



2017 DISCUSSION GUIDE

Freedom Day events are meant to be an open format examination of our essential American freedoms. We encourage your group, whether it is 5 or 50 people, to customize your Freedom Day activities to best suit your needs. To make participation as simple as possible, below is a guide for having a Freedom Day discussion, which we suggest be done in conjunction with viewing the live stream of our event from 4:30 – 7:30 PM EST at constitutioncenter.org/freedom-day.

EVENT FORMATS MAY INCLUDE:

SMALL GROUP DISCUSSION:

- ▶ A roundtable style discussion
- ▶ A moderator led discussion among a small group/panel

DISCUSSION PROGRAM FOR AN AUDIENCE:

- ▶ A moderator led discussion among a small group/panel
- ▶ A moderator interviewing a guest (e.g. Student government leader, administrator, student paper editor, faculty member, local government figure)

OTHER ACTIVITIES MAY INCLUDE:

- ▶ Free Speech Walls
- ▶ Distributing “Know Your Rights” Cards
- ▶ Write a blog post, Facebook post, or tweet about one of the topics below
- ▶ Hand out “Go To Jail” cards to people carrying out everyday freedoms we take for granted
- ▶ Engage on social media using #FreedomDay



FREEDOM DAY MISSION STATEMENT

The United States was founded upon the belief that certain freedoms are unalienable. The belief in these freedoms inspired the Declaration of Independence, led to the Bill of Rights, enabled the Civil Rights movement and many other areas of the world admire and work to emulate American freedoms.

Yet few Americans take time to contemplate their freedoms and how valuable they are. John Adams said, “Liberty cannot be preserved without general knowledge among the people.” Some feel that certain freedoms are being curtailed, battles over others are one reason America has become more polarized.

The National Constitution Center is a place where people across America and around the world can come together to celebrate and learn about the greatest vision of human freedom in history, the U.S. Constitution. The goal of Freedom Day is to bring Americans together for a conversation about and celebration of freedom.

TAKEAWAY: Please send the outcome of your debate to Bianca Cavacini at bcavacini@constitutioncenter.org.



DISCUSSION TOPIC 1:
THE FUTURE OF THE MEDIA IN A “POST TRUTH” SOCIETY

- Q:** Why does the United States have a free press?
- ▶ What is the role of a free press and why is that role important?
- Q:** Overall, has the Internet made the American press more or less free?
- Q:** How does the press impact civil discourse in the United States?
- ▶ Give an example of a positive impact
 - ▶ Give an example of a negative impact
- Q:** Should the media be held responsible for ensuring the information they produce is truthful?
- ▶ Has “truth” become a subjective term?
 - ▶ Is it a media consumer’s responsibility to pursue balanced content, or is it the media outlet’s responsibility to produced balanced content?
- Q:** Discuss the impact the media had on the 2016 presidential election.



DISCUSSION TOPIC 2:
THE FUTURE OF JUDICIAL INDEPENDENCE IN A POLARIZED AGE

- Q:** Alexander Hamilton believed that the judiciary would be the “least dangerous branch” because judges had neither purse nor sword. Today, however, politicians of both parties are attacking judicial decisions with which they disagree in personal terms. How can we preserve judicial independence in a polarized age and how vigorous a role should courts play in enforcing Madisonian checks on the president and Congress?
- Q:** Should U.S. Supreme Court Justices be subject to term limits?
- ▶ Would term limits increase or decrease the risk of politicizing judicial nominations?
 - ▶ Should Congress have a time limit in which to schedule a hearing for a new Supreme Court nominee? Are they in violation of their constitutional duties if they delay?
- Q:** What is a more democratic way to put judges on the bench: election or appointment? Why?
- Q:** What question would you pose to a Supreme Court nominee to determine their vision of freedom?
- Q:** Has the Supreme Court been an ally or adversary of freedom in the past decade? Why?



DISCUSSION TOPIC 3:
CONGRESS AND THE CONSTITUTION

- Q:** James Madison anticipated that Congress would be the most dangerous branch in threatening liberty because it had more enumerated powers than the presidency or the judiciary. What would Madison think of Congress today?
- Q:** How can Congress perform the constitutional functions in protecting rather than threatening liberty that the Framers anticipated?
- Q:** When it comes to hard constitutional issues, should Congress decide them or should Congress leave them to the courts?
- Q:** How can Congress check the President?
▶ What about when Congress is the same party as the President?
- Q:** How has redistricting - sometimes called “gerrymandering” - affected the representation of Americans in Congress?
▶ Should our primary system be reformed?



DISCUSSION TOPIC 4:
THE IMPERIAL PRESIDENCY VS. THE CONSTITUTION

- Q:** The Framers of the Constitution created a presidency strong enough to command the troops and grant pardons but constrained enough not to be a King. Has the presidency outstripped the constraints the Framers expected would protect liberty?
- ▶ If so, should those constraints be resurrected by Congress and the courts?
- Q:** Ever since President Theodore Roosevelt, Presidents of both parties have asserted the power to do anything the Constitution doesn't explicitly forbid, including issuing executive orders that arguably transgress the Constitution. What are the lasting effects of government by the pen rather than the ballot?
- Q:** Should members of both parties focus on coming together to protect their powers eg. overriding an executive order or reasserting their power over big decisions like whether to declare war?