

Separation of Powers

Lesson Plans

ABA Division for Public Education

- Comparing State and Federal Constitutions. This lesson is intended to make students aware of the differences between state and federal constitutions. They will discuss the effects these differences can affect their individual rights. Two activities focus on differences in state and federal constitutional provisions regarding the environment and the right to privacy, and a third emphasizes the importance of the courts to interpreting these constitutions.

http://www.americanbar.org/content/aba/groups/public_education/resources/lesson-plans/high-school/separation-of-powers.html

Length: 1 lesson

Grades: 9-12

Assessment: Class discussion and group work

Common Core: [CCSS.ELA-LITERACY.RH.9-10.1](#), [CCSS.ELA-LITERACY.RH.9-10.2](#), [CCSS.ELA-LITERACY.RH.9-10.4](#), [CCSS.ELA-LITERACY.RH.9-10.10](#), [CCSS.ELA-LITERACY.RH.11-12.1](#), [CCSS.ELA-LITERACY.RH.11-12.2](#), [CCSS.ELA-LITERACY.RH.11-12.3](#), [CCSS.ELA-LITERACY.RH.11-12.4](#), [CCSS.ELA-LITERACY.RH.11-12.9](#), [CCSS.ELA-LITERACY.RH.11-12.10](#)

- Understanding Separation of Powers. This lesson uses news articles highlighting separation of powers issues from multiple news articles to illustrate and discuss the meaning of separation of powers. Articles are not supplied, which leaves room for teachers to curate custom sources, or allow students to curate.

http://www.americanbar.org/content/dam/aba/images/public_education/lesson_plans/High%20School/UnderstandingSeparatePowers.pdf

Length: 1 lesson

Grades: 9-10

Assessment: Class discussion and group work

Common Core: [CCSS.ELA-LITERACY.RH.9-10.1](#), [CCSS.ELA-LITERACY.RH.9-10.2](#), [CCSS.ELA-LITERACY.RH.9-10.4](#), [CCSS.ELA-LITERACY.RH.9-10.10](#), [CCSS.ELA-LITERACY.RH.11-12.1](#), [CCSS.ELA-LITERACY.RH.11-12.2](#), [CCSS.ELA-LITERACY.RH.11-12.3](#), [CCSS.ELA-LITERACY.RH.11-12.4](#), [CCSS.ELA-LITERACY.RH.11-12.9](#), [CCSS.ELA-LITERACY.RH.11-12.10](#), [CCSS.ELA-LITERACY.RH.11-12.7](#)

Annenberg

- Separation of Powers and the Judiciary. This lesson recommends that students spend time reviewing and studying specific print and Internet resources to build background knowledge and understanding so they are best prepared for class. Therefore, a class prep assignment sheet is provided with the lesson. Students conduct Internet research using primary and secondary sources for Supreme Court cases involving disputes about Constitutional powers which occurred at different times in U.S. history.

<http://www.annenbergclassroom.org/files/documents/lessonplans/separationofpowers.pdf>

Length: 2 lessons

Grades: 9-12

Assessment: Short research project, class discussion, and take-home quiz
Common Core: [CCSS.ELA-LITERACY.RI.9-10.1](#), [CCSS.ELA-LITERACY.RI.9-10.9](#), [CCSS.ELA-LITERACY.RI.11-12.1](#), [CCSS.ELA-LITERACY.RI.11-12.4](#), [CCSS.ELA-LITERACY.RI.11-12.7](#), [CCSS.ELA-LITERACY.RI.11-12.8](#), [CCSS.ELA-LITERACY.RI.11-12.9](#), [CCSS.ELA-LITERACY.W.9-10.7](#), [CCSS.ELA-LITERACY.W.11-12.7](#), [CCSS.ELA-LITERACY.SL.9-10.4](#), [CCSS.ELA-LITERACY.SL.11-12.4](#), [CCSS.ELA-LITERACY.RH.9-10.4](#), [CCSS.ELA-LITERACY.RH.11-12.4](#)

Center for Civic Education

- Powers of the President: Latvia. By studying the constitutional powers and limitations of the Latvian presidency, and analyzing one of four problematic executive power scenarios in small groups, students will gain insight into the executive branch of government within this parliamentary . They will then compile respective press releases on behalf of the Latvian president, based upon their understanding of relevant articles in the Latvian Constitution.

