Branches of Government and Checks and Balances Lesson
7th Grade Social Studies
Mrs. Jamie Luff
Riverside Middle School

Standard 7-2.5: Explain how the Enlightenment influenced the American and French revolutions leading to the formation of limited forms of government, including the relationship between people and their government, the role of constitutions, the characteristics of shared powers, the protections of individual rights, and the promotion of the common good.

Essential Question(s):

In what ways do Enlightenment ideas impact American Government, especially the Constitution?

How does having three branches of government limit those who are in power and hold them accountable?

Materials:

- Primary Source Analysis Chart
- Primary Source Documents
- Individual White Boards or Construction Paper and markers
- Slips of paper with philosophers names (Locke, Rousseau, Voltaire, Montesquieu)
- Infographic of 3 Branches of Government

Duration: One 50-60 minute class period.

Procedures:

1) When students learn about the US Constitution, they have already learned about Enlightenment philosophers and should be able to make connections back to their specific ideas as they study it.

As an activating strategy, put students in groups of three or four and have them draw the name of a philosopher Locke, Rousseau, Voltaire, or Montesquieu. Then, instruct students to draw a visual on a small white board or construction paper that will help students to remember what they learned about the philosopher whose name they drew. This should take 5-10 minutes. Conclude the activity by having on kid in each group stand up and briefly show their visual to the class to serve as a quick review.

2) Remaining with their small group, hand each student their own copy of the Primary Source Analysis Chart. Explain what all the questions on the chart mean to the class. Review specifically what separation of powers is, making sure students remember the name of each of the three branches (legislative, executive, and judicial). Then project an infographic on the screen showing what the three branches of government are in the United States.

4) Hand out the Primary Source Documents and guide students through how to use the chart by filling in Document 1 as a class, then take any questions. Students should take approximately 30 minutes to work on studying the documents and filling in their charts.

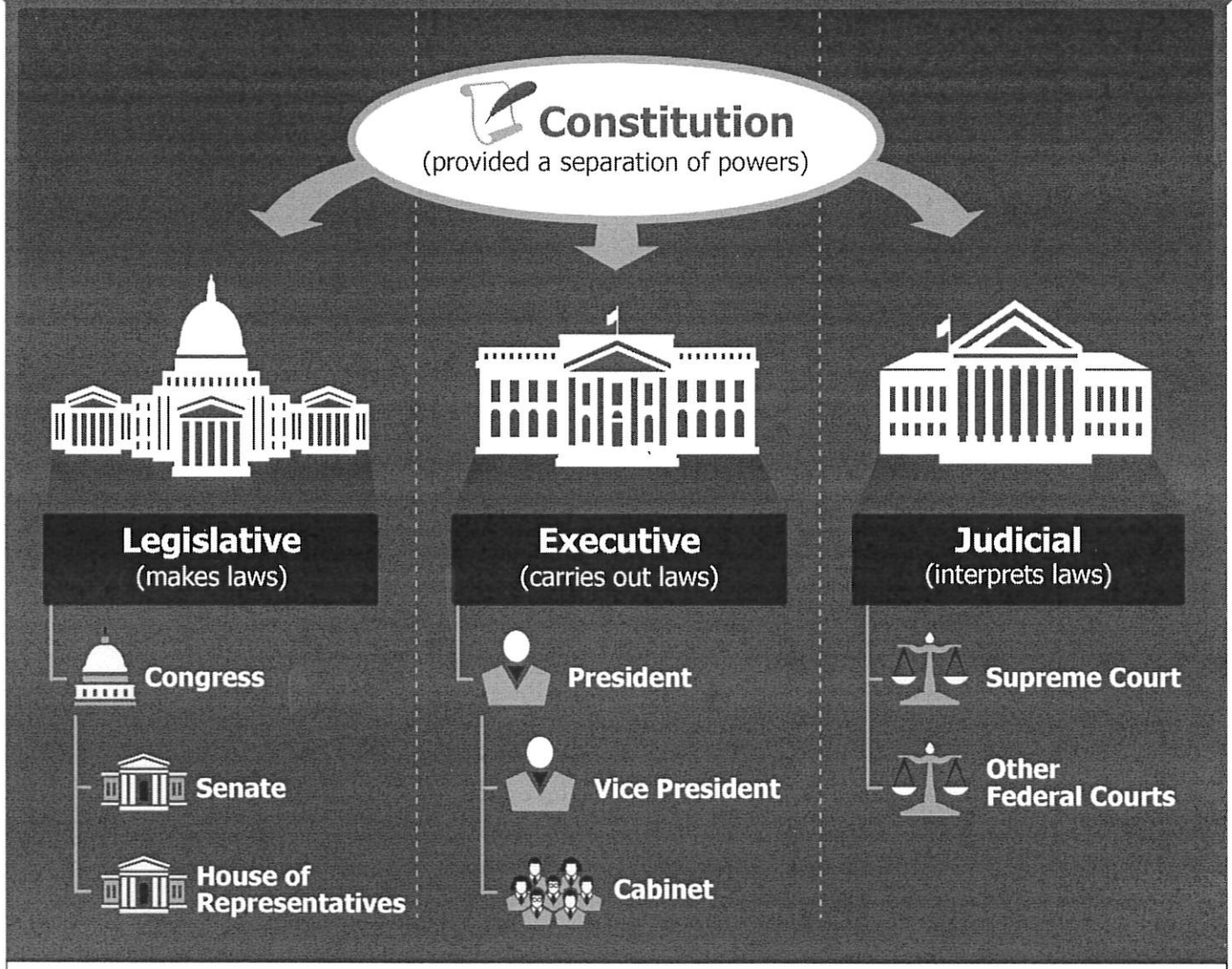
5) To conclude class, ask students "Which philosopher's ideas did you see in the documents more than any other? Which idea was it? Which document do you think showed this more/better than any other document?" Collect their charts and document sets. Then, hand out index cards and have students answer this question on them as their ticket out the door: "List as much evidence as you can remember that proves that each branch of government has powers over the other branches (checks & balances)." Then, collect the index cards as students leave the classroom.

