



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 HEARING QUESTIONS
ACADEMIC YEAR 2012–2013

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

1. How did both classical republicans and natural rights philosophers influence the Founders' views about government?

- What are the essential differences between classical republicanism and natural rights philosophy?
- Why do both classical republicans and natural rights philosophers stress the need for education and preparation for citizenship?
- Do you think government should have purposes that classical republicans and natural rights philosophers did not include in their writings? Explain your answer.

2. The Founders were concerned with how to preserve a republican form of government. According to the Founders, what was republican government?

- What advantages did the Founders see in a republican form of government?
- What weaknesses did the Founders think would lead to the failure of republican government?
- How did the Founders think these weaknesses could be prevented? Do you think the Founders' solutions were correct? Why or why not?

3. What are the fundamental characteristics of a constitutional government?

- In what ways does constitutional government mean limited government?
- Describe at least three provisions of the Constitution that provide a means of preventing the abuse or misuse of governmental power. Explain how these provisions work in our system of government today.
- Give an example of a nation in today's world that you think does not have a constitutional government. Explain why you believe it is not a constitutional government.



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

1. What arguments did American colonists make against the British policies of 1763–1776?

- Why did the colonists finally decide to declare independence?
- What were the main ideas and arguments of the Declaration of Independence?
- Do you think the principles included in the Declaration of Independence are valid today? Why or why not?

2. What effect did colonial experiences have on the Founders' views about rights and government?

- In eighteenth-century Britain and America, how were the rights of individual liberty, equality of opportunity, and property similar? How were they different?
- To what extent were voluntary groups, such as the committees of correspondence, the Daughters of Liberty, and the Sons of Liberty, influenced by colonial experiences?
- How did early state constitutions reflect colonial experiences, as well as the ideas of classical republicanism and natural rights philosophy?

3. “Despite its weaknesses, the Articles of Confederation made lasting contributions to American government.”* Do you agree with this assessment? Why or why not?

- Why did the Articles of Confederation prove inadequate almost from the start?
- What arguments could you have made in support of the Articles?
- What did the Framers learn from the Articles' inadequacies and how did they correct them in the Constitution?

* *The Concise Encyclopedia of Democracy* (Washington, D.C.: Congressional Quarterly, 2000), 32.



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Unit Three: What Happened at the Philadelphia Convention?

1. What major conflicts arose at the Philadelphia Convention due to the economic differences between the Northern and Southern states?

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

2. The U.S. Constitution is built on the principles that government should be limited, protect fundamental rights, and promote the common good. How are Articles I, II, and III of the Constitution structured to achieve those ends?

- How does the structure of the legislative branch outlined in Article I achieve these ends?
- How do the executive and judicial branches created in Articles II and III support these ideas?
- What, if anything, would you change in the structure and power of these branches of government today? Why?

3. Why was the issue of representation so crucial in the development of a republican form of government by the Constitution?

- Compare the New Jersey and Virginia Plans. What were the strengths and weaknesses of each plan?
- James Madison and others argued that membership in both houses of Congress should be based on the numbers of people represented. States should not be represented as states. Do you agree or disagree? Explain why.
- What was the Great Compromise, and how did it make it possible for both sides to claim some victories?



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

- 1. What is American federalism, and how does it foster the goals expressed in the Preamble to the Constitution?**
 - How is the federal system created by the Constitution different from other forms of government?
 - What governing powers does the U.S. Constitution leave to the states? What powers does it deny to the states?
 - What, if anything, would you change in the division of power between the national and state governments? Explain why.
- 2. Although the Constitution does not explicitly mention the power of judicial review, the Supreme Court has exercised this power for more than two hundred years. How did the Supreme Court acquire the power of judicial review?**
 - How has the Supreme Court's power of judicial review expanded the role of the Court?
 - Is the practice of judicial review consistent with democratic principles? Why or why not?
 - Does the Supreme Court have too much power? Why or why not?
- 3. How did the arguments of the Federalists and Anti-Federalists reflect their points of view regarding natural rights, republicanism, and constitutionalism?**
 - On balance, do you think the Federalists or the Anti-Federalists presented the stronger case? Why?
 - How was this debate widened to include the American people, not just delegates to the ratifying convention? Why was widening the debate important?
 - Which of the arguments presented by the Federalists and Anti-Federalists are still relevant? Why do you think those arguments persist in our society?



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Unit Five: 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 these rights been of particular importance to women and minorities?
- Although First Amendment rights are considered essential in a constitutional democracy, it is sometimes argued that these rights must be limited. Under what circumstances, if any, do you think limitations are justified? Explain your answer.
- Should middle and high school students have the same First Amendment rights as adults? Explain your response and provide examples.

2. In a speech, Susan B. Anthony said, “Here in...the Declaration [of Independence] is the assertion of the natural right of all to the ballot; for how can ‘the consent of the governed’ be given, if the right to vote be denied?”* Do you agree or disagree with her statement? Why?

- What are the major constitutional changes that have expanded the right to vote? Are more needed? Explain your answer.
- What limits, if any, should be placed on the right of citizens to vote? Why?
- In the United States, fewer than 50 percent of potential voters actually participate in most elections. What are the consequences of such low turnout? What might be done to improve voter participation, particularly that of young voters?

* Susan B. Anthony, before her trial in 1873 for having voted illegally. Quoted in Anthony Jay, ed., *The Oxford Dictionary of Political Quotations* (New York: Oxford University Press, 2001), 12.

3. The Fourteenth Amendment says that no state shall “deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.” How did the phrasing of this amendment change the balance of power between the federal and state governments?

- What is due process of law and how does it protect individuals from possible abuses of power? Provide examples in your response.
- How does the equal protection clause of the Fourteenth Amendment prevent state governments from practicing unfair discrimination?
- How are the equal protection and due process clauses related to the rule of law?



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Unit Six: What Are the Responsibilities of Citizens?

1. How would you describe the role of a citizen in a constitutional democracy?

- Should people be required to pass periodic citizenship tests to maintain their citizenship? Why or why not?
- What criteria, if any, should be used to distinguish between the rights and responsibilities of citizens and the rights and responsibilities of legal resident aliens?
- What responsibilities, if any, does a citizen have to protect the rights of others, whether or not his or her own rights are endangered?

2. When Alexis de Tocqueville visited the United States, the two qualities he most admired were the tradition of local self-government and the practice of free association. How and why are these qualities related to democracy?

- In what ways can citizens participate in the civic life of their community, state, or country?
- How might the practice of free association provide citizens an effective means of influencing their government and checking its use of power?
- In what ways might technology expand the possibilities for participatory citizenship?

3. Identify examples and explain how the nations of the world today are interdependent in politics and government, economics, and the advancement of knowledge.

- What elements of American constitutionalism have been most widely adopted by other nations?
- What does the United States gain from its relationship with other countries?
- How can individual citizens and/or organizations in civil society help to promote representative democracy, constitutional government, and respect for human rights throughout the world?