



**We the People**  
THE CITIZEN AND THE CONSTITUTION  
Directed by the Center for Civic Education

## STATE HEARING FOLLOW-UP 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?

#### Suggested follow-up questions:

- a. What was benign neglect, and how might it have contributed to the colonial response to acts passed by Parliament?
- b. To what extent, if any, was Parliament justified in its actions toward the colonists during this time period?
- c. What ideas about government contained in the Declaration of Independence were influenced by the actions of Parliament?
- d. How did the colonists' position in the Declaration of Independence reflect the ideas of John Locke?
- e. What were the writs of assistance?



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**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?

#### **Suggested follow-up questions:**

- a. What role, if any, does human nature play in forming governments?
- b. When is it necessary, if ever, to limit individual freedom for the common good?
- c. What is civic virtue? Why is it important?
- d. Cite examples from our history when the principles of natural rights philosophy and republicanism have been in conflict.
- e. What is the divine right of kings?



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#### 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?

#### Suggested follow-up questions:

- a. Are jury trials essential to the rule of law? Explain your position.
- b. What limits were placed on the Crown by the Petition of Right of 1628?
- c. To what extent, if any, is civil disobedience consistent with the rule of law?
- d. How does the writ of habeas corpus relate to the rule of law?
- e. Why is precedent important to the rule of law?



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## STATE HEARING FOLLOW-UP QUESTIONS 2017–2018

### 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?

#### **Suggested follow-up questions:**

- a. For the most part, do you agree with the Federalist or Anti-Federalist position on government?
- b. Why did the Anti-Federalists insist upon the addition of a bill of rights to the Constitution?
- c. How and why did the delegates distribute governmental power between the national and state governments?
- d. The Anti-Federalists were wary of factions. What was the Federalists' response?
- e. What ideas or concerns of the Anti-Federalists exist today?



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#### 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?

#### Suggested follow-up questions:

- a. Should we change the Constitution to make representation in the Senate based on population? Why or why not?
- b. What are the advantages and disadvantages of term limits for members of Congress?
- c. What democratic principles are relevant to the use of the Electoral College?
- d. To what extent, if any, does virtual representation operate in our constitutional system?
- e. If a representative from your party has not been elected to Congress for decades, how, if at all, can your ideas be effectively represented in Congress?



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**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?

#### **Suggested follow-up questions:**

- What, if any, might be the positive consequences of having a national government as limited as it was under the Articles of Confederation?
- How did Shays' Rebellion influence support for a stronger national government?
- What amendments might have helped save the Articles?
- What historical experiences led the colonists to distrust a strong national government?
- Why do many people today distrust the national government? Are they justified? Why or why not?



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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.

#### Suggested follow-up questions:

- a. What is the difference between procedural and substantive due process?
- b. Do you think it was necessary for President Lincoln to suspend the writ of habeas corpus during the Civil War? Why or why not?
- c. Describe the differences between equality of opportunity and equality of condition.
- d. Should local governments remove statues honoring Confederate leaders from public land? Why or why not?
- e. How and why did President Lincoln use his power as commander in chief to justify the Emancipation Proclamation?



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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.

#### Suggested follow-up questions:

- a. If the courts did not have the power of judicial review, how could the power of majorities in legislatures be checked?
- b. How did Chief Justice John Marshall justify the establishment of judicial review?
- c. Evaluate the argument that judicial review is essential to protecting the rights of minorities against the will of majorities.
- d. What is judicial activism, and is it different from judicial review?
- e. What role, if any, does judicial review play in the system of checks and balances?





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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.

#### Suggested follow-up questions:

- a. Is there a significant difference in the policy positions between the two major parties today? Explain your response.
- b. What is the role of parties when they are not in the majority?
- c. Why has there been a rise in people who register as independent instead of with one of the major political parties?
- d. To what extent do you think third parties play the role of “spoilers” in elections?
- e. What changes, if any, do you think should be made in the financing of political campaigns?



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## STATE HEARING FOLLOW-UP QUESTIONS 2017–2018

### 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?

#### Suggested follow-up questions:

- a. What limits, if any, are placed on the powers of the U.S. Supreme Court?
- b. Should term limits be imposed on justices? Why or why not?
- c. What are the fundamental principles that justices should grapple with to help them make decisions?
- d. What do you think about the Court's power of judicial review?
- e. What has been the role of the Court in finding rights not listed in the Constitution?



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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>.

