



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 2014–2015

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

1. 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, 1785).

2. What effect did colonial experiences have on the Founders' views about rights and government?

- In what ways were eighteenth-century American and British societies similar or dissimilar in terms of the rights of individual liberty, equality of opportunity, and property?
- How did the ideas of classical republicanism and natural rights philosophy influence the Founders' views about government?
- What do you think the essential purposes of government should be? How should they be obtained? Justify your position in terms of natural rights philosophy, classical republicanism, or your own ideas.

3. Why did the Founders believe that a constitution should function as a type of higher law?

- In what important ways does a higher law differ from a statute enacted by a legislature?
- How might people organize a constitutional government to prevent the abuse of power?
- Evaluate the Founders' claim that direct democracy was more likely to ignore constitutional limits than representative government. What evidence—historical and contemporary—can you offer in support of your position?



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

- 1. Three principles were contained in the Magna Carta: the rule of law, basic rights, and government by agreement or contract. How and why did these principles prove to be important in the development of constitutional government?**
 - How would you distinguish between rule *of* law and rule *by* law, and why is that distinction important?
 - What is the relationship, if any, between the rule of law and limited government?
 - What is the relationship, if any, between the idea of government by agreement or contract and basic rights?

- 2. 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.
 - Why do you think the Declaration is one of the most imitated or copied documents in the world today?

- 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?

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

* *The Concise Encyclopedia of Democracy* (Washington, DC: 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 in the Philadelphia Convention? Why or why not?

2. Why was the issue of representation so crucial in the development of a republican form of government by the Constitution?

- Compare the New Jersey and Virginia Plans. What were the strengths and weaknesses of each plan?
- James Madison and others argued that membership in both houses of Congress should be based on the numbers of people represented. States should not be represented as states. Do you agree or disagree? Why?
- What was the Great Compromise, and how did it make it possible for both sides to claim some victories?

3. George Washington, like many of the Founders, opposed slavery. He wrote, “There is not a man living who wishes more sincerely than I do, to see a plan adopted for the abolition of it.”* Why then was a plan on abolition not devised at the Philadelphia Convention?

- What constitutional protection of slavery did the Constitution provide?
- What impact, if any, did the continuation of slavery have on federalism and the country’s expansion?
- Can issues of segregation in the post–Civil War era be traced back to the decisions made about slavery at the Constitutional Convention? Why or why not?

* George Washington, letter to Robert Morris, April 1786, in John P. Kaminski, *The Great Virginia Triumvirate* (Charlottesville and London: University of Virginia Press, 2010), 37.



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

- 1. The Framers intended to limit executive power through constitutional provisions, such as the overriding of presidential vetoes, impeachment, and separation of powers. However, some critics have argued that presidents starting in the latter half of the twentieth century have expanded the powers of the office. Do presidents today have too much power?**
 - What specific limits does the Constitution place on the powers of the president? Should additional limits be added? If so, what should these limits be?
 - Should presidents have the power to order military action without explicit congressional approval? Why or why not?
 - Should executive orders have the force of law without congressional approval? Why or why not?
- 2. What is American federalism, and how does it foster the goals expressed in the Preamble to the Constitution?**
 - How is the federal system created by the Constitution different from other forms of government?
 - What governing powers does the U.S. Constitution leave to the states? What powers does it deny to the states?
 - Describe what, if anything, you would change in the division of power between the national and state governments and explain why.
- 3. 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. 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?
 - Is the practice of judicial review consistent with democratic practices? Why or why not?
 - Does the Supreme Court have too much power? Why or why not?



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

1. Why have First Amendment rights been viewed as essential to the functioning of a free society?

- In what ways have these rights been of particular importance to women and minorities?
- Although First Amendment rights are considered essential in a constitutional democracy, it is sometimes argued that these rights must be limited. Under what circumstances, if any, do you think limitations are justified? Explain your answer.
- Should middle and high school–age students have the same First Amendment rights in public schools as they do in their community? Explain your response and provide examples.

2. The Fourteenth Amendment says that no state shall “deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.” How did the phrasing of this amendment change the relationship between federal and state power?

- What is due process of law and how does it protect individuals from possible abuses of power? Provide examples in the response.
- How does the equal protection clause of the Fourteenth Amendment prevent state governments from practicing unfair discrimination?
- How are the equal protection and due process clauses related to the rule of law?

3. Justice Louis Brandeis, in his dissent in *Olmstead v. United States* (1928), argued for a right to privacy. “The makers of our Constitution...sought to protect Americans in their beliefs, their thoughts, their emotions and their sensations. They conferred, as against the Government, the right to be let alone—the most comprehensive of rights and the right most valued by civilized men.”

- Should privacy be a fundamental right even though it is not specifically listed in the Bill of Rights? Why?
- Where in the Constitution or Bill of Rights does Justice Brandeis find references to suggest privacy rights?
- Should government be allowed to access your phone and email without a search warrant? Why or why not?



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Unit Six: What Are the Responsibilities of Citizens?

1. **In his inaugural speech, President John F. Kennedy said, “And so, my fellow Americans: ask not what your country can do for you—ask what you can do for your country.”* Who do you think President Kennedy was referring to when he addressed “my fellow Americans”?**
- Why and how does constitutional democracy in the United States depend on the active participation of its citizens?
 - What responsibilities, if any, does a citizen have for promoting sound political and social policies?
 - What criteria, if any, should be used to distinguish between the rights and responsibilities of citizens and the rights and responsibilities of legal resident aliens?

* John F. Kennedy’s inaugural address, January 20, 1961.

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), 14.

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?