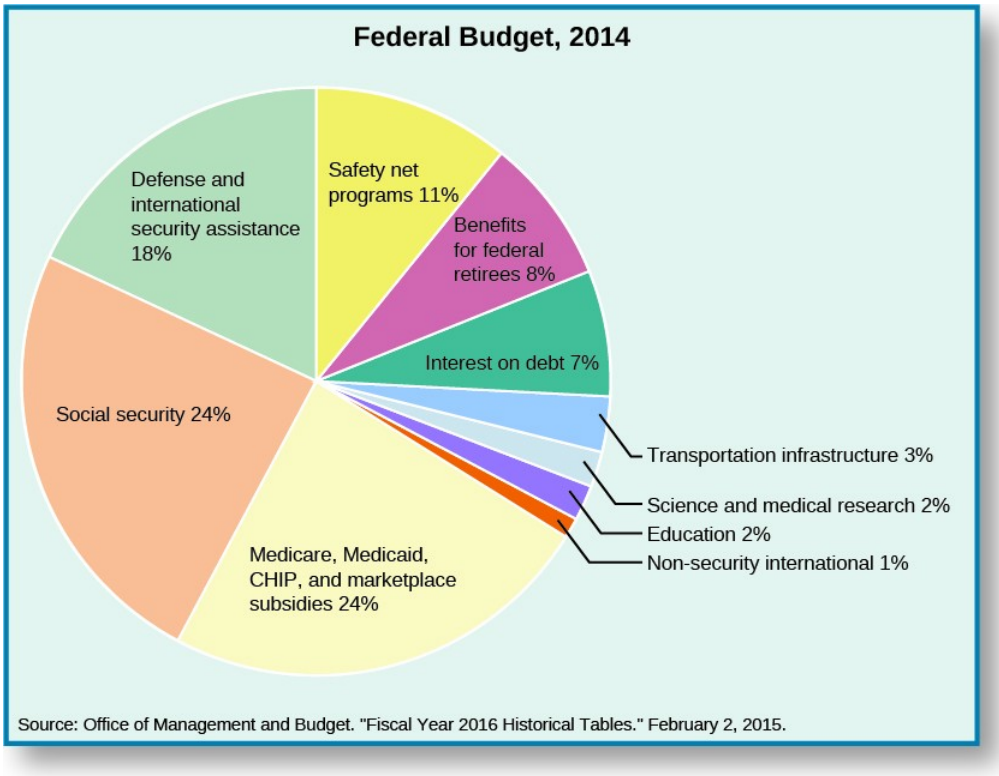


Figure 5. Approximately two-thirds of the federal budget is spent in just three categories: Social Security, health care and health insurance programs, and defense.

Figure 6 compares recent spending activities of local and state governments. Educational expenditures constitute a major category for both. However, whereas the states spend comparatively more than local governments on university education, local governments spend even more on elementary and secondary education. That said, nationwide, state funding for public higher

education has declined as a percentage of university revenues; this is primarily because states have taken in lower amounts of sales taxes as internet commerce has increased. Local governments allocate more funds to police protection, fire protection, housing and community development, and public utilities such as water, sewage, and electricity. And while state governments allocate comparatively more funds to public welfare programs, such as health care, income support, and highways, both local and state governments spend roughly similar amounts on judicial and legal services and correctional services.

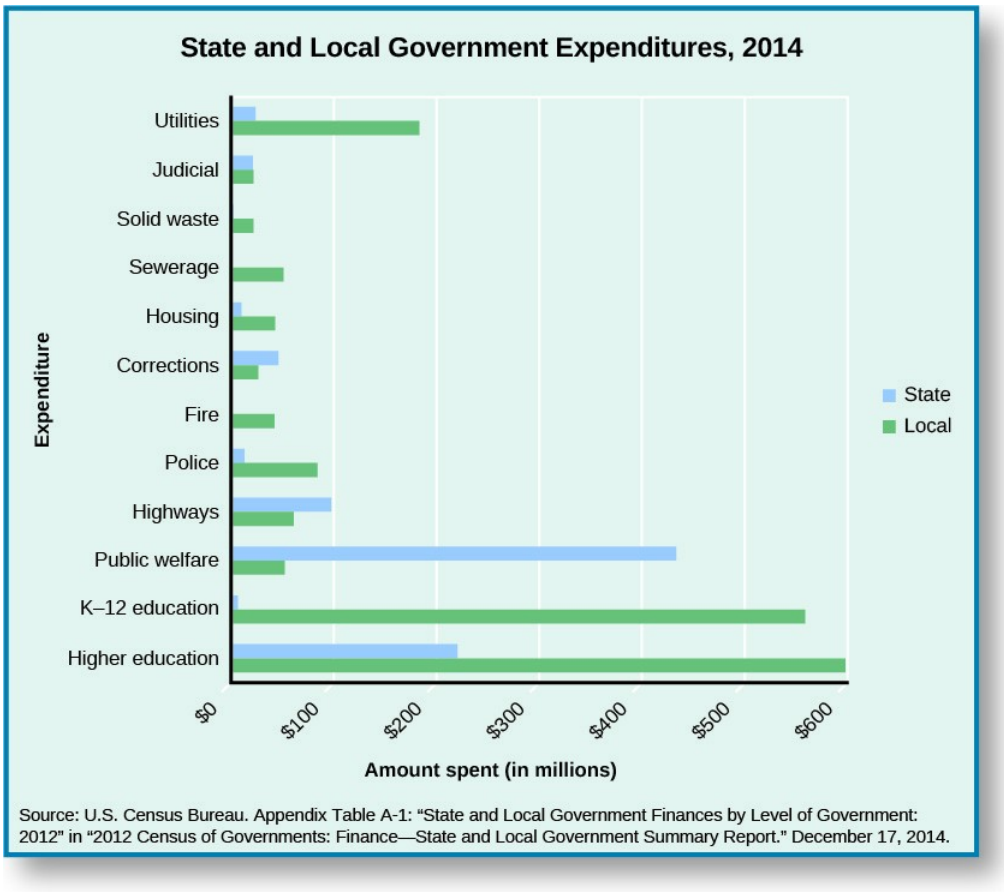


Figure 6. This list includes some of the largest expenditure items for state and local governments.

Federalism is a system of government that creates two relatively autonomous levels of government, each possessing authority granted to them by the national constitution. Federal systems like the one in the United States are different from unitary systems, which concentrate authority in the national government, and from confederations, which concentrate authority in subnational governments.

The U.S. Constitution allocates powers to the states and federal government, structures the relationship between these two levels of government, and guides state-to-state relationships. Federal, state, and local governments rely on different sources of revenue to enable them to fulfill their public responsibilities.

---

1. See John Kincaid. 1975. "Federalism." In *Civitas: A Framework for Civil Education*, eds. Charles Quigley and Charles Bahmueller. Calabasas, CA: Center for Civic Education, 391–392; William S. Riker. 1975. "Federalism." In *Handbook of Political Science*, eds. Fred Greenstein and Nelson Polsby. Reading, MA: Addison-Wesley, 93–172. ↵
2. Garry Willis, ed. 1982. *The Federalist Papers by Alexander Hamilton, James Madison and John Jay*. New York: Bantam Books, 237. ↵
3. *Arizona v. United States*, 567 U.S. __ (2012). ↵
4. *United States v. Wrightwood Dairy Co.*, 315 U.S. 110 (1942). ↵
5. Ronald L. Watts. 1999. *Comparing Federal Systems*, 2nd ed. Kingston, Ontario: McGill-Queen's University, 6–7; Daniel J. Elazar. 1992. *Federal Systems of the World: A Handbook of Federal, Confederal and Autonomy Arrangements*. Harlow, Essex:

Longman Current Affairs. ↵
6. Jack Rakove. 2007. *James Madison and the Creation of the American Republic*. New York: Pearson; Samuel H. Beer. 1998. *To Make a Nation: The Rediscovery of American Federalism*. Cambridge, MA: Harvard University Press. ↵
7. Elton E. Richter. 1929. "Exclusive and Concurrent Powers in the Federal Constitution," *Notre Dame Law Review* 4, No. 8: 513–542. http://scholarship.law.nd.edu/cgi/viewcontent.cgi?article=4416&context=ndlr↵
8. *Baehr v. Lewin*. 1993. 74 Haw. 530. ↵
9. *United States v. Windsor*, 570 U.S. __ (2013). ↵
10. Adam Liptak, "Supreme Court Delivers Tacit Win to Gay Marriage," *New York Times*, 6 October, 2014. ↵
11. *Obergefell v. Hodges*, 576 U.S. ___ (2015). ↵
12. Data reported by http://www.usgovernmentrevenue.com/federal_revenue. State and local government figures are estimated. ↵
13. *Pollock v. Farmers' Loan & Trust Co.*, 158 U.S. 601 (1895). ↵
14. See Robert Jay Dilger, "Federal Grants to State and Local Governments: A Historical Perspective on Contemporary Issues," *Congressional Research Service*, Report 7-5700, 5 March 2015. ↵
15. Jeffrey L. Barnett et al. 2014. *2012 Census of Governments: Finance-State and Local Government Summary Report*, Appendix Table A-1. December 17. Washington, DC: United States Census Bureau, 2. ↵
16. Dilger, "Federal Grants to State and Local Governments," 4. ↵
17. James Feyrer and Bruce Sacerdote. 2011. "Did the Stimulus Stimulate? Real Time Estimates of the Effects of the American Recovery and Reinvestment Act" (Working Paper No. 16759), Cambridge, MA: National Bureau of Economic Research. http://www.nber.org/papers/w16759.pdf↵
18. Data reported by the Center on Budget and Policy Priorities. 2015. "Policy Basics: Where Do Our Federal Tax Dollars Go?" March 11. http://www.cbpp.org/research/policy-basics-where-do-our-federal-tax-dollars-go↵

Contributors and Attributions

CC licensed content, Original

- Revision and Adaptation. **Authored by**: Daniel M. Regalado. **License**: *CC BY: Attribution*

CC licensed content, Shared previously

- American Government. **Authored by**: OpenStax. **Provided by**: OpenStax; Rice University. **Located at**: http://cnx.org/contents/5bcc0e59-7345-421d-8507-a1e4608685e8@18.11.. **License**: *CC BY: Attribution*. **License Terms**: Download for free at http://cnx.org/contents/5bcc0e59-734...608685e8@18.11.

This page titled 3.1: Division of Powers is shared under a CC BY 4.0 license and was authored, remixed, and/or curated by Lumen Learning.

3.2: The Evolution of Federalism

Learning Objectives

By the end of this section, you will be able to:

- Describe how federalism has evolved in the United States
- Compare different conceptions of federalism

The Constitution sketches a federal framework that aims to balance the forces of decentralized and centralized governance in general terms; it does not flesh out standard operating procedures that say precisely how the states and federal governments are to handle all policy contingencies imaginable. Therefore, officials at the state and national levels have had some room to maneuver as they operate within the Constitution's federal design. This has led to changes in the configuration of federalism over time, changes corresponding to different historical phases that capture distinct balances between state and federal authority.

The Struggle Between National Power and State Power

As George Washington's secretary of the treasury from 1789 to 1795, Alexander **Hamilton** championed legislative efforts to create a publicly chartered bank. For Hamilton, the establishment of the **Bank of the United States** was fully within Congress's authority, and he hoped the bank would foster economic development, print and circulate paper money, and provide loans to the government. Although Thomas **Jefferson**, Washington's secretary of state, staunchly opposed Hamilton's plan on the constitutional grounds that the national government had no authority to create such an instrument, Hamilton managed to convince the reluctant president to sign the legislation.[1]

When the bank's charter expired in 1811, **Jeffersonian Democratic-Republicans** prevailed in blocking its renewal. However, the fiscal hardships that plagued the government during the **War of 1812**, coupled with the fragility of the country's financial system, convinced Congress and then-president James **Madison** to create the **Second Bank of the United States** in 1816. Many states rejected the Second Bank, arguing that the national government was infringing upon the states' constitutional jurisdiction.

A political showdown between Maryland and the national government emerged when James McCulloch, an agent for the Baltimore branch of the Second Bank, refused to pay a tax that Maryland had imposed on all out-of-state chartered banks. The standoff raised two constitutional questions: Did Congress have the authority to charter a national bank? Were states allowed to tax federal property? In ***McCulloch v. Maryland***, Chief Justice John **Marshall** argued that Congress could create a national bank even though the Constitution did not expressly authorize it.[2]

Under the necessary and proper clause of **Article I**, Section 8, the Supreme Court asserted that Congress could establish "all means which are appropriate" to fulfill "the legitimate ends" of the Constitution. In other words, the bank was an appropriate instrument that enabled the national government to carry out several of its enumerated powers, such as regulating interstate commerce, collecting taxes, and borrowing money.

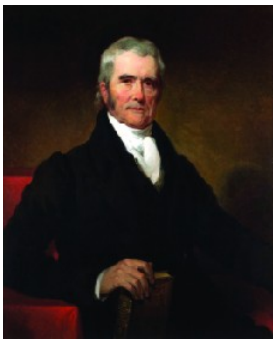


Figure 1. Chief Justice John Marshall, shown here in a portrait by Henry Inman, was best known for the principle of judicial review established in Marbury v. Madison (1803),

which reinforced the influence and independence of the judiciary branch of the U.S. government.

This ruling established the doctrine of implied powers, granting Congress a vast source of discretionary power to achieve its constitutional responsibilities. The Supreme Court also sided with the federal government on the issue of whether states could tax federal property. Under the supremacy clause of **Article VI**, legitimate national laws trump conflicting state laws. As the court observed, "the government of the Union, though limited in its powers, is supreme within its sphere of action and its laws, when made in pursuance of the constitution, form the supreme law of the land." Maryland's action violated national supremacy because "the power to tax is the power to destroy." This second ruling established the principle of national supremacy, which prohibits states from meddling in the lawful activities of the national government.

Defining the scope of national power was the subject of another landmark Supreme Court decision in 1824. In ***Gibbons v. Ogden***, the court had to interpret the commerce clause of **Article I**, Section 8; specifically, it had to determine whether the federal government had the sole authority to regulate the licensing of steamboats operating between New York and New Jersey.[3]

Aaron Ogden, who had obtained an exclusive license from New York State to operate steamboat ferries between New York City and New Jersey, sued Thomas Gibbons, who was operating ferries along the same route under a coasting license issued by the federal government. Gibbons lost in New York state courts and appealed. Chief Justice **Marshall** delivered a two-part ruling in favor of Gibbons that strengthened the power of the national government. First, interstate commerce was interpreted broadly to mean "commercial intercourse" among states, thus allowing Congress to regulate navigation. Second, because the federal **Licensing Act** of 1793, which regulated coastal commerce, was a constitutional exercise of Congress's authority under the commerce clause, federal law trumped the New York State license-monopoly law that had granted Ogden an exclusive steamboat operating license. As Marshall pointed out, "the acts of New York must yield to the law of Congress."[4]

Various states railed against the nationalization of power that had been going on since the late 1700s. When President John **Adams** signed the **Sedition Act** in 1798, which made it a crime to speak openly against the government, the Kentucky and Virginia legislatures passed resolutions declaring the act null on the grounds that they retained the discretion to follow national laws. In effect, these resolutions articulated the legal reasoning underpinning the doctrine of **nullification**—that states had the right to reject national laws they deemed unconstitutional.[5]

A nullification crisis emerged in the 1830s over President Andrew Jackson's tariff acts of 1828 and 1832. Led by John **Calhoun**, President Jackson's vice president, nullifiers argued that high tariffs on imported goods benefited northern manufacturing interests while disadvantaging economies in the South. South Carolina passed an **Ordinance of Nullification** declaring both tariff acts null and void and threatened to leave the Union. The federal government responded by enacting the **Force Bill** in 1833, authorizing President **Jackson** to use military force against states that challenged federal tariff laws. The prospect of military action coupled with the passage of the **Compromise Tariff Act** of 1833 (which lowered tariffs over time) led South Carolina to back off, ending the nullification crisis.

The ultimate showdown between national and state authority came during the **Civil War**. Prior to the conflict, in ***Dred Scott v. Sandford***, the Supreme Court ruled that the national government lacked the authority to ban slavery in the territories.[6]

But the election of President Abraham **Lincoln** in 1860 led eleven southern states to secede from the United States because they believed the new president would challenge the institution of slavery. What was initially a conflict to preserve the Union became a conflict to end slavery when Lincoln issued the **Emancipation Proclamation** in 1863, freeing all slaves in the rebellious states. The defeat of the South had a huge impact on the balance of power between the states and the national government in two important ways. First, the Union victory put an end to the right of states to secede and to challenge legitimate national laws. Second, Congress imposed several conditions for readmitting former Confederate states into the Union; among them was ratification of the Fourteenth and **Fifteenth Amendment**s. In sum, after the Civil War the power balance shifted toward the national government, a movement that had begun several decades before with ***McCulloch v. Maryland*** (1819) and ***Gibbons v. Odgen*** (1824).

The period between 1819 and the 1860s demonstrated that the national government sought to establish its role within the newly created federal design, which in turn often provoked the states to resist as they sought to protect their interests. With the exception of the Civil War, the Supreme Court settled the power struggles between the states and national government. From a historical

perspective, the national supremacy principle introduced during this period did not so much narrow the states' scope of constitutional authority as restrict their encroachment on national powers.[7]

Dual Federalism

The late 1870s ushered in a new phase in the evolution of U.S. federalism. Under **dual federalism**, the states and national government exercise exclusive authority in distinctly delineated spheres of jurisdiction. Like the layers of a cake, the levels of government do not blend with one another but rather are clearly defined. Two factors contributed to the emergence of this conception of federalism. First, several Supreme Court rulings blocked attempts by both state and federal governments to step outside their jurisdictional boundaries. Second, the prevailing economic philosophy at the time loathed government interference in the process of industrial development.

Industrialization changed the socioeconomic landscape of the United States. One of its adverse effects was the concentration of market power. Because there was no national regulatory supervision to ensure fairness in market practices, collusive behavior among powerful firms emerged in several industries.[8]

To curtail widespread anticompetitive practices in the railroad industry, Congress passed the **Interstate Commerce Act** in 1887, which created the Interstate Commerce Commission. Three years later, national regulatory capacity was broadened by the **Sherman Antitrust Act** of 1890, which made it illegal to monopolize or attempt to monopolize and conspire in restraining commerce (Figure 03_02_Commerce). In the early stages of industrial capitalism, federal regulations were focused for the most part on promoting market competition rather than on addressing the social dislocations resulting from market operations, something the government began to tackle in the 1930s.[9]



(a)



(b)

Puck, a humor magazine published from 1871 to 1918, satirized political issues of the day such as federal attempts to regulate commerce and prevent monopolies. "'Will you walk into my parlor?' said the spider to the fly" (a) by Udo Keppler depicts a spider labeled "Interstate Commerce Commission" capturing a large fly in a web labeled "The Law" while "Plague take it! Why doesn't it stay down when I hit it?" (b), also drawn by Keppler, shows President William Howard Taft and his attorney general, George W. Wickersham, trying to beat a "Monopoly" into submission with a stick labeled "Sherman Law."

The new federal regulatory regime was dealt a legal blow early in its existence. In 1895, in ***United States v. E. C. Knight***, the Supreme Court ruled that the national government lacked the authority to regulate manufacturing.[10]

The case came about when the government, using its regulatory power under the Sherman Act, attempted to override American Sugar's purchase of four sugar refineries, which would give the company a commanding share of the industry. Distinguishing between commerce among states and the production of goods, the court argued that the national government's regulatory authority applied only to commercial activities. If manufacturing activities fell within the purview of the commerce clause of the Constitution, then "comparatively little of business operations would be left for state control," the court argued.

In the late 1800s, some states attempted to regulate working conditions. For example, New York State passed the **Bakeshop Act** in 1897, which prohibited bakery employees from working more than sixty hours in a week. In ***Lochner v. New York***, the Supreme Court ruled this state regulation that capped work hours unconstitutional, on the grounds that it violated the due process clause of the Fourteenth Amendment.[11]

In other words, the right to sell and buy labor is a "liberty of the individual" safeguarded by the Constitution, the court asserted. The federal government also took up the issue of working conditions, but that case resulted in the same outcome as in the *Lochner* case.[12]

Cooperative Federalism

The **Great Depression** of the 1930s brought economic hardships the nation had never witnessed before. Between 1929 and 1933, the national unemployment rate reached 25 percent, industrial output dropped by half, stock market assets lost more than half their value, thousands of banks went out of business, and the gross domestic product shrunk by one-quarter.[13]

Given the magnitude of the economic depression, there was pressure on the national government to coordinate a robust national response along with the states.



A line outside a Chicago soup kitchen in 1931, in the midst of the Great Depression. The sign above reads "Free Soup, Coffee, and Doughnuts for the Unemployed."

Cooperative federalism was born of necessity and lasted well into the twentieth century as the national and state governments each found it beneficial. Under this model, both levels of government coordinated their actions to solve national problems, such as the Great Depression and the civil rights struggle of the following decades. In contrast to dual federalism, it erodes the jurisdictional boundaries between the states and national government, leading to a blending of layers as in a marble cake. The era of cooperative federalism contributed to the gradual incursion of national authority into the jurisdictional domain of the states, as well as the expansion of the national government's power in concurrent policy areas.[14]

The **New Deal** programs President Franklin D. **Roosevelt** proposed as a means to tackle the Great Depression ran afoul of the dual-federalism mindset of the justices on the Supreme Court in the 1930s. The court struck down key pillars of the New Deal—the **National Industrial Recovery Act** and the **Agricultural Adjustment Act**, for example—on the grounds that the federal

government was operating in matters that were within the purview of the states. The court's obstructionist position infuriated Roosevelt, leading him in 1937 to propose a court-packing plan that would add one new justice for each one over the age of seventy, thus allowing the president to make a maximum of six new appointments. Before Congress took action on the proposal, the Supreme Court began leaning in support of the New Deal as Chief Justice Charles Evans **Hughes** and Justice Owen **Roberts** changed their view on federalism.[15]

In ***National Labor Relations Board (NLRB) v. Jones and Laughlin Steel***,[16] for instance, the Supreme Court ruled the **National Labor Relations Act** of 1935 constitutional, asserting that Congress can use its authority under the commerce clause to regulate both manufacturing activities and labor-management relations. The New Deal changed the relationship Americans had with the national government. Before the **Great Depression**, the government offered little in terms of financial aid, social benefits, and economic rights. After the New Deal, it provided old-age pensions (Social Security), unemployment insurance, agricultural subsidies, protections for organizing in the workplace, and a variety of other public services created during Roosevelt's administration.

In the 1960s, President Lyndon **Johnson**'s administration expanded the national government's role in society even more. **Medicaid** (which provides medical assistance to the indigent), **Medicare** (which provides health insurance to the elderly and disabled), and school nutrition programs were created. The **Elementary and Secondary Education Act** (1965), the **Higher Education Act** (1965), and the **Head Start** preschool program (1965) were established to expand educational opportunities and equality. The **Clean Air Act** (1965), the **Highway Safety Act** (1966), and the **Fair Packaging and Labeling Act** (1966) promoted environmental and consumer protection. Finally, laws were passed to promote urban renewal, public housing development, and affordable housing. In addition to these Great Society programs, the **Civil Rights Act** (1964) and the **Voting Rights Act** (1965) gave the federal government effective tools to promote civil rights equality across the country.



(a)



(b)

Lady Bird Johnson, the First Lady, reads to students enrolled in Head Start (a) at the Kemper School in Washington, DC, on March 19, 1966. President Obama visits a Head Start classroom (b) in Lawrence, Kansas, on January 22, 2015.

While the era of cooperative federalism witnessed a broadening of federal powers in concurrent and state policy domains, it is also the era of a deepening coordination between the states and the federal government in Washington. Nowhere is this clearer than with respect to the social welfare and social insurance programs created during the New Deal and Great Society eras, most of which are administered by both state and federal authorities and are jointly funded. The **Social Security Act** of 1935, which created federal subsidies for state-administered programs for the elderly; people with handicaps; dependent mothers; and children, gave state and local officials wide discretion over eligibility and benefit levels. The unemployment insurance program, also created by the Social Security Act, requires states to provide jobless benefits, but it allows them significant latitude to decide the level of tax to impose on businesses in order to fund the program as well as the duration and replacement rate of unemployment benefits. A similar multilevel division of labor governs Medicaid and Children's Health Insurance.[17]

Thus, the era of cooperative federalism left two lasting attributes on federalism in the United States. First, a nationalization of politics emerged as a result of federal legislative activism aimed at addressing national problems such as marketplace inefficiencies, social and political inequality, and poverty. The nationalization process expanded the size of the federal administrative apparatus and increased the flow of federal grants to state and local authorities, which have helped offset the financial costs of maintaining a host of New Deal- and Great Society–era programs. The second lasting attribute is the flexibility

that states and local authorities were given in the implementation of federal social welfare programs. One consequence of administrative flexibility, however, is that it has led to cross-state differences in the levels of benefits and coverage.[18]

New Federalism

During the administrations of Presidents Richard **Nixon** (1969–1974) and Ronald **Reagan** (1981–1989), attempts were made to reverse the process of nationalization—that is, to restore states' prominence in policy areas into which the federal government had moved in the past. **New federalism** is premised on the idea that the decentralization of policies enhances administrative efficiency, reduces overall public spending, and improves policy outcomes. During Nixon's administration, **general revenue sharing** programs were created that distributed funds to the state and local governments with minimal restrictions on how the money was spent. The election of Ronald Reagan heralded the advent of a "devolution revolution" in U.S. federalism, in which the president pledged to return authority to the states according to the Constitution. In the **Omnibus Budget Reconciliation Act** of 1981, congressional leaders together with President Reagan consolidated numerous federal grant programs related to social welfare and reformulated them in order to give state and local administrators greater discretion in using federal funds.[19]

However, Reagan's track record in promoting new federalism was inconsistent. This was partly due to the fact that the president's devolution agenda met some opposition from Democrats in Congress, moderate Republicans, and interest groups, preventing him from making further advances on that front. For example, his efforts to completely devolve Aid to Families With Dependent Children (a New Deal-era program) and food stamps (a Great Society-era program) to the states were rejected by members of Congress, who feared states would underfund both programs, and by members of the National Governors' Association, who believed the proposal would be too costly for states. Reagan terminated general revenue sharing in 1986.[20]

Several Supreme Court rulings also promoted new federalism by hemming in the scope of the national government's power, especially under the commerce clause. For example, in ***United States v. Lopez***, the court struck down the **Gun-Free School Zones Act** of 1990, which banned gun possession in school zones.[21]

It argued that the regulation in question did not "substantively affect interstate commerce." The ruling ended a nearly sixty-year period in which the court had used a broad interpretation of the commerce clause that by the 1960s allowed it to regulate numerous local commercial activities.[22]

However, many would say that the years since the 9/11 attacks have swung the pendulum back in the direction of central federal power. The creation of the **Department of Homeland Security** federalized disaster response power in Washington, and the **Transportation Security Administration** was created to federalize airport security. Broad new federal policies and mandates have also been carried out in the form of the Faith-Based Initiative and **No Child Left Behind** (during the George W. Bush administration) and the **Affordable Care Act** (during Barack Obama's administration).

Cooperative Federalism versus New Federalism

Morton **Grodzins** coined the cake analogy of federalism in the 1950s while conducting research on the evolution of American federalism. Until then most scholars had thought of federalism as a layer cake, but according to Grodzins the 1930s ushered in "marble-cake federalism": "The American form of government is often, but erroneously, symbolized by a three-layer cake. A far more accurate image is the rainbow or marble cake, characterized by an inseparable mingling of differently colored ingredients, the colors appearing in vertical and diagonal strands and unexpected whirls. As colors are mixed in the marble cake, so functions are mixed in the American federal system."[23]

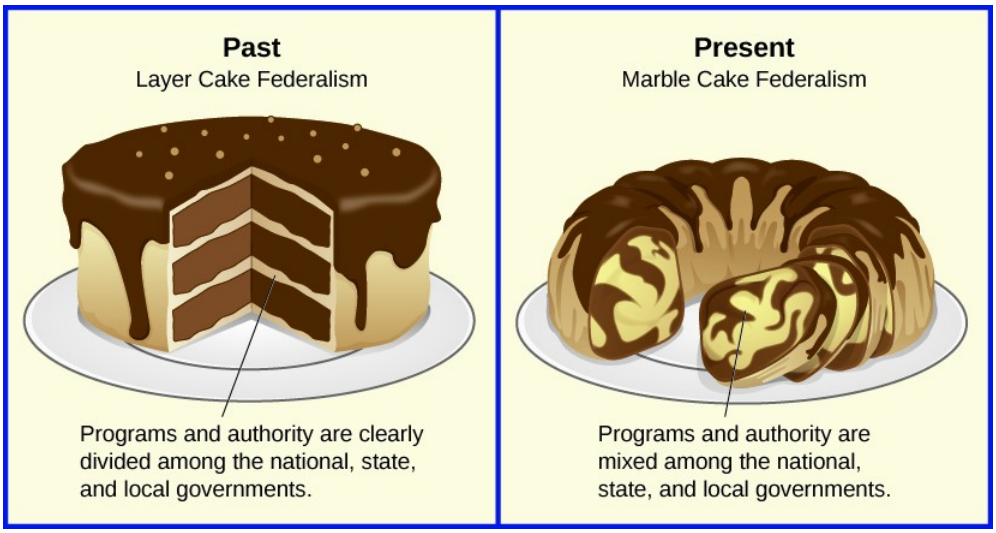


Figure 5. Morton Grodzins, a professor of political science at the University of Chicago, coined the expression “marble-cake federalism” in the 1950s to explain the evolution of federalism in the United States.

Cooperative federalism has several merits:

- Because state and local governments have varying fiscal capacities, the national government’s involvement in state activities such as education, health, and social welfare is necessary to ensure some degree of uniformity in the provision of public services to citizens in richer and poorer states.
- The problem of collective action, which dissuades state and local authorities from raising regulatory standards for fear they will be disadvantaged as others lower theirs, is resolved by requiring state and local authorities to meet minimum federal standards (e.g., minimum wage and air quality).
- Federal assistance is necessary to ensure state and local programs (e.g., water and air pollution controls) that generate positive externalities are maintained. For example, one state’s environmental regulations impose higher fuel prices on its residents, but the externality of the cleaner air they produce benefits neighboring states. Without the federal government’s support, this state and others like it would underfund such programs.

New federalism has advantages as well:

- Because there are economic, demographic, social, and geographical differences among states, one-size-fits-all features of federal laws are suboptimal. Decentralization accommodates the diversity that exists across states.
- By virtue of being closer to citizens, state and local authorities are better than federal agencies at discerning the public’s needs.
- Decentralized federalism fosters a marketplace of innovative policy ideas as states compete against each other to minimize administrative costs and maximize policy output.

Federalism in the United States has gone through several phases of evolution during which the relationship between the federal and state governments has varied. In the era of dual federalism, both levels of government stayed within their own jurisdictional spheres. During the era of cooperative federalism, the federal government became active in policy areas previously handled by the states. The 1970s ushered in an era of new federalism and attempts to decentralize policy management.

---

1. The Lehrman Institute. “The Founding Trio: Washington, Hamilton and Jefferson.” http://lehrmaninstitute.org/history/FoundingTrio.asp↵
2. *McCulloch v. Maryland*, 17 U.S. 316 (1819). ↵
3. *Gibbons v. Ogden*, 22 U.S. 1 (1824). ↵
4. *Gibbons v. Ogden*, 22 U.S. 1 (1824). ↵
5. W. Kirk Wood. 2008. *Nullification, A Constitutional History, 1776–1833*. Lanham, MD: University Press of America. ↵
6. *Dred Scott v. Sandford*, 60 U.S. 393 (1857). ↵
7. Joseph R. Marbach, Troy E. Smith, and Ellis Katz. 2005. *Federalism in America: An Encyclopedia*. Westport, CT: Greenwood Publishing. ↵

8. Marc Allen Eisner. 2014. *The American Political Economy: Institutional Evolution of Market and State*. New York: Routledge. ↵
9. Eisner, *The American Political Economy*; Stephen Skowronek. 1982. *Building a New American State: The Expansion of National Administrative Capacities, 1877–1920*. Cambridge, MA: Cambridge University Press. ↵
10. *United States v. E. C. Knight*, 156 U.S. 1 (1895). ↵
11. *Lochner v. New York*, 198 U.S. 45 (1905). ↵
12. *Hammer v. Dagenhart*, 247 U.S. 251 (1918). ↵
13. Nicholas Crafts and Peter Fearon. 2010. "Lessons from the 1930s Great Depression," *Oxford Review of Economic Policy* 26: 286–287; Gene Smiley. "The Concise Encyclopedia of Economics: Great Depression." http://www.econlib.org/library/Enc/GreatDepression.html↵
14. Marbach et al, *Federalism in America: An Encyclopedia*. ↵
15. Jeff Shesol. 2010. *Supreme Power: Franklin Roosevelt vs. The Supreme Court*. New York: W. W. Norton. ↵
16. *National Labor Relations Board (NLRB) v. Jones & Laughlin Steel*, 301 U.S. 1 (1937). ↵
17. Lawrence R. Jacobs and Theda Skocpol. 2014. "Progressive Federalism and the Contested Implemented of Obama's Health Reform," In *The Politics of Major Policy Reform in Postwar America*, eds. Jeffrey A. Jenkins and Sidney M. Milkis. New York: Cambridge University Press. ↵
18. R. Kent Weaver. 2000. *Ending Welfare as We Know It*. Washington, DC: The Brookings Institution. ↵
19. Enter your footnote content here. ↵
20. Dilger, "Federal Grants to State and Local Governments," 30–31. ↵
21. *United States v. Lopez*, 514 U.S. 549 (1995). ↵
22. See *Printz v. United States*, 521 U.S. 898 (1997). ↵
23. Morton Grodzins. 2004. "The Federal System." In *American Government Readings and Cases*, ed. P. Woll. New York: Pearson Longman, 74–78. ↵

Contributors and Attributions

CC licensed content, Original

- Revision and Adaptation. **Authored by**: Daniel M. Regalado. **License**: *CC BY: Attribution*

CC licensed content, Shared previously

- American Government. **Authored by**: OpenStax. **Provided by**: OpenStax; Rice University. **Located at**: http://cnx.org/contents/5bcc0e59-7345-421d-8507-a1e4608685e8@18.11.. **License**: *CC BY: Attribution*. **License Terms**: Download for free at http://cnx.org/contents/5bcc0e59-734...608685e8@18.11.

This page titled 3.2: The Evolution of Federalism is shared under a CC BY 4.0 license and was authored, remixed, and/or curated by Lumen Learning.

CHAPTER OVERVIEW

4: Political Learning

4.1: Political Socialization

4.2: Political Ideology

4.3: Public Opinion

This page titled 4: Political Learning is shared under a CC BY 4.0 license and was authored, remixed, and/or curated by Lumen Learning.

4.1: Political Socialization

Learning Objectives

By the end of this section, you will be able to:

- Define political socialization
- Understand the agents of socialization
- Understand the influence of the mass media on political socialization
- Understand that socialization is long-lasting and relatively homogenous

Definition

Political socialization is the "process by which individuals learn and frequently internalize a political lens framing their perceptions of how power is arranged and how the world around them is (and should be) organized; those perceptions, in turn, shape and define individuals' definitions of who they are and how they should behave in the political and economic institutions in which they live."

Political socialization also encompasses the way in which people acquire values and opinions that shape their political stance and ideology: it is a "study of the developmental processes by which people of all ages and adolescents acquire political cognition, attitudes, and behaviors." It refers to a learning process by which norms and behaviors acceptable to a well running political system are transmitted from one generation to another. It is through the performance of this function that individuals are inducted into the political culture and their orientations towards political objects are formed. Schools, media, and the state have a major influence in this process.

This section explores the agents of socialization and takes a deeper look at the influence of mass media on political socialization.

Agents of Political Socialization

Agents of socialization, sometimes referred to as institutions, work together to influence and shape people's political and economic norms and values. Such institutions include, but are not limited to: families, media, peers, schools, religions, work and legal systems.

1. **Family**: Families perpetuate values that support political authorities and can heavily contribute to children's initial political ideological views, or party affiliations. Families have an effect on "political knowledge, identification, efficacy, and participation", depending on variables such as "family demographics, life cycle, parenting style, parental level of political cynicism and frequency of political discussions."
2. **Schools**: Spending numerous years in school, children in the United States are taught and reinforced a view of the world that "privileges capitalism and ownership, competitive individualism, and democracy." Through primary, secondary and high schools, students are taught key principles such as individual rights and property, personal responsibility and duty to their nation.
3. **Media:** Mass media is not only a source of political information; it is an influence on political values and beliefs. Various media outlets, through news coverage and late-night programs, provide different partisan policy stances that are associated with political participation.
4. **Religion**: Religions beliefs and practices play a role in political opinion formation and political participation. The theological and moral perspectives offered by religious institutions shape judgement regarding public policy, and ultimately, translates to direct "political decision making on governmental matters such as the redistribution of wealth, equality, tolerance for deviance and the limits on individual freedom, the severity of criminal punishment, policies relating to family structure, gender roles, and the value of human life."
5. **Political parties**: Scholars such as Campbell (1960) note that political parties have very little direct influence on a child due to a contrast of social factors such as age, context, power, etc.
6. **The state**: The state is a key source of information for media outlets, and has the ability to "inform, misinform, or disinform the press and thus the public", a strategy which may be referred to as propaganda, in order to serve a political or economic agenda.

