

U.S. and Texas Constitutions: Similarities, Differences, and Political Power

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Introduction

The United States Constitution and the Texas Constitution perform the same fundamental function: each establishes a system of government, distributes political authority, protects individual rights, and explains how public institutions may exercise power. However, they were written at different historical moments and for different political purposes. These differences have produced two constitutional documents with sharply contrasting structures.

The U.S. Constitution is relatively brief and flexible. It establishes a broad national framework while leaving many details to Congress, the courts, statutes, political customs, and later amendments. The Texas Constitution is much longer and more detailed. Its framers intended to prevent the excessive concentration of political power by placing numerous restrictions directly in the constitutional text.

The original Texas Constitution of 1876 reflected distrust of centralized government following Reconstruction. Its framers wanted to limit the governor, restrict legislative authority, divide executive power among several independently elected officials, and ensure that voters retained substantial control over constitutional change. These goals explain why the Texas document contains detailed rules about government offices, taxation, public debt, land, education, local government, and other policy matters.

Both constitutions establish representative government, separation of powers, bicameral legislatures, bills of rights, checks and balances, and methods of amendment. However, they differ considerably in length, organization, executive authority, legislative operation, judicial structure, federal status, and amendment procedures.

These structural differences affect contemporary political issues. They influence the way Texas prepares its budget, elects officials, responds to population growth, conducts redistricting, regulates state institutions, and participates in disputes involving immigration and federal authority.

Historical Purposes of the Two Constitutions

The U.S. Constitution was drafted in 1787 because the national government created by the Articles of Confederation was too weak to address major national problems. Congress lacked an independent power to tax, regulate interstate commerce effectively, or enforce many of its decisions. The framers

therefore designed a stronger federal government while attempting to prevent that government from becoming tyrannical.

The national Constitution divides authority among legislative, executive, and judicial branches. It also divides power vertically between the federal government and the states. The federal government receives enumerated powers, while other governmental authority generally remains with the states or the people, subject to the Constitution and later amendments.

The Texas Constitution of 1876 arose from a different political experience. Texas had recently passed through the Civil War, Reconstruction, military occupation, and the centralized administration associated with Governor Edmund J. Davis. Many delegates to the 1875 constitutional convention believed the previous state government had become too powerful and expensive.

The new Texas Constitution was therefore written to restrain government rather than strengthen it. Its framers imposed detailed limits on state institutions, reduced the governor's control over the executive branch, restricted public spending and borrowing, and placed the [Bill of Rights](#) at the beginning of the document.

This historical contrast explains much of the difference between the two constitutions. The federal framers were concerned that the national government lacked sufficient authority. The Texas framers were concerned that state government might exercise too much authority.

Brevity and Detail

One of the most important virtues of the U.S. Constitution is its brevity. It establishes general principles and governmental structures without attempting to regulate every possible public issue.

The document creates Congress, the presidency, and the federal judiciary. It identifies major federal powers, establishes relationships among the branches, defines the status of federal law, and provides methods of amendment. Many operational details are left to legislation, judicial interpretation, and established political practice.

This general language has allowed the national Constitution to remain functional despite major changes in population, technology, economic activity, international relations, civil rights, and public administration. For example, the Constitution does not mention telecommunications, aircraft, digital privacy, political parties, or modern administrative agencies. Nevertheless, its broad provisions continue to provide the legal framework within which these issues are addressed.

The Texas Constitution is more detailed and restrictive. It contains provisions on subjects that would ordinarily be placed in statutes in many other states. These include specific funds, taxes, bonds, public institutions, land rules, local offices, water projects, and administrative arrangements.

The amount of detail makes the Texas Constitution less flexible. When a policy is written directly into

the constitution, the legislature cannot revise it through ordinary legislation. A constitutional amendment may be required, even when the matter is technical or administrative.

Consequently, the Texas Constitution has been amended hundreds of times. As of 2025, Texas voters had approved more than 500 proposed amendments. The large number of amendments reflects both the document's age and its inclusion of detailed policy provisions that require frequent revision (Legislative Reference Library of Texas, 2025).

The U.S. Constitution, by comparison, has only 27 amendments. Its broad language allows many changes to occur through legislation and interpretation without altering the constitutional text.

Bills of Rights

Both constitutions protect individual liberties, but they organize those protections differently.

