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The Citizen and the Constitution

Directed by the Center for Civic Education

State Hearing Follow-Up Questions 2023–2024

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

1. How did the Protestant Reformation contribute to developing political thought and governance in colonial America?

- What were the Protestant Reformation's key theological and philosophical concepts, and how did they challenge traditional notions of individual agency and religious freedom?
- In what ways did the principles of the Protestant Reformation shape the foundations of religious tolerance, personal liberty, and the social contract in early American society?

Suggested Follow-Up Questions:

- a. You mentioned _____ in your statement. Please expand on this as it relates to your unit topic.
- b. How does concept _____ relate to concept _____?
- c. How did differing religious beliefs and practices influence the development of legal and political structures in different colonies? [Analysis/Understanding]
- d. How, if at all, did the Protestant Reformation contribute to the concept of separation of church and state in colonial America? [Analysis/Understanding]
- e. What connections can you draw between the Protestant Reformation's emphasis on religious freedom and the drafting of the First Amendment? [Application]
- f. Were there any notable instances of religious intolerance in early American society that contrasted with the principles of the Protestant Reformation? [Evidence]



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

2. How did concepts such as representative government, common law, and the rights of Englishmen evolve in the British constitutional system?

- What were the core principles of justice and the rule of law articulated in the British legal and philosophical traditions?
- How did the colonists' experience with British principles impact the creation of colonial governments that protected individual rights and established a just legal system?

Suggested Follow-Up Questions:

- a. You mentioned _____ in your statement. Please expand on this as it relates to your unit topic.
- b. How does concept _____ relate to concept _____ ?
- c. What examples best showcase how the structures of colonial governments either mirrored or diverged from British models? [Evidence]
- d. What influence did conflicts between the British government and the American colonies have on the development of American constitutional ideas? [Analysis/Understanding]
- e. Explain the relationship between the rule of law and limited government and why these principles were so important to the Founders. [Analysis/Understanding]
- f. How did the principles of the rule of law and limited government shape the development of American constitutionalism? [Application]



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

3. To what extent, if any, did the Framers' experiences with state constitutions during the American Revolution influence the formation and content of the United States Constitution?

- What were the primary characteristics and features of state constitutions established during the American Revolution, and how did they reflect the ideals of self-governance and individual rights?
- In what ways did the successes and challenges of state constitutions provide valuable insights regarding the balance of power and the protection of citizens' rights?

Suggested Follow-Up Questions:

- a. You mentioned _____ in your statement. Please expand on this as it relates to your unit topic.
- b. How does concept _____ relate to concept _____?
- c. To what extent did the Framers of the U.S. Constitution draw inspiration from specific state constitutions when crafting the federal Constitution? [Evidence]
- d. What was the role of popular sovereignty in the ratification process for early state constitutions? [Analysis/Understanding]
- e. How, if at all, did state constitutions try to balance powers between their executive, legislative, and judicial branches? [Analysis/Understanding]
- f. What lessons and perspectives might we learn from modern state constitutions? [Application]



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Unit Two: How Did the Framers Create the Constitution?

1. At the Philadelphia Convention, what considerations resulted in the creation of the three-fifths clause in the Constitution?

- To what extent, if any, did the Three-Fifths Compromise shape the political and social landscape in the first 70 years of United States history?
- How did the 14th Amendment alter the meaning of the three-fifths clause, and, in your estimation, did it provide full citizenship for African Americans?

Suggested Follow-Up Questions:

- a. You mentioned _____ in your statement. Please expand on this as it relates to your unit topic.
- b. How does concept _____ relate to concept _____?
- c. How did the Three-Fifths Compromise affect the balance of power between slaveholding and nonslaveholding states in Congress and in the Electoral College?
[Analysis/Understanding]
- d. Which court cases or interpretations have clarified the meaning of the 14th Amendment concerning African American citizenship? [Evidence]
- e. How have the principles of the 14th Amendment been applied to advance the broader civil rights movement and the ongoing quest for racial equality in the United States?
[Application]
- f. What recent cases or issues have drawn on the principles of equal protection enshrined in the 14th Amendment? [Evidence]



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Unit Two: How Did the Framers Create the Constitution?

