

WE THE PEOPLE

The Citizen and the Constitution

Directed by the Center for Civic Education

National Finals Hearing Questions 2025–2026

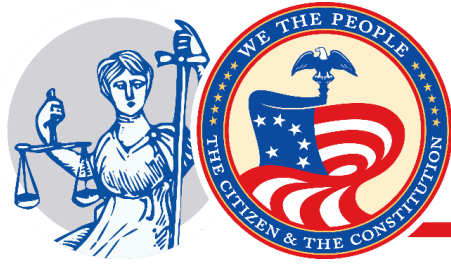
Unit 1: What Are the Philosophical and Historical Foundations of the American Political System?

1. **How did the principle of the rule of law in the Magna Carta shape the development of limited government, common law, and representative institutions in England?**
 - To what extent does the Magna Carta continue to function as a meaningful precedent for American constitutionalism today?
 - Are there foundational documents from other countries that are, or should be, considered as influential as the Magna Carta in shaping the American constitutional tradition?
2. **Many American colonists viewed the Quebec Act of 1774 as “nothing less than despotism.”* Why did the colonists interpret this law as a threat to representative self-government, and why was it included among the grievances in the Declaration of Independence?**
 - What other foreign developments were of concern to the American colonists in the lead-up to the Revolutionary War?
 - How do current concerns about foreign influence on the U.S. government echo colonial fears, and are these concerns valid today?

* *Connecticut Gazette*, January 27, 1775, as quoted in Paul Langston, “‘Tyrant and Oppressor!’: Colonial Press Reaction to the Quebec Act,” *Historical Journal of Massachusetts* 34, no. 1 (Winter 2006): 14, <https://www.westfield.ma.edu/historical-journal/wp-content/uploads/2018/06/Langston-winter-2006-combined.pdf>.

3. **As English colonists settled North America, they “wrote a number of documents that deserve to be called ‘constitutions,’”* despite Britain having no formal written constitution. What were the reasons for this, and was it necessary for the colonists to do so?**
 - In your opinion, were these written documents consistent with the colonists’ British heritage?
 - What elements do you consider essential for a document to be called a constitution? Why?

*Donald J. Lutz, *The Origins of American Constitutionalism* (Louisiana State University Press, 1988), 13.



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Unit 2: How Did the Framers Create the Constitution?

1. **Gouverneur Morris described the delegates to the Philadelphia Convention as “plain honest men,”* while Thomas Jefferson famously praised them as “an assembly of demigods.”** How can these contrasting assessments of the Framers be explained?**

- How does the Constitution’s structure reflect the Framers’ assumptions about human nature, political conflict, and the need for restraint?
- Does the constitutional structure established by the Framers still function as originally intended within the context of contemporary government? Justify your answer.

* Gouverneur Morris to James LaCaze, February 21, 1788, Center for the Study of the American Constitution, University of Wisconsin–Madison, https://csac.history.wisc.edu/wp-content/uploads/sites/281/2024/04/DC2-04-01-16_Morris-to-LaCaze_21Feb88.pdf

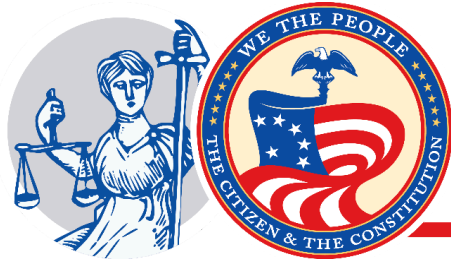
** Thomas Jefferson to John Adams, August 30, 1787, Founders Online, National Archives, <https://founders.archives.gov/documents/Jefferson/01-12-02-0075>.

2. **While advocating for the adoption of the Constitution, one New Englander concluded that slavery was “absolutely inconsistent with every idea of justice and humanity.”* What additional evidence from the founding period supports this contradiction between American ideals of liberty and the continued existence of slavery?**

- How did the debates at the Philadelphia Convention reveal the more profound paradox of slavery in a nation founded on natural rights and the consent of the governed?
- To what extent does this founding-era paradox between liberty and slavery continue to shape American constitutional conflicts and debates about rights and equality today?

