

Teacher's Name:

Employee Number:

School:

**Objective:** Describe the organizational structure (legislative, executive, judicial branches) and powers of the federal government as defined in Articles I, II, and III of the U.S. Constitution

1. **Title: The Organizational Structure and Powers of the Federal Government as Defined in Articles I, II, and III of the U.S. Constitution – Grade 5**

2. **Overview - Big Ideas:**

Enduring Understandings – (It is important for students to understand this because.....)

- Identify the organizational structure and powers of the legislative branch of the federal government as defined in Article I of the U.S. Constitution.
- Identify the organizational structure and powers of the executive branch of the federal government as defined in Article II of the U.S. Constitution.
- Identify the organizational structure and powers of the judicial branch of the federal government as defined in Article III of the U.S. Constitution.

Essential Questions – (What provocative questions will you use to foster inquiry, understanding and transfer of learning?)

- How does the U.S. Constitution organize our government?
- What are the three branches of the federal government?
- What is the organizational structure of the legislative branch?
- What is the organizational structure of the executive branch?
- What is the organizational structure of the judicial branch?
- What does separation of powers mean?

- What are the powers of each of the branches as defined in Articles I, II, and III?
- How does the U.S. Constitution limit the powers of the three branches of government?
- What does checks and balances mean?

**3. Lesson Objectives: Standards** - Next Generation Sunshine State Standards for Social Studies

**Social Studies** NGSSS-SS Benchmarks Relevant to this Lesson

- **Main Obj.** Describe the organizational structure (legislative, executive, judicial branches) and powers of the federal government as defined in Articles I, II, and III of the U.S. Constitution.

Tested Seventh Grade NGSSS-SS Benchmarks Relevant to this Lesson

- SS.7.C.3.8 Analyze the structure, functions, and processes of the legislative, executive, and judicial branches.
- SS.7.C.3.9 Illustrate the law making process at the local, state, and federal levels.

**4. Key Vocabulary:** natural rights, framers, constitution, federal, Bill of Rights, federalism, separation of powers, check, checking powers, branches, legislative, Article I, bill, unconstitutional, Congress, House of Representatives, representatives, Senate, senators, sponsored, veto, executive, Article II, commander in chief, budget, appoint, impeach, treaty, judicial, Article III, justices, U. S. Supreme Court, judicial review, judges, appeal, federal courts, interpret

**5. Evidence of Student Understanding (Assessment) in this Lesson:**

***What key knowledge and skills will students acquire as a result of this lesson?***

After students complete this lesson, they will develop an understanding of the organizational structure (legislative, executive, judicial branches) as well as the powers of the federal government as defined in Articles I, II, and III of the U.S. Constitution.

***What will students be able to do as a result of such knowledge and skills?***

Students will be able to describe how the U.S. Constitution organized the federal government. Students will be able to identify the three branches of the federal government. Students will be able describe the organizational structure of each of the three branches. Students will be able to distinguish the powers of the federal government as defined in the first three Articles of the U.S. Constitution. Students will also be able to explain some of the limits on government such as separation of powers and checking powers. Students will be able to explain how a law is made.

*Both **formative and summative assessments** are included*

**6. Materials Needed:** *(Include primary sources you will use in this lesson)*

Attachment A: Reading associated with the lesson: “The Three Branches of the Federal Government as Established by the U.S. Constitution”

Attachment B: Copy of written assignment #1, “Creating a Bulletin Board Illustrating the Three Branches of Government”

Attachment C: Copy of written assignment #2, “Passing a Bill”

Attachment D: Post-Quiz

**7. Steps to Deliver the Lesson:**

*A detailed, step by step description of how to deliver the lesson and achieve the lesson plan objectives. These should be sufficiently clear so that another teacher could implement the lesson without guidance.*

- a. Lesson Opening: Ask students to role play trying to establish a government on a deserted island. Have students work in cooperative groups to determine how to go about it. Key questions to facilitate understanding and reach some kind of consensus should be as follows: *Who would govern you? What rules would you follow? How would you attempt to establish laws? How could you work together to make sure laws were fair? What would happen if someone was smarter, stronger, or more popular than the rest of the group? How would you ensure that this individual would not take over and become the supreme leader?*

*How could you protect the wellbeing of the group? How would you distribute the power to make sure everyone's opinion or point of view was considered? How would you safeguard everyone's liberty against a powerful government? How could you plan your government so its powers are limited and this new government does not become your master?* After students discuss questions in a small group setting, the class will come together and share ideas and suggestions. Then, the students may formulate a generalized statement which best captures the essence of the need for rules and for creating laws so that members of a society can get along and work together.

