



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

## STATE HEARING QUESTIONS 2020–2021

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

- 1. The Magna Carta of 1215 included the principle of the rule of law. What is the rule of law and how does our Constitution embrace this principle?**
  - To what extent have our institutions and Constitution been adequate guardians of the rule of law?
  - Is the rule of law necessary to protect the liberties of all persons? Why or why not?
- 2. The Declaration of Independence includes a list of twenty-eight specific grievances against King George and Parliament, often referred to as a bill of particulars. To what extent, if any, do these grievances serve as a foundation for the U.S. Constitution?**
  - Although most commonly associated with natural rights philosophy, how does the Declaration of Independence reflect classical republican ideas, if it does at all?
  - What role, if any, does or should the Declaration of Independence play in contemporary governance?



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### Unit Two: How Did the Framers Create the Constitution?

**1. Patrick Henry famously quipped that he did not attend the Philadelphia Convention because he “smelt a rat.”\* What would have led him to such a conclusion?**

- In your opinion, did the plans of government discussed at the convention support Henry’s suspicions?
- To what extent, if any, did the delegates at the Philadelphia Convention represent the interests of the American people at the time?

\*Thomas S. Kidd, *Patrick Henry: First Among Patriots* (Philadelphia: Basic Books, 2011), 183.

**2. One view of the Articles of Confederation was that the equality among the states was “founded in reason, and its propriety is evinced by experience.”\* What experiences in the colonial period might have produced such a position?**

- What were the strengths and weaknesses of the Articles of Confederation?
- What amendments, if any, to the Articles of Confederation would have given them more viability?

\* A Federal Republican, “A Review of the Constitution,” November 28, 1787, in *The Documentary History of the Ratification of the Constitution*, edited by John P. Kaminski, Gaspare J. Saladino, Richard Leffler, Charles H. Schoenleber and Margaret A. Hogan, via ConSource, <https://www.consource.org/document/a-federal-republican-a-review-of-the-constitution-1787-11-28/#16>.



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

**1. Ohio's original 1803 Constitution was significantly amended and revised in 1851 to respond to challenges of governance. In your opinion, do Constitutional amendments generally make governments better?**

- How did the 1851 Constitution address the governance challenges that led to the 1850 Convention?
- What significant amendments have been made to the 1851 Constitution to modify the form or function of the Ohio Government?
- Are there present-day challenges facing Ohio that you believe should be addressed through constitutional amendments?

**2. Nowhere in the U.S. Constitution, other than in the amendments, is there an explicit declaration of the right to vote. What provisions, if any, imply a right to vote in the body of the Constitution?**

- How, if at all, has the right to vote been explicitly expanded?
- In what ways, if any, is it legitimate to limit voting rights? Do you agree with these limitations? 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. “On a single day in 1964, the [Supreme] Court in effect declared that almost all state governments were constitutionally defective! ... Thus, a bloodless revolution occurred without a shot fired.”\* Do you agree or disagree with Akhil Reed Amar’s statement regarding the Supreme Court’s opinion in *Reynolds v. Sims*? Why or why not?**

- How well have the national and state governments done in preserving the “one person, one vote” doctrine?
- What are some of the current issues associated with redistricting?

\* Akhil Reed Amar, *America’s Unwritten Constitution* (New York: Basic Books), 2013, 194.

**2. “The doctrine of the separation of powers was adopted by the Convention of 1787 not to promote efficiency, but to preclude the exercise of arbitrary power.”\* How well has the Constitution’s design accomplished what Justice Brandeis described? Explain your position.**

- Which branch has been most constrained by its constitutional limits? Explain your position.
- Which branch has gone beyond its constitutional constraints? Explain your position.

\* Justice Louis Brandeis’s dissent in *Myers v. United States*, 272 U.S. 52 (1926).



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

**1. The “very essence of the liberty” guaranteed by the Constitution “is the freedom of the individual from compulsion as to what he shall think and what he shall say.”\* Do you agree or disagree with Justice Stone? Why?**

- Do you think the right to freedom of expression is the most important right guaranteed by the Constitution? Explain your position.
- What limits, if any, have courts placed on our right to think and speak as we wish?

\* Justice Harlan Stone’s dissent in *Minersville School District v. Gobitis*, 310 US 586 (1940).

**2. “Instantaneous photographs and newspaper enterprise have invaded the sacred precincts of private and domestic life; and numerous mechanical devices threaten to make good the prediction that ‘what is whispered in the closet shall be proclaimed from the house-tops.’”\* Where, if at all, is the right to privacy reflected in the U.S. Constitution?**

- What other important rights, if any, are related to the right to privacy? Explain your position.
- What are the most current threats to the right to privacy? Explain your position.

\* Louis Brandeis, 4 *Harvard Review* 193, 1890, <https://www.jstor.org/stable/pdf/1321160.pdf>.



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

**1. “Get in good trouble, necessary trouble, and help redeem the soul of America.”\* What is the significance of the words expressed by the late U.S. Representative John Lewis?**

- What are some current examples of people getting into “good trouble, necessary trouble” to “help redeem the soul of America”?
- What lessons from the civil rights movement of the 1950s and 1960s can we apply to present-day struggles?

\* John Lewis, speech, Edmund Pettus Bridge, Selma, Alabama, March 1, 2020.

**2. “The Cherokee nation, then, is a distinct community, occupying its own territory, ... in which the laws of Georgia can have no force. ... The whole intercourse between the United States and this nation is, by our Constitution and laws, vested in the Government of the United States.”\* What is the relationship between Native American tribes and the national government?**

- Given the Indian Civil Rights Act of 1968, how sovereign are Native American nations today?
- What are some of the issues facing Native American tribes today?

\* Worcester v. Georgia, 31 U.S. 515 (1832).