



WE THE PEOPLE

The Citizen and the Constitution

Directed by the Center for Civic Education

National Finals Hearing Questions 2023–2024

Unit 1: What Are the Philosophical and Historical Foundations of the American Political System?

- 1. What was the impact of early experiments with representative democracy, such as colonial assemblies and town meetings, on the development of the American political system?**
 - How did the Framers draw on their early experiences with democratic practices to shape the establishment of a more formalized representative democracy?
 - How, if at all, do the demographics of today’s elected officials align with or diverge from the ideals of representative democracy envisioned by the Framers?
- 2. What factors, according to James Madison in Federalist 10, influenced the Framers’ preference for a republic over a pure democracy?***
 - How do the structural differences between republics and democracies impact the effectiveness of governance in each system?
 - What are the strengths and weaknesses of republics and democracies in handling emergencies and safeguarding public interests?

* James Madison, “The Same Subject Continued: The Union as a Safeguard Against Domestic Faction and Insurrection” (Federalist 10), *New York Packet*, November 23, 1787, https://avalon.law.yale.edu/18th_century/fed10.asp.

- 3. How does the tension between protecting individual rights and promoting the common good manifest in the structure and language of the Constitution?**
 - How do ongoing challenges, such as technological advancements or global health crises, impact the delicate balance between individual rights and the common good outlined in the Constitution?
 - To what extent should lawmakers consider the role of public opinion as they navigate the constitutional tension between individual rights and the common good?



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Unit 2: How Did the Framers Create the Constitution?

1. Examine the features of the proposed Constitution that made essayists like Centinel claim that supporters were trying to establish a “masqued aristocracy.”* What parts of the Constitution raised concerns about the potential creation of an aristocracy, and why did critics view these features as hiding aristocratic tendencies?

- In your opinion, why was the idea of an aristocracy such a hot-button issue throughout the founding era?
- To what extent, if any, does the fear of aristocracy continue to concern Americans?

* Centinel III, *Philadelphia Independent Gazetteer*, November 8, 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/centinel_iii_11.08.87.pdf.

2. How accurate was George Washington’s depiction of the outcome of the Philadelphia Convention as a product of “a spirit of amity, and of that mutual deference and concession”* demonstrated by the convention delegates?

- To what extent did subsequent conventions for ratification continue in a spirit of friendliness, respect, and compromise?
- How can the principles of amity, mutual deference, and concession be integrated into the processes of modern policymaking?

* “The President of the Convention to the President of Congress,” September 17, 1787, Center for the Study of the American Constitution, University of Wisconsin–Madison, https://csac.history.wisc.edu/wp-CONTENT/THE PRESIDENT OF THE CONVENTION TO THE PRESIDENT OF CONGRESS, 17 September 1787content/uploads/sites/281/2017/07/assessments_41.pdf.

3. The Northwest Ordinance, according to one historian, “is one of the great American Founding documents.”* What provisions within the Northwest Ordinance would warrant such an assessment?

- How do the debates surrounding the passage of the Northwest Ordinance reveal the political issues facing American political leaders in the early years of the republic?
- To what extent do features of the Northwest Ordinance continue to resonate throughout American history?

* John Kaminski, “The Northwest Ordinance, 13 July 1787,” Center for the Study of the American Constitution, December 11, 2020, <https://csac.history.wisc.edu/2020/12/11/the-northwest-ordinance-13-july-1787/>.



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Unit 3: How Has the Constitution Been Changed to Further the Ideals Contained in the Declaration of Independence?

1. Why did Thomas Jefferson use the phrase “Revolution of 1800” to describe that year’s presidential election? What aspects of the election and its aftermath led to its characterization as a “revolution,” and how did it signify a transformative moment in American politics?

- What were the key outcomes of this election, and how did they shape the trajectory of American governance in the subsequent years?
- In your opinion, have there been other elections that could be assessed similarly to the Revolution of 1800?

* Letter from Thomas Jefferson to Spencer Roane, 6 September 1819, Founders Online, National Archives, <https://founders.archives.gov/documents/Jefferson/03-15-02-0014>.

2. Does the constitutional amendment process primarily force societal change, respond to societal change, or involve a combination of both? Provide examples from different historical periods to illustrate how the Constitution has either driven or adapted to shifts in American society.

- How has public sentiment shaped the drafting and ratification of amendments to the Constitution?
- How should the Constitution balance its enduring principles with the need to adapt to societal progress, ensuring continued relevance over time?

3. *Brown v. Board of Education* (1954) has been called “a revolutionary statement of race relations law.”* What were the immediate and long-term consequences of the decision, and in your opinion, how effective was the *Brown* ruling in bringing about meaningful social change for African Americans?

- How does the *Brown* decision compare to other landmark judicial decisions in its influence on societal attitudes and legal precedents?
- To what extent have the goals set by *Brown* been realized, and what ongoing challenges persist in achieving educational equality?

* Carter, Robert L., “The Warren Court and Desegregation,” *Michigan Law Review* 67, no. 2 (1968): 237. https://repository.law.umich.edu/cgi/viewcontent.cgi?article=4901_context=mlr.



