



WE THE PEOPLE

The Citizen and the Constitution

Directed by the Center for Civic Education

State Hearing Questions 2023–2024

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

- 1. How did concepts such as representative government, common law, and the rights of Englishmen evolve in the British constitutional system?**
 - What were the core principles of justice and the rule of law articulated in the British legal and philosophical traditions?
 - How did the Founders' experience with British principles impact the creation of colonial governments that protected individual rights and established a just legal system?
- 2. The United States Constitution is rooted in the values of classical republicanism, social contract theory, and natural rights philosophy. Many state constitutions, including the Ohio Constitution are rooted in these same principles.**
 - In what ways do you see these values reflected in the structure of the Ohio Constitution?
 - Did any of the revisions to the Ohio Constitution in 1851 make the document more or less in line with these founding principles?
 - What changes, if any, would you recommend to further express these ideals



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Unit Two: How Did the Framers Create the Constitution?

- 1. At the Philadelphia Convention, what considerations resulted in the creation of the three-fifths clause in the Constitution?**
 - To what extent, if any, did the Three-Fifths Compromise shape the political and social landscape in the first 70 years of United States history?
 - How did the 14th Amendment alter the meaning of the three-fifths clause, and, in your estimation, did it provide full citizenship for African Americans?
- 2. How did Brutus I* and Federalist 10** assess the problem of factions, and what were their proposed remedies to address the presence of factions?**
 - How did these ratification essayists' views influence future interpretations of the nature of representation?
 - In your opinion, which of these two has proven to be the most accurate in their assessment?

* "Brutus I," *New York Journal*, October 18, 1787, Center for the Study of the American Constitution, University of Wisconsin–Madison, https://csac.history.wisc.edu/wp-content/uploads/sites/281/2017/07/Brutus_11.pdf.

** Publius, "The Federalist 10," *New York Daily Advertiser*, November 22, 1787, Center for the Study of the American Constitution, University of Wisconsin–Madison, https://csac.history.wisc.edu/wp-content/uploads/sites/281/2017/07/Publius_10.pdf.



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

- 1. In what ways was the due process clause of the 14th Amendment interpreted by the courts in the immediate aftermath of the Civil War?**
 - To what extent, if any, have rights been better protected as a result of substantive due process?
 - To what extent has the incorporation doctrine contributed to an enhanced protection of rights?

- 2. How would you account for the origins of political parties, and how have they impacted the checks and balances embedded in the U.S. Constitution?**
 - To what extent, if any, do political parties shape electioneering for political office?
 - Are the functions of political parties adequate for the needs of U.S. citizens? Why or why not?



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

1. **“Congress did not create the Supreme Court. ... I know this is a controversial view, but I’m willing to say it. No provision in the Constitution gives them the authority to regulate the Supreme Court—period.”*** Do you agree or disagree with Justice Samuel Alito’s constitutional assessment of judicial independence? Why or why not?
 - Historically, how effective have constitutional checks been in controlling the courts?
 - Alexander Hamilton wrote that the judicial branch would be the “least dangerous to the political rights of the Constitution.”** Do you believe this description is still warranted? Why or why not?

* Kimberly Strawbridge Robinson, “Congress Can’t Force Ethics Code on Supreme Court, Alito Says,” Bloomberg Law, July 28, 2023,

<https://news.bloomberglaw.com/us-law-week/congress-cant-force-ethics-code-on-supreme-court-alito-says>.

** Publius, “The Federalist 78,” New York, May 28, 1788, Center for the Study of the American Constitution, University of Wisconsin–Madison, <https://csac.history.wisc.edu/wp-content/uploads/sites/281/2017/07/78.pdf>.

3. **Has the Constitution’s “take care” clause that the laws be faithfully executed placed a duty on the president and expanded presidential power? Why or why not?**
 - Has the growth of administrative agencies expanded executive power? Why or why not?
 - What checks on the exercise of administrative authority are available to prevent agencies from becoming too powerful?



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

- 1. The United States Supreme Court recently ruled that, under the Second Amendment, firearms regulations must be “consistent with this Nation’s historical tradition of firearm regulation.”* Do you agree or disagree? Why?**
 - In light of this ruling, how should courts balance the right to bear arms against the need for public safety?
 - To what extent, if any, should other amendments in the Bill of Rights be interpreted based on an understanding of the country’s historical tradition?

* *New York Rifle & Pistol Ass’n v. Bruen*, 142 S.Ct. 2111 (2022).

- 2. “The 2022–23 school year has been marked to date by an escalation of book bans and censorship in classrooms and school libraries across the United States.”* To what extent, if any, do these bans limit students’ and teachers’ freedom of speech?**
 - How should schools determine student access to certain books and online materials?
 - Who should determine whether certain books should be banned or access to them should be restricted, and what criteria should they use?

* Kasey Meehan and Jonathan Friedman, “Banned in the USA: State Laws Supercharge Book Suppression in Schools,” PEN America, April 20, 2023, <https://pen.org/report/banned-in-the-usa-state-laws-supercharge-book-suppression-in-schools>.



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

1. **To what extent, if any, did the Voting Rights Act of 1965 reshape the landscape of American democracy?**
 - What were the key provisions within the Voting Rights Act of 1965, and how did they strategically target historical voting barriers that had limited access to voting?
 - What practices, if any, are still present that attempt to restrict access to voting or equal representation for marginalized groups?

2. **What obstacles and opportunities does globalization present for participation in world affairs?**
 - What are the advantages and disadvantages of social media, digital platforms, and global networks in disseminating information and facilitating transnational activism?
 - What opportunities does globalization provide for grassroots movements, civil society organizations, or individuals to influence global agendas and shape international norms?