State Hearing Questions 2026–2027

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

1. **According to the convention notes of James McHenry, at the conclusion of the 1787 Philadelphia Convention, Benjamin Franklin was asked what form of government the delegates had created. Franklin replied, "A republic, if you can keep it."* Why do you think Franklin believed that a republic could be difficult to preserve?**
    - How has American history both tested and strengthened the republican form of government Franklin described?
    - What responsibilities, if any, do citizens have in helping preserve our constitutional republic?

    * James McHenry, "Papers of Dr. James McHenry on the Federal Convention of 1787," in *Documents Illustrative of the Formation of the Union of the American States*, ed. Charles C. Tansill, House Document No. 398 (Government Printing Office, 1927), the Avalon Project, Yale Law School, https://avalon.law.yale.edu/18th_century/mchenry.asp.

2. **Ancient Greek and Roman thinkers, such as Aristotle and Polybius, believed that governments could become unstable when conflict between the rich and the poor grow so intense that political factions place their own interests above the common good. Why did they think that class conflict could lead people to accept a tyrant or an authoritarian ruler?**
    - How did the Founders draw upon classical ideas about preventing tyranny while preserving the principle of popular sovereignty in the Constitution?
    - To what degree have these safeguards proved successful throughout the course of American history?

3. **In 1931, historian James Truslow Adams described the American Dream as the belief that life should be "better and richer and fuller for every man, with opportunity for each according to his ability or achievement."* How has the meaning of the American Dream changed over time, and how has the Constitution been used to expand or protect those changes?**
    - To what extent do the principles of the Declaration of Independence and the framework established by the Constitution support or limit the pursuit of the American Dream?
    - Does the Constitution promise equal opportunity, equal outcomes, or something else? How does that affect a citizen's ability to pursue the American Dream?

    * James Truslow Adams, *The Epic of America* (Little, Brown, and Company, 1931), 404, https://archive.org/details/in.ernet.dli.2015.262385.

Unit 2: How Did the Framers Create the Constitution?

1. **John Dickinson, a delegate at the Philadelphia Convention, argued that slavery conflicted with republican principles and supported giving the national government authority over the importation of enslaved people rather than leaving that decision to the states.* In what ways did competing views about slavery affect the debates at the Philadelphia Convention?**
    - How did the Convention's compromises over slavery shape the constitutional relationship between the federal and state governments in the decades that followed?
    - What lessons, if any, should modern Americans draw from the Framers' compromises over slavery when confronting constitutional issues that deeply divide the nation?

    * "John Dickinson Speech in the Philadelphia Convention," August 22, 1787, in *The Records of the Federal Convention of 1787*, ed. Max Farrand, vol. 2 (Yale University Press, 1937), 372–73, Center for the Study of the American Constitution, University of Wisconsin–Madison, https://csac.history.wisc.edu/wp-content/uploads/sites/281/2025/05/5.-Dickinson-22-aug-1787.pdf.

2. **Rather than provide for annual elections, "The framers of this *perfect government*, as it is called, have departed from this democratical principle, and established bi-ennial elections, for the house of representatives ... and sextennial for the senate ..."* For Anti-Federalists, why would the proposed terms for Congress be a flaw in the Constitution?**
    - What arguments did the Federalists present in favor of longer terms, and do you find their reasoning compelling? Why or why not?
    - If you could change the terms of office for members of Congress, what changes, if any, would you make? Defend your answer.

    * Cato V, *New York Journal*, November 22, 1787, in *The Documentary History of the Ratification of the Constitution*, vol. XIX, eds. John P. Kaminski et al. (Wisconsin Historical Society Press, 2003), 276–81, Center for the Study of the American Constitution, University of Wisconsin–Madison, https://csac.history.wisc.edu/wp-content/uploads/sites/281/2024/04/DC3-02-02-01_Cato-V_22Nov87.pdf.

3. **"In the constitution of the senate there is much cunning and little wisdom; that we have much to fear from it, and little to hope, and then it must necessarily produce a baneful aristocracy, by which the democratic rights of the people will be overwhelmed."* Which features of the proposed Senate led Anti-Federalists to fear it would become an aristocratic institution?**
    - To what extent did subsequent developments, including the 17th Amendment, validate or alleviate those concerns?
    - How should the government in a constitutional republic balance accountability to the public and deliberation in decision-making?

