



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

## **STATE HEARING QUESTIONS 2021–2022**

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

**1. Among the pillars of American constitutionalism are classical republicanism and natural rights philosophy. How have these philosophies influenced the U.S. Constitution, state constitutions, and the Declaration of Independence?**

- How have these philosophies influenced our government institutions?
- What other pillars, if any, would you consider to be influential during the founding period?

**2. The American colonies experienced 150 years of self-government prior to independence. What did the colonists learn about the proper role of government from their experiences?**

- What were the British influences, if any, on American constitutionalism?
- Why did American colonist want to free themselves from Great Britain?



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

**1. While delegates met at the Philadelphia Convention, one essayist noted that government under the Articles of Confederation was “weak, imperfect, and distracted” and that “anarchy, poverty, infamy, and slavery, await the United States.”\* Do you agree with this assessment? Why or why not?**

- What criticisms did Anti-Federalists level against the proceedings of the Philadelphia Convention?
- What circumstances, if any, would warrant the creation of a new constitution?

\* “Harrington: To the Freeman of the United States, *Pennsylvania Gazette*, 30 May 1787, “Center for the Study of the American Constitution, University of Wisconsin-Madison, <https://csac.history.wisc.edu/wp-content/uploads/sites/281/201/07/revise9.pdf>.

**2. When considering the House of Representatives, Brutus observed that a representative “cannot possibly represent the feelings, opinions, and characters of a great multitude. In this respect, the new constitution is radically defective.”\* What would have led Brutus to this conclusion?**

- What were the Federalists’ views regarding representation in the Constitution?
- To what extent, if any, are the views of Brutus relevant today?

\* “Brutus III, *New York Journal*, 15 November 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\\_III1.pdf](https://csac.history.wisc.edu/wp-content/uploads/sites/281/2017/07/Brutus_III1.pdf).



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

1. “During the second founding, a new definition of American citizenship, incorporating equal rights regardless of race, was written into the Constitution.”\* To what extent, if any, did the Civil War Amendments promote equality in the United States?

- Why do you think the scholar refers to this period in U.S. History as a “second founding”?
- What challenges, if any, do Americans still encounter in ensuring equality before the law for all persons in the United States?

\* Eric Foner, *The Second Founding: How the Civil War and Reconstruction Remade the Constitution* (New York: W.W. Norton & Company, 2019) 6.

2. Among the changes made to Ohio’s government in the 1851 Constitution, Ohioans made the choice to begin selecting judges via popular elections instead of the legislative appointment process outlined in 1803. Was this change an improvement? Why or why not?

- How has the process of selecting judges changed in Ohio since the 1851 Constitution?
- What, if any, changes should be made to the process used to select judges in our state?



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

1. “Nothing can be more evident, than that an exclusive power regulating elections for the National Government, in the hands of the State Legislatures, would leave the existence of the Union entirely at their mercy.”\* Do you agree or disagree with Publius and why?

- To what effect, if any, has the national government appropriately influenced election processes in the states?
- How do national and state governments prevent voter fraud during an election without engaging in voter suppression?

\* “Publius: The Federalist 59, *New York Packet*, 22 February 1788,” Center for the Study of the American Constitution, University of Wisconsin-Madison, <https://csac.history.wisc.edu/wp-content/uploads/sites/281/2017/07/59.pdf>.

2. To what extent, if any, has the Court’s power of judicial review served to balance individual liberty and the common good?

- What judicial philosophies should guide the decision-making of the courts?
- What criteria do you think should be used to determine whether a Supreme Court decision is a landmark decision?



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

**1. “We do not believe the special characteristics that give schools additional license to regulate student speech always disappear when a school regulates speech that take place off campus.”\* When and how, if at all, should schools regulate student speech?**

- How have the courts treated student speech rights differently than public speech rights?
- What forms of speech, if any, deserve greater protection than others? Why?

\* Justice Stephen Breyer’s opinion in *Mahanoy Area School District v. B.L.* (2021), [https://www.supremecourt.gov/opinions/20-255\\_g3bi.pdf](https://www.supremecourt.gov/opinions/20-255_g3bi.pdf).

**2. “We ought not to part with the trial by jury; we ought to guard this and many other privileges by a bill of rights, which cannot be invaded.”\* Why was the right to a jury trial so important to the Founders?**

- What are some advantages and disadvantages of a jury trial?
- Which rights included in procedural due process rights do you believe are the most important and why?

\* “An Old Whig III, Philadelphia Independent Gazetteer, 20 October 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/An\\_Old\\_Whig\\_III2.pdf](https://csac.history.wisc.edu/wp-content/uploads/sites/281/2017/07/An_Old_Whig_III2.pdf).



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

1. “All we say to America is, ‘Be true to what you said on paper.’...But somewhere I read of the freedom of assembly. Somewhere I read of the freedom of speech. Somewhere I read of the freedom of press. Somewhere I read that the greatness of America is the right to protest for right.”\* How were these rights essential to the civil rights movement?

- What limits, if any, should be placed on individual rights?
- When, if ever, is violence justified as a means of political, social, or economic protest?

\* Martin Luther King Jr., “I’ve Been to the Mountaintop” (speech, Memphis, TN, April 3, 1968), American Rhetoric, <https://www.americanrhetoric.com/speeches/mlkivebeentothemountaintop.htm>.

2. “We have no eternal allies, and we have no perpetual enemies. Our interests are eternal and perpetual, and those interests it is our duty to follow.”\* Do you agree or disagree with this view of foreign policy and why?

- What foreign policy challenges does the United States face in the 21<sup>st</sup> century?
- What role, if any, should the United States play in promoting democracy around the world?

\*Lord Palmerston, quoted in *Oxford Essential Quotations*, fourth edition, ed. Susan Ratcliffe (New York: Oxford University Press, 2016), <https://www.oxfordreference.com/view/10.1093/acref/9780191826719.001.0001/q-oro-ed4-00008130>.