



Center for Civic Education

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WE THE PEOPLE: THE CITIZEN AND THE CONSTITUTION NATIONAL FINALS
Remarks to the Judges of the Competition – Arlington, VA – April 24, 2009
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 important role of judges in this competition.

This year marks the twenty-second anniversary of this competition. It has afforded thousands of students the opportunity to experience one of the most memorable occasions in their lives. It has spurred countless numbers to become informed, engaged civic leaders in their communities and to serve as elected or appointed officials who have a deepened understanding of and appreciation for the United States Constitution and its values and principles.

Your role as judges in this competition is of paramount importance. Each of you serves as a model—a paradigm, if you will—of how citizens in a constitutional democracy ought to discuss and debate significant and often controversial issues. How sorely you are needed as such models today—an era in which bloggers, twitters, and the media generally fail to exemplify informed, reflective or reasoned discourse.

This year marks the advent of the newly revised and expanded high school edition of the *We the People: The Citizen & the Constitution* text. The national hearing questions are based on this new text, and I hope each of you has had the opportunity to read and reflect on the changes. You'll have an additional opportunity later this evening as you meet with other judges in your unit. It's appropriate, however, for us to now consider the six criteria for judging in light of the new text. Please turn with me to the group score sheets in your packet. 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 question?*

These basic issues have been framed as overarching or heuristic questions that serve as the title for each unit.

Unit One asks *What are the philosophical and historical foundations of the American political system?*

Unit Two asks *How did the Framers create the Constitution?*

Unit Three asks *How has the Constitution been changed to further the ideals contained in the Declaration of Independence?*

Unit Four asks *How have the values and principles embodied in the Constitution shaped American institutions and practices?*

Unit Five asks *What rights does the Bill of Rights protect?*

Unit Six asks *What challenges might face American constitutional democracy in the twenty-first century?*

Those large, overarching questions set a tone—they constitute a theme for discussion. Specific issues generated from those themes are then delineated into the three hearing questions for each unit. Those questions are distributed in advance of the hearings so that students can prepare their initial responses. For example, in Unit Four, whose theme is how values and principles embodied in the Constitution have shaped American institutions and practices, students are expected to respond to question one:

1. *What are Congress's strengths and weaknesses in performing the tasks of democratic government?*
 - *How can citizens as individuals or as members of groups monitor and influence the work of Congress?*
 - *What reforms, if any, are necessary to ensure the health and success of Congress as a democratic institution?*

Notice that the questions require more than the recitation of facts and more than the mere expression of personal opinion. Students need to demonstrate an *understanding* of the powers and limitations of Congress and how it ought to function as an institution of democratic government. The questions also ask students to understand how they as individuals and as members of nongovernmental organizations can monitor and influence the work of that institution.

The second criterion is **Constitutional Application**. Here our concern is with how well and how appropriately students can apply knowledge of the provisions of the Constitution as well as how those provisions have been interpreted and applied. For example consider Unit Five, Question Two. It asks:

2. *What rights does the Fourth Amendment protect and why are those protections important?*
 - *What historical experiences led to the adoption of the Fourth Amendment?*
 - *Why has the Fourth Amendment proved to be one of the most troublesome provisions of the Bill of Rights?*

The third criterion is **Reasoning**. Students are obliged to do more than express opinions or preferences. They must support the positions they take with sound reasoning or considered judgment. They must be able to explain *how* and *why* they take the stands that they do. Adlai

Stevenson once extolled the importance of reasoning when he said “Shouting is no substitute for thinking, and reason is not the subversion but the salvation of freedom.”*

One of the goals of civic education—and of the **We the People** program in particular—is to foster the ability to reason. Unfortunately, ours is a country in which unreasoned, unthinking mouthing of democratic slogans now abounds—especially in our seemingly endless campaign seasons. It is essential, therefore, that citizens learn to reason and be educated to know not only *what* they think but *why* they think as they do and to be able to defend with reason the positions they hold.

