



We the People

THE CITIZEN AND THE CONSTITUTION

Directed by the Center for Civic Education

STATE HEARING QUESTIONS 2017–2018

Unit One: What Are the Philosophical and Historical Foundations of the American Political System?

- 1. By the 1760s, generations of colonists had grown accustomed to little interference in their affairs from the British government. However, after the Seven Years' War, things changed. What actions taken by Parliament between 1763–1776 tried to increase control over the colonies? What fundamental democratic principles were relevant to these actions?**
 - What was the Declaratory Act? Is it similar in any way to the supremacy clause of the U.S. Constitution?
 - Are there any issues today between our states and the national government similar to the issue between the colonies and Parliament raised by the Declaratory Act?
- 2. Greek and Roman history has revealed that thinkers such as Plato, Aristotle, and Cicero thought that although democracies may begin well, they tend to end in tyranny. What was Aristotle's thinking about different forms of government? Which did he prefer, and how might his ideas have influenced the Framers of the Constitution?**
 - In what ways, if any, does our government reflect Aristotle's idea of a "polity"?
 - How are the ideas of classical republicanism and natural rights philosophy reflected in our government?
- 3. What events and documents in British history influenced the colonists' thinking about government?**
 - How are the British and American Constitutions similar? How are they different?
 - What were the rights of Englishmen?



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Unit Two: How Did the Framers Create the Constitution?

- 1. Most of the delegates at the Philadelphia Convention signed the Constitution on September 17, 1787. However, some did not. What were the Anti-Federalists' objections to the proposed Constitution and how did their political philosophy shape their objections?**
 - How did the Federalists respond to Anti-Federalist objections?
 - What was the ratification process for adopting the Constitution, what democratic principles did it reflect, and how did it succeed?
- 2. What were the major historical events and philosophical principles that influenced the debates over representation at the Philadelphia Convention?**
 - What were the major differences between the Federalists and Anti-Federalists on the issues of representation?
 - To what extent have these issues continued to be debated throughout our constitutional history?
- 3. The Articles of Confederation provided the framework for an alliance of states to fight the Revolutionary War and to govern after the war. What were the strengths and weaknesses of the Articles of Confederation?**
 - What is the significance of the Northwest Ordinance of 1787?
 - How similar, if at all, is the system of government created by the Articles of Confederation to the European Union?



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Unit Three: How Has the Constitution Been Changed to Further the Ideals Contained in the Declaration of Independence?

1. **Frederick Douglass wrote that the Civil War was not a “mere strife for territory and dominion, but a contest of civilization against barbarism.”* To what extent did the Civil War Amendments change America?**

- What has been the impact of the due process clause and the equal protection clause of the Fourteenth Amendment on American governance and society?
- What has been the impact of the doctrine of incorporation on American governance and society?

* Frederick Douglass, *Life and Times of Frederick Douglass* (New York: Dover Publications, 2003), 256.

2. **“If a law has been properly passed by the law-making branches of a democratic government, why should judges have the power to declare it unconstitutional?”* Do you agree or disagree with the position implied by this question? Why or why not?**

- What is judicial review, and why is it controversial?
- What has been the impact of judicial review on American society?

* Robert A. Dahl, *How Democratic is the American Constitution?* (New Haven: Yale University Press, 2003), 55.

3. **“If a political party does not have its foundation in the determination to advance a cause that is right and that is moral, then it is not a political party; it is merely a conspiracy to seize power.”* Do you agree or disagree with President Eisenhower? Why? What ideas and events led to the development and growth of political parties in the United States?**

- Why does the United States have a two-party system instead of a multiparty system, like most other advanced democracies? What are the advantages and disadvantages of each type of system?
- What part do political parties play in today’s political system?

* Dwight D. Eisenhower, “Remarks at Fourth Annual Republican Women’s National Conference,” in *Public Papers of the Presidents of the United States: Dwight D. Eisenhower, 1956* (Ann Arbor: University of Michigan, 2005), 280–81.



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Unit Four: How Have the Values and Principles Embodied in the Constitution Shaped American Institutions and Practices?

