



**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.

**MIDDLE SCHOOL**  
**NATIONAL INVITATIONAL QUESTIONS 2015-2016**

**Unit 1: What Were the Founders' Basic Ideas about Government?**

**1. Governments and societies based on the natural rights philosophy guarantee certain rights to their citizens. How would you describe or define a right?**

- How did the natural rights philosophy influence the Declaration of Independence?
- What are some of the rights you possess under the U.S. Constitution and Bill of Rights?
- What are the natural rights that John Locke claimed every human being has?

**2. How does the classical republican idea of the common good and civic virtue conflict with the Founders' belief in natural rights and their understanding of human nature as defined by John Locke?**

- How did James Madison refine and adapt the ideas of classical republicanism and natural rights philosophy to form a new government?
- To what extent does the common good of our society today depend on the classical republican ideal of civic virtue? Cite evidence to support your position.
- To what extent, if any, is the common good promoted by the natural rights philosophy idea of each individual pursuing his or her own self-interest? Cite evidence to support your position.

**3. In what ways were eighteenth-century American and British societies similar or dissimilar in terms of rights of individual liberty, equality of opportunity, and property?**

- What basic constitutional principles were reflected in the governments of all of the American colonies?
- Which of those constitutional principles were derived from the English experience in developing representative government?
- To what extent, if any, were colonial governments more representative than Britain's government?



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### Unit 2: What Shaped the Founders' Thinking about Government?

**1. Great Britain had colonies in North America for more than one hundred fifty years. During that time the colonists had considerable experience governing themselves. What basic constitutional principles were reflected in the governments of all of the colonies?**

- Which of those constitutional principles were derived from the English experience in developing representative government?
- What ideas accepted in England did the colonists adopt? Which ideas did they discard?
- How were different classes of society represented in the British Parliament? Does the U.S. Constitution provide for the representation of different classes or levels of society in the American government? Explain your response.

**2. Thomas Jefferson and others said that the Declaration of Independence was just the culmination of earlier documents that stressed the rights of individuals. Identify some of those documents. Which of the rights set forth in these documents are included in the Declaration of Independence?**

- What are some of the grievances listed in the Declaration? Were they justified?
- Why do you think the first paragraph appeals to “the opinions of mankind” and the final paragraph to “the Supreme Judge of the World?”
- Under what circumstances does the Declaration justify a right of revolution? Do you agree with the justification? Why or why not?

**3. An American scholar, Richard R. Bernstein, wrote that “America’s greatest achievement...were the new states’ constitutions....” Do you agree or disagree with Richard Bernstein? Why?**

- Although the states experimented with various models in writing their constitutions, all of them included some basic principles. What were those basic principles and why were they important?
- How would you explain legislative supremacy and why did most states favor it?
- What ideas drawn from the natural rights philosophy and classical republicanism were reflected in the new state constitutions?

\*Richard R. Bernstein. *Are We to Be a Nation? The Making of the Constitution* (Cambridge: Harvard University Press, 1987), 137.



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### Unit 3: What Happened at the Philadelphia Convention?

#### 1. What major conflicts arose at the Philadelphia Convention because of differences between the Northern and the Southern states?

- What were the fundamental differences between the economies of the North and the South?
- What compromises in the Constitution settled disagreements between the Northern and the Southern states?
- Do you think the Framers should have made these compromises? Why or why not?

#### 2. “One of the keenest insights of our Founders was that the process by which we arrive at decisions matters a great deal. Legislating is not like war, in which one side strives to impose its will on the other.... Good politicians look for solutions that allow both sides to claim, if not victory, at least some gains.”\* Do you agree or disagree with this observation? Why?

- What “process” did the Founders use for arriving at decisions during the Philadelphia Convention?
- What compromises were agreed to that allowed both sides to claim some gains?
- What role should compromise play in our government today?

\*Lee Hamilton (former U.S. Representative), “Why We Need Compromise,” *Sunburst* (October 2003): 8.

#### 3. Articles I, II, and III of the Constitution list the powers delegated to the legislative, executive, and judicial branches of the national government.

- Describe some of the powers the Constitution delegates to the legislative branch. In what ways does the Constitution limit the power of Congress?
- Describe some of the powers the Constitution delegates to the executive branch. In what ways does the Constitution limit the power of the president?
- Describe some of the powers the Constitution delegates to the judicial branch. In what ways does the Constitution limit the power of the U.S. Supreme Court?



