



**FLORIDA JOINT CENTER  
FOR CITIZENSHIP**

**CONSTITUTIONAL LIMITS ON THE POWERS OF GOVERNMENT**

**SS.7.C.1.7** Describe how the Constitution limits the powers of government through separation of powers and checks and balances.

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## *Lesson Summary*

### ***Essential Question***

How does the Constitution limit the powers of the government?

### ***NGSSS Benchmark***

SS.7.C.1.7 Describe how the Constitution limits the power of government through separation of powers and checks and balances.

### ***Florida Standards***

LAFS.68.RH.1.1

LAFS.68.RH.1.2

LAFS.68.RH.3.9

LAFS.68.WHST.1.2

LAFS.68.WHST.3.9

LAFS.68.WHST.4.10

LAFS.7.SL.1.1

LAFS.7.SL.1.2

LAFS.7.SL.2.4

MAFS.K12.MP.3.1

MAFS.K12.MP.5.1

### ***Overview***

In this lesson, students will demonstrate an understanding of how the Constitution limits the powers of government through separation of powers and checks and balances.

### ***Learning Goals/Benchmark Clarifications***

- Students will explain the concept of limited government as set forth in the U.S. Constitution.
- Students will describe and distinguish between the concepts of separation of powers and checks and balances.
- Students will analyze how government power is limited by separation of powers and/or checks and balances.
- Students will be able to recognize examples of separation of powers and checks and balances.

### ***Benchmark Content Limits***

- None

### ***Civics EOC Reporting Category***

Reporting Category 1 – Origins and Purposes of Law and Government

### ***Suggested Time Frame***

- Three 45-50 minute class periods

### ***Civics Content Vocabulary***

- checks and balances, constitutional government, judicial review, limited government, *Marbury v. Madison*, separation of powers

### ***Instructional Strategies***

Inquiry with primary sources

Role-play

Close reading of complex text

### ***Materials***

Computer to project websites and activity sheets

Highlighters, two different colors per student

Student activity sheets:

- Separation of Powers What's for Lunch? Simulation Activity Pages 1-4, Introduction to Roles handout, Post-Simulation Activity from iCivics: <http://www.icivics.org/teachers/lesson-plans/separation-powers-whats-lunch>
- Who's Got the Power?
- You Be The President, You Be The Congress, and You Be The Supreme Court

Student reading materials:

- Excerpts of Articles I, II, III and V of the U.S. Constitution

**Lesson Activities and Daily Schedule**

Please use the chart below to track activity completion.

<b>Day</b>	<b>Task #</b>	<b>Steps in Lesson</b>	<b>Description</b>	<b>Completed? Yes/No</b>
<b>Day One</b>	Task 1	1-16	Hook Activity/What's for Lunch Simulation	
	Task 2	16-28	Separation of Powers Background Information	
<b>Day Two</b>	Task 3	29-43	Identifying the Powers of the Three Branches	
	Task 4	44-60	Checks and Balances Role Play	
<b>Day Three</b>	Task 4	44-60	Checks and Balances Role Play Continued	
	Task 5	61	Checking for Understanding	

### *Suggested Student Activity Sequence*

Teacher note: Teach this benchmark after you have taught the content for SS.7.C.3.3: Illustrate the structure and function (three branches of government established in Articles I, II, and III with corresponding powers) of government in the United States as established in the Constitution. If you use the Florida Joint Center for Citizenship’s lesson for SS.7.C.3.3, the “Three Branches Graphic Organizer” from that lesson can be utilized during this lesson.

1. To begin this lesson, pass out the Separation of Powers: What’s for Lunch? Simulation Activity Packet, Pages 1-4 from iCivics: <http://www.icivics.org/teachers/lesson-plans/separation-powers-whats-lunch>.
2. Place students into cooperative groups of 3-4 students and arrange the groups in a circle. Teacher note: You will need at least 3 groups to complete the simulation activity.
3. Read aloud the first paragraph on Page 1 as a whole class.
4. Project the “Separation of Powers Introduction to Roles” handout and review the simulation steps as a whole class. Explain to students that the activity will have 5 rounds, and that each group will act as Lead Chefs, Menu Writers, and Nutrition Inspectors, depending on the round.
5. Instruct students to write their names in the space provided under Round 1 and complete the Round 1 activity.
6. Instruct groups to pass their packet to the group on their right.
7. Read aloud the instructions for Round 2 and instruct groups to write their names on the space provided.
8. Instruct each group to complete the Round 2 activity.
9. Instruct each group to pass their packets back to the group that completed Round 1.
10. Read aloud the instructions for Round 3 and instruct groups to complete the Round 3 activity.
11. Instruct each group to pass their packet back to the group that completed Round 2.
12. Read aloud the instructions for Round 4 and instruct the groups to complete the Round 4 activity.
13. Instruct each group to pass the packet to a new group.
14. Read aloud the instructions for Round 5 and instruct groups to complete the Round 5 activity.
15. Instruct the groups to share out the final menu and whether or not it was determined to be healthy.
16. Debrief this activity with the students by posing the following questions for discussion: “What did you notice about the jobs of the Lead Chefs, Menu Writers, and Judges? Are their responsibilities different? Did their separate responsibilities relate to each other?”
17. Project the following civics vocabulary term and definition on the board: *constitutional government - a form of government based on a written set of laws that all citizens agree to; in this form of government, the constitution is the highest law of the land.*
18. Pose the following questions for discussion: “What does this term mean in your own words? What evidence in the definition led you to your answer? Do we have a constitutional government? How do you know?”
19. Instruct students to write the definition of constitutional government on their own notebook paper.
20. Project the image of the U.S. Constitution: <http://www.ourdocuments.gov/doc.php?doc=9#>. Ask students to identify the document and share out what they think they know about it.
21. Lead students to the understanding that they are looking at the U.S. Constitution and that the U.S. has a constitutional government. The U.S. Constitution is the supreme law of the land.
22. Provide the following key points about the three branches of government and instruct students to take notes on their own notebook paper. Key points to include:

- The legislative branch is made up of Congress, comprised of the House of Representatives and the Senate. The legislative branch writes and passes laws.
- The executive branch is made up of the President, the Cabinet and federal agencies. The executive branch signs bills into law and can veto bills. This branch makes sure that laws are carried out.
- The judicial branch is made up of the Supreme Court and lower federal courts. This branch makes sure laws are in line with the U.S. Constitution.