The Role Played by the Mass Media

In Children

Political socialization begins in childhood. Some research suggests that family and school teachers are the most influential factors in socializing children, but recent research designs have more accurately estimated the high influence of the media in the process of political socialization. On average, both young children and teenagers in the United States spend more time a week consuming television and digital media than they spend in school. Young children consume an average of thirty-one hours a week, while teenagers consume forty-eight hours of media a week. High school students attribute the information that forms their opinions and attitudes about race, war, economics, and patriotism to mass media much more than their friends, family, or teachers. Research has also shown that children who consume more media than others show greater support for and understanding of American values, such as free speech. This may be because eighty percent of the media content children consume is intended for an adult audience. In addition, the impact of the messages is more powerful because children's brains are "prime for learning," thus more likely to take messages and representations of the world at face value.

In Adulthood

Media's role into political socialization continues in adulthood through both fictional and factual media sources. Adults have increased exposure to news and political information embedded in entertainment; fictional entertainment (mostly television) is the most common source for political information. The culmination of information gained from entertainment becomes the values and standards by which people judge.

Stability and homogeneity

While political socialization by the media is lifelong process, after adolescence, people's basic values generally do not change. Most people choose what media they are exposed to based on their already existing values, and they use information from the media to reaffirm what they already believe. Studies show two-thirds of newspaper readers do not know their newspaper's position on specific issues- and most media stories are quickly forgotten. Studies on public opinion of the Bush administration's energy policies show that the public pays more attention to issues that receive a lot of media coverage, and forms collective opinions about these issues. This demonstrates that the mass media attention to an issue affects public opinion. More so, extensive exposure to television has led to "mainstreaming", aligning people's perception of political life and society with television's portrayal of it.

There are different patterns in socialization based on race, ethnicity, gender, age, income, education, geographic region, and city size. For example, generally, African Americans and Hispanics rely on television for their information more than white people. More women than men watch daytime television, and more men than women follow sports programs. Older people read more newspapers than younger people, and people from the ages of twelve to seventeen (although they consume the most media) consume the least amount of news. Northerners listen to radio programs more than Southerners do. News outlets on the East Coast tend to cover international affairs in Europe and the Middle East the most, while West Coast news outlets are more likely to cover Asian affairs; this demonstrates that region affects patterns in media socialization. Income level is also an important factor; high-income families rely more on print media than television, and consume less television than most of the population.

Ultimately, however, the common core of information, and the interpretation the media applies to it, leads to a shared knowledge and basic values throughout the United States. Most media entertainment and information does not vary much throughout the country, and it is consumed by all types of audiences. Although there are still disagreements and different political beliefs and party affiliations, generally there are not huge ideological disparities among the population because the media helps create a broad consensus on basic US democratic principles.

Contributors and Attributions

CC licensed content, Original

- Revision and Adaptation. **Authored by**: Kris S. Seago. **License**: *CC BY: Attribution*

This page titled 4.1: Political Socialization is shared under a CC BY 4.0 license and was authored, remixed, and/or curated by Lumen Learning.

4.2: Political Ideology

Learning Objectives

By the end of this section, you will be able to:

- Define Political Ideology
- List the predominant ideologies
- Understand the distribution of political ideologies in Texas

Definition

A political ideology is a certain set of ethical ideals, principles, doctrines, myths or symbols of a social movement, institution, class or large group that explains how society should work and offers some political and cultural blueprint for a certain social order.

Predominant ideologies

Political ideologies in the United States (and as a subset, Texas) refers to the various ideologies and ideological demographics in the United States. Citizens in the U.S. generally classify themselves as adherent to positions along the political spectrum as either liberal, progressive, moderate, or conservative. Modern liberalism aims at the preservation and extension of human, social and civil rights as well as the government guaranteed provision of positive rights. Conservatism commonly refers to a combination of economic liberalism and libertarianism, and to an extent, social conservatism. It aims at protecting the concepts of small government and individual liberty, while promoting traditional values on some social issues.

Liberalism

Liberals advocate strong civil liberties and social progressivism according to which societal practices need to be changed whenever necessary for the greater good of society or the benefits of those who wish to engage in those social arrangements. They believe that government action is needed in order for people to be as free as possible. Government must thereby ensure the provision of positive rights, protect civil liberties and ensure equality. Liberals commonly reject both laissez-faire capitalism and socialism as means to distribute economic resources. A mixed economy, that is a capitalist free market economy with limited government regulation and intervention is seen as the ideal.

Conservatism

The word “conservative” comes from “conserve,” hence describing those who generally wish to conserve the status quo, conserve morality, or conserve money. Views on individual policies vary among different sub-groups. Overall, a majority of conservatives support tax-cuts and other *laissez-faire* (reduced governmental interference) policies, oppose same-sex marriage, oppose abortion, oppose stricter gun control laws on the grounds of the Second Amendment and public safety, and favor increased military spending as opposed to other federal expenditures. Conservatives tend to favor (racial) color-blindness and oppose affirmative action/positive discrimination quotas. Conservatives tend to favor state governments over the federal, reserving the federal for matters of national security.

Moderates

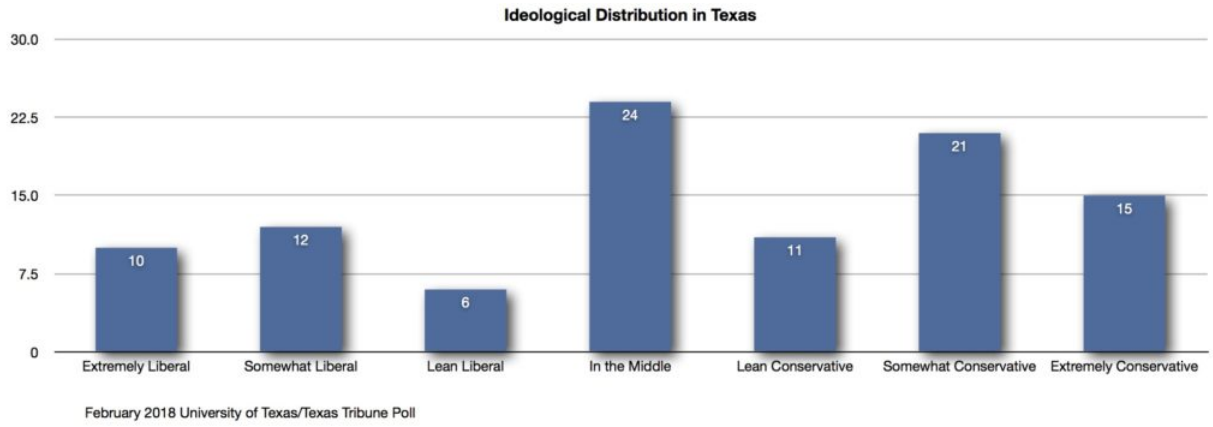
Moderate is a general term for people who fall in the center category between Liberals and Conservatives.

Moderates incorporate different aspects from liberalism and conservatism into their personal perspective. Moderates are commonly defined through limiting the extent to which they adopt liberal and conservative ideas.

Ideological Distribution in Texas

The Texas Politics Project based at the University of Texas at Austin in partnership with the Texas Tribune conducts statewide public opinion polls each year to assess the opinions of registered voters on upcoming elections, public policy, and attitudes towards politics, politicians, and government.

In February of 2018, the University of Texas / Texas Tribune Poll surveyed 1200 registered voters and asked respondents to self identify on a scale from 1 to 7, where 1 is extremely liberal, 7 is extremely conservative, and 4 is exactly in the middle. As you can see in the image below, Texas is a “center right” state.



Contributors and Attributions

CC licensed content, Original

- Revision and Adaptation. **Authored by**: Kris S. Seago. **License**: *CC BY: Attribution*

Public domain content

- Ideological Distribution in Texas. **Authored by**: Texas Politics Project. **Provided by**: Texas Politics Project; Texas Tribune. **Located at**: https://texaspolitics.utexas.edu/polling. **License**: *Public Domain: No Known Copyright*

This page titled 4.2: Political Ideology is shared under a CC BY 4.0 license and was authored, remixed, and/or curated by Lumen Learning.

4.3: Public Opinion

Learning Objectives

By the end of this section, you will be able to:

- Define public opinion
- Explain how beliefs and ideology affect the formation of public opinion
- Explain how information about public opinion is gathered
- Identify common ways to measure and quantify public opinion
- Analyze polls to determine whether they accurately measure a population's opinions
- Polling in Texas

The collection of public opinion through polling and interviews is a part of political culture. Politicians want to know what the public thinks. Campaign managers want to know how citizens will vote. Media members seek to write stories about what the public wants. Every day, polls take the pulse of the people and report the results. And yet we have to wonder: Why do we care what people think?

What Is Public Opinion?

Public opinion is a collection of popular views about something, perhaps a person, a local or national event, or a new idea. For example, each day, a number of polling companies call Americans at random to ask whether they approve or disapprove of the way the president is guiding the economy.[1]

When situations arise internationally, polling companies survey whether citizens support U.S. intervention in places like Syria or Ukraine. These individual opinions are collected together to be analyzed and interpreted for politicians and the media. The analysis examines how the public feels or thinks, so politicians can use the information to make decisions about their future legislative votes, campaign messages, or propaganda.

But where do people's opinions come from? Most citizens base their political opinions on their beliefs[2] and their attitudes, both of which begin to form in childhood. *Beliefs* are closely held ideas that support our values and expectations about life and politics. For example, the idea that we are all entitled to equality, liberty, freedom, and privacy is a belief most people in the United States share. We may acquire this belief by growing up in the United States or by having come from a country that did not afford these valued principles to its citizens.

Our *attitudes* are also affected by our personal beliefs and represent the preferences we form based on our life experiences and values. A person who has suffered racism or bigotry may have a skeptical attitude toward the actions of authority figures, for example.

Over time, our beliefs and our attitudes about people, events, and ideas will become a set of norms, or accepted ideas, about what we may feel should happen in our society or what is right for the government to do in a situation. In this way, attitudes and beliefs form the foundation for opinions.

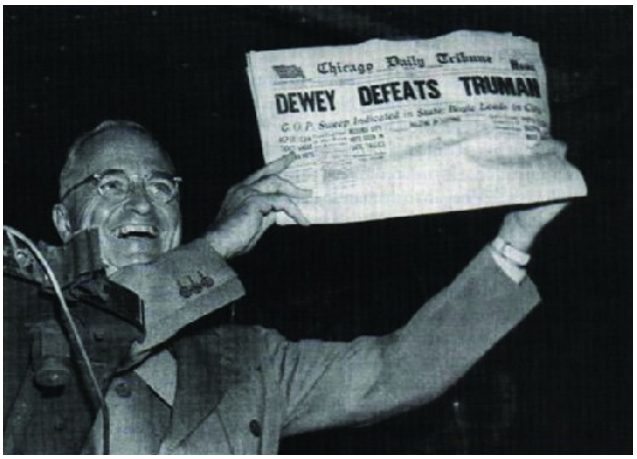
Taking a Poll

Most public opinion polls aim to be accurate, but this is not an easy task. **Political polling** is a science. From design to implementation, polls are complex and require careful planning and care. Mitt Romney's campaign polls are only a recent example of problems stemming from polling methods. Our history is littered with examples of polling companies producing results that incorrectly predicted public opinion due to poor survey design or bad polling methods.

In 1936, *Literary Digest* continued its tradition of polling citizens to determine who would win the presidential election. The magazine sent opinion cards to people who had a subscription, a phone, or a car registration. Only some of the recipients sent back their cards. The result? Alf Landon was predicted to win 55.4 percent of the popular vote; in the end, he received only 38 percent. [24]

Franklin D. Roosevelt won another term, but the story demonstrates the need to be scientific in conducting polls.

A few years later, Thomas Dewey lost the 1948 presidential election to Harry Truman, despite polls showing Dewey far ahead and Truman destined to lose. More recently, John Zogby, of Zogby Analytics, went public with his prediction that John Kerry would win the presidency against incumbent president George W. Bush in 2004, only to be proven wrong on election night. These are just a few cases, but each offers a different lesson. In 1948, pollsters did not poll up to the day of the election, relying on old numbers that did not include a late shift in voter opinion. Zogby's polls did not represent likely voters and incorrectly predicted who would vote and for whom. These examples reinforce the need to use scientific methods when conducting polls, and to be cautious when reporting the results.



Polling process errors can lead to incorrect predictions. On November 3, the day after the 1948 presidential election, a jubilant Harry S. Truman triumphantly displays the inaccurate headline of the *Chicago Daily Tribune* announcing Thomas Dewey's supposed victory (credit: David Erickson/Flickr).

Most polling companies employ statisticians and methodologists trained in conducting polls and analyzing data. A number of criteria must be met if a poll is to be completed scientifically. First, the methodologists identify the desired population, or group, of respondents they want to interview. For example, if the goal is to project who will win the presidency, citizens from across the United States should be interviewed. If we wish to understand how voters in Colorado will vote on a proposition, the population of respondents should only be Colorado residents. When surveying on elections or policy matters, many polling houses will interview only respondents who have a history of voting in previous elections, because these voters are more likely to go to the polls on Election Day. Politicians are more likely to be influenced by the opinions of proven voters than of everyday citizens. Once the desired population has been identified, the researchers will begin to build a sample that is both random and representative.

A **random sample** consists of a limited number of people from the overall population, selected in such a way that each has an equal chance of being chosen. In the early years of polling, telephone numbers of potential respondents were arbitrarily selected from various areas to avoid regional bias. While landline phones allow polls to try to ensure randomness, the increasing use of cell phones makes this process difficult. Cell phones, and their numbers, are portable and move with the owner. To prevent errors, polls that include known cellular numbers may screen for zip codes and other geographic indicators to prevent regional bias. A representative sample consists of a group whose demographic distribution is similar to that of the overall population. For example, nearly 51 percent of the U.S. population is female.[25]

To match this demographic distribution of women, any poll intended to measure what most Americans think about an issue should survey a sample containing slightly more women than men.

Pollsters try to interview a set number of citizens to create a reasonable sample of the population. This **sample size** will vary based on the size of the population being interviewed and the level of accuracy the pollster wishes to reach. If the poll is trying to reveal the opinion of a state or group, such as the opinion of Wisconsin voters about changes to the education system, the sample size may vary from five hundred to one thousand respondents and produce results with relatively low error. For a poll to predict what Americans think nationally, such as about the White House's policy on greenhouse gases, the sample size should be larger.

The sample size varies with each organization and institution due to the way the data are processed. Gallup often interviews only five hundred respondents, while Rasmussen Reports and Pew Research often interview one thousand to fifteen hundred

respondents.[26] Academic organizations, like the American National Election Studies, have interviews with over twenty-five-hundred respondents.[27]

A larger sample makes a poll more accurate, because it will have relatively fewer unusual responses and be more representative of the actual population. Pollsters do not interview more respondents than necessary, however. Increasing the number of respondents will increase the accuracy of the poll, but once the poll has enough respondents to be representative, increases in accuracy become minor and are not cost-effective.[28]

When the sample represents the actual population, the poll's accuracy will be reflected in a lower margin of error. The margin of error is a number that states how far the poll results may be from the actual opinion of the total population of citizens. The lower the margin of error, the more predictive the poll. Large margins of error are problematic. For example, if a poll that claims Hillary Clinton is likely to win 30 percent of the vote in the 2016 New York Democratic primary has a margin of error of +/-6, it tells us that Clinton may receive as little as 24 percent of the vote (30 – 6) or as much as 36 percent (30 + 6). A lower of margin of error is clearly desirable because it gives us the most precise picture of what people actually think or will do.

With many polls out there, how do you know whether a poll is a good poll and accurately predicts what a group believes? First, look for the numbers. Polling companies include the margin of error, polling dates, number of respondents, and population sampled to show their scientific reliability. Was the poll recently taken? Is the question clear and unbiased? Was the number of respondents high enough to predict the population? Is the margin of error small? It is worth looking for this valuable information when you interpret poll results. While most polling agencies strive to create quality polls, other organizations want fast results and may prioritize immediate numbers over random and representative samples. For example, instant polling is often used by news networks to quickly assess how well candidates are performing in a debate.

Technology and Polling

The days of randomly walking neighborhoods and phone book cold-calling to interview random citizens are gone. Scientific polling has made interviewing more deliberate. Historically, many polls were conducted in person, yet this was expensive and yielded problematic results.

In some situations and countries, face-to-face interviewing still exists. Exit polls, focus groups, and some public opinion polls occur in which the interviewer and respondents communicate in person. Exit polls are conducted in person, with an interviewer standing near a polling location and requesting information as voters leave the polls. Focus groups often select random respondents from local shopping places or pre-select respondents from Internet or phone surveys. The respondents show up to observe or discuss topics and are then surveyed.



On November 6, 2012, the Connect2Mason.com team conducts exit surveys at the polls on the George Mason University campus. (credit: Mason Votes/Flickr).

When organizations like Gallup or Roper decide to conduct face-to-face public opinion polls, however, it is a time-consuming and expensive process. The organization must randomly select households or polling locations within neighborhoods, making sure there is a representative household or location in each neighborhood.[29]

Then it must survey a representative number of neighborhoods from within a city. At a polling location, interviewers may have directions on how to randomly select voters of varied demographics. If the interviewer is looking to interview a person in a home, multiple attempts are made to reach a respondent if he or she does not answer. Gallup conducts face-to-face interviews in areas where less than 80 percent of the households in an area have phones, because it gives a more representative sample.[30]

News networks use face-to-face techniques to conduct exit polls on Election Day.

Most polling now occurs over the phone or through the Internet. Some companies, like Harris Interactive, maintain directories that include registered voters, consumers, or previously interviewed respondents. If pollsters need to interview a particular population, such as political party members or retirees of a specific pension fund, the company may purchase or access a list of phone numbers for that group. Other organizations, like Gallup, use random-digit-dialing (RDD), in which a computer randomly generates phone numbers with desired area codes. Using RDD allows the pollsters to include respondents who may have unlisted and cellular numbers.[31]

Questions about ZIP code or demographics may be asked early in the poll to allow the pollsters to determine which interviews to continue and which to end early.

The interviewing process is also partly computerized. Many polls are now administered through computer-assisted telephone interviewing (CATI) or through robo-polls. A CATI system calls random telephone numbers until it reaches a live person and then connects the potential respondent with a trained interviewer. As the respondent provides answers, the interviewer enters them directly into the computer program. These polls may have some errors if the interviewer enters an incorrect answer. The polls may also have reliability issues if the interviewer goes off the script or answers respondents' questions.

Robo-polls are entirely computerized. A computer dials random or pre-programmed numbers and a prerecorded electronic voice administers the survey. The respondent listens to the question and possible answers and then presses numbers on the phone to enter responses. Proponents argue that respondents are more honest without an interviewer. However, these polls can suffer from error if the respondent does not use the correct keypad number to answer a question or misunderstands the question. Robo-polls may also have lower response rates, because there is no live person to persuade the respondent to answer. There is also no way to prevent children from answering the survey. Lastly, the Telephone Consumer Protection Act (1991) made automated calls to cell phones illegal, which leaves a large population of potential respondents inaccessible to robo-polls.[32]

The latest challenges in telephone polling come from the shift in phone usage. A growing number of citizens, especially younger citizens, use only cell phones, and their phone numbers are no longer based on geographic areas. The millennial generation (currently aged 18–33) is also more likely to text than to answer an unknown call, so it is harder to interview this demographic group. Polling companies now must reach out to potential respondents using email and social media to ensure they have a representative group of respondents.

Yet, the technology required to move to the Internet and handheld devices presents further problems. Web surveys must be designed to run on a varied number of browsers and handheld devices. Online polls cannot detect whether a person with multiple email accounts or social media profiles answers the same poll multiple times, nor can they tell when a respondent misrepresents demographics in the poll or on a social media profile used in a poll. These factors also make it more difficult to calculate response rates or achieve a representative sample. Yet, many companies are working with these difficulties, because it is necessary to reach younger demographics in order to provide accurate data.[33]

Problems in Polling

For a number of reasons, polls may not produce accurate results. Two important factors a polling company faces are timing and human nature. Unless you conduct an **exit poll** during an election and interviewers stand at the polling places on Election Day to ask voters how they voted, there is always the possibility the poll results will be wrong. The simplest reason is that if there is time between the poll and Election Day, a citizen might change his or her mind, lie, or choose not to vote at all. Timing is very important during elections, because surprise events can shift enough opinions to change an election result. Of course, there are many other reasons why polls, even those not time-bound by elections or events, may be inaccurate.

Polls begin with a list of carefully written questions. The questions need to be free of framing, meaning they should not be worded to lead respondents to a particular answer. For example, take two questions about presidential approval. Question 1 might ask, "Given the high unemployment rate, do you approve of the job President Obama is doing?" Question 2 might ask, "Do you

approve of the job President Obama is doing?" Both questions want to know how respondents perceive the president's success, but the first question sets up a frame for the respondent to believe the economy is doing poorly before answering. This is likely to make the respondent's answer more negative. Similarly, the way we refer to an issue or concept can affect the way listeners perceive it. The phrase "estate tax" did not rally voters to protest the inheritance tax, but the phrase "death tax" sparked debate about whether taxing estates imposed a double tax on income.[34]

Many polling companies try to avoid leading questions, which lead respondents to select a predetermined answer, because they want to know what people really think. Some polls, however, have a different goal. Their questions are written to guarantee a specific outcome, perhaps to help a candidate get press coverage or gain momentum. These are called push polls. In the 2016 presidential primary race, MoveOn tried to encourage Senator Elizabeth Warren (D-MA) to enter the race for the Democratic nomination. Its poll used leading questions for what it termed an "informed ballot," and, to show that Warren would do better than Hillary Clinton, it included ten positive statements about Warren before asking whether the respondent would vote for Clinton or Warren.[35]

The poll results were blasted by some in the media for being fake.



(a)



(b)

Senator Elizabeth Warren (a) poses with Massachusetts representatives Joseph P. Kennedy III (left) and Barney Frank (right) at the 2012 Boston Pride Parade. Senator Hillary Clinton (b) during her 2008 presidential campaign in Concord, New Hampshire (credit a: modification of work by "ElizabethForMA"/Flickr; credit b: modification of work by Marc Nozell)

Sometimes lack of knowledge affects the results of a poll. Respondents may not know that much about the polling topic but are unwilling to say, "I don't know." For this reason, surveys may contain a quiz with questions that determine whether the respondent knows enough about the situation to answer survey questions accurately. A poll to discover whether citizens support changes to the Affordable Care Act or Medicaid might first ask who these programs serve and how they are funded. Polls about territory seizure by the Islamic State (or ISIS) or Russia's aid to rebels in Ukraine may include a set of questions to determine whether the respondent reads or hears any international news. Respondents who cannot answer correctly may be excluded from the poll, or their answers may be separated from the others.

People may also feel social pressure to answer questions in accordance with the norms of their area or peers.[36]

If they are embarrassed to admit how they would vote, they may lie to the interviewer. In the 1982 governor's race in California, Tom Bradley was far ahead in the polls, yet on Election Day he lost. This result was nicknamed the Bradley effect, on the theory that voters who answered the poll were afraid to admit they would not vote for a black man because it would appear politically incorrect and racist.

In 2010, Proposition 19, which would have legalized and taxed marijuana in California, met with a new version of the Bradley effect. Nate Silver, a political blogger, noticed that polls on the marijuana proposition were inconsistent, sometimes showing the proposition would pass and other times showing it would fail. Silver compared the polls and the way they were administered, because some polling companies used an interviewer and some used robo-calling. He then proposed that voters speaking with a live interviewer gave the socially acceptable answer that they would vote against Proposition 19, while voters interviewed by a computer felt free to be honest.[37]

While this theory has not been proven, it is consistent with other findings that interviewer demographics can affect respondents' answers. African Americans, for example, may give different responses to interviewers who are white than to interviewers who are black.[38]



In 2010, polls about California's Proposition 19 were inconsistent, depending on how they were administered, with voters who spoke with a live interviewer declaring they would vote against Proposition 19 and voters who were interviewed via a computer declaring support for the legislation. The measure was defeated on Election Day.

Push Polls

One of the newer byproducts of polling is the creation of push polls, which consist of political campaign information presented as polls. A respondent is called and asked a series of questions about his or her position or candidate selections. If the respondent's answers are for the wrong candidate, the next questions will give negative information about the candidate in an effort to change the voter's mind.

In 2014, a fracking ban was placed on the ballot in a town in Texas. Fracking, which includes injecting pressurized water into drilled wells, helps energy companies collect additional gas from the earth. It is controversial, with opponents arguing it causes water pollution, sound pollution, and earthquakes. During the campaign, a number of local voters received a call that polled them on how they planned to vote on the proposed fracking ban.[39]

If the respondent was unsure about or planned to vote for the ban, the questions shifted to provide negative information about the organizations proposing the ban. One question asked, "If you knew the following, would it change your vote . . . two Texas railroad commissioners, the state agency that oversees oil and gas in Texas, have raised concerns about Russia's involvement in the anti-fracking efforts in the U.S.?" The question played upon voter fears about Russia and international instability in order to convince them to vote against the fracking ban.

These techniques are not limited to issue votes; candidates have used them to attack their opponents. The hope is that voters will think the poll is legitimate and believe the negative information provided by a "neutral" source.

Public Opinion and Elections

Elections are the events on which opinion polls have the greatest measured effect. Public opinion polls do more than show how we feel on issues or project who might win an election. The media use public opinion polls to decide which candidates are ahead of the others and therefore of interest to voters and worthy of interview. From the moment President Obama was inaugurated for his second term, speculation began about who would run in the 2016 presidential election. Within a year, potential candidates were being ranked and compared by a number of newspapers.[40]

The speculation included favorability polls on Hillary Clinton, which measured how positively voters felt about her as a candidate. The media deemed these polls important because they showed Clinton as the frontrunner for the Democrats in the next election.[41]

During presidential primary season, we see examples of the bandwagon effect, in which the media pays more attention to candidates who poll well during the fall and the first few primaries. Bill Clinton was nicknamed the “Comeback Kid” in 1992, after he placed second in the New Hampshire primary despite accusations of adultery with Gennifer Flowers. The media’s attention on Clinton gave him the momentum to make it through the rest of the primary season, ultimately winning the Democratic nomination and the presidency.

Polling is also at the heart of horserace coverage, in which, just like an announcer at the racetrack, the media calls out every candidate’s move throughout the presidential campaign. Horserace coverage can be neutral, positive, or negative, depending upon what polls or facts are covered. During the 2012 presidential election, the Pew Research Center found that both Mitt Romney and President Obama received more negative than positive horserace coverage, with Romney’s growing more negative as he fell in the polls.[42]

Horserace coverage is often criticized for its lack of depth; the stories skip over the candidates’ issue positions, voting histories, and other facts that would help voters make an informed decision. Yet, horserace coverage is popular because the public is always interested in who will win, and it often makes up a third or more of news stories about the election.[43]

Exit polls, taken the day of the election, are the last election polls conducted by the media. Announced results of these surveys can deter voters from going to the polls if they believe the election has already been decided.



In 2016, Republican presidential candidate Donald Trump became the center of the media’s horserace coverage. As the field winnowed from over twenty candidates down to three, the media incessantly compared everyone else in the field to Trump. (credit: Max Goldberg)

Public opinion polls also affect how much money candidates receive in campaign donations. Donors assume public opinion polls are accurate enough to determine who the top two to three primary candidates will be, and they give money to those who do well. Candidates who poll at the bottom will have a hard time collecting donations, increasing the odds that they will continue to do poorly. This was apparent in the run-up to the 2016 presidential election. Bernie Sanders, Hillary Clinton, and Martin O’Malley each campaigned in the hope of becoming the Democratic presidential nominee. In June 2015, 75 percent of Democrats likely to

vote in their state primaries said they would vote for Clinton, while 15 percent of those polled said they would vote for Sanders. Only 2 percent said they would vote for O'Malley.[44]

During this same period, Clinton raised $47 million in campaign donations, Sanders raised $15 million, and O'Malley raised $2 million.[45]

By September 2015, 23 percent of likely Democratic voters said they would vote for Sanders,[46] and his summer fundraising total increased accordingly.[47]

Presidents running for reelection also must perform well in public opinion polls, and being in office may not provide an automatic advantage. Americans often think about both the future and the past when they decide which candidate to support.[48]

They have three years of past information about the sitting president, so they can better predict what will happen if the incumbent is reelected. That makes it difficult for the president to mislead the electorate. Voters also want a future that is prosperous. Not only should the economy look good, but citizens want to know they will do well in that economy.[49]

For this reason, daily public approval polls sometimes act as both a referendum of the president and a predictor of success.

Polling in Texas

Most polling is conducted at the national level–there are far fewer polls conducted at the state level. In Texas we're fortunate to have the University of Texas/Texas Tribune Poll.

Beginning in 2008, the Texas Politics Project at the University of Texas (UT), under the direction of James Henson and Joshua Blank, has conducted three to four statewide public opinion polls each year to assess the opinions of registered voters on upcoming elections, public policy, and attitudes towards politics, politicians, and government.

In 2009, UT partnered with the Texas Tribune, and continued to regularly measure public opinion in Texas, making the data freely available to students, researchers, and the general public in our data archive. To see what Texans are thinking about politics, or to read some of our own analysis, please visit their Polling Page where you'll find a wealth of information on public opinion in Texas.

---

1. Gallup. 2015. "Gallup Daily: Obama Job Approval." *Gallup*. June 6, 2015. http://www.gallup.com/poll/113980/Gallup-Daily-Obama-Job-Approval.aspx (February 17, 2016); Rasmussen Reports. 2015. "Daily Presidential Tracking Poll." *Rasmussen Reports* June 6, 2015. http://www.rasmussenreports.com/public_content/politics/obama_administration/daily_presidential_tracking_poll (February 17, 2016); Roper Center. 2015. "Obama Presidential Approval." *Roper Center*. June 6, 2015. http://www.ropercenter.uconn.edu/polls/presidential-approval/ (February 17, 2016). ↵
2. V. O. Key, Jr. 1966. *The Responsible Electorate*. Harvard University: Belknap Press. ↵
3. John Zaller. 1992. *The Nature and Origins of Mass Opinion*. Cambridge: Cambridge University Press. ↵
4. Eitan Hersh. 2013. "Long-Term Effect of September 11 on the Political Behavior of Victims' Families and Neighbors." *Proceedings of the National Academy of Sciences of the United States of America* 110 (52): 20959–63. ↵
5. M. Kent Jennings. 2002. "Generation Units and the Student Protest Movement in the United States: An Intra- and Intergenerational Analysis." *Political Psychology* 23 (2): 303–324. ↵
6. United States Senate. 2015. "Party Division in the Senate, 1789-Present," *United States Senate*. June 5, 2015. http://www.senate.gov/pagelayout/history/one_item_and_teasers/partydiv.htm (February 17, 2016). History, Art & Archives. 2015. "Party Divisions of the House of Representatives: 1789–Present." *United States House of Representatives*. June 5, 2015. http://history.house.gov/Institution/Party-Divisions/Party-Divisions/ (February 17, 2016). ↵
7. V. O. Key Jr. 1955. "A Theory of Critical Elections." *Journal of Politics* 17 (1): 3–18. ↵
8. Pew Research Center. 2014. "Political Polarization in the American Public." *Pew Research Center*. June 12, 2014. http://www.people-press.org/2014/06/12/political-polarization-in-the-american-public/ (February 17, 2016). ↵
9. Pew Research Center. 2015. "American Values Survey." *Pew Research Center*. http://www.people-press.org/values-questions/ (February 17, 2016). ↵
10. Virginia Chanley. 2002. "Trust in Government in the Aftermath of 9/11: Determinants and Consequences." *Political Psychology* 23 (3): 469–483. ↵

11. Deborah Schildkraut. 2002. “The More Things Change… American Identity and Mass and Elite Responses to 9/11.” *Political Psychology* 23 (3): 532. ↵
12. Joseph Bafumi and Robert Shapiro. 2009. “A New Partisan Voter.” *The Journal of Politics* 71 (1): 1–24. ↵
13. Liz Marlantes, “After 9/11, the Body Politic Tilts to Conservatism,” *Christian Science Monitor*, 16 January 2002. ↵
14. Liping Weng. 2010. “Shanghai Children’s Value Socialization and Its Change: A Comparative Analysis of Primary School Textbooks.” *China Media Research* 6 (3): 36–43. ↵
15. David Easton. 1965. *A Systems Analysis of Political Life*. New York: John Wiley. ↵
16. Angus Campbell, Philip Converse, Warren Miller, and Donald Stokes. 2008. *The American Voter: Unabridged Edition*. Chicago: University of Chicago Press. Michael S. Lewis-Beck, William G. Jacoby, Helmut Norpoth, and Herbert F. Weisberg. 2008. *American Vote Revisited*. Ann Arbor: University of Michigan Press. ↵
17. Russell Dalton. 1980. “Reassessing Parental Socialization: Indicator Unreliability versus Generational Transfer.” *American Political Science Review* 74 (2): 421–431. ↵
18. Michael S. Lewis-Beck, William G. Jacoby, Helmut Norpoth, and Herbert F. Weisberg. 2008. *American Vote Revisited*. Ann Arbor: University of Michigan Press. ↵
19. Michael Lipka. 2013. “What Surveys Say about Workshop Attendance—and Why Some Stay Home.” *Pew Research Center*. September 13, 2013. http://www.pewresearch.org/fact-tank/2013/09/13/what-surveys-say-about-worship-attendance-and-why-some-stay-home/ (February 17, 2016). ↵
20. Arthur Lupia and Mathew D. McCubbins. 1998. *The Democratic Dilemma: Can Citizens Learn What They Need to Know?* New York: Cambridge University Press. John Barry Ryan. 2011. “Social Networks as a Shortcut to Correct Voting.” *American Journal of Political Science* 55 (4): 753–766. ↵
21. Sarah Bowen. 2015. “A Framing Analysis of Media Coverage of the Rodney King Incident and Ferguson, Missouri, Conflicts.” *Elon Journal of Undergraduate Research in Communications* 6 (1): 114–124. ↵
22. Frederick Engels. 1847. *The Principles of Communism*. Trans. Paul Sweezy. https://www.marxists.org/archive/marx/works/1847/11/prin-com.htm (February 17, 2016). ↵
23. Libertarian Party. 2014. “Libertarian Party Platform.” June. http://www.lp.org/platform (February 17, 2016). ↵
24. Arthur Evans, “Predict Landon Electoral Vote to be 315 to 350,” *Chicago Tribune*, 18 October 1936. ↵
25. United States Census Bureau. 2012. “Age and Sex Composition in the United States: 2012.” *United States Census Bureau*. http://www.census.gov/population/age/data/2012comp.html (February 17, 2016). ↵
26. Rasmussen Reports. 2015. “Daily Presidential Tracking Poll.” *Rasmussen Reports*. September 27, 2015. http://www.rasmussenreports.com/public_content/politics/obama_administration/daily_presidential_tracking_poll (February 17, 2016); Pew Research Center. 2015. “Sampling.” *Pew Research Center*. http://www.pewresearch.org/methodology/u-s-survey-research/sampling/ (February 17, 2016). ↵
27. American National Election Studies Data Center. 2016. http://electionstudies.org/studypages/download/datacenter_all_NoData.php (February 17, 2016). ↵
28. Michael W. Link and Robert W. Oldendick. 1997. “Good” Polls / “Bad” Polls—How Can You Tell? Ten Tips for Consumers of Survey Research.” *South Carolina Policy Forum*. http://www.ipspr.sc.edu/publication/Link.htm (February 17, 2016); Pew Research Center. 2015. “Sampling.” *Pew Research Center*. http://www.pewresearch.org/methodology/u-s-survey-research/sampling/ (February 17, 2016). ↵
29. “Roper Center. 2015. “Polling Fundamentals – Sampling.” *Roper*. http://www.ropercenter.uconn.edu/support/polling-fundamentals-sampling/ (February 17, 2016). ↵
30. Gallup. 2015. “How Does the Gallup World Poll Work?” *Gallup*. http://www.gallup.com/178667/gallup-world-poll-work.aspx (February 17, 2016). ↵
31. Gallup. 2015. “Does Gallup Call Cellphones?” *Gallup*. http://www.gallup.com/poll/110383/does-gallup-call-cell-phones.aspx (February 17, 2016). ↵
32. Mark Blumenthal, “The Case for Robo-Pollsters: Automated Interviewers Have Their Drawbacks, But Fewer Than Their Critics Suggest,” *National Journal*, 14 September 2009. ↵
33. Mark Blumenthal, “Is Polling As We Know It Doomed?” *National Journal*, 10 August 2009. ↵
34. Frank Luntz. 2007. *Words That Work: It’s Not What You Say, It’s What People Hear*. New York: Hyperion. ↵
35. Aaron Blake, “This terrible polls shows Elizabeth Warren beating Hillary Clinton,” *Washington Post*, 11 February 2015. ↵