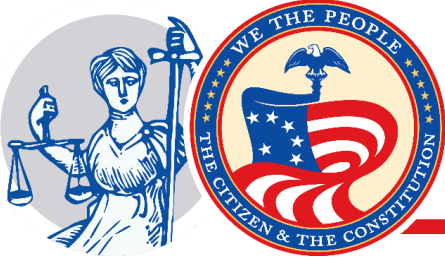
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Unit 4: How Have the Values and Principles Embodied in the Constitution Shaped American Institutions and Practices?

- 1. To what extent do legislators manage the delicate task of addressing immediate concerns within their districts while also actively contributing to broader national policy discussions?**
 - What measures, if any, are in place to guarantee that the opinions of constituents are heard and considered in the development of policies?
 - What criteria or principles should guide legislators as they balance representing their constituents' diverse interests while making decisions based on their judgment?
 - 2. Justice Louis Brandeis wrote, “a single courageous State may, if its citizens choose, serve as a laboratory; and try novel social and economic experiments without risk to the rest of the country.”* How does the concept of federalism contribute to the ability of individual states to experiment with social and economic policies?**
 - What constitutional principles support the idea of states serving as laboratories of democracy?
 - How might lessons learned from state-level experiments influence broader discussions on governance and policy at the national level?
- * *New State Ice Co. v. Liebmann*, 285 U.S. 262 (1932), <https://supreme.justia.com/cases/federal/us/285/262/>.
- 3. How do initiatives, referendums, and recalls utilized by various states align with or challenge the concept of representative government?**
 - Do you believe these tools enhance or undermine the principles of popular sovereignty? Why or why not?
 - Under what circumstances, if ever, do you believe it is appropriate for citizens to use these tools, and how might this choice impact the democratic process?



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Unit 5: What Rights Does the Bill of Rights Protect?

1. **“The Eighth Amendment is progressive, and does not prohibit merely the cruel and unusual punishments known in 1689 and 1787, but may acquire wider meaning as public opinion becomes enlightened by humane justice.”*** How have societal attitudes and legal perspectives shaped the understanding of what constitutes cruel and unusual punishment over time?
 - How has federalism shaped our interpretation and application of the Eighth Amendment?
 - What are the advantages and disadvantages of using a uniform approach to sentencing guidelines in accordance with the Eighth Amendment?

* Associate Justice Joseph McKenna, *Weems v. United States*, 217 U.S. 349 (1910), <https://supreme.justia.com/cases/federal/us/217/349/>.

2. **What are the implications of technological advancements on the criminal justice system?*** How might these advancements impact fairness, equity, and the protection of individual rights?
 - How do technological tools, such as surveillance or predictive algorithms, affect the rights of defendants, and what potential risks or benefits do they pose?
 - What novel approaches could make the criminal justice system more efficient, accessible, and equitable while preserving the right to a fair trial?

* Terry Gross, “Exposing the Secretive Company at the Forefront of Facial Recognition Technology,” *Fresh Air*, NPR, September 28, 2023, <https://www.npr.org/2023/09/28/1202310781/exposing-the-secretive-company-at-the-forefront-of-facial-recognition-technology>.

3. **What were the key arguments in the *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College* (2023) case?*** How might the Supreme Court’s decision impact considerations regarding various protected classes in college admissions, and what do you believe this means for future cases?
 - How did the Court consider and apply past decisions, such as *Brown v. Board of Education* (1954) and *Grutter v. Bollinger* (2003), in reaching its conclusion?
 - Under what circumstances, if any, is it appropriate for the U.S. Supreme Court to overrule its precedents?

* *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College*, 600 U.S. ___ (2023), <https://supreme.justia.com/cases/federal/us/600/20-1199/>.



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Unit 6: What Challenges Might Face American Constitutional Democracy in the Twenty-first Century?

1. Alexis de Tocqueville once wrote that voluntary associations have been utilized more effectively in America than anywhere else in the world.* Do you agree or disagree with his viewpoint? Why?
 - How have voluntary associations transformed over time in terms of their purposes, structures, and societal roles?
 - To what extent do voluntary associations contribute positively or pose challenges to the health of the political system in the United States today?

* Alexis de Tocqueville, “Political Associations in the United States: Chapter Summary,” chap. 12 in *Democracy in America*, vol. 1, trans. Henry Reeve (London: Saunders and Otley, 1835), Project Gutenberg, <https://www.gutenberg.org/files/815/815-h/815-h.htm>.

2. How has civil disobedience evolved in American history in terms of its nature, methods, and motivations, and what are some historical examples of these changes?
 - How, if at all, have acts of civil disobedience influenced the creation or modification of laws and policies?
 - In your opinion, what criteria make an act of civil disobedience legitimate, and how might these criteria vary across different contexts or perspectives?
3. According to Rep. John Lewis, “The vote is precious. It is the most powerful non-violent tool we have in a democratic society, and we must use it.”* What factors contribute to lower participation among younger voters, and how do these factors vary across demographics, regions, or political contexts?
 - How can younger citizens be effectively engaged and encouraged to participate in the democratic process?
 - What lessons, if any, should the United States draw from countries with comparatively higher youth voter turnout?

* Marina Fang, “Rep. John Lewis: Voting Is ‘The Most Powerful Non-Violent Tool We Have,’” *HuffPost*, October 3, 2016, https://www.huffpost.com/entry/john-lewis-social-change-voting-rights_n_57f2bd99e4b0703f7590753e.