- b. Reading: Use any reading strategy (choral, buddy, jump in, silent, etc.) which is appropriate for your students to read Attachment A: "The Three Branches of the Federal Government as Established by the U.S. Constitution." Check for understanding through class discussion.
- c. Have students work in pairs and help them define appropriate vocabulary associated with the lesson, using meaningful context. Reread material for further clarification.
- d. Work in cooperative groups to complete Attachment B.
- e. To conclude, have students take the post-quiz associated with this lesson which is Attachment C. Go over quiz with students and check for understanding.

**8. Specific Activities: (From Guided to Independent):**

*List and/or describe the activities designed to facilitate the gradual release of teacher responsibility, from teacher-led to independent.*

- a. When students finish reading the material in Attachment A, they will work on Attachment B in cooperative groups.
- b. Have students share their work (ideas, solutions, suggestions, etc.) with the entire class, including the assignment on the preamble.
- c. Provide "buddies" for ELL and ESE students as needed.
- d. Model assignments as appropriate.

**9. Differentiated Instruction Strategies:**

*Describe how you will accommodate a variety of student learning needs, remediation strategies as well as enrichment strategies.*

- a. Provide individual assistance for students having difficulty with the reading material while the rest are working independently.
- b. Provide individual assistance in a small group setting for students having difficulty with written work.

**10. Technology Integration:**

*Describe activities incorporating technology; e.g., address lesson content through online resources.*

- a. Have students visit: [www.bensguide.gpo.gov](http://www.bensguide.gpo.gov) to learn about the structure and function of the three branches of the federal government and the separation of powers among the three branches as expressed in Articles I, II, and III of the U.S. Constitution.
- b. Have students visit the following website so as to access the online version of the U. S. Constitution:  
<http://www.usconstitution.net/const.html>
- c. For further clarification or study, students may also access a “kid friendly” version of the U.S. Constitution:  
<http://www.usconstitution.net/constkids4.html>
- d. Have students visit: <http://www.icivics.org> to learn about the structure and function of the three branches of the federal government as well as the separation of powers as delineated in Articles I, II, and III of the U.S. Constitution (through forums, games, web quests, etc.)

**11. Lesson Closure:**

*Description of methods to draw ideas together, review concepts, etc.*

- a. After completing the post-quiz and reviewing answers with students, ask them the following questions:
  - What is the purpose of the Constitution?
  - How did the Constitution create a federal system of government?
  - What are the three branches of the federal government?

- How does the Constitution limit the powers of the three branches of government?
- b. For home learning, have students find newspaper articles that illustrate the use of separation of powers and/or checks and balances. Students may also watch the news on television and present information about either topic to the class.

## Attachment A

### Reading #1: "The Federal Government as Established by the U.S. Constitution"

In 1781, after the Revolutionary War, the thirteen American colonies came together under a document called the Articles of Confederation written by the Founding Fathers who believed that individuals needed government to guarantee their basic rights. The Founding Fathers believed that people had **natural rights** and these were the right to live without fear, the right to be free, and the right to own property. The Articles of Confederation gave each of the states the right to govern itself. However, Americans soon realized this type of government was weak because it did not allow the national government authority to unify the states, make any decisions concerning the states or even collect money.

As a result, delegates to the Philadelphia Convention knew they wanted to create a stronger national government but, not so strong that the government would become too strict or authoritative. Many of these delegates had been leaders in the American Revolution as well as leaders within their respective states. These delegates became known as the **Framers** of the U.S. Constitution because they wrote this document. A **constitution** is a set of rules and laws explaining how a government is organized. In other words, it is a plan to let citizens know what is expected of them, what the laws are, and how the government will work. The purpose of the U.S. Constitution was to create the national or **federal** government. In other words, it specified the power given to the national government, the power given to the states, as well as the guaranteed rights of individual citizens in a section of the Constitution known as the **Bill of Rights**. Some of these basic rights are freedom of speech and religion, having a trial by jury, the right to legal counsel as well as the right to vote. The Constitution was adopted in 1787 and ratified in 1788. As a result, the national government and state governments now shared the power to rule the United States and this became known as **federalism**.