Teacher note: If your class has completed the lesson for SS.7.C.3.3, instruct the students to take out their “Three Branches Graphic Organizer” from that lesson and review the structure and function of each branch.

23. Explain to students that the activity they completed earlier in the lesson is similar to how things are accomplished among the three branches of the federal government. Each branch has separate powers and they work together to accomplish the goal of governing the country.
24. Pass out the “Separation of Powers Post-Simulation Activity” student activity sheet. Teacher note: This is a half-page sheet, copy and cut enough activity sheets for the whole class.
25. Complete the activities as a whole class. Teacher note: Use the Teacher Answer Key to guide activity completion.
26. Pose the following questions for discussion: “What do you notice about the three branches? Do they have the same or separate jobs? Do the jobs for each branch relate to the other two? Why do you think this is?”
27. Explain to students that the structure of the federal government, according to the U.S. Constitution, sets up three branches with their own distinct powers and responsibilities. This is known as “separation of powers.” Instruct students to add this term and definition to their notebook paper.
28. Pose the following questions for discussion: “Why do you think the government is structured in this way? What is the benefit of the branches having separate powers? During the Anticipation Activity, could the Lead Chef, Menu Writer, or Judge make all of the decisions? What was the outcome of each role having a say in the process?”
29. Return students to their cooperative groups from the beginning of the lesson.
30. Pass out the “Excerpts of Articles I, II, III and V of the U.S. Constitution” reading and the “Who’s Got the Power?” student activity sheet.
31. Explain to students that they will work in their cooperative groups to identify the branch of government that is responsible for the power listed on the activity sheet. To accomplish this task, they will need to find where the power is listed in the “Excerpts of Articles I, II, III and V of the U.S. Constitution” reading, highlight the power in the reading, mark the number from the activity sheet on the reading and then write on the activity sheet the Article and Section from the U.S. Constitution where they found the evidence to support their answer. Teacher note: Instruct students to use only one color highlighter for this activity. They will need to use a second color later in the lesson.
32. Model the first two powers on the activity sheet by completing the rows as a whole class.
33. Provide time for the students to complete 3-13 on the activity sheet.
34. Review the answers as a whole class by asking students to share their answer and the evidence from the U.S. Constitution that supports their answer.
35. Direct student attention to #14 on the activity sheet.

36. Explain to students that the power to declare laws unconstitutional is held by the judicial branch. This power is known as the power of judicial review and is not found in the Constitution. The U.S. Supreme Court case *Marbury v. Madison* (1803) established this power.
37. Instruct students to add the definition of judicial review to their activity sheet.
38. Direct student attention to the following statement in Article II, Section 2: *He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur.*
39. Read aloud and ask students what they think is the main idea of this sentence.
40. Lead students to the understanding that the president has the power to make treaties, but the Senate approves treaties for ratification.
41. Instruct students to add the Senate's role in treaties to Number 15 on their activity sheet.
42. Pose the following questions for discussion: "Now that you have identified additional powers for each branch of government, how would you summarize the powers for each branch? Does each branch have unlimited power? Why do you think this is?"
43. Lead students to the understanding that the Founding Fathers separated powers among the three branches of government in order to prevent any of the branches from becoming too powerful and therefore harming the rights and well being of citizens. This concept is known as "limited government." By structuring the government in this way, it limits government's power because each branch is responsible for only the powers and functions of their branch as outlined in the U.S. Constitution. Project the definition for limited government on the board: *limited government – a government that has been limited in power by a constitution, or written agreement.* Instruct students to add this definition to the back of their notebook paper.
44. Explain to students that in addition to each branch having separate powers, each branch also has the ability to "check" the powers of the other two branches. This is known as "checks and balances" and means that each branch can limit the actions of the other two branches. Instruct students to add this term to their notebook paper.
45. Instruct students to return to their cooperative groups, make sure the "Excerpts of Articles I, II, III and V of the U.S. Constitution" reading is on their desks and instruct students to select a different highlighter that they will use for this activity. Teacher note: This highlighter needs to be a different color from the one used earlier in the lesson.
46. Pass out one of the following activity sheets to each group: "You Be The President," "You Be The Congress" and "You Be The Supreme Court." Make sure that the activity sheets are evenly divided between the cooperative groups.
47. Explain to students that each activity sheet includes a summary of the powers for the branch of government, a list of how that branch can check the other two and a role-play scenario.
48. Instruct students to read the first three sections of the activity sheet that outlines the powers of the branch and the powers that branch has to check the other two branches.
49. Explain to students that their task is to work with their cooperative group to find evidence from the "Excerpts of Articles I, II, III and V of the U.S. Constitution" reading to support the checks on powers for their assigned branch of government. To accomplish this task, they will highlight the evidence in their reading and then on their activity sheet write the Article and Section from the U.S. Constitution that supports each check.
50. Provide time for the cooperative groups to complete this task.

51. Have students share out. Instruct students to write down the checks for the other two branches of government that they were not assigned on the back of their “You Be the President, Congress, or Supreme Court” activity sheet.
52. Pose the following questions for discussion: “What is the difference between ‘separation of powers’ and ‘checks and balances’? How would describe these concepts to someone who doesn’t know how the government works? How do these concepts support the idea of a limited government?”
53. Merge the groups into three groups so that there is one group for each branch.
54. Instruct the groups to read through the “Directions for Part One” section of their activity sheet, complete the activity and rehearse their scenario.
55. Provide time for students to complete this task.
56. Bring the three groups together to perform their scenarios. Begin by having members of the executive branch present their scenario, including their goal and the actions they plan to take in order to accomplish this goal. Repeat this step for the legislative and judicial groups.
57. Direct student attention to “Directions for Part Two” on their activity sheet and read through the directions as a whole class.
58. Provide the groups with time to brainstorm how they would prevent the other two branches of government from accomplishing their goals through checking their powers.
59. Bring the three groups together again. Begin by having members of the executive branch present the ways in which they would attempt to prevent the legislative and judicial branches from accomplishing their goals. Repeat this step for the legislative and judicial groups.
60. Pose the following questions for discussion: “How do the scenarios for each role play relate to the concept of checks and balances? How is the concept of checks and balances related to limited government?”
61. Checking for Understanding (Formative Assessment):

Instruct students to write a well-crafted informative response using one of the following prompts:

Prompt 1

How do the systems of separation of powers and checks and balances limit the power of the government? Give an example of a power for each branch and one example of how each branch can “check” that power.