    * "Cincinnatus IV: To James Wilson, Esquire," *New York Journal*, November 22, 1787, in *The Documentary History of the Ratification of the Constitution*, vol. XIX, eds. John P. Kaminski et al. (Wisconsin Historical Society Press, 2003), 281–87, Center for the Study of the American Constitution, University of Wisconsin–Madison, https://csac.history.wisc.edu/wp-content/uploads/sites/281/2024/04/DC3-03-01-07_Cincinnatus-IV_22Nov87.pdf.

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

1. **One of the Constitution's purposes, expressed in its Preamble, is to "secure the Blessings of Liberty to ourselves and our Posterity." To what extent have the Supreme Court's interpretations of the 14th Amendment's due process and equal protection clauses helped fulfill that purpose?**
    - Which Supreme Court decision interpreting either the due process or the equal protection clause do you think has done the most to secure the "Blessings of Liberty"? Explain your reasoning.
    - What new constitutional amendment would you propose to better "secure the Blessings of Liberty" in America today? Why?

2. **In 1862, Justice Benjamin Curtis described President Abraham Lincoln's Emancipation Proclamation and his declaration of martial law as "military despotism" for which there was "no warrant whatever in the Constitution."* Was Justice Curtis's criticism of Lincoln persuasive? Defend your answer.**
    - In your opinion, which constitutional provisions, historical precedents, or Supreme Court decisions best define the limits of the president's wartime powers?
    - How should constitutional principles guide presidential action during a modern national emergency, such as a terrorist attack, cyberattack, or domestic rebellion?

    * Benjamin Robbins Curtis, *Executive Power* (Little, Brown & Co., 1862), 23, 30, https://scholarsjunction.msstate.edu/fvw-pamphlets/924/.

3. **In *Trump v. Slaughter* (2026), the Supreme Court overruled *Humphrey's Executor v. United States* (1935), adopting a broader interpretation of the president's removal power under Article II. How did the Court's majority interpret the president's Article II powers, and how did their interpretation differ from earlier understandings of presidential removal authority?**
    - What constitutional principles should guide the balance of power between Congress and the president in controlling the executive branch?
    - How might the Court's reasoning in *Trump v. Slaughter* affect the constitutional balance of power between the president and independent executive agencies?

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

1. **In Federalist 58, James Madison called Congress's control over federal spending "the most complete and effectual weapon" the people's representatives hold.* Since the early 1980s, however, Congress has repeatedly found itself unable to agree on a federal budget. What are the constitutional and practical consequences of Congress's inability to agree on a budget?**
    - How has Congress's difficulty with budgeting affected the balance of power between Congress and the president?
    - Should Congress take back the spending power it has handed to the president, or is that delegation a practical necessity? Defend your view.

    * James Madison, "The Federalist Papers: No. 58: Objection That the Number of Members Will Not Be Augmented as the Progress of Population Demands Consider," The Avalon Project, Yale Law School, https://avalon.law.yale.edu/18th_century/fed58.asp.

2. **Clinton Rossiter argued that "in time of crisis a democratic, constitutional government must be temporarily altered to whatever degree is necessary to overcome the peril and restore normal conditions."* Do you agree? Why or why not?**
    - Have efforts like the National Emergencies Act of 1976 effectively constrained presidential emergency power, or have they ratified its expansion? Defend your view.
    - When the president declines to end a declared national emergency, what institution, if any, should be empowered to do so?

    * Clinton Rossiter, *Constitutional Dictatorship: Crisis Government in the Modern Democracies* (Princeton University Press, 1948), 5, https://archive.org/details/in.ernet.dli.2015.499346.

3. **"In Hawai'i, the Aloha Spirit inspires constitutional interpretation. … The spirit of Aloha clashes with a federally-mandated lifestyle that lets citizens walk around with deadly weapons during day-to-day activities."* When should states interpret their state constitutions independently from federal precedent?**
    - Under what circumstances, if any, should state courts interpret their state constitutions to provide fewer protections for individual rights than the federal Constitution?
    - How much, if at all, should federal courts consider local or state-specific history when determining whether a state statute is constitutional?