This lesson's comparative focus enables students to gain further comprehension of the powers and limitations of the U.S. presidency as well. Through this analytical process, students will better understand the system of checks and balances evident in both constitutions.

<http://new.civiced.org/component/content/article/50-the-program-curriculum/810-comparative-lessons-for-democracy-sample-lesson>

Length: 1 lesson

Grades: 9-12

Assessment: Group work, class discussion, written assignment

Common Core: [CCSS.ELA-LITERACY.RI.9-10.1](#), [CCSS.ELA-LITERACY.RI.9-10.4](#), [CCSS.ELA-LITERACY.RI.9-10.9](#), [CCSS.ELA-LITERACY.RI.11-12.1](#), [CCSS.ELA-LITERACY.RI.11-12.4](#), [CCSS.ELA-LITERACY.RI.11-12.9](#), [CCSS.ELA-LITERACY.W.9-10.1](#), [CCSS.ELA-LITERACY.W.11-12.1](#), [CCSS.ELA-LITERACY.SL.9-10.1](#), [CCSS.ELA-LITERACY.SL.9-10.4](#), [CCSS.ELA-LITERACY.SL.11-12.1](#), [CCSS.ELA-LITERACY.SL.11-12.4](#)

- How was the Constitution Used to Organize the New Government? In this lesson students learn how the Constitution provided a general framework for the First Congress to set up a new government. Through readings and discussions students consider the role of the First Congress, the significant growth of the executive branch and the Judiciary Act of 1789.

<http://www.civiced.org/resources/curriculum/lesson-plans>

Length: 1 lesson

Grades: 9-12

Assessment: Class discussion and short research project

Common Core: [CCSS.ELA-LITERACY.RI.9-10.2](#), [CCSS.ELA-LITERACY.RI.9-10.4](#), [CCSS.ELA-LITERACY.RI.11-12.2](#), [CCSS.ELA-LITERACY.RI.11-12.4](#), [CCSS.ELA-LITERACY.SL.9-10.1](#), [CCSS.ELA-LITERACY.SL.9-10.4](#)

Delaware Law Related Education Center

- Separation of Powers. This lesson uses a case study to analyze the “separation of powers” doctrine. Students are asked to review a fictional case, discuss how the different branches of government are involved in the case, and work in groups to argue for an assigned side of the case. A writing assignment asks students to decide how the court will decide the case and to support their opinion.
http://www.delrec.org/lawday/separation_of_powers.pdf

Length: 1 lesson

Grades: 9-12

Assessment: Partner and group work

Common Core: [CCSS.ELA-LITERACY.RI.9-10.2](#), [CCSS.ELA-LITERACY.RI.11-12.1](#), [CCSS.ELA-LITERACY.W.9-10.1](#), [CCSS.ELA-LITERACY.W.11-12.1](#), [CCSS.ELA-LITERACY.SL.9-10.4](#), [CCSS.ELA-LITERACY.SL.11-12.4](#), [CCSS.ELA-LITERACY.RH.9-10.1](#), [CCSS.ELA-LITERACY.RH.11-12.1](#)

Edsitement

- Balancing Three Branches at Once: Our System of Checks and Balances: Activity 4. Students work in groups as they use historic documents available through Edsitement to demonstrate how one branch of the government can check the power of another branch. Individually, students research relevant historic events involving conflicts between branches to write a journalistic style newspaper article on the event. If time allows students can also engage in a simulation activity in which the class works on a real world problem using a system of checks and balances.
<http://edsitement.neh.gov/lesson-plan/balancing-three-branches-once-our-system-checks-and-balances>

