

"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

5-10

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 do 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.

War and the American Government

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. Finally, focus students on a current conflict or war (i.e., the Iraq War) and project the following excerpt from Article I:
- **Article I, Section 8** - The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

Ask students:

- What are the respective roles and responsibilities of the executive and legislative branches in making war? (*Discuss the fact that Congress has the power to declare war, but only the president can order troops into battle.*)

- Do you think the war-making power fairly balanced between the executive and legislative branches of government? Explain. If not, which branch possesses the greater power? Should it be more balanced?
9. Explain to students that they will discuss in small groups the American government as it pertains to war. Place students into small groups and hand each group a copy of the *Rules for Small Group Discussions*. Go over the rules, then give each group a copy of each of the three attached Presidential letters involving the war/sending troops into battle. Instruct students to divide the letters so that several people in each group have read at least two of the three. Assign one student in each group to be the discussion facilitator, and have him/her choose from the following questions to move the discussion along (these are also included as an attachment at the end of the lesson for distribution):
- In your opinion, what is the appropriate justification for declaring war? When is it appropriate for a nation to use military force?
 - What reasons have been given for war in the letters you read? Do you agree or disagree with these reasons? Explain.
 - How does the President justify the necessity of war in these letters? How is this reasoning backed up by Article I?
 - How does the content of these letters compare and contrast with one another?
 - What ethical dilemmas does war raise? How do we address the ethical dilemmas involved in war situations?
 - What are nonviolent alternatives to warfare for solving disputes? What nonviolent methods exist for countering repression and injustice?
 - What is security? How can people or countries work to protect or increase security?
 - What are strategic interests? What are ethical ways for governments to pursue strategic interests?
 - As the U.S. Government wages war, what is its responsibility to innocent bystanders?
 - How can individual citizens in the U.S. respond in times of crisis or war? How does a democratic government respond in times of crisis or war?
 - What is the meaning of patriotism? What is the role of dissent in times of crisis or war?
 - How is American power interpreted around the world? How is the U.S. role as the world's sole superpower interpreted by people with varying perspectives around the world?
 - How might the U.S. move forward with a commitment to confront injustice while also promoting compassion and civility?
10. 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.

Hear Ye! Hear Ye! Lear Ye!



Separation of Powers Scenarios

Scene 1: Negotia

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 country 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.

Mr. Vice President, Mr. Speaker, members of the Senate and the House of Representatives:

Yesterday, December 7, 1941 - a date which will live in infamy - the United States of America was suddenly and deliberately attacked by naval and air forces of the Empire of Japan. The United States was at peace with that nation, and, at the solicitation of Japan, was still in conversation with its government and its Emperor looking toward the maintenance of peace in the Pacific.

Indeed, one hour after Japanese air squadrons had commenced bombing in the American island of Oahu, the Japanese Ambassador to the United States and his colleague delivered to our Secretary of State a formal reply to a recent American message. And, while this reply stated that it seemed useless to continue the existing diplomatic negotiations, it contained no threat or hint of war or of armed attack.

It will be recorded that the distance of Hawaii from Japan makes it obvious that the attack was deliberately planned many days or even weeks ago. During the intervening time the Japanese Government has deliberately sought to deceive the United States by false statements and expressions of hope for continued peace.

The attack yesterday on the Hawaiian Islands has caused severe damage to American naval and military forces. I regret to tell you that very many American lives have been lost. In addition, American ships have been reported torpedoed on the high seas between San Francisco and Honolulu.

Yesterday the Japanese Government also launched an attack against Malaya.

Last night Japanese forces attacked Hong Kong.

Last night Japanese forces attacked Guam.

Last night Japanese forces attacked the Philippine Islands.

Last night the Japanese attacked Wake Island.

And this morning the Japanese attacked Midway Island.

Japan has therefore undertaken a surprise offensive extending throughout the Pacific area. The facts of yesterday and today speak for themselves. The people of the United States have already formed their opinions and well understand the implications to the very life and safety of our nation.

As Commander-in-Chief of the Army and Navy I have directed that all measures be taken for our defense, that always will our whole nation remember the character of the onslaught against us.