One way the Constitution limits the power of our national government is through the **separation of powers**. This means the Framers divided the government's power into three groups to ensure that no one group would ever

have too much power. The federal government, whose seat is in Washington, D.C., is divided into three groups or **branches**: the **legislative**, the **executive**, and the **judicial**. The U.S. Constitution assigns distinct duties to each of the branches and, as a result, separates and balances power among the three.

The legislative branch, also known as **Congress**, is that part of government that has the power to make laws. Congress is made up of two houses: the **House of Representatives** and the **Senate**. Each state has the right to representation from the House of Representatives, depending on its population. These members are known as **representatives** and must be at least 25 years old, a U.S. citizen for at least seven years, and must live in the district they represent. Each of the states has the right to two **senators**, regardless of its population. Senators must be at least thirty years old, U.S. citizens for at least nine years, and must live in the state they represent. **Article I** of the Constitution specifies the powers of Congress as expressed by the Framers. Some of the specific powers Congress has are that of imposing taxes, declaring war, raising an army and navy, printing money and creating courts. Congress has other additional powers that are general in nature. One such example is to provide for the common good of all citizens and an example of this was the creation of the National Institutes of Health to help the sick. Another example is the power of Congress to pass all laws that are necessary so the legislative branch can carry out its responsibilities. One such instance was the creation of the Civil Rights Act which protected citizens against discrimination. When a senator or a representative has an idea which he or she wants to make law, they must write a proposed law called a **bill** and then, present it to a committee in Congress. The members of the committee discuss the bill and decide if they want to pass it. After that, the member of Congress that wrote or **sponsored** the bill must get a majority of Congress members to vote for the bill. If he or she is a representative, it goes to the House of Representatives first. If he or she is a senator, then the bill goes to the Senate first. If the bill passes in both houses, Congress sends the bill to the president who approves it and it becomes law. If the president does not sign the bill, it may be said he will **veto** it. However, if it is returned to Congress and two-thirds of all members vote for the bill, it becomes law.



Besides the separation of powers, the Framers used another way to limit the government's power which is known as **checking powers**. This means that each of the branches can **check** or prevent the other branches from taking over by limiting their powers as well. One example of this is when the president vetoes a bill and checks the power of Congress. At the same time, if two-thirds of Congress votes for a bill the second time around, this action checks the power of the president.

The executive branch, which was established by **Article II**, implements or enforces the laws. The president of the United States is the head of the executive branch. The president must have been born in the United States, be at least 35 years of age, and have lived in the U.S. for at least 14 years. He has the power to act as **commander in chief** of the armed forces, to **appoint** or choose ambassadors to represent the U.S. in other countries, to appoint or select judges to the Supreme Court, to grant pardons for crimes, to make treaties and, as discussed previously, to veto bills from Congress. The president prepares a **budget** which is a plan for how to use the country's money. Again, the Framers limited the powers of the executive branch by having Congress approve appointments and treaties. Another example of checking powers is that while the president is in charge of conducting wars, only Congress has the power to declare wars. At the same time, the House of Representatives has the power to **impeach** or charge a president of wrongdoing while in office and if he is found guilty by the Senate, the president may be removed from office. The executive branch includes four departments whose employees help the president by acting as advisors. These are the Department of Justice which handles law enforcement and whose head is the Attorney General, the Department of State which handles relations with other nations, the Department of the Treasury which oversees the federal government's money, and the Department of Defense which coordinates all matters dealing with the nation's defense.

The judicial branch refers to the court system. It is here where the judges **interpret** or decide the meaning of the law and the Constitution. **Article III** of the U.S. Constitution describes the duties, powers and organization of this branch. The courts decide if someone is guilty of breaking the law and what that individual's punishment should be. The courts also settle problems between

people. The judges serving in **federal courts** deal with problems between states or with cases dealing with the Constitution or with laws created by Congress. This branch of the federal government is made up of lower courts and the **U.S. Supreme Court**, which is the highest of all courts. The nine judges on the Supreme Court are called **justices** and they are appointed by the president but, the appointments must be approved by the Senate. As a matter of fact, all federal judges are appointed for life but, Congress has the power to remove them if they commit crimes. This is one way that the Constitution limits the power of the federal courts. Another way that the Constitution limits the federal courts is that it does not allow the courts the power to enforce decisions. Instead, the president is responsible for enforcing court decisions. One of the most important powers of the judicial branch is **judicial review**. This refers to the right of the Supreme Court to declare a law made by Congress **unconstitutional**. Unconstitutional means that a law is illegal or not allowed by the U.S. Constitution. Judicial review also gives the federal courts the power to declare that a president's actions are unconstitutional.