36. Nate Silver. 2010. “The Broadus Effect? Social Desirability Bias and California Proposition 19.” *FiveThirtyEightPolitics*. July 27, 2010. http://fivethirtyeight.com/features/broadus-effect-social-desirability-bias/ (February 18, 2016). ↵
37. Nate Silver. 2010. “The Broadus Effect? Social Desirability Bias and California Proposition 19.” *FiveThirtyEightPolitics*. July 27, 2010. http://fivethirtyeight.com/features/broadus-effect-social-desirability-bias/ (February 18, 2016). ↵
38. D. Davis. 1997. “The Direction of Race of Interviewer Effects among African-Americans: Donning the Black Mask.” *American Journal of Political Science* 41 (1): 309–322. ↵
39. Kate Sheppard, “Top Texas Regulator: Could Russia be Behind City’s Proposed Fracking Ban?” *Huffington Post*, 16 July 2014. http://www.huffingtonpost.com/2014/07/16/fracking-ban-denton-russia_n_5592661.html (February 18, 2016). ↵
40. Paul Hitlin. 2013. “The 2016 Presidential Media Primary Is Off to a Fast Start.” *Pew Research Center*. October 3, 2013. http://www.pewresearch.org/fact-tank/2013/10/03/the-2016-presidential-media-primary-is-off-to-a-fast-start/ (February 18, 2016). ↵
41. Pew Research Center, 2015. “Hillary Clinton’s Favorability Ratings over Her Career.” *Pew Research Center*. June 6, 2015. http://www.pewresearch.org/wp-content/themes/pewresearch/static/hillary-clintons-favorability-ratings-over-her-career/ (February 18, 2016). ↵
42. Pew Research Center. 2012. “Winning the Media Campaign.” *Pew Research Center*. November 2, 2012. http://www.journalism.org/2012/11/02/winning-media-campaign-2012/ (February 18, 2016). ↵
43. Pew Research Center. 2012. “Fewer Horserace Stories-and Fewer Positive Obama Stories-Than in 2008.” *Pew Research Center*. November 2, 2012. http://www.journalism.org/2012/11/01/press-release-6/ (February 18, 2016). ↵
44. Patrick O’Connor. 2015. “WSJ/NBC Poll Finds Hillary Clinton in a Strong Position.” *Wall Street Journal*. June 23, 2015. http://www.wsj.com/articles/new-poll-finds-hillary-clinton-tops-gop-presidential-rivals-1435012049. ↵
45. Federal Elections Commission. 2015. “Presidential Receipts.” http://www.fec.gov/press/summaries/2016/tables/presidential/presreceipts_2015_q2.pdf (February 18, 2016). ↵
46. Susan Page and Paulina Firozi, “Poll: Hillary Clinton Still Leads Sanders and Biden But By Less,” *USA Today*, 1 October 2015. ↵
47. Dan Merica, and Jeff Zeleny. 2015. “Bernie Sanders Nearly Outraises Clinton, Each Post More Than $20 Million.” *CNN*. October 1, 2015. http://www.cnn.com/2015/09/30/politics/bernie-sanders-hillary-clinton-fundraising/index.html?eref=rss_politics (February 18, 2016). ↵
48. Robert S. Erikson, Michael B. MacKuen, and James A. Stimson. 2000. “Bankers or Peasants Revisited: Economic Expectations and Presidential Approval.” *Electoral Studies* 19: 295–312. ↵
49. Erikson et al, “Bankers or Peasants Revisited: Economic Expectations and Presidential Approval. ↵
50. Michael B. MacKuen, Robert S. Erikson, and James A. Stimson. 1989. “Macropartisanship.” *American Political Science Review* 83 (4): 1125–1142. ↵
51. James A. Stimson, Michael B. Mackuen, and Robert S. Erikson. 1995. “Dynamic Representation.” *American Political Science Review* 89 (3): 543–565. ↵
52. Stimson et al, “Dynamic Representation.” ↵
53. Stimson et al, “Dynamic Representation.” ↵
54. Dan Wood. 2009. *Myth of Presidential Representation*. New York: Cambridge University Press, 96-97. ↵
55. Wood, *Myth of Presidential Representation*. ↵
56. U.S. Election Atlas. 2015. “United States Presidential Election Results.” *U.S. Election Atlas*. June 22, 2015. http://uselectionatlas.org/RESULTS/ (February 18, 2016). ↵
57. Richard Fleisher, and Jon R. Bond. 1996. “The President in a More Partisan Legislative Arena.” *Political Research Quarterly* 49 no. 4 (1996): 729–748. ↵
58. George C. Edwards III, and B. Dan Wood. 1999. “Who Influences Whom? The President, Congress, and the Media.” *American Political Science Review* 93 (2): 327–344. ↵
59. Pew Research Center. 2013. “Public Opinion Runs Against Syrian Airstrikes.” *Pew Research Center*. September 4, 2013. http://www.people-press.org/2013/09/03/public-opinion-runs-against-syrian-airstrikes/ (February 18, 2016). ↵
60. Paul Bedard. 2013. “Poll-Crazed Clinton Even Polled on His Dog’s Name.” *Washington Examiner*. April 30, 2013. http://www.washingtonexaminer.com/poll-crazed-bill-clinton-even-polled-on-his-dogs-name/article/2528486. ↵
61. Stimson et al, “Dynamic Representation.” ↵

62. Suzanna De Boef, and James A. Stimson. 1995. “The Dynamic Structure of Congressional Elections.” *Journal of Politics* 57 (3): 630–648. ↵
63. Stimson et al, “Dynamic Representation.” ↵
64. Stimson et al, “Dynamic Representation.” ↵
65. Benjamin Cardozo. 1921. *The Nature of the Judicial Process*. New Haven: Yale University Press. ↵
66. Jack Knight, and Lee Epstein. 1998. *The Choices Justices Make*. Washington DC: CQ Press. ↵
67. Kevin T. Mcguire, Georg Vanberg, Charles E Smith, and Gregory A. Caldeira. 2009. “Measuring Policy Content on the U.S. Supreme Court.” *Journal of Politics* 71 (4): 1305–1321. ↵
68. Kevin T. McGuire, and James A. Stimson. 2004. “The Least Dangerous Branch Revisited: New Evidence on Supreme Court Responsiveness to Public Preferences.” *Journal of Politics* 66 (4): 1018–1035. ↵
69. Thomas Marshall. 1989. *Public Opinion and the Supreme Court*. Boston: Unwin Hyman. ↵
70. Christopher J. Casillas, Peter K. Enns, and Patrick C. Wohlfarth. 2011. “How Public Opinion Constrains the U.S. Supreme Court.” *American Journal of Political Science* 55 (1): 74–88. ↵
71. *Town of Greece v. Galloway* 572 U.S. ___ (2014). ↵
72. “Religion.” *Gallup*. June 18, 2015. http://www.gallup.com/poll/1690/Religion.aspx (February 18, 2016). ↵
73. Rebecca Riffkin. 2015. “In U.S., Support for Daily Prayer in Schools Dips Slightly.” *Gallup*. September 25, 2015. http://www.gallup.com/poll/177401/support-daily-prayer-schools-dips-slightly.aspx. ↵
74. Gallup. 2015. “Supreme Court.” *Gallup*. http://www.gallup.com/poll/4732/supreme-court.aspx (February 18, 2016). ↵
75. Stimson et al, “Dynamic Representation.” ↵

Contributors and Attributions

CC licensed content, Original

- Revision and Adaptation. **Authored by**: Daniel M. Regalado. **License**: *CC BY: Attribution*

CC licensed content, Shared previously

- American Government. **Authored by**: OpenStax. **Provided by**: OpenStax; Rice University. **Located at**: http://cnx.org/contents/5bcc0e59-7345-421d-8507-a1e4608685e8@18.11.. **License**: *CC BY: Attribution*. **License Terms**: Download for free at http://cnx.org/contents/5bcc0e59-734...608685e8@18.11.

This page titled 4.3: Public Opinion is shared under a CC BY 4.0 license and was authored, remixed, and/or curated by Lumen Learning.

CHAPTER OVERVIEW

5: Linkage Institutions

5.1: The Media

5.2: Interest Groups

5.3: Political Parties

5.4: Party Identification

This page titled 5: Linkage Institutions is shared under a CC BY 4.0 license and was authored, remixed, and/or curated by Lumen Learning.

5.1: The Media

Learning Objectives

By the end of this section, you will be able to:

- Explain what the media are and how they are organized
- Describe the main functions of the media in a free society
- Compare different media formats and their respective audiences
- Compare the ways in which the government oversees and influences media programming
- Identify forms of bias that exist in news coverage and ways the media can present biased coverage
- Explain how the media cover politics and issues
- Evaluate the impact of the media on politics and policymaking

Ours is an exploding media system. What started as print journalism was subsequently supplemented by radio coverage, then network television, followed by cable television. Now, with the addition of the Internet, blogs and social media—a set of applications or web platforms that allow users to immediately communicate with one another—give citizens a wide variety of sources for instant news of all kinds. The Internet also allows citizens to initiate public discussion by uploading images and video for viewing, such as videos documenting interactions between citizens and the police, for example. Provided we are connected digitally, we have a bewildering amount of choices for finding information about the world. In fact, some might say that compared to the tranquil days of the 1970s, when we might read the morning newspaper over breakfast and take in the network news at night, there are now too many choices in today's increasingly complex world of information. This reality may make the news media all the more important to structuring and shaping narratives about U.S. politics. Or the proliferation of competing information sources like blogs and social media may actually weaken the power of the news media relative to the days when news media monopolized our attention.

Media Basics

The term **media** defines a number of different communication formats from television media, which share information through broadcast airwaves, to print media, which rely on printed documents. The collection of all forms of media that communicate information to the general public is called mass media, including television, print, radio, and Internet. One of the primary reasons citizens turn to the media is for news. We expect the media to cover important political and social events and information in a concise and neutral manner.

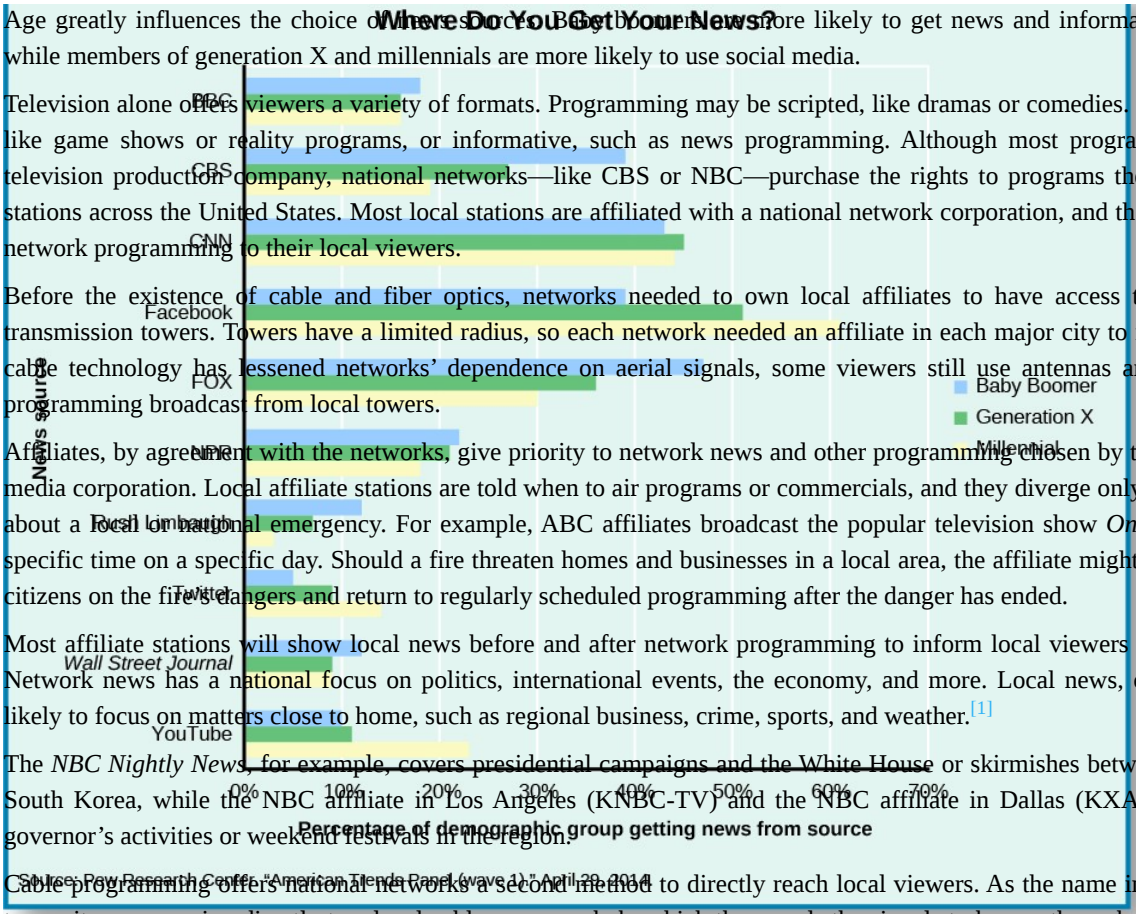
To accomplish its work, the media employs a number of people in varied positions. Journalists and reporters are responsible for uncovering news stories by keeping an eye on areas of public interest, like politics, business, and sports. Once a journalist has a lead or a possible idea for a story, he or she researches background information and interviews people to create a complete and balanced account. Editors work in the background of the newsroom, assigning stories, approving articles or packages, and editing content for accuracy and clarity. Publishers are people or companies that own and produce print or digital media. They oversee both the content and finances of the publication, ensuring the organization turns a profit and creates a high-quality product to distribute to consumers. Producers oversee the production and finances of visual media, like television, radio, and film.

The work of the news media differs from public relations, which is communication carried out to improve the image of companies, organizations, or candidates for office. Public relations is not a neutral information form. While journalists write stories to inform the public, a public relations spokesperson is paid to help an individual or organization get positive press. Public relations materials normally appear as press releases or paid advertisements in newspapers and other media outlets. Some less reputable publications, however, publish paid articles under the news banner, blurring the line between journalism and public relations.

Media Types

Each form of media has its own complexities and is used by different demographics. **Millennials** (currently aged 18–33) are more likely to get news and information from social media, such as YouTube, Twitter, and Facebook, while **baby boomers** (currently aged 50–68) are most likely to get their news from television, either national broadcasts or local news.

Age greatly influences the choice of news source. Baby boomers are more likely to get news and information from television, while members of generation X and millennials are more likely to use social media.



Television alone offers viewers a variety of formats. Programming may be scripted, like dramas or comedies. It may be unscripted, like game shows or reality programs, or informative, such as news programming. Although most programs are created by a television production company, national networks—like CBS or NBC—purchase the rights to programs they distribute to local stations across the United States. Most local stations are affiliated with a national network corporation, and they broadcast national network programming to their local viewers.

Before the existence of cable and fiber optics, networks needed to own local affiliates to have access to the local station's transmission towers. Towers have a limited radius, so each network needed an affiliate in each major city to reach viewers. While cable technology has lessened networks' dependence on aerial signals, some viewers still use antennas and receivers to view programming broadcast from local towers.

Affiliates, by agreement with the networks, give priority to network news and other programming chosen by the affiliate's national media corporation. Local affiliate stations are told when to air programs or commercials, and they diverge only to inform the public about a local or national emergency. For example, ABC affiliates broadcast the popular television show *Once Upon a Time* at a specific time on a specific day. Should a fire threaten homes and businesses in a local area, the affiliate might preempt it to update citizens on the fire's dangers and return to regularly scheduled programming after the danger has ended.

Most affiliate stations will show local news before and after network programming to inform local viewers of events and issues. Network news has a national focus on politics, international events, the economy, and more. Local news, on the other hand, is likely to focus on matters close to home, such as regional business, crime, sports, and weather.[1]

The *NBC Nightly News*, for example, covers presidential campaigns and the White House or skirmishes between North Korea and South Korea, while the NBC affiliate in Los Angeles (KNBC-TV) and the NBC affiliate in Dallas (KXAS-TV) report on the governor's activities or weekend festivals in the region.

Cable programming offers national networks a second method to directly reach local viewers. As the name implies, cable stations transmit programming directly to a local cable company hub, which then sends the signals to homes through coaxial or fiber optic cables. Because cable does not broadcast programming through the airwaves, cable networks can operate across the nation directly without local affiliates. Instead they purchase broadcasting rights for the cable stations they believe their viewers want. For this reason, cable networks often specialize in different types of programming.

The Cable News Network (CNN) was the first news station to take advantage of this specialized format, creating a 24-hour news station with live coverage and interview programs. Other news stations quickly followed, such as MSNBC and FOX News. A viewer might tune in to Nickelodeon and catch family programs and movies or watch ESPN to catch up with the latest baseball or basketball scores. The Cable-Satellite Public Affairs Network, known better as C-SPAN, now has three channels covering Congress, the president, the courts, and matters of public interest.

Cable and satellite providers also offer on-demand programming for most stations. Citizens can purchase cable, satellite, and Internet subscription services (like Netflix) to find programs to watch instantly, without being tied to a schedule. Initially, on-demand programming was limited to rebroadcasting old content and was commercial-free. Yet many networks and programs now allow their new programming to be aired within a day or two of its initial broadcast. In return they often add commercials the user cannot fast-forward or avoid. Thus networks expect advertising revenues to increase.[2]

The on-demand nature of the Internet has created many opportunities for news outlets. While early media providers were those who could pay the high cost of printing or broadcasting, modern media require just a URL and ample server space. The ease of online publication has made it possible for more niche media outlets to form. The websites of the *New York Times* and other newspapers often focus on matters affecting the United States, while channels like BBC America present world news. FOX News presents political commentary and news in a conservative vein, while the Internet site Daily Kos offers a liberal perspective on the news. Politico.com is perhaps the leader in niche journalism.

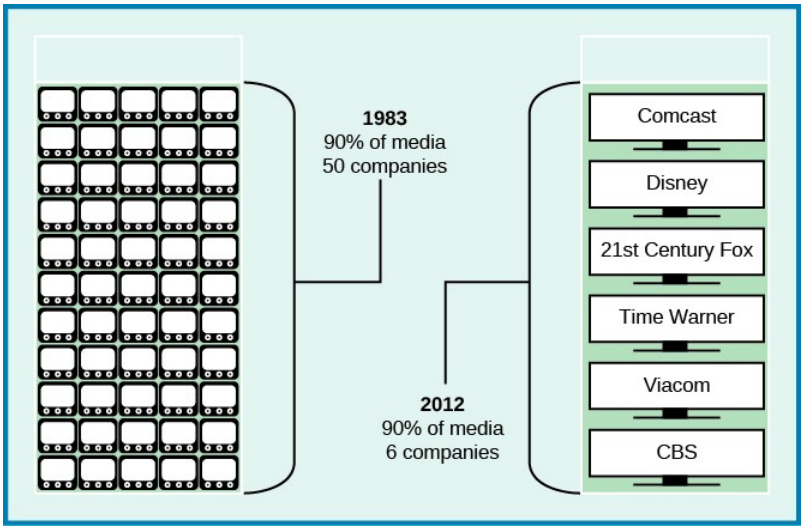
Unfortunately, the proliferation of online news has also increased the amount of poorly written material with little editorial oversight, and readers must be cautious when reading Internet news sources. Sites like Buzzfeed allow members to post articles without review by an editorial board, leading to articles of varied quality and accuracy. The Internet has also made publication

speed a consideration for professional journalists. No news outlet wants to be the last to break a story, and the rush to publication often leads to typographical and factual errors. Even large news outlets, like the Associated Press, have published articles with errors in their haste to get a story out.

The Internet also facilitates the flow of information through social media, which allows users to instantly communicate with one another and share with audiences that can grow exponentially. Facebook and Twitter have millions of daily users. Social media changes more rapidly than the other media formats. While people in many different age groups use sites like Facebook, Twitter, and YouTube, other sites like Snapchat and Yik Yak appeal mostly to younger users. The platforms also serve different functions. Tumblr and Reddit facilitate discussion that is topic-based and controversial, while Instagram is mostly social. A growing number of these sites also allow users to comment anonymously, leading to increases in threats and abuse. The site 4chan, for example, was linked to the 2015 shooting at an Oregon community college.[3]

Regardless of where we get our information, the various media avenues available today, versus years ago, make it much easier for everyone to be engaged. The question is: Who controls the media we rely on? Most media are controlled by a limited number of conglomerates. A conglomerate is a corporation made up of a number of companies, organizations, and media networks. In the 1980s, more than fifty companies owned the majority of television and radio stations and networks. Now, only six conglomerates control most of the broadcast media in the United States: CBS Corporation, Comcast, Time Warner, 21st Century Fox (formerly News Corporation), Viacom, and The Walt Disney Company.[4]

The Walt Disney Company, for example, owns the ABC Television Network, ESPN, A&E, and Lifetime, in addition to the Disney Channel. Viacom owns BET, Comedy Central, MTV, Nickelodeon, and Vh2. Time Warner owns Cartoon Network, CNN, HBO, and TNT, among others. While each of these networks has its own programming, in the end, the conglomerate can make a policy that affects all stations and programming under its control.



In 1983, fifty companies owned 90 percent of U.S. media. By 2012, just six conglomerates controlled the same percentage of U.S. media outlets.

Conglomerates can create a monopoly on information by controlling a sector of a market. When a media conglomerate has policies or restrictions, they will apply to all stations or outlets under its ownership, potentially limiting the information citizens receive. Conglomerate ownership also creates circumstances in which censorship may occur. iHeartMedia (formerly Clear Channel Media) owns music, radio, and billboards throughout the United States, and in 2010, the company refused to run several billboard ads for the St. Pete Pride Festival and Promenade in St. Petersburg, Florida. The festival organizers said the content of two ads, a picture of same-sex couples in close contact with one another, was the reason the ads were not run. Because iHeartMedia owns most of the billboards in the area, this limitation was problematic for the festival and decreased awareness of the event. Those in charge of the festival viewed the refusal as censorship.[5]

Newspapers too have experienced the pattern of concentrated ownership. Gannett Company, while also owning television media, holds a large number of newspapers and news magazines in its control. Many of these were acquired quietly, without public notice

or discussion. Gannett's 2013 acquisition of publishing giant A.H. Belo Corporation caused some concern and news coverage, however. The sale would have allowed Gannett to own both an NBC and a CBS affiliate in St. Louis, Missouri, giving it control over programming and advertising rates for two competing stations. The U.S. Department of Justice required Gannett to sell the station owned by Belo to ensure market competition and multi-ownership in St. Louis.[6]

These changes in the format and ownership of media raise the question whether the media still operate as an independent source of information. Is it possible that corporations and CEOs now control the information flow, making profit more important than the impartial delivery of information? The reality is that media outlets, whether newspaper, television, radio, or Internet, are businesses. They have expenses and must raise revenues. Yet at the same time, we expect the media to entertain, inform, and alert us without bias. They must provide some public services, while following laws and regulations. Reconciling these goals may not always be possible.

Functions of the Media

The media exist to fill a number of functions. Whether the medium is a newspaper, a radio, or a television newscast, a corporation behind the scenes must bring in revenue and pay for the cost of the product. Revenue comes from advertising and sponsors, like McDonald's, Ford Motor Company, and other large corporations. But corporations will not pay for advertising if there are no viewers or readers. So all programs and publications need to entertain, inform, or interest the public and maintain a steady stream of consumers. In the end, what attracts viewers and advertisers is what survives.

The media are also **watchdogs** of society and of public officials. Some refer to the media as the *fourth estate*, with the branches of government being the first three estates and the media equally participating as the fourth. This role helps maintain democracy and keeps the government accountable for its actions, even if a branch of the government is reluctant to open itself to public scrutiny. As much as social scientists would like citizens to be informed and involved in politics and events, the reality is that we are not. So the media, especially journalists, keep an eye on what is happening and sounds an alarm when the public needs to pay attention.[7]

The media also engages in **agenda setting**, which is the act of choosing which issues or topics deserve public discussion. For example, in the early 1980s, famine in Ethiopia drew worldwide attention, which resulted in increased charitable giving to the country. Yet the famine had been going on for a long time before it was discovered by western media. Even after the discovery, it took video footage to gain the attention of the British and U.S. populations and start the aid flowing.[8]

Today, numerous examples of agenda setting show how important the media are when trying to prevent further emergencies or humanitarian crises. In the spring of 2015, when the Dominican Republic was preparing to exile Haitians and undocumented (or under documented) residents, major U.S. news outlets remained silent. However, once the story had been covered several times by Al Jazeera, a state-funded broadcast company based in Qatar, ABC, the *New York Times*, and other network outlets followed.[9] With major network coverage came public pressure for the U.S. government to act on behalf of the Haitians.[10]

Before the Internet, traditional media determined whether citizen photographs or video footage would become "news." In 1991, a private citizen's camcorder footage showed four police officers beating an African American motorist named Rodney King in Los Angeles. After appearing on local independent television station, KTLA-TV, and then the national news, the event began a national discussion on police brutality and ignited riots in Los Angeles.[11]

The agenda-setting power of traditional media has begun to be appropriated by social media and smartphones, however. Tumblr, Facebook, YouTube, and other Internet sites allow witnesses to instantly upload images and accounts of events and forward the link to friends. Some uploads go viral and attract the attention of the mainstream media, but large network newscasts and major newspapers are still more powerful at initiating or changing a discussion.

The media also promote the public good by offering a platform for public debate and improving citizen awareness. Network news informs the electorate about national issues, elections, and international news. The *New York Times*, *Los Angeles Times*, *NBC Nightly News*, and other outlets make sure voters can easily find out what issues affect the nation. Is terrorism on the rise? Is the dollar weakening? The network news hosts national debates during presidential elections, broadcasts major presidential addresses, and interviews political leaders during times of crisis. Cable news networks now provide coverage of all these topics as well.

Local news has a larger job, despite small budgets and fewer resources. Local government and local economic policy have a strong and immediate effect on citizens. Is the city government planning on changing property tax rates? Will the school district change

the way Common Core tests are administered? When and where is the next town hall meeting or public forum to be held? Local and social media provide a forum for protest and discussion of issues that matter to the community.



Meetings of local governance, such as this meeting of the Independence City Council in Missouri, are rarely attended by more than gadflies and journalists. (credit: “MoBikeFed”/Flickr)

While journalists reporting the news try to present information in an unbiased fashion, sometimes the public seeks opinion and analysis of complicated issues that affect various populations differently, like healthcare reform and the Affordable Care Act. This type of coverage may come in the form of editorials, commentaries, Op-Ed columns, and blogs. These forums allow the editorial staff and informed columnists to express a personal belief and attempt to persuade. If opinion writers are trusted by the public, they have influence.

Walter Cronkite, reporting from Vietnam, had a loyal following. In a broadcast following the Tet Offensive in 1968, Cronkite expressed concern that the United States was mired in a conflict that would end in a stalemate.[12] His coverage was based on opinion after viewing the war from the ground.[13]

Although the number of people supporting the war had dwindled by this time, Cronkite’s commentary bolstered opposition. Like editorials, commentaries contain opinion and are often written by specialists in a field. Larry Sabato, a prominent political science professor at the University of Virginia, occasionally writes his thoughts for the *New York Times*. These pieces are based on his expertise in politics and elections.[14] Blogs offer more personalized coverage, addressing specific concerns and perspectives for a limited group of readers. Nate Silver’s blog, *FiveThirtyEight*, focuses on elections and politics.

Media Effects and Bias

Concerns about the effects of media on consumers and the existence and extent of media bias go back to the 1920s. Reporter and commentator Walter Lippmann noted that citizens have limited personal experience with government and the world and posited that the media, through their stories, place ideas in citizens’ minds. These ideas become part of the citizens’ frame of reference and affect their decisions. Lippmann’s statements led to the hypodermic theory, which argues that information is “shot” into the receiver’s mind and readily accepted.[15]

Yet studies in the 1930s and 1940s found that information was transmitted in two steps, with one person reading the news and then sharing the information with friends. People listened to their friends, but not to those with whom they disagreed. The newspaper’s effect was thus diminished through conversation. This discovery led to the minimal effects theory, which argues the media have little effect on citizens and voters.[16]

By the 1970s, a new idea, the cultivation theory, hypothesized that media develop a person’s view of the world by presenting a perceived reality.[17] What we see on a regular basis is our reality. Media can then set norms for readers and viewers by choosing what is covered or discussed.

In the end, the consensus among observers is that media have some effect, even if the effect is subtle. This raises the question of how the media, even general newscasts, can affect citizens. One of the ways is through framing: the creation of a narrative, or context, for a news story. The news often uses frames to place a story in a context so the reader understands its importance or relevance. Yet, at the same time, framing affects the way the reader or viewer processes the story.

Episodic framing occurs when a story focuses on isolated details or specifics rather than looking broadly at a whole issue. ***Thematic framing*** takes a broad look at an issue and skips numbers or details. It looks at how the issue has changed over a long period of time and what has led to it. For example, a large, urban city is dealing with the problem of an increasing homeless population, and the city has suggested ways to improve the situation. If journalists focus on the immediate statistics, report the current percentage of homeless people, interview a few, and look at the city's current investment in a homeless shelter, the coverage is episodic. If they look at homelessness as a problem increasing everywhere, examine the reasons people become homeless, and discuss the trends in cities' attempts to solve the problem, the coverage is thematic. Episodic frames may create more sympathy, while a thematic frame may leave the reader or viewer emotionally disconnected and less sympathetic.



Civil war in Syria has led many to flee the country, including this woman living in a Syrian refugee camp in Jordan in September 2015. Episodic framing of the stories of Syrian refugees, and their deaths, turned government inaction into action. (credit: Enes Reyhan)

Framing can also affect the way we see race, socioeconomics, or other generalizations. For this reason, it is linked to priming: when media coverage predisposes the viewer or reader to a particular perspective on a subject or issue. If a newspaper article focuses on unemployment, struggling industries, and jobs moving overseas, the reader will have a negative opinion about the economy. If then asked whether he or she approves of the president's job performance, the reader is primed to say no. Readers and viewers are able to fight priming effects if they are aware of them or have prior information about the subject.

Coverage Effects on Governance and Campaigns

When it is spotty, the media's coverage of campaigns and government can sometimes affect the way government operates and the success of candidates. In 1972, for instance, the McGovern-Fraser reforms created a voter-controlled primary system, so party leaders no longer pick the presidential candidates. Now the media are seen as kingmakers and play a strong role in influencing who will become the Democratic and Republican nominees in presidential elections. They can discuss the candidates' messages, vet their credentials, carry sound bites of their speeches, and conduct interviews. The candidates with the most media coverage build momentum and do well in the first few primaries and caucuses. This, in turn, leads to more media coverage, more momentum, and eventually a winning candidate. Thus, candidates need the media.

In the 1980s, campaigns learned that tight control on candidate information created more favorable media coverage. In the presidential election of 1984, candidates Ronald Reagan and George H. W. Bush began using an issue-of-the-day strategy, providing quotes and material on only one topic each day. This strategy limited what journalists could cover because they had only limited quotes and sound bites to use in their reports. In 1992, both Bush's and Bill Clinton's campaigns maintained their carefully

drawn candidate images by also limiting photographers and television journalists to photo opportunities at rallies and campaign venues. The constant control of the media became known as the “bubble,” and journalists were less effective when they were in the campaign’s bubble. Reporters complained this coverage was campaign advertising rather than journalism, and a new model emerged with the 1996 election.[18]

Campaign coverage now focuses on the spectacle of the season, rather than providing information about the candidates. Colorful personalities, strange comments, lapse of memories, and embarrassing revelations are more likely to get air time than the candidates’ issue positions. Candidate Donald Trump may be the best example of shallower press coverage of a presidential election. Some argue that newspapers and news programs are limiting the space they allot to discussion of the campaigns.[19] Others argue that citizens want to see updates on the race and electoral drama, not boring issue positions or substantive reporting.[20] It may also be that journalists have tired of the information games played by politicians and have taken back control of the news cycles.[21]

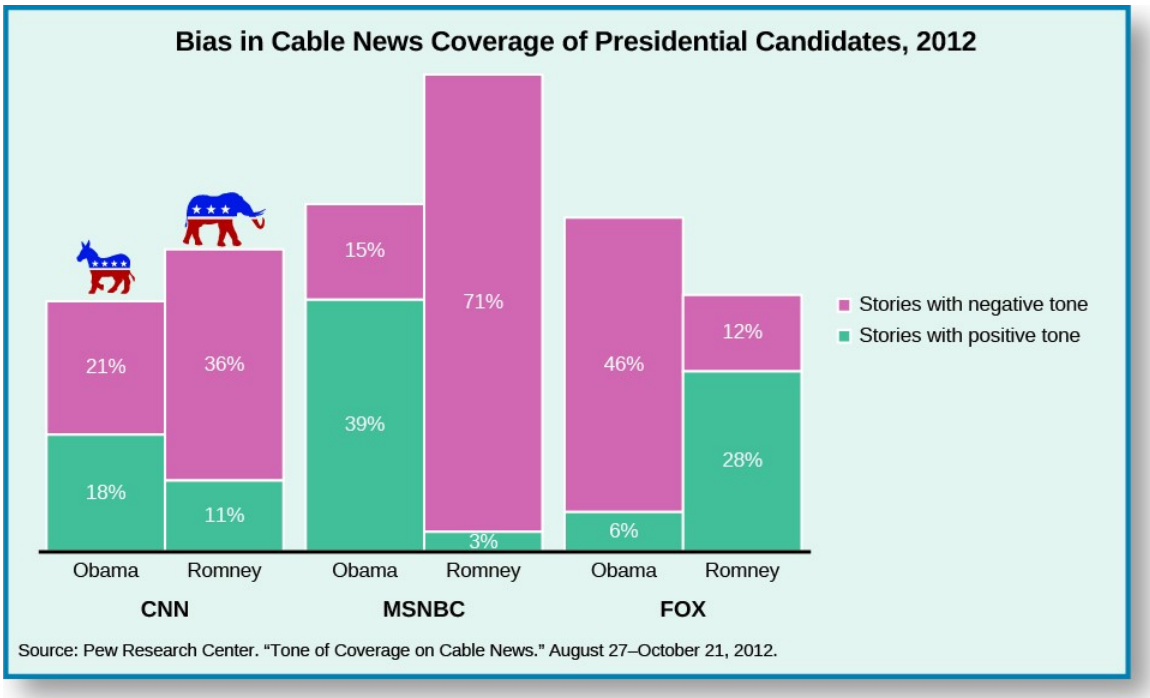
All these factors have likely led to the shallow press coverage we see today, sometimes dubbed ***pack journalism*** because journalists follow one another rather than digging for their own stories. Television news discusses the strategies and blunders of the election, with colorful examples. Newspapers focus on polls. In an analysis of the 2012 election, Pew Research found that 64 percent of stories and coverage focused on campaign strategy. Only 9 percent covered domestic issue positions; 6 percent covered the candidates’ public records; and, 1 percent covered their foreign policy positions.[22]

For better or worse, coverage of the candidates’ statements get less air time on radio and television, and sound bites, or clips, of their speeches have become even shorter. In 1968, the average sound bite from Richard Nixon was 42.3 seconds, while a recent study of television coverage found that sound bites had decreased to only eight seconds in the 2004 election.[23]

The clips chosen to air were attacks on opponents 40 percent of the time. Only 30 percent contained information about the candidate’s issues or events. The study also found the news showed images of the candidates, but for an average of only twenty-five seconds while the newscaster discussed the stories.[24] This study supports the argument that shrinking sound bites are a way for journalists to control the story and add their own analysis rather than just report on it.[25]

Candidates are given a few minutes to try to argue their side of an issue, but some say television focuses on the argument rather than on information. In 2004, Jon Stewart of Comedy Central’s *The Daily Show* began attacking the CNN program *Crossfire* for being theater, saying the hosts engaged in reactionary and partisan arguing rather than true debating.[26] Some of Stewart’s criticisms resonated, even with host Paul Begala, and *Crossfire* was later pulled from the air.[27]

The media’s discussion of campaigns has also grown negative. Although biased campaign coverage dates back to the period of the partisan press, the increase in the number of cable news stations has made the problem more visible. Stations like FOX News and MSNBC are overt in their use of bias in framing stories. During the 2012 campaign, seventy-one of seventy-four MSNBC stories about Mitt Romney were highly negative, while FOX News’ coverage of Obama had forty-six out of fifty-two stories with negative information. The major networks—ABC, CBS, and NBC—were somewhat more balanced, yet the overall coverage of both candidates tended to be negative.[28]



Media coverage of campaigns is increasingly negative, with cable news stations demonstrating more bias in their framing of stories during the 2012 campaign.

