



State Hearing Questions 2024–2025

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

- 1. How did classical republicanism and natural rights philosophy shape the Founders' ideas when creating the American political system?**
 - What role did the concept of the social contract play in shaping the Founders' views on government legitimacy and authority?
 - In what ways did these philosophies influence the Founders' views of citizen participation in government?
- 2. How did colonists' practical experiences of self-governance in the British colonies in North America shape their views on political authority and representation?**
 - How did the colonists' observations about the British government contribute to their ideas about rights and governance? Provide examples of specific grievances.
 - How do these historical grievances resonate with or differ from contemporary concerns about government overreach or individual rights in today's political climate?
- 3. How are the principles of limited government and the rule of law from the Magna Carta and the English Bill of Rights reflected in the American political system?**
 - How did colonial experiences like the trial of John Peter Zenger and the British use of writs of assistance further shape the colonists' understanding of good governance?
 - What are some contemporary challenges or debates in the United States that test these principles?



Unit 2: How Did the Framers Create the Constitution?

1. Seeking to rebut the fears of the Anti-Federalists, one Federalist rhetorically asked, “Will a virtuous and sensible people chuse villains or fools for their officers?”*

To what extent, if any, has Fabius’s confidence in the American people prevailed throughout American history?

- Which constitutional design elements are intended to prevent the election of an unqualified or harmful executive, as described by Fabius? How effective have these elements been in practice?
- Should we consider additional constitutional amendments to address potential issues with executive power? Why or why not?

* Fabius IX, *Pennsylvania Mercury*, May 1, 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/DC3-04-03-04_Fabius-IX_1May88.pdf.

2. James Madison claimed that “the Convention must have enjoyed ... an exemption from the pestilential influence of party animosities; the diseases most incident to deliberative bodies, and most apt to contaminate their proceedings.”* To what extent, if any, is this a valid claim regarding the proceedings of the Philadelphia Convention?

- What were the primary sources of contention at the Philadelphia Convention, and how did these conflicts shape the final outcome of the constitutional debates?
- If another constitutional convention were held today, what partisan animosities might emerge, and how could these affect the proceedings?

* Publius, “The Federalist 37,” *New York Daily Advertiser*, January 11, 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/DC2-04-01-14_Federalist-37_11Jan88.pdf.

3. What were the key controversies and challenges faced during the confederation period under the Articles of Confederation? Discuss how these issues contributed to the eventual call for a new constitution.

- In your estimation, have assessments of the Articles of Confederation been overly critical? Explain your answer.
- If you were to propose revisions to the Articles of Confederation, what specific changes would you suggest to address the issues of the period and ensure the document’s long-term success?



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

- 1. Do you agree or disagree with the Supreme Court’s decision in *Alexander v. South Carolina* (2024) that political gerrymandering should not be subject to judicial review? Why?**
 - Compare the Supreme Court’s 2024 decision in *Alexander v. South Carolina* (2024) with the decision in *Allen v. Milligan* (2023). How do these decisions reflect different judicial approaches to racial gerrymandering and the Voting Rights Act?
 - How effective have state independent redistricting commissions been in addressing racial and political gerrymandering? What additional measures could improve fairness in redistricting?
- 2. Why did the Framers of the Constitution, in Article I, Section 4, delegate the responsibility for setting the time, place, and manner of congressional elections to state legislatures?**
 - In what ways have constitutional amendments and federal legislation expanded voting rights throughout American history?
 - How can modern technology facilitate the right to vote while ensuring the accuracy and timeliness of vote recording?
- 3. In the cases of *Brown v. Board of Education* (1954) and *Dobbs v. Jackson Women’s Health Organization* (2022), was the Supreme Court justified in overturning longstanding precedents given the doctrine of stare decisis? Evaluate the Court’s reasoning in both cases and how it aligns with or deviates from this principle.**
 - Under what circumstances, if any, should the process of overruling longstanding precedents be addressed through constitutional amendments, new legislation, or a combination of both?
 - Recently, many proposals have been made to modify the Supreme Court’s structure or procedures, such as imposing term limits or increasing its size. Do you agree with these proposals, or do you favor leaving the Court in its current form? Explain.



