

TEXAS VS CONNECTICUT

The constitutions of Texas and Connecticut date from very different eras in the country's history. The Texas Constitution, the state's sixth, was written in 1876 and reflects the agrarian, rural nature of the state at the time. The Connecticut Constitution is one of the country's newer state constitutions, having been written and adopted in 1965. It is the state's third, following the Fundamental Orders of Connecticut (1638) and the Connecticut Constitution (1818).

The Connecticut Constitution reflects in many ways the world of the 1960s. Its language is less formal and archaic than that of either the Texas Constitution or the U.S. Constitution. An extensive list of civil rights and liberties takes center stage in the Connecticut Constitution. We might expect issues surrounding the free exercise of religion and separation of church and state to be reflective of the time and to therefore be more pronounced in the Connecticut Constitution than in the Texas Constitution. After all, Connecticut wrote and adopted its constitution after the U.S. Supreme Court eliminated mandatory prayer and mandatory religious instruction in public schools.

In fact, the Texas Constitution and Connecticut Constitution share a number of characteristics regarding religious liberty. For example, both guarantee freedom of worship, prohibit compulsory attendance at religious services, and prohibit any requirement that individuals give money to build places of worship. The constitutions of both states also contain a number of prohibitions on their respective state governments. Yet the two documents differ in a number of respects, too. The Connecticut Constitution features specific language that guarantees the right of ministers and religious teachers to pursue their professions. Texas lacks such language in its constitution. In Texas, public lands cannot be given to religious organizations; a similar provision does not appear in the Connecticut Constitution.

The table in this box lists key provisions of the Texas Constitution and Connecticut Constitution in the area of religious liberty.

Religious Liberty: Texas Constitution (1876) and Connecticut Constitution (1965)

Issue/Topic	Texas Constitution	Connecticut Constitution
Freedom of worship guaranteed	✓	✓
Attendance at services cannot be compelled	✓	✓
Contributions to build places of worship cannot be required	✓	✓
Preference to any religious society cannot be conferred	✓	✓
Equality of denominations guaranteed	✓	✓
Equal protection of the law cannot be denied based on religion	✗	✓
Alternative voting permissible where religion forbids action on Election Day	✗	✓
Right of ministers and religious teachers to pursue their profession guaranteed	✗	✓
Religious tests as a prerequisite to holding office are not permitted	✓	✗
Disqualification as a witness in court based on religion is not permitted	✓	✓*
State funds cannot be given to religious organizations	✓	✗
Public lands cannot be given to religious organizations	✓	✗

* In Equal Protection Clause.

THINKING Critically

- ★ Which state provides the most guarantees of religious liberty?
- ★ Which state places the strongest limitations on government in the area of religious liberty?
- ★ Which state imposes a greater degree of separation between church and state?
- ★ Are your answers surprising or unexpected? Why or why not?