* *Massachusetts Centinel*, June 14, 1788, Center for the Study of the American Constitution, University of Wisconsin–Madison, <https://csac.history.wisc.edu/wp-content/uploads/sites/281/2025/05/6-Massachusetts-Centinel-14-June-1788.pdf>.

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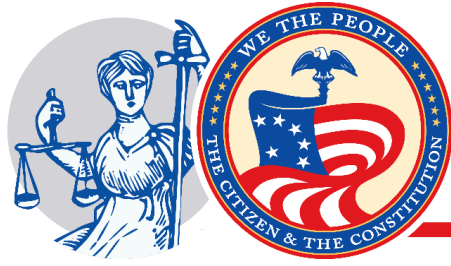
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Unit 2: How Did the Framers Create the Constitution? (continued)

3. Some Federalists assumed that ratification would proceed smoothly because the Philadelphia Convention included “a *Franklin* and a *Washington*, the fathers of their country.”* Why might Federalists have believed that personal authority and reputation would overcome political disagreement?
- What major constitutional issues ultimately made ratification a deeply contested and prolonged process, despite the prestige of the Framers?
 - Which set of arguments, Federalist or Anti-Federalist, do you find more persuasive in light of how the American constitutional system has actually developed?

* *Pennsylvania Packet*, September 22, 1787, Center for the Study of the American Constitution, University of Wisconsin–Madison, https://csac.history.wisc.edu/wp-content/uploads/sites/281/2024/04/DC2-04-01-05_Pennsylvania-Packet_22Sep87.pdf.



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

1. **“The individual citizen has no federal constitutional right to vote for electors for the President of the United States unless and until the state legislature chooses a statewide election as the means to implement its power to appoint members of the electoral college.”***
Why did the Framers decide that the president should be chosen through the Electoral College rather than by a direct national vote?

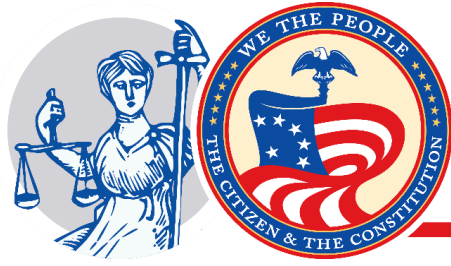
- To what extent was the Framers’ design of the Electoral College consistent with the principles of equality, consent, and popular sovereignty expressed in the Declaration of Independence?
- In light of both the Framers’ intentions and the modern workings of the Electoral College, do you support or oppose electing the president through the National Popular Vote Interstate Compact? Explain your response.

* Bush v. Gore, 531 U.S. 98 (2000), <https://supreme.justia.com/cases/federal/us/531/98/>.

2. **In his Farewell Address, President George Washington warned that “the alternate domination” of one party over another could create a “spirit of revenge” and lead to “a frightful despotism.” What examples from American history either support or challenge Washington’s warning about the dangers of partisan conflict?**
 - Why has the United States historically been dominated by only two major political parties at a time, despite Washington’s warning about factional conflict?
 - What are the main advantages and disadvantages of ranked-choice voting compared to the single-member plurality system used in most U.S. elections, and would adopting ranked-choice voting reduce the risks Washington warned about?

* George Washington, *Farewell Address*, September 19, 1796, National Constitution Center, <https://constitutioncenter.org/the-constitution/historic-document-library/detail/george-washington-farewell-address-1796>.

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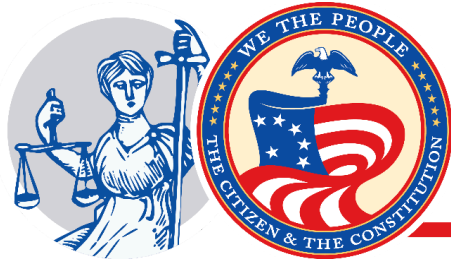
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Unit 3: How Has the Constitution Been Changed to Further the Ideals Contained in the Declaration of Independence? **(continued)**

3. Section 2 of the 15th Amendment authorizes Congress to enforce voting rights through “appropriate legislation.” What principles should guide the Supreme Court in determining the scope of Congress’s power to protect voters from discrimination?
- How did the Supreme Court’s decision in *Shelby County v. Holder* (2013) affect the voting rights of racial minorities?
 - Should voting laws that disproportionately affect racial minorities be challenged only when there is clear evidence of discriminatory intent by lawmakers, or is it sufficient to demonstrate the law’s harmful impact, even if that outcome was unintended?



