

STATE HEARING QUESTIONS 2026-2027

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

1. Montesquieu said, “If a republic be small, it is destroyed by a foreign force; if it be large, it is ruined by an internal imperfection.”* Do you agree with his assessments regarding the dilemmas facing large and small republics?

- How did the presence of foreign powers, such as France, Spain, or neighboring Indigenous nations, shape the colonists’ arguments or proposals for governmental structure?
- In your opinion, has the American constitutional system struck a balance between the strength of a large republic and the internal harmony of a small one?

* Montesquieu, *Spirit of the Laws*, book 9, chapter 1, in Philip B. Kurland and Ralph Lerner, eds., *The Founders’ Constitution* (University of Chicago Press, 1987), <https://press-pubs.uchicago.edu/founders/documents/v1ch8s1.html>.

2. Although much has been written about the ways in which the Framers were influenced by social contract theory, the influence of these philosophies on the creation of state governments is less explored. To what extent do you see the concept of social contract theory reflected in the structure of Ohio’s state government, both as it exists now and in the past?

- Does the philosophy underlying the Ohio Constitution more closely reflect the views of Hobbes or Rousseau on the social contract?
- What impact, if any, does Ohio’s unique history have on our view of the social contract?
- What changes could or should be made to better align our state with these principles?

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Unit Two: How Did the Framers Create the Constitution?

1. 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_I1.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.

2. Often seen as one of the most important “victories” of the Confederation Congress, the Northwest Ordinance of 1787 laid the framework for the incorporation of the Northwest Territory into the United States. One of the terms of the incorporation was that “There shall be neither slavery nor involuntary servitude in the said territory.” (Northwest Ordinance of 1787 article 6). Did the Northwest Ordinance represent a victory for abolitionists?

- In what ways does Article VI represent a success for abolitionist efforts?
- In what ways does Article VI fail resolve the issue of slavery within the United States?
- What impact, if any, did the Northwest Ordinance have on the eventual abolition of slavery in the United States?

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

- 1. In a letter to Abigail Adams, Thomas Jefferson wrote that the Constitution “meant that its co-ordinate branches should be checks on each other. But the opinion which gives to the judges the right to decide what laws are constitutional, and what not, not only for themselves in their own sphere of action but for the legislature and executive also in their spheres, would make the judiciary a despotic branch.”* Do you agree or disagree with Thomas Jefferson’s opinion about judicial review? Why?**
 - What limits, if any, should be placed upon the Supreme Court’s power of judicial review? Explain your position.
 - To what extent, if any, does the power of judicial review exist in other democracies? What useful lessons, if any, can be learned by understanding how judicial review is practiced in other nations? Explain your position.

* Thomas Jefferson to Abigail Smith Adams, 11 September 1804, *Center for the Study of the American Constitution*, University of Wisconsin-Madison, <https://csac.history.wisc.edu/wp-content/uploads/sites/281/2020/11/Abigail-Adams-Saturday-Seminar-Readings.pdf>.

- 2. The Ohio Constitution includes a provision to require a constitutional convention call to be placed on the ballot every 20 years. The United States Constitution, however, has no such provision. Should the U.S. Constitution be periodically reviewed and modernized? Should citizens be able to vote periodically on holding a constitutional convention, as we do in Ohio?**
 - What other methods are there to amend the Ohio and U.S. Constitutions? In what ways are they similar to and different from conventions?
 - Why might some people be opposed to constitutional conventions, whether at the state or federal level?

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

1. **According to historian Joseph Ellis, “there was no single source of sovereignty in the new Constitution. What he [James Madison] had initially regarded as the great failure at the Constitutional Convention—the coexistence of federal and state claims to authority—was, albeit inadvertently, in fact the great achievement.”* Do you agree or disagree with Ellis’s assessment of Madison’s view of shared sovereignty? Why or why not?**
 - How has this “shared sovereignty” led to ongoing arguments in our federal system today?
 - How has our federal system created both majority and minority control of state and national governments? What are the advantages and disadvantages of this system?

* Joseph J. Ellis, *American Dialogue: The Founders and Us* (New York: Alfred A. Knopf, 2018), 139.

2. **“The will of the people... shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.”* What should we do to ensure free and fair elections?**
 - Who is in charge of elections in Ohio, and what is their role?
 - What are our institutions currently doing to ensure that Ohio’s elections are free and fair?
 - What, if any, threats or barriers exist to free and fair elections for Ohioans?

*United Nations General Assembly. (1948). *Universal Declaration for Human Rights*. (art. 21.3). www.un.org/en/about-us/universal-declaration-of-human-rights/

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

1. **“Discovery and invention have made it possible for the Government ... to obtain disclosure in court of what is whispered in the closet.”* Justice Brandeis believed Fourth Amendment protections must adapt to technological change to safeguard liberty and privacy. Do you agree? Why or why not?**
 - To what extent have technological advancements throughout America’s 250-year history changed how the Supreme Court interprets the Fourth Amendment?
 - How might artificial intelligence challenge or reshape current interpretations of Fourth Amendment protections? Should courts and lawmakers adjust legal standards in response?

* Justice Louis D. Brandeis, dissenting, *Olmstead v. United States*, 277 U.S. 438 (1928), <https://supreme.justia.com/cases/federal/us/277/438/>.

2. **In *San Antonio Independent School District v Rodriguez**, the U.S. Supreme Court held that education is not a fundamental right under the U.S. Constitution. However, Article VI of the Ohio Constitution guarantees a right to education for Ohioans. Should education be a fundamental right recognized in the U.S. Constitution? What are the arguments for and against education being a fundamental right?**
 - How have Ohio courts interpreted the right to education under the Ohio Constitution? How have U.S. courts interpreted the right to education?
 - Should government (local, state, or national) have the responsibility to guarantee an equity of education? Why or why not? If so, which level(s) of government?

* *San Antonio Independent School District v Rodriguez*, 411 US 1 (1973)



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

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

- 1. 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?

- 2. Both the Ohio and U.S. Constitutions begin with the phrase “We the People.” As government has expanded in both size and authority over time, has the role of the citizen diminished? In what ways, if any, do citizens exercise meaningful influence over the government?**
 - What powers, if any, do people have to influence both the structure and function of government?
 - In what ways, if any, can government authority be used to limit the power of the citizen?