1. How have the role and powers of the U.S. Supreme Court evolved since the founding period?

- What methods of constitutional interpretation do justices commonly use to decide cases?
- To what extent, if any, has the Court promoted both the common good and individual liberty?

2. **“Politics is rarely a struggle between good and evil; it’s how we Americans try to make the country work better ... It’s a means of resolving our differences through dialogue and compromise, rather than through ideological battle or pitched warfare.”*** What is the role of the legislative branch in American constitutional government?

- How have the U.S. Congress and state legislatures promoted the protection of individual rights and the common good throughout American history?
- Are the U.S. Congress and state legislatures adequately fulfilling their role today? Why or why not?

* Lee Hamilton, “Talking to the Other Side,” *Indiana University Center on Representative Government*, May 24, 2017, <http://corg.indiana.edu/talking-the-other-side>.

3. **It is commonly observed that the president of the United States is the most powerful person in the world. However, the president is not a king. How do checks and balances, separation of powers, and the Constitution limit the authority of the president?**

- What historical events have resulted in the shifting of power from Congress to the presidency? Has this resulted in too much power being held in the hands of the president? Explain your position.
- What elements of the Constitution support the idea of a strong executive? Explain your position.



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Unit Five: What Rights Does the Bill of Rights Protect?

1. **“From their founding era until today, Americans have believed that the highest purpose of government is protection of the rights of the people to whom it is accountable. Commitment to ideals about rights to liberty and equality is the foundation of an American national identity.”***
What are bills of rights and how have they evolved?

- What positive and negative rights are found in the Constitution and Bill of Rights?
- How have the three branches of government expanded the rights of Americans?

* John J. Patrick, *The Bill of Rights: A History in Documents* (Oxford: Oxford University Press, 2003), 11.

2. **Free speech is a cornerstone of American liberties. It may be easy for the government to protect speech we like; however, it is much more difficult to protect speech we abhor. What is free speech and what role does government have in protecting or limiting it?**

- How has the meaning of free speech changed over the course of American history?
- What limits on speech, if any, should be enforced on high school or college campuses?

3. **How has the Fourth Amendment’s protection against unreasonable search and seizures changed throughout American history?**

- What exceptions to the Fourth Amendment requirement of a warrant has the U.S. Supreme Court established?
- What are the advantages and disadvantages of the exclusionary rule?



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Unit Six: What Challenges Might Face American Constitutional Democracy in the Twenty-first Century?

1. **“The prospects for stable democracy in a country are improved if its citizens and leaders strongly support democratic ideas, values, and practices. The most reliable support comes when these beliefs and predispositions are embedded in the country’s culture and are transmitted, in large part, from one generation to the next. In other words, the country possesses a democratic political culture.”*** What are some of the most important democratic ideas, values, and principles citizens and leaders should support to maintain our democratic political culture?

- What historical events have furthered or hindered the vitality of our democratic political culture?
- What threats, if any, are there to the vitality of our democratic political culture today?

* Robert A. Dahl, *On Democracy* (New Haven: Yale University Press, 2015), 157.

2. **What role, if any, should the United States play in helping war-torn nations or promoting democratic ideas and principles around the world?**

- What criteria should be used to determine which countries should be helped and what kind and level of help the United States should offer these countries?
- What was the significance of the Marshall Plan? How did the plan help rebuild Europe and establish political and economic stability after World War II?

3. **“Give me your tired, your poor, / Your huddled masses yearning to breathe free, / The wretched refuse of your teeming shore. / Send these, the homeless, tempest-tost to me, / I lift my lamp beside the golden door!”*** These words engraved on the Statue of Liberty embody America’s acceptance of immigration. Why, then, has immigration been a problematic issue throughout our history?

- What are the major cultural and political issues regarding immigration facing America today?
- What changes, if any, should be made to our current immigration policy?

* Emma Lazarus, “The New Colossus,” *Statue of Liberty National Monument New York*, November 2, 1883, accessed August 10, 2017, <https://www.nps.gov/stli/learn/historyculture/colossus.htm>.