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

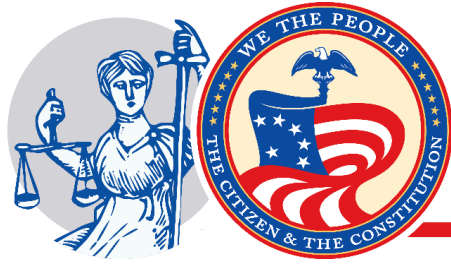
1. **“By shifting responsibility to a less accountable branch, Congress protects itself from political censure—and deprives the people of the say the framers intended them to have.”*** In what ways has Congress delegated its constitutional powers to the executive and judicial branches, and what examples illustrate how this delegation operates in practice?
 - Is Judge Thapar correct that excessive congressional delegation deprives the people of the influence and accountability the Framers intended them to have? Why or why not?
 - In your opinion, has Congress surrendered too much of its power to the other branches, and what reforms, if any, should Congress adopt to restore the balance of powers envisioned by the Framers?

* *Tiger Lily, LLC, v. United States Department of Housing and Urban Development*, 5 F.4th 666, 674 (6th Cir. 2021) (Thapar, J., concurring), <https://www.opn.ca6.uscourts.gov/opinions.pdf/21a0166p-06.pdf>.

2. **Under the Supreme Court’s major questions doctrine, administrative agencies generally cannot exercise “highly consequential power” without “clear congressional authorization.”*** What are the main justifications the Court has offered for this doctrine, and do you find those justifications persuasive? Why or why not?
 - What political, institutional, and practical factors limit Congress’s ability to provide the kind of clear statutory authorization that the major questions doctrine demands?
 - To what extent should courts consider legislative intent when interpreting federal laws, especially in cases involving major national policy questions?

* *West Virginia v. Environmental Protection Agency*, 597 U.S. 697, 724, 732 (2022), <https://www.oyez.org/cases/2021/20-1530>.

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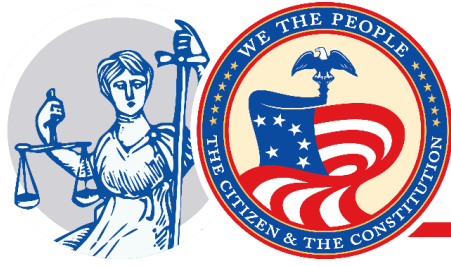
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Unit 4: How Have the Values and Principles Embodied in the Constitution Shaped American Institutions and Practices? **(continued)**

3. *United States v. Salerno* (1987) states that “liberty is the norm, and detention prior to trial ... is the carefully limited exception.” Under what circumstances, if any, should courts detain a presumptively innocent individual based on claims that the individual is dangerous?
- Should courts possess their own independent law enforcement or investigative agencies? Why or why not?
 - Historically, what factors have led the courts to trust claims made by the executive branch and its lawyers, especially in matters involving security or public safety? Do you think that trust remains justified today?

* *United States v. Salerno*, 481 U.S. 739, 755 (1987), <https://supreme.justia.com/cases/federal/us/481/739/>.



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

1. Why does the Sixth Amendment protect the right to a trial “by an impartial jury” in criminal prosecutions, and what historical or constitutional purposes does this right serve?

- Do you agree with the Supreme Court’s decision in *Ramos v. Louisiana* (2020) that the Sixth Amendment requires a unanimous jury to convict a defendant?* Why or why not?
- Other than unanimity, what else should the right to an “impartial jury” require in criminal cases today, and why?

* *Ramos v. Louisiana*, 590 U.S. 83 (2020), https://www.supremecourt.gov/opinions/19pdf/18-5924_n6io.pdf

2. Do you agree or disagree with the Supreme Court’s decision in *Mahmoud v. Taylor* (2025) that a public school’s use of LGBTQ+ storybooks—without parental notice or the opportunity for parents to opt their children out—unconstitutionally burdens parents’ free exercise of religion? Explain your reasoning using constitutional principles and relevant precedents.