Prompt 2

In *Federalist No. 47*, James Madison wrote the following: “...Montesquieu was guided... in saying ‘There can be no liberty where the legislative and executive powers are united in the same person, or body’ ... he did not mean that these departments ought to have ... no CONTROL over, the acts of each other.”

Explain the passage in your own words and how this passage is related to the concept of checks and balances.

Extension Suggestion: Have students play the “Branches of Power Game” from iCivics:

<https://www.icivics.org/games/branches-power>

# Separation of Powers

Name: \_\_\_\_\_

## WHAT'S FOR LUNCH?

A Three Branches Simulation Activity

Our government has three separate branches: a legislative branch, an executive branch, and a judicial branch. But how do these three branches work together? This activity will show you! As a group, you will play the role of Lead Chefs, Menu Writers, and Nutrition Inspectors to create a fictional healthy lunch menu for your school's cafeteria.

### Round 1: Suggest Food Categories

Responsibility: LEAD CHEFS



Lead Chef Group Members: (write names here)

**Round 1 Directions:** As Lead Chefs, it is your job to suggest food categories for the new healthy lunch menu. As a group, **choose 5 categories of healthy food** to be served each day at your school.

___ hot beverages	___ salads	___ sandwiches	___ desserts
___ cold beverages	___ vegetables	___ meat/fish	___ rice/grains
___ cheese/dairy	___ fruits	___ pizza	___ fried foods
___ candy	___ chips	___ pasta	___ eggs
___ breads	___ beans	___ potatoes	___ Your Pick:



Now, your suggestions must go to the Menu Writers. They will use your categories to decide exactly what the menu will offer.

When your teacher tells you to, pass THIS paper to another group.

# Separation of Powers

Name: \_\_\_\_\_

## Round 2: Write the Menu

Responsibility: MENU WRITERS



Menu Writer Group Members: (write names here)

**Round 2 Directions:** As Menu Writers, now your job is to **create the exact menu for one day's lunch**. First, look to see what five categories the Lead Chefs chose. (These may NOT be the same categories that your group chose when you were Lead Chefs!). Write them on the left side of the table. Then, as a group, **decide on two specific menu offerings for each category**.

Lead Chefs' Suggested Categories	The menu will offer...
	1. 2.



Now, your menu must be approved by the Lead Chefs.

When your teacher tells you to, pass THIS paper back to the same Lead Chefs who created your categories.

# Separation of Powers

Name: \_\_\_\_\_



## Round 3: Approve the Menu

Responsibility: LEAD CHEFS

**Round 3 Directions:** As Lead Chefs, you must now decide whether the menu that the Menu Writers created fits with your concept of a healthy lunch.



If you approved the menu, the Nutrition Inspectors must now decide whether the menu is actually healthy. **SKIP** Round 4 and pass **THIS** paper to a third group who will act as Nutrition Inspectors.

If you did not approve the menu, pass **THIS** paper back to the Menu Writers and go to Round 4.



## Round 4: Revise or Override

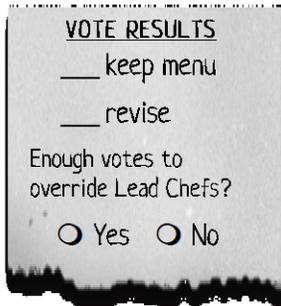
Responsibility: MENU WRITERS

**Round 4 Directions:** Uh-oh... The Lead Chefs didn't approve your menu! Now you have two choices: You can revise the parts they didn't approve of, or you can override them and keep the menu as-is.

**To Override:** Take a vote in your Menu Writers group. You need a 2/3 of your group to vote in favor of keeping the menu in order to override the Lead Chefs. That means

- If you have 3 people in your group, you need 2 votes
- If you have 4 people in your group, you need 3 votes
- If you have 5 people in your group, you need 4 votes

**To Revise:** Go back to your original menu. Look at the disapproved items that the Lead Chefs marked. Make changes that you think the Lead Chefs will approve and give the menu back to the Lead Chefs for approval.



If you overrode the Lead Chefs, the Nutrition Inspectors must now decide whether the menu is actually healthy. Pass **THIS** paper to a third group who will act as Nutrition Inspectors and move on to Round 5.

If you did not override the Lead Chefs, revise the menu, pass **THIS** paper back to the Lead Chefs, and **GO BACK** to Round 3.

# Separation of Powers

Name: \_\_\_\_\_

## Round 5: Evaluate the Menu

Responsibility: NUTRITION INSPECTORS



Nutrition Inspector Group Members: (write names here)

**Round 5 Directions:** The Lead Chefs and the Menu Writers had one rule: The menu had to be healthy. As Nutrition Inspectors, you must **decide whether the menu is actually healthy**. As a group, you will do two things: 1) decide what "healthy" means, and 2) decide whether the menu meets your definition.

### DEFINITION OF "HEALTHY"

(Develop 3 criteria)

A school lunch is "healthy" if:

1. \_\_\_\_\_  
\_\_\_\_\_
2. \_\_\_\_\_  
\_\_\_\_\_
3. \_\_\_\_\_  
\_\_\_\_\_

#### VOTE RESULTS

Menu meets all 3 criteria

Menu does not meet all criteria

Does a majority believe the menu meets the criteria for a healthy lunch?

Yes  No



If a majority of Nutrition Inspectors voted that the menu is healthy, mark MENU MAY BE SERVED below.

If a majority voted that the menu does not meet the criteria, mark MENU MAY NOT BE SERVED below.