The original U.S. Constitution contained several protections, such as restrictions on bills of attainder, ex post facto laws, and the suspension of habeas corpus. However, it did not initially contain a separate comprehensive bill of rights. The first 10 amendments, known as the Bill of Rights, were ratified in 1791.

The federal Bill of Rights protects freedoms such as religion, speech, press, assembly, and petition. It also addresses firearms, searches and seizures, criminal procedure, due process, jury trials, excessive punishment, and the reservation of undelegated powers.

The Texas Constitution places its Bill of Rights in Article I. This placement reflects the framers' determination to emphasize individual liberty and restrict governmental authority from the beginning of the document.

Article I states that political power is inherent in the people and that governments are established for their benefit. It also protects religious liberty, speech, press, assembly, due process, equal rights, trial by jury, access to courts, protection from unreasonable searches, and other civil liberties (Tex. Const. art. I).

The Texas Bill of Rights contains protections that are worded differently from or are more detailed than those in the federal Constitution. It has also acquired additional provisions through amendments addressing victims' rights, equality under the law, public access to beaches, and other subjects.

However, the Texas Bill of Rights cannot provide less protection than the U.S. Constitution requires. The Fourteenth Amendment applies many federal constitutional protections to state governments. Therefore, Texas officials must comply with both state and federal constitutional standards.

Separation of Powers and Checks and Balances

Both constitutions divide government into legislative, executive, and judicial branches. This division is intended to prevent one institution from controlling all governmental power.

The U.S. Constitution creates a system of separated institutions that share certain powers. Congress passes legislation, but the president may veto it. Congress may override a presidential veto with the required supermajority. The president appoints federal judges and senior officials, but many appointments require Senate confirmation. Federal courts review laws and government actions for consistency with the Constitution.

The Texas Constitution also establishes three governmental departments. Article II states explicitly that legislative, executive, and judicial powers must be assigned to separate bodies and that one department may not exercise powers belonging to another unless the constitution expressly permits it (Tex. Const. art. II, § 1).

Texas also uses checks and balances. The governor may veto legislation, including individual items within appropriation bills. The legislature may override a veto with the constitutionally required vote. Courts may review state laws, while the Senate participates in confirming numerous appointments.

Nevertheless, the distribution of power differs. The U.S. president controls a unified executive branch more directly than the Texas governor controls the state executive structure. Texas divides executive authority among several separately selected officers, limiting the governor's ability to direct the entire administration.

Bicameral Legislatures

Both the national and Texas constitutions establish bicameral legislatures composed of a House of Representatives and a Senate.

The U.S. House represents the population, with seats apportioned among the states. Members serve two-year terms. The U.S. Senate gives each state two senators, and senators serve six-year terms.

The Texas Legislature consists of a 150-member House of Representatives and a 31-member Senate. Texas representatives serve two-year terms, while senators generally serve four-year terms (Tex. Const. art. III, §§ 2-4).

The shorter terms of House members are intended to make representatives responsive to voters. Longer Senate terms provide greater continuity and institutional experience.

The Texas Legislature meets in a regular session every two years. A regular session may not exceed 140 days. The governor may call special sessions, but the subjects considered during those sessions

are generally limited to matters placed on the agenda by the governor (Tex. Const. art. III, §§ 5, 24).

Texas legislators receive a constitutionally established base salary of \$600 per month, along with per diem payments during legislative sessions. The low base salary and biennial sessions reflect the historical idea of a citizen legislature rather than a full-time professional body.

These arrangements can limit governmental activity, but they also create practical challenges. Texas has a large population, a major economy, complex metropolitan regions, extensive infrastructure, and substantial policy responsibilities. Critics argue that short, infrequent sessions make it difficult to address complicated issues thoroughly. Supporters maintain that the structure prevents unnecessary legislation and limits the growth of government.

Executive Power

The national Constitution places executive authority in one president. Cabinet officers and executive agencies generally operate under presidential direction, subject to statutory limitations, congressional oversight, judicial review, and constitutional checks.

Texas uses a plural executive system. Article IV identifies the governor, lieutenant governor, secretary of state, comptroller of public accounts, land commissioner, and attorney general as members of the executive department. Most of these officials are elected independently rather than appointed and removable by the governor (Tex. Const. art. IV, §§ 1-2).

This arrangement divides executive authority. The attorney general, comptroller, land commissioner, and lieutenant governor possess their own electoral mandates and legal responsibilities. They are not merely assistants serving at the governor's pleasure.

