



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

STATE HEARING QUESTIONS 2024-2025

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

1. How did classical republicanism and natural rights philosophy shape the Founders' ideas when creating the American political system?

- What role did the concept of the social contract play in shaping the Founders' views on government legitimacy and authority?
- In what ways did these philosophies influence the Founders' views of citizen participation in government?

2. How did colonists' practical experiences of self-governance in the British colonies in North America shape their views on political authority and representation?

- How did the colonists' observations about the British government contribute to their ideas about rights and governance? Provide examples of specific grievances.
- How do these historical grievances resonate with or differ from contemporary concerns about government overreach or individual rights in today's political climate?

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Unit Two: How Did the Framers Create the Constitution?

1. **James Madison claimed that “the Convention must have enjoyed ...an exemption from the pestilential influence of party animosities; the diseases most incident to deliberative bodies, and most apt to contaminate their proceedings.”* To what extent, if any, is this a valid claim regarding the proceedings of the Philadelphia Convention?**

- What were the primary sources of contention at the Philadelphia Convention, and how did these conflicts shape the final outcome of the constitutional debates?
- If another constitutional convention were held today, what partisan animosities might emerge, and how could these affect the proceedings?

* Publius, “The Federalist 37,” *New York Daily Advertiser*, January 11, 1788, Center for the Study of the American Constitution, University of Wisconsin–Madison, https://csac.history.wisc.edu/wp-content/uploads/sites/281/2024/04/DC2-04-01-14_Federalist-37_11Jan88.pdf.

2. **What were the key controversies and challenges faced during the confederation period under the Articles of Confederation? Discuss how these issues contributed to the eventual call for a new constitution.**

- In your estimation, have assessments of the Articles of Confederation been overly critical? Explain your answer.
- If you were to propose revisions to the Articles of Confederation, what specific changes would you suggest to address the issues of the period and ensure the document’s long-term success?

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

1. Do you agree or disagree with the Supreme Court's decision in *Alexander v. South Carolina* (2024) that political gerrymandering should not be subject to judicial review? Why?

- Compare the Supreme Court's 2024 decision in *Alexander v. South Carolina* (2024) with the decision in *Allen v. Milligan* (2023). How do these decisions reflect different judicial approaches to racial gerrymandering and the Voting Rights Act?
- How effective have state independent redistricting commissions been in addressing racial and political gerrymandering? What additional measures could improve fairness in redistricting?

2. In the cases of *Brown v. Board of Education* (1954) and *Dobbs v. Jackson Women's Health Organization* (2022), was the Supreme Court justified in overturning longstanding precedents given the doctrine of stare decisis? Evaluate the Court's reasoning in both cases and how it aligns with or deviates from this principle.

- Under what circumstances, if any, should the process of overruling longstanding precedents be addressed through constitutional amendments, new legislation, or a combination of both?
- Recently, many proposals have been made to modify the Supreme Court's structure or procedures, such as imposing term limits or increasing its size. Do you agree with these proposals, or do you favor leaving the Court in its current form? Explain.

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

1. **Article II, Section 3 of the Constitution allows the president to recommend legislation to Congress and yet tasks the office to “take care that the laws be faithfully executed.” Is this consistent with the separation of powers doctrine? Why or why not?**
 - To what extent have executive agencies influenced the balance of power between Congress and the president?
 - How have recent Supreme Court decisions shaped the balance of power between Congress and the president?

2. **How does the idea that “history is a resource and not a command”* apply to the current Supreme Court’s approach to constitutional interpretation? Analyze recent decisions to illustrate how historical context is used or disregarded in the Court’s rulings.**
 - What role should historical context play in interpreting the Constitution?
 - Which methods of constitutional interpretation do you believe are most effective and why?

* Jack M. Balkin, *Memory and Authority: The Uses of History in Constitutional Interpretation* (Yale University Press, 2024), 51.

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

1. **“These two Clauses, the Establishment Clause and the Free Exercise Clause, are frequently in tension. ... Yet we have long said that ‘there is room for play in the joints’ between them.”*** What are some ways the First Amendment’s religion clauses have been in tension with one another?
 - In your opinion, have recent Supreme Court interpretations of the establishment clause strengthened or weakened the protection of religious liberty? Explain.
 - Should the federal or state governments implement additional laws offering more robust protections for religious practice? Why or why not?

* *Locke v. Davey*, 540 U.S. 712 (2004), <https://www.law.cornell.edu/supct/html/02-1315.ZS.html>.

2. **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 an equity of education? Why or why not? If so, which level(s) of government?

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

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

- 1. How have the Founders' decisions on slavery shaped contemporary debates over states' rights and federal authority? Evaluate how recent Supreme Court decisions have addressed or failed to address the legacy of the Founders' compromises on liberty and individual rights, using specific cases as examples.**
 - How do current civil- and voting-rights debates illustrate the tension between the Founders' principles and today's society?
 - Which historical periods, if any, have been as pivotal as the founding era in shaping the interpretation of American principles? Provide examples.

- 2. "Sports and diplomacy are remarkably similar. ...Arguably, the only difference between the two is the clothes that they wear and the training they receive. Both professions are highly complementary."* How do global athletic events, such as the Olympics, function as extensions of political alliances and opposition, and what role do athletes play in representing their countries in these contexts?**
 - To what extent have athletic competitions been used for civic engagement and civil disobedience worldwide? Provide examples to illustrate these uses.
 - In what ways have U.S. constitutional principles, such as the right to free speech, been upheld or challenged by American athletes protesting in international settings? Discuss the implications of these actions.

* Stuart Murray, "Understanding Sports Diplomacy with Dr. Stuart Murray, Co-Founder of the Sports Diplomacy Alliance," *Georgetown Journal of International Affairs*, March 29, 2024, <https://gja.georgetown.edu/2024/03/29/understanding-sports-diplomacy-with-dr-stuart-murray-co-founder-of-the-sports-diplomacy-alliance>.