“You Better Check Yourself!”
Separation of Powers and Checks and Balances in the US Government

Overview
Through role plays and small group discussions, students will explore the roles and responsibilities of the three branches of government, separation of powers, and checks and balances.

Grade
5

NC Essential Standards for 5th Grade Social Studies
• 5.C&G.1.2- Summarize the organizational structures and powers of the United States government (legislative, judicial and executive branches of government).

Essential Questions
• According to Articles I, II, and III of the US Constitution, what powers and responsibilities are given to each branch of government?
• Why did the US Constitution’s framers create a system of checks and balances and separation of powers in the three branches?
• What are the respective roles and responsibilities of the Executive and Legislative branches in declaring war?

Materials
• The Three Branches of Government, worksheet attached
• Branches of Government Political Cartoon, attached
• Separation of Powers Scenarios, attached
• President Franklin D. Roosevelt’s Message to Congress, attached
• President Lyndon B. Johnson’s Message to Congress, attached
• President George W. Bush’s Letter to House Speaker Dennis Hastert, attached
• Rules for Small Group Discussion, attached
• Small Group Discussion Questions, attached

Duration
60-90 minutes

Procedure
Who Makes Up Each Branch of US Government?
1. As a warm up, hand out the attached Branches of Government worksheet and ask students to discuss the members of each branch of government and the role/responsibilities of that branch. Have students fill in the answers by discussing in partners or as a class. Chart students’ thoughts on the board, ensuring they describe:
• **Legislative branch (Article I):** Made up of the House of Representatives and the Senate (referred to as Congress), people who work in the legislative branch are Senators and Representatives; and they are responsible for making laws

• **Executive branch (Article II):** People who work there include President (head of Executive Branch), Vice President, cabinet members, department and agency employees; responsibility is making sure that the law is carried out

• **Judicial branch (Article III):** People who work within this branch include Supreme Court Justices and federal judges; this branch is comprised of Supreme Court and the lower federal courts; responsibility is interpreting and explaining the law

2. Ask students to explain why they think the government is divided into three separate branches, referred to as **separation of powers.**

**Separation of Powers – “You Betta’ Check Yourself!”**

3. Next, tell students they are going to be assuming the powers of one of the three branches of government regarding a Congressional decision made in December 2000. Give the background information that in December 2000, Congress passed the "**Children’s Internet Protection Act,**" which requires public schools and libraries to install filter programs on their computers to lock websites deemed inappropriate for anyone less than 18 years of age. While obscene websites may be blocked, sites that are not obscene may also inadvertently be blocked (such as sites with medical information). A school or library can refuse to install the filters, but will then be ineligible for federal funds.

4. Quickly separate your room into three equal groups of students and assign one group to serve as the Executive Branch, one group as the Legislative Branch, and one group as the Judiciary Branch. Tell students you are going to play "You better check yourself!" by asking each branch questions about what they can and cannot do. Tell students they may confer among themselves before answering then pose the following questions:

• **Legislative branch,** what Article of the Constitution gave you the right to pass this law? (Article I)

• **Executive Branch,** let’s say you don’t like this law. What powers do you have to put Congress “in check” and stop the law from passing? (As head of the Executive Branch, the President can veto the law)

• **Judiciary Branch,** lets say the President didn’t veto the law, yet the American Civil Liberties Union doesn’t like the law one bit. What can they do about it that will involve you? (challenge the law in court) Let’s say the ACLU does challenge the law, what decision will you be making when it ends up in the US Supreme Court? (whether or not it is unconstitutional) What article of the Constitution gives you as the Judiciary Branch the right to determine whether or not the law is constitutional or unconstitutional? (Students will probably jump to say Article III, though the Constitution does not expressly give the Supreme Court the power to decide whether laws are unconstitutional.) What case established the right of your branch having judicial review? (Marbury v. Madison in 1803)

• **Legislative branch,** let’s go back and assume the President vetoed your law. Let’s say you don’t like the fact that the President vetoed your law. Is there anything you can do about it, to put him or her “in check?” (they can overturn the veto by a 2/3 majority in both houses)
• **Executive Branch**, what control to you have to keep the Judiciary Branch “in check?” (Justices are appointed by the President)

• **Legislative branch**, what is the point of having two houses within your branch? (Congress being comprised of the Senate and the House of Representatives serves as a way for each house to ensure the other does not pass an unreasonable law)

• What about you Judiciary Branch. What keeps you “in check?” (judges are appointed by the President and approved by the Senate; Congress has the power to amend the Constitution)

5. Finally, ask the entire class:

• What system are we addressing here, in which the three branches of government keep each other “in check?” (Ensure students understand that checks and balances is a system in which each branch of government is able to check, or restrain, the power of the others)

• Why do you think the framers of our Constitution designed our government with a **separation of powers** and a system of **checks and balances**?

• What are the positive aspects of having a separation of powers and a system of checks and balances? What are the negative aspects? Explain.

6. Project or copy and pass out the attached political cartoon for students to examine and discuss:

• What do you see here? What symbols, figures, objects, etc. do you think are important in interpreting this cartoon?

• What message is the artist trying to convey?

• How does this cartoon relate to three branches of government, separation of powers, and checks and balances?

• Is this cartoon representing a positive or negative opinion of our government’s structure? Explain.