Resources:

www.docsteach.org
www.usa.gov

This lesson is primarily inspired by the presentation by the National Archives on the TOG trip to DC. As a variation for high school students, you could alter the chart to make students identify which Article and Section of the Constitution the power shown in the primary source reflects, giving students a copy of the Constitution to help them complete the activity.

3 BRANCHES *of* U.S. GOVERNMENT



Brought to you by usa gov

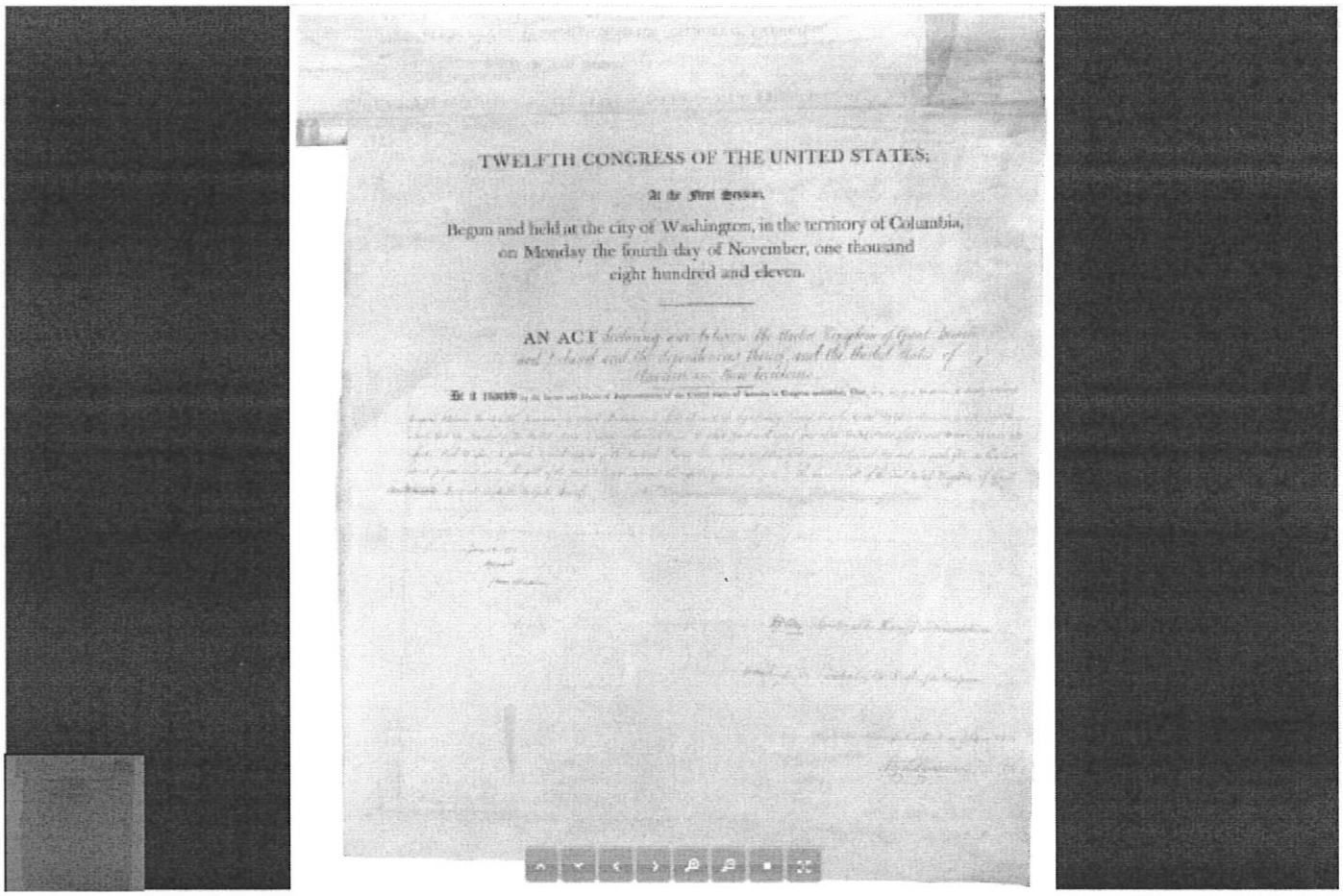
Name:_____

BRANCHES OF GOVERNMENT

Primary Source Activity