2. How did Brutus I* and Federalist 10** assess the problem of factions, and what were their proposed remedies to address the presence of factions?

- How did these ratification essayists' views influence future interpretations of the nature of representation?
- In your opinion, which of these two has proven to be the most accurate in their assessment?

* "Brutus I," *New York Journal*, October 18, 1787, Center for the Study of the American Constitution, University of Wisconsin–Madison, https://csac.history.wisc.edu/wp-content/uploads/sites/281/2017/07/Brutus_I1.pdf.

** Publius, "The Federalist 10," *New York Daily Advertiser*, November 22, 1787, Center for the Study of the American Constitution, University of Wisconsin–Madison, https://csac.history.wisc.edu/wp-content/uploads/sites/281/2017/07/Publius_10.pdf.

Suggested Follow-Up Questions:

- a. You mentioned _____ in your statement. Please expand on this as it relates to your unit topic.
- b. How does concept _____ relate to concept _____?
- c. Were there any significant historical events that influenced the views presented in Brutus I and Federalist 10 regarding factions? [Evidence]
- d. Are there enduring lessons or insights from Brutus I and Federalist 10 that are relevant in today's political landscape? [Application]
- e. Are political parties considered factions? Why or why not? [Analysis/Understanding]
- f. In today's society, are factions or special interest groups generally considered beneficial or harmful? Why? [Analysis/Understanding]



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Unit Two: How Did the Framers Create the Constitution?

3. During the ratification debates, one writer claimed, “Most men seem to agree that amendments ought to be made in the proposed plan in some stage of the business.”* What were the major disagreements between the Federalists and Anti-Federalists during the ratification period over the need to amend the proposed Constitution?
- In your opinion, which side made the most compelling arguments? Why?
 - Since so many attempts to amend the Constitution have failed, should we consider changing the amendment process in Article V of the Constitution? Why or why not?

* “An Old Whig VIII,” *Philadelphia Independent Gazetteer*, February 6, 1788,
https://csac.history.wisc.edu/wp-content/uploads/sites/281/2017/07/an_oldwhig_viii.pdf.

Suggested Follow-Up Questions:

- a. You mentioned _____ in your statement. Please expand on this as it relates to your unit topic.
- b. How does concept _____ relate to concept _____?
- c. To what extent did concerns about amendments factor into the decisions of states to either ratify or reject the Constitution? [Evidence]
- d. How did the Federalists respond to the concerns raised by the Anti-Federalists during the ratification debates? [Evidence]
- e. How did the inclusion of the Bill of Rights reflect the evolving political and philosophical debates of the time and contribute to the ultimate adoption of the Constitution? [Analysis/Understanding]
- f. How might changes to the amendment process affect the balance of power between state and federal governments today? [Application]



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

1. In what ways was the due process clause of the 14th Amendment interpreted by the courts in the immediate aftermath of the Civil War?

- To what extent, if any, have rights been better protected as a result of substantive due process?
- To what extent has the incorporation doctrine contributed to an enhanced protection of rights?

Suggested Follow-Up Questions:

- a. You mentioned _____ in your statement. Please expand on this as it relates to your unit topic.
- b. How does concept _____ relate to concept _____?
- c. How does the concept of substantive due process differ from procedural due process?
[Analysis/Understanding]
- d. What are the arguments for and against the Supreme Court's use of substantive due process to protect certain rights? [Analysis/Understanding]
- e. What due process rights are students entitled to? [Evidence]
- f. How has the selective incorporation of specific rights from the Bill of Rights through the 14th Amendment shaped the landscape of constitutional protections at the state level?
[Application]



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

2. How would you account for the origins of political parties, and how have they impacted the checks and balances embedded in the U.S. Constitution?

- To what extent, if any, do political parties shape electioneering for political office?
- Are the functions of political parties adequate for the needs of U.S. citizens?
Why or why not?