The secretary of state is appointed by the governor with the advice and consent of the Senate. However, the broader system remains decentralized.

The plural executive limits the ability of one governor to dominate state administration. It also allows voters to select different officials for distinct responsibilities. At the same time, it may produce fragmented accountability. When executive officials disagree, citizens may find it difficult to determine which office is responsible for a policy failure.

The lieutenant governor is particularly powerful because that official presides over the Texas Senate and strongly influences legislative organization and procedure. Thus, the office combines executive classification with substantial legislative influence.

Judicial Structures

Both constitutions create judicial branches, but their court systems differ.

Article III of the U.S. Constitution establishes one Supreme Court and permits Congress to create lower federal courts. Federal judges appointed under Article III generally hold office during good behavior, effectively giving them life tenure unless they resign, retire, die, or are removed through impeachment.

Life tenure is intended to protect judicial independence by reducing direct electoral and political pressure. However, federal judicial appointments are politically significant because judges may serve for decades.

The Texas judicial structure is more complex. Article V establishes several levels and types of courts. Texas has two highest courts: the Texas Supreme Court for civil matters and the Texas Court of Criminal Appeals for criminal matters.

Many Texas judges are elected. Judicial elections make judges directly accountable to voters, but they also raise concerns about campaign finance, partisan labels, public pressure, and whether voters have enough information to evaluate specialized legal performance.

The different judicial arrangements reflect contrasting understandings of accountability. The federal system emphasizes independence from elections, while the Texas system gives voters a direct role in choosing much of the judiciary.

Federalism and Constitutional Supremacy

The original essay states that federalism is embodied in both constitutions. This point requires clarification.

The U.S. Constitution creates the federal system by dividing authority between the national government and the states. The federal government receives enumerated powers, including authority over interstate commerce, national defense, currency, immigration-related matters, and other national concerns.

The Texas Constitution does not independently create federalism. Instead, it establishes the government of one state operating within the federal system created by the U.S. Constitution. Article I of the Texas Constitution recognizes that Texas is subject to the Constitution of the United States.

The Supremacy Clause establishes that the U.S. Constitution, valid federal statutes, and treaties are the supreme law of the land. When a valid federal law conflicts with a state law, the federal rule prevails (U.S. Const. art. VI, cl. 2).

The Necessary and Proper Clause authorizes Congress to enact laws reasonably needed to carry out its enumerated powers. This provision gives the national government flexibility beyond powers stated in extremely narrow terms (U.S. Const. art. I, § 8, cl. 18).

Texas does not have authority to disregard valid federal law. However, the state retains broad power over matters not exclusively assigned to the federal government or prohibited by the federal Constitution. These commonly include education, local government, property law, criminal law, licensing, public health, and much of family law.

Disputes frequently arise because federal and state responsibilities overlap. Courts must then determine whether the federal government has acted within its constitutional authority and whether federal law preempts conflicting state action.

Amendment Procedures

The amendment processes reveal another major difference between the constitutions.

Article V of the U.S. Constitution requires a demanding national process. An amendment may be proposed by two-thirds of both houses of Congress or by a convention called after applications from two-thirds of state legislatures. Ratification requires approval from three-fourths of the states.

This process protects constitutional stability but makes formal amendment extremely difficult.

The Texas amendment process is easier. A proposed amendment must receive a two-thirds vote of the elected membership of each legislative chamber. It is then submitted to Texas voters and becomes part of the constitution if approved by a majority of those voting on the proposition (Tex. Const. art. XVII, § 1).

Texas voters therefore participate directly in constitutional change. However, the frequency and technical nature of amendment elections may create voter fatigue. Citizens may be asked to decide detailed questions involving funds, bonds, taxation, local administration, or specialized programs that could otherwise be handled through statutes.

The relatively accessible amendment process allows the document to be updated, but it also contributes to its length and complexity.

Limits on Spending and the Texas Budget

The original essay correctly connects the Texas Constitution with a balanced-budget requirement. However, the rule should be described more precisely.

Article III, Section 49a establishes a revenue-certification or pay-as-you-go requirement. With limited

exceptions for emergency and imperative public necessity, appropriations may not exceed the cash and anticipated revenue available in the relevant funds. The comptroller must certify that appropriation bills remain within the amount expected to be available (Tex. Const. art. III, § 49a).

