



THE THREE BRANCHES OF THE U.S. GOVERNMENT



Delaware Day 4th Grade Competition

Lesson Two

Why three branches?

Some activities for this lesson were borrowed or adapted from the Delaware Recommended Curriculum 4th Grade Civics Units and the Michigan Citizenship Collaborative Curriculum,

www.micitizenshipcurriculum.org.

Students will be able to

- Explain why the Founders divided the government into three branches. (Panel 1:3)
- Identify each branch by name, article number, and primary responsibilities. (Panel 1:4)
- Describe differences between the House and the Senate. (Panel 3:1)

This lesson contains information, resources and ideas to help students understand the branches of the U.S. government. Teachers will determine best practices and methods to instruct the students.

1. Introductory Activity
 - a. Distribute Document 1: *The Government of Egbonia*.
 - b. Distribute Document 2: *Analyzing the Government of Egbonia*.
Students can work with a partner or by themselves.
 - c. Have students share their answers. Consider writing on the board their concerns and the changes they would make to the government of Egbonia. Do they believe that the council and President have too much power?

2. Historical Background

Remind the students that before the U.S. was created, the colonists were ruled by a king who did not let them vote. When the founders met to write the Constitution, they wanted to make sure no one person or group had too much power. They wanted a strong system of government, but they also wanted to limit the power so that the rights of the people would be protected

3. Activities: Analyzing The Constitution

- a. Document 3: *Excerpts from the United States Constitution* shows text from the first three articles of the Constitution. Display the document and explain that this shows how the Constitution organized the U.S. government. Give students time to try to read it. Ask them to think about why the founders might have separated the government into three parts. Write on the board: “Separation of Powers: Three Branches of Government”. Information can be added after the next activity.
- b. This next activity will take time and will focus on the first three articles of the Constitution. Divide the students into groups. Task groups to fill out the chart either as a group or individually within the group. Decide whether your students should do their own research for Documents 5 a, b, c: *Information Gathering*. (The answer keys are on documents 5 d, e, f.)

Alternatively, you can use Document 4: *The Constitution Simplified* (8 pages) which provides students with most of the answers for Documents 5 a, b, c. The entire (simplified) Constitution is included, including the Bill of Rights and the amendments. Document 4, page 5 is not part of the Constitution, but explains why the Bill of Rights was added.

- c. There are many resources to help students understand the three branches of the U.S. Government. *Schoolhouse Rock* has a video about the three branches of government. Another source, *Ben's Guide to Government* is an interactive website with activities about the three branches - <https://bensguide.gpo.gov/3-5/>. A third source is *iCivics*, a free website that has terrific interactive activities..
- d. When students have completed their research, consider adding some of their information on the board about the three branches.
- e. Discuss ways in which the Government of Egbonia is different from the government of the U.S. You will revisit the Government of Egbonia and the U.S. Constitution in later lessons.

Limiting the Government of Egbonia

The small country of Egbonia is governed by a President and a Council. According to the Egbonian Constitution, the Council is made up of the ten richest people in Egbonia. The President is chosen by the Council. The Constitution allows the President to make and enforce all the laws. The main duties of the Council are to choose the President and give him ideas for new laws.

According to the Constitution, a huge birthday party is held for the President each year. This year the President wanted it to be bigger than ever. Therefore, he wrote a new law requiring every citizen of Egbonia to donate five hundred dollars for the party plus a birthday cake.

Many citizens were unhappy with the law and said it was unfair. The President responded that the Constitution gave him the power to make any law he wanted. To make sure citizens gave the money and birthday cake he wrote a second law. This law stated that anyone who did not pay the money and donate cake would be forced to leave the country and find another place to live.

The Council members told the President they didn't want to give money or cake. He told them not to worry. The law was not for them. The Council were all welcome to come to the birthday party and didn't need to donate a thing!

Some citizens decided to protest these two new laws. They met outside the President's mansion holding signs that said "The New Laws are Unfair!" The President had the protesters arrested and put into jail. He told newspaper reporters covering the story that this was completely within his power. He read them a section from the Egbonian Constitution that stated that the President could arrest and jail any citizen who complained about him.