Suggested Follow-Up Questions:

- a. You mentioned _____ in your statement. Please expand on this as it relates to your unit topic.
- b. How does concept _____ relate to concept _____?
- c. What were the key discussions and debates among the Framers regarding the potential role and impact of political parties? [Evidence]
- d. How do third-party or independent candidates interact with the electioneering process typically dominated by the two major political parties? [Analysis/Understanding]
- e. What role, if any, do political parties play in shaping voter turnout and engagement in elections? [Analysis/Understanding]
- f. Are there any reforms or changes to the party system that could improve its effectiveness in serving citizens and promoting a healthier democracy? Explain. [Application]



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

3. The presidential oath of office requires the president to preserve, protect, and defend the U.S. Constitution. To what extent, if any, did President Abraham Lincoln carry out this oath during the Civil War?
- How has the balance between individual rights and national security been tested since the Civil War?
 - Should safeguards restricting presidential powers be instituted during times of national crisis? Explain your answer.

Suggested Follow-Up Questions:

- a. You mentioned _____ in your statement. Please expand on this as it relates to your unit topic.
- b. How does concept _____ relate to concept _____?
- c. How did Lincoln's approach to governance during the Civil War influence subsequent presidential administrations in times of crisis? [Analysis/Understanding]
- d. How did the courts or Congress attempt to limit Lincoln's power during the Civil War, and were they successful in doing so? [Evidence]
- e. How have other presidents tried to expand their power during times of national emergencies? In your opinion, were these attempts valid? Explain. [Analysis/Understanding]
- f. Should presidential power and privilege extend beyond their term of office? [Application]



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

1. **“Congress did not create the Supreme Court. ... I know this is a controversial view, but I’m willing to say it. No provision in the Constitution gives them the authority to regulate the Supreme Court—period.”* Do you agree or disagree with Justice Samuel Alito’s constitutional assessment of judicial independence? Why or why not?**
 - Historically, how effective have constitutional checks been in controlling the courts?
 - Alexander Hamilton wrote that the judicial branch would be the “least dangerous to the political rights of the Constitution.”** Do you believe this description is still warranted? Why or why not?

* Kimberly Strawbridge Robinson, “Congress Can’t Force Ethics Code on Supreme Court, Alito Says,”

Bloomberg Law, July 28, 2023, <https://news.bloomberglaw.com/us-law-week/congress-cant-force-ethics-code-on-supreme-court-alito-says>.

** Publius, “The Federalist 78,” New York, May 28, 1788, Center for the Study of the American Constitution, University of Wisconsin–Madison, <https://csac.history.wisc.edu/wp-content/uploads/sites/281/2017/07/78.pdf>.

Suggested Follow-Up Questions:

- a. You mentioned _____ in your statement. Please expand on this as it relates to your unit topic.
- b. How does concept _____ relate to concept _____?
- c. Is the relationship between Congress and the Supreme Court adequately addressed in the Constitution, or are there areas where this relationship could be further clarified?
[Analysis/Understanding]
- d. What historical events or cases have been most influential in changing the relationship between the Supreme Court and the other branches of government? [Evidence]
- e. What changes, if any, would you propose to maintain or enhance the balance of power among the branches of government while preserving constitutional principles?
[Application]
- f. How does the judiciary’s role compare to that of the other branches of government in safeguarding individual rights and preserving constitutional principles in contemporary society? [Analysis/Understanding]



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

2. “The Convention with justice & the majority of the people on their side, had nothing to fear. With injustice and the minority on their side they had everything to fear.”* Have James Madison’s fears about the Senate’s construction expressed at the Philadelphia Convention come to fruition? Why or why not?
- What tensions arise from the design of Congress, particularly the bicameral structure and the composition of the Senate and the House of Representatives?
 - Should the 17th Amendment be repealed? Why or why not?

* James Madison, “James Madison’s Notes of the Constitutional Convention,” July 5, 1787, vol. 1 in *The Records of the Federal Convention of 1787*, ed. Max Farrand (New Haven: Yale University Press, 1911) 526–34, ConSource, <https://www.consource.org/document/james-madisons-notes-of-the-constitutional-convention-1787-7-5/20180514160636>.