Length: 1 lesson

Grades: 9-12

Assessment: Group work, group presentation, and class discussion

Common Core: [CCSS.ELA-LITERACY.RI.9-10.2](#), [CCSS.ELA-LITERACY.RI.9-10.9](#), [CCSS.ELA-LITERACY.RI.9-10.4](#), [CCSS.ELA-LITERACY.RI.11-12.4](#), [CCSS.ELA-LITERACY.RI.11-12.7](#), [CCSS.ELA-LITERACY.RI.11-12.2](#), [CCSS.ELA-LITERACY.RI.11-12.9](#), [CCSS.ELA-LITERACY.W.9-10.2](#), [CCSS.ELA-LITERACY.W.11-12.2](#), [CCSS.ELA-LITERACY.SL.9-10.1](#), [CCSS.ELA-LITERACY.SL.9-10.4](#), [CCSS.ELA-LITERACY.SL.11-12.1](#), [CCSS.ELA-LITERACY.SL.11-12.4](#), [CCSS.ELA-LITERACY.RH.9-10.2](#), [CCSS.ELA-LITERACY.RH.11-12.2](#)

Federal Judicial Center

- Teaching Judicial History. This section of the FJC's website features extensive curriculum materials for over ten teaching units on historic federal court cases with new cases added each summer. There are three major components to each of the case materials: historical backgrounds and readings, at least 3 lesson activities, and resources for judges and educational outreach. Sample lesson activities for Aaron Burr Treason Trial are shown below.

<http://www.fjc.gov/history/home.nsf/page/teaching.html>

- o Activity 2. The Cabinet and the Supreme Court discuss Burr's subpoena of the President — A Simulation Activity. Through an examination of the debate over the subpoena of documents from President Thomas Jefferson, students will gain an understanding of early debates over the separation of powers and conflicts between the executive and judicial branches. Examining the responses to Burr's motion for the subpoena duces tecum, students will understand the larger constitutional questions that have recurred throughout the history of the federal government.

Length: 3 lessons

Grades: 11-12

Assessment: Group work for simulation, written essay, and optional comparative essay.

Common Core: [CCSS.ELA-LITERACY.RH.11-12.1](#), [CCSS.ELA-LITERACY.RH.11-12.4](#),
[CCSS.ELA-LITERACY.SL.11-12.1](#) , [CCSS.ELA-LITERACY.SL.11-12.4](#),
[CCSS.ELA-LITERACY.WHST.11-12.1](#)

Judicial Learning Center

- Separation of Powers: Qualification of Office. This lesson asks students to read and evaluate Articles I, II, and III of the Constitution to determine how the qualifications for office and terms of members of the executive and legislative branches differ from those of members of the federal judiciary.

<http://judiciallearningcenter.org/wp-content/uploads/2012/10/Lesson-Plan-Qualifications-of-Office.pdf>

Length: 2 lessons

Grades: 9-12

Assessment: Class discussion, handout on articles I, II, and III of the U.S. Constitution

Common Core: [CCSS.ELA-LITERACY.RI.9-10.1](#), [CCSS.ELA-LITERACY.RI.9-10.4](#), [CCSS.ELA-LITERACY.RI.9-10.9](#), [CCSS.ELA-LITERACY.RI.11-12.1](#), [CCSS.ELA-LITERACY.RI.11-12.4](#) [CCSS.ELA-LITERACY.RI.11-12.9](#), [CCSS.ELA-LITERACY.W.9-10.1](#), [CCSS.ELA-LITERACY.SL.9-10.1](#), [CCSS.ELA-LITERACY.SL.11-12.1](#), [CCSS.ELA-LITERACY.RH.9-10.4](#), [CCSS.ELA-LITERACY.RH.11-12.4](#)

National Archives

- Teaching with documents: Constitutional Issues, Separation of Powers. This lesson looks at concerns with executive power in the 20th century and President Roosevelt's New Deal. One of the most outspoken members of the press was the Rochester, NY, newspaper publisher, Frank Gannett. Students examine a letter sent by Gannett to the Office of the Solicitor in the Justice Department and then referred to the Attorney General. Like many others in the file, it expresses the concern that the real issue is not judicial reform but the continued expansion of executive power.