That's it! The decision of the Nutrition Inspectors is final.



MENU MAY BE SERVED!

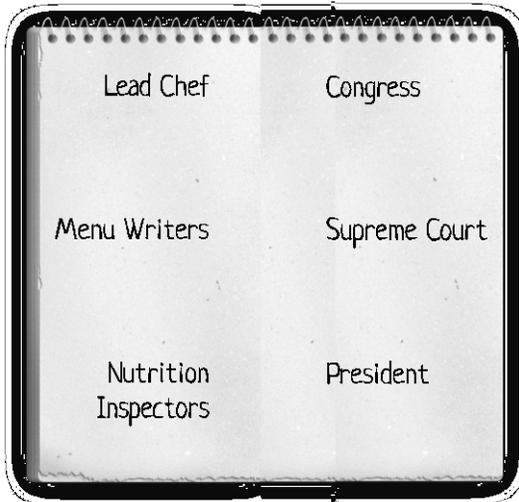


MENU MAY NOT BE SERVED.

## Separation of Powers

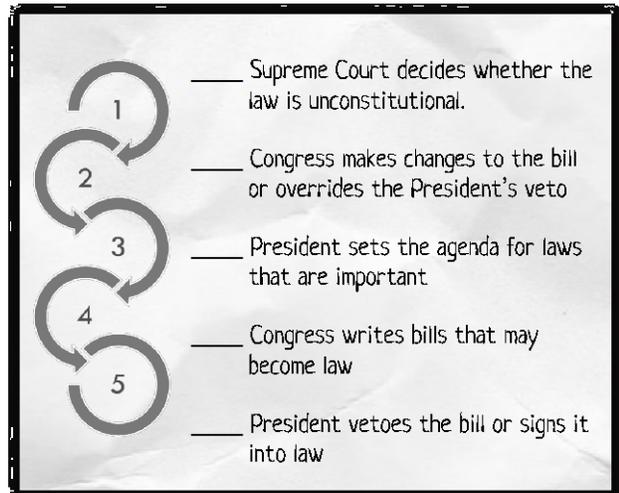
Name: \_\_\_\_\_

**A. Who's Who?** Draw lines to match the roles in the simulation with the roles they represent in real life:



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**B. Unscramble It!** Use what you learned in the simulation activity to put these real-life steps in order. Number them from 1 to 5.

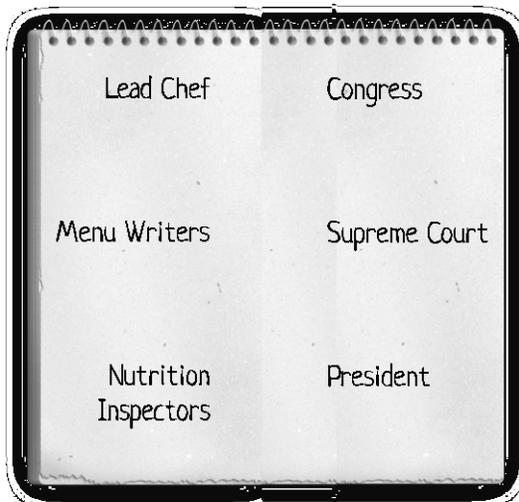


Post-Simulation Activity

## Separation of Powers

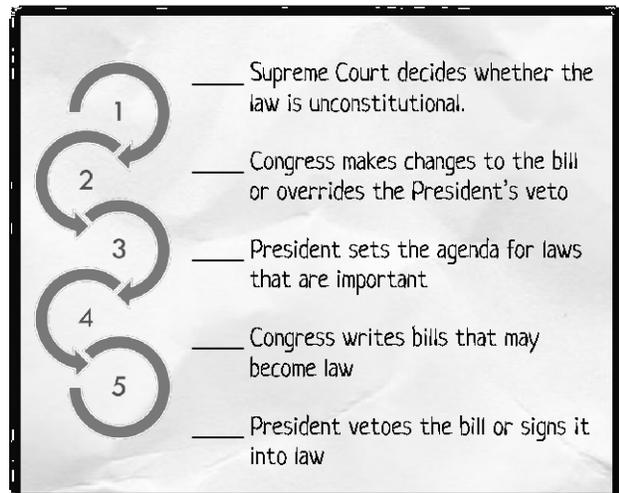
Name: \_\_\_\_\_

**A. Who's Who?** Draw lines to match the roles in the simulation with the roles they represent in real life:



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**B. Unscramble It!** Use what you learned in the simulation activity to put these real-life steps in order. Number them from 1 to 5.