Supporting evidence is the fourth criterion. It is ancillary to reasoning. Impassioned feeling or ardent advocacy is no substitute for supporting evidence. Students need to provide historical and/or contemporary evidence and examples. As judges, we must not be dazzled by quotations from authorities or the recital of the names of Supreme Court cases. Name dropping is not supporting evidence. As judges, our concern should be with *why* the student believes an authority’s utterance supports his position. Students also should be able to discuss constitutional issues that were contested in the Supreme Court cases they cite.

The fifth criterion is **responsiveness**. That means that the answers students give address the questions they were asked. To do that, students must listen carefully, not only to the questions we judges ask, but to each others’ answers as well. Because students are aware of the time constraints in the hearings, they may respond too quickly—before they have comprehended the intent of the judges question. It may then be necessary for us as judges to help the students by saying in a kindly manner. “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.

Responsiveness also means that a team should realize when enough has been said in reply to a particular question. Not every student needs to respond to every question. Neither should students be allowed to spend so much time answering a question posed by one judge so that other judges are unable to ask questions. Again, in a kindly manner, judges should feel free to say that they understand the team’s position; it is time to move on so that other avenues can be explored.

Finally, we come to criterion six, **Participation**. This means more than that all team members were present or that they spoke an equal number of times. Studies show that fear of public speaking is widespread—right up there with fear of death. Even our Founders varied in their proneness to speak. At the Constitutional Convention, George Washington spoke only three times in 4 ½ months. Jefferson, averse to speaking in public, was praised for “His gift of silence.” On the other hand, John Adams could—and did—go on for hours. Patrick Henry, however, holds the record among Founders for interminable speech. In the last public appearance of his life, while campaigning for a seat in the Virginia legislature, Henry overheard a Baptist minister irked by the garrulous Henry and the attention he attracted say that “Mr. Henry is not a god.” To which Henry replied: “No, indeed my friend. I am but a poor worm of the dust—as

* Akhil Reed Amar. *The Bill of Rights: Creation and Reconstruction*. New Haven and London. Yale University Press, 1998, p. 292.

fleeting and unsubstantial as a shadow of the cloud that flies over yon hills and is remembered no more.”

We hope that the participation of the students in this competition will range somewhere between the reticence to speak of Washington and Jefferson and the loquaciousness of Adams and Henry. But in the long run, it is the quality of the contribution a student makes rather than the quantity of speech that counts.

Conclusion

I recently had the opportunity to hear F.W. de Klerk. The former president of South Africa and winner along with Nelson Mandela of the 1993 Nobel Peace Prize. He spoke very frankly about both the past and the present problems facing his country. He also spoke with justifiable pride about South Africa’s new constitution, which some scholars claim is one of the most democratic constitutions in the world. Interestingly enough, de Klerk said that the greatest challenge to South Africa today is *not* the scourge of AIDS, high unemployment or even lingering racism. The greatest challenge that South Africa now faces is “to see that the Constitution takes root in the hearts of the people.”

De Klerk’s concern echoed that of Learned Hand. In words familiar to all of you, Learned Hand cautioned us that:

Liberty lies in the hearts of men and women; when it dies there, no constitution, no law, no court can save it; no constitution, no law, no court can even do much to help it.

Over the past twenty-two years of the **We the People** competition, the teachers and all of you who have served as coaches and judges have understood that its purpose is to see that the United States Constitution and the great principles it embodies “take roots in the hearts of American youth.” This competition is no spelling or geography “bee” which only calls for the recall of assorted facts. No. This is a program whose primary goal is to promote a deep understanding of the United States Constitution and of its underlying values and principles. Value and principles such as the rule of law, the love of liberty and the inclusiveness of “We the People.”

Thank you for your service in this continuing endeavor to see that the values and great principles embodied in the United States Constitution “take root in the hearts” of all Americans and causes them to act in their accordance.