Due in part to the lack of substantive media coverage, campaigns increasingly use social media to relay their message. Candidates can create their own sites and pages and try to spread news through supporters to the undecided. In 2012, both Romney and Obama maintained Facebook, Twitter, and YouTube accounts to provide information to voters. Yet, on social media, candidates still need to combat negativity, from both the opposition and supporters. Stories about Romney that appeared in the mainstream media were negative 38 percent of the time, while his coverage in Facebook news was negative 62 percent of the time and 58 percent of the time on Twitter.[29]

Once candidates are in office, the chore of governing begins, with the added weight of media attention. Historically, if presidents were unhappy with their press coverage, they used personal and professional means to change its tone. Franklin D. Roosevelt, for example, was able to keep journalists from printing stories through gentleman's agreements, loyalty, and the provision of additional information, sometimes off the record. The journalists then wrote positive stories, hoping to keep the president as a source. John F. Kennedy hosted press conferences twice a month and opened the floor for questions from journalists, in an effort to keep press coverage positive.[30]

When presidents and other members of the White House are not forthcoming with information, journalists must press for answers. Dan Rather, a journalist for CBS, regularly sparred with presidents in an effort to get information. When Rather interviewed Richard Nixon about Vietnam and Watergate, Nixon was hostile and uncomfortable.[31]

In a 1988 interview with then-vice president George H. W. Bush, Bush accused Rather of being argumentative about the possible cover-up of a secret arms sale with Iran:

Rather: I don't want to be argumentative, Mr. Vice President.

Bush: You do, Dan.

Rather: No—no, sir, I don't.

Bush: This is not a great night, because I want to talk about why I want to be president, why those 41 percent of the people are supporting me. And I don't think it's fair to judge my whole career by a rehash of Iran. How would you like it if I judged your career by those seven minutes when you walked off the set in New York?[32]

Cabinet secretaries and other appointees also talk with the press, sometimes making for conflicting messages. The creation of the position of press secretary and the White House Office of Communications both stemmed from the need to send a cohesive message from the executive branch. Currently, the White House controls the information coming from the executive branch through the Office of Communications and decides who will meet with the press and what information will be given.

But stories about the president often examine personality, or the president's ability to lead the country, deal with Congress, or respond to national and international events. They are less likely to cover the president's policies or agendas without a lot of effort on the president's behalf.[33]

When Obama first entered office in 2009, journalists focused on his battles with Congress, critiquing his leadership style and inability to work with Representative Nancy Pelosi, then Speaker of the House. To gain attention for his policies, specifically the American Recovery and Reinvestment Act (ARRA), Obama began traveling the United States to draw the media away from Congress and encourage discussion of his economic stimulus package. Once the ARRA had been passed, Obama began travelling again, speaking locally about why the country needed the Affordable Care Act and guiding media coverage to promote support for the act.[34]

Congressional representatives have a harder time attracting media attention for their policies. House and Senate members who use the media well, either to help their party or to show expertise in an area, may increase their power within Congress, which helps them bargain for fellow legislators' votes. Senators and high-ranking House members may also be invited to appear on cable news programs as guests, where they may gain some media support for their policies. Yet, overall, because there are so many members of Congress, and therefore so many agendas, it is harder for individual representatives to draw media coverage.[35]

It is less clear, however, whether media coverage of an issue leads Congress to make policy, or whether congressional policymaking leads the media to cover policy. In the 1970s, Congress investigated ways to stem the number of drug-induced deaths and crimes. As congressional meetings dramatically increased, the press was slow to cover the topic. The number of hearings was at its highest from 1970 to 1982, yet media coverage did not rise to the same level until 1984.[36] Subsequent hearings and coverage led to national policies like DARE and First Lady Nancy Reagan's "Just Say No" campaign.



(a)



(b)

First Lady Nancy Reagan speaks at a "Just Say No" rally in Los Angeles on May 13, 1987 (a). The Drug Abuse Resistance Education (D.A.R.E.) is an anti-drug, anti-gang program founded in 1983 by a joint initiative of the Los Angeles Police Department and the Los Angeles Unified School District.

Later studies of the media's effect on both the president and Congress report that the media has a stronger agenda-setting effect on the president than on Congress. What the media choose to cover affects what the president thinks is important to voters, and these issues were often of national importance. The media's effect on Congress was limited, however, and mostly extended to local issues like education or child and elder abuse.[37] If the media are discussing a topic, chances are a member of Congress has already submitted a relevant bill, and it is waiting in committee.

Coverage Effects on Society

The media choose what they want to discuss. This agenda setting creates a reality for voters and politicians that affects the way people think, act, and vote. Even if the crime rate is going down, for instance, citizens accustomed to reading stories about assault and other offenses still perceive crime to be an issue.[38]

Studies have also found that the media's portrayal of race is flawed, especially in coverage of crime and poverty. One study revealed that local news shows were more likely to show pictures of criminals when they were African American, so they overrepresented blacks as perpetrators and whites as victims.[39] A second study found a similar pattern in which Latinos were underrepresented as victims of crime and as police officers, while whites were overrepresented as both.[40] Voters were thus more likely to assume that most criminals are black and most victims and police officers are white, even though the numbers do not support those assumptions.

Network news similarly misrepresents the victims of poverty by using more images of blacks than whites in its segments. Viewers in a study were left believing African Americans were the majority of the unemployed and poor, rather than seeing the problem as one faced by many races.[41]

The misrepresentation of race is not limited to news coverage, however. A study of images printed in national magazines, like *Time* and *Newsweek*, found they also misrepresented race and poverty. The magazines were more likely to show images of young African Americans when discussing poverty and excluded the elderly and the young, as well as whites and Latinos, which is the true picture of poverty.[42]

Racial framing, even if unintentional, affects perceptions and policies. If viewers are continually presented with images of African Americans as criminals, there is an increased chance they will perceive members of this group as violent or aggressive.[43] The perception that most recipients of welfare are working-age African Americans may have led some citizens to vote for candidates who promised to reduce welfare benefits.[44] When survey respondents were shown a story of a white unemployed individual, 71 percent listed unemployment as one of the top three problems facing the United States, while only 53 percent did so if the story was about an unemployed African American.[45]

Word choice may also have a priming effect. News organizations like the *Los Angeles Times* and the Associated Press no longer use the phrase "illegal immigrant" to describe undocumented residents. This may be due to the desire to create a "sympathetic" frame for the immigration situation rather than a "threat" frame.[46]

Media coverage of women has been similarly biased. Most journalists in the early 1900s were male, and women's issues were not part of the newsroom discussion. As journalist Kay Mills put it, the women's movement of the 1960s and 1970s was about raising awareness of the problems of equality, but writing about rallies "was like trying to nail Jell-O to the wall."[47] Most politicians, business leaders, and other authority figures were male, and editors' reactions to the stories were lukewarm. The lack of women in the newsroom, politics, and corporate leadership encouraged silence.[48]

In 1976, journalist Barbara Walters became the first female coanchor on a network news show, *The ABC Evening News*. She was met with great hostility from her coanchor Harry Reasoner and received critical coverage from the press.[49] On newspaper staffs, women reported having to fight for assignments to well-published beats, or to be assigned areas or topics, such as the economy or politics, that were normally reserved for male journalists. Once female journalists held these assignments, they feared writing about women's issues. Would it make them appear weak? Would they be taken from their coveted beats?[50]

This apprehension allowed poor coverage of women and the women's movement to continue until women were better represented as journalists and as editors. Strength of numbers allowed them to be confident when covering issues like health care, childcare, and education.[51]

The media's historically uneven coverage of women continues in its treatment of female candidates. Early coverage was sparse. The stories that did appear often discussed the candidate's viability, or ability to win, rather than her stand on the issues.[52]

Women were seen as a novelty rather than as serious contenders who needed to be vetted and discussed. Modern media coverage has changed slightly. One study found that female candidates receive more favorable coverage than in prior generations, especially if they are incumbents.[53] Yet a different study found that while there was increased coverage for female candidates, it was often negative.[54] And it did not include Latina candidates.[55] Without coverage, they are less likely to win.

The historically negative media coverage of female candidates has had another concrete effect: Women are less likely than men to run for office. One common reason is the effect negative media coverage has on families.[56] Many women do not wish to expose their children or spouses to criticism.[57]

In 2008, the nomination of Sarah **Palin** as Republican candidate John McCain's running mate validated this concern. Some articles focused on her qualifications to be a potential future president or her record on the issues. But others questioned whether she had the right to run for office, given she had young children, one of whom has developmental disabilities.[58] Her daughter, Bristol, was criticized for becoming pregnant while unmarried.[59] Her husband was called cheap for failing to buy her a high-priced wedding ring.[60] Even when candidates ask that children and families be off-limits, the press rarely honors the requests. So women with young children may wait until their children are grown before running for office, if they choose to run at all.



When Sarah Palin found herself on the national stage at the Republican Convention in September 2008, media coverage about her selection as John McCain's running mate included numerous questions about her ability to serve based on personal family history. Attacks on candidates' families lead many women to postpone or avoid running for office. (credit: Carol Highsmith)

---

1. Jeremy Lipschultz and Michael Hilt. 2003. "Race and Local Television News Crime Coverage," *Studies in Media & Information Literacy Education* 3, No. 4: 1–10. ↵
2. Lucas Shaw, "TV Networks Offering More On Demand to Reduce Ad-Skipping," *Bloomberg Technology*, 24 September 2014. ↵
3. Daniel Marans, "Did the Oregon Shooter Warn of His Plans on 4chan?" *Huffington Post*, 1 October 2015. ↵
4. Vanna Le, "Global 2000: The World's Largest Media Companies of 2014," *Forbes*, 7 May 2014. ↵
5. Stephanie Hayes, "Clear Channel Rejects St. Pete Pride Billboards, Organizers Say," *Tampa Bay Times*, 11 June 2010. ↵
6. Meg James, "DOJ Clears Gannett-Belo Deal but Demands Sale of St. Louis TV Station," *Los Angeles Times*, 16 December 2013. ↵
7. John Zaller. 2003. "A New Standard of News Quality: Burglar Alarms for the Monitorial Citizen," *Political Communication* 20, No. 2: 109–130. ↵
8. Suzanne Ranks, "Ethiopian Famine: How Landmark BBC Report Influenced Modern Coverage," *Guardian*, 22 October 2014. ↵
9. Hisham Aidi, "Haitians in the Dominican Republic in Legal Limbo," *Al Jazeera*, 10 April 2015. ↵
10. "Pressure the Government of the Dominican Republic to Stop its Planned 'Cleaning' of 250,000 Black Dominicans," https://petitions.whitehouse.gov/petition/pressure-government-dominican-republic-stop-its-planned-cleaning-250000-black-dominicans (November 26, 2015); Led Black, "Prevent Humanitarian Tragedy in Dominican Republic," *CNN*, 23 June 2015. ↵

11. Erik Ortiz, “George Holliday, Who Taped Rodney King Beating, Urges Others to Share Videos,” *NBC*, 9 June 2015. ↵
12. “Walter Cronkite’s ‘We Are Mired in Stalemate’ Broadcast, February 27, 1968” *Digital History*, http://www.digitalhistory.uh.edu/active_learning/explorations/vietnam/cronkite.cfm (November 29, 2015). ↵
13. Joel Achenbach, “Cronkite and Vietnam,” *Washington Post*, 18 May 2012. ↵
14. Larry Sabato, “Our Leaders, Surprise, Have Strong Views,” *New York Times*, 23 February 2009. ↵
15. Walter Lippmann. 1922. *Public Opinion.*http://xroads.virginia.edu/~hyper/Lippman/contents.html (August 29, 2015). ↵
16. Bernard Berelson, Paul Lazarsfeld, and William McPhee. 1954. *Voting*. Chicago: University of Chicago Press. ↵
17. George Gerbner, Larry Gross, Michael Morgan, Nancy Signorielli, and Marilyn Jackson-Beeck. 1979. “The Demonstration of Power: Violence Profile,” *Journal of Communication 29, No.*10: 177–196. ↵
18. Elizabeth A. Skewes. 2007. *Message Control: How News Is Made on the Presidential Campaign Trail*. Maryland: Rowman & Littlefield, 79. ↵
19. Stephen Farnsworth and S. Robert Lichter. 2012. “Authors’ Response: Improving News Coverage in the 2012 Presidential Campaign and Beyond,” *Politics & Policy* 40, No. 4: 547–556. ↵
20. “Early Media Coverage Focuses on Horse Race,” *PBS News Hour*, 12 June 2007. ↵
21. Stephen Ansolabehere, Roy Behr, and Shanto Iyengar. 1992. *The Media Game: American Politics in the Television Age*. New York: Macmillan. ↵
22. “Frames of Campaign Coverage,” *Pew Research Center*, 23 April 2012, http://www.journalism.org/2012/04/23/frames-campaign-coverage. ↵
23. Kiku Adatto. May 28, 1990. “The Incredible Shrinking Sound Bite,” *New Republic* 202, No. 22: 20–23. ↵
24. Erik Bucy and Maria Elizabeth Grabe. 2007. “Taking Television Seriously: A Sound and Image Bite Analysis of Presidential Campaign Coverage, 1992–2004,” *Journal of Communication* 57, No. 4: 652–675. ↵
25. Craig Fehrman, “The Incredible Shrinking Sound Bite,” *Boston Globe*, 2 January 2011, http://www.boston.com/bostonglobe/ideas/articles/2011/01/02/the_incredible_shrinking_sound_bite/. ↵
26. “Crossfire: Jon Stewart’s America,” *CNN*, 15 October 2004, http://www.cnn.com/TRANSCRIPTS/0410/15/cf.01.html. ↵
27. Paul Begala, “Begala: The day Jon Stewart blew up my show,” *CNN*, 12 February 2015. ↵
28. Pew Research Center: Journalism & Media Staff, “Coverage of the Candidates by Media Sector and Cable Outlet,” 1 November 2012. ↵
29. “Winning the Media Campaign 2012,” *Pew Research* Center, 2 November 2012. ↵
30. Fred Greenstein. 2009. *The Presidential Difference*. Princeton, NJ: Princeton University Press. ↵
31. “Dan Rather versus Richard Nixon, 1974,” YouTube video, :46, from the National Association of Broadcasters annual convention in Houston on March 19,1974, posted by “thecelebratedmisterk,” https://www.youtube.com/watch?v=ZGBLAKq8xwc (November 30, 2015); “‘A Conversation With the President,’ Interview With Dan Rather of the Columbia Broadcasting System,” *The American Presidency Project*, 2 January 1972, http://www.presidency.ucsb.edu/ws/?pid=3351. ↵
32. Wolf Blitzer, “Dan Rather’s Stand,” *CNN*, 10 September 2004. ↵
33. Matthew Eshbaugh-Soha and Jeffrey Peake. 2011. *Breaking Through the Noise: Presidential Leadership, Public Opinion, and the News Media*. Stanford, CA: Stanford University Press. ↵
34. Ibid. ↵
35. Gary Lee Malecha and Daniel J. Reagan. 2011. *The Public Congress: Congressional Deliberation in a New Media Age*. New York: Routledge. ↵
36. Frank R. Baumgartner, Bryan D. Jones, and Beth L. Leech. 1997. “Media Attention and Congressional Agendas,” In *Do The Media Govern? Politicians, Voters, and Reporters in America*, eds. Shanto Iyengar and Richard Reeves. Thousand Oaks, CA: Sage. ↵
37. George Edwards and Dan Wood. 1999. “Who Influences Whom? The President, Congress, and the Media,” *American Political Science Review* 93, No 2: 327–344; Yue Tan and David Weaver. 2007. “Agenda-Setting Effects Among the Media, the Public, and Congress, 1946–2004,” *Journalism & Mass Communication Quarterly* 84, No. 4: 729–745. ↵
38. Ally Fogg, “Crime Is Falling. Now Let’s Reduce Fear of Crime,” *Guardian*, 24 April 24 2013. ↵
39. Travis L. Dixon. 2008. “Crime News and Racialized Beliefs: Understanding the Relationship between Local News Viewing and Perceptions of African Americans and Crime,” *Journal of Communication* 58, No. 1: 106–125. ↵
40. Travis Dixon. 2015. “Good Guys Are Still Always in White? Positive Change and Continued Misrepresentation of Race and Crime on Local Television News,” *Communication Research*, doi:10.1177/0093650215579223. ↵

41. Travis L. Dixon. 2008. “Network News and Racial Beliefs: Exploring the Connection between National Television News Exposure and Stereotypical Perceptions of African Americans,” *Journal of Communication* 58, No. 2: 321–337. ↵
42. Martin Gilens. 1996. “Race and Poverty in America: Public Misperceptions and the American News Media,” *Public Opinion Quarterly* 60, No. 4: 515–541. ↵
43. Dixon. “Crime News and Racialized Beliefs.” ↵
44. Gilens. “Race and Poverty in America.” ↵
45. Shanto Iyengar and Donald R. Kinder. 1987. *News That Matters*. Chicago: University of Chicago Press. ↵
46. Daniel C. Hallin. 2015. “The Dynamics of Immigration Coverage in Comparative Perspective,” *American Behavioral Scientist* 59, No. 7: 876–885. ↵
47. Kay Mills. 1996. “What Difference Do Women Journalists Make?” In *Women, the Media and Politics*, ed. Pippa Norris. Oxford, UK: Oxford University Press, 43. ↵
48. Kim Fridkin Kahn and Edie N. Goldenberg. 1997. “The Media: Obstacle or Ally of Feminists?” In *Do the Media Govern?* eds. Shanto Iyengar and Richard Reeves. Thousand Oaks, CA: Sage. ↵
49. Barbara Walters, “Ms. Walters Reflects,” *Vanity Fair*, 31 May 2008. http://www.vanityfair.com/culture/2008/06/walters_excerpt200806↵
50. Mills. “What Difference Do Women Journalists Make?” ↵
51. Mills. “What Difference Do Women Journalists Make?” ↵
52. Kahn and Goldenberg, “The Media: Obstacle or Ally of Feminists?” ↵
53. Kim Fridkin Kahn. 1994. “Does Gender Make a Difference? An Experimental Examination of Sex Stereotypes and Press Patterns in Statewide Campaigns,” *American Journal of Political Science* 38, No. 1: 162–195. ↵
54. John David Rausch, Mark Rozell, and Harry L. Wilson. 1999. “When Women Lose: A Study of Media Coverage of Two Gubernatorial Campaigns,” *Women & Politics* 20, No. 4: 1–22. ↵
55. Sarah Allen Gershon. 2013. “Media Coverage of Minority Congresswomen and Voter Evaluations: Evidence from an Online Experimental Study,” *Political Research Quarterly* 66, No. 3: 702–714. ↵
56. Jennifer Lawless and Richard Logan Fox. 2005. *It Takes a Candidate: Why Women Don’t Run for Office*. Cambridge: Cambridge University Press. ↵
57. Brittany L. Stalsburg, “Running with Strollers: The Impact of Family Life on Political Ambition,” *Eagleton Institute of Politics*, Spring 2012, Unpublished Paper, http://www.eagleton.rutgers.edu/research/documents/Stalsburg-FamilyLife-Political-Ambition.pdf (August 28, 2015). ↵
58. Christina Walker, “Is Sarah Palin Being Held to an Unfair Standard?” *CNN*, 8 September 2008. ↵
59. Dana Bash, “Palin’s Teen Daughter is Pregnant,” *CNN*, 1 September 2008. ↵
60. Jimmy Orr, “Palin Wardrobe Controversy Heightens – Todd is a Cheapo!” *Christian Science Monitor*, 26 October 2008. ↵

Contributors and Attributions

CC licensed content, Original

- Revision and Adaptation. **Authored by**: Daniel M. Regalado. **License**: *CC BY: Attribution*

CC licensed content, Shared previously

- American Government. **Authored by**: OpenStax. **Provided by**: OpenStax; Rice University. **Located at**: http://cnx.org/contents/5bcc0e59-7345-421d-8507-a1e4608685e8@18.11.. **License**: *CC BY: Attribution*. **License Terms**: Download for free at http://cnx.org/contents/5bcc0e59-734...608685e8@18.11.

This page titled 5.1: The Media is shared under a CC BY 4.0 license and was authored, remixed, and/or curated by Lumen Learning.

5.2: Interest Groups

Learning Objectives

By the end of this section, you will be able to:

- Explain how interest groups differ from political parties
- Evaluate the different types of interests and what they do
- Compare public and private interest groups
- Describe how interest groups influence the government through elections
- Explain how interest groups influence the government through the governance processes
- Identify the various court cases, policies, and laws that outline what interest groups can and cannot do
- Evaluate the arguments for and against whether contributions are a form of freedom of speech
- Understand why interest groups are particularly strong in Texas
- Understand the relative strenght of various interest groups in Texas

While the term *interest group* is not mentioned in the U.S. Constitution, the framers were aware that individuals would band together in an attempt to use government in their favor. In *Federalist* No. 10, James Madison warned of the dangers of "factions," minorities who would organize around issues they felt strongly about, possibly to the detriment of the majority. But Madison believed limiting these factions was worse than facing the evils they might produce, because such limitations would violate individual freedoms. Instead, the natural way to control factions was to let them flourish and compete against each other. The sheer number of interests in the United States suggests that many have, indeed, flourished. They compete with similar groups for membership, and with opponents for access to decision-makers. Some people suggest there may be too many interests in the United States. Others argue that some have gained a disproportionate amount of influence over public policy, whereas many others are underrepresented.

Madison's definition of factions can apply to both interest groups and political parties. But unlike political parties, interest groups do not function primarily to elect candidates under a certain party label or to directly control the operation of the government. Political parties in the United States are generally much broader coalitions that represent a significant proportion of citizens. In the American two-party system, the Democratic and Republican Parties spread relatively wide nets to try to encompass large segments of the population. In contrast, while interest groups may support or oppose political candidates, their goals are usually more issue-specific and narrowly focused on areas like taxes, the environment, and gun rights or gun control, or their membership is limited to specific professions. They may represent interests ranging from well-known organizations, such as the Sierra Club, IBM, or the American Lung Association, to obscure ones, such as the North Carolina Gamefowl Breeders Association. Thus, with some notable exceptions, specific interest groups have much more limited membership than do political parties.

Political parties and interest groups both work together and compete for influence, although in different ways. While interest group activity often transcends party lines, many interests are perceived as being more supportive of one party than the other. The American Conservative Union, Citizens United, the National Rifle Association, and National Right to Life are more likely to have relationships with Republican lawmakers than with Democratic ones. Americans for Democratic Action, Moveon.org, and the Democratic Governors Association all have stronger relationships with the Democratic Party. Parties and interest groups do compete with each other, however, often for influence. At the state level, we typically observe an inverse relationship between them in terms of power. Interest groups tend to have greater influence in states where political parties are comparatively weaker.

What Are Interest Groups and What Do They Want?

Definitions abound when it comes to interest groups, which are sometimes referred to as special interests, interest organizations, pressure groups, or just interests. Most definitions specify that ***interest group*** indicates any formal association of individuals or organizations that attempt to influence government decision-making and/or the making of public policy. Often, this influence is exercised by a lobbyist or a lobbying firm.

Formally, a **lobbyist** is someone who represents the interest organization before government, is usually compensated for doing so, and is required to register with the government in which he or she lobbies, whether state or federal. The lobbyist's primary goal is

usually to influence policy. Most interest organizations engage in lobbying activity to achieve their objectives. As you might expect, the interest hires a lobbyist, employs one internally, or has a member volunteer to lobby on its behalf. For present purposes, we might restrict our definition to the relatively broad one in the Lobbying Disclosure Act.[1] This act requires the registration of lobbyists representing any interest group and devoting more than 20 percent of their time to it.[2] Clients and lobbying firms must also register with the federal government based on similar requirements. Moreover, campaign finance laws require disclosure of campaign contributions given to political candidates by organizations.

Lobbying is not limited to Washington, DC, however, and many interests lobby there as well as in one or more states. Each state has its own laws describing which individuals and entities must register, so the definitions of lobbyists and interests, and of what lobbying is and who must register to do it, also vary from state to state. Therefore, while a citizen contacting a lawmaker to discuss an issue is generally not viewed as lobbying, an organization that devotes a certain amount of time and resources to contacting lawmakers may be classified as lobbying, depending on local, state, or federal law.

Largely for this reason, there is no comprehensive list of all interest groups to tell us how many there are in the United States. Estimates of the number vary widely, suggesting that if we use a broad definition and include all interests at all levels of government, there may be more than 200,000.[3] Following the passage of the Lobbying Disclosure Act in 1995, we had a much better understanding of the number of interests registered in Washington, DC; however, it was not until several years later that we had a complete count and categorization of the interests registered in each of the fifty states.[4] Political scientists have categorized interest groups in a number of ways.[5]

First, interest groups may take the form of membership organizations, which individuals join voluntarily and to which they usually pay dues. Membership groups often consist of people who have common issues or concerns, or who want to be with others who share their views. The National Rifle Association (NRA) is a membership group consisting of members who promote gun rights. For those who advocate greater regulation of access to firearms, such as background checks prior to gun purchases, the Brady Campaign to Prevent Gun Violence is a membership organization that weighs in on the other side of the issue.[6]



(a)



(b)

A Florida member of the NRA proudly displays his support of gun rights (a). In December 2012, CREDO, a San Francisco telecommunications company that supports progressive causes, called on the NRA to stop blocking Congress from passing gun control legislation (b). (credit a: modification of work by Daniel Oines; credit b: modification of work by Josh Lopez)

Interest groups may also form to represent companies, corporate organizations, and governments. These groups do not have individual members but rather are offshoots of corporate or governmental entities with a compelling interest to be represented in front of one or more branches of government. Verizon and Coca-Cola will register to lobby in order to influence policy in a way that benefits them. These corporations will either have one or more in-house lobbyists, who work for one interest group or firm and represent their organization in a lobbying capacity, and/or will hire a contract lobbyist, individuals who work for firms that represent a multitude of clients and are often hired because of their resources and their ability to contact and lobby lawmakers, to represent them before the legislature.

Governments such as municipalities and executive departments such as the Department of Education register to lobby in an effort to maximize their share of budgets or increase their level of autonomy. These government institutions are represented by a legislative liaison, whose job is to present issues to decision-makers. For example, a state university usually employs a lobbyist,

legislative liaison, or government affairs person to represent its interests before the legislature. This includes lobbying for a given university's share of the budget or for its continued autonomy from lawmakers and other state-level officials who may attempt to play a greater oversight role.

In 2015, thirteen states had their higher education budgets cut from the previous year, and nearly all states have seen some cuts to higher education funding since the recession began in 2008.[7] In 2015, as in many states, universities and community colleges in Mississippi lobbied the legislature over pending budget cuts.[8] These examples highlight the need for universities and state university systems to have representation before the legislature. On the federal level, universities may lobby for research funds from government departments. For example, the Departments of Defense and Homeland Security may be willing to fund scientific research that might better enable them to defend the nation.

Interest groups also include associations, which are typically groups of institutions that join with others, often within the same trade or industry (trade associations), and have similar concerns. The American Beverage Association[9] includes Coca-Cola, Red Bull North America, ROCKSTAR, and Kraft Foods. Despite the fact that these companies are competitors, they have common interests related to the manufacturing, bottling, and distribution of beverages, as well as the regulation of their business activities. The logic is that there is strength in numbers, and if members can lobby for tax breaks or eased regulations for an entire industry, they may all benefit. These common goals do not, however, prevent individual association members from employing in-house lobbyists or contract lobbying firms to represent their own business or organization as well. Indeed, many members of associations are competitors who also seek representation individually before the legislature.

Finally, sometimes individuals volunteer to represent an organization. They are called amateur or volunteer lobbyists, and are typically not compensated for their lobbying efforts. In some cases, citizens may lobby for pet projects because they care about some issue or cause. They may or may not be members of an interest group, but if they register to lobby, they are sometimes nicknamed "hobbyists."

Lobbyists representing a variety of organizations employ different techniques to achieve their objectives. One method is inside lobbying or direct lobbying, which takes the interest group's message directly to a government official such as a lawmaker.[10] Inside lobbying tactics include testifying in legislative hearings and helping to draft legislation. Numerous surveys of lobbyists have confirmed that the vast majority rely on these inside strategies. For example, nearly all report that they contact lawmakers, testify before the legislature, help draft legislation, and contact executive agencies. Trying to influence government appointments or providing favors to members of government are somewhat less common insider tactics.

Many lobbyists also use outside lobbying or indirect lobbying tactics, whereby the interest attempts to get its message out to the public.[11] These tactics include issuing press releases, placing stories and articles in the media, entering coalitions with other groups, and contacting interest group members, hoping that they will individually pressure lawmakers to support or oppose legislation. An environmental interest group like the Sierra Club, for example, might issue a press release or encourage its members to contact their representatives in Congress about legislation of concern to the group. It might also use outside tactics if there is a potential threat to the environment and the group wants to raise awareness among its members and the public. Members of Congress are likely to pay attention when many constituents contact them about an issue or proposed bill. Many interest groups, including the Sierra Club, will use a combination of inside and outside tactics in their lobbying efforts, choosing whatever strategy is most likely to help them achieve their goals.



In February 2013, members of the Sierra Club joined a march on Los Angeles City Hall to demand action on climate change and protest the development of the Keystone pipeline. (credit: Charlie Kaijo)

The primary goal of most interests, no matter their lobbying approach, is to influence decision-makers and public policies. For example, National Right to Life, an anti-abortion interest group, lobbies to encourage government to enact laws that restrict abortion access, while NARAL Pro-Choice America lobbies to promote the right of women to have safe choices about abortion. Environmental interests like the Sierra Club lobby for laws designed to protect natural resources and minimize the use of pollutants. On the other hand, some interests lobby to reduce regulations that an organization might view as burdensome. Air and water quality regulations designed to improve or protect the environment may be viewed as onerous by industries that pollute as a byproduct of their production or manufacturing process. Other interests lobby for budgetary allocations; the farm lobby, for example, pressures Congress to secure new farm subsidies or maintain existing ones. Farm subsidies are given to some farmers because they grow certain crops and to other farmers so they will *not* grow certain crops.[12] As expected, any bill that might attempt to alter these subsidies raises the antennae of many agricultural interests.

Interest Group Functions

While influencing policy is the primary goal, interest groups also monitor government activity, serve as a means of political participation for members, and provide information to the public and to lawmakers. According to the National Conference of State Legislatures, by November 2015, thirty-six states had laws requiring that voters provide identification at the polls.[13]

A civil rights group like the National Association for the Advancement of Colored People (NAACP) will keep track of proposed voter-identification bills in state legislatures that might have an effect on voting rights. This organization will contact lawmakers to voice approval or disapproval of proposed legislation (inside lobbying) and encourage group members to take action by either donating money to it or contacting lawmakers about the proposed bill (outside lobbying). Thus, a member of the organization or a citizen concerned about voting rights need not be an expert on the legislative process or the technical or legal details of a proposed bill to be informed about potential threats to voting rights. Other interest groups function in similar ways. For example, the NRA monitors attempts by state legislatures to tighten gun control laws.

Interest groups facilitate political participation in a number of ways. Some members become active within a group, working on behalf of the organization to promote its agenda. Some interests work to increase membership, inform the public about issues the group deems important, or organize rallies and promote get-out-the-vote efforts. Sometimes groups will utilize events to mobilize existing members or encourage new members to join. For example, following Barack Obama's presidential victory in 2008, the NRA used the election as a rallying cry for its supporters, and it continues to attack the president on the issue of guns, despite the fact that gun rights have in some ways expanded over the course of the Obama presidency. Interest groups also organize letter-writing campaigns, stage protests, and sometimes hold fundraisers for their cause or even for political campaigns.

Some interests are more broadly focused than others. AARP (formerly the American Association of Retired Persons) has approximately thirty-seven million members and advocates for individuals fifty and over on a variety of issues including health care, insurance, employment, financial security, and consumer protection.[14]

This organization represents both liberals and conservatives, Democrats and Republicans, and many who do not identify with these categorizations. On the other hand, the Association of Black Cardiologists is a much smaller and far-narrower organization. Over the last several decades, some interest groups have sought greater specialization and have even fragmented. As you may imagine, the Association of Black Cardiologists is more specialized than the American Medical Association, which tries to represent all physicians regardless of race or specialty.



Health care is an important concern for AARP and its members, so the organization makes sure to maintain connections with key policymakers in this area, such as Katherine Sebelius, secretary of Health and Human Services from 2009 to 2014, shown here with John Rother, director of legislation and public policy for AARP. (credit: modification of work by Chris Smith, HHS)

Public vs. Private Interest Groups

Interest groups and organizations represent both private and public interests in the United States. *Private interests* usually seek particularized benefits from government that favor either a single interest or a narrow set of interests. For example, corporations and political institutions may lobby government for tax exemptions, fewer regulations, or favorable laws that benefit individual companies or an industry more generally. Their goal is to promote private goods. Private goods are items individuals can own, including corporate profits. An automobile is a private good; when you purchase it, you receive ownership. Wealthy individuals are more likely to accumulate private goods, and they can sometimes obtain private goods from governments, such as tax benefits, government subsidies, or government contracts.

On the other hand, public interest groups attempt to promote public, or collective, goods. Such collective goods are benefits—tangible or intangible—that help most or all citizens. These goods are often produced collectively, and because they may not be profitable and everyone may not agree on what public goods are best for society, they are often underfunded and thus will be underproduced unless there is government involvement. The Tennessee Valley Authority, a government corporation, provides electricity in some places where it is not profitable for private firms to do so. Other examples of collective goods are public safety, highway safety, public education, and environmental protection. With some exceptions, if an environmental interest promotes clean air or water, most or all citizens are able to enjoy the result. So if the Sierra Club encourages Congress to pass legislation that improves national air quality, citizens receive the benefit regardless of whether they are members of the organization or even support the legislation. Many environmental groups are public interest groups that lobby for and raise awareness of issues that affect large segments of the population.[15]

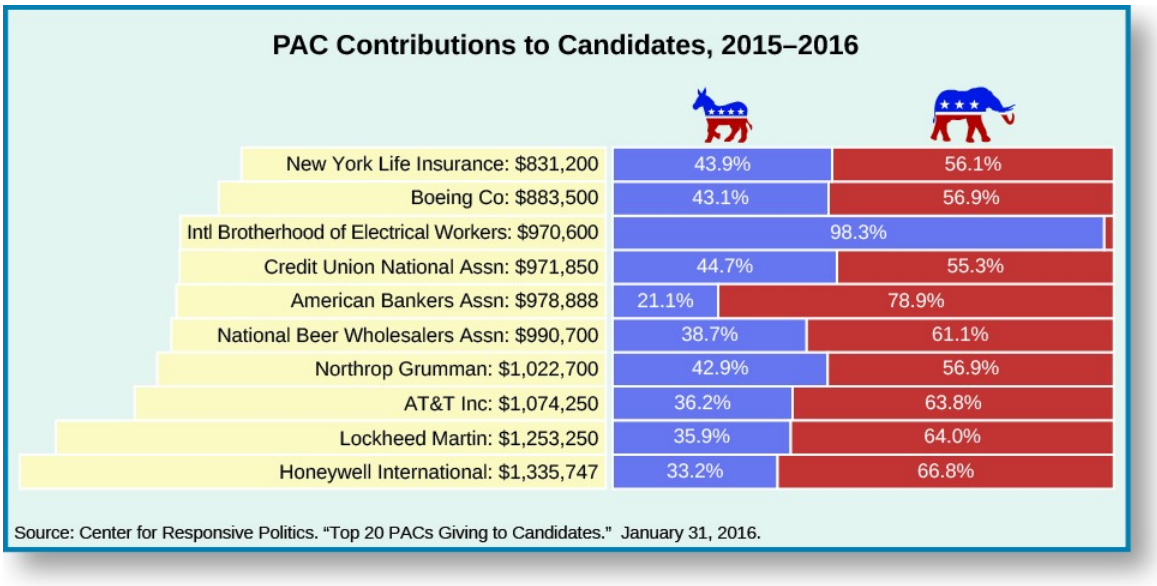
As the clean air example above suggests, collective goods are generally nonexcludable, meaning all or most people are entitled to the public good and cannot be prevented from enjoying it. Furthermore, collective goods are generally not subject to crowding, so that even as the population increases, people still have access to the entire public good. Thus, the military does not protect citizens only in Texas and Maryland while neglecting those in New York and Idaho, but instead it provides the collective good of national defense equally to citizens in all states. As another example, even as more cars use a public roadway, under most circumstances, additional drivers still have the option of using the same road. (High-occupancy vehicle lanes may restrict some lanes of a highway for drivers who do not car pool.)

Influence in Elections

Interest groups support candidates who are sympathetic to their views in hopes of gaining access to them once they are in office.[16] For example, an organization like the NRA will back candidates who support Second Amendment rights. Both the NRA and the Brady Campaign to Prevent Gun Violence (an interest group that favors background checks for firearm purchases) have grading systems that evaluate candidates and states based on their records of supporting these organizations.[17]

To garner the support of the NRA, candidates must receive an A+ rating for the group. In much the same way, Americans for Democratic Action, a liberal interest group, and the American Conservative Union, a conservative interest group, both rate politicians based on their voting records on issues these organizations view as important.[18] These ratings, and those of many other groups, are useful for interests and the public in deciding which candidates to support and which to oppose. Incumbents have electoral advantages in terms of name recognition, experience, and fundraising abilities, and they often receive support because interest groups want access to the candidate who is likely to win. Some interest groups will offer support to the challenger, particularly if the challenger better aligns with the interest's views or the incumbent is vulnerable. Sometimes, interest groups even hedge their bets and give to both major party candidates for a particular office in the hopes of having access regardless of who wins.

