

## Lesson 2: How is Our Government Organized to Limit Power?

### Big Ideas of the Lesson

- The Framers of the Constitution were afraid of giving one group or one person in government too much power.
- To keep one group or one person from having too much power, the Framers divided the government into three branches.
- The three branches are given different functions and their own special powers. This principle is known as the separation of powers.
- Each of the three branches has the authority to keep the power of the other branches “in check” or from becoming too powerful. For instance, the president has the power to veto a law passed by Congress.

### Abstract

This lesson begins by students reviewing what they remember about the three branches of government from fourth grade. As a whole class activity, students then briefly examine portions of the first three articles of the Constitution and begin to collect evidence of how the functions and powers of the three branches of government demonstrate the principle of separation of power. In small groups, students then examine information sheets and additional excerpts from the Constitution to add to their evidence. Students then review the process of how a bill becomes a law in order to explore the specific powers of each branch and checks and balances within the lawmaking process. Finally, the students consider how separation of power and checks and balances limit the power of the government.

### Content Expectations:

- 4 - C2.0.1: Explain how the principles of popular sovereignty, rule of law, checks and balances, separation of powers, and individual rights (e.g., freedom of religion, freedom of expression, freedom of press) serve to limit the powers of the federal government as reflected in the Constitution and Bill of Rights.
- 4 - C3.0.3: Describe the organizational structure of the federal government in the United States (legislative, executive, and judicial branches).
- 4 - C3.0.4: Describe how the powers of the federal government are separated among the branches.
- 4 - C3.0.5: Give examples of how the system of checks and balances limits the power of the federal government (e.g., presidential veto of legislation, courts declaring a law unconstitutional, congressional approval of judicial appointments).

## Common Core State Standards for English Language Arts and Literacy in History/Social Studies

- RI.5.1:* Quote accurately from a text when explaining what the text says explicitly and when drawing inferences from the text.
- RI.5.4:* Determine the meaning of general academic and domain-specific words and phrases in a text relevant to a grade 5 topic or subject area.
- W.5.2:* Write informative/explanatory texts to examine a topic and convey ideas and information clearly.  
d. Use precise language and domain-specific vocabulary to inform about or explain the topic.
- W.5.4:* Produce clear and coherent writing in which the development and organization are appropriate to task, purpose, and audience.

### Key Concepts:

checks and balances  
Constitution  
limited government  
separation of powers

### Instructional Resources

#### Equipment/ Manipulative

Computer with display, document camera with projector or overhead projector  
Construction paper  
Highlighters  
Markers

#### Student Resource

Hart, Rachel. *Supplemental Materials (Unit 1, Lesson 2)*. Teacher-made material. Oakland Schools, 2012.

*How Laws are Made*. Ben's Guide to U.S. Government for Kids. 29 August 2012

<<http://bensguide.gpo.gov/3-5/lawmaking/example.html>>.

*How Laws are Made*. Kids in the House. Office of the Clerk. U.S. House of Representatives. 29 August 2012 <<http://kids.clerk.house.gov/grade-school/lesson.html?intID=17>>.

#### Teacher Resource

*The Constitution of the United States of America*. Ben's Guide to U.S. Government for Kids. 29 August 2012 <<http://bensguide.gpo.gov/9-12/documents/constitution/index.html>>.

### Lesson Sequence

1. Activate the students' prior knowledge by displaying the "Separation of Powers" graphic organizer located in *Supplemental Materials (Unit 1, Lesson 2)*. Discuss the three branches and how each branch has roles and functions within the government. Discuss the following Word

Cards #7 - #11: "Separation of Powers, Branches of Government, Legislative Branch, Executive Branch, and Judicial Branch." Guide students in understanding that the Constitution organizes the government into the three branches and throughout this lesson they will be using excerpts, or short sections, from the Constitution to develop a better understanding of our government. **Teacher Note:** One recommendation for using the word cards is to have students spread them out on their desks during class discussion and try to use the discipline-specific language in their talk.

2. Connect back to Lesson 1 by posing the following question: When you wrote the rules for our class constitution, which of the branches were you functioning as? Discuss student responses and make sure that they understand they were functioning as a legislative branch. Ask them what branch you represent as the teacher of the room. Guide them in understanding that you function as the executive branch. Discuss how the class will handle the issue of a judicial branch. In other words, who will decide what the rules mean and who will decide consequences for those who break rules.
3. Explain to students that the U.S. Constitution is far more complicated than your class Constitution. Explain that to make it more understandable it is organized much like a textbook. However, instead of chapters there are "articles". Distribute the Word Card #12 on "articles" and discuss the definition. Further explain that instead of headings there are "sections." Note that at this point you may want students to quickly skim over a copy of the full Constitution. It may be available in your textbook. If not, you can access a copy at the website listed in the Teacher Resource section.
4. Display "Excerpts from the Constitution" located in *Supplemental Materials (Unit 1, Lesson 2)* to show students the organization of the first three articles. Read aloud the excerpt of Article 1, Section 1, highlighting the critical words and asking students the meaning of this section. Guide students to recognize that this text is referring to the legislative branch and guide students to make the connection to the appropriate word card (#9).
5. Explain that students will be facing some challenging vocabulary while reading excerpts of the Constitution in this lesson. They will need to use their prior knowledge, resources, and reading strategies to help them comprehend the text. Have students then preview the excerpts from Article II and Article III from "Excerpts from the Constitution" located in *Supplemental Materials (Unit 1, Lesson 2)*. Discuss any unknown words. Solicit ideas of how to decode the unknown words and then determine their meaning.
6. Divide students into groups of 3 or 4 and distribute copies of "Information Sheet for Article I-The Legislative Branch" located in the *Supplemental Materials (Unit 1, Lesson 2)*. Help students to understand that they may have seen this information in fourth grade and that it summarizes information they should already know about the legislative branch. Have students read through the Information Sheet with their group. **For extension:** Have a third of the class construct a job description based on this information. The job description should be no more than five sentences in length. Allow time for students to work and then have each group share their job descriptions. Discuss the similarities and differences among the group's description. Be sure to focus students on the skills needed for the job, not just the attributes such as age and residency requirements.