<http://www.archives.gov/education/lessons/separation-powers/>

Length: 1 lesson

Grades: 9-12

Assessment: Document analysis handout, written response questions based on the reading.

Common Core: [CCSS.ELA-LITERACY.RI.9-10.1](#), [CCSS.ELA-LITERACY.RI.9-10.6](#), [CCSS.ELA-LITERACY.RI.9-10.8](#), [CCSS.ELA-LITERACY.RI.11-12.1](#), [CCSS.ELA-LITERACY.RI.11-12.4](#), [CCSS.ELA-LITERACY.RI.11-12.6](#), [CCSS.ELA-LITERACY.W.9-10.1](#), [CCSS.ELA-LITERACY.W.11-12.1](#), [CCSS.ELA-LITERACY.SL.9-10.1](#), [CCSS.ELA-LITERACY.SL.11-12.1](#), [CCSS.ELA-LITERACY.RH.9-10.2](#), [CCSS.ELA-LITERACY.RH.9-10.8](#), [CCSS.ELA-LITERACY.RH.11-12.2](#)

NC Civic Education Consortium

- Separation of Powers and Check and Balances in the US Government. Through role play on the Children's Internet Protection Act and small group discussions, students will explore the roles and responsibilities of the three branches of government, separation of powers, and checks and balances.

<http://civics.sites.unc.edu/files/2012/05/SeperationofPowersChecksBalances1.pdf>

Length: 1 lesson

Grade: 10

Assessment: Class discussion, in-class partner/group work, and analyzing a political cartoon,

Common Core: [CCSS.ELA-LITERACY.RI.9-10.1](#), [CCSS.ELA-LITERACY.RI.9-10.5](#), [CCSS.ELA-LITERACY.RI.9-10.6](#), [CCSS.ELA-LITERACY.RI.9-10.8](#), [CCSS.ELA-LITERACY.SL.9-10.1](#), [CCSS.ELA-LITERACY.SL.9-10.4](#), [CCSS.ELA-LITERACY.RH.9-10.1](#), [CCSS.ELA-LITERACY.RH.9-10.4](#), [CCSS.ELA-LITERACY.RH.9-10.8](#), [CCSS.ELA-LITERACY.RH.9-10.9](#)

USCourts.org

- In this unit students learn about the significance that *Marbury v. Madison* played in establishing judicial review. Through small group discussions, a court simulation, and debriefing exercise students learn how judicial review contributes to the system of checks and balances and helps to maintain the rule of law.

<http://www.uscourts.gov/uscourts/educational-resources/get-involved/legal-concepts/judicial-review.pdf>

Length: 5 lessons

Grade 9-12

Assessment: Group work with case studies, written prep for moot court simulation, class debrief of simulation, and individual written assignment

Common Core: [CCSS.ELA-LITERACY.RI.11-12.8](#), [CCSS.ELA-LITERACY.RI.11-12.9](#), [CCSS.ELA-LITERACY.W.9-10.1](#), [CCSS.ELA-LITERACY.W.9-10.2](#), [CCSS.ELA-LITERACY.W.9-10.4](#), [CCSS.ELA-LITERACY.W.9-10.7](#), [CCSS.ELA-LITERACY.W.11-12.1](#), [CCSS.ELA-LITERACY.W.11-12.2](#), [CCSS.ELA-LITERACY.W.11-12.2](#), [CCSS.ELA-LITERACY.W.11-12.7](#), [CCSS.ELA-LITERACY.W.11-12.7](#), [CCSS.ELA-LITERACY.SL.9-10.4](#), [CCSS.ELA-LITERACY.SL.11-12.1](#), [CCSS.ELA-LITERACY.SL.11-12.1](#), [CCSS.ELA-LITERACY.SL.11-12.1](#), [CCSS.ELA-LITERACY.RH.9-10.1](#), [CCSS.ELA-LITERACY.RH.9-10.4](#), [CCSS.ELA-LITERACY.RH.11-12.1](#), [CCSS.ELA-LITERACY.RH.11-12.4](#)