Suggested Follow-Up Questions:

- a. You mentioned _____ in your statement. Please expand on this as it relates to your unit topic.
- b. How does concept _____ relate to concept _____?
- c. What are the structural differences between the Senate and the House of Representatives, and how do these differences reflect the Framers’ intentions? [Analysis/Understanding]
- d. What were the historical motivations behind adopting the 17th Amendment to the U.S. Constitution? [Evidence]
- e. How might implementing a coalition government, where multiple political parties cooperate, impact the representativeness and democracy of the United States compared to the prevalent two-party system? [Application]
- f. Beyond the legislative function, what other significant responsibilities are entrusted to the members of both branches of Congress? [Evidence]



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

3. Has the Constitution's "take care" clause that the laws be faithfully executed placed a duty on the president and expanded presidential power? Why or why not?

- Has the growth of administrative agencies expanded executive power? Why or why not?
- What checks on the exercise of administrative authority are available to prevent agencies from becoming too powerful?

Suggested Follow-Up Questions:

- a. You mentioned _____ in your statement. Please expand on this as it relates to your unit topic.
- b. How does concept _____ relate to concept _____?
- c. What legal or constitutional principles, if any, provide guidance on the authority and limitations of administrative agencies in the United States? [Evidence]
- d. How do administrative agencies interact with Congress and the president regarding their regulatory and decision-making processes? [Analysis/Understanding]
- e. How can citizens or interest groups effectively challenge administrative decisions they believe exceed agency authority? [Application]
- f. Have there been any recent legislative or judicial developments aimed at curbing or restraining the power of administrative agencies? If so, please provide examples. [Evidence]



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

1. The United States Supreme Court recently ruled that, under the Second Amendment, firearms regulations must be “consistent with this Nation’s historical tradition of firearm regulation.”* Do you agree or disagree? Why?

- In light of this ruling, how should courts balance the right to bear arms against the need for public safety?
- To what extent, if any, should other amendments in the Bill of Rights be interpreted based on an understanding of the country’s historical tradition?

* *New York Rifle & Pistol Ass’n v. Bruen*, 142 S.Ct. 2111 (2022).

Suggested Follow-Up Questions:

- a. You mentioned _____ in your statement. Please expand on this as it relates to your unit topic.
- b. How does concept _____ relate to concept _____?
- c. What are the key arguments made by proponents and opponents of stricter gun control regulations, and how do these relate to different interpretations of the Second Amendment?
[Evidence]
- d. How might local or state-level regulations differ in their approach to balancing Second Amendment rights and public safety? [Application]
- e. How have changing societal circumstances, such as the development of firearms technology, influenced the debates and legal interpretations surrounding the Second Amendment?
[Analysis/Understanding]
- f. Should the Supreme Court or other courts have professional historians on their staffs to aid in interpreting historical context and principles? Why or why not? [Application]



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

2. “The 2022–23 school year has been marked to date by an escalation of book bans and censorship in classrooms and school libraries across the United States.”* To what extent, if any, do these bans limit students’ and teachers’ freedom of speech?
- How should schools determine student access to certain books and online materials?
 - Who should determine whether certain books should be banned or access to them should be restricted, and what criteria should they use?

* Kasey Meehan and Jonathan Friedman, “Banned in the USA: State Laws Supercharge Book Suppression in Schools,” PEN America, April 20, 2023,

<https://pen.org/report/banned-in-the-usa-state-laws-supercharge-book-suppression-in-schools>.

Suggested Follow-Up Questions:

- a. You mentioned _____ in your statement. Please expand on this as it relates to your unit topic.
- b. How does concept _____ relate to concept _____?
- c. Are there instances where community values and local considerations should take precedence in determining resource access, or should there be a uniform national standard for such decisions? [Analysis/Understanding]
- d. Are there any potential benefits for restricting access to certain books or materials that you believe outweigh concerns about free speech? Explain your response. [Application]
- e. Education is not a protected right in the U.S. Constitution. Would you support adding the right to free public education to our Constitution? Why or why not? [Application]
- f. What influence have nongovernmental organizations and interest groups had on public education policies and practices in America? [Evidence]



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

3. How does the reasonable suspicion doctrine, as established in *New Jersey v. T.L.O.* (1985), both limit and protect students' Fourth Amendment rights in public schools?
- Can school officials lawfully seize a student's backpack based on an anonymous tip reported on a social media site? Does it make a difference if the tip is made pursuant to a state statute encouraging students to report tips about school safety concerns anonymously? Why or why not?
 - To what extent should the exclusionary rule apply to school searches by school officials?

