



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.

STATE HEARING QUESTIONS 2007 – 2008

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

- 1. Compare the rights asserted in the second and concluding paragraphs of the Declaration of Independence. In what ways are they alike and in what ways are they different?**
 - Thomas Jefferson and others said the Declaration was just the culmination of earlier documents that asserted the rights of individuals. Identify some of those documents and how the rights they set forth are reinforced in the Declaration.
 - Why do you think the first paragraph appeals to “the opinions of mankind” and the final paragraph to “the Supreme Judge of the World?”
- 2. How and why did the Magna Carta contribute to the development of constitutional government?**
 - What important principles of modern constitutionalism are contained in the Magna Carta?
 - What ideas in your state constitution and the U.S. Constitution can you trace back to the Magna Carta?
- 3. What should be the major purposes of government according to classical republicanism?**
 - According to the natural rights philosophy, what should be the major purposes of government?
 - What do you think should be the major purposes of our government today? Explain and justify your response.



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Unit Two: How Did the Framers Create the Constitution?

1. **“One of the keenest insights of our Founders was that the process by which we arrive at decisions matters a great deal. Legislating is not like war, in which one side strives to impose its will on the other.... Good politicians look for solutions that allow both sides to claim, if not victory, at least some gains.”*** Do you agree or disagree with this observation? Why?

- What “process” did the Founders use for arriving at decisions during the Philadelphia Convention?
- What compromises were agreed to that allowed both sides to claim some gains?

* Former Congressman Lee Hamilton, “Why We Need Compromise.” *Sunburst*, October 2003, p. 8.

2. **“Despite its weaknesses, the Articles of Confederation made lasting contributions to American government.”*** Do you agree with that assessment? Why?

- Why did the Articles of Confederation, framed by some of America’s leaders, prove inadequate almost from the start?
- 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., 2000, p. 32.

3. **The Virginia Declaration of Rights (June 12, 1776) has been hailed as “the cornerstone of the constitutional system,” because “it contained many constitutional firsts.”*** Identify the constitutional “firsts” or basic principles in this document and explain their significance.

- In what ways did the Virginia Declaration influence the United States Declaration of Independence and the United States Constitution?
- What rights that we enjoy today under both our state and federal bills of rights were included in the Virginia Declaration?

* Leonard W. Levy, “Virginia Declaration of Rights and Constitution of 1776.” *Encyclopedia of the American Constitution*, New York: Macmillan Co., 1986. Volumes 3 & 4, pp. 1975-6.



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Unit Three: How Did the Values and Principles Embodied in the Constitution Shape American Institutions and Practices?

1. **“The Framers intended an independent judiciary but also an accountable one, a separate branch of government, but one embedded in a set of institutions that provided important checks and balances.”*** How does the Constitution provide for a judiciary which is at once independent and accountable?

- What other institutions provide important checks and balances and how do they do that?
- How well have the goals the Framers set for the judiciary been achieved? What evidence can you offer to support your position?

* Mann, Thomas E. and Norman J. Ornstein. *The Broken Branch*. Oxford: Oxford University Press, 2006, p. 41.

2. **Why have the battle over gun control and the meaning of the Second Amendment become perennial features of American life?**

- Evaluate the position of those who claim the Amendment guarantees a collective right of the people.
- Evaluate the position of those who claim the Amendment guarantees an individual right.

3. **Why does federalism represent a compromise between an extreme concentration of power and a loose confederation of independent states?**

- Why did the Framers find it necessary to “invent” federalism at the Philadelphia Convention?
- Why is federalism generally associated with democracy?



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Unit Four: How Have the Protections of the Bill of Rights Been Developed and Expanded?

1. **“The Civil War was the contemporary equivalent of a nuclear attack on the nation”—so writes a prominent legal scholar.* Do you agree or disagree? Why?**

- What were the constitutional issues that led to the Civil War?
- Why were Americans unable to resolve those issues peacefully?

* William Banks. Syracuse University College of Law writing in *Focus on Law Studies*, Spring 2007, p. 1. Published by the Division for Public Education of the American Bar Association.

2. **How and why has the equal protection clause of the Fourteenth Amendment proved to be one of the most effective tools for social and legal change in the United States?**

- Has the Fourteenth Amendment enhanced the importance of the Bill of Rights? If so, in what ways?
- What responsibilities of citizens, if any, are implied by the right to equal protection under the law?

3. **A political scientist argues that we have made all the constitutional changes necessary to expand suffrage. What we need to do now is to foster the civic norms that increase citizen participation. Do you agree or disagree with that argument? Why?**

- What are the major constitutional changes that have expanded the right to vote? Are more needed?
- What are civic norms that increase participation and how can they be encouraged?



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

1. The writ of habeas corpus has been called “one of the great landmarks in the history of liberty.” Is such high praise justified? Why or why not?

- How and why did the right of habeas corpus originate in England?
- Why has habeas corpus become a major issue today?

2. What are the costs and benefits that freedom of speech and press offer to the individual and to society?

- Under what circumstances, if any, should government be able to limit those freedoms? Why?
- Under what circumstances, if any, should an individual’s right *not* to speak be protected? Why?

3. Evaluate the claim that the jury system brings the common sense of the community to bear on the laws of the state and the nation.

- How does the U.S. Constitution and the constitution of your state guarantee the right to trial by jury?
- What is the relationship of the right of trial by jury to the natural rights philosophy and to the principle of limited government?



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Unit Six: What Are the Roles of the Citizen in American Democracy?

1. In what ways might modern technology expand the possibilities for participatory citizenship?

- In what ways, if any, does modern technology endanger rights that Americans value?
- What actions, if any, do you think citizens, Congress, or your state legislature should take to protect or enhance rights threatened by technology?

2. In *Federalist 37*, James Madison argues that “Energy in government is essential to secure against external and internal dangers and to prompt the salutary (beneficial) execution of the laws that are a part of good government.” What do you think are the major “external and internal dangers” today which government ought to address?

- What provision of the U.S. Constitution would enable governments to address those issues?
- What are the proper limits to an energetic government?

3. How have the natural rights philosophy and classical republicanism influenced Americans beliefs about the rights and responsibilities of citizenship?

- How would you define the “common good” and how do you think it should be determined?
- How would you respond to those who claim Americans have inherited too much of the self-interest of the natural rights philosophy and not enough of the public spirit of classical republicanism?