

STRUCTURE AND FUNCTION OF GOVERNMENT

SS.7.CG.3.3 Describe the structure and function of the three branches of government established in the U.S. Constitution.

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2023 BENCHMARK UPDATES

- Updated from SS.7.C.3.3
 - Changed from, “~~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.” to “Describe the structure and function of the three branches of government established in the U.S. Constitution. “
- Depth of Knowledge Changes within Benchmark
 - Changed from, “Illustrate” to “Describe”
- Benchmark Clarification Changes
 - Changed from “Students will compare the roles and responsibilities of the three branches of the ~~federal~~ government.” to “Students will compare the roles and responsibilities of the three branches of the national government.”
- Vocabulary Changes
 - Changed from “federal” to “national”

Essential Teacher Content Background Information

[Teacher Content Notes Not Appropriate For Student Use]

This section addresses the following topics:

1. Overview of the Structure and Functions of the Three Branches of Government Outlined in the U.S. Constitution
2. The Structure and Functions of the Legislative Branch
3. The Structure and Functions of the Executive Branch
4. The Structure and Functions of the Judiciary Branch of Government
5. Graphic Representation: The Functions of Congress, the Executive and the Judiciary

1. Overview of the Structure and Functions of the Three Branches of Government Outlined in the U.S. Constitution

The U.S. Constitution is comprised of seven articles, each of which concerns a power of government. The first three articles deal with the three branches of government in the order that the Founders intended would reflect the amount of power that each branch would have under the new system. The legislative power, being the most powerful, is listed first, while the executive power is listed second. The judiciary power is listed third (the power of the courts to overturn laws was not established until *Marbury v. Madison* in 1803, and is not found in the U.S. Constitution). It was the Founders' intention that the courts would not be powerful.

The legislative power is the strongest of the three powers of government because the nation is based on the rule of law. Persons responsible for enforcing and adjudicating the laws work in response to the lawmaking process. The executive branch must enforce laws in place while it may not enforce laws that are not in place. Similarly, the courts may not adjudicate laws that do not exist. This means that the executive and judiciary branches are reactive—they function in response to the proactive legislature which makes the legislature the most powerful branch of government. Additionally, the U.S. Constitution provides for the legislature to affect the membership of the other two branches. For example, if the Electoral College fails to extend a majority to one of the presidential candidates (Now a presidential/vice-presidential team since ratification of the 12th Amendment in 1804), the U.S. House of Representatives selects the president while the U.S. Senate elects the vice-president. The U.S. Senate confirms all Cabinet members, and other high level executive branch officials, following the presidential nomination. Article III of the U.S. Constitution provides for a Supreme Court while the Congress creates all lower courts. The U.S. Senate confirms all Supreme Court and high level justices who are nominated by the president. Taken together, the legislature was created to be the most powerful branch of government followed by the executive branch, and then the judiciary branch.

2. The Structure and Functions of the Legislative Branch

The U.S. Congress was created as a bicameral, or two-house, legislature. “Camera” means “chamber” in Latin. The House of Representatives provides for representation based on the population in each state. Each state is guaranteed a minimum of one Representative regardless of size. The U.S. Senate is composed of two Senators per state.

Article I of the U.S. Constitution outlines the structure, functions and processes of Congress. Article I is comprised of 10 sections, and is the longest article in the U.S. Constitution. Section 1, a single sentence, states that Congress shall be the legislative branch, while Sections 2-6 provide for membership in Congress including qualifications and elections of members and terms of office (Two years for House members; six years for

Senators. There are no term limits for Congress members). Section 7 and Section 8 deal with the powers of Congress. Section 7 notes that “All bills for raising Revenue shall originate in the House of Representatives...” (capitalization in original). This means that all tax bills must begin where the people have the most power because House members serve at the district level, and serve for two year terms. Section 8 enumerates the powers of Congress including the power to tax, declare war, raise and support armies, and regulate commerce, among other powers. Section 9 deals with the end of slave importation (1808), writs of habeas corpus, and other concerns. Finally, Section 10 identifies the powers denied the states. Article I is then organized by defining the institution, identifying the parameters of securing and retaining membership, outlining the powers of the institution, and denying specific powers to the states.