	Which branch(es) of government are involved?	What power do you see a branch of government using in the document?	Is this an example of checks and balances? If yes, how?
Document 1			
Document 2			
Document 3			
Document 4			
Document 5			
Document 6			
Document 7			

Document 1: Declaration of War with Great Britain



TWELFTH CONGRESS OF THE UNITED STATES;

At the First Session,

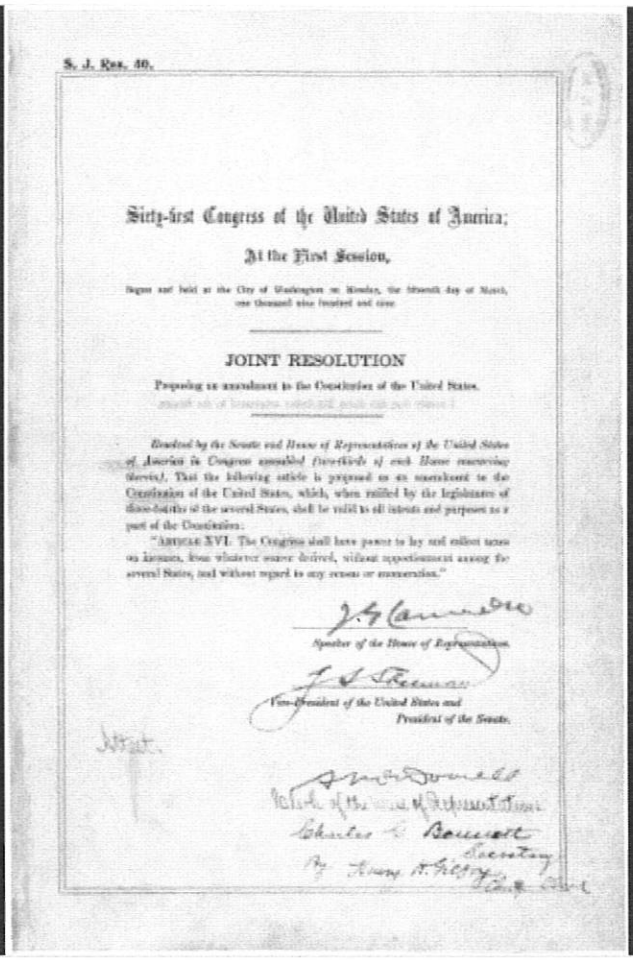
Begun and held at the city of Washington, in the territory of Columbia, on Monday the fourth day of November, one thousand eight hundred and eleven.

AN ACT

With this Act of Congress, the United States declared war on Great Britain in the War of 1812.