#### Suggested follow-up questions:

- a. How does the U.S. Congress use its oversight power to investigate and check the use of power by the executive branch of government?
- b. What are the advantages and disadvantages of the use of the filibuster in the Senate?
- c. What problems, if any, are caused by gerrymandering?
- d. What are the advantages and disadvantages of term limits for members of the U.S. Congress?
- e. Why are negotiation and compromise important to getting things done in our constitutional system?



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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.

#### Suggested follow-up questions:

- a. Is social media an appropriate way for the president to attempt to persuade the American people to support his or her actions? Why or why not?
- b. Why do you think the Constitution establishes the president as the nation's leader in foreign policy?
- c. In what ways, if any, has expansion of the president's role as commander in chief affected the role of Congress?
- d. What checks, if any, does the Constitution provide on the foreign policy powers of the president?
- e. What was the intent of the War Powers Act, and how effective has it been?



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## STATE HEARING FOLLOW-UP QUESTIONS 2017–2018

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

1. In *San Antonio Independent School District v Rodriguez*\*, the U.S. Supreme Court held that education is not a fundamental right under the U.S. Constitution. However, Article VI of the Ohio Constitution guarantees a right to education for Ohioans. Should education be a fundamental right recognized in the U.S. Constitution? What are the arguments for and against education being a fundamental right?
  - How have Ohio courts interpreted the right to education under the Ohio Constitution? How have U.S. courts interpreted the right to education?
  - Should government (local, state, or national) have the responsibility to guarantee equity in education? Why or why not? If so, which level(s) of government?

\* *San Antonio Independent School District v Rodriguez*, 411 US 1 (1973).

### Suggested follow-up questions:

- a. Which is better suited to handle educational policy and funding issues: state or national government? Why?
- b. Should an Ohio student be able to “opt out” of their guaranteed right to education and drop out of school? Why or why not?
- c. The United Nation’s Universal Declaration of Human Rights declares that everyone has the right to education. How, if at all, should that influence how we decide educational policy in America?
- d. What grade levels should the right to education under the Ohio Constitution include? K-12? College? Other? Why?
- e. Should there be a national Department of Education if education is found to be mainly in the purview of the states? Why or why not?
- f. Is there a difference between the right of access to education and the right to an equal education? Explain.



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

**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?

#### **Suggested follow-up questions:**

- a. Under what circumstances, if any, should freedom of speech be limited? Why?
- b. Should people tolerate speech they find offensive? Why or why not?
- c. What are some time, place, and manner restrictions on speech? Are they justifiable? Why or why not?
- d. Why is freedom of speech important?
- e. Should people be held liable for written speech on social media sites? Why or why not?



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

#### 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?

#### Suggested follow-up questions:

- a. What protections, if any, do Americans have from being eavesdropped on by the National Security Agency?
- b. Do you think that “stop-and-frisk” policies violate the Fourth Amendment? Why or why not?
- c. What were the writs of assistance and how did they influence the writing of the Fourth Amendment?
- d. Should suspected terrorists have the same Fourth Amendment protections as citizens?
- e. Do you think students in public schools should have the same Fourth Amendment protections as they do at home? Why or why not?



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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.

#### Suggested follow-up questions:

- a. How did the civil rights movement enhance our political culture?
- b. How did the terrorist attacks of September 11, 2001, enhance or hinder the viability of our political culture?
- c. What institutions, including schools, have influenced the development of our political culture?
- d. Where does the responsibility for preserving and enhancing our political culture lie?
- e. Is it possible for citizens to be too patriotic? Why or why not?





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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?

#### Suggested follow-up questions:

- a. What elements of American constitutionalism have influenced other countries?
- b. What, if any, are the costs and benefits of American aid to other nations?
- c. What provisions of the Constitution provide for the role of the United States in the world today?
- d. What are some important examples of treaties and agreements with other nations? Why are they important?
- e. Some have argued for the use of “smart power” as an effective foreign policy approach; that is, using the combination of a strong military with effective international alliances and partnerships throughout the world. Why are alliances, such as NATO, important to U.S. security?



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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>.

#### Suggested follow-up questions:

- a. Should resident aliens have the same rights as citizens? Why or why not?
- b. Should the Fourteenth Amendment be amended so that children of aliens do not acquire citizenship merely by being born in the United States?
- c. Should the United States admit more refugees in view of the worldwide crisis of displaced persons? Why or why not?
- d. Should state governments have the power to regulate immigration? Why or why not?
- e. Should we encourage new immigrants to become U.S. citizens? Why or why not?