3. The Structure and Functions of the Executive Branch

The executive branch is outlined in Article II. Similar to Article I, the Article begins with identifying the holders of executive power (the president and vice-president), followed by the method of selection. The president and vice-president are selected through an elaborate mechanism called the Electoral College which grants each state the same number of votes as it has seats in Congress.

Article II, Section 2 follows with the powers of the president. The president has five constitutional powers including serving as Commander-in-Chief of the armed forces and chief executive. The president also has the power to nominate persons for high office such as Cabinet secretaries, ambassadors, Supreme Court justices, and other offices, and negotiate treaties. Finally, the president has the power to pardon. Section 3 notes that the president must deliver an address to Congress on the State of the Union “from time to time”. While the Constitution does not require that the State of the Union be an annual event, presidents have established that tradition. The State of the Union is usually presented to Congress in January or February. Finally, in Section 4, the Constitution defines the circumstances under which the president can be removed from office. Together, Article II is organized so that the office is identified followed by the selection process followed by the powers of the office.

4. The Structure and Functions of the Judiciary Branch of Government

The judiciary branch is outlined in Article III, the shortest of the first three articles. Similar to Articles I and II, Article III begins with an identification of the judicial power (the Supreme Court, and all inferior courts) along with the term of office (life with good behavior) in Section 1. Section 2 outlines the role of the office that includes the circumstances in which the Supreme Court is the court of “original jurisdiction” (the first place that the case is heard); otherwise, the Supreme Court is the highest appeals court in the United States. Section 3 defines treason.

5. Graphic Representation: The Functions of Congress, the Executive and the Judiciary

Article I: Congress	Article II: The Executive	Article III: The Judiciary
Makes all laws	Preserves, protects and defends the Constitution	Determines under which jurisdiction any given case falls
Lays and collects taxes	Faithfully executes the laws of the United States	Oversees cases involving original jurisdiction as outlined in Article III
Has sole power to declare war	Executes the instructions of Congress	Oversees all appellate cases; (appellate cases may be rejected by the U.S.

Confirms high level nominations to the executive and judiciary branches	Nominates high level members of the executive and judiciary branches.	Oversees the trials of impeachments
Oversees, investigates, and makes the rules for the government and its officers	Executes the spending authorized by Congress	
Has the power to raise and support armed forces	Highest civilian officer of the armed forces	
Approves treaties for ratification	Appoints judges with the advice and consent of the Senate	
Originates cases of impeachment (House); Holds impeachment hearings (Senate)	Has the power to grant pardons for crimes against the United States	
Has the power to coin and print money	Negotiates treaties	
Regulates immigration and naturalization		
Regulates commerce		

Note: This matrix provides information found in Articles I, II and III of the U.S. Constitution. Since the Constitution was ratified, constitutional amendments and U.S. Supreme Court decisions have impacted the structure and function of each branch. However, SS.7.CG.3.3 focuses solely on information found in Articles I, II and III. Information about structural and functional changes made since the Constitution was ratified may be found in other lessons.

Lesson Summary

ESSENTIAL QUESTION		
What is the structure and function of the United States government?		
BENCHMARK		
SS.7.CG.3.3 Describe the structure and function of the three branches of government established in the U.S. Constitution.		
CIVICS EOC REPORTING CATEGORY		
N/A		
OVERVIEW		
In this lesson, students will learn how the federal government is organized into three branches, how each branch has its own roles and powers, and where these powers originate in the U.S. Constitution.		
BENCHMARK CLARIFICATIONS		
<ul style="list-style-type: none"> Students will recognize the structure of the legislative, executive, and judicial branches. Students will compare the roles and responsibilities of the three branches of the national government. Students will identify the general powers described in Articles I, II, and III of the U.S. Constitution. 		
BENCHMARK CONTENT LIMITS		
N/A		
CIVICS CONTENT VOCABULARY		
<ul style="list-style-type: none"> appellate jurisdiction, armed forces, article, coining money, concurrent powers, declaration of war, delegated powers, elastic clause, enumerated powers, executive branch, foreign relations, immigration, impeach, implied powers, judicial branch, legislative branch, naturalization laws, necessary and proper clause, original jurisdiction, president, presidential appointments, regulate, trade, U.S. Congress, U.S. House of Representatives, U.S. Senate, U.S. Supreme Court 		
INSTRUCTIONAL STRATEGIES		
Close reading of complex text	Directed note taking	Collaborative learning
MATERIALS		
<ul style="list-style-type: none"> U.S. Constitution text (external link) Government Structure and Function Vocabulary activity sheet Article I reading Article I: Directed Note-Taking Understanding Article II activity sheet Executive Branch Key Points slides 		