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### Unit 4: How Was the Constitution Used to Establish Our Government?

**1. How does federalism represent a compromise between a concentration of power in a national government and a loose confederation of independent states with limited power?**

- Why did the Framers find it necessary to “invent” federalism at the Philadelphia Convention?
- How does federalism promote the liberty of the people?
- Describe what, if anything, you would change in the division of power between the national and state governments. Explain your position.

**2. The Federalists and the Anti-Federalists agreed about certain principles of good government, including popular sovereignty, constitutionalism, rights, and representative government. However, there also were major differences in their thinking about how these principles should both empower and limit government.**

- How did the arguments of the Federalists and the Anti-Federalists reflect their points of view regarding natural rights, republicanism, and constitutionalism?
- The Anti-Federalists were in favor of term limits. Do you believe there is a need for term limits for elected officials and/or Supreme Court justices? Why or why not?
- What is the relevance of arguments or points made by the Federalists and the Anti-Federalists to contemporary events under our present government?

**3. The idea of judicial review is one of America’s novel contributions of political theory and the practice of constitutional government. In *Marbury v. Madison*, one of the most celebrated case in American history, Chief Justice John Marshall declared, “It is emphatically the province and duty of the judicial department to say what the law is.” Do you agree or disagree with John Marshall? Why?**

- What are the major arguments advanced for and against judicial review?
- In your opinion which of those arguments is most persuasive? Why?
- State supreme courts and the U.S. Supreme Court may exercise the power of judicial review. What are the advantages and disadvantages of this broad dispersal of power?



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### **Unit 5: How Does the Constitution Protect Our Basic Rights?**

#### **1. Why have First Amendment rights been viewed as essential to the functioning of a free society?**

- In what ways have First Amendment rights been of particular importance to women and minorities throughout history?
- Under what circumstances, if any, do you think limitations of rights are justified? Explain your answer.
- Should middle school students have the same First Amendment rights in public schools as they do in their community? Explain your response and provide examples.

#### **2. How and why did the Fourteenth Amendment enlarge and extend due process protections?**

- The Constitution does not define due process of law. How would you explain the meaning of due process of law?
- How does due process of law protect individuals from possible abuses of powers? Provide examples in the response.
- How would you explain the meaning of substantive due process?

#### **3. In 1870 Congress passed the Fifteenth Amendment, which prohibits the federal and state governments from denying a citizen the right to vote based on that citizen's "race, color, or previous condition of servitude." Is voting a fundamental right? Why or why not?**

- How has the right to vote expanded to more Americans since 1870?
- How does voting play an important role in a constitutional democracy?
- What might be done to improve voter participation, particularly that of young voters?



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### Unit 6: What Are the Responsibilities of Citizens?

**1. In his inaugural speech President John F. Kennedy said, “And so, my fellow Americans: ask not what your country can do for you—ask what you can do for your country.”\* Who do you think President Kennedy was referring to when he addressed “my fellow Americans”?**

- What responsibilities of citizenship accompany the basic rights of citizens?
- Why and how does constitutional democracy in the United States depend on the active participation of its citizens?
- When, if ever, is it one’s responsibility to limit one’s own liberty in order to promote the common good?

\*John F. Kennedy. Inaugural Address. January 20, 1961.

**2. In 1963 Dr. Martin Luther King Jr. wrote, “Sometimes a law is just on its face and unjust in its application. For instance, I have been arrested on a charge of parading without a permit. Now, there is nothing wrong in having an ordinance which requires a permit to parade. But such an ordinance becomes unjust when it is used to maintain segregation and to deny citizens the First Amendment privilege of peaceful assembly and protest.”\* Do you agree or disagree with Dr. King? Why?**

- Who should decide if a law is just or unjust?
- How did the Civil Rights Movement of the 1950s and 1960s change unjust laws?
- What are some of the consequences of breaking an unjust law?

\*Martin Luther King Jr. “Letter from Birmingham Jail.” April 16, 1963.

**3. In what ways might social media and the World Wide Web expand the possibilities for participatory citizenship?**

- In what ways, if any, do social media enhance the liberty of Americans?
- What actions, if any, do you think government should take to limit social media?
- How might the World Wide Web encourage or discourage the achievement of democratic principles and values?