



We the People THE CITIZEN AND THE CONSTITUTION

Directed by the Center for Civic Education and funded by the U.S. Department of Education under the Education for Democracy Act approved by the United States Congress.

MIDDLE SCHOOL NATIONAL HEARING QUESTIONS ACADEMIC YEAR 2013–2014

Unit One: What Were the Founders' Basic Ideas about Government?

1. How did both classical republicans and natural rights philosophers influence the Founders' views about government?

- What are the essential differences between classical republicanism and natural rights philosophy?
- Explain what John Locke meant by the social contract. Do social contracts exist today? Give examples.
- Do you think government should have purposes that classical republicans and natural rights philosophers did not include in their writings? Explain your answer.

2. Thomas Jefferson once wrote that the nation's Founders were students of history.* What were some important lessons about history that the Founders learned from their studies?

- Why was the history of the Roman Republic both an example and a warning to America's founding generation?
- Why do you think the Founders chose a republican or representative government rather than other known forms of government?
- To what extent does the common good of our society today depend on the classical republican ideal of civic virtue?

* Thomas Jefferson, *Notes on the State of Virginia* (Paris, 1784).

3. What are the fundamental characteristics of a constitutional government?

- In what ways does constitutional government mean limited government?
- Describe at least three provisions of the Constitution that provide a means of preventing the abuse or misuse of governmental power. Explain how these provisions work in our system of government today.
- Give an example of a nation in today's world that you think does not have a constitutional government. Explain why you believe it is not a constitutional government.



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Unit Two: What Shaped the Founders' Thinking about Government?

1. The Declaration of Independence has been described as “the most revolutionary political statement in American History.”* What new ideas about government and its purposes are set forth in the Declaration, and why might they be considered “revolutionary”?

- What principles expressed in the Declaration are traceable to John Locke and other natural rights philosophers?
- Using the Declaration as your source, in your own words describe the principles of good government contained within the document.
- Why do you think the Declaration is one of the most imitated or copied documents in the world today?

* Alan Dershowitz, *America Declares Independence* (New York: John Wiley and Sons, 2003), 1 and 7–8.

2. Great Britain had colonies in North America for more than one hundred and fifty years. During that time the colonists had considerable experience governing themselves. What factors contributed to the colonists' sense of being Americans rather than British subjects?

- How were the rights of American colonists similar to the rights of Englishmen? How were they different?
- What ideas from British rule did colonists in America use when they formed their own governments?
- How did the British government tighten control over the colonies?

3. “Despite its weaknesses, the Articles of Confederation made lasting contributions to American government.”* Do you agree with this assessment? Why or why not?

- Why did the Articles of Confederation prove inadequate almost from the start?
- What arguments could you have made in support of the Articles?
- What did the Framers learn from the Articles' inadequacies and how did they correct them in the Constitution?

* *The Concise Encyclopedia of Democracy* (Washington, D.C.: Congressional Quarterly, 2000), 32.



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Unit Three: What Happened at the Philadelphia Convention?

1. What major conflicts between the states arose at the Philadelphia Convention?

- What were the fundamental differences between the economies of the North and South?
- Describe the compromises that were made during the convention. Do you think the Framers should have made these compromises? Why or why not?
- Is compromise as important in settling major conflicts today as it was at the Philadelphia Convention? Why or why not?

2. The Constitution is built on the principles that government should be limited, protect fundamental rights, and promote the common good. How are Articles I, II, and III of the Constitution structured to achieve those ends?

- How does the structure of the legislative branch outlined in Article I achieve these ends?
- How do the executive and judicial branches created in Articles II and III support these ideas?
- What, if anything, would you change in the structure and power of these branches of government today? Why?

3. What rules did the delegates adopt to govern debates at the Philadelphia Convention? Which of these rules remain controversial today? Explain why.

- Define *civil discourse*. Which rules adopted at the convention furthered civil discourse? Which rules hindered it?
- How would you rate the civility of public discourse and debate today? What, if anything, could be done to enhance it?
- What responsibility, if any, do schools have for teaching and encouraging civil discourse?