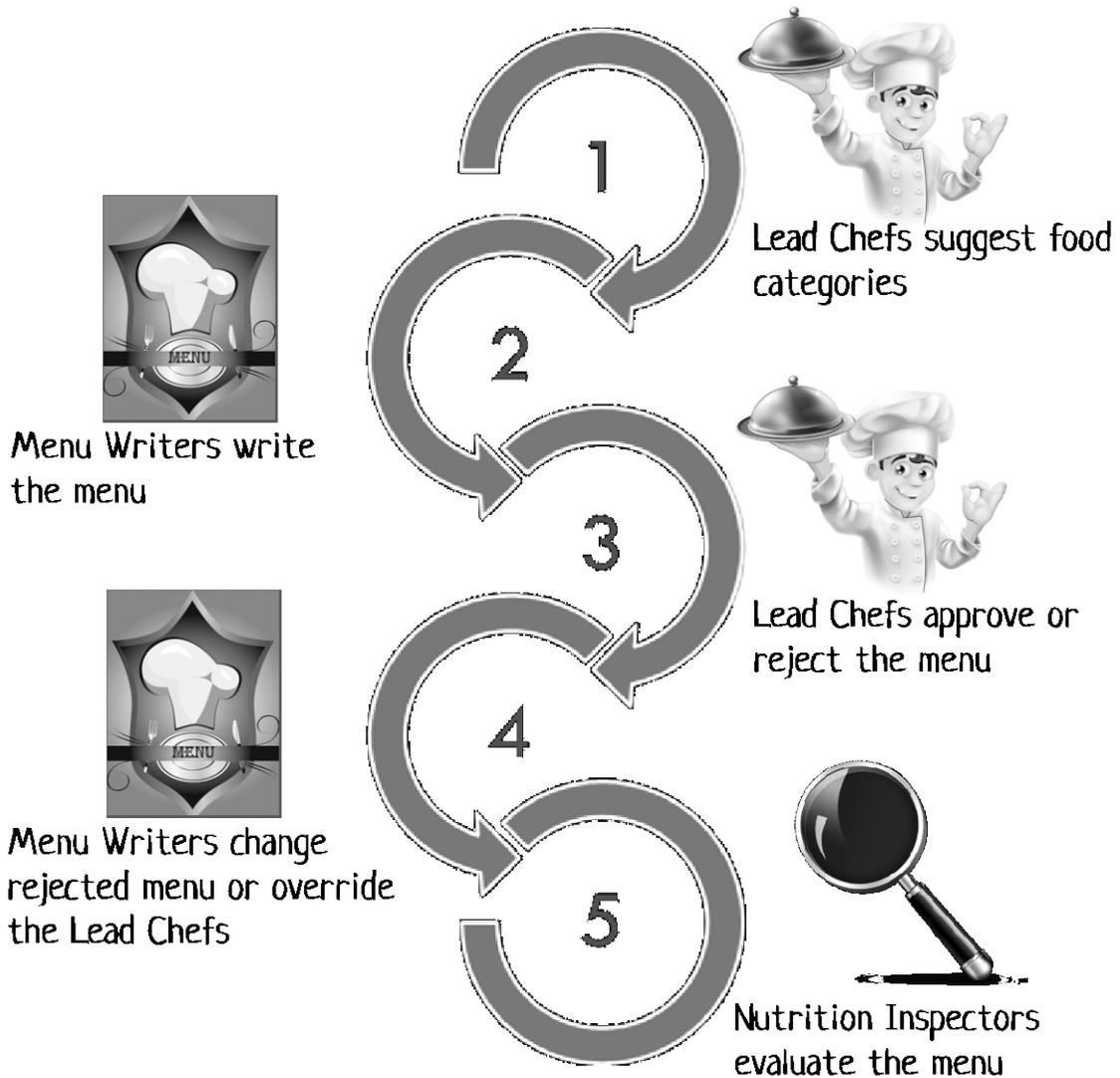


Post-Simulation Activity

## Separation of Powers

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# OFFICIAL PROCEDURE FOR DECIDING NEW SCHOOL LUNCH MENU



## Excerpts of Articles I, II, III and V of the U.S. Constitution

### Excerpts from Article I – The Legislative Branch

SECTION. 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SECTION. 2. The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment.

SECTION. 3. The Senate shall have the sole Power to try all Impeachments

SECTION. 7. All Bills for raising Revenue shall originate in the House of Representatives;...

Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States; If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, ... If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law

Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

SECTION. 8. The Congress shall have Power To lay and collect Taxes, ... to pay the Debts and provide for the common Defence and general Welfare of the United States;...

To borrow Money on the credit of the United States;

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

To establish Post Offices and post Roads;

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

To constitute Tribunals inferior to the supreme Court;

To define and punish Piracies and Felonies committed on the high Seas, and Offenses against the Law of Nations;

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

To provide and maintain a Navy; To make Rules for the Government and Regulation of the land and naval Forces;

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards and other needful Buildings;-And  
To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

### **Excerpts from Article II – The Executive Branch**

SECTION. 1. The executive Power shall be vested in a President of the United States of America...

Oath or Affirmation:--"I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States."

SECTION. 2. The President shall be Commander in Chief of the Army and Navy of the United States, ... and he shall have Power to grant Reprieves and Pardons for Offenses against the United States, except in Cases of Impeachment.

He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States,

The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

SECTION. 3. He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

### **Excerpts from Article III – The Judicial Branch**

SECTION. 1. The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish.

SECTION. 2. The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;--to all Cases affecting Ambassadors, other public Ministers and Consuls;--to all Cases of admiralty and maritime Jurisdiction;--to Controversies to which the United States shall be a Party;--to Controversies between two or more States;--between a State and Citizens of another State;--between Citizens of different States;--between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

### **Excerpts from Article V – The Amendment Process**

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution

Adapted from: <http://constitutioncenter.org>

## Who's Got The Power?

**Directions:** Working together as a group, complete the chart below by identifying which branch of government possesses each of the powers. To accomplish this task, find where the power is listed in the “Excerpts of Articles I, II, III and V of the U.S. Constitution” reading, highlight the power in the reading, mark the number from the activity sheet on the reading and then write on the activity sheet the Article and Section from the U.S. Constitution where they found the evidence to justify their answer.

	<b>Power</b>	<b>Branch of Government Legislative, Executive or Judicial</b>	<b>Evidence from Reading List the Article and Section</b>
<b>1</b>	Introduces laws		
<b>2</b>	Signs bills into law		
<b>3</b>	Coins money		
<b>4</b>	Nominates Supreme Court justices		
<b>5</b>	Declares war		
<b>6</b>	Vetoes bills		
<b>7</b>	Interprets/makes meaning of laws		
<b>8</b>	Serves as commander-in-chief of the military		
<b>9</b>	Issues a pardon		
<b>10</b>	Overrides presidential vetoes		
<b>11</b>	Borrows money on behalf of the United States		
<b>12</b>	Makes treaties		
<b>13</b>	Impeaches/removes the president		
<b>14</b>	Declares laws unconstitutional		
<b>15</b>	Approve treaties for ratification		

# You Be The President!

**As president, or the head of the executive branch, you have the power to:**

- Propose laws to the Congress (the legislative branch);
- Sign bills into law;
- Veto bills from becoming laws;
- Negotiate treaties with foreign countries;
- Make executive appointments (to the Cabinet; to the Supreme Court; to federal agencies like the F.B.I.; etc.); and
- Grant pardons to federal offenders.

**You can check the powers of the Congress by:**

- Proposing new legislation; and
- Vetoing bills from becoming laws.

