



# Center for Civic Education

5145 Douglas Fir Road • Calabasas, CA 91302-1440 • 818-591-9321 • [www.civiced.org](http://www.civiced.org)

**WE THE PEOPLE: THE CITIZEN AND THE CONSTITUTION 2006 NATIONAL FINALS**  
**Remarks to the Judges of the Competition – Arlington, VA – May 2, 2008**  
*by Margaret Branson, Associate Director, Center for Civic Education*

Welcome to the National Finals of the **We the People: The Citizen and the Constitution** competition. Thank you for agreeing to serve in the critical role of judges in this competition.

It is a pleasure to welcome back those of you who are experienced “veterans” in the judges’ ranks. Your continuing contributions to the civic education of young Americans are sincerely appreciated.

The Center for Civic Education also would like to extend a special welcome to our first-time national judges. You will discover what our experienced judges will attest: meeting and conversing with these young people and their dedicated teachers is a revitalizing experience. It contradicts the media’s stereotyping of our youth as shallow, self-absorbed adolescents. You will find, on the contrary that these students are engaged, knowledgeable—even passionate—about what it means and why it matters to be a citizen in our constitutional republic. They take umbrage—and rightly so—at any trivializing of their concern for society and country.

It is interesting to note that underestimating the American citizenry has long been something of a perilous misadventure. Politicians and pundits have been reminded of that repeatedly throughout our history.

Gordon Wood tells of a happening during the Virginia ratifying convention in June 1778. In a speech, Edmund Randolph referred to the people as the “common herd.”

Patrick Henry immediately called him on it. By likening the people to “a herd,” Henry charged, Randolph had “leveled and degraded them to the lowest degree, reducing them from respectable, independent citizens, to abject, dependent subjects or slaves.” Randolph was forced to rise at once and defensively declare “that he did not use the word to excite any odium, but merely to convey an idea of a multitude.”

Randolph and the others in attendance learned very quickly never to use words that demean or underestimate “we the people” in public discourse. It’s a lesson that perhaps needs re-teaching, given recent comments by media hosts and candidates for public office.

The role of judge in this competition is a critical one. You serve as a model—a paradigm, if you will—of what a discussion of significant and often controversial issues ought to be. The quality of the questions you ask will determine in large measure the quality of the civic discourse that ensues. By asking probing questions you may enable students to reconsider a stance they have asserted. You may require them to offer additional evidence of the validity of their positions or to modify them in light of your questioning.

In other words, your purposes as a judge are

- to let students show what **they** have learned—not what you know
- to help students grow intellectually as a result of their meeting with you
- to help each student deepen his understanding of and appreciation for the Constitution and the values and principles inherent in it
- to sharpen each student’s insight into the role of the citizen in our constitutional democracy
- to help students reveal to themselves the power of thought of which they are capable—particularly when they are appropriately challenged by you

Now if you would please turn with me to the group score sheets in your packet. You will see that there are six criteria. Let's look at each criterion very briefly.

The first criterion is **Understanding: *To what extent did participants demonstrate a clear understanding of the basic issues addressed by the questions?***

The basic issues have been framed as overarching or heuristic questions that serve as the title for each unit—for example:

**Unit Three** asks *“How Did the Values and Principles Embodied in the Constitution Shape American Institutions and Practices?”*

**Unit Five** asks *“What Rights Does the Bill of Rights Protect?”*

Those questions set a tone—they constitute a theme for discussion. Specific issues generated from that theme are then delineated into the three hearing questions for each unit. Those three questions are distributed in advance of the hearings so that students can prepare their initial responses. For example, in Unit Five, Question 2 emanates from the theme of the unit, rights protected by the Bill of Rights. It asks **“In what ways, if any, does freedom of expression contribute to individual liberty and good government?”**

- **What forms of expression does the First Amendment protect? Why?**
- **A legal scholar argues that “Constitutional protection should be accorded only to speech that is explicitly political.” Do you agree or disagree? Why?**

Notice that the questions require students to do more than express their personal opinions. They need to demonstrate an *understanding* of how and why freedom of expression is allied to the natural rights and classical republican philosophies. They also must evince understanding of the concepts of rights and of obligations and the relationship between them in the current American context.

The second criterion is **Constitutional Application**. Here our concern is with how often, how well, and how appropriately students can apply knowledge of the provisions of the Constitution itself, as well as knowledge of constitutional history and principles, and how those principles are being applied today. For example, Unit Four, Question 3 asks:

**Why is the Voting Rights Act, first enacted in 1965 and recently renewed and extended, called “landmark legislation”?**

- How has the Voting Rights Act strengthened the guarantees of the Fourteenth and Fifteenth Amendments?
- What are the advantages and disadvantages of relying on legislation rather than judicial proceedings for the protection of the right to vote?

This question asks students to explain how and why legislative action has been used to supplement, review and/or expand constitutional guarantees such as the right to vote. It also requires students to weigh the advantages and disadvantages of judicial proceedings and legislative actions as means of protecting the rights of Americans.