Some interests groups form political action committees (PACs), groups that collect funds from donors and distribute them to candidates who support their issues. As the chart below makes apparent, many large corporations like Honeywell International, AT&T, and Lockheed Martin form PACs to distribute money to candidates.[19] Other PACs are either politically or ideologically oriented. For example, the MoveOn.org PAC is a progressive group that formed following the impeachment trial of President Bill Clinton, whereas GOPAC is a Republican PAC that promotes state and local candidates of that party. PACs are limited in the amount of money that they can contribute to individual candidates or to national party organizations; they can contribute no more than $5,000 per candidate per election and no more than $15,000 a year to a national political party. Individual contributions to PACs are also limited to $5,000 a year.



Corporations and associations spend large amounts of money on elections via affiliated PACs. This chart reveals the amount donated to Democratic (blue) and Republican (red) candidates by the top ten PACs during the most recent election cycle.

PACs through which corporations and unions can spend virtually unlimited amounts of money on behalf of political candidates are called super PACs.[20] As a result of a 2010 Supreme Court decision, *Citizens United v. Federal Election Commission*, there is no limit to how much money unions or corporations can donate to super PACs. Unlike PACs, however, super PACs cannot contribute money directly to individual candidates. If the 2014 elections were any indication, super PACs will continue to spend large sums of money in an attempt to influence future election results.

Influencing Governmental Policy

Interest groups support candidates in order to have access to lawmakers once they are in office. Lawmakers, for their part, lack the time and resources to pursue every issue; they are policy generalists. Therefore, they (and their staff members) rely on interest groups and lobbyists to provide them with information about the technical details of policy proposals, as well as about fellow lawmakers' stands and constituents' perceptions. These voting cues give lawmakers an indication of how to vote on issues, particularly those with which they are unfamiliar. But lawmakers also rely on lobbyists for information about ideas they can champion and that will benefit them when they run for reelection.[21]

Interest groups likely cannot target all 535 lawmakers in both the House and the Senate, nor would they wish to do so. There is little reason for the Brady Campaign to Prevent Gun Violence to lobby members of Congress who vehemently oppose any restrictions on gun access. Instead, the organization will often contact lawmakers who are amenable to some restrictions on access to firearms. Thus, interest groups first target lawmakers they think will consider introducing or sponsoring legislation.

Second, they target members of relevant committees.[22] If a company that makes weapons systems wants to influence a defense bill, it will lobby members of the Armed Services Committees in the House and the Senate or the House and Senate appropriations committees if the bill requires new funding. Many members of these committees represent congressional districts with military bases, so they often sponsor or champion bills that allow them to promote policies popular with their districts or state. Interest groups attempt to use this to their advantage. But they also conduct strategic targeting because legislatures function by respectfully considering fellow lawmakers' positions. Since lawmakers cannot possess expertise on every issue, they defer to their trusted colleagues on issues with which they are unfamiliar. So targeting committee members also allows the lobbyist to inform other lawmakers indirectly.

Third, interest groups target lawmakers when legislation is on the floor of the House and/or Senate, but again, they rely on the fact that many members will defer to their colleagues who are more familiar with a given issue. Finally, since legislation must past both chambers in identical form, interest groups may target members of the conference committees whose job it is to iron out differences across the chambers. At this negotiation stage, a 1 percent difference in, say, the corporate income tax rate could mean millions of dollars in increased or decreased revenue or taxation for various interests.

Interest groups also target the budgetary process in order to maximize benefits to their group. In some cases, their aim is to influence the portion of the budget allocated to a given policy, program, or policy area. For example, interests for groups that represent the poor may lobby for additional appropriations for various welfare programs; those interests opposed to government assistance to the poor may lobby for reduced funding to certain programs. It is likely that the legislative liaison for your university or college spends time trying to advocate for budgetary allocations in your state.

Interest groups also try to defeat legislation that may be detrimental to their views. For example, when Congress considers legislation to improve air quality, it is not unusual for some industries to oppose it if it requires additional regulations on factory emissions. In some cases, proposed legislation may serve as a disturbance, resulting in group formation or mobilization to help defeat the bill. For example, a proposed tax increase may result in the formation or mobilization of anti-tax groups that will lobby the legislature and try to encourage the public to oppose the proposed legislation. Prior to the election in 2012, political activist Grover Norquist, the founder of Americans for Tax Reform (ATR), asked all Republican members of Congress to sign a "Taxpayer Protection Pledge" that they would fight efforts to raise taxes or to eliminate any deductions that were not accompanied by tax cuts. Ninety-five percent of the Republicans in Congress signed the pledge.[23] Some interests arise solely to defeat legislation and go dormant after they achieve their immediate objectives.

Once legislation has been passed, interest groups may target the executive branch of government, whose job is to implement the law. The U.S. Department of Veterans Affairs has some leeway in providing care for military veterans, and interests representing veterans' needs may pressure this department to address their concerns or issues. Other entities within the executive branch, like the Securities and Exchange Commission, which maintains and regulates financial markets, are not designed to be responsive to the interests they regulate, because to make such a response would be a conflict of interest. Interest groups may lobby the executive branch on executive, judicial, and other appointments that require Senate confirmation. As a result, interest group members may be appointed to positions in which they can influence proposed regulation of the industry of which they are a part.

In addition to lobbying the legislative and executive branches of government, many interest groups also lobby the judicial branch. Lobbying the judiciary takes two forms, the first of which was mentioned above. This is lobbying the executive branch about

judicial appointments the president makes and lobbying the Senate to confirm these appointments. The second form of lobbying consists of filing amicus briefs, which are also known as “friend of the court” briefs. These documents present legal arguments stating why a given court should take a case and/or why a court should rule a certain way. In *Obergefell v. Hodges* (2015), the Supreme Court case that legalized same-sex marriage nationwide, numerous interest groups filed amicus briefs.[24]

For example, the Human Rights Campaign filed a brief arguing that the Fourteenth Amendment’s due process and equal protection clauses required that same-sex couples be afforded the same rights to marry as opposite-sex couples. In a 5–4 decision, the U.S. Supreme Court agreed.



Members of the Human Rights Campaign, an interest that supports LGBT rights, march toward the Supreme Court on June 26, 2015, the day that the *Obergefell v. Hodges* decision is announced. (credit: modification of work by Matt Popovich)

Measuring the effect of interest groups’ influence is somewhat difficult because lobbyists support lawmakers who would likely have supported them in the first place. Thus, National Right to Life, an anti-abortion interest group, does not generally lobby lawmakers who favor abortion rights; instead, it supports lawmakers and candidates who have professed “pro-life” positions. While some scholars note that lobbyists sometimes try to influence those on the fence or even their enemies, most of the time, they support like-minded individuals. Thus, contributions are unlikely to sway lawmakers to change their views; what they do buy is access, including time with lawmakers. The problem for those trying to assess whether interest groups influence lawmakers, then, is that we are uncertain what would happen in the absence of interest group contributions. For example, we can only speculate what the ACA might have looked like had lobbyists from a host of interests not lobbied on the issue.

How are lobbying and interest group activity regulated? As we noted earlier in the chapter, James Madison viewed factions as a necessary evil and thought preventing people from joining together would be worse than any ills groups might cause. The First Amendment guarantees, among other things, freedom of speech, petition, and assembly. However, people have different views on how far this freedom extends. For example, should freedom of speech as afforded to individuals in the U.S. Constitution also apply to corporations and unions? To what extent can and should government restrict the activities of lobbyists and lawmakers, limiting who may lobby and how they may do it?

Interest Groups and Free Speech

Most people would agree that interest groups have a right under the Constitution to promote a particular point of view. What people do not necessarily agree upon, however, is the extent to which certain interest group and lobbying activities are protected under the First Amendment.

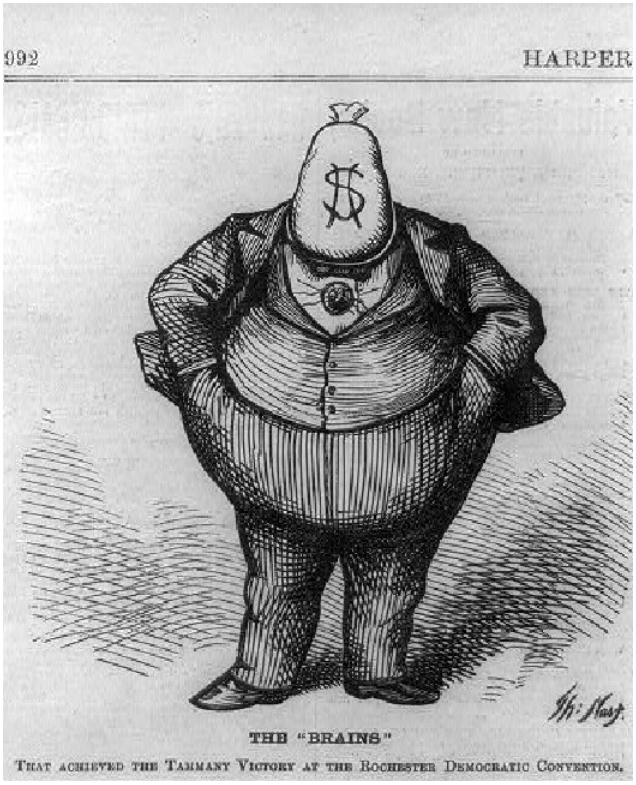
In addition to free speech rights, the First Amendment grants people the right to assemble. We saw above that pluralists even argued that assembling in groups is natural and that people will gravitate toward others with similar views. Most people acknowledge the right of others to assemble to voice unpopular positions, but this was not always the case. At various times, groups representing racial and religious minorities, communists, and members of the LGBT community have had their First

Amendment rights to speech and assembly curtailed. And as noted above, organizations like the ACLU support free speech rights regardless of whether the speech is popular.

Today, the debate about interest groups often revolves around whether the First Amendment protects the rights of individuals and groups to give money, and whether government can regulate the use of this money. In 1971, the Federal Election Campaign Act was passed, setting limits on how much presidential and vice-presidential candidates and their families could donate to their own campaigns.[25] The law also allowed corporations and unions to form PACs and required public disclosure of campaign contributions and their sources. In 1974, the act was amended in an attempt to limit the amount of money spent on congressional campaigns. The amended law banned the transfer of union, corporate, and trade association money to parties for distribution to campaigns.

In *Buckley v. Valeo* (1976), the Supreme Court upheld Congress's right to regulate elections by restricting contributions to campaigns and candidates. However, at the same time, it overturned restrictions on expenditures by candidates and their families, as well as total expenditures by campaigns.[26] In 1979, an exemption was granted to get-out-the vote and grassroots voter registration drives, creating what has become known as the soft-money loophole; soft money was a way in which interests could spend money on behalf of candidates without being restricted by federal law. To close this loophole, Senators John McCain and Russell Feingold sponsored the Bipartisan Campaign Reform Act in 2002 to ban parties from collecting and distributing unregulated money.

Some continued to argue that campaign expenditures are a form of speech, a position with which two recent Supreme Court decisions are consistent. The *Citizens United v. Federal Election Commission*[27] and the *McCutcheon v. Federal Election Commission*[28] cases opened the door for a substantially greater flow of money into elections. *Citizens United* overturned the soft money ban of the Bipartisan Campaign Reform Act and allowed corporations and unions to spend unlimited amounts of money on elections. Essentially, the Supreme Court argued in a 5–4 decision that these entities had free speech rights, much like individuals, and that free speech included campaign spending. The *McCutcheon* decision further extended spending allowances based on the First Amendment by striking down aggregate contribution limits. These limits put caps on the total contributions allowed and some say have contributed to a subsequent increase in groups and lobbying activities.



With his *Harper's Weekly* cartoon of William "Boss" Tweed with a moneybag for a head, Thomas Nast provided an enduring image of the corrupting power of money on politics. Some denounce "fat cat"

lobbyists and the effects of large sums of money in lobbying, while others suggest that interests have every right to spend money to achieve their objectives.

Regulating Lobbying and Interest Group Activity

While the Supreme Court has paved the way for increased spending in politics, lobbying is still regulated in many ways.[29] The 1995 Lobbying Disclosure Act defined who can and cannot lobby, and requires lobbyists and interest groups to register with the federal government.[30] The Honest Leadership and Open Government Act of 2007 further increased restrictions on lobbying. For example, the act prohibited contact between members of Congress and lobbyists who were the spouses of other Congress members. The laws broadened the definition of lobbyist and require detailed disclosure of spending on lobbying activity, including who is lobbied and what bills are of interest. In addition, President Obama's Executive Order 13490 prohibited appointees in the executive branch from accepting gifts from lobbyists and banned them from participating in matters, including the drafting of any contracts or regulations, involving the appointee's former clients or employer for a period of two years. The states also have their own registration requirements, with some defining lobbying broadly and others more narrowly.

Second, the federal and state governments prohibit certain activities like providing gifts to lawmakers and compensating lobbyists with commissions for successful lobbying. Many activities are prohibited to prevent accusations of vote buying or currying favor with lawmakers. Some states, for example, have strict limits on how much money lobbyists can spend on lobbying lawmakers, or on the value of gifts lawmakers can accept from lobbyists. According to the Honest Leadership and Open Government Act, lobbyists must certify that they have not violated the law regarding gift giving, and the penalty for knowingly violating the law increased from a fine of $50,000 to one of $200,000. Also, revolving door laws also prevent lawmakers from lobbying government immediately after leaving public office. Members of the House of Representatives cannot register to lobby for a year after they leave office, while senators have a two-year "cooling off" period before they can officially lobby. Former cabinet secretaries must wait the same period of time after leaving their positions before lobbying the department of which they had been the head. These laws are designed to restrict former lawmakers from using their connections in government to give them an advantage when lobbying. Still, many former lawmakers do become lobbyists, including former Senate majority leader Trent Lott and former House minority leader Richard Gephardt.

Third, governments require varying levels of disclosure about the amount of money spent on lobbying efforts. The logic here is that lawmakers will think twice about accepting money from controversial donors. The other advantage to disclosure requirements is that they promote transparency. Many have argued that the public has a right to know where candidates get their money. Candidates may be reluctant to accept contributions from donors affiliated with unpopular interests such as hate groups. This was one of the key purposes of the Lobbying Disclosure Act and comparable laws at the state level.

Finally, there are penalties for violating the law. Lobbyists and, in some cases, government officials can be fined, banned from lobbying, or even sentenced to prison. While state and federal laws spell out what activities are legal and illegal, the attorneys general and prosecutors responsible for enforcing lobbying regulations may be understaffed, have limited budgets, or face backlogs of work, making it difficult for them to investigate or prosecute alleged transgressions. While most lobbyists do comply with the law, exactly how the laws alter behavior is not completely understood. We know the laws prevent lobbyists from engaging in certain behaviors, such as by limiting campaign contributions or preventing the provision of certain gifts to lawmakers, but how they alter lobbyists' strategies and tactics remains unclear.

The need to strictly regulate the actions of lobbyists became especially relevant after the activities of lobbyist Jack Abramoff were brought to light. A prominent lobbyist with ties to many of the Republican members of Congress, Abramoff used funds provided by his clients to fund reelection campaigns, pay for trips, and hire the spouses of members of Congress. Between 1994 and 2001, Abramoff, who then worked as a lobbyist for a prominent law firm, paid for eighty-five members of Congress to travel to the Northern Mariana Islands, a U.S. territory in the Pacific. The territory's government was a client of the firm for which he worked. At the time, Abramoff was lobbying Congress to exempt the Northern Mariana Islands from paying the federal minimum wage and to allow the territory to continue to operate sweatshops in which people worked in deplorable conditions. In 2000, while representing Native American casino interests who sought to defeat anti-gambling legislation, Abramoff paid for a trip to Scotland for Tom DeLay, the majority whip in the House of Representatives, and an aide. Shortly thereafter, DeLay helped to defeat anti-gambling legislation in the House. He also hired DeLay's wife Christine to research the favorite charity of each member of

Congress and paid her $115,000 for her efforts.[31] In 2008, Jack Abramoff was sentenced to four years in prison for tax evasion, fraud, and corruption of public officials.[32] He was released early, in December 2010.



Jack Abramoff (center) began his lifetime engagement in politics with his involvement in the 1980 presidential campaign of Ronald Reagan (left) while an undergraduate at Brandeis University and continued it with his election to chair of the College Republican National Committee in a campaign managed by Grover Norquist (right). Abramoff thus gained unique access to influential politicians, upon which he capitalized in his later work as a DC lobbyist. Since his release from federal prison in 2010 after being convicted for illegal lobbying activity, Abramoff has become an outspoken critic of the lobbying industry.

Interest Group Strength in Texas

The way Texas has designed its Legislature (part-time and relatively poorly paid) and the laws regulating interest group activities allows interest groups in Texas to assume a powerful role in the political process.

Which interest groups are the strongest in Texas

Texas' individualistic and business-oriented culture leads to wide agreement among observers that interest groups representing business interests are the strongest in Texas. This is true of organizations that represent business in Texas in a general sense (such as the Texas Association of Business) and those that represent specific categories of business (such as the Texas Automobile Dealers Association).

---

1. Anthony J. Nownes. 2013. *Interest Groups in American Politics*. Routledge: New York. ↵
2. Nownes, *Interest Groups in American Politics*. ↵
3. Nownes, *Interest Groups in American Politics*. ↵
4. Jennifer Wolak, Adam J. Newmark, Todd McNoldy, David Lowery, and Virginia Gray, "Much of Politics is Still Local: Multistate Representation in State Interest Communities," *Legislative Studies Quarterly* 27 (2002): 527–555. ↵
5. Anthony J. Nownes and Adam J. Newmark. 2013. "Interest Groups in the States." In *Politics in the American States*. Washington, DC: CQ Press, 105–131. ↵
6. The Brady Campaign to Prevent Gun Violence was founded by James and Sarah Brady, after James Brady was permanently disabled by a gunshot following an assassination attempt on then-president Ronald Reagan. At the time of the shooting, Brady was Reagan's press secretary. http://www.bradycampaign.org/jim-and-sarah-brady (March 1, 2016). ↵
7. Michael Mitchell and Michael Leachman, "Years of Cuts Threaten to Put College Out of Reach for More Students," Center on Budget and Policy Priorities, 13 May 2015, http://www.cbpp.org/research/state-budget-and-tax/years-of-cuts-threaten-to-put-college-out-of-reach-for-more-students. ↵
8. Robert Davidson, "Higher Ed Lobbies for More Funds," http://www.wcbi.com/local-news/higher-ed-lobbies-for-more-funds/ (November 3, 2015). ↵
9. http://www.ameribev.org/ (March 1, 2016). ↵

10. Nownes and Newmark, “Interest Groups in the States.” ↵
11. Ken Kollman. 1998. *Outside Lobbying: Public Opinion and Interest Groups Strategies*. Princeton, NJ: Princeton University Press. ↵
12. “Milking Taxpayers,” *The Economist*, 14 February 2015, http://www.economist.com/news/united-states/21643191-crop-prices-fall-farmers-grow-subsidies-instead-milking-taxpayers. ↵
13. http://www.ncsl.org/research/elections-and-campaigns/voter-id.aspx (November 78, 2015). ↵
14. http://www.aarp.org/about-aarp/ (October 3, 2015). ↵
15. Jeffrey M. Berry and Clyde Wilcox. 2009. *The Interest Group Society*. New York: Pearson. ↵
16. John R. Wright. 1996. *Interest Groups and Congress: Lobbying, Contributions, and Influence*. Needham Heights, MA: Allyn and Bacon; Mark J. Rozell, Clyde Wilcox, and Michael M. Franz. 2012. *Interest Groups in American Campaigns: The New Face of Electioneering*. New York: Oxford University Press. ↵
17. https://www.nrapvf.org/grades/; http://www.bradycampaign.org/2013-state-scorecard (March 1, 2016). ↵
18. http://www.adaction.org/pages/publications/voting-records.php; http://acuratings.conservative.org/ (March 1, 2016). ↵
19. https://www.opensecrets.org/pacs/ (March 1, 2016). ↵
20. Conor M. Dowling and Michael G. Miller. 2014. *Super PAC! Money, Elections, and Voters after Citizens United*. New York: Routledge. ↵
21. Wright, *Interest Groups and Congress: Lobbying, Contributions, and Influence*. ↵
22. Richard L. Hall and Frank W. Wayman, “Buying Time: Moneyed Interests and the Mobilization of Bias in Congressional Committees,” *American Political Science Review* 84.3 (1990): 797-820. ↵
23. Sean Lengell, “Boehner: Grover Norquist Just a ‘Random’ Guy,” *Washington Times*, 3 November 2011, http://www.washingtontimes.com/blog/inside-politics/2011/nov/3/boehner-grover-norquist-just-random-guy/. ↵
24. *Obergefell v. Hodges*, 576 U.S. ___ (2015). ↵
25. Wright, *Interest Groups and Congress: Lobbying, Contributions, and Influence*; Rozell, Wilcox, and Franz, *Interest Groups in American Campaigns: The New Face of Electioneering*. ↵
26. *Buckley v. Valeo*, 75-436, 424 U.S. 1 (1976). ↵
27. *Citizens United v. Federal Election Commission*, 08-205, 558 U.S. 310 (2010). ↵
28. *McCutcheon v. Federal Election Commission*, 12-536, 572 U.S. ___ (2014). ↵
29. Adam J. Newmark, “Measuring State Legislative Lobbying Regulation, 1990–2003.” *State Politics and Policy Quarterly* 5 (2005): 182–191; Nownes and Newmark, “Interest Groups in the States.” ↵
30. Nownes, *Interest Groups in American Politics*. ↵
31. Geov Parrish, “Making Sense of the Abramoff Scandal,” 19 December 2005 http://www.alternet.org/story/29827/making_sense_of_the_abramoff_scandal (March 1, 2016). ↵
32. Neil A. Lewis, “Abramoff Gets 4 Years in Prison for Corruption,” *New York Times*, 4 September 2008, http://www.nytimes.com/2008/09/05/washington/05abramoff.html?_r=0. ↵

Contributors and Attributions

CC licensed content, Original

- Revision and Adaptation. **Authored by**: Daniel M. Regalado. **License**: *CC BY: Attribution*

CC licensed content, Shared previously

- American Government. **Authored by**: OpenStax. **Provided by**: OpenStax; Rice University. **License**: *CC BY: Attribution*. **License Terms**: ttp://cnx.org/contents/5bcc0e59-7345...608685e8@18.11

This page titled 5.2: Interest Groups is shared under a CC BY 4.0 license and was authored, remixed, and/or curated by Lumen Learning.

5.3: Political Parties

Learning Objectives

By the end of this section, you will be able to:

- Describe political parties and what they do
- Differentiate political parties from interest groups
- Differentiate between the party in the electorate and the party organization
- Discuss the importance of voting in a political party organization
- Describe party organization at the county, state, and national levels
- Compare the perspectives of the party in government and the party in the electorate
- Understand the cultural backround of Texas' political parties
- Understand the historical dominance of the Democratic Party in Texas
- Understand the rise of the Republican Party in Texas
- Understand the current dominance of the Republican Party in Texas
- Think about what the future holds for party politics in Texas

At some point, most of us have found ourselves part of a group trying to solve a problem, like picking a restaurant or movie to attend, or completing a big project at school or work. Members of the group probably had various opinions about what should be done. Some may have even refused to help make the decision or to follow it once it had been made. Still others may have been willing to follow along but were less interested in contributing to a workable solution. Because of this disagreement, at some point, someone in the group had to find a way to make a decision, negotiate a compromise, and ultimately do the work needed for the group to accomplish its goals.

This kind of collective action problem is very common in societies, as groups and entire societies try to solve problems or distribute scarce resources. In modern U.S. politics, such problems are usually solved by two important types of organizations: interest groups and political parties. There are many interest groups, all with opinions about what should be done and a desire to influence policy. Because they are usually not officially affiliated with any political party, they generally have no trouble working with either of the major parties. But at some point, a society must find a way of taking all these opinions and turning them into solutions to real problems. That is where political parties come in. Essentially, political parties are groups of people with similar interests who work together to create and implement policies. They do this by gaining control over the government by winning elections. Party platforms guide members of Congress in drafting legislation. Parties guide proposed laws through Congress and inform party members how they should vote on important issues. Political parties also nominate candidates to run for state government, Congress, and the presidency. Finally, they coordinate political campaigns and mobilize voters.

Political Parties as Unique Organizations



The party platform adopted at the first national convention of the Progressive Party in 1912. Among other items, this

platform called for disclosure requirements for campaign contributions, an eight-hour workday, a federal income tax, and women's suffrage.

In *Federalist* No. 10, written in the late eighteenth century, James Madison noted that the formation of self-interested groups, which he called factions, was inevitable in any society, as individuals started to work together to protect themselves from the government. Interest groups and political parties are two of the most easily identified forms of factions in the United States. These groups are similar in that they are both mediating institutions responsible for communicating public preferences to the government. They are not themselves government institutions in a formal sense. Neither is directly mentioned in the U.S. Constitution nor do they have any real, legal authority to influence policy. But whereas interest groups often work indirectly to influence our leaders, political parties are organizations that try to directly influence public policy through its members who seek to win and hold public office. Parties accomplish this by identifying and aligning sets of issues that are important to voters in the hopes of gaining support during elections; their positions on these critical issues are often presented in documents known as a party platform, which is adopted at each party's presidential nominating convention every four years. If successful, a party can create a large enough electoral coalition to gain control of the government. Once in power, the party is then able to deliver, to its voters and elites, the policy preferences they choose by electing its partisans to the government. In this respect, parties provide choices to the electorate, something they are doing that is in such sharp contrast to their opposition.

Winning elections and implementing policy would be hard enough in simple political systems, but in a country as complex as the United States, political parties must take on great responsibilities to win elections and coordinate behavior across the many local, state, and national governing bodies. Indeed, political differences between states and local areas can contribute much complexity. If a party stakes out issue positions on which few people agree and therefore builds too narrow a coalition of voter support, that party may find itself marginalized. But if the party takes too broad a position on issues, it might find itself in a situation where the members of the party disagree with one another, making it difficult to pass legislation, even if the party can secure victory.

It should come as no surprise that the story of U.S. political parties largely mirrors the story of the United States itself. The United States has seen sweeping changes to its size, its relative power, and its social and demographic composition. These changes have been mirrored by the political parties as they have sought to shift their coalitions to establish and maintain power across the nation and as party leadership has changed. As you will learn later, this also means that the structure and behavior of modern parties largely parallel the social, demographic, and geographic divisions within the United States today. To understand how this has happened, we look at the origins of the U.S. party system.

The Party-in-the-Electorate

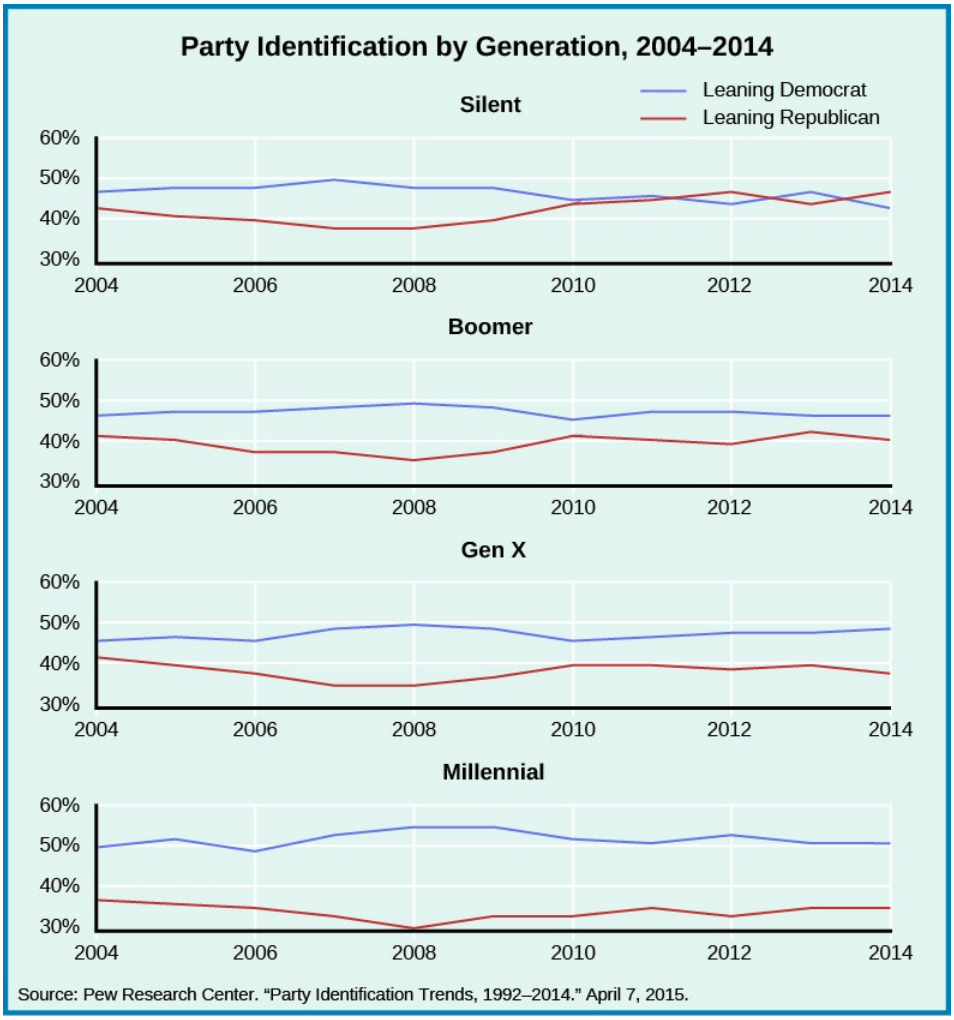
A key fact about the U.S. political party system is that it's all about the votes. If voters do not show up to vote for a party's candidates on Election Day, the party has no chance of gaining office and implementing its preferred policies. As we have seen, for much of their history, the two parties have been adapting to changes in the size, composition, and preferences of the U.S. electorate. It only makes sense, then, that parties have found it in their interest to build a permanent and stable presence among the voters. By fostering a sense of loyalty, a party can insulate itself from changes in the system and improve its odds of winning elections. The party-in-the-electorate are those members of the voting public who consider themselves to be part of a political party and/or who consistently prefer the candidates of one party over the other.

What it means to be part of a party depends on where a voter lives and how much he or she chooses to participate in politics. At its most basic level, being a member of the party-in-the-electorate simply means a voter is more likely to voice support for a party. These voters are often called party identifiers, since they usually represent themselves in public as being members of a party, and they may attend some party events or functions. Party identifiers are also more likely to provide financial support for the candidates of their party during election season. This does not mean self-identified Democrats will support *all* the party's positions or candidates, but it does mean that, on the whole, they feel their wants or needs are more likely to be met if the Democratic Party is successful.

Party identifiers make up the majority of the voting public. Gallup, the polling agency, has been collecting data on voter preferences for the past several decades. Its research suggests that historically, over half of American adults have called themselves

"Republican" or "Democrat" when asked how they identify themselves politically. Even among self-proclaimed independents, the overwhelming majority claim to lean in the direction of one party or the other, suggesting they behave as if they identified with a party during elections even if they preferred not to publicly pick a side. Partisan support is so strong that, in a poll conducted from August 5 to August 9, 2015, about 88 percent of respondents said they either identified with or, if they were independents, at least leaned toward one of the major political parties.[16]

Thus, in a poll conducted in January 2016, even though about 42 percent of respondents said they were independent, this does not mean that they are not, in fact, more likely to favor one party over the other.[17]



As the chart reveals, generation affects party identification. Millennials (ages 18–34) are more likely to identify as or lean towards the Democratic Party and less likely to favor Republicans than are their baby boomer parents and grandparents (born between 1946 and 1964).

Strictly speaking, party identification is not quite the same thing as party membership. People may call themselves Republicans or Democrats without being registered as a member of the party, and the Republican and Democratic parties do not require individuals to join their formal organization in the same way that parties in some other countries do. Many states require voters to declare a party affiliation before participating in primaries, but primary participation is irregular and infrequent, and a voter may change his or her identity long before changing party registration. For most voters, party identification is informal at best and often matters only in the weeks before an election. It does matter, however, because party identification guides some voters, who may know little about a particular issue or candidate, in casting their ballots. If, for example, someone thinks of him- or herself as a Republican and always votes Republican, he or she will not be confused when faced with a candidate, perhaps in a local or county election, whose name is unfamiliar. If the candidate is a Republican, the voter will likely cast a ballot for him or her.

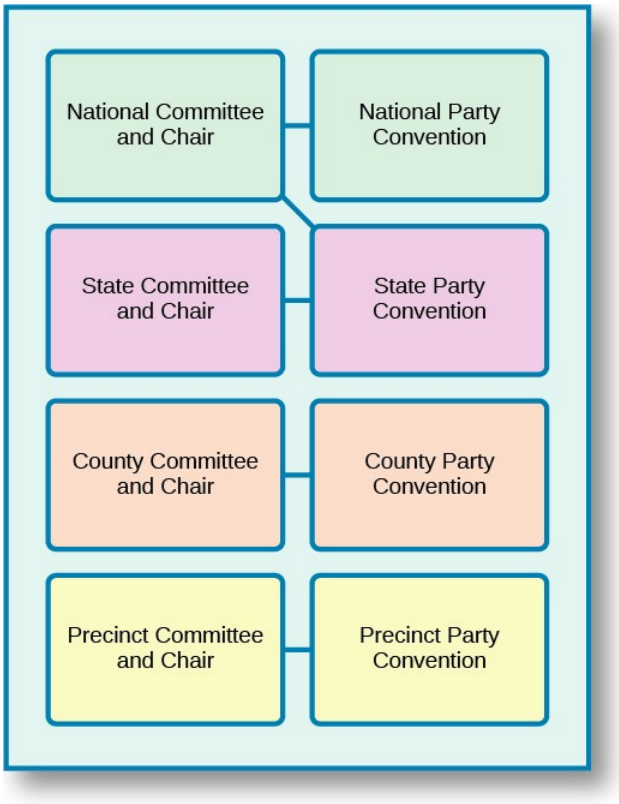
Party ties can manifest in other ways as well. The actual act of registering to vote and selecting a party reinforces party loyalty. Moreover, while pundits and scholars often deride voters who blindly vote their party, the selection of a party in the first place can be based on issue positions and ideology. In that regard, voting your party on Election Day is not a blind act—it is a shortcut based on issue positions.

The Party Organization

A significant subset of American voters views their party identification as something far beyond simply a shortcut to voting. These individuals get more energized by the political process and have chosen to become more active in the life of political parties. They are part of what is known as the party organization. The party organization is the formal structure of the political party, and its active members are responsible for coordinating party behavior and supporting party candidates. It is a vital component of any successful party because it bears most of the responsibility for building and maintaining the party "brand." It also plays a key role in helping select, and elect, candidates for public office.

Local Organizations

Since winning elections is the first goal of the political party, it makes sense that the formal party organization mirrors the local-state-federal structure of the U.S. political system. While the lowest level of party organization is technically the precinct, many of the operational responsibilities for local elections fall upon the county-level organization. The county-level organization is in many ways the workhorse of the party system, especially around election time. This level of organization frequently takes on many of the most basic responsibilities of a democratic system, including identifying and mobilizing potential voters and donors, identifying and training potential candidates for public office, and recruiting new members for the party. County organizations are also often responsible for finding rank and file members to serve as volunteers on Election Day, either as officials responsible for operating the polls or as monitors responsible for ensuring that elections are conducted honestly and fairly. They may also hold regular meetings to provide members the opportunity to meet potential candidates and coordinate strategy. Of course, all this is voluntary and relies on dedicated party members being willing to pitch in to run the party.



Political parties are bottom-up structures, with lower levels often responsible for selecting delegates to higher-level offices or conventions.

State Organizations

Most of the county organizations' formal efforts are devoted to supporting party candidates running for county and city offices. But a fair amount of political power is held by individuals in statewide office or in state-level legislative or judicial bodies. While the county-level offices may be active in these local competitions, most of the coordination for them will take place in the state-level organizations. Like their more local counterparts, state-level organizations are responsible for key party functions, such as statewide candidate recruitment and campaign mobilization. Most of their efforts focus on electing high-ranking officials such as the governor or occupants of other statewide offices (e.g., the state's treasurer or attorney general) as well as candidates to represent the state and its residents in the U.S. Senate and the U.S. House of Representatives. The greater value of state- and national-level offices requires state organizations to take on several key responsibilities in the life of the party.

First, state-level organizations usually accept greater fundraising responsibilities than do their local counterparts. Statewide races and races for national office have become increasingly expensive in recent years. The average cost of a successful House campaign was $1.2 million in 2014; for Senate races, it was $8.6 million.[18] While individual candidates are responsible for funding and running their own races, it is typically up to the state-level organization to coordinate giving across multiple races and to develop the staffing expertise that these candidates will draw upon at election time.

State organizations are also responsible for creating a sense of unity among members of the state party. Building unity can be very important as the party transitions from sometimes-contentious nomination battles to the all-important general election. The state organization uses several key tools to get its members working together towards a common goal. First, it helps the party's candidates prepare for state primary elections or caucuses that allow voters to choose a nominee to run for public office at either the state or national level. Caucuses are a form of town hall meeting at which voters in a precinct get together to voice their preferences, rather than voting individually throughout the day.