The birthday party was held at the President's mansion and attended by the Council and twenty of the President's closest friends. There were thousands of balloons, a huge feast, and hundreds of presents the President had bought for himself using the money given by citizens. The protesting citizens remained in jail for over three months. Fifty citizens were sent out of the country for failing to give money and birthday cake.

The President had such a good time at his birthday party that he amended the Constitution to allow him to have three birthday parties each year.

Document 2

Analyzing the Government of Egbonia

1. Would you like to live in the country of Egbonia? Why or why not?

2. List five things that you think are not fair about the government of Egbonia. Explain why you think they are not fair.

a.

b.

c.

d.

e.

3. List and describe three changes you would make to the government of Egbonia.

a.

b.

c.

Excerpts from the United States Constitution

Article I

Section 1

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives

Article II

Section 1

The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years ... together with the Vice President

Article III

Section 1

The judicial Power of the United States shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services a Compensation, which shall not be diminished during their Continuance in Office

The Constitution Simplified

The Preamble: We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

Article I - The Legislative Branch

Section 1

- Congress has two parts: The House of Representatives and the Senate.
- They are responsible for legislation (making laws).

Section 2

- The House of Representatives has elections every two years.
- A representative must be at least 25 years old and must have been a citizen of the U.S. for at least seven years.
- Each state has at least one representative. States that have more people will have more representatives.
- The leader is the Speaker of the House.

Section 3

- Senators have elections every six years.
A senator must be at least 30 years old and a citizen for nine years.
- Each state gets two senators.
- The Vice President is the tie-breaker.

The rest of Article I details how meetings will take place, how members of Congress will be paid, how laws are made and how Congress has the power to declare war and establish a military, post offices, and courts. They cannot give preference to one state over another.

Section 7 explains that both houses of Congress must pass bills and once both houses agree to the bill, it is sent to the President. The President will either sign the bill - in which case it becomes law - or s/he can veto it. If the President vetoes the bill, it goes back to Congress. Congress can override the President's veto if 2/3 of a majority in both houses pass the bill.

Article II - The Executive Branch

Section 1

- Explains that this branch includes the President and Vice President.
- Both serve for a term of four years.
- Both must be at least 35 years old and born in the U.S.
- The President is chosen by electors.

Section 2

- The President is the leader of the military.
- The President chooses a Cabinet which is a group of people who help lead in important areas.
- The President makes treaties with other nations as long as 2/3 of the Senate approves.
- The President chooses judges and the Senate confirms the choices.

Section 3

- The President must give a speech to the nation (The State of the Union Address) every year.
- The President makes sure that laws are carried out.

Section 4

- Explains how the President can be impeached (which means s/he has no more power to do his/her job).

Article III - The Judiciary

Section 1

- Establishes that there is a Supreme Court and lower courts.
- Supreme Court judges can serve for life or until they wish to retire.

Section 2

- Describes the kinds of cases the Supreme Court can hear.
- Guarantees a trial by jury in criminal cases.

Section 3

- Explains what the crime of treason is.

Article IV - States Rights

- Each state will respect and uphold decisions made in other states.
- If a person is accused of a crime in one state and escapes to another state, that person will be returned to the state where s/he was accused.
- New states can be added to the United States by following a particular procedure.
- The federal government will protect the states from invasion.

Article V - Amending the Constitution

- 2/3 of both houses of Congress plus 3/4 of the states must all agree that the Constitution needs to be changed OR
- 2/3 of all the states can propose the change and then 3/4 of the states must agree.

Article VI - Debts, National Supremacy, Oaths

- The Constitution is the supreme law of the land.
- All public officials must take an oath to support the U.S. Constitution.
- All contracts and debts from the previous government under the Articles of Confederation will be paid.

Article VII - Ratification

- Explains that nine out of the original 13 colonies must accept the Constitution before it can become the law of the land.

Unanimously consented to by the States who attended the Constitutional Convention on September 17, 1787. Witnesses signed their names.

