



# We the People

THE CITIZEN AND THE CONSTITUTION

Directed by the Center for Civic Education

## MIDDLE SCHOOL NATIONAL HEARING QUESTIONS ACADEMIC YEAR 2017–2018

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

- 1. According to the Founders, what are the major characteristics of a constitution and higher law and why are they essential to the protection of our natural rights?**
  - How does our Constitution both empower and limit government?
  - How does the organizational structure of the Constitution prevent the abuse of power?
  - Is the fact that a constitution is written a sufficient protection of citizens' rights? Why or why not?
- 2. According to John Locke, why is it necessary to have a government, and what is the purpose of government?**
  - According to Locke, what was life like in a state of nature?
  - Do you think government might have purposes that Locke did not mention? Explain.
  - According to Locke, what is a social contract?
- 3. In Federalist 39, Madison argues that “it is essential to such a [republican] government that it be derived from the great body of the society, not from an inconsiderable proportion or a favored class of it.”\* Do you agree or disagree? Why?**
  - Why was the history of the Roman Republic both an example and a warning to America's founding generation?
  - What are the advantages and disadvantages of republican government?
  - Why do you think the Founders feared direct democracy, and do we have the same fears today? Why or why not?

\* James Madison, “No. 39: The Conformity of the Plan to Republican Principles,” in *The Federalist Papers*, ed. Mary Carolyn Waldrep (New York: Dover Publications, 2014), 182–187.



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

**1. In writing the Constitution, the Framers “did not start *de novo* [new or fresh] but drew on their collective experience in the Continental Congresses and early state legislatures.”\* What do you think were the most important “lessons” they learned from their early legislative experiences? Why?**

- In what ways were colonial legislatures more representative and independent than the British Parliament?
- What was important about the Massachusetts Constitution adopted in 1780?
- How and why were written guarantees of basic rights important in the development of Americans' ideas about government?

\* Donald S. Lutz, “The Colonial and Early State Legislative Process,” in *Inventing Congress: Origins and Establishment of the First Federal Congress*, ed. Kenneth Bowling, Donald Kennon (Athens: Ohio University Press, 1999), 49.

**2. According to Alexander Hamilton, “The confederation itself is defective and requires to be altered; it is neither fit for war, nor peace.”\* Do you agree or disagree with Hamilton? What were the strengths and weaknesses of the Articles of Confederation?**

- What problems, if any, did the Founders face in writing the Articles of Confederation?
- What impact, if any, did Shays' Rebellion have on the Founders' thinking about government?
- What is the significance of the Northwest Ordinance of 1787?

\* Alexander Hamilton, “Alexander Hamilton, 1755–1804,” in *Something That Will Surprise the World: The Essential Writings of the Founding Fathers*, ed. Susan Dunn (New York: Basic Books, 2008), 113.

**3. On its fiftieth anniversary, Thomas Jefferson wrote that the object of the Declaration of Independence was “not to find out new principles, or new arguments, never before thought of ... but to place before mankind the common sense of the subject, in terms so plain and firm as to command their assent, and to justify ourselves in the independent stand we are compelled to take.”\* What were the main ideas and arguments set forth in the Declaration of Independence?**

- What are some of the ideas Jefferson adapted from Aristotle, Cicero, and Locke used in the Declaration?
- Evaluate the argument for a right of revolution set forth in the Declaration.
- Do the ideas and arguments contained in the Declaration have relevance in the world today? Why or why not?

\* Thomas Jefferson, “Thomas Jefferson, 1743–1826,” in *Something That Will Surprise the World: The Essential Writings of the Founding Fathers*, ed. Susan Dunn (New York: Basic Books, 2008), 347.



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

- 1. The U.S. Constitution has often been called a “bundle of compromises,” since the delegates often had to reach compromises on various issues. What compromises were made at the Constitutional Convention in Philadelphia?**
  - How did the Framers resolve the issue of representation?
  - How did the Framers resolve the conflict between the Northern and Southern states?
  - How did the Framers resolve the conflicts about tariffs and slavery?
- 2. During the debate over ratification of the Constitution, many Americans were fearful of creating a “mighty and splendid President,’ who possessed power ‘in the most unlimited manner’ that could be easily abused.”\* How, if at all, has presidential power expanded since the founding?**
  - What are the powers of the president listed in Article II of the Constitution?
  - What limits, if any, are placed on the power of the president?
  - What are the advantages and disadvantages of the use of executive orders by the president?
- 3. What did the Framers intend the relationship to be among the legislative, executive, and judicial branches?**
  - How does the system of checks and balances limit the power of each of the branches?
  - How does the Constitution both empower and limit the three branches of government?
  - Why is it important that the judicial branch be independent of the political process, unlike the other two branches?

\* Gordon S. Wood, *The Idea of America: Reflections on the Birth of the United States* (New York: Penguin Press, 2011), 231.