7. Distribute copies of “Excerpts from Article I-Section 8,” located in *Supplemental Materials (Unit 1, Lesson 2)*. Model for students how to connect the actual Constitution with the Information Sheet. Demonstrate this by reading Article 1, 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, to discuss what this may be saying and then find where this idea is shown on the Information Sheet. Help them to see that this information is located in the “Powers” section of the Information Sheet.
8. Ask students which of the eight powers shown on the Information Sheet corresponds to this part of the Constitution. Guide them in identifying Power #2: “To tax the people.” Have students write “#2” next to the appropriate section of Article I – Section 8. Continue modeling the process of reading from the Article I-Section 8 excerpt and identifying the corresponding power on the Information Sheet until you think your students can attempt it without your modeling. Make sure students understand that some powers described in the excerpt from Article I, Section 8 are not reflected on the Information Sheet. They should leave these sections blank. Circulate through the room and assist any groups that are struggling. Note that a sheet showing correct answers has been included in the *Supplemental Materials (Unit 1, Lesson 2)* for reference.
9. Once students finish with Article I, distribute “Information Sheet for Article II-The Executive Branch” located in *Supplemental Materials (Unit 1, Lesson 2)*. Have students review the important ideas about the Executive Branch. **For extension:** Have a third of the students construct a job description based on this information. The job description should be no more than five sentences in length. Allow time for students to work and then have each group share their job descriptions. Discuss the similarities and differences among the group’s description. Be sure to focus students on the skills needed for the job, not just the attributes such as age and citizenship requirements. Compare these skills to those desired for members of the legislative branch.
10. Then distribute copies of “Excerpt from Article 2-Section 2” located in *Supplemental Materials (Unit 1, Lesson 2)*. In small groups, have students repeat the process they used with Article I.
11. Distribute the “Information Sheet for Article III-The Judicial Branch” located in the *Supplemental Materials (Unit 1, Lesson 2)*. Instruct the students to review the Information Sheet with a partner and highlight five important ideas about the Judicial Branch. Match two pairs together to form a group of four and have them share the five ideas each pair highlighted. Then, discuss highlighted ideas in the large group. **For extension:** Have a third of the students construct a job description based on this information. The job description should be no more than five sentences in length. Allow time for students to work and then have each group share their job descriptions. Discuss the similarities and differences among the group’s description. Be sure to focus students on the skills needed for the job, not just the attributes such as age and citizenship requirements. Compare these skills to those desired for members of the legislative and executive branches.

12. Next, lead a discussion about the three branches and the Constitution. Discuss the following ideas with students:
- When the Framers separated the legislative, executive, and judicial powers among three different branches, they were still concerned that each branch might abuse its power.
  - The Framers of the Constitution did not think separating the powers would be enough. They were afraid that problems would arise. They decided that they also needed to make sure that the legislative, executive, and judicial powers were given to other branches as a check on power.
  - Under the system of checks and balances, the branches are given authority to challenge each others use of power. For instance, the president has the power to veto a law passed by Congress. In this way, no branch can carry out its functions/powers without some cooperation from the other branches. Thus, the “checking power” is a way one branch of government can limit the power of the other branches of government.
  - The system of checks and balances makes sure that one branch does not become too powerful and prevents abuse of power that might result if a single branch were in complete control.

Using the Word Card for “Checks and Balances” explain to students that this term describes how the Framers hoped to further limit the power of government with this system. Explain that checks and balances are reflected in the law making process which students learned about in fourth grade.

13. Distribute the graphic organizer “How a Bill Becomes a Law” located in the *Supplemental Materials (Unit 1, Lesson 2)* and review the process. You may also wish to have students visit one of the following websites which describe the process in greater detail.
- *How Laws are Made*. Ben’s Guide to U.S. Government for Kids. 28 Aug. 2012 <<http://bensguide.gpo.gov/3-5/lawmaking/example.html>>.
  - *How Laws are Made*. Kids in the House. Office of the Clerk. U.S. House of Representatives. 29 August 2012 <<http://kids.clerk.house.gov/grade-school/lesson.html?intID=17>>.
14. Display a copy of “Article 1, Section 7-President’s Power of Veto” located in *Supplemental Materials (Unit 1, Lesson 2)*. Using the Word Cards #14 and #15 for “veto” and “override” lead a discussion about how the Constitution delegates power to the Executive Branch to check and balance the Legislative Branch. Discuss what might happen if the members of the Legislative Branch could make any law they wanted and no other branch could veto the new laws.
15. Help students to realize that the system of checks and balances prevents one branch from doing whatever it may choose and limits the power of the government. Distribute the Word Card # 16 on “limited government.” Discuss how the principles of separation of power and checks and balances limit the power of government by using the following questions:
- What would happen if the government could do whatever it wanted to do?
  - What if there was no system of checks and balances?
  - What are some of the ways the power of government is limited?
  - Why do you think the original writers of the Constitution were so determined to include lots of limits on the power of government?

### **Assessment**

As an assessment students could create a poster or graphic organizer of one of the following:

- Legislative Branch
- Executive Branch
- Judicial Branch
- Separation of Powers
- Checks and Balances
- How a Bill Becomes a Law