- Understanding Article III activity sheet
- Judicial Branch Key Points slides
- Three Branches Graphic Organizer
- Branches of Power Game (external link; optional)
- Student digital device (optional)

B.E.S.T. STANDARDS

- ELA.7.R.2.1- Explain how individual text sections and/or features convey a purpose in texts.
- ELA.7.R.3.2- Paraphrase content from grade-level texts.
- ELA.V.1.3- Apply knowledge of context clues, figurative language, word relationships, reference materials, and/or background knowledge to determine the connotative and denotative meaning of words and phrases, appropriate to grade level.
- ELA.K12.EE.1.1- Cite evidence to explain and justify reasoning.

Suggested Student Activity Sequence & Pace

DAY	ACTIVITY SEQUENCE
DAY 1	<ol style="list-style-type: none"> 1. Start the class by asking students to work with a partner to list anything that they already know about the branches of government. Have students write a list to revisit throughout the lesson. 2. To begin this lesson, explain to students that the structure and function of our government is outlined in the U.S. Constitution and the best way to understand the three federal/national branches is to read and understand Articles I, II, and III of the U.S. Constitution. 3. Project the text of the “U.S. Constitution” or have students view a paper copy if desired. Teacher Note: As the U.S. Constitution will be a continuously referenced document throughout the Civics course, many teachers will acquire a set of ‘pocket constitutions’ that can be kept on hand in the classroom for student use. 4. Scroll through the document and ask students to brainstorm what they notice about Article I in comparison to the other articles. (length) Ask them what they think might be discussed in this article. 5. Pass out the “Government Structure and Function Vocabulary” activity sheet and review each term with the students. As you review the term with the students, have them fill in the blanks on their handout. Teacher Note: This lesson will require students to read multiple complex texts; it will be helpful for students to have the vocabulary terms in front of them while they work through this lesson. 6. Pass out the “Article I” reading and explain to students that Article I of the U.S. Constitution outlines the structure, function and powers of the legislative branch. Explain to students that the term ‘function’ means to understand the branch’s roles and responsibilities and that the structure of a branch includes the qualifications for the branch. 7. Pass out the “Article I: Directed Note-Taking” and explain to the students that they will complete a directed note taking activity in order to understand each section of Article I. 8. Review the directions as a whole class. Explain to students that for each article section, they will identify any key terms from their “Government Structure and Function Vocabulary” sheet that are mentioned, summarize the key points of the section and place those points in the appropriate box: structure, function and/or power of the legislative branch. Explain to students that some of the sections do not have information related to structure, function or power, so there will be blank columns for some sections. 9. Model the introduction and first section of the reading with the students. To do this, read the introductory paragraph and review the central idea with students (three separate branches of government, different powers in the lawmaking process and the ability to check each other). 10. Read aloud Article I, Section 1. 11. Ask students to identify any key terms and if the section discusses a structure, function and/or power of the legislative branch. Teacher Note: Utilize the Sample Answers section to guide student understanding. 12. Place students into pairs and inform them that they will complete the rest of the reading activity by completing a modified Think, Pair, Share activity. 13. Instruct students to read Section 2 and to complete the Section 2 row of the note-taking guide independently. 14. Next, provide them with time to then review their answers with a partner and reach a consensus on the right answers for Section 2.