The third criterion is **Reasoning**. This criterion concerns the capacity to explain ***why*** or to provide a rationale for a position asserted. How has the student analyzed the position he has stated? What kinds of evidence has he mustered? Is it apparent that the student has considered both arguments **for** as well as arguments **against** a proposition before coming to the conclusion he now offers?

One of the goals of civic education generally—and of the **We the People program** specifically—is for individuals to come to a **reasoned** commitment to democratic values and principles. Just as the unexamined life is of doubtful value, so is an unreasoned, unthinking mouthing of democratic slogans. We, therefore, want not only

to educate citizens who know **what** they think, we want to educate so that people know **why** they think as they do and to be able to defend positions they take.

**Supporting Evidence** is the fourth criterion. This criterion is something of an appendage to reasoning. It involves the students' ability to support a position she takes with more than impassioned feeling or ardent advocacy. The student needs to provide historical and/or contemporary evidence and examples. Very often in the national finals we have heard students use examples of a constitutional principle at stake in an issue in their own community or state. That is good, but equally important is the students' use of historical examples that demonstrate an understanding of the enduring nature of some of the problems of governance, particularly issues of governance in a democracy. Further, as judges, don't be dazzled by the citation of a string of Supreme Court cases. Citing them may prove nothing more than the student has dipped into Blond's or Epstein's constitutional law summaries. As judges, we are concerned that the student understands the basic constitutional questions that are at stake in those Supreme Court cases, not that the student can recite the names of cases.

The fifth criterion is **Responsiveness**. That means that the answers the students give address the questions which they are asked. To do that, students must listen carefully, not only to the questions we judges ask, but to each others' answers as well. On occasion it may even be necessary for us as judges to help students in a kindly manner—such as by saying—"I'm afraid you misunderstood the point of the question. What I'd like you to respond to is this..." or words to that effect.

Finally, we come to criterion six, **Participation**. This means more than that all team members were present or that they each said something. It concerns their functioning as a team. Did the members really **listen** to one another, build on one another's statements,

come to the aid of a teammate suffering a momentary lapse of thought? It also means that the team listened—**really** listened to judges. After all, the students are participating along with you in what should be enlightened and spirited discourse, a model of what a civic conversation ought to be.

Speaking of civic conversations, I'd like to conclude by asking each of us to engage in a little introspection and consider for a moment how the students—our partners in that conversation—might perceive us. To do that, I'd like us to entertain an intriguing question recently posed by an American scholar, Gordon Wood, in one of his lighter moments:

*If it were possible to bring them back to life for one evening, which of the Founders would you choose for your partner at a dinner party?*

I invite you to join me in thinking for a few moments about that question and its possible relevance to the conversations in which we are about to engage. It also is an exercise that perhaps will suggest some “do’s and don’ts” and offer each of us some ideas of how to enhance our performance as partners in civic conversation with students.

Which of the Founders would you choose to be your conversationalist at dinner?

- *Would your first choice be George Washington?*

A man of heroic stature and great accomplishments, but “uncommonly reserved.”

Even Jefferson, who was usually generous in estimates of his friends, said

Washington’s “colloquial talents were not above mediocrity and that he had neither copiousness of ideas nor fluency of words.”

- *Would you consider John Adams?*

A man of energy and intellect, he nevertheless believed that he was the most

underrated and neglected of the Founders. Known for his outspoken opinions, his

colleagues complained that “he knew not silence.” His style was “to confront, shout, rant and then embrace.”

- *Is Alexander Hamilton your preference?*

A dashing figure known for his style and charm. “An exuberant genius who performed at a fiendish pace—but he delighted in the company of women.”

- *Would you be partial to Thomas Jefferson?*

Known for the wide variety of his interests ranging from farming, books and mechanical arts to science, weather, and wines. He was reserved—actually a shy man who especially hated speaking in public.

- *Will you opt for Benjamin Franklin?*

Like Jefferson, he was a many-sided man who appreciated other points of view. Known for his sometimes irreverent sense of humor, he was a “rock star” in France and the special favorite of French women of all ages.

- *Are you inclined to James Madison?*

No doubt a top-notch scholar, but he usually chafed under the demands of dinner table conversation. He once wrote, that “as soon as the necessary attention to my friends admitted” he wanted to retire and “undertake my planned study.” Even so, others remarked on his “talent for spirited conversation” and his “fund of anecdotes.”

What an array of choices! Can't make up your mind? Don't hesitate too long or you might get stuck with Luther Martin, known for his intolerably long speeches, not to mention his rough voice or his convivial liking for the bottle.

Finally, let me note that while the students here may not equate their judges with the Founders, you are an imposing lot—ranging from supreme court justices to legislators and from top-notch attorneys to university professors. That means that it is important to put the students at ease—to set the tone for the give and take that characterizes good civic dialogue.

It's been said that "there is nothing so good to the heart as well-agreed conversation, when you know that your companions will answer to your thought as the anvil answers to the hammer—ringing sound to merry stroke."

Enjoy this opportunity to exchange ideas and revel in good conversation with the young people you are about to meet. Thank you for your willingness to serve in this important role. Happy judging!