For the early decades of the nation's history, relations between the United States and Great Britain had remained strained. Their relationship deteriorated sharply with the outbreak of war in Europe in 1803. Britain imposed a blockade on neutral countries such as the United States. In addition, the British took American sailors from their ships and "impressed" them into the British Navy.

Document 2: Joint Resolution Proposing the 16th Amendment to the Constitution



S. J. Res. 40.

Sixty-first Congress of the United States of America;

At the First Session,

Begun and held at the City of Washington on Monday, the Seventh day of March, one thousand nine hundred and nine.

JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which, when ratified by the legislatures of three-fourths of the several States, shall be valid to all intents and purposes as a part of the Constitution:

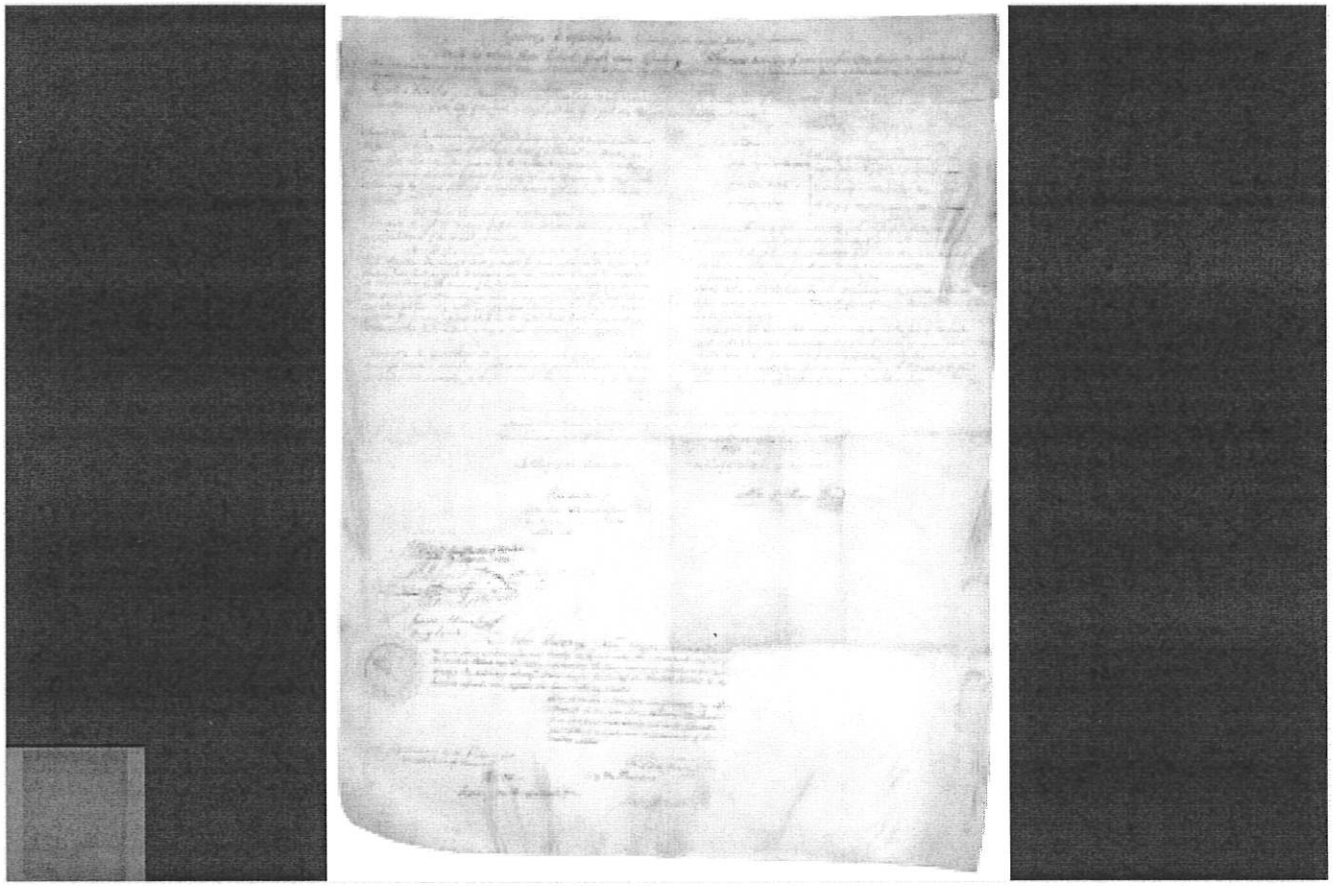
"ARTICLE XVI. The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration."