	<ol style="list-style-type: none"> 15. Monitor student work while they work independently and then review their answers with their partner. 16. Ask pairs to share the answers for Section 2. 17. Repeat this strategy for Sections 3-5. 18. Have students share out their responses and add anything they missed to their graphic organizers.
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DAY 2	<ol style="list-style-type: none"> 1. Pass out or have students take out the “Article I” reading (used in Day 1) and review with students that Article I of the U.S. Constitution outlines the structure, function and powers of the legislative branch. 2. Pass out or have students take out the “Article I: Directed Note-Taking” (used in Day 1) and explain to the students that they will continue working on their note taking activity in order to understand each section of Article I. 3. Review the directions as a whole class. Remind students that for each article section, they will identify any key terms from their “Government Structure and Function Vocabulary” activity sheet (used in Day 1) that are mentioned, summarize the key points of the section and place those points in the appropriate box: structure, function and/or power of the legislative branch. Remind students that some of the sections do not have information related to structure, function or power, so there will be blank columns for some sections. 4. Review by modeling the sixth section of the reading with the students by reading aloud Article I, Section 6. 5. Ask students to identify any key terms and if the section discusses a structure, function and/or power of the legislative branch. 6. Place students into the same pairs as Day 1 instruction and inform them that they will complete the rest of the reading activity by completing a modified Think, Pair, Share activity. 7. Instruct students to read Section 7 and to complete the Section 7 row of the note-taking guide independently. 8. Next, provide them with time to then review their answers with a partner and reach a consensus on the right answers for Section 7. 9. Monitor student work while they work independently and then review their answers with their partner. 10. Ask pairs to share the answers for Section 7. 11. Repeat this strategy for Sections 8-10. 12. Upon completion, review Article I, Section 8 from the “Article I” reading as a whole class. Instruct students to share out the vocabulary terms they identified in this section. Reinforce the concepts of “delegated powers” and “implied powers” with the class. Explain to students that Congress also has “concurrent powers” that they share with the states. 13. Checking for Understanding (Formative Assessment): Refer students back to the guiding question – According to the reading, what is the structure, function and power of the legislative branch? Instruct students to write a summary statement answering this question using what they have learned from the reading and activity sheet. Instruct students to include the following information in their summary: a clear introduction, information and examples from the text, related civics content vocabulary, and an appropriate concluding statement.
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DAY 3	<ol style="list-style-type: none"> 1. Project the U.S. Constitution text again and show students Articles I, II, and III again. Ask students: If Article I was about the legislative branch, what do you think Article II will be about? (executive branch). 2. Ask students to brainstorm some of the information they think they know about the executive branch in pairs or small groups. 3. Place students in pairs or groups of three and pass out the “Understanding Article II” activity sheet. 4. Explain to students that they will read excerpts of the actual text from the U.S. Constitution and answer questions in order to understand the structure, function and power of the executive branch. 5. Model the first excerpt by completing Section 1 together as a whole group. 6. Provide time for the student groups to read through and answer the questions about the executive branch on their activity sheet. 7. After they finish, use the “Executive Branch Key Points” slides to help ensure students understand the powers of the president. Have them add to their notes as needed. 8. Point out to students that in Article II, Section 2, there is mention of the Senate regarding treaties and appointments. Explain to students that the president can make treaties and appointments, but the Senate must approve them. 9. Review student answers from their graphic organizer. 10. To wrap up the lesson on the executive branch, have the students answer: Why is the executive branch important to the structure and function of a government?
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DAY 4	<ol style="list-style-type: none"> 1. Project the “U.S. Constitution” text again and show students Articles I, II, and III again. Ask students: If Article I was about the legislative branch and Article II was about the executive branch, what do you think Article III will be about? (judicial branch) 2. Ask students to brainstorm some of the information they think they know about the judicial branch in pairs or small groups. 3. Place students in pairs or groups of three and pass out the “Understanding Article III” activity sheet. 4. Explain to students that they will read excerpts of the actual text from the U.S. Constitution and answer questions in order to understand the structure, function and power of the judicial branch. 5. Model the activity by completing the first section as a whole group and reviewing the correct response. 6. Provide time for the student groups to read through and answer the questions about the judicial branch. 7. After they finish, using the “Judicial Branch Key Points” slides to ensure understanding. Have students add to their notes when needed. 8. Review student answers from their activity sheet. 9. To wrap up the lesson on the judicial branch, have students break into pairs to summarize the powers that the branch holds. Each pair should determine which student is Person A and which is Person B. Give Person A 30 seconds to discuss while Person B listens. Person B will then speak for 30 seconds by summarizing what Person A said and adding any additional information while Person A listens.
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DAY 5	<ol style="list-style-type: none"> 1. Have students take out any/all of their activity sheets for the three branches completed so far and give them a few minutes to review the information. 2. Break students into groups of 3 and have students assign themselves as an ‘L’, ‘E’, or ‘J’, having one letter represented in each group. 3. Each student of the group will have 30 seconds to discuss their branch with a basic summary, with no other students talking but the assigned letter. The other letters will sit and listen until the next letter talks. 4. After all three letters are discussed, review any comments or questions that need to be addressed as a whole group. 5. Pass out a blank “Three Branches Graphic Organizer” to each student and explain that they will use what they have learned from the readings and class discussion to fill in the graphic organizer with the structure (including qualifications), function, and powers of each branch. 6. Provide time for students to complete the three sections of the graphic organizer. 7. Review as a whole class. 8. Checking for Understanding (Formative Assessment): Instruct students to write a well-crafted response using one of the following prompts: <u>Prompt 1</u> Although many people believe that the three branches of government are equal, the legislative branch is actually the most powerful. Use evidence from your readings and graphic organizer to argue why you think this statement is correct or incorrect. <u>Prompt 2</u> Explain what you think are the most important functions and powers of each branch. Use evidence from your readings and graphic organizer to explain your argument. <p>Extension Activity: If students finish before the end of the class, they could use a student digital device and complete the “Branches of Power Game” from iCivics.</p>
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Civics Content Vocabulary