**You can check the powers of the Supreme Court by:**

- Appointing judges who share your political viewpoints; and
- Enforcing the Court's decisions.

**Directions for Part One:** Read the role-play scenario below and familiarize yourself with your branch of government's goal. Then, brainstorm a list of actions/steps that your branch has the power to take in order to accomplish your goal. An example is provided for you.

***Scenario/Goal:***

*After a stop at your favorite fast-food restaurant, you decide that, maybe, just maybe, the secret to world peace can be found in a hamburger, fries, and a vanilla milkshake. With a burst of energy, you sprint back to the White House and head straight for the Oval Office. Inside, you begin brainstorming a series of actions you can take to make your favorite restaurant a major part of your presidency.*

***Actions to Accomplish Your Goal:***

- *You propose a law to the Congress requiring every school to replace the Pledge of Allegiance with the TV commercial jingle about your favorite restaurant.*
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**Directions for Part Two:** Think about the goals that the other two branches of government have presented to you. Given the ways in which you can check their powers, brainstorm a list of actions/steps you would take to check each branch's power and make it difficult for each branch to accomplish its goal.

***Actions to Check the Congress' Goal:***

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***Action to Check the Supreme Court's Goal:***

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# You Be The Congress!

As a member of the Congress, or the legislative branch, you have the power to:

- Introduce new laws;
- Override a presidential veto;
- Coin money;
- Borrow money on behalf of the United States;
- Appropriate money to the executive branch;
- Declare war; and
- Impeach or remove the president.

You can check the powers of the president by:

- Overriding a presidential veto on a bill;
- Impeaching or removing the president;
- Approving (or not approving) treaties for ratification if you are in the Senate; and
- Approving presidential appointments to the Supreme Court, the Cabinet, and federal agencies (like the F.B.I.).

You can check the powers of the Supreme Court by:

- Confirming judiciary appointments to the Court;
- Impeaching or removing justices; and
- Proposing new amendments to the Constitution.

**Directions for Part One:** Read the role-play scenario below and familiarize yourself with your branch of government's goal. Then, brainstorm a list of actions/steps that your branch has the power to take in order to accomplish your goal. An example is provided for you.

**Scenario/Goal:**

*After a very long debate, you and some of your fellow members of the Congress have decided that seatbelts should be removed from all cars because they tend to wrinkle your new suits and don't really protect you all that much anyway. You begin brainstorming actions you can take to accomplish this goal within a year's time.*

**Actions to Accomplish Your Goal:**

- *You introduce a bill that bans seatbelts from all cars sold in the United States after 2013.*
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**Directions for Part Two:** Think about the goals that the other two branches of government have presented to you. Given the ways in which you can check their powers, brainstorm a list of actions/steps you would take to check each branch's power and make it difficult for each branch to accomplish its goal.

**Actions to Check the President's Goal:**

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**Actions to Check the Supreme Court's Goal:**

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# You Be The Supreme Court!

As a member of the Supreme Court, or the highest court in the judicial branch, you have the power to:

- Declare laws unconstitutional through the power of judicial review; and
- Interpret meaning of laws.

You can check the powers of the president by:

- Declaring executive actions unconstitutional.

You can check the powers of the Congress by:

- Declaring laws unconstitutional.

**Directions for Part One:** Read the role-play scenario below and familiarize yourself with your branch of government's goal. Then, brainstorm a list of actions/steps that your branch has the power to take in order to accomplish your goal. An example is provided for you.

**Scenario/Goal:**

*You and your fellow Supreme Court justices have been asked to hear several cases related to claims that the president and members of Congress are abusing their power through the privilege of "franking," which means they can send all of their business-related mail for free.*

**Actions to Accomplish Your Goal:**

- *You rule in favor of Mr. Manic Mailman in *Manic Mailman v. United States (2011)*, a case in which a frustrated postal worker sues the U.S. government for theft of stamps.*

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**Directions for Part Two:** Think about the goals that the other two branches of government have presented to you. Given the ways in which you can check their powers, brainstorm a list of actions/steps you would take to check each branch's power and make it difficult for each branch to accomplish its goal.

**Action to Check the President's Goal:**

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**Action to Check the Congress' Goal:**

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### ***Sources***

Separation of Powers: What's for Lunch? Lesson Plan from iCivics:

<http://www.icivics.org/teachers/lesson-plans/separation-powers-whats-lunch>

U.S. Constitution Image: <http://www.ourdocuments.gov/doc.php?doc=9#>

Federalist #47: [http://thomas.loc.gov/home/histdox/fed\\_47.html](http://thomas.loc.gov/home/histdox/fed_47.html)

U.S. Constitution Text: <http://www.constitutioncenter.org>

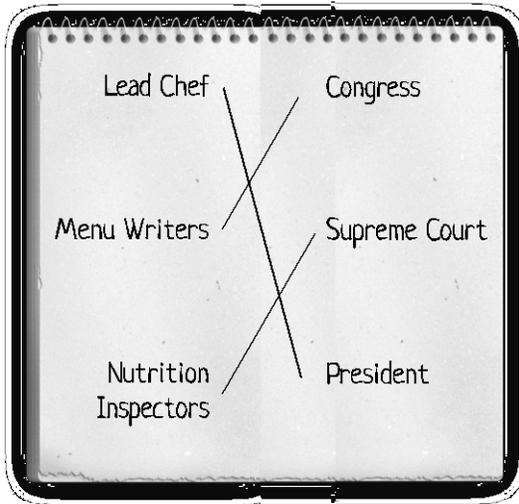
Separation of Powers Lesson Plan from National Constitution Center:

<http://constitutioncenter.org/learn/educational-resources/lesson-plans/separation-of-powers>

# Separation of Powers

Name: **\*\* TEACHER GUIDE \*\***

**A. Who's Who?** Draw lines to match the roles in the simulation with the roles they represent in real life:



**B. Unscramble It!** Use what you learned in the simulation activity to put these real-life steps in order. Number them from 1 to 5.