* *New Jersey v. T.L.O.*, 469 U.S. 325 (1985).

Suggested Follow-Up Questions:

- a. You mentioned _____ in your statement. Please expand on this as it relates to your unit topic.
- b. How does concept _____ relate to concept _____?
- c. How do students' due process rights in public schools differ from those in broader society?
[Analysis/Understanding]
- d. How have students' due process rights evolved since the *New Jersey v. T.L.O.* case in 1985?
[Evidence]
- e. In your view, what should be the appropriate balance between ensuring school safety and safeguarding students' rights? [Application]
- f. In your opinion, what are some contemporary challenges or issues where students' due process rights may need further clarification or protection within public schools?
[Application]



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

1. To what extent, if any, did the Voting Rights Act of 1965 reshape the landscape of American democracy?

- What were the key provisions within the Voting Rights Act of 1965, and how did they strategically target historical voting barriers that had limited access to voting?
- What practices, if any, are still present that attempt to restrict access to voting or equal representation for marginalized groups?

Suggested Follow-Up Questions:

- a. You mentioned _____ in your statement. Please expand on this as it relates to your unit topic.
- b. How does concept _____ relate to concept _____?
- c. Can you provide examples of recent legislation or electoral changes that have raised concerns about voter suppression or unequal representation? [Evidence]
- d. What steps might be taken at the federal, state, or local level to ensure voting access and representation for all citizens? [Application]
- e. How might the inclusion of a positive right to vote in the Constitution impact the structure of voting rights and representation? [Analysis/Understanding]
- f. Should the courts consider political parties in redistricting cases? Why or why not? [Application]



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

2. To what extent, if any, has the protection of individual rights, as enshrined in the U.S. Bill of Rights, influenced international constitutional protections?

- What are examples of nations that have integrated elements of the U.S. Bill of Rights into their constitutional frameworks, and how have these inclusions impacted their human rights agendas?
- How have cultural, historical, or political conditions influenced the creation of alternative models of democratic government worldwide?

Suggested Follow-Up Questions:

- a. You mentioned _____ in your statement. Please expand on this as it relates to your unit topic.
- b. How does concept _____ relate to concept _____?
- c. What challenges or criticisms might be associated with efforts to transplant American constitutional ideas to other countries? [Analysis/Understanding]
- d. What lessons can the international community learn from the diversity of constitutional models worldwide? [Analysis/Understanding]
- e. Are there examples other than the U.S. Bill of Rights that nations have followed to ensure individual rights in their respective countries? [Evidence]
- f. Can you provide an example of a provision in an international constitution that you think the United States should consider adopting? [Application]



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

3. What obstacles and opportunities does globalization present for participation in world affairs?

- What are the advantages and disadvantages of social media, digital platforms, and global networks in disseminating information and facilitating transnational activism?
- What opportunities does globalization provide for grassroots movements, civil society organizations, or individuals to influence global agendas and shape international norms?

Suggested Follow-Up Questions:

- a. You mentioned _____ in your statement. Please expand on this as it relates to your unit topic.
- b. How does concept _____ relate to concept _____?
- c. Can you provide examples of global citizen movements or organizations that have been influential in shaping international policy or raising awareness about global issues?
[Evidence]
- d. What are some key factors contributing to the opportunities and limitations of citizen engagement in world affairs? [Analysis/Understanding]
- e. How has the interconnectedness of the global economy influenced the roles and responsibilities of citizens in addressing international challenges? [Analysis/Understanding]
- f. How, if at all, should countries collaborate in addressing technology-based issues, such as online privacy, surveillance, and the spread of misinformation? [Application]