Caucus-goers gather at a Democratic precinct caucus on January 3, 2008, in Iowa City, Iowa. Caucuses are held every two years in more than 1650 Iowa precincts.

Second, the state organization is also responsible for drafting a state platform that serves as a policy guide for partisans who are eventually selected to public office. These platforms are usually the result of a negotiation between the various coalitions within the party and are designed to ensure that everyone in the party will receive some benefits if their candidates win the election. Finally, state organizations hold a statewide convention at which delegates from the various county organizations come together to discuss the needs of their areas. The state conventions are also responsible for selecting delegates to the national convention.

National Party Organization

The local and state-level party organizations are the workhorses of the political process. They take on most of the responsibility for party activities and are easily the most active participants in the party formation and electoral processes. They are also largely invisible to most voters. The average citizen knows very little of the local party's behavior unless there is a phone call or a knock on the door in the days or weeks before an election. The same is largely true of the activities of the state-level party. Typically, the only people who notice are those who are already actively engaged in politics or are being targeted for donations.

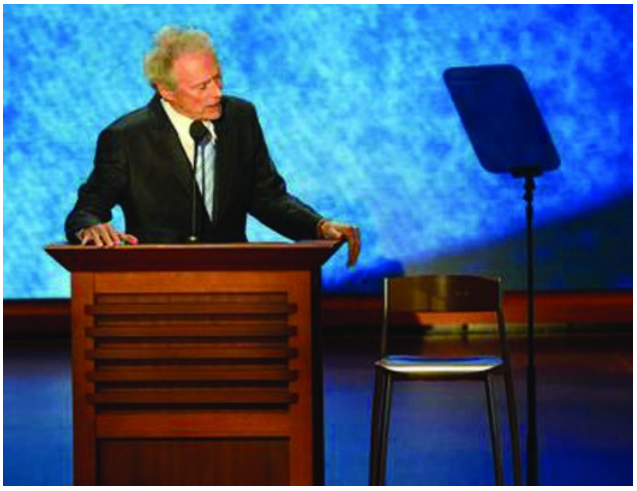
But most people are aware of the presence and activity of the national party organizations for several reasons. First, many Americans, especially young people, are more interested in the topics discussed at the national level than at the state or local level. According to John Green of the Ray C. Bliss Institute of Applied Politics, “Local elections tend to be about things like sewers, and roads and police protection—which are not as dramatic an issue as same-sex marriage or global warming or international affairs.”[19]

Presidential elections and the behavior of the U.S. Congress are also far more likely to make the news broadcasts than the activities of county commissioners, and the national-level party organization is mostly responsible for coordinating the activities of participants at this level. The national party is a fundraising army for presidential candidates and also serves a key role in trying to coordinate and direct the efforts of the House and Senate. For this reason, its leadership is far more likely to become visible to media consumers, whether they intend to vote or not.

A second reason for the prominence of the national organization is that it usually coordinates the grandest spectacles in the life of a political party. Most voters are never aware of the numerous county-level meetings or coordinating activities. Primary elections, one of the most important events to take place at the state level, have a much lower turnout than the nationwide general election. In 2012, for example, only one-third of the eligible voters in New Hampshire voted in the state’s primary, one of the earliest and thus most important in the nation; however, 70 percent of eligible voters in the state voted in the general election in November 2012.[20]

People may see or read an occasional story about the meetings of the state committees or convention but pay little attention. But the national conventions, organized and sponsored by the national-level party, can dominate the national discussion for several weeks in late summer, a time when the major media outlets are often searching for news. These conventions are the definition of a media circus at which high-ranking politicians, party elites, and sometimes celebrities, such as actor/director Clint Eastwood, along with individuals many consider to be the future leaders of the party are brought before the public so the party can make its best case for being the one to direct the future of the country.[21]

National party conventions culminate in the formal nomination of the party nominees for the offices of president and vice president, and they mark the official beginning of the presidential competition between the two parties.



In August 2012, Clint Eastwood—actor, director, and former mayor of Carmel-by-the-Sea, California—spoke at the Republican National Convention accompanied by an empty chair representing the Democratic incumbent president Barack Obama.

In the past, national conventions were often the sites of high drama and political intrigue. As late as 1968, the identities of the presidential and/or vice-presidential nominees were still unknown to the general public when the convention opened. It was also common for groups protesting key events and issues of the day to try to raise their profile by using the conventions to gain the media spotlight. National media outlets would provide “gavel to gavel” coverage of the conventions, and the relatively limited number of national broadcast channels meant most viewers were essentially forced to choose between following the conventions or checking out of the media altogether. Much has changed since the 1960s, however, and between 1960 and 2004, viewership of both the Democratic National Convention and the Republican National Convention had declined by half.[22]

National conventions are not the spectacles they once were, and this fact is almost certainly having an impact on the profile of the national party organization. Both parties have come to recognize the value of the convention as a medium through which they can communicate to the average viewer. To ensure that they are viewed in the best possible light, the parties have worked hard to turn the public face of the convention into a highly sanitized, highly orchestrated media event. Speakers are often required to have their speeches prescreened to ensure that they do not deviate from the party line or run the risk of embarrassing the eventual nominee—whose name has often been known by all for several months. And while protests still happen, party organizations have becoming increasingly adept at keeping protesters away from the convention sites, arguing that safety and security are more important than First Amendment rights to speech and peaceable assembly. For example, protestors were kept behind concrete barriers and fences at the Democratic National Convention in 2004.[23]

With the advent of cable TV news and the growth of internet blogging, the major news outlets have found it unnecessary to provide the same level of coverage they once did. Between 1976 and 1996, ABC and CBS cut their coverage of the nominating conventions from more than fifty hours to only five. NBC cut its coverage to fewer than five hours.[24] One reason may be that the outcome of nominating conventions are also typically known in advance, meaning there is no drama. Today, the nominee's acceptance speech is expected to be no longer than an hour, so it will not take up more than one block of prime-time TV programming.

This is not to say the national conventions are no longer important, or that the national party organizations are becoming less relevant. The conventions, and the organizations that run them, still contribute heavily to a wide range of key decisions in the life of both parties. The national party platform is formally adopted at the convention, as are the key elements of the strategy for contesting the national campaign. And even though the media is paying less attention, key insiders and major donors often use the convention as a way of gauging the strength of the party and its ability to effectively organize and coordinate its members. They are also paying close attention to the rising stars who are given time at the convention's podium, to see which are able to connect with the party faithful. Most observers credit Barack Obama's speech at the 2004 Democratic National Convention with bringing him to national prominence.[25]

The Party-in-Government

One of the first challenges facing the party-in-government, or the party identifiers who have been elected or appointed to hold public office, is to achieve their policy goals. The means to do this is chosen in meetings of the two major parties; Republican meetings are called party conferences and Democrat meetings are called party caucuses. Members of each party meet in these closed sessions and discuss what items to place on the legislative agenda and make decisions about which party members should serve on the committees that draft proposed laws. Party members also elect the leaders of their respective parties in the House and the Senate, and their party whips. Leaders serve as party managers and are the highest-ranking members of the party in each chamber of Congress. The party whip ensures that members are present when a piece of legislation is to be voted on and directs them how to vote. The whip is the second-highest ranking member of the party in each chamber. Thus, both the Republicans and the Democrats have a leader and a whip in the House, and a leader and a whip in the Senate. The leader and whip of the party that holds the majority of seats in each house are known as the majority leader and the majority whip. The leader and whip of the party with fewer seats are called the minority leader and the minority whip. The party that controls the majority of seats in the House of Representatives also elects someone to serve as Speaker of the House. People elected to Congress as independents (that is, not members of either the Republican or Democratic parties) must choose a party to conference or caucus with. For example, Vermont Senator Bernie Sanders, who ran for Senate as an independent candidate, caucuses with the Democrats in the Senate.

One problem facing the party-in-government relates to the design of the country's political system. The U.S. government is based on a complex principle of separation of powers, with power divided among the executive, legislative, and judiciary branches. The system is further complicated by federalism, which relegates some powers to the states, which also have separation of powers. This complexity creates a number of problems for maintaining party unity. The biggest is that each level and unit of government has different constituencies that the office holder must satisfy. The person elected to the White House is more beholden to the national party organization than are members of the House or Senate, because members of Congress must be reelected by voters in very different states, each with its own state-level and county-level parties.

Some of this complexity is eased for the party that holds the executive branch of government. Executive offices are typically more visible to the voters than the legislature, in no small part because a single person holds the office. Voters are more likely to show up

at the polls and vote if they feel strongly about the candidate running for president or governor, but they are also more likely to hold that person accountable for the government's failures.[26]

Members of the legislature from the executive's party are under a great deal of pressure to make the executive look good, because a popular president or governor may be able to help other party members win office. Even so, partisans in the legislature cannot be expected to simply obey the executive's orders. First, legislators may serve a constituency that disagrees with the executive on key matters of policy. If the issue is important enough to voters, as in the case of gun control or abortion rights, an office holder may feel his or her job will be in jeopardy if he or she too closely follows the party line, even if that means disagreeing with the executive. A good example occurred when the Civil Rights Act of 1964, which desegregated public accommodations and prohibited discrimination in employment on the basis of race, was introduced in Congress. The bill was supported by Presidents John F. Kennedy and Lyndon Johnson, both of whom were Democrats. Nevertheless, many Republicans, such as William McCulloch, a conservative representative from Ohio, voted in its favor while many southern Democrats opposed it.[27]

A second challenge is that each house of the legislature has its own leadership and committee structure, and those leaders may not be in total harmony with the president. Key benefits like committee appointments, leadership positions, and money for important projects in their home district may hinge on legislators following the lead of the party. These pressures are particularly acute for the majority party, so named because it controls more than half the seats in one of the two chambers. The Speaker of the House and the Senate majority leader, the majority party's congressional leaders, have significant tools at their disposal to punish party members who defect on a particular vote. Finally, a member of the minority party must occasionally work with the opposition on some issues in order to accomplish any of his or her constituency's goals. This is especially the case in the Senate, which is a super-majority institution. Sixty votes (of the 100 possible) are required to get anything accomplished, because Senate rules allow individual members to block legislation via holds and filibusters. The only way to block the blocking is to invoke *cloture*, a procedure calling for a vote on an issue, which takes 60 votes.

Cultural Background of Political Parties in Texas

The 19th-century culture of Texas was heavily influenced by the plantation culture of the Old South, dependent on African-American slave labor, as well as the patron system once prevalent (and still somewhat present) in northern Mexico and South Texas. In these societies the government's primary role was seen as being the preservation of social order. Solving of individual problems in society was seen as a local problem with the expectation that the individual with wealth should resolve his or her own issues.

Historical Dominance of the Democratic Party

From 1848 until Richard M. Nixon's victory in 1972, Texas voted for the Democrat candidate for president in every election except 1928, when it did not support Catholic Al Smith. A full century of Democratic Governors stretched between the departure of Republican Governor E.J. Davis (1874) and the election of Republican William P. Clements (1979). The state had a white majority and Democrats re-established their dominance after the Civil War. In the mid-20th century 1952 and 1956 elections, the state voters joined the landslide for Dwight D. Eisenhower. (Texas did not vote in 1864 and 1868 due to the Civil War and Reconstruction).

In the post-Civil War era, two of the most important Republican figures in Texas were African Americans George T. Ruby and Norris Wright Cuney. Ruby was a black community organizer, director in the federal Freedmen's Bureau, and leader of the Galveston Union League. His protégé Cuney was a mulatto whose wealthy, white planter father freed him and his siblings before the Civil War and arranged for his education in Pennsylvania. Cuney returned and settled in Galveston, where he became active in the Union League and the Republican party; he rose to the leadership of the party. He became influential in Galveston and Texas politics, and is widely regarded as one of the most influential black leaders in the South during the 19th century.

From 1902 through 1965, Texas had virtually disenfranchised most blacks and many Latinos and poor whites through imposition of the poll tax and white primaries. Across the South, Democrats controlled congressional apportionment based on total population, although they had disenfranchised the black population. The Solid South exercised tremendous power in Congress, and Democrats gained important committee chairmanships by seniority. They gained federal funding for infrastructure projects in their states and the region, as well as support for numerous military bases, as two examples of how they brought federal investment to the state and region.

In the post-Reconstruction era, by the late 19th and early 20th centuries, the Republican Party became non-competitive in the South, due to Democrat-dominated legislatures' disenfranchisement of blacks and many poor whites and Latinos. In Texas, the Democrat-dominated legislature excluded them through passage of a poll tax and white primary. As can be seen on the graph at the following link, voter turnout in Texas declined dramatically following these disenfranchisement measures, and Southern voting turnout was far below the national average.

Although blacks made up 20 percent of the state population at the turn of the century, they were essentially excluded from formal politics. Republican support in Texas had been based almost exclusively in the free black communities, particularly in Galveston, and in the so-called "German counties" – the rural Texas Hill Country inhabited by German immigrants and their descendants, who had opposed slavery in the antebellum period. The German counties continued to run Republican candidates. Harry M. Wurzbach was elected from the 14th district from 1920 to 1926, contesting and finally winning the election of 1928, and being re-elected in 1930.

Some of the most important American political figures of the 20th century, such as President Lyndon B. Johnson, Vice-President John Nance Garner, Speaker of the House Sam Rayburn, and Senator Ralph Yarborough were Texas Democrats. But, the Texas Democrats were rarely united, being divided into conservative, moderate and liberal factions that vied with one another for power.

Republicans Rising

Some analysts suggest that the rebirth of the Republican Party in Texas among white conservatives can be traced to 1952, when Democrat Governor Allan Shivers clashed with the Truman Administration over the federal claim on the Tidelands. He worked to help Texas native General Dwight D. Eisenhower to carry the state. Eisenhower was generally highly respected due to his role as Commander of the Allies in World War II and was popular nationally, winning the election. Beginning in the late 1960s, Republican strength increased in Texas, particularly among residents of the expanding "country club suburbs" around Dallas and Houston. The election, to Congress, of Republicans such as John Tower (who had shifted from the Democrat Party) and George H. W. Bush in 1961 and 1966, respectively, reflected this trend. Nationally, outside of the South, Democrats supported the civil rights movement and achieved important passage of federal legislation in the mid-1960s. In the South, however, Democrat leaders had opposed changes to bring about black voting or desegregated schools and public facilities and in many places exercised resistance. Following passage of the Civil Rights Act of 1964, southern white Democrats began to leave the party and join the Republicans, a movement accelerated after the next year, when Congress passed the Voting Rights Act of 1965, providing for federal enforcement of minorities' constitutional right to vote. Voter registration and turnout increased among blacks and Latinos in Texas and other states.

Unlike the rest of the South, however, Texas voters were never especially supportive of the various third-party candidacies of Southern Democrats. It was the only state in the former Confederacy to back Democrat Hubert Humphrey in the 1968 presidential election. During the 1980s, a number of conservative Democrats defected to the GOP, including Senator Phil Gramm, Congressman Kent Hance, and GOP Governor Rick Perry, who was a Democrat during his time as a state lawmaker.

John Tower's 1961 election to the U.S. Senate made him the first statewide GOP officeholder since Reconstruction and the disenfranchisement of black Republicans. Republican Governor Bill Clements and Senator Phil Gramm (also a former Democrat) were elected after him. Republicans became increasingly dominant in national elections in white-majority Texas. The last Democrat presidential candidate to win the state was Jimmy Carter in 1976. Previously, a Democrat had to win Texas to win the White House, but in the 1992 election, Bill Clinton won the Oval Office while losing Texas electoral votes. This result significantly reduced the power of Texas Democrats at the national level, as party leaders believed the state had become unwinnable.

Republican Dominance

Republicans control all statewide Texas offices, both houses of the state legislature and have a majority in the Texas congressional delegation. This makes Texas one of the most Republican states in the U.S.

Despite overall Republican dominance, Austin, the state capital, is primarily Democrat, as are El Paso, Houston, Dallas, San Antonio and the Rio Grande Valley. However, the suburbs of these cities remain heavily Republican.

What Does the Future Hold?

The Hispanic population had continued to increase, based on both natural increase and continued immigration from Mexico. It accounted for 38.1% of the state's population as of 2011 (compared to 44.8% for non-Hispanic whites).

The state's changing demographics may result in a change in its overall political alignment, as most Hispanic and Latino voters support the Democrat Party. Mark Yzaguirre questioned forecasts of Democrat dominance by highlighting Governor Rick Perry's courting of 39% of Hispanics in his victory in the 2010 Texas Gubernatorial election. Analysts with Gallup suggest that low turnout among Texas Hispanics is all that enables continued Republican dominance. In addition to the descendants of the state's former slave population, the African American population in Texas is also increasing due to the New Great Migration; the majority supporting the Democrat party.

---

1. Larry Sabato and Howard R. Ernst. 2007. *Encyclopedia of American Political Parties and Elections.* New York: Checkmark Books, 151. ↵
2. Saul Cornell. 2016. *The Other Founders: Anti-Federalism and the Dissenting Tradition in America*. Chapel Hill, NC: UNC Press, 11. ↵
3. James H. Ellis. 2009. *A Ruinous and Unhappy War: New England and the War of 1812*. New York: Algora Publishing, 80. ↵
4. Alexander Keyssar. 2009. *The Right to Vote: The Contested History of Democracy in the United States*. New York: Basic Books. ↵
5. R. R. Stenberg, "Jackson, Buchanan, and the "Corrupt Bargain" Calumny," *The Pennsylvania Magazine of History and Biography* 58, no. 1 (1934): 61–85. ↵
6. 2009. "Democratic-Republican Party," In *UXL Encyclopedia of U.S. History*, eds. Sonia Benson, Daniel E. Brannen, Jr., and Rebecca Valentine. Detroit: UXL, 435–436; "Jacksonian Democracy and Modern America," http://www.ushistory.org/us/23f.asp (March 6, 2016). ↵
7. Virginia Historical Society. "Elections from 1789–1828." http://www.vahistorical.org/collections-and-resources/virginia-history-explorer/getting-message-out-presidential-campaign-0 (March 11, 2016). ↵
8. William G. Shade. 1983. "The Second Party System." In *Evolution of American Electoral Systems*, eds. Paul Kleppner, et al. Westport, CT: Greenwood Pres, 77–111. ↵
9. Jules Witcover. 2003. *Party of the People: A History of the Democrats*. New York: Random House, 3. ↵
10. Daniel Walker Howe. 2007. *What Hath God Wrought: The Transformation of America, 1815–1848*. New York: Oxford University Press, 330-34. ↵
11. Sean Wilentz. 2006. *The Rise of American Democracy: Jefferson to Lincoln*. New York: Norton. ↵
12. Calvin Jillson. 1994. "Patterns and Periodicity." In *The Dynamics of American Politics: Approaches and Interpretations*, eds. Lawrence C. Dodd and Calvin C. Jillson. Boulder, CO: Westview Press, 38–41. ↵
13. Norman Pollack. 1976. *The Populist Response to Industrial America: Midwestern Populist Thought*. Cambridge, MA: Harvard University Press, 11–12. ↵
14. 1985. *Congressional Quarterly's Guide to U.S. Elections*. Washington, DC: Congressional Quarterly Inc., 75–78, 387–388. ↵
15. "Platform of the States Rights Democratic Party," http://www.presidency.ucsb.edu/ws/?pid=25851 (March 12, 2016). ↵
16. "Party Affiliation," http://www.gallup.com/poll/15370/party-affiliation.aspx (March 1, 2016). ↵
17. Jeffrey L. Jones, "Democratic, Republican Identification Near Historical Lows," http://www.gallup.com/poll/188096/democratic-republican-identification-near-historical-lows.aspx (March 14, 2016). ↵
18. Russ Choma, "Money Won on Tuesday, But Rules of the Game Changed," 5 November 2014, http://www.opensecrets.org/news/2014/11/money-won-on-tuesday-but-rules-of-the-game-changed/ (March 1, 2016). ↵
19. Elizabeth Lehman, "Trend Shows Generation Focuses Mostly on Social, National Issues," http://www.thenewsoutlet.org/survey-local-millennials-more-interested-in-big-issues/ (March 15, 2016). ↵
20. "Voter Turnout," http://www.electproject.org/home/voter-turnout/voter-turnout-data (March 14, 2016). ↵
21. Abdullah Halimah, "Eastwood, the Empty Chair, and the Speech Everyone's Talking About," 31 August 2012, http://www.cnn.com/2012/08/31/politics/eastwood-speech/ (March 14, 2016). ↵
22. "Influence of Democratic and Republican Conventions on Opinions of the Presidential Candidates," http://journalistsresource.org/studies/politics/elections/personal-individual-effects-presidential-conventions-candidate-evaluations (March 14, 2016). ↵

23. Timothy Zick, “Speech and Spatial Tactics,” *Texas Law Review* February (2006): 581. ↵
24. Thomas E. Patterson, “Is There a Future for On-the-Air Televised Conventions?” http://journalistsresource.org/wp-content/uploads/2012/08/vv_conv_paper1.pdf (March 14, 2016). ↵
25. Todd Leopold, “The Day America Met Barack Obama,” http://www.cnn.com/2008/POLITICS/11/05/obama.meeting/index.html?iref=werecommend (March 14, 2016). ↵
26. Sidney R. Waldman. 2007. *America and the Limits of the Politics of Selfishness*. New York: Lexington Books, 27. ↵
27. Alicia W. Stewart and Tricia Escobedo, “What You Might Not Know About the 1964 Civil Rights Act,” 10 April 2014, http://www.cnn.com/2014/04/10/politics/civil-rights-act-interesting-facts/ (March 16, 2016). ↵

Contributors and Attributions

CC licensed content, Original

- Revision and Adaptation. **Authored by**: Daniel M. Regalado. **License**: *CC BY: Attribution*
- Revision and Adaptation. **Authored by**: Kris S. Seago. **License**: *CC BY: Attribution*

CC licensed content, Shared previously

- American Government. **Authored by**: OpenStax. **Provided by**: OpenStax; Rice University. **Located at**: http://cnx.org/contents/5bcc0e59-7345-421d-8507-a1e4608685e8@18.11. **License**: *CC BY: Attribution*. **License Terms**: Download for free at http://cnx.org/contents/5bcc0e59-734...608685e8@18.11

This page titled 5.3: Political Parties is shared under a CC BY 4.0 license and was authored, remixed, and/or curated by Lumen Learning.

5.4: Party Identification

Learning Objectives

By the end of this section, you will be able to:

- Define party identification
- Understand how party identification is measured
- Understand the importance of party identification
- Understand the distribution of party identification in Texas

Party Identification

Party identification refers to the political party with which an individual identifies. Party identification is loyalty to a political party. Party identification is typically determined by the political party that an individual most commonly supports (by voting or other means).

Some researchers view party identification as "a form of social identity," or a psychological attachement in the same way that a person identifies with a religious or ethnic group. This identity develops early in a person's life mainly through family and social influences. This description would make party identification a stable perspective, which develops as a consequence of personal, family, social and environmental factors. Other researchers consider party identification to be more flexible and more of a conscious choice. They see it as a position and a choice based on the continued assessment of the political, economic and social environment. Party identification can increase or even shift by motivating events or conditions in the country,

A number of studies have found that a partisan lens affects how a person perceives the world. Partisan voters judge character flaws more harshly in rival candidates than their own, believe the economy is doing better if their own side is in power, and underplay scandals and failures of their own side.

Measuring Party Identification

It is important to measure party identification in order to determine its strengths and weaknesses. Political scientists have developed many ways to measure party identification in order to examine and evaluate it.

One American method of measuring party identification uses the Likert Scale, a 7-point scale to measure party identification, with Strong Democrat on one extreme and Strong Republican at the other. In between the two extremes are the classifications of "Lean Democrat/Republican" and "Weak Democrat/Republican."

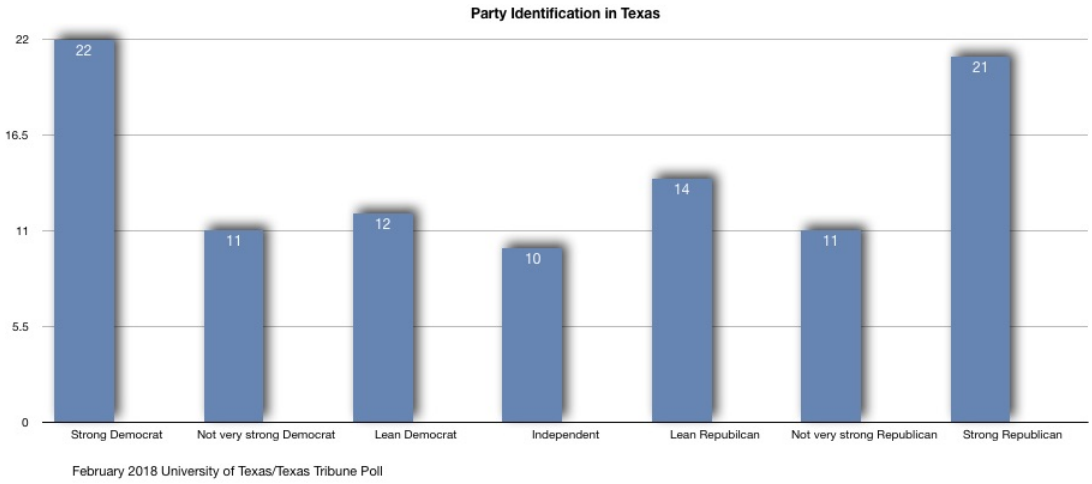
The Importance of Party Identification

Political scientists often refer to party identification as a "vote determinant." Those people who identify with a party tend to vote for their party's candidate for various offices in high percentages. Those who consider themselves to be strong partisans, strong Democrats and strong Republicans respectively, tend to be the most faithful in voting for their party's nominee for office. In the case of voting for president, since the 1970s, party identification on voting behavior has been increasing significantly. By the late 1990s, party identification on voting behavior was at the highest level of any election since the 1950s. When voting in congressional elections, the trend is similar. Strong party identifiers voted overwhelmingly for their party's nominee in the general election. It is important to note that each party respectively in certain elections, would have stronger voting behavior of their strongest party identifiers. For instance, in the years the Democrats dominated House and Senate elections in the 1970s and 1980s, it can be explained that their strong party identifiers were more loyal in voting for their party's nominee for Congress than the Republicans were.

The same level of voting behavior can also be applied to state and local levels. While straight ticket voting has declined among the general voting population, it is still prevalent in those who are strong Republicans and strong Democrats. According to Paul Allen Beck and colleagues, "the stronger an individual's party identification was, the more likely he or she was to vote a straight ticket."

The Distribution of Party Identifcation in Texas

Using the methodology described above, the University of Texas/Texas University of Texas/Texas Tribune's February 2018 PollFebruary 2018 Poll asked respondents about their party identification. The graphic below relays the results.



Contributors and Attributions

CC licensed content, Original

- Revision and Adaptation. **Authored by**: Kris S. Seago. **License**: *CC BY: Attribution*

Public domain content

- Party Identification in Texas. **Authored by**: Texas Politics Project. **Provided by**: Texas Politics Project; Texas Tribune. **Located at**: https://texaspolitics.utexas.edu/polling. **License**: *Public Domain: No Known Copyright*

This page titled 5.4: Party Identification is shared under a CC BY 4.0 license and was authored, remixed, and/or curated by Lumen Learning.

CHAPTER OVERVIEW

6: Elections and Voting

6.1: Elections
6.2: Voting

This page titled 6: Elections and Voting is shared under a CC BY 4.0 license and was authored, remixed, and/or curated by Lumen Learning.

6.1: Elections

Learning Objectives

By the end of this section, you will be able to:

- Understand the four types of elections used in Texas
- Understand the type of primary used in Texas

The Texas Secretary of State serves as Chief Election Officer for Texas, assisting county election officials and ensuring the uniform application and interpretation of election laws throughout Texas.

Types of elections in Texas

Texas uses four types of elections:

1. **Primary Elections**
2. **Runoff Elections**
3. **General Elections**
4. **Special Elections**

Primary Elections

A primary election is an election used either to narrow the field of candidates for a given elective office or to determine the nominees for political parties in advance of a general election. State law, not federal, regulates most aspects of primary (as well as general) elections, and local election officials (county, city, and township) are predominantly responsible for administering them.

Runoff Elections

A runoff election is held when no candidate gets 50 percent plus one vote in the primary election. Primary elections often have multiple canddiates vying to represent a party in the general election and it's not uncommon that a single candidate fails to win 50 percent plus one vote. In such a case there is a runoff election between the top two vote-getters.

General Elections

General elections are elections held at any level (e.g. city, county, congressional district, state) that involve competition between at least two parties. General elections determine the final winner–the candidate to take office. The candidate obtaining the most votes (even if not necessarily a majority of votes) wins.

Special Elections

Special elections are used for constitutional amendments or to fill elected offices that have become vacant between general elections.

In most cases these elections occur after the incumbent dies or resigns, but they also occur when the incumbent becomes ineligible to continue in office.

Special elections are called by the Texas Legislature.

Primaries in Texas

Type of Primaries

Among the fifty states, there are several different types of primary elections:

- *Closed primary*. People may vote in a party's primary only if they are registered members of that party prior to election day. Independents cannot participate. Note that because some political parties name themselves independent, the terms "non-partisan" or "unaffiliated" often replace "independent" when referring to those who are not affiliated with a political party.

Eleven states – Delaware, Florida, Kansas, Kentucky, Maine, Maryland, District of Columbia, Nebraska, New Mexico, New York, Pennsylvania, and Wyoming – have closed primaries.

- *Semi-closed*. As in closed primaries, registered party members can vote only in their own party's primary. Semi-closed systems, however, allow unaffiliated voters to participate as well. Depending on the state, independents either make their choice of party primary privately, inside the voting booth, or publicly, by registering with any party on Election Day. Thirteen states – Alaska, Arizona, Colorado, Iowa, Kansas, Massachusetts, New Hampshire, New Jersey, North Carolina, Oregon, Rhode Island, Utah, and West Virginia – have semi-closed primaries that allow voters to register or change party preference on election day.
- *Open primary*. A registered voter may vote in any *party primary* regardless of his or her own party affiliation. Eleven states – Alabama, Arkansas, Georgia, Hawaii, Michigan, Minnesota, Missouri, Montana, North Dakota, Vermont, and Wisconsin – have open primaries. When voters do not register with a party before the primary, it is called a *pick-a-party primary* because the voter can select which party's primary he or she wishes to vote in on election day. Because of the open nature of this system, a practice known as raiding may occur. Raiding consists of voters of one party crossing over and voting in the primary of another party, effectively allowing a party to help choose its opposition's candidate. The theory is that opposing party members vote for the weakest candidate of the opposite party in order to give their own party the advantage in the general election.
- *Semi-open*. A registered voter need not publicly declare which political party's primary that they will vote in before entering the voting booth. When voters identify themselves to the election officials, they must request a party's specific ballot. Only one ballot is cast by each voter. In many states with semi-open primaries, election officials or poll workers from their respective parties record each voter's choice of party and provide access to this information. The primary difference between a semi-open and open primary system is the use of a party-specific ballot. In a semi-open primary, a public declaration in front of the election judges is made and a party-specific ballot given to the voter to cast. Certain states that use the open-primary format may print a single ballot and the voter must choose on the ballot itself which political party's candidates they will select for a contested office.
- *Blanket primary*. A primary in which the ballot is not restricted to candidates from one party.
- *Nonpartisan blanket primary*. A primary in which the ballot is not restricted to candidates from one party, where the top two candidates advance to the general election regardless of party affiliation. Louisiana has famously operated under this system, which has been nicknamed the "jungle primary." California has used a nonpartisan blanket primary since 2012 after passing Proposition 14 in 2010, and the state of Washington has used a nonpartisan blanket primary since 2008.

Texas Primaries

Texas' primaries are difficult to classify–they are somewhere betwen open and semi-open. Voters in Texas don't register under a party label, and may choose to vote in either party's primary (but not both).

Voters who cast ballots in one of the major party primary elections **may only** vote in the runoff election for the same party in which they cast their primary ballot. Voters who did not cast a ballot in primary elections are free to choose either party's runoff ballot, but may only vote in one party's runoff election.

Contributors and Attributions

CC licensed content, Original

- Revision and Adaptation. **Authored by**: Daniel M. Regalado. **License**: *CC BY: Attribution*
- Types of Elections in Texas. **Authored by**: Daniel M. Regalado. **License**: *CC BY: Attribution*

This page titled 6.1: Elections is shared under a CC BY 4.0 license and was authored, remixed, and/or curated by Lumen Learning.

6.2: Voting

Learning Objectives

By the end of this section you will be able to:

- Identify ways the U.S. government has promoted voter rights and registration
- Summarize similarities and differences in states' voter registration methods
- Analyze ways states increase voter registration and decrease fraud

This page titled 6.2: Voting is shared under a CC BY 4.0 license and was authored, remixed, and/or curated by Lumen Learning.

CHAPTER OVERVIEW

7: The Legislative Branch

7.1: Introduction
7.2: Sessions (Regular and Special)
7.3: Qualifications for Service and Terms of Office
7.4: Composition
7.5: Compensation
7.6: Organization and Leadership
7.7: Redistricting
7.8: How A Bill Becomes a Law in Texas
7.9: Legislative Immunities

This page titled 7: The Legislative Branch is shared under a CC BY 4.0 license and was authored, remixed, and/or curated by Lumen Learning.

7.1: Introduction

Learning Objectives

At the end of this section you'll be able to:

- Understand the structure of the Texas State Legislature
- Understand the duties and role of the Texas State Legislature

Structure

The Legislature of the state of Texas is the state legislature of Texas.

Article 3 of the Texas Constitution describes the legislative department (branch) of Texas. Texas Legislature utilizes a **bicameral** (two branches or chambers) system with the Texas Senate being the upper house, and the Texas House of Representatives the lower house. There are a total of 181 members of the Texas Legislature: 31 Senators, and 150 members of the House.

Duties and role

The state legislature meets at the Capitol in Austin. It is a powerful arm of the Texas government not only because of its power of the purse to control and direct the activities of state government and the strong constitutional connections between it and the Lieutenant Governor of Texas, but also due to Texas's plural executive.

The duties of the legislature include consideration of proposed laws and resolutions, consideration of proposed constitutional amendments for submission to the voters, and appropriation of all funds for the operation of state government. All bills for raising revenue considered by the legislature must originate in the house of representatives. The house alone can bring impeachment charges against a statewide officer, which charges must be tried by the senate.

The Legislature is the constitutional successor of the Congress of the Republic of Texas since Texas's 1845 entrance into the Union. The Legislature held its first regular session from February 16 to May 13, 1846.

Contributors and Attributions

CC licensed content, Original

- Revision and Adaptation. **Authored by**: Kris S. Seago. **License**: *CC BY: Attribution*

This page titled 7.1: Introduction is shared under a CC BY 4.0 license and was authored, remixed, and/or curated by Lumen Learning.

7.2: Sessions (Regular and Special)

Learning Objectives

By the end of this section, you will be able to:

- Understand the cycle and length of Regular legislative sessions
- Understand the nature of Special Sessions

Regular Sessions

Texas Legislature uses **biennial** sessions which means they meet every two years on odd numbered years, for 140 days.

The Texas Legislature meets in regular session on the second Tuesday in January of each odd-numbered year. The Texas Constitution limits the regular session to 140 calendar days.

Special Sessions

Only the Governor may call the Legislature into special sessions, unlike other states where the legislature may call itself into session. The governor may call as many sessions as he or she desires. For example, Governor Rick Perry called three consecutive sessions to address the 2003 Texas congressional redistricting. The Texas Constitution limits the duration of each special session to 30 days; lawmakers may consider only those issues designated by the governor in his "call," or proclamation convening the special session (though other issues may be added by the Governor during a session).

Contributors and Attributions

CC licensed content, Original

- Revision and Adaptation. **Authored by**: Kris S. Seago. **License**: *CC BY: Attribution*

This page titled 7.2: Sessions (Regular and Special) is shared under a CC BY 4.0 license and was authored, remixed, and/or curated by Lumen Learning.

7.3: Qualifications for Service and Terms of Office

Learning Objectives

By the end of this section, you will be able to:

- Understand the qualifications to be a member of Texas State House of Representatives
- Understand the qualifications to be a member of Texas State Senate
- Understand the terms of office for the Texas House and Senate
- Understand the special nature of Senate elections at the beginning of a new decade

Qualifications

The following are the legal requirements in order for someone to meet the qualifications to become a member of the Texas Legislature.

- Texas Representative (House)
  - U.S. Citizen
  - 2 years as a resident of Texas
  - 12 months as a resident of their District
  - At least 21 years old
  - 2 year terms with unlimited term limit
- Texas Senator
  - U.S. Citizen
  - 5 years as a resident of Texas
  - 12 months as a resident of their District
  - At least 26 years old
  - 4 year terms with unlimited term limit

Senate elections at the beginning of a new decade

Each senator serves a four-year term and one-half of the Senate membership is elected every two years in even-numbered years, with the exception that *all* the Senate seats are up for election for the first legislature following the decennial census in order to reflect the newly redrawn districts. After the initial election, the Senate is divided by lot into two classes, with one class having a re-election after two years and the other having a re-election after four years. This process protects the Senate's membership and the Senate as an institution serving as the more eltie legislative chamber during normal (i.e., not at the beginning of new decade) election cycles.