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Unit Four: How Was the Constitution Used to Establish Our Government?

- 1. One of the enduring contributions of the Framers was the creation of the federal system of government. What is federalism?**
 - How are powers distributed between the states and the national government under our federal system? Give examples.
 - What are the advantages and disadvantages of the federal system? Give some current examples.
 - Which issues today are best decided at the national level, and which should be decided at the state level?
- 2. Although the Constitution does not explicitly mention the power of judicial review, the Supreme Court has exercised this power for more than two hundred years. Is the practice of judicial review consistent with democratic principles? Why or why not?**
 - How did the Supreme Court acquire the power of judicial review?
 - How has the Supreme Court's power of judicial review expanded the role of the Court?
 - Does the Supreme Court have too much power? Why or why not?
- 3. How did the arguments of the Federalists and Anti-Federalists reflect their points of view regarding natural rights, republicanism, and constitutionalism?**
 - On balance, do you think the Federalists or the Anti-Federalists presented the stronger case? Why?
 - How was this debate widened to include the American people, not just delegates to the ratifying convention? Why was widening the debate important?
 - Which of the arguments presented by the Federalists and Anti-Federalists are still relevant? Why do you think those arguments persist in our society?



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Unit Five: How Does the Constitution Protect Our Basic Rights?

- 1. The First Amendment, added to the Constitution in 1791, contains guarantees of freedom of religion. Why did the Founders think freedom of religion was so important?**
 - Explain the difference between the establishment and free exercise clauses.
 - Do you think limitations should ever be imposed on the free exercise of one's religious beliefs? Explain your answer.
 - Where do you think the dividing line between church and state should be drawn today?

 - 2. Due process of law has been called the “primary and indispensable foundation of individual freedom”* because it protects the individual from government wrongdoing. What is the right to due process?**
 - Where in the Constitution is due process protected and how is the meaning of due process applied?
 - How does the equal protection clause of the Fourteenth Amendment prevent state governments from practicing unfair discrimination?
 - Should young people under the age of eighteen have the same due process rights as adults? Why or why not?
- * In re Gault, 387 U.S. 1 (1967).
- 3. The First Amendment states that laws shall not be passed that abridge freedom of speech. Why did the Founders think freedom of speech was so important?**
 - Is freedom of expression important to the functioning of a constitutional government? Why or why not?
 - Do you believe there are times when freedom of expression should be limited? Explain your response.
 - Should middle and high school students have the same freedoms of expression in public schools as they do in their homes?



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Unit Six: What Are the Responsibilities of Citizens?

1. Many people believe that an informed citizenry is essential for a democratic republic to function well. What are the characteristics of an informed citizenry?

- Should people be required to pass periodic citizenship tests to maintain their citizenship? Why or why not?
- Should citizens be fined for not voting, as they are in Australia? What would be the advantages or disadvantages of such a system?
- What role, if any, should schools play in preparing young people to be citizens?

2. In a speech, Susan B. Anthony said, “Here in...the Declaration [of Independence] is the assertion of the natural right of all to the ballot; for how can ‘the consent of the governed’ be given, if the right to vote be denied?”* Do you agree or disagree with her statement? Why?

- What are the major constitutional changes that have expanded the right to vote? Are more needed? Explain your answer.
- What limits, if any, should be placed on the right of citizens to vote? Why?
- In the United States, fewer than 50 percent of potential voters actually participate in most elections. What are the consequences of such low turnout? What might be done to improve voter participation, particularly that of young voters?

* Susan B. Anthony, before her trial in 1873 for having voted illegally. Quoted in Anthony Jay, ed., *The Oxford Dictionary of Political Quotations* (New York: Oxford University Press, 2001), 12.

3. Today, the nations of the world are increasingly dependent on each other. Describe the ways in which nations interact with each other today.

- What elements of American constitutionalism have been most widely adopted by other nations?
- What does the United States gain from its relationship with other countries?
- How can individual citizens and/or organizations in civil society help to promote representative democracy, constitutional government, and respect for human rights throughout the world?