## Who's Got The Power? – **Sample Answers**

	<b>Power</b>	<b>Branch of Government Legislative, Executive or Judicial</b>	<b>Evidence from Reading List the Article and Section</b>
<b>1</b>	Introduces laws	<b>legislative</b>	<b>Article I, Section 7</b>
<b>2</b>	Signs bills into law	<b>executive</b>	<b>Article I, Section 7</b>
<b>3</b>	Coins money	<b>legislative</b>	<b>Article I, Section 8</b>
<b>4</b>	Nominates Supreme Court justices	<b>executive</b>	<b>Article II, Section 2</b>
<b>5</b>	Declares war	<b>legislative</b>	<b>Article I, Section 8</b>
<b>6</b>	Vetoes bills	<b>executive</b>	<b>Article I, Section 7</b>
<b>7</b>	Interprets/makes meaning of laws	<b>judicial</b>	<b>Article III, Section 2</b>
<b>8</b>	Serves as commander-in-chief of the military	<b>executive</b>	<b>Article II, Section 2</b>
<b>9</b>	Issues a pardon	<b>executive</b>	<b>Article II, Section 2</b>
<b>10</b>	Overrides presidential vetoes	<b>legislative</b>	<b>Article I, Section 7</b>
<b>11</b>	Borrows money on behalf of the United States	<b>legislative</b>	<b>Article I, Section 8</b>
<b>12</b>	Makes treaties	<b>executive</b>	<b>Article II, Section 2</b>
<b>13</b>	Impeaches/removes the president	<b>legislative</b>	<b>Article I, Sections 2 and 3</b>
<b>14</b>	Declares laws unconstitutional	<b>judicial</b>	<b><i>Marbury v. Madison</i> judicial review</b>
<b>15</b>	Approved treaties for ratification	<b>Senate (legislative)</b>	<b>Article II, Section 2</b>

## You Be The President! – Sample Answers

As president, or the head of the executive branch, you have the power to:

- Propose laws to the Congress (the legislative branch);
- Sign bills into law;
- Veto bills from becoming laws;
- Negotiate treaties with foreign countries;
- Make executive appointments (to the Cabinet; to the Supreme Court; to federal agencies like the F.B.I.; etc.); and
- Grant pardons to federal offenders.

You can check the powers of the Congress by:

- Proposing new legislation; and (**Article II, Section 3**)
- Vetoing bills from becoming laws. (**Article I, Section 7**)

You can check the powers of the Supreme Court by:

- Appointing judges who share your political viewpoints; and (**Article II, Section 2**)
- Enforcing the Court's decisions. (**Article II, Section 3**)

**Directions for Part One:** Read the role-playing scenario below and familiarize yourself with your branch of government's goal. Then, brainstorm a list of actions/steps that your branch has the power to take in order to accomplish your goal. An example is provided for you.

**Scenario/Goal:**

*After a stop at your favorite fast-food restaurant, you decide that, maybe, just maybe, the secret to world peace can be found in a hamburger, fries, and a vanilla milkshake. With a burst of energy, you sprint back to the White House and head straight for the Oval Office. Inside, you begin brainstorming a series of actions you can take to make your favorite restaurant a major part of your presidency.*

**Actions to Accomplish Your Goal:**

- *You propose a law to the Congress requiring every school to replace the Pledge of Allegiance with the TV commercial jingle about your favorite restaurant.*
- *You veto any laws that don't support your favorite restaurant.*
- *You nominate judges that you believe share your opinion on your favorite restaurant.*

**Directions for Part Two:** Think about the goals that the other two branches of government have presented to you. Given the ways in which you can check their powers, brainstorm a list of actions/steps you would take to check each branch's power and make it difficult for each branch to accomplish its goal.

**Actions to Check the Congress' Goal:**

- *You veto any bills that get rid of the seatbelt requirement.*
- *You propose new legislation strengthening the requirements for seatbelts.*

**Actions to Check the Supreme Court's Goal:**

- *You nominate judges that support "franking."*
- *Enforce the Supreme Court's decision.*

## You Be The Congress! – Sample Answers

As a member of the Congress, or the legislative branch, you have the power to:

- Introduce new laws;
- Override a presidential veto;
- Coin money;
- Borrow money on behalf of the United States;
- Appropriate money to the executive branch;
- Declare war; and
- Impeach or remove the president.

You can check the powers of the president by:

- Overriding a presidential veto on a bill; (**Article I, Section 7**)
- Impeaching or removing the president (**Article I, Sections 2 and 3**)
- Approving (or not approving) treaties for ratification if you are in the Senate; and (**Article II, Section 2**)
- Approving presidential appointments to the Supreme Court, the Cabinet, and federal agencies (like the F.B.I.). (**Article II, Section 2**)

You can check the powers of the Supreme Court by:

- Confirming judiciary appointments to the Court; (**Article II, Section 2**)
- Impeaching or removing justices; and (**Article I, Sections 2 and 3**)
- Proposing new amendments to the Constitution. (**Article V**)

**Directions for Part One:** Read the role-playing scenario below and familiarize yourself with your branch of government's goal. Then, brainstorm a list of actions/steps that your branch has the power to take in order to accomplish your goal. An example is provided for you.

**Scenario/Goal:**

*After a very long debate, you and some of your fellow members of the Congress have decided that seatbelts should be removed from all cars because they tend to wrinkle your new suits and don't really protect you all that much anyway. You begin brainstorming actions you can take to accomplish this goal within a year's time.*

**Actions to Accomplish Your Goal:**

- *You introduce a bill that bans seatbelts from all cars sold in the United States after 2013.*
- *Override a presidential veto on a bill that bans seatbelts.*
- *Only confirm presidential appointees that share your goal of banning seatbelts.*

**Directions for Part Two:** Think about the goals that the other two branches of government have presented to you. Given the ways in which you can check their powers, brainstorm a list of actions/steps you would take to check each branch's power and make it difficult for each branch to accomplish its goal.

