



We the People

THE CITIZEN AND THE CONSTITUTION

Directed by the Center for Civic Education

NATIONAL FINALS HEARING QUESTIONS ACADEMIC YEAR 2020–2021

Unit 1: What Are the Philosophical and Historical Foundations of the American Political System?

1. **“The American war is over: but this is far from being the case with the American revolution.”***
To what extent, if any, did revolutionary principles influence constitution-making during the founding period?

- What problems, if any, does the principle of consent present when creating or amending constitutions?
- To what extent, if any, are revolutionary principles evident in modern times?

* Benjamin Rush, “Address to the People of the United States,” January 1787, Teaching American History, <https://teachingamericanhistory.org/library/document/address-to-the-people-of-the-united-states/>.

2. **Parliament passed the Habeas Corpus Act of 1679. What is habeas corpus, and to what extent, if any, is it essential to the principle of limited government?**

- How has the writ of habeas corpus evolved in the United States?
- Under what circumstances, if any, might the writ of habeas corpus place an unreasonable burden on the government?



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Unit 2: How Did the Framers Create the Constitution?

1. What were the major disagreements among the fifty-five delegates during the Constitutional Convention in Philadelphia and how were they resolved?

- What issues, if any, were not resolved and what were the consequences?
- What changes, if any, should be made to the Constitution?

2. One Founder claimed that representatives should “refine and enlarge the public views, by passing them through the medium of a chosen body of citizens, whose wisdom may best discern the true interest of their country.”* Do you agree or disagree with this claim?

- What alternative systems of representation were considered by the Founders?
- What alternative systems of representation, if any, should be considered in the twenty-first century?

* Publius (James Madison), “The Same Subject Continued: The Union as a Safeguard Against Domestic Faction and Insurrection” (Federalist 10), *New York Packet*, November 23, 1787, The Avalon Project, Yale Law School, https://avalon.law.yale.edu/18th_century/fed10.asp.



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Unit 3: How Has the Constitution Been Changed to Further the Ideals Contained in the Declaration of Independence?

1. **“I do not think the United States would come to an end if we lost our power to declare an Act of Congress void. I do think the Union would be imperiled if we could not make that declaration as to the laws of the several states.”*** What impact has judicial review had on federalism?

- Is judicial review a countermajoritarian practice? Please support your position.
- What limits, if any, would you place on the practice of judicial review?

* Oliver Wendell Holmes, “Speech at a Dinner of the Harvard Law School Association of New York on February 15, 1913,” in *Collected Legal Papers* (New York: Harcourt, Brace and Company, 1921), 295–6, <https://catalog.hathitrust.org/Record/008616178>.

2. **“There is nothing I dread So much, as a Division of the Republic into two great Parties, each arranged under its Leader, and ... in opposition to each other.”*** What issues led to the formation of the original political parties?

- To what extent have those issues persisted in American political parties?
- What are the advantages and disadvantages of a unified or divided government?

* John Adams to Jonathan Jackson, October 2, 1780, letter, Founders Online, National Archives, <https://founders.archives.gov/documents/Adams/06-10-02-0113>.



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Unit 4: How Have the Values and Principles Embodied in the Constitution Shaped American Institutions and Practices?

1. **“It would be inconsistent with the Constitutional separation of the Executive & Legislative powers to let the prerogative [pardon power] be exercised by the latter.”** What were the Framers’ reasons for giving the president the pardon power, and do you agree or disagree with them?**

- According to the Framer James Wilson, if the president abuses the pardon power, “he can be impeached and prosecuted.”** Do you agree with Wilson? Why or why not?
- In your opinion, what constitutes “high crimes and misdemeanors”?

* Rufus King at the Philadelphia Convention, September 15, 1787, from *The Debates in the Federal Convention of 1787, Which Framed the Constitution of the United States of America, Reported by James Madison, a Delegate from the State of Virginia*, eds. Gaillard Hund and James Brown Scott (New York: Oxford University Press, 1920), The Avalon Project, Yale Law School, https://avalon.law.yale.edu/18th_century/debates_915.asp.

** James Wilson at the Philadelphia Convention, September 15, 1787, *Debates in the Federal Convention of 1787*, https://avalon.law.yale.edu/18th_century/debates_915.asp.

2. **Members of Congress are not only legislators but they “are also inquisitorial and should meet frequently to inspect the conduct of the public Officers.”** How effectively do you believe Congress has used its investigatory power?**

- Explain the differences, if any, between Congress’s power to investigate and the power of oversight. Which power, in your opinion, is more significant?
- How effectively do you believe Congress has used its oversight powers?

* George Mason at the Philadelphia Convention, August 7, 1787, from *The Life and Correspondence of Rufus King*, Volume I, ed. Charles R. King (New York: G. P. Putnam’s Sons, 1894), 616, The Avalon Project, Yale Law School, https://avalon.law.yale.edu/18th_century/king.asp#august7.



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Unit 5: What Rights Does the Bill of Rights Protect?

1. A result of the decision in *Wisconsin v. Yoder* is that “any parent/guardian ... can refuse to let their child go to school beyond the 8th grade or learn about a subject by saying it’s against their religious beliefs.”* Do you agree or disagree with this result of the decision? Why or why not?

- What words, if any, are found in the U.S. Constitution or in state constitutions that protect the right to an education?
- How have courts balanced religious beliefs with other rights?

* “Education,” Amish Heritage Foundation, accessed January 28, 2021, <https://www.amishheritage.org/services/education/>.

2. “A bill of rights is what the people are entitled to against every government on earth, general or particular, and what no just government should refuse, or rest on inference.”* Do you agree or disagree with Thomas Jefferson?

- What are the advantages and disadvantages of a national bill of rights as compared to state bills of rights?
- What are the differences between positive and negative rights, and which are more important to the preservation of liberty?

* Thomas Jefferson to James Madison, December 20, 1787, letter, Founders Online, National Archives, <https://founders.archives.gov/documents/Jefferson/01-12-02-0454>.



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Unit 6: What Challenges Might Face American Constitutional Democracy in the Twenty-first Century?

1. Thomas Hobbes noted that life in a state of nature is “solitary, poore, nasty, brutish, and short.”* How has the human condition changed over time, and how is that change reflected in our expectations of government?

- Should the principles of natural rights or classical republicanism guide policy changes designed to improve the condition of all people?
- What are the most pressing domestic and global challenges facing Americans today and in the future? What policies can you suggest to address them?

* Thomas Hobbes, *Leviathan* (New York: Barnes and Noble Books, 2004), 92.

2. President Dwight D. Eisenhower said, “we must guard against the acquisition of unwarranted influence ... by the military-industrial complex. The potential for the disastrous rise of misplaced power exists and will persist.”* Do you agree or disagree? Why?

- What disagreements did the Founders have about a standing army, and are they relevant today?
- To what extent should there be an international U.S. military presence?

* Dwight D. Eisenhower, “Military-Industrial Complex Speech,” January 17, 1961, The Avalon Project, Yale Law School, https://avalon.law.yale.edu/20th_century/eisenhower001.asp.