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

- 1. The Framers invented a new political system that political scientist Richard Neustadt has called “a government of separated institutions sharing powers.”\* Is this an accurate description? Why or why not?**
  - What powers did the Constitution give the national government over state governments? What are the advantages and disadvantages of that distribution of power?
  - Contrast the powers given to the national government in the Constitution with those the national government had under the Articles of Confederation. Why do you think the Founders agreed to a new reallocation of power?
  - What is the relationship between the power of the national and state governments today? Has it changed since the founding? Why or why not?
- 2. What were the Anti-Federalists’ objections to the proposed Constitution and how did their political philosophy shape their objections?**
  - How did the Federalists respond to Anti-Federalist objections?
  - What was the ratification process for adopting the Constitution, what democratic principles did it reflect, and how did it succeed?
  - What ideas about government did both the Federalists and the Anti-Federalists agree upon?
- 3. Is the power of judicial review that allows courts to overrule state laws and laws made by Congress consistent with democratic principles and ideas? Why or why not?**
  - How did Chief Justice John Marshall justify the use of judicial review?
  - In what ways do justices of the U.S. Supreme Court determine the meaning of the Constitution?
  - What are the checks, if any, on the U.S. Supreme Court?

\* Richard E. Neustadt, *Presidential Power and the Modern Presidents* (New York: Simon and Schuster, 1991), 29.



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

**1. The First Amendment states that “Congress shall make no law ... abridging the freedom of speech.” Even so, the courts have established limits to freedom of expression. What are the limits to freedom of expression determined by the courts?**

- What criteria has the U.S. Supreme Court used to limit freedom of expression?
- Should language that offends people be limited by the government? Why or why not?
- Do students enjoy the same protections of freedom of expression in public schools as they do in society? Why or why not?

**2. “No free man shall be taken, imprisoned, disseised [dispossessed], outlawed, banished, or in any way destroyed, nor will We proceed against or prosecute him, except by the lawful judgment of his peers and by the law of the land.”\* What is the due process of law and how has it evolved since the Magna Carta?**

- Where in the Constitution and subsequent amendments is due process protected?
- How can the rights of individuals and the rights of society conflict?
- What are the advantages and disadvantages of a guaranteed right to counsel in juvenile delinquency hearings?

\* A.E. Dick Howard, *Magna Carta: Text and Commentary* (Charlottesville: University of Virginia Press, 1998), 45.

**3. “There is no principle in all of Madison’s wide range of private opinions and long public career to which he held with greater vigor and tenacity than this one of religious liberty.”\* How does the Constitution protect freedom of religion?**

- When, if ever, can government limit your right to practice religious beliefs?
- Do laws like Mississippi’s “Protecting Freedom of Conscience from Government Discrimination Act” violate the establishment or free exercise clauses of the First Amendment? Why or why not?
- Should a cake baker be compelled to make a cake for a same-sex wedding if the baker claims that doing so would violate his religious beliefs and is contrary to his right to free speech and free exercise of religion under the First Amendment? Why or why not?

\* Robert S. Alley, *James Madison on Religious Liberty* (New York: Prometheus Books, 1985), 187.



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

1. **“The first requisite of a good citizen in this Republic of ours is that he shall be able and willing to pull his weight.”\* Do you agree or disagree with President Theodore Roosevelt? Why or why not? What are the attributes of good citizenship?**

- How is citizenship defined in the Fourteenth Amendment?
- What, if any, are the responsibilities of citizenship in the United States?
- Is criticizing the government, when necessary, consistent with good citizenship? Why or why not?

\* Theodore Roosevelt, *Speech of President Roosevelt at the Banquet of the Chamber of Commerce of the State New York, at New York, November 11, 1902* (Elibron Classics, 2007), 17–18.

2. **“Give me your tired, your poor, / Your huddled masses yearning to breathe free, / The wretched refuse of your teeming shore. / Send these, the homeless, tempest-tost to me, / I lift my lamp beside the golden door!”\* These words engraved on the Statue of Liberty embody America’s acceptance of immigration. Why, then, has immigration been a problematic issue throughout our history?**

- What are the major cultural and political issues regarding immigration facing America today?
- What changes, if any, should be made to our current immigration policy?
- Should “sanctuary cities” be forced by the federal government to detain an illegal immigrant if the government does not have a warrant? Why or why not?

\* Emma Lazarus, “The New Colossus,” Statue of Liberty National Monument New York, November 2, 1883, accessed January 23, 2018, <https://www.nps.gov/stli/learn/historyculture/colossus.htm>.

3. **“No right is more precious in a free country than that of having a voice in the election of those who make the laws under which, as good citizens, we must live. Other rights, even the most basic, are illusory if the right to vote is undermined.”\* How has the right to vote expanded throughout American history?**

- What laws might enhance voting and what laws might limit voting?
- Should voting be mandatory? Why or why not?
- In what ways can citizens participate in government other than voting?

\* *Wesberry v. Sanders*, 376 U.S. 1, 17 (1964).