



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 2006 – 2007

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

1. How and why did the natural rights philosophers use an imaginary state of nature to think about the basic problems of government?

- What was John Locke's view of human nature and how did that view influence his ideas about what type of government was best?
- How did Locke distinguish between a government and a legitimate government, and why is that distinction important?

2. What ideas born of the Renaissance, the Reformation, and the Enlightenment influenced the Founders' beliefs about individual rights?

- A famous philosopher suggested that the motto of the Enlightenment should be "Dare to know! Have courage to use your own reason!"* Do you think that is an appropriate motto? Why or why not?
- Evaluate the claim that "The American Founders belonged to the Age of Enlightenment."**

* Immanuel Kant quoted Horace in Peter Hanns Reill and Ellen Judy Wilson's *Encyclopedia of the Enlightenment*, revised edition. (New York: Facts on File, Inc., 2004), p. xi.

** *We the People: The Citizen and the Constitution*. (Calabasas, California: Center for Civic Education, 1995), p. 25.

3. What basic ideas of constitutional government were developed and used in the American colonies before they gained their independence?

- What ideas accepted in England did the colonists discard? Which ideas did they adopt?
- Why did the colonists attach special importance to such constitutional principles as written guarantees of rights and representative government?



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Unit Two: How Did the Framers Create the Constitution?

1. The Virginia Plan used to create the Constitution established an entirely new plan for government for which no historical precedent existed. That plan is called federalism. What are the most important elements of federalism?

- American federalism has been described as “the price of union.” Is that an apt description? Why or why not?
- What are the chief advantages and disadvantages of federalism?

2. In *Federalist* No. 67, Alexander Hamilton argued that hardly any part of the system was more difficult to arrange, more vehemently complained about, or more criticized with less judgment than the power of the president and the executive branch. What were the major questions about organizing the executive branch raised at the Constitutional Convention and in the ratification debates?

- How does the Constitution both grant and limit the power of the executive branch?
- Which of the arguments raised in the Convention or in the ratification debates about the executive branch are still being debated today? Why?

3. What “lessons”—positive and negative—did Americans learn from their experiences under the Articles of Confederation?

- How did the Framers try to rectify the major defects of the Articles of Confederation in the Constitution?
- What are some examples of confederations in the world today? Evaluate their strengths and weaknesses in comparison to those of the Articles of Confederation.



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

1. “A judiciary independent of a king or an executive alone is a good thing, but independence of the will of a nation is a solecism (mistake, error, or blunder), at least in a republican government.”* Do you agree or disagree with this statement? Why?

- How does the Constitution provide for the independence of the judiciary?
- How does the Constitution provide for the people to express their will?

* Thomas Jefferson. Letter to Thomas Ritchie, December 25, 1820. Quoted in *The Quotable Founding Fathers*. Buckner F Melton, Jr. (Washington, D.C.: Potomac Books, 2004), p. 150.

2. What rights are included in the body of the Constitution?

- How do rights in the body of the Constitution protect the political independence of public officials, and why is that protection important?
- How do rights in the body of the Constitution protect individuals against violations by state governments and by the national government?

3. American political parties are the oldest in the world.* How and why did they arise in the United States, and why have they endured?

- Evaluate the Founders’ objections to political parties. Which, if any, of those objections are relevant today?
- In what ways are political parties, interest groups, and factions alike and different?

* James Q. Wilson and John J. Di Iulio, Jr. *American Government* 6th edition (Lexington, Mass.: D.C. Heath and Company, 1995), p. 151.



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

- 1. Why do you think *Scott v. Sanford* (1857) stands as one of the most important and controversial cases in American history?**
 - What provisions of the Constitution did Chief Justice Taney rely on in the Court's majority opinion?
 - Why do you think Abraham Lincoln more often used the Declaration of Independence rather than the Constitution in his vigorous attacks on the Dred Scott decision?
- 2. What were the moral and political reasons for writing the Thirteenth, Fourteenth, and Fifteenth Amendments to the Constitution?**
 - Why did Congress pass civil rights laws to supplement those Civil War Amendments?
 - How well have the goals of the Civil War Amendments and the Civil Rights Acts been achieved?
- 3. How would you explain what the equal protection clause of the Fourteenth Amendment does and does not mean?**
 - Under what circumstances, if any, is it ever just to treat people unequally? Why?
 - What are the differences between equality of condition and equal protection of the law?



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

1. What is due process of law and how does it protect individuals from possible abuses of power?

- “A fundamental requirement of due process is the ‘opportunity to be heard’ ... at a meaningful time and in a meaningful manner.”* What provisions of the Constitution speak to that requirement?
- How and why have due process rights been extended to non-criminal issues such as treatment of the mentally ill or withdrawal of educational or employment benefits?

* Potter Stewart. *Armstrong v. Manzo*, 380 U.S. 545, 552 (1965).

2. “Laws alone cannot secure freedom of expression; in order that every man may present his views without penalty there must be a spirit of tolerance in the entire population.”* Do you agree or disagree with this statement? Why?

- What are the major legal and constitutional protections for freedom of expression in the United States?
- What is the relationship, if any, of freedom of expression to representative government?

* Albert Einstein, “On Freedom,” 1940, in *Out of My Later Years*, 12, 13 (1950). Reprinted in Fred Shapiro’s *The Oxford Dictionary of American Legal Quotations*. (New York: Oxford University Press, 1995), p. 155.

3. “The [First] Amendment embraces two concepts—freedom to believe and freedom to act. The first is absolute but, in the nature of things, the second cannot be.... In every case the power to regulate must be so exercised as not, in attaining a permissible end, unduly to infringe the protected freedom.”* How and why does the First Amendment protect both the freedom to believe and the freedom to act?

- Do you agree that freedom to believe can be absolute, but that freedom to act cannot be? Why?
- Why has the power to regulate in the area of religion proved to be difficult and controversial?

* Owen J. Roberts, *Cantwell v. Connecticut*, 310 U.S. 296, 303-04 (1940).



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

- 1. When Tocqueville visited the United States, the two qualities he most admired were the tradition of local self-government and the habits of free association. How and why are these qualities related to democracy?**
 - What is the relationship, if any, between local self-government and voluntary association?
 - How might those two qualities be strengthened in American life today?
- 2. How does the United States constitutional system based on separation of powers differ from parliamentary government?**
 - How are powers both separated and shared in the United States?
 - What are the advantages and disadvantages of the closer linkage of executive and legislative power in parliamentary systems?
- 3. Why is a citizen of a constitutional democracy expected to be a critical and participating member of the political community?**
 - What are the expectations of citizens in a totalitarian or theocratic government?
 - How would you explain “reasoned loyalty and obedience to law” and their relationship to constitutional democracy?