



# Center for Civic Education

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**WE THE PEOPLE: THE CITIZEN AND THE CONSTITUTION 2005 NATIONAL FINALS**  
**Remarks to the Judges of the Competition – Crystal City, VA – April 29, 2005**  
*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 and thank you for agreeing to serve as judges.

I am delighted to see so many experienced “veterans” in the judges ranks. I know that for you—as well as for me—these National Finals are a highlight of the year. Meeting and conversing with these young people is something of a regenerative experience, a reassurance that with young citizens such as those gathered here our country is in good hands.

I also want to extend a special welcome to our first time judges. I know that you will find this an exhilarating experience—and one that we hope will become “habit forming.” We hope this experience will encourage you to participate in your district and state competitions, as well as entice you to return to the national finals.

In thinking about this national competition and our role as judges, I reflected on the fact that throughout history people have continued to give advice to judges. Last year, you may recall, we talked about Don Quixote and the down-to-earth advice he gave to Sancho Panza. When that illiterate but worldly-wise peasant was invested as chief judge of his “insula,” Quixote cautioned him:

- Walk slowly, speak calmly and loudly enough to be heard but not in such a way that makes it seem you are listening to yourself—for all affectation is wrong.

- Do not eat garlic or onions lest the smell reveal your peasant origins.
- Be temperate in your drink, remembering that too much wine cannot keep either a secret or a promise.

In contrast to that homely but helpful advice is the advice once given by the Lord Chancellor Bromley. His insights can be valuable to us as we embark on our judging in the national finals, even though they were imparted in the sixteenth century. Let me set the scene:

It was the Easter Term of Queen Elizabeth I in 1580. The Chief Justice of the Common Pleas had died and the Queen had appointed a man named Anderson to the vacancy.

The Lord Chancellor Bromley in his wig and robes sat on the bench, looking down on Anderson who stood before him. He began by saying that the Queen had appointed him Chief Justice because “she had conceived of his knowledge, prudence and integrity.” Then the Lord Chancellor gave his advice to the newly appointed judge:

*I am greatly pleased, for I have known of your proficiency while you were a student, counselor, and serjeant (sic), and although I am satisfied of your entire competency, I wish to commend to you three things requisite in your office as judge.*

*First you must have knowledge of the law as the Holy Spirit in the Psalm exhorts us, “Be learned, ye who judge the earth.” And for this you must continue all the time that you can in the study of your books, in order to retain what you have attained.*

*Second, you must observe discretion in your judgments... to open no door for fraud to have passage, to insist not so much upon form as to neglect the substance, and to prefer the intent before the letter.*

*The third requisite in justice is impartiality, which is best shown by neither favoring the poor man through pity nor the rich through fear or hope of reward....*

*These things I advise you to hold in mind, for they tend to the advancement of equity and justice which are the life of the law. And I exhort you to pray continually to the omnipotent God for His direction in this office and function of judge, for you well know that all grace and government proceed from Him.\**

I don't think it necessary to paraphrase Lord Bromley's remarks. You can interpret and apply them to how you will function as a judge in this competition. I might, however, ask you to be circumspect and prudent in regard to Bromley's exhortation that a judge pray continually. Bear in mind "time, place and manner." Also bear in mind that the First Amendment guarantees free exercise, but it also prohibits the establishment of religion—and the Center for Civic Education would not like to run afoul of the Constitution by seeming to do that in the course of this competition.

Just as Lord Bromley was right to advise Anderson of the critical role he would play as judge, so, too, do I wish to remind you how important your role as a judge is in this competition. You serve as a model—a paradigm, if you will—of what a discussion of significant and often controversial issues ought to be. You

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\* Lord Chancellor Bromley's remarks reprinted in John Maxcy Zane's *The Story of Law*. Second edition. (Indianapolis: Liberty Fund, 1998) pp. 294 – 295.

will ask probing questions—questions that should make the students reconsider a stance they have asserted. You will ask them to offer additional evidence of the validity of their position or to modify it in light of your questioning.

In other words, your purposes as a judge are

- to let students show what they have learned
- to help students grow intellectually
- 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 let’s turn to the group score sheets in your packet. 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 in the overarching or heuristic question that serves as the title for each unit—for example:

**Unit One** asks “*What are the philosophical and historical foundations of the American democracy?*”

**Unit Three** asks “*How did the values and principles embodied in the Constitution shape American institutions and practices?*”

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 Six, Question 2 emanates from the theme of the unit which is “What Are the Roles of the Citizen in American Democracy.” Question 2 asks:

**What do you consider to be the principal obligations of a good American citizen?**

- What is the relationship between the rights and obligations of a good citizen?
- How have your ideas about what constitutes good citizenship been influenced by the natural rights philosophy and/or classical republicanism?

Notice that the questions require students to do more than express their personal opinions. They need to demonstrate an understanding of 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 American context.

The criterion of “understanding” thus is concerned with the capacity of the students to grapple with the underlying issues. As judges, we want to help students differentiate between basic issues and peripheral issues. We do that not only by the quality of the questions we ask in our initial follow-up to the hearing; we also do that by focusing on basic issues in our subsequent Socratic questioning.

Obviously, time today doesn’t permit the use of examples from each of the six units, but I’m sure you’ve grasped what is meant by the criterion “understanding” or concentration on the basic issues.

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 deals with the Fourteenth Amendment—how it established important norms and how those norms have been reinforced both through acts of Congress and by acts of the executive branch. Students are asked to compare the effectiveness of this amendment.

The third criterion is **Reasoning**. This criterion concerns the capacity to explain why. It concerns the ability of the student to demonstrate how he got **here**—or to the position he now states. 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. Unfortunately, research documents the fact that American students generally tend to be long on mouthing democratic slogans, but short on an in-depth understanding of their meaning. We, therefore, want not only to educate citizens who know what they think, we want to educate the young so that they know why they think as they do and to be able to defend positions they take.

**Supporting Evidence** is the fourth criterion. It involves the students' ability to support a position taken with 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.

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.

In conclusion, let me remind you of Lord Bromley's advice to the new Chief Justice of the Common Pleas.

Dear Judges at the National Finals:

- We have heard of your knowledge, prudence and integrity.
- We know that you'll not insist so much on style as to neglect substance.

- We know that you will be impartial and that your judgment will not be swayed by the appearance, mannerisms, or place of origin of the contestants.
- We know that you will be a friend to the truth—the values and principles embedded in the United States Constitution—and that you will inspire a similar, reasoned commitment in the students you meet.

Thank you—and happy judging!

*See attached scoring guide.*