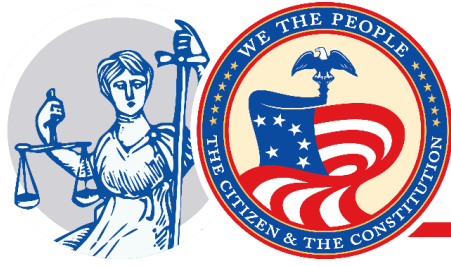
- To what extent, if any, does the ruling in *Mahmoud v. Taylor* conflict with the establishment clause of the First Amendment?
- How does the Supreme Court’s reasoning in *Mahmoud v. Taylor* relate to its broader shift in recent free exercise clause cases?

* *Mahmoud v. Taylor*, 606 U.S. 522 (2025), <https://www.oyez.org/cases/2024/24-297>.

3. Publius argued in Federalist 84 that enumerating specific rights in the Constitution could be “dangerous.”* To what extent, if any, can listing particular rights actually undermine individual liberty?

- If some Framers believed a bill of rights was unnecessary or dangerous, why did Congress ultimately propose and adopt the Bill of Rights after ratification?
- How has the Bill of Rights reshaped the relationship between the people and both the federal and state governments over time?

* Publius (Alexander Hamilton), “Concerning Several Miscellaneous Objections” (Federalist 84), May 28, 1788, Center for the Study of the American Constitution, University of Wisconsin–Madison, https://csac.history.wisc.edu/wp-content/uploads/sites/281/2024/04/DC3-06-01-01_Federalist-84_28May88.pdf.



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

1. **Thomas Jefferson wrote, “Wherever the people are well informed they can be trusted with their own government.”*** To what extent are the American people today well-informed enough to protect our constitutional democracy? Support your answer.

- How does a person’s media consumption influence how well-informed they are about political issues? Is it possible to consume large amounts of news and still remain uninformed? Explain your reasoning.
- What actions can individuals take to ensure they have a thorough and accurate understanding of political issues, and what skills are necessary to critically analyze contemporary political information?

* Thomas Jefferson to Richard Price, January 8, 1789, Thomas Jefferson: Creating a Virginia Republic, Library of Congress, <https://www.loc.gov/exhibits/jefferson/60.html>.

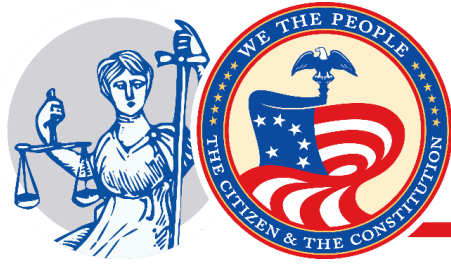
2. **Nobel laureate Shirin Ebadi said, “Democracy doesn’t recognize east or west; democracy is simply people’s will. Therefore, I do not acknowledge that there are various models of democracy; there is just democracy itself.” Do you agree with this assessment?**

Why or why not?

- How would you define democracy? What distinctions, if any, would you make between different models of democracy?
- What are the key indicators of a healthy democracy in the modern era, and how can they be used to evaluate whether a political system is functioning democratically in practice?

* Carolyn Warner, *The Words of Extraordinary Women* (Newmarket Press, 2010), 83.

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

3. “The Second Day of July 1776, will be the most memorable Epocha, in the History of America. ... I am well aware of the Toil and Blood and Treasure, that it will cost Us to maintain this Declaration, and support and defend these States. – Yet through all the Gloom I can see the Rays of ravishing Light and Glory. I can see that the End is more than worth all the Means. And that Posterity will triumph.”* As we approach the semiquincentennial celebration of the Declaration of Independence, how accurate were these predictions of John Adams?

- What are the challenges of celebrating landmark dates of a nation’s past while still acknowledging the evolution beyond those historic circumstances?
- Which plays a more vital role in shaping a nation’s identity today: continuity with its founding ideals or the capacity for change and adaptation?

*John Adams to Abigail Adams, July 3, 1776, Adams Family Papers: An Electronic Archive, Massachusetts Historical Society, <https://www.masshist.org/digitaladams/archive/doc?id=L17760703jasecond>.