

TEXAS VS MASSACHUSETTS

The Massachusetts Constitution of 1780, which predates the U.S. Constitution by nearly ten years, is the oldest written constitution still in use not only in the United States but also anywhere in the world. The framers of the Massachusetts Constitution included three heroes of the American Revolution: John Adams, Samuel Adams, and James Bowdoin. These larger-than-life heroes established a pattern that many states now follow for state constitutions: a preamble, a declaration of the rights of citizens, a framework for government, and amendments to the constitution. The virtues of the relatively broad language of the Massachusetts Constitution have served the state well, as opposed to the highly specific and technical language of the Texas Constitution. Fewer constitutional amendments (120 total) have been passed in Massachusetts than in almost half of the states—certainly fewer than Texas’s 491 amendments. Also unlike Texas, Massachusetts still uses its original document, while Texas is on its fifth constitution since statehood (and its sixth if you add the short-lived Constitution of the Republic of Texas).

The original Texas Constitution (1845) after Texas joined the United States reflected many characteristics of state constitutions of the time, including that of Massachusetts. Some thirty-one years later, in 1876, the framers of the current constitution of Texas reflected a very different document. The 1876 document is informed by experiences in the Civil War and Reconstruction eras of U.S. history.

THINKING Critically

- ★ Why do you think the Massachusetts Constitution is a model for other states?
- ★ What aspects of the Massachusetts Constitution seem unusual to you?
- ★ What aspects seem familiar?
- ★ Do some features in the Texas Constitution seem preferable to you?
- ★ How is the Texas Constitution (1845) similar to that of Massachusetts and to the current state constitution? How is it different?

A Constitutional Comparison of Massachusetts and Texas

Feature	Massachusetts	Texas (1845)	Texas (1876)
Year adopted	1780	1845	1876
Word length	45,000	11,600	87,000
Amendments	120	1	491
Feature	Massachusetts	Texas (1845)	Texas (1876)
Major sections	4	13	17
Executive offices elected			
Governor	✓	✓	✓
Lieutenant governor	✓	✓	✓
Secretary of state	✓	X	X
Attorney general	✓	X	✓
Treasurer/Comptroller	✓	X	✓
Other	✓ (1)	X	✓ (2)
Legislature	General Court	Texas Legislature	Texas Legislature
Senate			
Size	40	At least 19 but no more than 33	31
Length of term	2 years	4 years	4 years
House			
Size	160	At least 45 but no more than 90	150
Length of term	2 years	2 years	2 years
Judiciary	Appointed	Appointed	Elected
Statewide referendum to amend constitution	✓	✓	✓
Statewide referendum to make general laws	✓	X	X
Initiative petition to amend constitution	✓	X	X
Initiative petition to make general laws	✓	X	X