



# WE THE PEOPLE

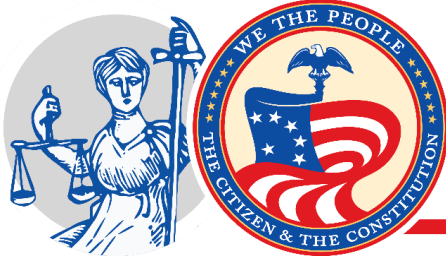
## The Citizen and the Constitution

Directed by the Center for Civic Education

# State Hearing Questions 2023–2024

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

- 1. How did the Protestant Reformation contribute to developing political thought and governance in colonial America?**
  - What were the Protestant Reformation's key theological and philosophical concepts, and how did they challenge traditional notions of individual agency and religious freedom?
  - In what ways did the principles of the Protestant Reformation shape the foundations of religious tolerance, personal liberty, and the social contract in early American society?
- 2. How did concepts such as representative government, common law, and the rights of Englishmen evolve in the British constitutional system?**
  - What were the core principles of justice and the rule of law articulated in the British legal and philosophical traditions?
  - How did the Founders' experience with British principles impact the creation of colonial governments that protected individual rights and established a just legal system?
- 3. To what extent, if any, did the Framers' experiences with state constitutions during the American Revolution influence the formation and content of the United States Constitution?**
  - What were the primary characteristics and features of state constitutions established during the American Revolution, and how did they reflect the ideals of self-governance and individual rights?
  - In what ways did the successes and challenges of state constitutions provide valuable insights regarding the balance of power and the protection of citizens' rights?



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### Unit Two: How Did the Framers Create the Constitution?

**1. At the Philadelphia Convention, what considerations resulted in the creation of the three-fifths clause in the Constitution?**

- To what extent, if any, did the Three-Fifths Compromise shape the political and social landscape in the first 70 years of United States history?
- How did the 14th Amendment alter the meaning of the three-fifths clause, and, in your estimation, did it provide full citizenship for African Americans?

**2. How did Brutus I\* and Federalist 10\*\* assess the problem of factions, and what were their proposed remedies to address the presence of factions?**

- How did these ratification essayists' views influence future interpretations of the nature of representation?
- In your opinion, which of these two has proven to be the most accurate in their assessment?

\* "Brutus I," *New York Journal*, October 18, 1787, Center for the Study of the American Constitution, University of Wisconsin–Madison, [https://csac.history.wisc.edu/wp-content/uploads/sites/281/2017/07/Brutus\\_I1.pdf](https://csac.history.wisc.edu/wp-content/uploads/sites/281/2017/07/Brutus_I1.pdf).

\*\* Publius, "The Federalist 10," *New York Daily Advertiser*, November 22, 1787, Center for the Study of the American Constitution, University of Wisconsin–Madison, [https://csac.history.wisc.edu/wp-content/uploads/sites/281/2017/07/Publius\\_10.pdf](https://csac.history.wisc.edu/wp-content/uploads/sites/281/2017/07/Publius_10.pdf).

**3. During the ratification debates, one writer claimed, "Most men seem to agree that amendments ought to be made in the proposed plan in some stage of the business."\* What were the major disagreements between the Federalists and Anti-Federalists during the ratification period over the need to amend the proposed Constitution?**

- In your opinion, which side made the most compelling arguments? Why?
- Since so many attempts to amend the Constitution have failed, should we consider changing the amendment process in Article V of the Constitution? Why or why not?

\* "An Old Whig VIII," *Philadelphia Independent Gazetteer*, February 6, 1788, [https://csac.history.wisc.edu/wp-content/uploads/sites/281/2017/07/an\\_oldwhig\\_viii.pdf](https://csac.history.wisc.edu/wp-content/uploads/sites/281/2017/07/an_oldwhig_viii.pdf).



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

1. **In what ways was the due process clause of the 14th Amendment interpreted by the courts in the immediate aftermath of the Civil War?**
  - To what extent, if any, have rights been better protected as a result of substantive due process?
  - To what extent has the incorporation doctrine contributed to an enhanced protection of rights?
  
2. **How would you account for the origins of political parties, and how have they impacted the checks and balances embedded in the U.S. Constitution?**
  - To what extent, if any, do political parties shape electioneering for political office?
  - Are the functions of political parties adequate for the needs of U.S. citizens? Why or why not?
  
3. **The presidential oath of office requires the president to preserve, protect, and defend the U.S. Constitution. To what extent, if any, did President Abraham Lincoln carry out this oath during the Civil War?**
  - How has the balance between individual rights and national security been tested since the Civil War?
  - Should safeguards restricting presidential powers be instituted during times of national crisis? Explain your answer.



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

1. **“Congress did not create the Supreme Court. ... I know this is a controversial view, but I’m willing to say it. No provision in the Constitution gives them the authority to regulate the Supreme Court—period.”\*** Do you agree or disagree with Justice Samuel Alito’s constitutional assessment of judicial independence? Why or why not?

