

# The Texas Constitution

## Constitutional Revision

Numerous attempts have been made to revise the Texas Constitution, but each has failed. In 1972 a constitutional amendment paved the way for the subsequent legislature to convene itself as a constitutional convention, which became known as the Con-Con. That amendment also created a commission to study constitutional revision. The commission issued a detailed study of the constitution and proposed recommendations for reform. Those efforts failed when the “cockroaches,” those who opposed any changes to the constitution, and the “revisionists,” those who would only accept a total revision of the constitution, blocked efforts to send a partially revised constitution to the voters.

Following the 1975 legislature, sweeping constitutional revision, in the form of numerous constitutional amendments, was placed before the voters for approval – annual legislative sessions, a streamlined judicial system, modernized county government, a more powerful governor limited to two terms in office; but voters roundly rejected the proposals. Sweeping reform along similar lines was initiated again in 1993 by Senator John Montford, to no avail, and then again in 1999 by Senator Bill Ratliff and Representative Rob Junell. The Ratliff-Junell proposal included lengthening the legislative term, shrinking the number of elected officials in the executive branch, and reducing the overall length of the existing constitution. But their proposal never made it to a vote of the legislature, let alone to a popular vote for citizens’ approval.

### Video: Virtual Roundtable

Critics believe the Texas Constitution needs reform in order to provide a more efficient state government. Yet all attempts at fundamental constitutional revision by the state legislature have failed. Is the Texas Constitution “dysfunctional” or does it still work?

**Video: Allan Saxe, Associate Professor of Political Science, University of Texas at Arlington**

**Video script:**

I don't think it is. Strangely enough. I think that most college professors would probably say, yes it is. But we function as a state. We make it. I mean, the legislature may not do exactly what we want...what we want them to do and some people might say this legislature that has just adjourned has been called a legislature that did not accomplish much. But some people might look and say, that's exactly what we want them to do – not accomplish much, you know, to a great extent. There are thousands of bills introduced, thousands. In fact, I keep thinking, where do they get these ideas from? I can maybe think of two or three laws that I'd like to have introduced. Seriously, two or three. We're talking thousands every two years that are introduced. Now luckily most do not become law, but some do. Now a lot of them are just changes in wording of existing laws and things like that, but we're talking about thousands of laws. So I don't think it's dysfunctional in the sense we get things done.

End of video.

**Video: Sen. Judith Zaffirini, Texas 21st Senatorial District, Laredo, TX**

**Video script:**

The Texas Constitution really should be revised, period. It really should be. It has been amended so many different times and there have been several attempts to revise it and to rewrite it. But I believe that just because some leaders have failed in the past doesn't mean that we should just give up. I believe that the Texas legislature today should decide to rewrite the Texas Constitution and to make it something broader and something that is more consistent with our times.

End of video.

**Video: Jessica Lavariega Monforti, Assistant Professor of Political Science, University of Texas – Pan American**

**Video script:**

I think Texans keep its constitution despite its age and inefficiencies and many, many amendments for several reasons – one, I think there is no consensus, either within the Republican Party in Texas or within the Democratic Party in Texas and certainly not a coalition between the two, about what direction they want to go in. Number two, I think that the question is, who is the Constitution working for and how loudly are those interests lobbying to keep what we have in place and I think, third, generally speaking, people don't like change. Even if they don't like the system they have, they know it, they know what to expect from it, and they know what not to expect from it. And so it is always sort of a scary proposition to talk about reform, major reform, of any form of government.

End of video.

**Video: Jim Hightower, Populist & Political Commentator, Texas Agricultural Commissioner (1982-1991)**

**Video script:**

Well, it is dysfunctional and it works. It is dysfunctional in the sense that it's a giant hodgepodge of, you know, old recipes and medicines and voodoo, as well as a few pieces of sound governmental direction. But it still works in the sense that we are a state that continues to function, as such, despite the powers that be here in...here in Austin. So yeah, I think it's both dysfunctional, yet the dysfunction sort of fits Texas and to some degree, it works. That doesn't mean there couldn't be improvements, but it functions.

End of video.

## **Activity: Check Your Understanding**

Covers attempts at revising the Texas Constitution. Examines the reforms proposed by Senator Ratliff and Representative Junell and the meaning of "cockroach" in the context of constitutional reform in Texas.

## **Additional Resources**

### **Websites**

#### **[The Constitutional Convention of 1974](http://www.tshaonline.org/handbook/online/articles/mjc07)**

<http://www.tshaonline.org/handbook/online/articles/mjc07>

You can read more about the "Con-Con" at the Handbook of Texas Online website.

#### **[The Ratliff-Junell Proposal](http://www.senate.state.tx.us/75r/Senate/archives/Arch98/p120498a.htm)**

<http://www.senate.state.tx.us/75r/Senate/archives/Arch98/p120498a.htm>

In December 1998, Senator Bill Ratliff and Representative Rob Junell proposed a new state constitution for Texas. Although never adopted, you can read about the background and highlights of the proposed Texas Constitution on the Texas Senate's website.

### **Books**

#### **The Constitution of the State of Texas: An Annotated and Comparative Analysis, by George D. Braden.**

Prior to the Constitutional Convention of 1974, Professor Braden wrote this book to "provide information to aid the constitutional revision process." Although the revised constitution was never adopted, his research provides valuable insights into the origins, history and meaning of the Texas Constitution. The Texas State Law Library has a digitized version of Braden's publication on their website.