## **Attachment B**

### **Assignment #1 – Creating a Bulletin Board Illustrating the Three Branches of Government**

*Instructions: Work in cooperative groups to plan and create an interactive bulletin board which displays pictures of government officials such as the president, Supreme Court justices as well as current senators and representatives. Write a biographical paragraph about each person. Include their job title and their duties and responsibilities. Remember to identify the branch of government to which they belong. You may include recent newspaper articles dealing with these officials. Use this paper to plan your bulletin board.*

## **Attachment C**

### **Assignment #2 – Passing a Bill**

*Instructions: Work in cooperative groups and think about the basic steps needed to pass a bill in Congress. Then, each group can pretend to be either from the House of Representatives or Senate. Group members can write bills to propose new laws for the class. Students may take turns presenting their bill to their “house” for a vote. If their individual bills pass then, the students who sponsored each of the bills must present it to the other “house” or group for a vote. Afterwards, students will present the bill to the teacher who will pretend to be the president. The “president” will either approve the bill or veto it.*

## Attachment D

### Post-Quiz

#### Low Complexity Items:

1. What are the three branches of the federal government?
  - a. Executive, Judicial, Administrative
  - b. Executive, Legislative, Judicial
  - c. Executive, Judicial, Federal
  - d. Executive, Administrative, Federal
  
2. What is the purpose of a constitution?
  - a. To pass bills affecting all three branches of government.
  - b. To provide ideas for all citizens to enjoy life, liberty and the pursuit of happiness.
  - c. To provide a set of rules and laws explaining how government is organized.
  - d. To settle differences among all citizens of the U.S.
  
3. Supreme Court judges are called
  - a. attorney generals.
  - b. representatives.
  - c. senators.
  - d. justices.

**Moderate Complexity Items:**

4. If a state's population is larger than another, do they have the same number of senators?
  - a. They have more.
  - b. Some states don't have any.
  - c. It depends on the location.
  - d. Each state has the same number.
  
5. What does it mean that a bill is a "proposed law?"
  - a. It may become a law.
  - b. It is a law.
  - c. It should be a law.
  - d. It will never be law.
  
6. If the president would like advice on the possibility of entering a treaty with another country, with which department would he speak?
  - a. Defense Department
  - b. Department of State
  - c. Department of the Treasury
  - d. Justice Department

## High Complexity Items

7. Which of the following illustrates why the Framers included the Separation of Powers in the U.S. Constitution?
  - a. This would guarantee justices an appointment for life.
  - b. The president could always veto an undesirable bill.
  - c. No branch would become more powerful than the others.
  - d. Congress would always be able to create new laws.
  
8. Which of the following is **not** an example of judicial review?
  - a. The judicial branch may enforce their decisions.
  - b. The judicial branch may decide if the President's actions are unconstitutional.
  - c. The judicial branch decides if a certain law or government action is allowed by the U.S. Constitution.
  - d. The federal courts have the power to declare a law unconstitutional.
  
9. "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."  
Based on this passage from the U.S. Constitution, Article III, Section 1, which statement illustrates the limits or a check on the power of the federal courts?
  - a. The Constitution grants the federal courts judicial review.
  - b. The federal court can declare a law unconstitutional.
  - c. Congress may impeach, try and even remove judges who commit crimes.
  - d. A president's actions may be declared unconstitutional.

10. "He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law."

Based on this passage, which is an example of how the Framers of the United States Constitution limited the powers of the president?

- a. The President can conduct a war.
- b. The President can veto a bill.
- c. The President can grant pardons for crimes against the U.S.
- d. The President must have the consent of the Senate to choose an individual for public office.



## Answer Key

1. B
2. C
3. D
4. D
5. A
6. B
7. C
8. A
9. C
10. D