- Historically, how effective have constitutional checks been in controlling the courts?
- Alexander Hamilton wrote that the judicial branch would be the “least dangerous to the political rights of the Constitution.”\*\* Do you believe this description is still warranted? Why or why not?

\* Kimberly Strawbridge Robinson, “Congress Can’t Force Ethics Code on Supreme Court, Alito Says,” Bloomberg Law, July 28, 2023,

<https://news.bloomberglaw.com/us-law-week/congress-cant-force-ethics-code-on-supreme-court-alito-says>.

\*\* Publius, “The Federalist 78,” New York, May 28, 1788, Center for the Study of the American Constitution, University of Wisconsin–Madison, <https://csac.history.wisc.edu/wp-content/uploads/sites/281/2017/07/78.pdf>.

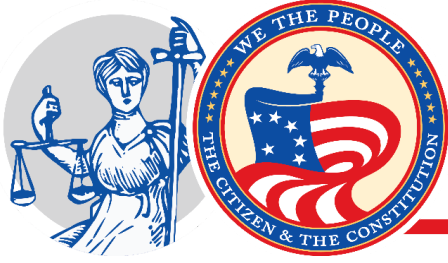
2. **“The Convention with justice & the majority of the people on their side, had nothing to fear. With injustice and the minority on their side they had every thing to fear.”\*** Have James Madison’s fears about the Senate’s construction expressed at the Philadelphia Convention come to fruition? Why or why not?

- What tensions arise from the design of Congress, particularly the bicameral structure and the composition of the Senate and the House of Representatives?
- Should the 17th Amendment be repealed? Why or why not?

\* James Madison, “James Madison’s Notes of the Constitutional Convention,” July 5, 1787, vol. 1 in *The Records of the Federal Convention of 1787*, ed. Max Farrand (New Haven: Yale University Press, 1911) 526–34, ConSource, <https://www.consource.org/document/james-madisons-notes-of-the-constitutional-convention-1787-7-5/20180514160636>.

3. **Has the Constitution’s “take care” clause that the laws be faithfully executed placed a duty on the president and expanded presidential power? Why or why not?**

- Has the growth of administrative agencies expanded executive power? Why or why not?
- What checks on the exercise of administrative authority are available to prevent agencies from becoming too powerful?



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

1. **The United States Supreme Court recently ruled that, under the Second Amendment, firearms regulations must be “consistent with this Nation’s historical tradition of firearm regulation.”\* Do you agree or disagree? Why?**
  - In light of this ruling, how should courts balance the right to bear arms against the need for public safety?
  - To what extent, if any, should other amendments in the Bill of Rights be interpreted based on an understanding of the country’s historical tradition?

\* *New York Rifle & Pistol Ass’n v. Bruen*, 142 S.Ct. 2111 (2022).

2. **“The 2022–23 school year has been marked to date by an escalation of book bans and censorship in classrooms and school libraries across the United States.”\* To what extent, if any, do these bans limit students’ and teachers’ freedom of speech?**
  - How should schools determine student access to certain books and online materials?
  - Who should determine whether certain books should be banned or access to them should be restricted, and what criteria should they use?

\* Kasey Meehan and Jonathan Friedman, “Banned in the USA: State Laws Supercharge Book Suppression in Schools,” PEN America, April 20, 2023, <https://pen.org/report/banned-in-the-usa-state-laws-supercharge-book-suppression-in-schools>.

3. **How does the reasonable suspicion doctrine, as established in *New Jersey v. T.L.O.* (1985), both limit and protect students’ Fourth Amendment rights in public schools?**
  - Can school officials lawfully seize a student’s backpack based on an anonymous tip reported on a social media site? Does it make a difference if the tip is made pursuant to a state statute encouraging students to report tips about school safety concerns anonymously? Why or why not?
  - To what extent should the exclusionary rule apply to school searches by school officials?

\* *New Jersey v. T.L.O.*, 469 U.S. 325 (1985).



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

- 1. To what extent, if any, did the Voting Rights Act of 1965 reshape the landscape of American democracy?**
  - What were the key provisions within the Voting Rights Act of 1965, and how did they strategically target historical voting barriers that had limited access to voting?
  - What practices, if any, are still present that attempt to restrict access to voting or equal representation for marginalized groups?
- 2. To what extent, if any, has the protection of individual rights, as enshrined in the U.S. Bill of Rights, influenced international constitutional protections?**
  - What are examples of nations that have integrated elements of the U.S. Bill of Rights into their constitutional frameworks, and how have these inclusions impacted their human rights agendas?
  - How have cultural, historical, or political conditions influenced the creation of alternative models of democratic government worldwide?
- 3. What obstacles and opportunities does globalization present for participation in world affairs?**
  - What are the advantages and disadvantages of social media, digital platforms, and global networks in disseminating information and facilitating transnational activism?
  - What opportunities does globalization provide for grassroots movements, civil society organizations, or individuals to influence global agendas and shape international norms?