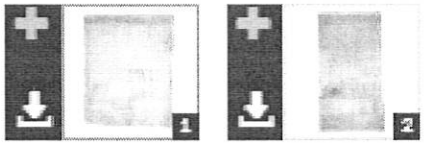
Speaker of the House of Representatives.

Vice-President of the United States and President of the Senate.

This item consists of the joint resolution proposing the Sixteenth Amendment, which was ratified February 3, 1913, and grants Congress the right to impose a tax on the earnings of its citizens. A joint resolution is a formal opinion adopted by both houses of the legislative branch. A constitutional amendment must be passed as a joint resolution before it is sent to the states for ratification.

Document 3: "Peace and Friendship" Treaty with the Creek Nation in New York



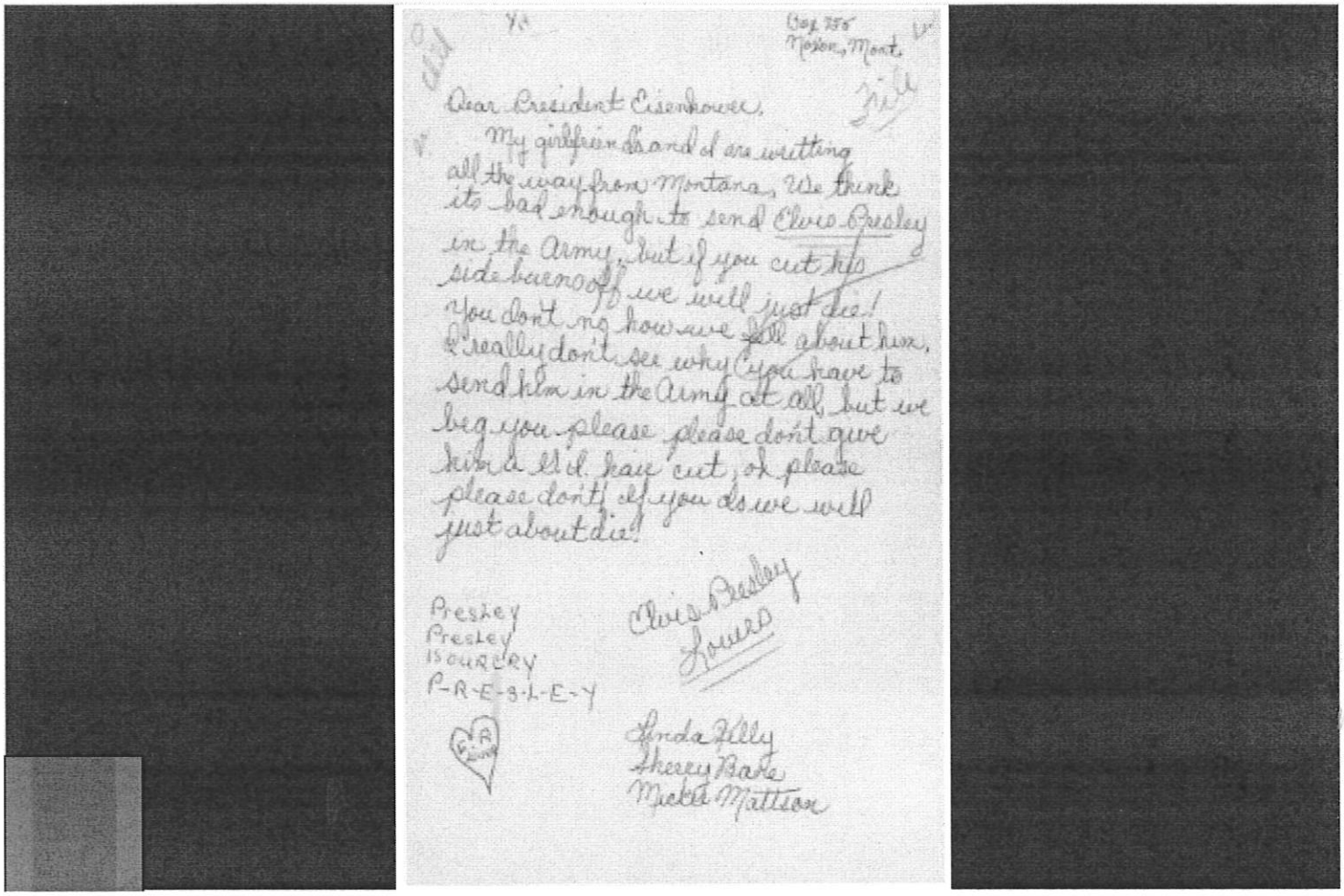


This is the "Treaty of Peace and Friendship...between the...United States of America...and the...Creek Nation of Indians" signed in the city of New York.