This structure restricts deficit financing from ordinary state revenue. It is commonly described as a balanced-budget requirement, although Texas may still issue constitutionally or statutorily authorized debt for approved purposes.

The requirement reflects the framers' distrust of excessive spending and public debt. It gives the independently elected comptroller an important role in determining the financial limits within which the legislature may operate.

The restriction promotes fiscal discipline, but it can also reduce flexibility during economic emergencies or periods when major long-term investments are required.

Texas Population Change

Texas's constitutional and political institutions operate within a rapidly growing and increasingly diverse population.

The U.S. Census Bureau estimated that Texas had approximately 31.7 million residents in July 2025, representing an increase of about 8.8% from the 2020 population base (U.S. Census Bureau, 2026). Growth has been driven by births, domestic migration, and international migration.

The state's racial and ethnic composition is also changing. Hispanic Texans have become the state's largest demographic group, while Asian, Black, multiracial, and immigrant communities have contributed significantly to growth. The Texas Demographic Center projects that Hispanic residents will account for the largest numerical gains in future decades, while the non-Hispanic Asian population is expected to experience especially rapid percentage growth (Texas Demographic Center, 2025).

Texas is also becoming more urban and suburban. Much of its growth is concentrated in and around metropolitan areas such as Houston, Dallas-Fort Worth, Austin, and San Antonio. At the same time, many rural counties face slower growth, population decline, aging residents, and reduced access to services.

Political Implications of Population Growth

Population growth affects political power because legislative representation is based substantially on population. After each decennial census, Texas must redraw congressional, state legislative, and other political districts.

Fast-growing metropolitan and suburban areas may gain representation, while regions experiencing

slower growth may lose relative influence. Redistricting decisions can affect party competition, racial and ethnic representation, community boundaries, and the political influence of urban, suburban, and rural voters.

Demographic change may also reshape political priorities. A younger and more diverse population may increase attention to education, housing, transportation, healthcare, employment, language access, and civil rights. An aging population creates additional demands involving healthcare, retirement security, long-term care, and accessibility.

Population change does not automatically determine election outcomes. Race, ethnicity, age, education, religion, income, citizenship, voter registration, turnout, geographic location, and candidate appeal all influence political behavior. It is therefore inaccurate to assume that demographic growth inevitably benefits one political party.

Rapid population growth also affects constitutional debates. Texas must decide how much power should be exercised by state government, counties, and cities when addressing transportation, water, housing, schools, environmental pressures, and public safety.

Immigration and the Texas Economy

The original essay argues that unauthorized immigration creates a larger labor pool and may reduce production costs. This is partly valid but overly simplified.

Immigrants contribute to the labor supply, consumer demand, business formation, tax revenue, and overall economic output. They work in industries such as construction, agriculture, hospitality, manufacturing, healthcare, transportation, and professional services.

The Congressional Budget Office concluded that recent increased immigration expands the labor force, raises federal revenue, and increases total economic output. Its analysis projected that the immigration surge would increase federal revenues by approximately \$1.2 trillion between 2024 and 2034 while also raising some federal expenditures (Congressional Budget Office, 2024).

However, total economic growth does not mean that every person, industry, or government experiences the same effect. A larger supply of workers may place downward pressure on wages in particular occupations where new arrivals compete closely with existing workers. In other sectors, immigrants may fill labor shortages, complement existing workers, increase productivity, or create new demand.

State and local governments may face costs involving education, emergency healthcare, law enforcement, housing, and other services. They may also receive sales, property, payroll, and consumption-related revenue associated with immigrant workers and households.

The fiscal effect depends on age, employment, income, legal status, family composition, tax

compliance, eligibility rules, and the level of government being examined. It is therefore inaccurate to claim that unauthorized immigration either benefits or harms the economy in only one way.

The original statement that immigration produces “quantity growth” but reduces the “quality of production” is unsupported. Economic productivity depends on education, capital investment, technology, management, infrastructure, and the way workers’ skills are used. An individual’s immigration status does not by itself determine the quality of that person’s work.

Deportation, Legalization, and Possible Compromise

The original article presents deportation and amnesty as the primary options and suggests extradition as a third possibility. Extradition is not an appropriate immigration-policy alternative. It is a legal process through which one jurisdiction transfers a person accused or convicted of a crime to another jurisdiction.