**Actions to Check the President's Goal:**

- *You take no action on the President's proposed law requiring every school to replace the Pledge of Allegiance with the TV commercial jingle about your favorite restaurant.*
- *You only approve presidential appointments that do not support the president's desire to replace the pledge of allegiance.*

**Actions to Check the Supreme Court's Goal:**

- *You propose an amendment to the Constitution to support "franking."*

## You Be The Supreme Court! – Sample Answers

As a member of the Supreme Court, or the highest court in the judicial branch, you have the power to:

- Declare laws unconstitutional through the power of judicial review; and (**Marbury v. Madison**)
- Interpret meaning of laws. (**Article III, Section 2**)

You can check the powers of the president by:

- Declaring executive actions unconstitutional. (**Article III, Section 2**)

You can check the powers of the Congress by:

- Declaring laws unconstitutional. (**Article III, Section 2**)

**Directions for Part One:** Read the role-playing scenario below and familiarize yourself with your branch of government’s goal. Then, brainstorm a list of actions/steps that your branch has the power to take in order to accomplish your goal. An example is provided for you.

**Scenario/Goal:**

*You and your fellow Supreme Court justices have been asked to hear several cases related to claims that the president and members of Congress are abusing their power through the privilege of “franking,” which means they can send all of their business-related mail for free.*

**Actions to Accomplish Your Goal:**

- *You rule in favor of Mr. Manic Mailman in **Manic Mailman v. United States (2011)**, a case in which a frustrated postal worker sues the U.S. government for theft of stamps.*
- *You rule in favor of the U.S. in **Manic Mailman v. United States (2011)**.*
- 

**Actions to Accomplish Your Goal:**

- *You interpret the meaning of the law and side with the federal government.*
- *You interpret the meaning of the law and side with President Nixon.*

**Directions for Part Two:** Think about the goals that the other two branches of government have presented to you. Given the ways in which you can check their powers, brainstorm a list of actions/steps you would take to check each branch’s power and make it difficult for each branch to accomplish its goal.

**Action to Check the President’s Goal:**

- *A case is brought to the Supreme Court questioning the legality of the President’s new law. You determine it is unconstitutional.*

**Action to Check the Congress’ Goal:**

- *A case is brought to the Supreme Court questioning the legality of Congress’ new law. You determine it is unconstitutional.*

### *Civics Content Vocabulary*

<b>Word/Term</b>	<b>Part of Speech</b>	<b>Definition</b>
<b>checks and balances</b>	noun	a principle of the federal government, according to the U.S. Constitution, that allows each branch of government to limit the power of the other branches
<b>constitutional government</b>	noun	a form of government based on a written set of laws that all citizens agree to; in this form of government, the constitution is the highest law of the land
<b>judicial review</b>	noun	the power of the judicial branch to review the actions of the executive and legislative branches and determine whether or not they are unconstitutional (this includes laws passed by Congress); the U.S. Supreme Court case <i>Marbury v. Madison</i> established this power
<b>limited government</b>	noun	a government that has been limited in power by a constitution, or written agreement
<b><i>Marbury v. Madison</i></b>	proper noun	U.S. Supreme Court case that established judicial review
<b>separation of powers</b>	noun	the structure of the federal government, according to the U.S. Constitution, that sets up three branches with their own distinct powers and responsibilities

## *Essential Teacher Content Background Information*

**This section addresses the following issues:**

1. Limited government and natural rights
2. Separation of Powers and Checks and Balances

### **1. Limited government and natural rights**

The founding fathers were deeply concerned about government abusing its power. It was reasoned that when a government abused its power, it deprived the citizens of their liberty. As liberty was a fundamental God given right, assurances had to be put in place to protect the people from government abusing its power.

The founding fathers consulted the works of many political philosophers, including John Locke (1632-1704), when they developed government structures that protected the people from government abusing its powers. According to Locke, men lived in a “state of nature” which meant that one is allowed to conduct one’s life as one best sees fit, free from the interference of others. There is no government in a state of nature, and people are assumed to be equally responsible for protecting each others’ “life, health, liberty and possessions”. The laws by which people lived were derived from God, and these laws included the notion that people were forbidden from harming one another. Thus, the state of nature is a state of liberty where persons are free to pursue their own interests provided that in doing so they do not harm one another.

Still, it is not uncommon for property disputes to arise. Under the state of nature there is no government to appeal one’s grievances against one person who has stolen property or liberty (i.e. making a person a slave). Under the law of nature, men are allowed to defend their lives and their property, which include the right to kill others who threaten their property or liberty. This meant that there was no civil authority to settle disputes, and put the community at risk for an outbreak of war due to the lack of a civil government.

According to Locke, civil governments were established for the sake of protecting property. Property is the basis for Locke’s argument for both a social contract and civil government because it is the protection of that property (property protection extends to a person so that one has dominion over their own bodies) that compels men to choose a civil government and abandon the notion of living in a state of nature. The social contract is a voluntary agreement between the people and the government.

These ideas show that people are born with God given (natural) rights that are protected by civil governments. Governments are created to protect that which belongs to the people. However, governments are limited in their regulation of human behavior to the extent to which the people themselves believe does not infringe on their God given freedoms. The people enter into a social contract voluntarily provided that the government is formed in a way that respects natural rights and is derived from the consent of the governed.

### **2. Separation of Powers and Checks and Balances**

The U.S. Constitution is organized around a separation of powers system that utilizes checks and balances. The powers to legislate, enforce and adjudicate are separated into three different branches of government. These branches may not function with complete independence. The founding fathers feared that branches functioning independently might still abuse their power. Thus, while there are separate branches of government and each is vested with specific powers, this does not mean that each branch operates without some level of oversight from one or both other branches.

Charles de Secondat, Baron de Montesquieu’s (1689-1755) 1748 work, *The Spirit of the Laws* (French: *L’Esprit des Lois*), on the theory of separation of powers and checks and balances had a strong influence on the founding fathers. Montesquieu argued that “government should be set up so that no man need be afraid of another”, which was well received by the founding fathers, particularly James Madison, who believed that a clearly defined and balanced separation of powers system that utilized checks and balances would provide a stable foundation for the new government.

Montesquieu argued that government should be created to accommodate separate branches of government with equal but different powers. This way, power would not be concentrated with one individual or group of individuals. Liberty was threatened if power became concentrated in one place; thus, no branch of government could threaten the freedom of the people.