After the Revolutionary War, the United States had continued the European practice of negotiating treaties with the Native Peoples similarly to how they negotiated with foreign governments. This practice changed gradually over time.

In 1831, the Supreme Court case *Cherokee Nation* v. *Georgia* changed the status of Native tribes from "independent, sovereign nations" to "domestic dependent nations." Treaties, however, still followed the pattern of requiring negotiations between the U.S. Government and tribal governments and ratification by Congress. Not all negotiated treaties were ratified.

Document 4: Letter to President Eisenhower Regarding Elvis Presley



Box 255
Noxon, Mont.

Dear President Eisenhower,
My girlfriend and I are writting all the way from Montana, We think its bad enough to send Elvis Presley in the Army, but if you cut his side burns off we will just die! You don't no how we feel about him, I really don't see why you have to send him in the Army at all, but we beg you please please don't give him a G.I. hair cut, oh please please don't! if you do we will just about die!

Presley
Presley
IS OUR CRY
P-R-E-S-L-E-Y

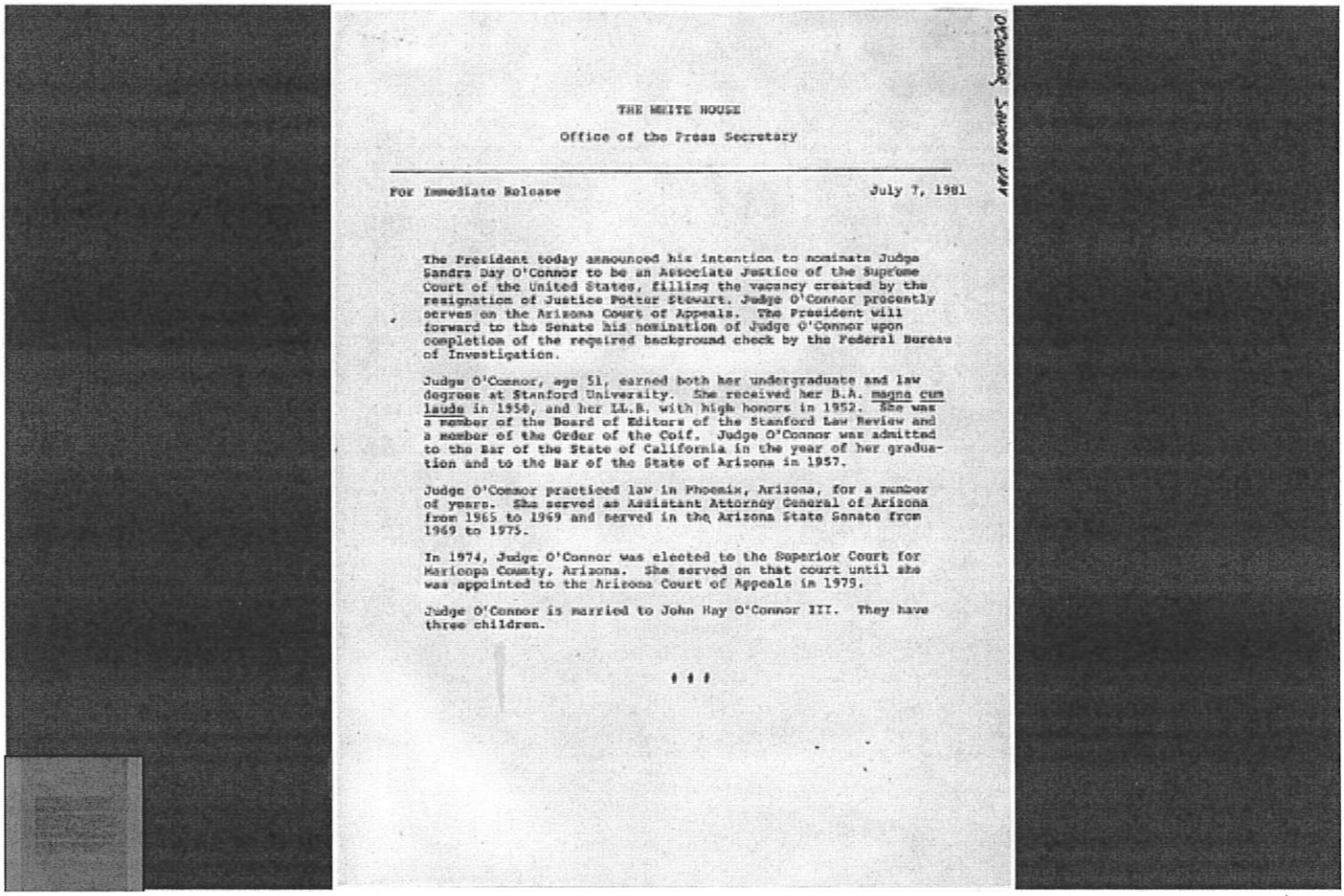
Elvis Presley
Loves

Linda Kelly
Sherry Bane
Mickie Mattson

Linda Kelly, Sherry Bane, and Mickie Mattson wrote to President Dwight D. Eisenhower from Montana. They told him "We think its bad enough to send Elvis Presley in the Army, but if you cut his sideburns off we will just die!"

During the early 1950s, all American men were required to register for the draft, and many were called to serve. Elvis was no exception. Inducted into the Army in 1958, he insisted on being treated like everyone else. He took the required haircut in stride, coining the phrase, "Hair today, gone tomorrow."

Document 5: Press Release Regarding the Nomination of Sandra Day O'Connor to the Supreme Court



O'Connor, Sandra Day

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release July 7, 1981

The President today announced his intention to nominate Judge Sandra Day O'Connor to be an Associate Justice of the Supreme Court of the United States, filling the vacancy created by the resignation of Justice Potter Stewart. Judge O'Connor presently serves on the Arizona Court of Appeals. The President will forward to the Senate his nomination of Judge O'Connor upon completion of the required background check by the Federal Bureau of Investigation.