Delaware ratified first and their signatures appear first:

George Read
Gunning Bedford, Jr.
John Dickinson
Richard Bassett
Jacob Broom

By June, 1788, Pennsylvania, New Jersey, Georgia, Connecticut, Massachusetts, Maryland, South Carolina and New Hampshire had joined Delaware in ratifying the Constitution. Even though these nine states now made the Constitution legal, Virginia and New York would not ratify the Constitution until a Bill of Rights was added. Once that was agreed to, the remaining four states ratified the Constitution.

The Bill of Rights – Simplified Version
(Michigan Citizenship Collaborative Curriculum, www.micitzizenshipcurriculum.org)

Amendment One guarantees freedom of religion, freedom of speech, freedom of the press, freedom for people to get together peacefully, and freedom for people to send petitions to their government.

Amendment Two states that in order to have a prepared military, people are guaranteed the right to keep and bear arms.

Amendment Three states that the government cannot force people to house and feed soldiers in their homes during times of peace.

Amendment Four states that people, their homes or their belongings are protected from unreasonable searches or seizures.

Amendment Five guarantees a person accused of a serious crime the right to be charged by a grand jury. It also states that people cannot be forced to give evidence against themselves. If a person is found not guilty of a crime, s/he cannot be put on trial for the same crime again. Finally, the federal government cannot unfairly take peoples' lives, freedom, or property.

Amendment Six guarantees a speedy and public trial by an impartial jury if a person is accused of a crime. The accused person also has the right to be told what they are accused of and they have the right to a lawyer. They also have the right to see and to question those people who have accused them of the crime.

Amendment Seven guarantees a trial by jury in civil cases which are cases that involve a dispute between private parties or between the government and a private party.

Amendment Eight says that courts cannot use cruel or unusual punishment or set bail and fines that are too high.

Amendment Nine states that the people have other rights that are not stated here.

Amendment Ten states that the people have all the rights not given to the United States government or forbidden to state governments by the U.S. Constitution.

The Rest of the Amendments

11th - Explains how one state may sue another (Feb. 7 1795).

12th - Explains more clearly how the Electoral College works (June 15, 1804).

13th - Ended slavery (Dec. 6, 1865).

14th - Identifies who is a citizen; Explains that states cannot take away a person's life, liberty or property without "due process." States cannot take away people's constitutional rights (July 9, 1868).

15th - Established that people could not be denied the right to vote based on their race (Feb. 3, 1870).

16th - Authorized the U.S. to collect income taxes (Feb. 3, 1913).

17th - Changed how Senators are elected so that rather than state legislatures choosing senators, the people would choose them (April 8, 1913).

18th - Made it illegal to sell or make alcohol (Jan. 16, 1919).

19th - Established that people could not be denied the right to vote based on their gender (Aug. 18, 1920).

20th - Changed the start dates for terms of the Congress and the President (Jan. 23, 1933).

21st - Overturned the 18th amendment so that it was now legal to sell and make alcohol (Dec. 5, 1933).

22nd - Limited the number of terms to two that a President could be elected (Feb. 27, 1951).

23rd - Gave Washington D.C. the right to three electors for Presidential elections (March 29, 1961).

Document 4-p.8

24th - Outlawed poll taxes which were taxes charged to people when they voted (Jan. 23, 1964).

25th - Outlined what should happen if a President becomes unable to do his/her job anymore (Feb. 10, 1967).

26th - Lowered the voting age from 21 to 18 (July 1, 1971).

27th - Outlawed Congress giving itself a pay raise. Any rise in pay goes into effect after an election (May 7, 1992).