No matter how long it may take us to overcome this premeditated invasion, the American people, in their righteous might, will win through to absolute victory.

I believe that I interpret the will of the Congress and of the people when I assert that we will not only defend ourselves to the uttermost but will make it very certain that this form of treachery shall never again endanger us.

Hostilities exist. There is no blinking at the fact that our people, our territory and our interests are in grave danger.

With confidence in our armed forces, with the unbounding determination of our people, we will gain the inevitable triumph. So help us God.

I ask that the Congress declare that since the unprovoked and dastardly attack by Japan on Sunday, December 7, 1941, a state of war has existed between the United States and the Japanese Empire.

**President Lyndon B. Johnson's Message to Congress
August 5, 1964**

Last night I announced to the American people that the North Vietnamese regime had conducted further deliberate attacks against U.S. naval vessels operating in international waters, and I had therefore directed air action against gunboats and supporting facilities used in these hostile operations. This air action has now been carried out with substantial damage to the boats and facilities. Two U.S. aircraft were lost in the action..

After consultation with the leaders of both parties in the Congress, I further announced a decision to ask the Congress for a resolution expressing the unity and determination of the United States in supporting freedom and in protecting peace in southeast Asia.

These latest actions of the North Vietnamese regime has given a new and grave turn to the already serious situation in southeast Asia. Our commitments in that area are well known to the Congress. They were first made in 1954 by President Eisenhower. They were further defined in the Southeast Asia Collective Defense Treaty approved by the Senate in February 1955.

This treaty with its accompanying protocol obligates the United States and other members to act in accordance with their constitutional processes to meet Communist aggression against any of the parties or protocol states.

Our policy in southeast Asia has been consistent and unchanged since 1955. I summarized it on June 2 in four simple propositions:

1. America keeps her word. Here as elsewhere, we must and shall honor our commitments.
2. The issue is the future of southeast Asia as a whole. A threat to any nation in that region is a threat to all, and a threat to us.
3. Our purpose is peace. We have no military, political, or territorial ambitions in the area.
4. This is not just a jungle war, but a struggle for freedom on every front of human activity. Our military and economic assistance to South Vietnam and Laos in particular has the purpose of helping these countries to repel aggression and strengthen their independence.

The threat to the free nations of southeast Asia has long been clear. The North Vietnamese regime has constantly sought to take over South Vietnam and Laos. This Communist regime has violated the Geneva accords for Vietnam. It has systematically conducted a campaign of subversion, which includes the direction, training, and supply of personnel and arms for the conduct of guerrilla warfare in South Vietnamese territory. In Laos, the North Vietnamese regime has maintained military forces, used Laotian territory for infiltration into South Vietnam, and most recently carried out combat operations - all in direct violation of the Geneva Agreements of 1962.

In recent months, the actions of the North Vietnamese regime have become steadily more threatening... As President of the United States I have concluded that I should now ask the Congress, on its part, to join in affirming the national determination that all such attacks will be met, and that the United States will continue in its basic policy of assisting the free nations of the area to defend their freedom.

As I have repeatedly made clear, the United States intends no rashness, and seeks no wider war. We must make it clear to all that the United States is united in its determination to bring about the end of Communist subversion and aggression in the area. We seek the full and effective restoration of the international agreements signed in Geneva in 1954, with respect to South Vietnam, and again in Geneva in 1962, with respect to Laos...

**President George W. Bush's Letter to House Speaker Dennis Hastert
September 4, 2002**

Dear Mr. Speaker:

America and the civilized world face a critical decision in the months ahead. The decision is how to disarm an outlaw regime that continues to possess and develop weapons of mass destruction, despite its own promises over the last decade and despite the condemnation of the world. Since September 11, we have been tragically reminded that we are vulnerable to evil people. And this vulnerability increases dramatically when evil people have access to weapons of mass destruction.

I know Members of Congress agree that Saddam Hussein's regime is still a threat to peace, as it was when you passed the Iraq Liberation Act of 1998. I also know members of the United Nations are angry that this regime continues to thumb its nose at the world, defying at least 16 U.N. Security Council resolutions adopted between 1990 and 1999 that require Iraq to disarm and give up weapons of mass destruction, to stop threatening its neighbors and to stop oppressing the Iraqi people. America intends to lead the way to make certain that the Saddam Hussein regime is not able to threaten anyone in the world with the world's most devastating weapons.