    * *State v. Wilson*, 543 P.3d 440, 459 (Haw. 2024), https://law.justia.com/cases/hawaii/supreme-court/2024/scap-22-0000561.html, criticized on federal grounds by *Wolford v. Lopez*, 609 U.S. __ (2026), https://supreme.justia.com/cases/federal/us/609/24-1046/.

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

1. **Cell phones can collect detailed information revealing where the cell phone user has been. How have courts applied the protections of the Fourth Amendment to technologies that the founding generation could not have anticipated?**
    - How compelling do you find the Court's rationale in *Chatrie v. United States* (2026) that acquiring location data from a third party, such as Google, constitutes a "search"? Explain your position.
    - Under what circumstances should law enforcement officers be allowed to access this information without violating the Fourth Amendment?

2. **In 2022, a federal appeals court concluded that "there is a First Amendment right to film the police performing their duties in public."* How have interactions between law enforcement and the public shaped the Supreme Court's interpretation of the First Amendment?**
    - In your view, is the conclusion reached in *Irizarry v. Yehia* consistent with First Amendment principles? Why or why not?
    - How should courts balance First Amendment freedoms with legitimate governmental interests in maintaining public safety and order during interactions with law enforcement?

    * *Irizarry v. Yehia*, 38 F.4th 1282 (10th Cir. 2022), https://law.justia.com/cases/federal/appellate-courts/ca10/21-1247/21-1247-2022-07-11.html.

3. **If a state decides to fund private schools, "it cannot disqualify some private schools solely because they are religious."* How have states and the Supreme Court approached the relationship between religion and public education over time?**
    - How does the debate over religious charter schools illustrate tensions between the free exercise and establishment clauses?
    - What constitutional principles should guide government decisions about providing public funding to religious schools?

    **Espinoza v. Montana Department of Revenue*, 591 U.S. ___ (2020), https://supreme.justia.com/cases/federal/us/591/18-1195/.

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

1. **Alexis de Tocqueville worried that, even without government censorship, the power of majority opinion could discourage people from expressing unpopular ideas. In *Democracy in America*, he wrote, "I know of no country in which there is so little independence of mind and real freedom of discussion as in America."* What danger did Tocqueville believe majority opinion posed to constitutional democracy?**
    - How have Americans throughout history challenged prevailing public opinion, and what obstacles have they faced in doing so?
    - In what ways has the modern digital age changed the dynamic between majority opinion, free expression, and civil discourse?

    *Alexis de Tocqueville, *Democracy in America* (1835), https://history.hanover.edu/courses/excerpts/165tocqueville.html.

2. **Political philosophers have long argued that legitimate governmental authority comes from the consent of the governed acting through constitutional institutions. Yet today, the Stanford Center for International Security and Cooperation observes that "there is extensive evidence of criminal, insurgent, and other non-state governance structures successfully controlling populations." Why do non-state actors challenge the legitimacy and authority of governments?**
    - What examples best illustrate cooperation or competition between non-state actors and governments?
    - What constitutional principles should guide how governments respond when non-state actors exercise governmental functions or control territory?

    * "Armed Non-State Actor Governance and the Rule of Law," Stanford Center for International Security and Cooperation, accessed August 7, 2026, https://cisac.fsi.stanford.edu/content/armed-non-state-actor-governance-and-rule-law.

3. **Sports commentator Roger Bennett argues that when national teams compete, "their nations' histories, their nations' politics, their nations' cultures take the field alongside them."* When athletes represent their nation in international competition, how should democracies balance individual liberty with national representation?**
    - How have historical examples of athletes expressing views that differ from those of their governments illustrated the tensions between individual liberty and national representation?
    - When conflicts arise, should an athlete's constitutional rights or the government's interest in national representation receive greater protection? Explain your reasoning.

    * Juana Summers, William Troop, and Jeffrey Pierre, "Roger Bennett's World Revolves Around the World Cup – And It Always Has," *All Things Considered*, NPR, March 3, 2026, https://www.npr.org/2026/03/03/nx-s1-5641025/roger-bennetts-world-revolves-around-the-world-cup-and-it-always-has.