**Exploring Scenarios of Separation of Powers/Checks and Balances**

7. Next, hand out the attached Separation of Powers/Checks and Balances Scenarios (some scenarios are for individual students, most are for partners). Teachers have two choices in how to conduct this activity:

• **Option 1:** Instruct the students to read the scenario and figure out a way to act it out in a 1-2 minute skit for the class. Tell students that as they watch each other’s brief scenes, they must figure out which branches of governments would be involved in this scenario. Make sure students understand the lines they use to act out their scenario must give away who they are, where they are, and what they are doing. At the end of each student’s presentation, if any of this is not clear the teacher should offer additional facts so that the class has all of the necessary details to figure out the branch of government involved.

Give students no more than five minutes to put something together, and begin the presentations. After each presentation, use the scene as a jumping off point to discuss the branches of government that would be involved, and how separation of powers/checks and balances would be at play when appropriate. Have students chart additional roles/responsibilities on their warm-up worksheet as discovered throughout the acting and discussion activity.
• **Option 2:** Rather than acting the scenarios out, remove the answers on the scenarios and have students partner up. Give them the scenario and have them discuss it, figure out the answer, then describe the scenario and the answer they chose to the class. As students report, the class should take notes on their original *Three Branches of Government* handout.

8. When finished, ask students if they can think of any current events that have involved the different branches of government, separation of powers, and/or checks and balances. The teacher should have a few current events to share with students as a current, real-world example of how the three branches operate.

9. Optional homework assignment: Have students create their own political cartoons based on the three branches of government, separation of powers, and/or checks and balances.

**Political Cartoon: Branches of Government**
Separation of Powers Scenarios

Scene 1: Negotiating Treaties (Legislative and Executive)
Actors required: 2 or more

You are legislators working on a treaty with Saudi Arabia to import oil.

Scene 2: Considering a proposed bill (Executive and Legislative)
Actors required: 2 or more

You are legislators considering a bill that would require all back seat passengers to wear seatbelts while in the car.

Scene 3: Removal of a federal judge (Legislative)
Actors required: 2 or more

You are legislators discussing how you believe a federal judge should be removed.

Scene 4: Appointments (Executive and Legislative)
Actors required: 2

One of you will represent the President of the US, and the other the Vice President. The two of you should have a conversation about who to appoint as an ambassador to Russia, and who to appoint as the ambassador to France.

Scene 5: Appeals from lower courts (Judicial)
Actors required: 1

You are a judge who is hearing a case that has been appealed from the North Carolina Supreme Court.

Scene 6: Vetoing a Bill (Executive)
Actors required: 1

Pretend to be the President of the US, and talk to yourself about vetoing a bill and why you are vetoing it as you mark through the bill with a big X for symbolic purposes.

Scene 7: Declaring War (Legislative)
Actors required: 2 or more

You are legislators who are discussing why you believe our county should go to war with Iraq.
Scene 8: State of the Union Address (Executive)
*Actors required: 1*

Pretend to be the President and write/prepare for your State of the Union address.

Scene 9: Impeachment of the President (Legislative)
*Actors required: 2 or more*

You are legislators who are moving to impeach the President.

Scene 10: Pardons (Executive)
*Actors required: 2 or more*

One of you is the President speaking to the Vice President about why you are pardoning a man convicted of a federal crime.

Scene 11: Borrow Money (Legislative)
*Actors required: 2 or more*

You are legislators deciding how much money to borrow from Italy for needed aid after the US was hit with a nuclear weapon.

Scene 12: Settling State Disputes (Judicial)
*Actors required: 1 or more*

You are a bailiff announcing the case North Carolina v. Virginia, in which NC is suing VA over water rights.

Scene 13: Treaty Dispute (Judicial)
*Actors required: 2 or more*

Both of you are Native Americans having a dispute over who is entitled to the land that you are currently standing on. Both of you feel that you were granted the land under a US treaty.
*Do not be stereotypical when portraying Native cultures. See the teacher for assistance if you need it.*

Scene 14: Appointing Supreme Court justices (Executive and Legislative)
*Actors required: 12 or more*

Pretend to be the President and explain who you have decided to appoint as a new Supreme Court Justice.
Answers may include...

Article I– Executive

• Who is in this branch?
  ▪ The President

• What does the President do?
  ▪ Sees that the laws are obeyed
  ▪ Is the commander in chief of the armed forces
  ▪ Approves or disproves laws
  ▪ Appoints government leaders
  ▪ Pardons people convicted of federal crimes
  ▪ Appoints federal judges
  ▪ May veto laws passed by Congress
  ▪ May call a special session of Congress

Article II– The Legislature

• Who is in this branch?
  ▪ The Congress (subdivided into the House of Representatives and the Senate)

• What does Congress do?
  ▪ Makes laws
  ▪ Approves or disproves the President’s appointments
  ▪ Declares war
  ▪ Approves or disproves treaties
  ▪ May overrule the decisions of the courts by proposing constitutional amendments
  ▪ May remove a federal if he or she is found guilty of wrongdoing
  ▪ May override the President’s veto
  ▪ May refuse to approve a treaty written by the President
  ▪ May refuse to approve the President’s appointments
  ▪ May remove a President from office if he or she is found guilty of wrongdoing

Article III– The Judiciary

• Who is in this branch?
  ▪ The Supreme Court and other Federal Courts

• What do the courts do?
  ▪ Explain the meaning of laws
  ▪ Decide whether laws or government actions agree with the Constitution
  ▪ May declare the President’s actions unconstitutional
  ▪ May declare laws unconstitutional
The Three Branches of Government...

Who works in this branch?

What do they do?

Who works in this branch?

What do they do?

Who works in this branch?

What do they do?