



Separation of Powers: Connecting the Separate Powers

Background

A key aspect of our government is the division of power among three branches of government. The founders were concerned that the government they established not have all its powers concentrated in the hands of a few officials or single branch because if the same branch or leader made and also enforced the law, they believed that there would be no liberty and people would be subject to the arbitrary whims of whomever or whatever party was in power. Although the phrase "separation of powers" never appears in the Constitution, the doctrine is implicit in the form of government and powers set out for each branch in the Constitution. Students can gain an understanding of the concept of separation of powers among the three branches of government through a role-playing scenario demonstrating what can happen when the same person makes and enforces the laws.

Objectives

Students will:

- Understand the concept of separation of powers.
- Recognize how the Constitution provides for separation of powers.
- Categorize public officials into one of three branches of government.

Target Group: Grades 4-6

Time Needed: 2 class periods

Materials:

- Four copies of the **He Does It All** handout
- Classroom set of the Constitution
- Classroom dictionary
- Pictures of current national leaders (see Extension Activity below)

Procedures

Part One: He Does it All Role Play

Write the word "law" on the board and ask if someone can define the word. Allow for several responses. Use a classroom dictionary to read the definition.

Law = a rule of conduct that a group of people agree to follow; a collection of established rules.



Select two students to do a role play with you, and ask the rest of the class to listen carefully to see if they hear anything out of the ordinary. Read the introduction aloud and then have the two students read their roles ("You" and "Officer").

Ask the class the following questions:

- Did anyone hear anything that did not sound correct?
- What did the officer do? (He made a new law, he enforced his new law, and he applied his law.)
- Could this happen in the United States? (Not legally.)
- Why? (People do not make up laws on the spot)

Part Two: Separation of Powers in the U.S.

Write "separation of powers" on the board. Below it, write:

Legislative = Make, change, and repeal law

Executive = Carry out the law

Judicial = Interpret the law

Explain that in our country's legal system power is divided among the three branches of government, providing for checks and balances. Explain the role of the police officer in our legal system and the relationship of the police officer to the three branches of government.

On the board, draw a tree trunk and label it "U.S. Constitution." At the top of the trunk, draw three lines radiating out of the trunk and label them "Three Branches of Government."

Ask the class, "What are the three branches of government?"

Point to the three terms you wrote earlier. As students correctly identify each branch, label a branch of the tree and explain where in the Constitution the powers of each branch are described. (First Branch: Legislative, Article I; Second Branch: Executive, Article II; Third Branch: Judicial, Article III.) *Note:* For another approach—reading aloud from the Constitution while labeling the tree branches—to this part of the activity, see Extension Activities below.

Part Three: Review and Reinforce

Distribute a copy of the Constitution to each student, for reference as needed.

Review the three branches of government by pointing to each word and asking the following questions.



Legislative

1. Who works there? (Senators in the Senate; Representatives in the House of Representatives)
2. What do they do? (make, change, and repeal laws)

Executive

1. Who works there? (President, Vice President, cabinet members, and people who work in departments and agencies)
2. What do they do? (carry out laws; the federal agencies and departments make federal regulations and see that laws are enforced.)

Judicial

1. Who works there? (Supreme Court justices and federal judges)
2. What do they do? (interpret and define what laws mean in specific cases; determine if any laws go against the Constitution)

Refer back to the role play. Ask the class this question:

- Why do you think we have separate branches dividing, separating, and checking the power of the others?

Extension Activity: Show pictures of your state's senators and representatives, the President, and the Supreme Court, and have the students identify the correct branch of government.

This lesson is adapted from the Utah Law-Related Education Elementary Lesson Plan Book, and is provided with the permission of the Utah Law-Related Education Program.



Handout

He Does It All

After school one day, your mother asks you to return some books to the library on your bike. You park your bike carefully in front of the library on the sidewalk, making sure there are no “No Bikes on the Sidewalk” signs. Once the books are dropped off, you return to your bike and find a police officer writing out a ticket for you.

Role Play

You: What did I do wrong, Officer?

Officer: You can't park your bike here.

You: But there isn't a “No Bikes on the Sidewalk” sign.

Officer: I just made it a “Bikes on the Sidewalk” zone.

You: But you can't do that.

Officer: I can now. You're under arrest.

You: Arrest? How can I be arrested when I didn't break the law?

Officer: You did break the law—my law. I just made it. You are under arrest.

You: What happens now?

Officer: I try you.

You: Try me! You're not a judge!

Officer: I am now. You're guilty. I fine you \$25 and costs for parking your bike on the sidewalk.

You: How much are the costs?

Officer: Another \$25.

You: But I am not guilty.

Officer: Pay me.

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