Resources

ABA Division for Public Education

- Lincoln and the Constitution. This discussion guide, the *Dialogue on Lincoln*, explores the Civil War president's relationship with the U.S. Constitution, including suspending habeas corpus. It discusses the role of the executive branch during wartime, alongside the other two branches of government. There are three parts of the *Dialogue*, and each is meant to be conducted in less than an hour. One part may be used alone, or all three parts may be used together as a comprehensive unit.

<http://www.americanbar.org/content/dam/aba/migrated/publiced/features/DialogueOnLincoln.authcheckdam.pdf>

- Dialogue on the Separation of Powers. This publication is designed to help guide a classroom discussion. Part 1 of the Dialogue offers a historical overview of the doctrine, from its development by philosophers of the European Enlightenment to the shape it takes in the United State Constitution. Part II takes up current points of conflict between the three branches. Part II uses Robert Frost's classic American poem "Mending Wall" to explore the different perspectives of two Supreme Court justices on separation of powers.

[Part I](#), [Part II](#), [Part III](#)

- Separation of Powers: Federalist No. 48 Document Analysis. This document analysis of an excerpt from Federalist No. 48 is meant to generate conversation about the separation of the branches of government established in the Constitution.
http://apps.americanbar.org/publiced/constitutionday/topics_sep1.html
- Separation of Powers: Hamdi et al. v. Rumsfeld et al. Students read a short excerpt from the opinion of the Court before discussing the role of the branches of government when national security and personal liberties are in conflict.
http://apps.americanbar.org/publiced/constitutionday/topics_sep2.html
- Separation of Powers: Letter from President Eisenhower Document Analysis. In 1954 the Supreme Court ruled in *Brown vs. Board of Education* that segregated schools were "inherently unequal." In 1957, Central High School in Little Rock, Arkansas was ordered to desegregate. Students are asked to read a letter from President Eisenhower to Senator John Stennis (D-MS), October 7, 1957, in which the President explains the role of the Executive branch before discussing a series of questions on his interpretation of separation of powers.
http://apps.americanbar.org/publiced/constitutionday/topics_sep3.html

Bill of Rights Institute

- Separation of Powers Video (6:26) and Viewing Guide (Basic level, can be used as introduction to topic).
<http://billofrightsinstitute.org/constitutional-videos-separation-viewing-guide/>

BrainPop

- Brainpop has lesson plans, quizzes, and games on the three branches of government and checks & balances.
- Branches of Government Online Law Craft Game
<http://www.brainpop.com/educators/community/lesson-plan/law-craft-game-branches-of-government/?bp-topic=branches-of-government>

The Center for Congress at Indiana University

- This site contains resources for learning about Congress, teaching with primary sources, and Interactive Learning Modules such as How a Member Decides to Vote, the Impact of Congress, the Dynamic Legislative Process, and Federal Budget Allocation.

<http://congress.indiana.edu/>

Street Law – Landmark Court Cases

- Street Law Landmark Court Cases provides a range of resources and activities to support the teaching of landmark Supreme Court Cases.

<http://www.streetlaw.org/en/landmark/home>

The U.S. Constitution Power Grab Game

- Students are divided into groups representing the executive, legislative, and judicial branches of government. As teacher read a short scenario about an action taken by one of the branches students work in their groups to find evidence in the Constitution by Article, section, and clause for why the power grab or action of the other branch is unconstitutional.

http://score.rims.k12.ca.us/score_lessons/power_grab_game/