Immigration policy includes a much wider range of options. These may include:

- Enforcement focused on people who present serious public-safety threats
- More efficient asylum and immigration-court procedures
- Temporary lawful status
- Expanded employment-based visas
- Agricultural or seasonal worker programs
- Earned pathways to permanent residence
- Legal status for people brought to the country as children
- Employer-verification systems
- Border infrastructure and technology
- Humanitarian protection
- Penalties combined with opportunities to regularize status

A pathway to citizenship is not the same as immediate unconditional citizenship. A proposed pathway may require background checks, payment of taxes or penalties, continuous residence, employment, English proficiency, and a waiting period.

Mass removal also involves legal, financial, logistical, humanitarian, and economic consequences. Every person present in the United States possesses certain constitutional protections, including access to legally required procedures. Immigration cases may also involve asylum claims, family relationships, victim protections, or questions about citizenship and lawful status.

A sustainable compromise would probably combine lawful immigration channels, border management, fair adjudication, employer compliance, public-safety enforcement, and a defined

process for at least some long-term residents to obtain legal status. The exact balance remains a political question for Congress and the public.

The Role of Texas in Immigration Policy

Immigration is primarily a federal responsibility. The national government determines admission, removal, visas, asylum, naturalization, and the conditions under which noncitizens may remain in the United States.

The Supreme Court has emphasized that the federal government possesses broad authority over immigration and that federal law may preempt state measures that interfere with the national system (*Arizona v. United States*, 2012).

Texas nevertheless has important responsibilities connected with immigration. The state operates schools, licenses occupations, enforces state criminal laws, administers public services, regulates employers within federal limits, and manages matters involving transportation, healthcare, emergency response, and local government.

Texas law-enforcement agencies may cooperate with federal authorities where federal law permits. However, Texas cannot independently establish national citizenship requirements, issue federal immigration status, or create a removal system that conflicts with federal law.

The state may advocate for changes in federal policy, challenge federal actions in court, provide or restrict state-funded services within constitutional limits, and address the local effects of migration. Its policies must still comply with the U.S. Constitution, federal statutes, and controlling judicial decisions.

How Constitutional Structure Shapes These Issues

The differences between the U.S. and Texas constitutions directly influence population and immigration debates.

The federal Constitution gives the national government authority over naturalization, international relations, and other matters connected with immigration. The Supremacy Clause limits conflicting state policies.

The Texas Constitution determines how the state responds within those boundaries. The plural executive distributes responsibility among the governor, attorney general, comptroller, and other officials. The biennial legislature and short regular session influence the timing of policy responses. The detailed budget rules affect funding for schools, healthcare, border operations, and local governments.

The Texas Bill of Rights and the federal Constitution also restrict state action. Policies involving searches, detention, due process, equal protection, speech, education, and access to courts may be reviewed by state and federal judges.

Population growth affects representation because the Texas Constitution requires legislative districts to be adjusted after the census. Thus, demographic change may alter the geographic distribution of political power even when the constitutional institutions remain the same.

Conclusion

The United States Constitution and the Texas Constitution share several important characteristics. Both establish representative government, bicameral legislatures, separation of powers, checks and balances, judicial institutions, individual rights, and procedures for amendment.

Their differences are equally important. The U.S. Constitution is brief, general, and difficult to amend. It creates the federal system and establishes a relatively unified executive led by the president. Its broad provisions have allowed it to adapt through statutes, court decisions, political practice, and a limited number of amendments.

The Texas Constitution is longer, more detailed, and easier to amend. It was written primarily to restrict government power following Reconstruction. It begins with a detailed Bill of Rights, divides executive authority among several officials, establishes a biennial citizen legislature, imposes fiscal restrictions, and gives voters a direct role in approving amendments.

These constitutional differences shape current political issues. Texas population growth affects representation, redistricting, public services, infrastructure, and political coalitions. Immigration contributes to the labor force and total economic output but also produces uneven fiscal, social, and distributional effects.

Immigration policy cannot be reduced to an absolute choice between mass deportation and unconditional amnesty. A range of enforcement, legalization, employment, humanitarian, and administrative policies is possible. However, the federal government retains primary constitutional authority over immigration, while Texas addresses many of its local consequences within federal limits.

Understanding both constitutions makes it possible to see why political authority is distributed differently at the state and national levels. The U.S. Constitution provides the supreme national framework, while the Texas Constitution defines how state institutions exercise the powers remaining to Texas.

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