Document 5a

Information Gathering: Legislative Branch

	House of Representatives	Senate
Who is involved in this branch?		
Requirements for serving		
Term		
Special Powers of each House		
Powers		
Limits on Power		

Michigan Citizenship Collaborative Curriculum, 4th Grade United States Studies, Unit 5: Our Federal Government, Lesson 4: How is Our Federal Government Organized? www.micitzizenshipcurriculum.org

Information Gathering: Executive Branch

Who is involved in this branch?	
Requirements for serving	
Term	
Other Members of the Executive Branch	
Powers	
Limits on Power	

Document 5c

Information Gathering: Judicial Branch

Who is involved in this branch?	
Requirements for serving	
Term	
Other Members of the Judicial Branch	
Powers	
Limits on Power	

The Legislative Branch

Information Sheet #1

Who?	The Congress made up of the House of Representatives (435 members) and the Senate (100 members).	
Requirements	<u>House of Representatives</u> <ul style="list-style-type: none"> • At least 25 years old • A U.S. citizen for the past 7 years • Must live in the state they represent 	<u>Senate</u> <ul style="list-style-type: none"> • At least 30 years old • A U.S. citizen for the past 9 years • Must live in the state they represent
Term	<u>House of Representatives</u> 2 years	<u>Senate</u> 6 years
Special Powers	<u>House of Representatives</u> <ul style="list-style-type: none"> • Must introduce laws that make people pay taxes • Can decide if a government official should be put on trial before the Senate 	<u>Senate</u> <ul style="list-style-type: none"> • Must approve any treaties of the President • Must approve any people the President recommends for jobs including ambassadors and Supreme Court Justices • Can hold a trial for a government official who does something very wrong
Powers	<ul style="list-style-type: none"> • To make laws • To tax the people • To raise an army and navy to defend the country • To declare war • To create a court system • To coin money • To regulate trade between states • To regulate trade between the U.S. and other countries 	

Limits on Power

- Cannot make unfair laws such as those that would limit a person's right to freedom of speech or religion
- The Supreme Court can declare a law unconstitutional
- The President can veto a law

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The Executive Branch

Information Sheet #2

Who?	The President
Requirements	<ul style="list-style-type: none">• At least 35 years old• A natural-born citizen of the United States• Must have lived in the United States for at least 14 years
Term	<ul style="list-style-type: none">• A term of four years for President• A President may serve two terms
Other Members of the Executive Branch	<ul style="list-style-type: none">• The Vice-President• Members of the President's Cabinet such as the Secretary of the Treasury and the Secretary of Defense• Officials of independent agencies that help carry out policy or provide special services such as the U.S. Postal Service, the National Science Foundation, and the Central Intelligence Agency
Powers	<ul style="list-style-type: none">• To serve as Head of State in meeting with leaders of other countries• To act as Commander in Chief of the armed forces• To make treaties with other countries with the approval of the Senate• To appoint ambassadors and judges to the Supreme Court with the approval of the Senate• To conduct a war• To recommend legislation to Congress• To convene Congress in special circumstances• To serve as the "boss" of federal government workers• To sign or veto a bill from Congress

Limits on Power

- The President can conduct a war, but only the Congress can declare war.
- The President controls the armed forces, but the Congress controls the money needed to support the armed forces.
- The Senate must approve of presidential appointments.
- The House of Representatives has the power to impeach the President for wrong-doing.
- The Senate has the power to try the President after he or she has been impeached.

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The Judicial Branch

Information Sheet #3

Who?	The Supreme Court is made up of 9 Justices.
Requirements	There are no requirements but to this date all Supreme Court Justices have been trained in the law. Many have served as members of Congress, governors, or members of a President's Cabinet.
Term	Supreme Court Justices serve for life unless they resign, retire or are impeached by the House of Representatives and convicted by the Senate.
Other Members of the Judicial Branch	<ul style="list-style-type: none">• Judges of lower federal courts.• These federal judges are appointed by the President and approved by the Senate.• Like Supreme Court Justices, federal judges serve for life or until they resign, retire or are found guilty of serious crimes.
Powers	<ul style="list-style-type: none">• To declare a law made by Congress unconstitutional• To declare an action of the President unconstitutional• To declare a state law unconstitutional if it conflicts with the laws made by Congress or with the Constitution

Limits on Power

- Congress has the power to impeach, try and remove Supreme Court Justices and federal judges from office.
- Courts do not have the power to enforce their decisions. The President is responsible for this.

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