Word/Term	Definition
appellate jurisdiction	the power to hear appeals of cases which have been tried in lower courts
armed forces	the nation's military (Air Force, Army, Coast Guard, Marines, National Guard and Navy)
article	a numbered chapter or section of a contract, treaty, or constitution
coining money	the power of the legislative branch to print money (coins and bills) for use
concurrent powers	powers shared by the national, state, and/or local government
declaration of war	the power of Congress to vote to go to war with another country
delegated powers	the powers specifically named and assigned to the federal government or prohibited to be exercised by the states under the U.S. Constitution, also known as enumerated powers
elastic clause	the power of Congress to pass all laws they deem necessary and proper for carrying out its enumerated powers (also known as implied powers)
enumerated powers	the powers specifically named and assigned to the federal government or prohibited to be exercised by the states under the U.S. Constitution, also known as delegated powers
executive branch	the branch of government that enforces the laws made by the legislative branch
foreign relations	the power of the executive branch to decide on the United States' dealings with other countries in order to achieve national goals
immigration	the movement of people from one country into another country
impeach	to bring formal charges of wrongdoing against a public official (such as the U.S. President)
implied powers	powers not written in the U.S. Constitution but are necessary and proper in order for the federal government to carry out the expressed powers; Article 1, Section 8, Clause 18 gives Congress the power to do what it deems "necessary and proper" to carry out the delegated powers
judicial branch	the branch of government that interprets the laws made by the legislative branch
legislative branch	the branch of government that creates laws
naturalization laws	laws made by Congress that people from other countries must follow in order to become legal citizens of the United States

necessary and proper clause	the power of Congress to make laws they view as necessary and proper to carry out their enumerated powers; also known as the elastic clause
original jurisdiction	the power of a court to be the first to hear a case on a specific topic
presidential appointments	the power of the U.S. President to choose members of his or her cabinet, ambassadors to other nations, and other officials in his or her administration
regulate	to control, govern, or direct according to rule
trade	to buy and sell goods or services
U.S. Congress	the national legislative body of the U.S., consisting of the Senate, or upper house, and the House of Representatives, or lower house
U.S. House of Representatives	the lower house of the U.S. Congress
U.S. Senate	the upper house of the U.S. Congress
U.S. Supreme Court	the highest court of the United States; it sits at the top of the federal court system

ADDITIONAL RESOURCES

[Civics 360 Resources](#)

Florida Department of Education's Civic Literacy Reading List

- *The Democratic Process* by Mark Friedman

ANSWER KEYS

Sample Answers: Government Structure and Function Vocabulary activity sheet

Sample Answers: Article I: Direct Note-Taking

Sample Answers: Understanding Article II activity sheet

Sample Answers: Understanding Article III activity sheet

Sample Answers: Three Branches Graphic Organizer

Written Response: Sample Scoring Rubric

SOURCES

U.S. Constitution link - <http://constitutioncenter.org/media/files/constitution-full-text.pdf>

Understanding the Legislative, Executive, and Judicial Branch Readings -

<https://constitutioncenter.org/the-constitution>

Directed Note-Taking Template Adapted from: Just, Read! Florida -

<http://www.fldoe.org/academics/standards/just-read-fl/>