



WE THE PEOPLE

The Citizen and the Constitution

Directed by the Center for Civic Education

National Invitational Hearing Questions, 2025–2026

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

1. Edmund Burke, in Parliament, observed that “the great contests for freedom in this country were from the earliest times chiefly upon the question of taxing.”* What examples from English history did the American colonists use to argue that people should not be taxed without their consent?
 - Why is control over taxation such a powerful test of whether people truly have political liberty?
 - If a government has the consent of the people to rule, must it also have their consent to tax? Why or why not?
- * Edmund Burke, “Speech on Conciliation With the Colonies,” March 22, 1775, in Philip B. Kurland and Ralph Lerner, eds., *The Founders’ Constitution* (University of Chicago Press, 1987), vol. 1, chap. 1, doc. 1, <https://press-pubs.uchicago.edu/founders/documents/v1ch1s2.html>.
2. Even though Great Britain did not have a single written constitution, English colonists in North America created many documents that worked like constitutions. Why do you think the colonists wrote these documents, and do you think it was important for them to do so?
 - Do you think these early written constitutions were similar to or different from British traditions? Explain your answer.
 - What do you think makes a document a constitution? What should it include to help a government work smoothly?



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

- 1. Thomas Paine wrote that Americans had the power “to begin the world over again.”* What events during and after the American Revolution provide the strongest evidence that Americans were truly creating something new? Are there also examples that suggest life mostly stayed the same?**

- Do you think the American Revolution should be seen as more “radical” (creating big changes) or more “conservative” (protecting what people already had)? What reasons support your view?
- In your opinion, how much of the world created by the Founders still exists today? Which of their ideas or institutions have lasted, and which ones have changed the most?

* Thomas Paine, “Common Sense” (1776), in *The Writings of Thomas Paine*, ed. Moncure Daniel Conway (G.P. Putnam’s Sons, 1894), vol. 1, Online Library of Liberty, <https://oll.libertyfund.org/pages/1776-paine-common-sense-pamphlet>.

- 2. Based on what was happening during the American Revolution, what evidence shows what the Articles of Confederation were meant to do? Why do you think the Articles became the country’s government even before all 13 states officially approved them?**

- Why did the Articles give so much power to the states and so little power to the national government? What fears or beliefs shaped this choice?
- Today, which kind of government do you think would better protect people’s rights and freedoms: a system like the Articles of Confederation or a system like the Constitution? Explain your reasoning.



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Unit 3: What Happened at the Philadelphia Convention?

- 1. James Madison argued in Federalist 48 that the legislative branch has the most power and is most likely to intrude on the other branches.* Do you think Congress today still has “more extensive” power than the other branches? What evidence supports your view?**

- What checks on the other branches do you think Congress should use more often today, and why?
- What is a bigger problem in today’s government: when Congress exercises too much power, or when Congress doesn’t use its power enough? Explain your answer.

* James Madison, “These Departments Should Not Be So Far Separated as to Have No Constitutional Control Over Each Other” (Federalist 48), *New York Packet*, February 1, 1788, The Avalon Project, Lillian Goldman Law Library, Yale Law School, https://avalon.law.yale.edu/18th_century/fed48.asp.

- 2. When the new Constitution was debated by state ratifying conventions, many Americans disagreed about whether it should replace the Articles of Confederation. What concerns led some people to support ratification and others to oppose it? Give examples of arguments on both sides.**

- Why was it difficult for Americans to agree on the right balance between protecting liberty and having a government strong enough to solve national problems?
- Many ideas from the Federalist and Anti-Federalist debates are still discussed today; for example, how much power the national government should have, how we protect individual freedoms, and how we prevent people in power from misusing their power. Out of these ongoing debates about the Constitution, which one is the most important for Americans right now, and why?



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

1. **Thomas Jefferson and Alexander Hamilton interpreted the necessary and proper clause differently, especially when debating the national bank. What evidence shows how their views differed, and how did this disagreement shape early ideas about how much power the national government should have?**
 - Why did this disagreement grow into such a major political divide, and how did it reveal the different visions Jefferson and Hamilton had for the new nation?
 - Today, do you think Congress should interpret the necessary and proper clause in a more Hamilton-like way (allowing broader powers) or a more Jefferson-like way (limiting powers to those clearly listed)? Why?
2. **Alexander Hamilton wrote in Federalist 78 that judges must treat the Constitution as the “fundamental law” and that they should be governed by the people.* How does this idea fit with the system of checks and balances in our government?**
 - Do you think it is possible for judges to make decisions without any political influence or political opinions affecting them? Why or why not?
 - How much do you think judges today should rely on what the Framers meant when they wrote the Constitution? Should judges focus mainly on the Constitution’s original meaning, or should they also consider modern circumstances? Explain your thinking.

* Alexander Hamilton, “The Judiciary Department” (Federalist 78), McLean’s Edition, 1788, The Avalon Project, Lillian Goldman Law Library, Yale Law School, https://avalon.law.yale.edu/18th_century/fed78.asp.



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

1. **Dr. Martin Luther King Jr. said, “Give us the ballot, and we will no longer have to worry the federal government about our basic rights. Give us the ballot, and ... we will by the power of our vote write the law on the statute books.”* Do you think the right to vote alone is enough to protect people’s civil rights? Why or why not? Use examples from history or current events.**
 - When people feel their government is not protecting their rights, what actions can they take to defend themselves? Do you think these actions usually work? Explain your reasoning.
 - Do you think protecting people’s basic rights should mainly be the job of the federal government or the state governments? Why?

* Martin Luther King Jr., “ ‘Give Us the Ballot,’ Address Delivered at the Prayer Pilgrimage for Freedom,” Washington, D.C., May 17, 1957, The Martin Luther King Jr Research and Education Institute, Stanford University, <https://kinginstitute.stanford.edu/king-papers/documents/give-us-ballot-address-delivered-prayer-pilgrimage-freedom>.

2. **“Equal justice under law is not merely a caption on the facade of the Supreme Court. It is perhaps the most inspiring ideal of our society.”* To what extent has the equal protection clause of the 14th Amendment fulfilled the promise that all people are entitled to equal justice under law?**
 - How have courts and everyday citizens helped shape the meaning of the equal protection clause over time?
 - What areas of inequality still exist today despite the 14th Amendment’s guarantees, and why have they proven difficult to resolve?

* Lewis F. Powell Jr., “Address at the ABA Annual Meeting,” Atlanta, August 10, 1976, Legal Services Revisited, Washington and Lee School of Law, <https://scholarlycommons.law.wlu.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=1010&context=powellspeeches>.



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Unit 6: What Are the Responsibilities of Citizens?

1. Thomas Jefferson wrote that people can be trusted with their government only when they are “well informed.”* What actions do Americans need to take to make sure they are truly informed and able to protect our constitutional democracy?

- What are some signs that a person is genuinely well informed about current issues?
- What specific things can people do today to make sure they have a complete and accurate understanding of political issues? What skills do they need to analyze information in the modern world?

* 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. In 1776, John Adams wrote that the Revolution would cost Americans “Toil and Blood and Treasure,” but he believed the end would be worth it and that future generations would triumph.* Based on your knowledge of American history, how accurate were his predictions? Provide examples.

- How should our country celebrate big moments from its past, like the Declaration of Independence, while also acknowledging the parts of history that were unjust or excluded many people?
- When people consider what defines our country today, which do you think is more important: honoring our traditions or making changes when necessary? Explain.

* 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>.