Contributors and Attributions

CC licensed content, Original

- Revision and Adaptation. **Authored by**: Kris S. Seago. **License**: *CC BY: Attribution*

This page titled 7.3: Qualifications for Service and Terms of Office is shared under a CC BY 4.0 license and was authored, remixed, and/or curated by Lumen Learning.

7.4: Composition

Learning Objectives

At the end of this section you'll be able to:

- Understand the partisan make up of the Texas State Legislature
- Understand the gender makeup of the Texas State Legislature
- Understand the racial makeup of the Texas State Legislature

Introduction

It's often been said the Texas State Legislature is "pale, male, and stale." This may not be quite as accurate as in the past, but the Texas State Legislature is prodominantly white, male, and middle aged.

Partisan Makeup

The Republican Party controls both the Texas State House of Representatives and the Texas State Senate:

- The Texas State House of Representatives currently has 93 Republicans, 56 Democrats, and one vacancy.
- The Texas State Senate currently has 20 Republicans and 11 Democrats

Gender Makeup

The Texas State Legislature is predominantly male.

- Approximately 81% of the Texas State House of Representatives is male (121 males, 29 females)
- Approximately 74% of the Texas State Senate is male (23 males, 8 females)
- Take together, almost 80% of the total membership of the Texas State Legislature is male (144 of 181 total members)

Racial Makeup

Approximately two-thirds of the Texas State Legislature is white.

The 84th Legislature (beginning 2015) was composed as follows:

- 115 White members
- 41 Hispanic members
- 19 African-American members
- 3 Asian members

Contributors and Attributions

CC licensed content, Original

- Revision and Adaptation. **Authored by**: Kris S. Seago. **License**: *CC BY: Attribution*

This page titled 7.4: Composition is shared under a CC BY 4.0 license and was authored, remixed, and/or curated by Lumen Learning.

7.5: Compensation

Learning Objectives

At the end of this section you'll be able to:

- Understand the salary received by Texas State Legislators
- Understand the retirement available to Texas State Legislators

Salary

State legislators in Texas make $600 per month, or $7,200 per year, plus a per diem of $190 for every day the Legislature is in session (also including any special sessions). That adds up to $33,800 a year for a regular session (140 days), with the total pay for a two-year term being $41,000.

Retirment options

Legislators receive a pension after eight years of service, starting at age 60.

Contributors and Attributions

CC licensed content, Original

- Revision and Adaptation. **Authored by**: Kris S. Seago. **License**: *CC BY: Attribution*

This page titled 7.5: Compensation is shared under a CC BY 4.0 license and was authored, remixed, and/or curated by Lumen Learning.

7.6: Organization and Leadership

Learning Objectives

At the end of this section you'll be able to:

- Understand how the Texas State Legilsature is organized
- Understand the Leadership of the Texas State Legislature

Organization

Although members are elected on partisan ballots, both houses of the Legislature are officially organized on a nonpartisan basis, with members of both parties serving in leadership positions such as committee chairmanships. As of 2018, a majority of the members of each chamber are members of the Republican Party.

Leadership

The Lieutenant Governor (currently Dan Patrick), elected statewide separately from the governor, presides over the Senate, while the Speaker of the House (currently Joe Straus) is elected from that body by its members. Both have wide latitude in choosing committee membership in their respective houses and have a large impact on lawmaking in the state.

Contributors and Attributions

CC licensed content, Original

- Revision and adaptation.. **Authored by**: Kris S. Seago. **License**: *CC BY: Attribution*

This page titled 7.6: Organization and Leadership is shared under a CC BY 4.0 license and was authored, remixed, and/or curated by Lumen Learning.

7.7: Redistricting

Learning Objectives

At the end of this section, you'll be able to

- Understand what redistricting is
- Understand why Texas must redistrict
- Understand how Texas redistricts
- Understand some current controversiies in Texas' redistricting
- Know where to find current district maps

What is redistricting?

Redistricting is the process by which new congressional and state legislative district boundaries are drawn. Each of Texas' 36 United States Representatives and 181 state legislators are elected from political divisions called districts. United States Senators are not elected by districts, but by the states at large. District lines are redrawn every 10 years following completion of the United States census. The federal government stipulates that districts must have nearly equal populations and must not discriminate on the basis of race or ethnicity.

Why does Texas have to redistrict?

The federal constitution calls for reapportionment of congressional seats according to population from a decennial census (Section 2, Article I). Reapportionment is the division of a set number of districts among established units of government. For example, the 435 congressional seats are reapportioned among the 50 states after each decennial census according to the method of equal proportions. The boundaries of the congressional districts are then redrawn by state legislatures in accordance with state and federal law.

Redistricting is the revision or replacement of existing districts, resulting in new districts with different geographical boundaries. The basic purpose of decennial redistricting is to equalize population among electoral districts after publication of the United States census indicates an increase or decrease in or shift of population.

The Texas Constitution requires the legislature to redistrict Texas house and senate seats during its first regular session following publication of each United States decennial census (Section 28, Article III). After each census, State Board of Education seats also must be redistricted to bring them into compliance with the one-person, one-vote requirement.

Although the formal redistricting process under the Texas Constitution may remain the same, every decade sees a different, often unpredictable, path for state redistricting plans, depending on legislative, gubernatorial, Legislative Redistricting Board, and judicial action. The history of the redistricting process during the 1980s, 1990s, 2000s, and 2010s illustrates some of the different courses decennial redistricting can take. The timing and legal requirements, however, dictate that the basic process generally takes the following course, which is described in more detail in the associated sections.

Federal census population data is delivered to the legislature no later than April 1 of the year following the decennial census, and the data is usually provided several weeks earlier. As soon as the census data is verified and loaded in the computer systems, the members of the legislature and other interested parties begin drawing plans. Bills to enact new state redistricting plans follow the same path through the legislature as other legislation.

If Texas senate or house districts are not enacted during the first regular session following the publication of the decennial census, the Texas Constitution requires that the Legislative Redistricting Board (LRB), a five-member body of state officials including the lieutenant governor and speaker, meet and adopt its own plan. The LRB has jurisdiction only in the months immediately following that regular session.

If congressional or State Board of Education districts are not enacted during the regular session, the governor may call a special session to consider the matter. If the governor does not call a special session, then a state or federal district court likely will issue court-ordered plans. Similarly, if the legislature and LRB fail to adopt a state senate or state house plan, a court will likely issue a plan to fill the void.

A suit challenging an adopted redistricting plan may be brought at any time under the federal or state constitution or federal law. Before 2013, Texas and certain other states were required to obtain federal preclearance of any redistricting plans before they could be implemented. In 2013, the applicable provision of the federal Voting Rights Act was held invalid by the U.S. Supreme Court.

The filing deadline for primary elections established by the Texas Election Code allows approximately six and one half months from the end of the regular legislative session for the governor to act on any redistricting legislation passed, for the LRB to meet if necessary, for any special session called to consider redistricting if necessary, for court action, and for counties to make necessary changes in county election precincts.

Controversies

There are conflicting opinions regarding the correlation between partisan gerrymandering and electoral competitiveness. In 2012, Jennifer Clark, a political science professor at the University of Houston, said, "The redistricting process has important consequences for voters. In some states, incumbent legislators work together to protect their own seats, which produces less competition in the political system. Voters may feel as though they do not have a meaningful alternative to the incumbent legislator. Legislators who lack competition in their districts have less incentive to adhere to their constituents' opinions."

Section 2 of the Voting Rights Act of 1965 mandates that electoral district lines cannot be drawn in such a manner as to "improperly dilute minorities' voting power."

> No voting qualification or prerequisite to voting, or standard, practice, or procedure shall be imposed or applied by any State or political subdivision to deny or abridge the right of any citizen of the United States to vote on account of race or color.

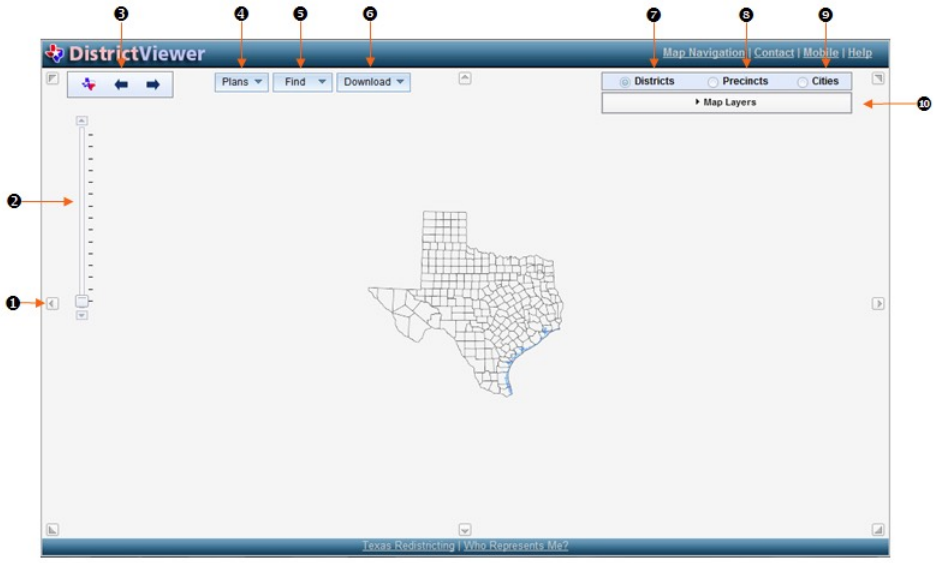
States and other political subdivisions may create majority-minority districts in order to comply with Section 2 of the Voting Rights Act. A majority-minority district is a district in which minority groups compose a majority of the district's total population. As of 2015, Texas was home to 18 congressional majority-minority districts.

Proponents of majority-minority districts maintain that these districts are a necessary hindrance to the practice of *cracking*, which occurs when a constituency is divided between several districts in order to prevent it from achieving a majority in any one district. In addition, supporters argue that the drawing of majority-minority districts has resulted in an increased number of minority representatives in state legislatures and Congress.

Critics, meanwhile, contend that the establishment of majority-minority districts can result in *packing*, which occurs when a constituency or voting group is placed within a single district, thereby minimizing its influence in other districts. Because minority groups tend to vote Democratic, critics argue that majority-minority districts ultimately present an unfair advantage to Republicans by consolidating Democratic votes into a smaller number of districts.

Current District Maps

You may view current district maps at the Texas Legislative Council's section on Texas Redisticting where you can use the DistrictViewer software.



Contributors and Attributions

CC licensed content, Original

- Revision and Adaptation. **Authored by**: Kris S. Seago. **License**: *CC BY: Attribution*

CC licensed content, Shared previously

- Redistricting in Texas. **Authored by**: Ballotpedia. **Located at**: https://ballotpedia.org/Redistricting_in_Texas. **License**: *CC BY-SA: Attribution-ShareAlike*

Public domain content

- DistrictViewer Software Screen Overview. **Authored by**: Texas Legislative Council. **Located at**: http://www.help.legis.state.tx.us/robodocs/district_viewere/webhelp/Screenshots/Screenshots_March2010/ScreenOverview_Graphic1.png. **License**: *Public Domain: No Known Copyright*

This page titled 7.7: Redistricting is shared under a CC BY 4.0 license and was authored, remixed, and/or curated by Lumen Learning.

7.8: How A Bill Becomes a Law in Texas

Learning Objectives

At the end of this section, you'll be able to

- Understand the process for a bill becoming a law in Texas
- Understand the process for amending the Texas constitution
- Know when laws become enacted

How a bill becomes a law in Texas

The Legislative Branch of Government

The legislature meets every odd-numbered year to write new laws and to find solutions to the problems facing the state. This meeting time, which begins on the second Tuesday in January and lasts 140 days, is called the regular session. The governor can direct the legislature to meet at other times also. These meetings, called special sessions, can last no more than 30 days and deal only with issues chosen by the governor.

On the first day of each regular session, the 150 members of the house of representatives choose one of their members to be the speaker of the house. The speaker is the presiding officer of the house. He or she maintains order, recognizes members to speak during debate, and rules on procedural matters.
The speaker also appoints the chairs and vice chairs of the committees that study legislation and decides which other representatives will serve on those committees, subject to seniority rules. There are 31 committees, each of which deals with a different subject area, and five committees that deal with procedural or administrative matters for the house. Most members serve on two or three different committees.

In the senate, the presiding officer is the lieutenant governor, who is not actually a member of the senate. The lieutenant governor is the second-highest ranking officer of the executive branch of government and, like the governor, is chosen for a four-year term by popular vote in a statewide election.

The first thing that the speaker of the house and the lieutenant governor ask their respective houses of the legislature to do is to decide on the rules that the legislators will follow during the session. Some legislative procedures are provided for in the state constitution, but additional rules can be adopted by a house of the legislature if approved by a majority vote of its members.

Once rules have been adopted, the legislature begins to consider bills.

Introducing a Bill

A representative or senator gets an idea for a bill by listening to the people he or she represents and then working to solve their problem. A bill may also grow out of the recommendations of an interim committee study conducted when the legislature is not in session. The idea is researched to determine what state law needs to be changed or created to best solve that problem. A bill is then written by the legislator, often with legal assistance from the Texas Legislative Council, a legislative agency which provides bill drafting services, research assistance, computer support, and other services for legislators.

Once a bill has been written, it is introduced by a member of the house or senate in the member's own chamber. Sometimes, similar bills about a particular issue are introduced in both houses at the same time by a representative and senator working together. However, any bill increasing taxes or raising money for use by the state must start in the house of representatives.

House members and senators can introduce bills on any subject during the first 60 calendar days of a regular session. After 60 days, the introduction of any bill other than a local bill or a bill related to an emergency declared by the governor requires the consent of at least four-fifths of the members present and voting in the house or four-fifths of the membership in the senate.

After a bill has been introduced, a short description of the bill, called a caption, is read aloud while the chamber is in session so that all of the members are aware of the bill and its subject. This is called the first reading, and it is the point in the process where the presiding officer assigns the bill to a committee. This assignment is announced on the chamber floor during the first reading of the bill.

The Committee Process

The chair of each committee decides when the committee will meet and which bills will be considered. The house rules permit a house committee or subcommittee to meet: (1) in a public hearing where testimony is heard and where official action may be taken on bills, resolutions, or other matters; (2) in a formal meeting where the members may discuss and take official action without hearing public testimony; or (3) in a work session for discussion of matters before the committee without taking formal action. In the senate, testimony may be heard and official action may be taken at any meeting of a senate committee or subcommittee. Public testimony is almost always solicited on bills, allowing citizens the opportunity to present arguments on different sides of an issue.

A house committee or subcommittee holding a public hearing during a legislative session must post notice of the hearing at least five calendar days before the hearing during a regular session and at least 24 hours in advance during a special session. For a formal meeting or a work session, written notice must be posted and sent to each member of the committee two hours in advance of the meeting or an announcement must be filed with the journal clerk and read while the house is in session. A senate committee or subcommittee must post notice of a meeting at least 24 hours before the meeting.

After considering a bill, a committee may choose to take no action or may issue a report on the bill. The committee report, expressing the committee's recommendations regarding action on a bill, includes a record of the committee's vote on the report, the text of the bill as reported by the committee, a detailed bill analysis, and a fiscal note or other impact statement, as necessary. The report is then printed, and a copy is distributed to every member of the house or senate.

In the house, a copy of the committee report is sent to either the Committee on Calendars or the Committee on Local and Consent Calendars for placement on a calendar for consideration by the full house. In the senate, local and noncontroversial bills are scheduled for senate consideration by the Senate Administration Committee. All other bills in the senate are placed on the regular order of business for consideration by the full senate in the order in which the bills were reported from senate committee. A bill on the regular order of business may not be brought up for floor consideration unless the senate sponsor of the bill has filed a written notice of intent to suspend the regular order of business for consideration of the bill.

Floor Action

When a bill comes up for consideration by the full house or senate, it receives its second reading. The bill is read, again by caption only, and then debated by the full membership of the chamber. Any member may offer an amendment, but it must be approved by a majority of the members present and voting to be adopted. The members then vote on whether to pass the bill. The bill is then considered by the full body again on third reading and final passage. A bill may be amended again on third reading, but amendments at this stage require a two-thirds majority for adoption. Although the Texas Constitution requires a bill to be read on three separate days in each house before it can have the force of law, this constitutional rule may be suspended by a four-fifths vote of the house in which the bill is pending. The senate routinely suspends this constitutional provision in order to give a bill an immediate third reading after its second reading consideration. The house, however, rarely suspends this provision, and third reading of a bill in the house normally occurs on the day following its second reading consideration.

In either house, a bill may be passed on a voice vote or a record vote. In the house, record votes are tallied by an electronic vote board controlled by buttons on each member's desk. In the senate, record votes are taken by calling the roll of the members.

If a bill receives a majority vote on third reading, it is considered passed. When a bill is passed in the house where it originated, the bill is engrossed, and a new copy of the bill which incorporates all corrections and amendments is prepared and sent to the opposite chamber for consideration. In the second house, the bill follows basically the same steps it followed in the first house. When the bill is passed in the opposite house, it is returned to the originating chamber with any amendments that have been adopted simply attached to the bill.

Action on the Other House's Amendments and Conference Committees

If a bill is returned to the originating chamber with amendments, the originating chamber can either agree to the amendments or request a conference committee to work out differences between the house version and the senate version. If the amendments are agreed to, the bill is put in final form, signed by the presiding officers, and sent to the governor.

Conference committees are composed of five members from each house appointed by the presiding officers. Once the conference committee reaches agreement, a conference committee report is prepared and must be approved by at least three of the five

conferees from each house. Conference committee reports are voted on in each house and must be approved or rejected without amendment. If approved by both houses, the bill is signed by the presiding officers and sent to the governor.

Governor's Action

Upon receiving a bill, the governor has 10 days in which to sign the bill, veto it, or allow it to become law without a signature. If the governor vetoes the bill and the legislature is still in session, the bill is returned to the house in which it originated with an explanation of the governor's objections. A two-thirds majority in each house is required to override the veto. If the governor neither vetoes nor signs the bill within 10 days, the bill becomes a law. If a bill is sent to the governor within 10 days of final adjournment, the governor has until 20 days after final adjournment to sign the bill, veto it, or allow it to become law without a signature.

Constitutional Amendments

Proposed amendments to the Texas Constitution are in the form of joint resolutions instead of bills and require a vote of two-thirds of the entire membership in each house for adoption. Joint resolutions are not sent to the governor for approval, but are filed directly with the secretary of state. A joint resolution proposing an amendment to the Texas Constitution does not become effective until it is approved by Texas voters in a general election.

Enactment (when laws go into effect)

Any bill passed by the Legislature takes effect 90 days after its passage unless two-thirds of each house votes to give the bill either immediate effect or earlier effect. The Legislature may provide for an effective date that is after the 90th day. Under current legislative practice, most bills are given an effective date of September 1 in odd-numbered years (September 1 is the start of the state's fiscal year).

Contributors and Attributions

CC licensed content, Original

- Revision and Adaptation. **Authored by**: Kris S. Seago. **License**: *CC BY: Attribution*

Public domain content

- How a Bill Becomes a Law. **Authored by**: Texas House of Representatives. **Located at**: https://house.texas.gov/about-us/bill/. **License**: *Public Domain: No Known Copyright*

This page titled 7.8: How A Bill Becomes a Law in Texas is shared under a CC BY 4.0 license and was authored, remixed, and/or curated by Lumen Learning.

7.9: Legislative Immunities

Learning Objectives

By the end of this section you'll be able to

- Understand the speech and debate immunities granted Texas legislators
- Understand the arrrest immunities granted Texas legislators

Introduction

The Texas Constitution grants two types of immunities to Texas steate legislators. One protects speech and debate. The other prevents or limits arrest during the legislative session.

Speech and debate immunities

The Texas Constitution (Article III, Section 21) grants Texas state legislators a fundamental protection of free speech and debate. This immunity protects legislators from punitive executive or judicial action. The intent is to allow lawmakers to work independently and unimpeded by the threat of intervention from the other branches of government in the discharge of their legislative duties.

Arrest Immunities

Texas state legislators are also protected from arrest traveling to and from and during legislative sessions. Exceptions include treason, felony, or breach of the peace.

Contributors and Attributions

CC licensed content, Original

- Revision and Adaptation. **Authored by**: Kris S. Seago. **License**: *CC BY: Attribution*

This page titled 7.9: Legislative Immunities is shared under a CC BY 4.0 license and was authored, remixed, and/or curated by Lumen Learning.

CHAPTER OVERVIEW

8: The Executive Branch

8.1: Introduction

8.2: Gubernatorial Elections and Qualifications

8.3: The Role Played by Texas' Governor

8.4: The Texas Plural Executive

This page titled 8: The Executive Branch is shared under a CC BY 4.0 license and was authored, remixed, and/or curated by Lumen Learning.

8.1: Introduction

Learning Objectives

At the end of this section, you'll be able to

- Understand the structure and powers of Texas' Executive Branch
- Understand the relative power of Texas' Governor

The executive branch consists of the Governor, Lieutenant Governor, Comptroller of Public Accounts, Land Commissioner, Attorney General, Agriculture Commissioner, the three-member Texas Railroad Commission, the State Board of Education, and the Secretary of State. Texas has a plural executive branch system which limits the power of the Governor. Except for the Secretary of State, all executive officers are elected independently making them directly answerable to the public, not the Governor.

Partly because of many elected officials, the governor's powers are quite limited in comparison to other state governors or the U.S. President. In popular lore and belief the lieutenant governor, who heads the Senate and appoints its committees, has more power than the governor. The governor commands the state militia and can veto bills passed by the Legislature and call special sessions of the Legislature (this power is exclusive to the governor and can be exercised as often as desired). The governor also appoints members of various executive boards and fills judicial vacancies between elections. All members of the executive branch are elected statewide except for the Secretary of State (appointed) and the State Board of Education (each of its 15 members are elected from single-member districts).

Contributors and Attributions

CC licensed content, Original

- Revision and Adaptation. **Authored by**: Kris S. Seago. **License**: *CC BY: Attribution*

This page titled 8.1: Introduction is shared under a CC BY 4.0 license and was authored, remixed, and/or curated by Lumen Learning.

8.2: Gubernatorial Elections and Qualifications

Learning Objectives

By the end of this section, you'll be able to:

- Understand how the Governor of Texas is elected
- Understand the qualifications to be Governor

Gubernatorial Elections

The state's first constitution in 1845 established the office of governor, to serve for two years, but no more than four years out of every six (essentially a limit of no more than two consecutive terms). The 1861 secessionist constitution set the term start date at the first Monday in the November following the election. The 1866 constitution, adopted just after the American Civil War, increased terms to 4 years, but no more than 8 years out of every 12, and moved the start date to the first Thursday after the organization of the legislature, or "as soon thereafter as practicable." The Reconstruction constitution of 1869 removed the limit on terms, Texas remains one of 14 states with no gubernatorial term limit. The present constitution of 1876 shortened terms back to two years, but a 1972 amendment increased it again to four years.

Texas elects governors in the midterm elections, that is, even years that are not presidential election years. For Texas 2018, 2022, 2026, 2030 and 2034 are all gubernatorial election years. Legally, the gubernatorial inauguration is always set for the "on the first Tuesday after the organization of the Legislature, or as soon thereafter as practicable."

If two candidates tie for the most votes or if an election is contested, a joint session of the legislature shall cast ballots to resolve the issue.

The 48th and current governor is Republican Greg Abbott. He assumed office on January 20, 2015, succeeding Rick Perry (R). Perry was the longest-serving governor in state history with a tenure lasting from 2000 to 2015. Abbott previously served as the Attorney General of Texas from 2002 to 2015.

Qualifications

Article IV, Section 4 of the Texas Constittion sets the following qualifications for Governor:

1. Must be at least 30 years old;
2. Resident of Texas for at least 5 years immediately before the election;
3. Must be a U.S. citizen.

Contributors and Attributions

CC licensed content, Original

- Revision and Adaptation. **Authored by**: Kris S. Seago. **License**: *CC BY: Attribution*

This page titled 8.2: Gubernatorial Elections and Qualifications is shared under a CC BY 4.0 license and was authored, remixed, and/or curated by Lumen Learning.

8.3: The Role Played by Texas' Governor

Learning Objectives

By the end of this section, you'll be able to

- Understand the roles played by Texas' Governor
- Discuss the veto power of Texas' Governor
- Clemency power
- Appointment power
- Budgetary power

The Roles Played by Texas' Governor

The governor makes policy recommendations that lawmakers in both the state House and Senate chambers may sponsor and introduce as bills. The governor also appoints the Secretary of State, as well as members of boards and commissions who oversee the heads of state agencies and departments.

The constitutional and statutory duties of the Governor include:

- Signing or vetoing bills passed by the Legislature.
- Serving as commander-in-chief of the state's military forces.
- Convening special sessions of the Legislature for specific purposes.
- Delivering a report on the condition of the state to the Legislature at the beginning of each regular session.
- Estimating of the amounts of money required to be raised by taxation.
- Accounting for all public monies received and paid out by him and recommending a budget for the next two years.
- Granting reprieves and commutations of punishment and pardons upon the recommendation of the Board of Pardons and Paroles and revoking conditional pardons.
- Declaring special elections to fill vacancies in certain elected offices.
- Appointing qualified Texans to state offices that carry out the laws and direct the policies of state government. Some of these offices are filled by appointment only. Others are ordinarily elected by the people, but the governor must occasionally appoint individuals to fill vacancies. The governor also appoints Texans to a wide range of advisory bodies and task forces that assist him with specific issues.

Veto Power

The governor has the power to either approve or veto bills passed by the Texas Legislature.

The Governor has line-item veto power, enabling the governor to veto individual components (or lines) of a bill.

The Governor of Texas' ine-item veto power applies only to spending measures, only to a bill that "contains several items of appropriation." When a bill contains several items of appropriation, the Governor "may object to one or more of such items, and approve the other portion of the bill." Ibid. Thus, the Governor may line-item veto one or more "items of appropriation" without vetoing the entire appropriations bill.

Time to consider

The governor must sign or veto legislation within 10 days of transmittal (excluding Sunday), or it becomes law **without** his/her signature. There is no "pocket veto" for the Governor of Texas.

For legislation transmitted with less than 10 days left in the session, the governor has 20 days after adjournment to act, or the legislation becomes law without being signed.

This latter provision allows a Governor to veto legislation **after** the Legislature has adjourned, with no opportunity for the Legislature to override a veto.

In practice, a Governor's vetoes are rarely challenged.

Legislative override

Two-thirds of members present in both chambers must vote to override a veto. If all members are in attendance, this is 100 of the 150 members in the Texas House of Representatives and 21 of the 31 members in the Texas State Senate. Texas is one of 36 states that requires a two-thirds vote from both of its legislative chambers to override a veto.

Clemency Power

The governor has the authority to grant clemency upon the written recommendation of a majority of the Board of Pardons and Paroles (Board). Clemency includes full pardons after conviction or successful completion of a term of deferred adjudication community supervision, conditional pardons, pardons based on innocence, commutations of sentence, and reprieves. In capital cases, clemency includes a commutation of sentence to life in prison and a reprieve for execution. The governor may also grant a one-time reprieve of execution, not to exceed (30) days, without a Board recommendation.

Appointment power

The authority to make governmental appointments is one of the powers given to the Governor of Texas by the state's Constitution.

During a four-year term, the Governor will make about 3,000 appointments.

Most appointments are:

1. State officials and members of state boards, commissions and councils that carry out the laws and direct the policies of state government activities;
2. Members of task forces that advise the Governor or executive agencies on specific issues and policies; or
3. State elected and judicial offices when vacancies occur by resignation or death of the office holder.

The majority of these appointments are volunteer positions, representative of our citizen government. Most appointees are entitled to standard travel expenses and/or per diem to attend meetings and conduct business of the board or commission.

Budgetary Power

The Governor has relatively limited budgetary powers. The Governor is required to submit a budget, but the Legislature typically ignores the Governor's budget, preferring to take the lead itself on budgetary matters.

A Governor may attempt to influence the budgetary process through the power of persuasion, but this power is limited.

In the end, a Governor's primary budget power is the power to veto or threaten to veto legislation.

Contributors and Attributions

CC licensed content, Original

- Revision and Adaptation. **Authored by**: Kris S. Seago. **License**: *CC BY: Attribution*

Public domain content

- Duties, Requirements & Powers. **Authored by**: Office of the Texas Governor. **Located at**: https://gov.texas.gov/governor-abbott/duties. **License**: *Public Domain: No Known Copyright*

This page titled 8.3: The Role Played by Texas' Governor is shared under a CC BY 4.0 license and was authored, remixed, and/or curated by Lumen Learning.

8.4: The Texas Plural Executive

Learning Objectives

By the end of this section, you will be able to:

- Explain the plural executive of Texas Government
- Know the offices and officeholders of the plural executive
- Explain the roles of the plural executive

Texas Plural Executive

Article 4 of the Texas Constitution describes the executive department (branch) of Texas. Texas utilizes a "plural executive" which means the power of the Governor are limited and distributed amongst other government officials. In other words, there is not one government official in Texas that is solely responsible for the Texas Executive Branch. Below are some of the members of the Texas Plural Executive and their roles:

- **Lieutenant Governor:** Serves as the presiding officer of the Texas Senate, first in line of succession for Governor, member of the Legislative Redistricting Board, Chair of the Legislative Budget Board, elected to 4 years terms by the public with no term limits. Dan Patrick is the current Texas Lieutenant Governor.[1]
- **Attorney General:** Serves as the lawyer for the state of Texas, including representing the state on civil matters, and responsible for the interpretation of the constitutionality of laws. The Attorney General is elected by the people to 4 year terms with no term limits. The current Texas Attorney General is Ken Paxton. [2]
- **Commissioner of the General Land Office:** The Commissioner is elected by the people to one 4 year term. George P. Bush (son of Jeb Bush) runs the Texas General Land Office, which manages and administers mineral leases and state lands. Even though this office is part of the Executive Branch, the Office of the Commissioner of the General Land Office is authorized by Article 14, Section 1 of the Texas Constitution.[3]
- **Comptroller of Public Accounts:** The Comptroller serves as the chief tax collector and accounting officer. This office is also responsible for certifying the biennial budget of the state. Glenn Hegar currently serves as the Texas Comptroller and is elected by the people to 4 years terms with no term limits.[4]
- **Texas Agriculture Commissioner:** The Texas Department of Agriculture (TDA) is a state agency within the state of Texas, which is responsible for matters pertaining to agriculture, rural community affairs, and related matters.TDA was established by the 13th Texas Legislature in 1907. TDA is headed by the Texas Agriculture Commissioner, one of four heads of state agencies which is elected by statewide ballot (and the only one where the provision for statewide election is mandated by legislative action, not enshrined in the Texas Constitution) for a four-year term, concurrent with the gubernatorial election (prior to 1978, the term was two years before a statewide amendment in 1974 extended it to four years).The TDA regulates all fuel pumps in Texas to ensure drivers get the correct quality and amount of fuel, regulates all weights and measures devices, such as grocery store scales and retail price scanners, to ensure consumers are charged advertised prices, and regulates pesticide use and application from residential to commercial use. Sid Miller is the current Agriculture Commissioner. [5]
- **Secretary of State:** The Texas Secretary of State is appointed by the Texas Governor and confirmed by the Texas Senate. The Secretary of State serves as the chief election officer (meaning the office ensures that county governments abide by election rules), officially attests the signature of the Texas Governor on official documents, and advises the Governor on Texas border and Mexican affairs. Rolando Pablos is the current Texas Secretary of State. [6]
- **Other members of the Texas Plural Executive include:** Railroad Commission, State Board of Education, Elected/Appointed Boards and Commissions, Appointed Agency Directors.

1. https://www.ltgov.state.tx.us/ ↵
2. https://www.texasattorneygeneral.gov/ ↵

3. http://www.glo.texas.gov/ ↵
4. https://www.comptroller.texas.gov/ ↵
5. https://www.texasagriculture.gov ↵
6. http://www.sos.state.tx.us/index.html ↵

Contributors and Attributions

CC licensed content, Original

- The Texas Plural Executive. **Authored by**: Daniel M. Regalado. **License**: *CC BY: Attribution*

This page titled 8.4: The Texas Plural Executive is shared under a CC BY 4.0 license and was authored, remixed, and/or curated by Lumen Learning.

CHAPTER OVERVIEW

9: The Judicial Branch

9.1: Sources of law
9.2: Types of Law and Jurisdiction
9.3: Criminal Law Penalties
9.4: Court Organization
9.5: Judicial Selection Processes
9.6: Texas' Criminal Justice Process

This page titled 9: The Judicial Branch is shared under a CC BY 4.0 license and was authored, remixed, and/or curated by Lumen Learning.

9.1: Sources of law

Learning Objectives

By the end of this section, you will be able to

- Distinguish between the various the sources of law
- Understand the hierarchy of the various sources of law

Sources of Law

Constitutional Law

- National Constitution
- Texas Constitution

Statutory Law

- National Laws (laws passed by Congress)
- Texas State Statutes

Administrative Regulations

- National regulations
- Texas State adminisrative code

Court precedents

Local codes and ordinances

Contributors and Attributions

CC licensed content, Original

- Sources of Law. **Authored by**: Kris S. Seago. **License**: *CC BY: Attribution*

This page titled 9.1: Sources of law is shared under a CC BY 4.0 license and was authored, remixed, and/or curated by Lumen Learning.

9.2: Types of Law and Jurisdiction

Learning Objectives

By the end of this section, you will be able to:

- Discuss the different types of law
- Discuss the different types of jurisdiction

Types of Law

There are two basic types of law in any legal system- Civil and Criminal. Below is a table differentiating the two:

Types of Law				
	Definition	**Punishment**	**Burden of Proof**	**Examples**
Civil	Concerns private rights	Relief or remedy	Preponderance of the evidence	Divorce, law suit
Criminal	This type of case violates a specific penal law.	Fine, imprisonment, or both	Beyond a reasonable doubt	Traffic violation, felony charge

Types of Jurisdictions

Every court system has jurisdiction over certain cases, from enforcing traffic laws to hearing capital murder charges. There are three types of jurisdictions:

1. **Original Jurisdiction**– the court that gets to hear the case first. For example Municipal courts typically have original jurisdiction over traffic offenses the occur within city limits.
2. **Appellate Jurisdiction**– the power for a higher court to review a lower courts decision. For example, the Texas Court of Appeals has appellate jurisdiction over the District Courts (See the hierarchy of Texas Court Structure in this Unit).
3. **Exclusive Jurisdiction**– only that court can hear a specific case. For example only the Texas Court of Criminal Appeals Court can hear appeals for death penalty sentences.

Contributors and Attributions

CC licensed content, Original

- Jurisdiction, Types of Law, and the Selection of Judges. **Authored by**: Daniel M. Regalado. **License**: *CC BY: Attribution*

This page titled 9.2: Types of Law and Jurisdiction is shared under a CC BY 4.0 license and was authored, remixed, and/or curated by Lumen Learning.

9.3: Criminal Law Penalties

Learning Objectives

By the end of this section, you'll be able to

- Distinguish the difference between misdemeanors and felonies
- Understand the gradation of criminal penalties in Texas

There are two types of crime: misdemeanors and felonies. Misdemeanors are considered minor crimes, and felonies are defined as major crimes.[1]

Offense	Punishment	Court
Capital Murder (Capital Felony)– Examples: Murder of a law enforcement official, prison guard, or firefighter on duty; commits murder with other types of felonies; murder for hire; mass murder; murder of someone under the age of 10	Life or Death Penalty	District Court
First degree felony– Examples: Murder; theft of property worth over $200,000	5-99 years in prison, maximum fine of $10,000	District Court
Second degree felony– Examples: Manslaughter; theft of property worth between $100,000-200,000	2-20 years in prison, maximum fine of $10,000	District Court
Third degree felony– Examples: Impersonating someone online; theft of property worth $20,000-100,000	2-10 years in prison, maximum fine of $10,000	District Court
State jail felony– Examples: Possession of 4 ounces to 1lb of marijuana; theft of property worth $15,000-20,000	180 days-2 years on prison, maximum fine of $10,000	District Court
Class A Misdemeanor– Examples: Resisting arrests; theft of property worth $500-1,500	1 year in prison, maximum fine of $4,000	County Court
Class B Misdemeanor– Examples: Terroristic threat; theft of property worth $20-500	180 days in prison, maximum fine of $2,000	County Court
Class C Misdemeanor– Examples: Sexting with someone 17 or younger; theft of property worth less than $20	Maximum fine $500	Justice of the Peace or Municipal Courts

1. Texas Penal Code http://www.statutes.legis.state.tx.us/?link=PE ↵

Contributors and Attributions

CC licensed content, Original

- Revision and Adaptation. **Authored by**: Kris S. Seago. **License**: *CC BY: Attribution*

This page titled 9.3: Criminal Law Penalties is shared under a CC BY 4.0 license and was authored, remixed, and/or curated by Lumen Learning.