I am in the process of deciding how to proceed. This is an important decision that must be made with great thought and care. Therefore, I welcome and encourage discussion and debate. The Congress will hold hearings on Iraq this month, and I have asked members of my Administration to participate fully.

Doing nothing in the face of a grave threat to the world is not an option. At an appropriate time and after consultations with the leadership, I will seek congressional support for U.S. action to do whatever is necessary to deal with the threat posed by Saddam Hussein's regime. The Congress can play an important role in building a national consensus for action.

The international community must also be involved. I have asked Prime Minister Blair to visit America this week to discuss Iraq. I will also reach out to President Chirac of France, President Putin of Russia, President Jiang of China, and other world leaders. I will have these discussions in advance of next week's meeting of the United Nations General Assembly in New York. At that meeting, I will discuss the challenge that the current Iraqi regime represents to the United Nations and the entire international community. My Administration remains committed to the regime change policy enshrined in the Iraq Liberation Act. The world must address how the Iraqi people can be liberated from the bondage in which the regime holds them and realize a better future for their children.

We must not allow an outlaw regime that incites and uses terror at home and abroad to threaten the world by developing the ultimate weapons of terror. The months ahead will be important ones and the civilized world must come together to deal with the threat posed by the Iraqi regime.

Rules for Small Group Discussion

1. Actively listen to others (look at the person speaking, nod for support, look interested, etc.)
2. Respect others opinions, even if you disagree.
3. Speak one at a time without interrupting one another.
4. Do not blurt out.
5. Address one another using names, and refer to comments others have made using their name.
 - “I agree with you Tyrone, and...”
 - “Brianna and Ashley said...”
 - “I’d like to go back to the point that Courtney made earlier...”
6. It is OK to DISAGREE! Just do so respectfully!
 - “LaTonya, I hear what you are saying, but I disagree. I think that...”
 - “I see where you are coming from Jessica, but I have a different thought...”
 - “I hear you Jasmine, but what if...”
7. Back up your ideas with FACTS. Referring to a text makes your comment stronger!
11. “Here in the second line of the Declaration, it says ‘All men are created equal’...that is why I believe we all have the same rights...”
8. Give everyone a chance to contribute, and encourage others to voice their opinions.
9. Pose your own questions to the group, and ask group mates to further explain their comments:
 - “Shane, you said you agree with President Bush’s policy on the war. Can you tell me exactly why?”
 - “Did anyone else think that Truman should not have dropped the atomic bomb?”
10. Never yell at or insult one another.
11. Everything you have to say is valued, so if you don’t get to express your thought, write it down...we can come back to it when time permits.
12. Never leave your group upset.

Small Group Discussion Questions

- In your opinion, what is the appropriate justification for declaring war? When is it appropriate for a nation to use military force?
- What reasons have been given for war in the letters you read? Do you agree or disagree with these reasons? Explain.
- How does the President justify the necessity of war in these letters? How is this reasoning backed up by Article I?
- How does the content of these letters compare and contrast with one another?
- What ethical dilemmas does war raise? How do we address the ethical dilemmas involved in war situations?
- What are nonviolent alternatives to warfare for solving disputes? What nonviolent methods exist for countering repression and injustice?
- What is security? How can people or countries work to protect or increase security?
- What are strategic interests? What are ethical ways for governments to pursue strategic interests?
- As the U.S. Government wages war, what is its responsibility to innocent bystanders?
- How can individual citizens in the U.S. respond in times of crisis or war? How does a democratic government respond in times of crisis or war?
- What is the meaning of patriotism? What is the role of dissent in times of crisis or war?
- How is American power interpreted around the world? How is the U.S. role as the world's sole superpower interpreted by people with varying perspectives around the world?
- How might the U.S. move forward with a commitment to confront injustice while also promoting compassion and civility?

The Three Branches of Government - Worksheet Answer Key

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...



Article  _____

Article  _____

Article  _____

Who works in this branch?

Who works in this branch?

Who works in this branch?

What do they do?

What do they do?

What do they do?