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

- 1. Article II, Section 3 of the Constitution allows the president to recommend legislation to Congress and yet tasks the office to “take care that the laws be faithfully executed.” Is this consistent with the separation of powers doctrine? Why or why not?**
 - To what extent have executive agencies influenced the balance of power between Congress and the president?
 - How have recent Supreme Court decisions shaped the balance of power between Congress and the president?
- 2. How does the idea that “history is a resource and not a command”^{*} apply to the current Supreme Court’s approach to constitutional interpretation? Analyze recent decisions to illustrate how historical context is used or disregarded in the Court’s rulings.**
 - What role should historical context play in interpreting the Constitution?
 - Which methods of constitutional interpretation do you believe are most effective and why?

^{*} Jack M. Balkin, *Memory and Authority: The Uses of History in Constitutional Interpretation* (Yale University Press, 2024), 51.

- 3. To what extent was it feasible for the legislature to accurately represent society in 1789, and how does this compare to the present day? Analyze the factors that influenced representation in the early years of the republic, and discuss the challenges that affect legislative representation today.**
 - Is the principle of equal state representation in the U.S. Senate still justified in modern American society? Why or why not?
 - Should the number of voting members in the U.S. House of Representatives be increased? Why or why not?



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

1. **“If there is a bedrock principle underlying the First Amendment, it is that the government may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable.”*** Do you agree or disagree with Justice Brennan’s view of freedom of expression? Why?

- To what extent, if any, should public universities be able to prohibit expression on campus that may be considered harmful to other groups?
- Have recent U.S. Supreme Court decisions upheld the Framers’ commitment to freedom of speech? Why or why not?

* *Texas v. Johnson*, 491 U.S. 397 (1989), <https://www.law.cornell.edu/supremecourt/text/491/397>.

2. **“These two Clauses, the Establishment Clause and the Free Exercise Clause, are frequently in tension. ... Yet we have long said that ‘there is room for play in the joints’ between them.”*** What are some ways the First Amendment’s religion clauses have been in tension with one another?

- In your opinion, have recent Supreme Court interpretations of the establishment clause strengthened or weakened the protection of religious liberty? Explain.
- Should the federal or state governments implement additional laws offering more robust protections for religious practice? Why or why not?

* *Locke v. Davey*, 540 U.S. 712 (2004), <https://www.law.cornell.edu/supct/html/02-1315.ZS.html>.

3. **How do the Sixth Amendment’s protections for the rights of the accused relate to the First Amendment’s protections for freedom of expression during a criminal trial?**

- What reasonable limitations, if any, should judges impose on freedom of the press during a criminal trial to protect the accused’s right to a fair trial?
- How should public expression, such as protests or media coverage, be managed during a criminal trial to maintain jury impartiality and to protect the rights of the accused?



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

- 1. “Congress shall make no law ... abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.” What opportunities and concerns does private ownership of social-media platforms create for freedom of speech and civil discourse?**
 - How have digital platforms transformed the tactics and effectiveness of social movements in fostering public debate?
 - In what ways do domestic and international legal frameworks complicate the global governance of digital platforms?
- 2. How have the Founders’ decisions on slavery shaped contemporary debates over states’ rights and federal authority? Evaluate how recent Supreme Court decisions have addressed or failed to address the legacy of the Founders’ compromises on liberty and individual rights, using specific cases as examples.**
 - How do current civil- and voting-rights debates illustrate the tension between the Founders’ principles and today’s society?
 - Which historical periods, if any, have been as pivotal as the founding era in shaping the interpretation of American principles? Provide examples.
- 3. “Sports and diplomacy are remarkably similar. ... Arguably, the only difference between the two is the clothes that they wear and the training they receive. Both professions are highly complementary.”* How do global athletic events, such as the Olympics, function as extensions of political alliances and opposition, and what role do athletes play in representing their countries in these contexts?**
 - To what extent have athletic competitions been used for civic engagement and civil disobedience worldwide? Provide examples to illustrate these uses.
 - In what ways have U.S. constitutional principles, such as the right to free speech, been upheld or challenged by American athletes protesting in international settings? Discuss the implications of these actions.

* Stuart Murray, “Understanding Sports Diplomacy with Dr. Stuart Murray, Co-Founder of the Sports Diplomacy Alliance,” *Georgetown Journal of International Affairs*, March 29, 2024, <https://gja.georgetown.edu/2024/03/29/understanding-sports-diplomacy-with-dr-stuart-murray-co-founder-of-the-sports-diplomacy-alliance>.