9.4: Court Organization

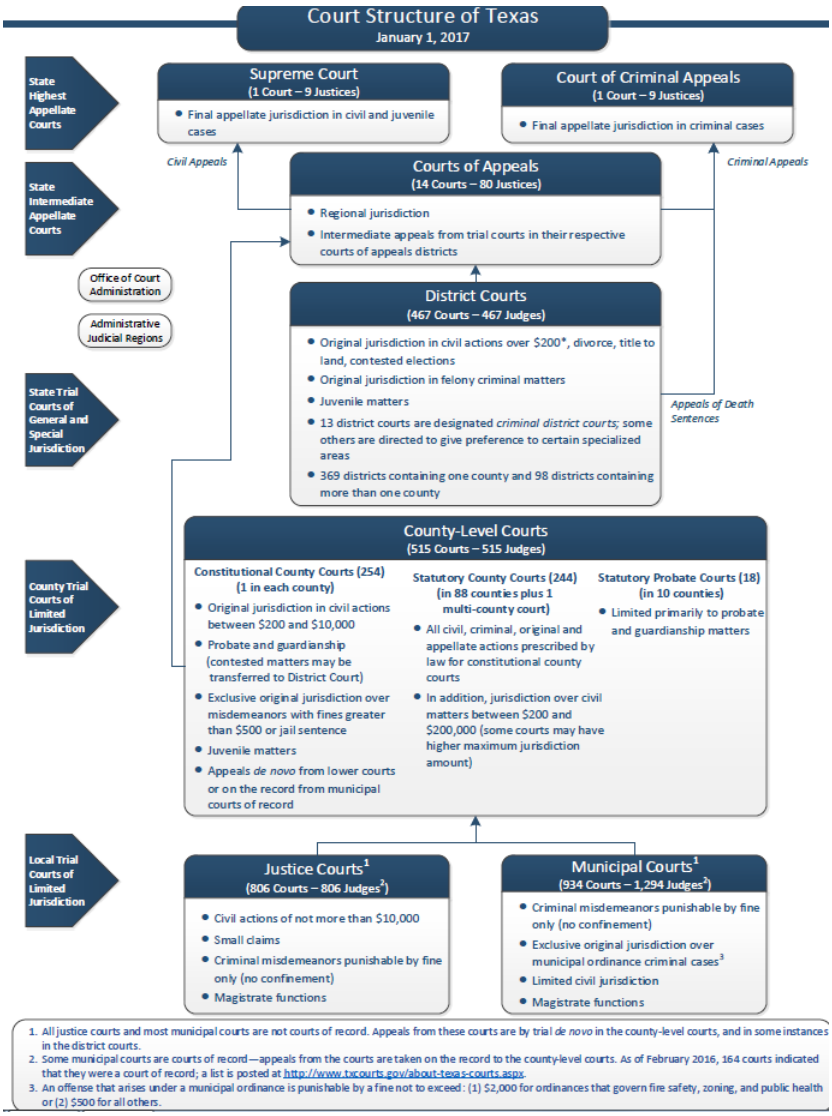
Learning Objectives

By the end of this section, you will be able to:

- Discuss the structure of the Texas Court System

Structure of the Texas Court System

The structure of the Texas court system is set up as a **bifurcated** system, meaning there are two highest courts of appeals for criminal and civil cases. The table below depicts the structure of the Texas court system with some additional jurisdiction, and court information. Note that **Juvenile Courts** preside in the District Courts- In Texas a juvenile is defined as young as 10 years old, and a juvenile can be convicted as an adult as young as 14 years old. [1]



Structure of the Texas Court System

1. http://www.txcourts.gov/media/1436909/court-structure-chart-jan-2017.pdf ↵

Contributors and Attributions

CC licensed content, Original

- Court Organization. **Authored by**: Daniel M. Regalado. **License**: *CC BY: Attribution*

Public domain content

- Court Structure of Texas. **Authored by**: Texas Judicial Branch. **Located at**: http://www.txcourts.gov/media/1436909/court-structure-chart-jan-2017.pdf. **License**: *Public Domain: No Known Copyright*

This page titled 9.4: Court Organization is shared under a CC BY 4.0 license and was authored, remixed, and/or curated by Lumen Learning.

9.5: Judicial Selection Processes

Learning Objectives

By the end of this section, you'll be able to:

- Discuss the various methods of selecting judges
- Understand how Texas selects judges
- Understand arguments supporting and criticising partisan elections
- Evaluate alternative methods of selecting judges

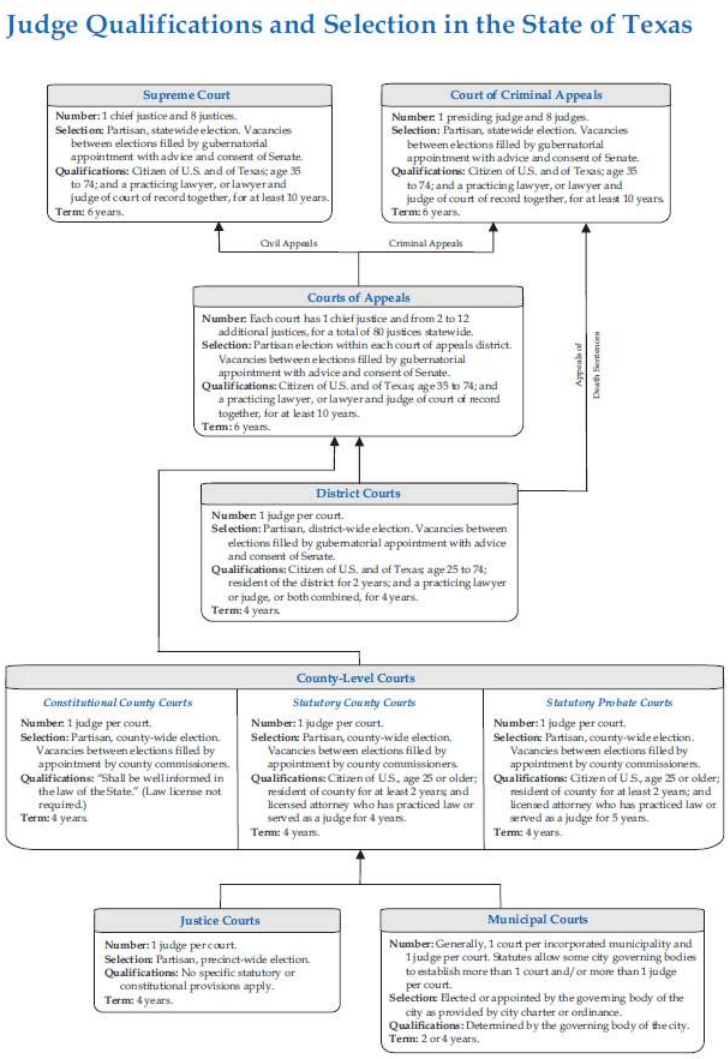
Selecting Judges

Methods of judicial selection vary substantially across the United States. Though each state has a unique set of guidelines governing how they fill their state and local judiciaries, there are five main methods:

- **Partisan elections:** Judges are elected by the people, and candidates are listed on the ballot alongside a label designating political party affiliation.
- **Nonpartisan elections:** Judges are elected by the people, and candidates are listed on the ballot *without* a label designating party affiliation.
- **Legislative elections:** Judges are selected by the state legislature.
- **Gubernatorial appointment:** Judges are appointed by the governor. In some cases, approval from the legislative body is required.
- **Assisted appointment**, also known as **merit selection** or the **Missouri Plan:** A nominating commission reviews the qualifications of judicial candidates and submits a list of names to the governor, who appoints a judge from the list. After serving an initial term, the judge must be confirmed by the people in a yes-no retention election to continue serving.
- A **retention election** or **judicial retention** is a periodic process whereby voters are asked whether an incumbent judge should remain in office for another term. The judge, who does not face an opponent, is removed from the position if a percentage of voters (often 50 percent) indicate that he or she should not be retained.

Texas' Judicial Selection Process

Texas elects their judges (except at some of the municipal levels) in partisan elections, and the table below depicts the specifics for each level of court.[1]



Selection and Qualification of Texas Judges

Arguments For and Against Partisan Elections

Arguments supporting partisan elections

Proponents of judicial elections argue that this method of selection is the most democratic, allowing the people to have a direct voice in selecting judges. They believe voters are capable of selecting a judiciary that reflects their values and that they are entitled to that choice.

> " [Y]ou cannot take the politics out of decisions about who is going to hold what office, but you can take the people out of the politics. This democracy business can be a little messy at times, certainly inefficient and occasionally some bad mistakes are made, but you can trust [voters] to get it right most of the time."
>
> —Professor Michael E. DeBow of the Samford University School of Law

Along similar lines, those in favor of elections say that the prospect of being voted out of office holds judges accountable to voters. Samford University law professor Michael E. DeBow points to examples from the late 1990s when judiciaries in Texas and Alabama appeared to be heavily inclined towards trial lawyers. When voters caught wind of this, they began what DeBow calls a "revolt," replacing their judges and moving towards tort reform laws.

> "Could this have happened in Missouri Plan states? Or in states with nonpartisan elections? Probably not as quickly.… [I]t is a significant thing for voters to assert themselves as dramatically as they did in these two states. It strongly supports the view that voters are not incompetent to vote on judicial races, and lends aid and comfort to those working to effect legal reform."
>
> —Professor Michael E. DeBow of the Samford University School of Law

Another argument put forth by proponents of this selection method is that affiliating judicial candidates with a political party efficiently communicates the candidate's values and ideologies to voters. Indeed, in their book The Politics of State Courts, political science professors Harry H. Stumpf and John H. Culver assert that, "In partisan [judicial] races, the political party label may give most voters all the information they seek." Furthermore, some argue that partisanship is unavoidable. Even in the assisted

appointment method of judicial selection there arises something of a “subterranean process of bar and bench politics,” writes DeBow, one over which voters have little control.

Arguments criticising partisan elections

Critics of partisan judicial elections argue that the growing amount of fundraising in election campaigns gives special interest groups a foothold to manipulate the judiciary to their liking. Judicial elections have become much more expensive in the last decade—partisan elections more so, perhaps because state parties serve as “ready-built infrastructures for ‘bundling’ donations,” according to Billy Corriher of the Center for American Progress. Those skeptical of the process also claim that it creates a highly polarized judiciary made up of judges who are pressured to please their campaign supporters.

> “I never felt so much like a hooker down by the bus station… as I did in a judicial race. Everyone interested in contributing has very specific interests. They mean to be buying a vote.”
> —Ohio Supreme Court Senior Associate Justice Paul Pfeifer

Addressing the argument that party affiliation gives voters useful information about a judge’s values, Corriher believes voters actually understand very little about how partisanship plays into everyday decisions on the bench.

> “If voters understood how a Republican judge differs from a Democratic one in the run-of-the-mill cases that occupy most of the courts’ time, then partisan identification might prove more useful. …
> When voters think of judges’ political affiliation, they often think of cases involving controversial social issues, such as abortion or gay marriage, that garner a lot of media attention but constitute merely a fraction of a court’s rulings. But in the states that have seen the most judicial campaign cash, the campaign donors are not concerned with social issues. Instead, liberal judges are supported by trial lawyers who want to see judges protecting individuals’ right to sue wrongdoers; conservative judges are strongly backed by corporate interest groups that want judges who will uphold “tort reform” laws that limit lawsuits.”
> —Billy Corriher, Director of Research for Legal Progress at the Center for American Progress

The Shepherd Study

A 2013 study by the American Constitution Society titled “Justice At Risk: An empirical analysis of campaign contributions and judicial decisions” examined the effects of campaign contributions on judicial behavior. Independent researchers analyzed over 2,345 business-related state supreme court published opinions from 2010 to 2012, merging the dataset with over 175,000 campaign contribution records that occurred over that period. Information was also collected on the characteristics of individual justices, including ideology. The findings were reported as follows:

- A significant relationship exists between business group contributions to state supreme court justices and the voting of those justices in cases involving business matters.
- The more campaign contributions from business interests justices receive, the more likely they are to vote for business litigants appearing before them in court.
- A justice who receives half of his or her contributions from business groups would be expected to vote in favor of business interests almost two-thirds of the time.
- The empirical relationship between business contributions and justices’ voting for business interests exists only in partisan and nonpartisan systems; there is no statistically significant relationship between money and voting in retention election systems.
- There is a stronger relationship between business contributions and justices’ voting among justices affiliated with the Democratic Party than among justices affiliated with the Republican Party.

1. http://www.txcourts.gov

Contributors and Attributions

CC licensed content, Original

- Revision and Adaptation. **Authored by**: Kris S. Seago. **License**: *CC BY: Attribution*

CC licensed content, Shared previously

- Judicial Selection in the States. **Authored by**: Ballotpeida. **Located at**: https://ballotpedia.org/Judicial_selection_in_the_states. **License**: *CC BY: Attribution*
- Judicial Selection in Texas. **Authored by**: Ballotpedia. **Located at**: https://ballotpedia.org/Judicial_selection_in_Texas. **License**: *CC BY: Attribution*

Public domain content

- Judge Qualifications and Selection in the State of Texas. **Authored by**: Texas Judicial Branch. **Located at**: http://www.txcourts.gov/media/48745/Judge-Qualifications-6_26_14.pdf. **License**: *Public Domain: No Known Copyright*

This page titled 9.5: Judicial Selection Processes is shared under a CC BY 4.0 license and was authored, remixed, and/or curated by Lumen Learning.

9.6: Texas' Criminal Justice Process

Learning Objectives

By the end of this section, you will be able to:

- Discuss the steps in the Texas Criminal Justice process

Texas Criminal Justice Process

The Texas court systems have two conflicting goals: they must protect the people and the accused. Therefore the state of Texas must ensure that every person is treated equally in legal matters- this is known as due process. The steps in the Texas criminal justice process are: 1. Arrest, 2. Indictment, 3. Plea bargaining, 4. Trial, and 5. Post-trial.

1. **Arrest**. One aspect pertinent to arrest are the Miranda Rights. Miranda Rights derived from the landmark U.S. Supreme Court case ***Miranda vs. Arizona*** (1966). During the Miranda case the question was whether or not procedures must be utilized by law enforcement officials to ensure that an individual's 5th Amendment Self-incrimination rights are not violated. The United States Supreme Court ruled that a person must be made aware of their rights prior to being questioned. [1] Once an arrest is made, the defendant is arraigned and bond is set. **Arraignment** is when a defendant is formally charged and made aware of their rights. After this the defendant may receive **bail**, although bail is not guaranteed (Texas Constitution Article 1, Section 11 & 11a-b).
2. **Indictment**. If the charge is a **felony**, than an indictment must occur for the process to continue. A grand jury is in charge of determining whether there is enough evidence to move forward with the charge- 9 out of 12 grand jury members must agree that the process can move forward. If this occurs it is knows as a **"true bill"** (indictment), if not it is known as a "**No bill**."
3. **Plea bargaining**. Due to the fact that there are **overcrowded dockets**, plea bargaining is the most common method for resolving criminal cases in Texas. Plea bargaining is when the defendant and the prosecutor negotiate a deal to avoid having to go to trial- the concept is that this saves time and money.
4. **Trial**. If the case reaches trial, the defendant may choose to have a **trial by jury** (guaranteed by the Texas Constitution Article 1, Section 15); or waive that right and choose trial by a presiding judge. Texas utilizes an adversary system, which means the two sides will attempt to convince the jury or judge why they are correct.
5. **Post Trial**. Post trial is the final step where the defendant, if found guilty, will receive a form of rehabilitation or punishment. Some examples of rehabilitation or punishment are prison time, probation, parole, house arrest, and fines.

1. http://www.uscourts.gov/educational-resources/educational-activities/facts-and-case-summary-miranda-v-arizona ↵

Contributors and Attributions

CC licensed content, Original

- Texas Criminal Justice Process. **Authored by**: Daniel M. Regalado. **License**: *CC BY: Attribution*

This page titled 9.6: Texas' Criminal Justice Process is shared under a CC BY 4.0 license and was authored, remixed, and/or curated by Lumen Learning.

CHAPTER OVERVIEW

10: Local Government

10.1: Introduction to Local Government

This page titled 10: Local Government is shared under a CC BY 4.0 license and was authored, remixed, and/or curated by Lumen Learning.

10.1: Introduction to Local Government

Learning Objectives

By the end of this section, you will be able to:

- Understand the various levels of local government in Texas
- Understand county government in Texas
- Understand city government in Texas
- Understand special districts in Texas

Texas has a total of 254 counties, many cities, and numerous special districts, the most common of which is the independent school district.

County Government

Texas has a total of 254 counties, by far the largest number of counties of any state.

Each county is run by a five-member Commissioners' Court consisting of four commissioners elected from single-member districts (called commissioner precincts) and a county judge elected at-large. The county judge does not have authority to veto a decision of the commissioners court; the judge votes along with the commissioners (being the tie-breaker in close calls). In smaller counties, the county judge actually does perform judicial duties, but in larger counties the judge's role is limited to serving on the commissioners court and certifying elections. Certain officials, such as the sheriff and tax collector, are elected separately by the voters, but the commissioners court determines their office budgets, and sets overall county policy. All county elections are partisan, and commissioner precincts are redistricted after each ten year Census both to equalize the voting power in each and in consideration of the political party preferences of the voters in each.

Counties in Texas have limited regulatory (ordinance) authority. Counties also have much less legal power than home rule municipalities. They cannot pass ordinances (local laws with penalties for violations) like cities can. Counties in Texas do *not* have zoning power (except for limited instances around some reservoirs, military establishments, historic sites and airports, and in large counties over "communication facility structures": visible antennas). However, counties can collect a small portion of property tax and spend it to provide residents with needed services or to employ the power of eminent domain. Counties also have the power to regulate outdoor lighting near observatories and military bases. Counties do not have "home rule" authority; whatever powers they enjoy are specifically granted by the State (as an example, most counties have no authority to sanction property owners whose lands fill with weeds and trash).

Unlike other states, Texas does not allow for consolidated city-county governments. Cities and counties (as well as other political entities) are permitted to enter "interlocal agreements" to share services (for instance, a city and a school district may enter into agreements with the county whereby the county bills for and collects property taxes for the city and school district; thus, only one tax bill is sent instead of three). Texas does allow municipalities to merge, but populous Harris County, Texas consolidating with its primary city, Houston, Texas, to form the nation's second largest city (after New York City) is not a prospect under current law.

Texas counties are prone to inefficient operations and are vulnerable to corruption, for several reasons. First, most of them do not have a merit system but operate on a spoils system, so that many county employees obtain their positions through loyalty to a particular political party and commissioner rather than whether they actually have the skills and experience appropriate to their positions. Second, most counties have not centralized purchasing into a single procurement department which would be able to seek quantity discounts and carefully scrutinize bids and contract awards for unusual patterns. Third, in 90 percent of Texas counties, *each commissioner* is individually responsible for planning and executing their own road construction and maintenance program for their own precinct, which results in poor coordination and duplicate construction machinery.

County elections in Texas are partisan–candidates appear on the ballot on party lines, and run as party tickets.

Municipal (City) Government

Texas does not have townships; areas within a county are either incorporated or unincorporated. Incorporated areas are part of a city, though the city may contract with the county for needed services. Unincorporated areas are not part of a city; in these areas the county has authority for law enforcement and road maintenance. Their local ordinances, rules, and police regulations are usually codified in a "code of ordinances."

Cities are classified as either "general law" or "home rule." A city may elect home rule status (i.e., draft an independent city charter) once it exceeds 5,000 population and the voters agree to home rule. Otherwise, it is classified as general law and has very limited powers. One example of the difference in the two structures regards annexation. General law cities cannot annex adjacent unincorporated areas without the property owner's consent; home rule cities may annex without consent but must provide essential services within a specified period of time (generally within three years) or the property owner may file suit to be disannexed and reimbursed. Once a city adopts home rule it may continue to keep this status even if the population later falls below 5,000.

Larger cities (those exceeding 225,000) have a unique authority: that of "limited annexation", whereby an adjoining area may be annexed for purposes of imposing city ordinances related to safety and building codes. The residents can vote for mayor and council races but cannot vote in bond elections (and, consequently, the city cannot directly collect city sales tax from businesses or city property tax from owners).

However, the City of Houston has exploited a glitch in the state law that allows it to share in sales tax revenues along with special districts (municipal utility districts, for instance) that cross an area "annexed for limited purposes." This has led to a spiderwebbing known as limited purpose or special purpose annexations that consist of mostly commercial properties facing major streets. These extend through otherwise unincorporated areas. It has also led to conflicts between city and county officials over the provision of services to these areas not included in the agreements.

The purpose of limited annexation is to allow the city to control development in an area that it eventually will fully annex; it is meant to do so within three years (though it can arrange "non-annexation agreements" with local property owners), and those agreements with municipal utility districts also cloud the picture. During each of the three years, the city is to develop land use planning for the area(zoning, for example), identify needed capital improvements and ongoing projects, and identify the financing for such as well as to provide essential municipal services.

Municipal elections in Texas are nonpartisan in the sense that candidates do not appear on the ballot on party lines, and do not run as party tickets. However, a candidate's party affiliation is usually known or can be discerned with minimal effort (as the candidate most likely has supported other candidates on partisan tickets). In some instances, an informal citizen's group will support a slate of candidates that it desires to see elected (often in opposition to an incumbent group with which it disagreed on an issue). However, each candidate must be voted on individually.

Special Districts

In addition to cities and counties, Texas has numerous special districts. The most common is the independent school district. Special districts include Groundwater Conservation Districts (regulatory agencies), river authorities, water supply districts (for irrigation or municipal supply), public hospitals, road districts and community colleges.

Contributors and Attributions

CC licensed content, Original

- Revision and Adaptation. **Authored by**: Kris S. Seago. **License**: *CC BY: Attribution*

This page titled 10.1: Introduction to Local Government is shared under a CC BY 4.0 license and was authored, remixed, and/or curated by Lumen Learning.

CHAPTER OVERVIEW

11: Texas Revenue and Budget

11.1: Fiscal Policy

11.2: Texas Revenue

11.3: Texas' Budgetary Processes and Expenditures

This page titled 11: Texas Revenue and Budget is shared under a CC BY 4.0 license and was authored, remixed, and/or curated by Lumen Learning.

11.1: Fiscal Policy

Learning Objectives

By the end of this section, you will be able to

- Define fiscal policy

Fiscal policy

In economics and political science, fiscal policy is the use of government revenue collection (mainly taxes) and expenditure (spending) to influence the economy.

The Texas Constitution requires that Texas operate under a balanced budget–Texas may spend more than it collects. It may not deficit spend as national government does.

Contributors and Attributions

CC licensed content, Original

- Fiscal Policy. **Authored by**: Kris S. Seago. **License**: *CC BY: Attribution*

This page titled 11.1: Fiscal Policy is shared under a CC BY 4.0 license and was authored, remixed, and/or curated by Lumen Learning.

11.2: Texas Revenue

Learning Objectives

By the end of this section, you will be able to:

- Explain the different types of taxes
- Be familiar with the various revenue sources for Texas
- Explain the budgetary process of Texas
- Explain the budget expenditures of Texas

Taxation

Any government relies on a variety of taxes in order to make revenue to spend on public services. There are different types of taxes:

1. **Income tax**– taxes collected from an individual's income (There is no state income tax in Texas);
2. **General sales tax**– based on taxes collected from retail prices of items;
3. **Excise tax**– taxes collected on specific products such as tobacco and gasoline;
4. **Ad valorem tax**– taxes based according to the value of the property.

The federal government's number one tax source for revenue is income tax- The 16th Amendment of the United States Constitution authorized an income tax. The state of Texas' main revenue source are from sales tax. Article 8 of the Texas Constitution describes the "Taxation and Revenue" specifics. Local governments heavily rely on property taxes as their main source of tax revenue.[1]

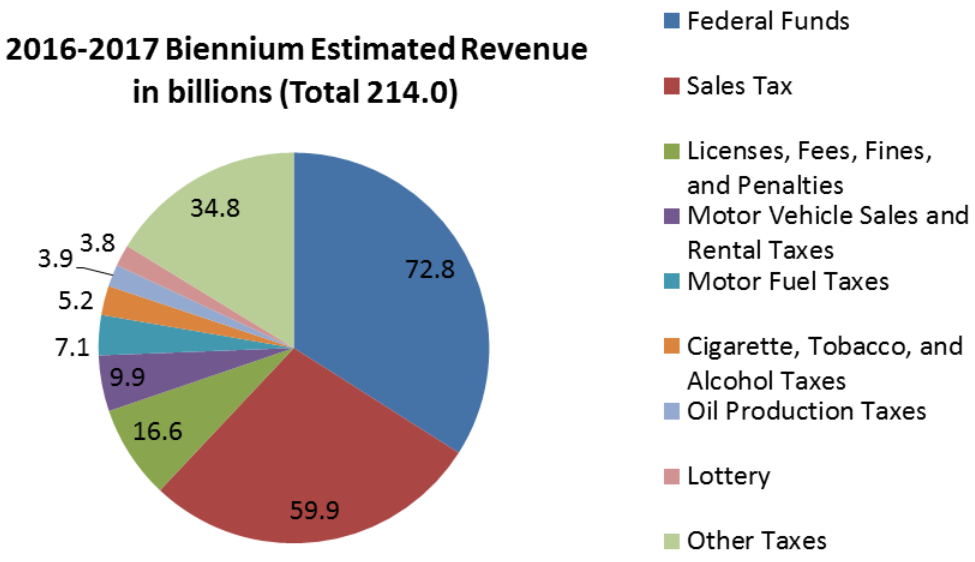
Other Revenue Sources

There are also other tax revenue sources that the state of Texas receives from various sources such as:

- **Federal grants in aid**– these types of funds come from the federal government to aid state or local governments, and sometimes require matching monies from the receiving government and/or are to be used for a specific use.
- **Borrowing**– The Texas Constitution does allow for the state or local governments to borrow funds through bonds. There are two types of bonds:
  - **General-obligation bonds**: Bonds repaid from taxes, usually approved by taxpayers through vote;
  - **Revenue bonds**: Typically paid through the revenue made from the projects created by the bond i.e. sports facilities, public college dorms.[2]
- **Economic Stabilization Fund**– The "Rainy Day Fund" is a type of savings account for the state of Texas. Since 1990, any surplus from previous budget cycles, and collections from oil and gas production are deposited in to this account- the Texas Constitution limits the balance of the Rainy Day Fund to no more than 10% of the general revenue deposited during the preceding budget cycle. At the end of fiscal year 2016, Texas' Rainy Day Fund was approximately $9.7 billion dollars. The Texas Constitution authorizes the Legislature to utilize monies from the Rainy Day Fund for a budget deficit, projected revenue shortfall, or any other purpose they choose.
  - "Appropriations for the first two circumstances require approval by three-fifths of the Legislature, while a general-purpose appropriation needs a two-thirds majority for passage. The Legislature has made seven appropriations totaling $10.6 billion from the ESF since its inception, most recently in 2013. All were approved by two-thirds votes. The purposes for these appropriations have included water projects, disaster relief, public education, economic development and health and human services. Only one appropriation—$3.2 billion in 2011, representing 34 percent of the fund balance at that time—was made to cover a budget gap (for fiscal 2011)."[3]

Texas Revenue

The tax revenue of Texas for 2016-2017 biennium [4]



The estimated total state revenue for the 2016-2017 biennium is $214 billion dollars. The percentage breakdown for certain line items is: 34% will come from federal funds; 28% will be derived from sales taxes; 8% from licenses, fees, fines and penalties; 2.4% from cigarette, tobacco, and alcohol taxes; and 1.8% from the lottery.

1. https://www.comptroller.texas.gov/ ↵
2. https://www.comptroller.texas.gov/ ↵
3. https://www.comptroller.texas.gov/economy/fiscal-notes/2016/september/rainy-day.php ↵
4. https://www.comptroller.texas.gov/transparency/revenue/ ↵

Contributors and Attributions

CC licensed content, Original

- Texas Budget and Revenue. **Authored by**: Daniel M. Regalado. **License**: *CC BY: Attribution*

This page titled 11.2: Texas Revenue is shared under a CC BY 4.0 license and was authored, remixed, and/or curated by Lumen Learning.

11.3: Texas' Budgetary Processes and Expenditures

Learning Objectives

By the end of this section, you will be able to:

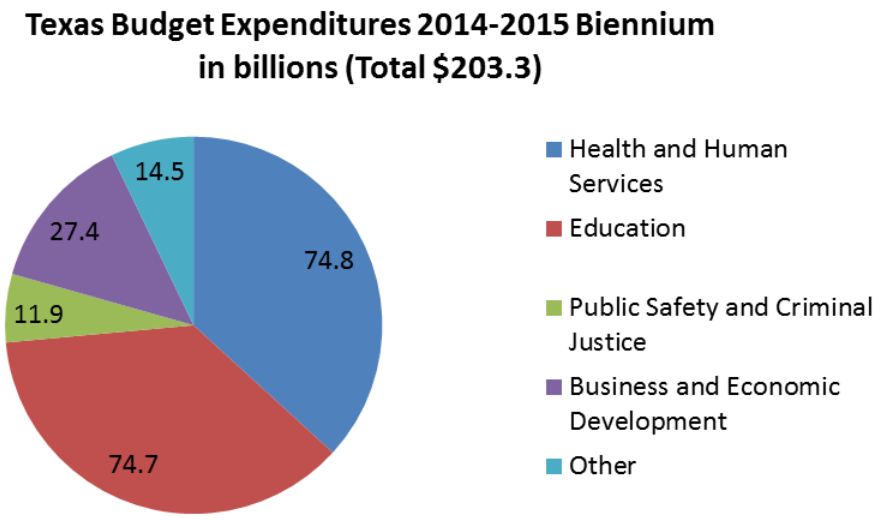
- Understand Texas' Budgetary Processes
- Understand Texas' Budget Expenditures–Where Texas Spends Its Money

Texas Budgetary Process

The budget process for Texas is outlined below[1] :

1. **Request for Funds**. On even numbered years all government agencies submit a strategic plan requesting funds to the Legislative Budget Board (LBB) and the Governor's Office of Budget, Planning and Policy (GOBPP). The strategic plans' request for funds must adhere to Texas's mission statement provided by the Governor and the LBB. The instructions and forms to submit the request for funds are prepared by the LBB.
2. **Analysis of Requests**. The requests for funds and strategic plans are then reviewed by the LBB and the GOBPP. The LBB is made up of ten members from the Texas Senate and Texas House and Co-Chaired by the Lieutenant Governor and the Speaker of the House. The GOBPP is an agency in the Executive Branch that answers to the Governor.
3. **Budget proposals sent to the Legislature**. The LBB and Governor then submit their budget proposals to the Texas Legislature. The Texas Legislature then reviews the proposals through the Senate and House Finance Committees. After both chambers approve an appropriations bill, then the bill is sent to each respective chamber for a vote .
4. **Comptroller verifies**. Once the Texas Legislature has approved the appropriations bill, then the Texas State Comptroller must certify that enough tax revenue will be generated to fund the budget. The Texas Constitution mandates a balanced budget (Article 3, Section 49). If the Comptroller cannot certify the appropriations bill, then the Texas Legislature has the option to vote on allowing the state to go in to debt by a 4/5ths vote from each chamber.
5. **Governor**. Once the Comptroller certifies the appropriations bill, then the Governor is allowed to sign the bill in to law. The Governor of Texas also has the power of line item veto, where only parts of the budget are rejected.

Texas Budget Expenditures



The state of Texas spends over half of their budget on Health and Human Services & Education. 36.8% of the state's budget is spent on Health and Human Services, and 36.7 was spent on Education. Health and Human Services includes Temporary Assistance to Needy Families (TANF), Medicaid, Children's Health Insurance Program (CHIP), and the Department of Aging and Disability Services. Education is split in to two categories: Public education, and Higher education.[2]

1. http://www.lbb.state.tx.us/Documents/Publications/Fiscal_SizeUp/Fiscal_SizeUp.pdf ↵
2. http://www.lbb.state.tx.us/Documents/Publications/Fiscal_SizeUp/Fiscal_SizeUp.pdf ↵

Contributors and Attributions

CC licensed content, Original

- Texas Budget and Revenue. **Authored by**: Daniel M. Regalado. **License**: *CC BY: Attribution*

This page titled 11.3: Texas' Budgetary Processes and Expenditures is shared under a CC BY 4.0 license and was authored, remixed, and/or curated by Lumen Learning.

Detailed Licensing

Overview

Title: Texas Government (Lumen)

Webpages: 73

All licenses found:

- CC BY 4.0: 97.3% (71 pages)
- Undeclared: 2.7% (2 pages)

By Page

- Texas Government (Lumen) - *CC BY 4.0*
  - Front Matter - *CC BY 4.0*
    - TitlePage - *Undeclared*
    - InfoPage - *CC BY 4.0*
    - Table of Contents - *Undeclared*
    - Licensing - *CC BY 4.0*
  - 1: Texas History and Culture - *CC BY 4.0*
    - 1.1: Introduction- Six Flags over Texas - *CC BY 4.0*
    - 1.2: Independence for Texas - *CC BY 4.0*
    - 1.3: The Mexican-American War, 1846–1848 - *CC BY 4.0*
    - 1.4: Texas in the American Civil War - *CC BY 4.0*
    - 1.5: Reconstruction - *CC BY 4.0*
    - 1.6: Governor E.J. Davis - *CC BY 4.0*
    - 1.7: The Texas Oil Boom - *CC BY 4.0*
    - 1.8: Texas' Demographics - *CC BY 4.0*
    - 1.9: State Political Culture - *CC BY 4.0*
  - 2: Texas' Constitution - *CC BY 4.0*
    - 2.1: Introduction- The Constitutions of Texas - *CC BY 4.0*
    - 2.2: Federal Constitution of the United Mexican States (1824) - *CC BY 4.0*
    - 2.3: Constitution Of Coahuila And Texas (1827) - *CC BY 4.0*
    - 2.4: Constitution of the Republic of Texas (1836) - *CC BY 4.0*
    - 2.5: Constitution of 1845 - *CC BY 4.0*
    - 2.6: Constitution of 1861 - *CC BY 4.0*
    - 2.7: Constitution of 1866 - *CC BY 4.0*
    - 2.8: Constitution of 1869 - *CC BY 4.0*
    - 2.9: Constitution of 1876 - *CC BY 4.0*
  - 3: Federalism - *CC BY 4.0*
    - 3.1: Division of Powers - *CC BY 4.0*
    - 3.2: The Evolution of Federalism - *CC BY 4.0*
  - 4: Political Learning - *CC BY 4.0*
    - 4.1: Political Socialization - *CC BY 4.0*
    - 4.2: Political Ideology - *CC BY 4.0*
    - 4.3: Public Opinion - *CC BY 4.0*
  - 5: Linkage Institutions - *CC BY 4.0*
    - 5.1: The Media - *CC BY 4.0*
    - 5.2: Interest Groups - *CC BY 4.0*
    - 5.3: Political Parties - *CC BY 4.0*
    - 5.4: Party Identification - *CC BY 4.0*
  - 6: Elections and Voting - *CC BY 4.0*
    - 6.1: Elections - *CC BY 4.0*
    - 6.2: Voting - *CC BY 4.0*
  - 7: The Legislative Branch - *CC BY 4.0*
    - 7.1: Introduction - *CC BY 4.0*
    - 7.2: Sessions (Regular and Special) - *CC BY 4.0*
    - 7.3: Qualifications for Service and Terms of Office - *CC BY 4.0*
    - 7.4: Composition - *CC BY 4.0*
    - 7.5: Compensation - *CC BY 4.0*
    - 7.6: Organization and Leadership - *CC BY 4.0*
    - 7.7: Redistricting - *CC BY 4.0*
    - 7.8: How A Bill Becomes a Law in Texas - *CC BY 4.0*
    - 7.9: Legislative Immunities - *CC BY 4.0*
  - 8: The Executive Branch - *CC BY 4.0*
    - 8.1: Introduction - *CC BY 4.0*
    - 8.2: Gubernatorial Elections and Qualifications - *CC BY 4.0*
    - 8.3: The Role Played by Texas' Governor - *CC BY 4.0*
    - 8.4: The Texas Plural Executive - *CC BY 4.0*
  - 9: The Judicial Branch - *CC BY 4.0*
    - 9.1: Sources of law - *CC BY 4.0*
    - 9.2: Types of Law and Jurisdiction - *CC BY 4.0*
    - 9.3: Criminal Law Penalties - *CC BY 4.0*
    - 9.4: Court Organization - *CC BY 4.0*
    - 9.5: Judicial Selection Processes - *CC BY 4.0*
    - 9.6: Texas' Criminal Justice Process - *CC BY 4.0*
  - 10: Local Government - *CC BY 4.0*

- 10.1: Introduction to Local Government - *CC BY 4.0*
- 11: Texas Revenue and Budget - *CC BY 4.0*
  - 11.1: Fiscal Policy - *CC BY 4.0*
  - 11.2: Texas Revenue - *CC BY 4.0*
  - 11.3: Texas' Budgetary Processes and Expenditures - *CC BY 4.0*
- Back Matter - *CC BY 4.0*
  - Index - *CC BY 4.0*
  - Glossary - *CC BY 4.0*
  - Detailed Licensing - *CC BY 4.0*