Judge O'Connor, age 51, earned both her undergraduate and law degrees at Stanford University. She received her B.A. magna cum laude in 1950, and her LL.B. with high honors in 1952. She was a member of the Board of Editors of the Stanford Law Review and a member of the Order of the Coif. Judge O'Connor was admitted to the Bar of the State of California in the year of her graduation and to the Bar of the State of Arizona in 1957.

Judge O'Connor practiced law in Phoenix, Arizona, for a number of years. She served as Assistant Attorney General of Arizona from 1965 to 1969 and served in the Arizona State Senate from 1969 to 1975.

In 1974, Judge O'Connor was elected to the Superior Court for Maricopa County, Arizona. She served on that court until she was appointed to the Arizona Court of Appeals in 1979.

Judge O'Connor is married to John Hay O'Connor III. They have three children.

# # #

Draft Release announcing the O'Connor Supreme Court nomination

Additional details from our exhibits and publications

This draft press release from President Ronald Reagan's administration announces the nomination of Sandra Day O'Connor to become the first woman Justice of the U.S. Supreme Court. O'Connor worked as a lawyer and then a judge in Arizona before becoming an Associate Justice in the U.S. Supreme Court. She retired in 2006.

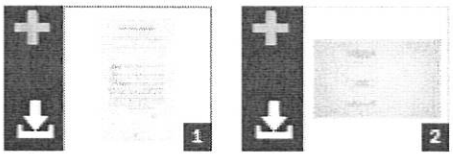
Document 6: Judgement in Brown v. Board of Education

This cause *came on to be heard on the transcript of the record from the United States District Court for the* ———— *District of* Kansas, ———— *and was argued by counsel.*

On consideration whereof, *It is ordered and adjudged by this Court that the judgment of the said* District ———— *Court in this cause be, and the same is hereby,* reversed with costs; and that this cause be, and the same is hereby, remanded to the said District Court to take such proceedings and enter such orders and decrees consistent with the opinions of this Court as are necessary and proper to admit to public schools on a racially nondiscriminatory basis with all deliberate speed the parties to this case.

Per Mr. Chief Justice Warren,

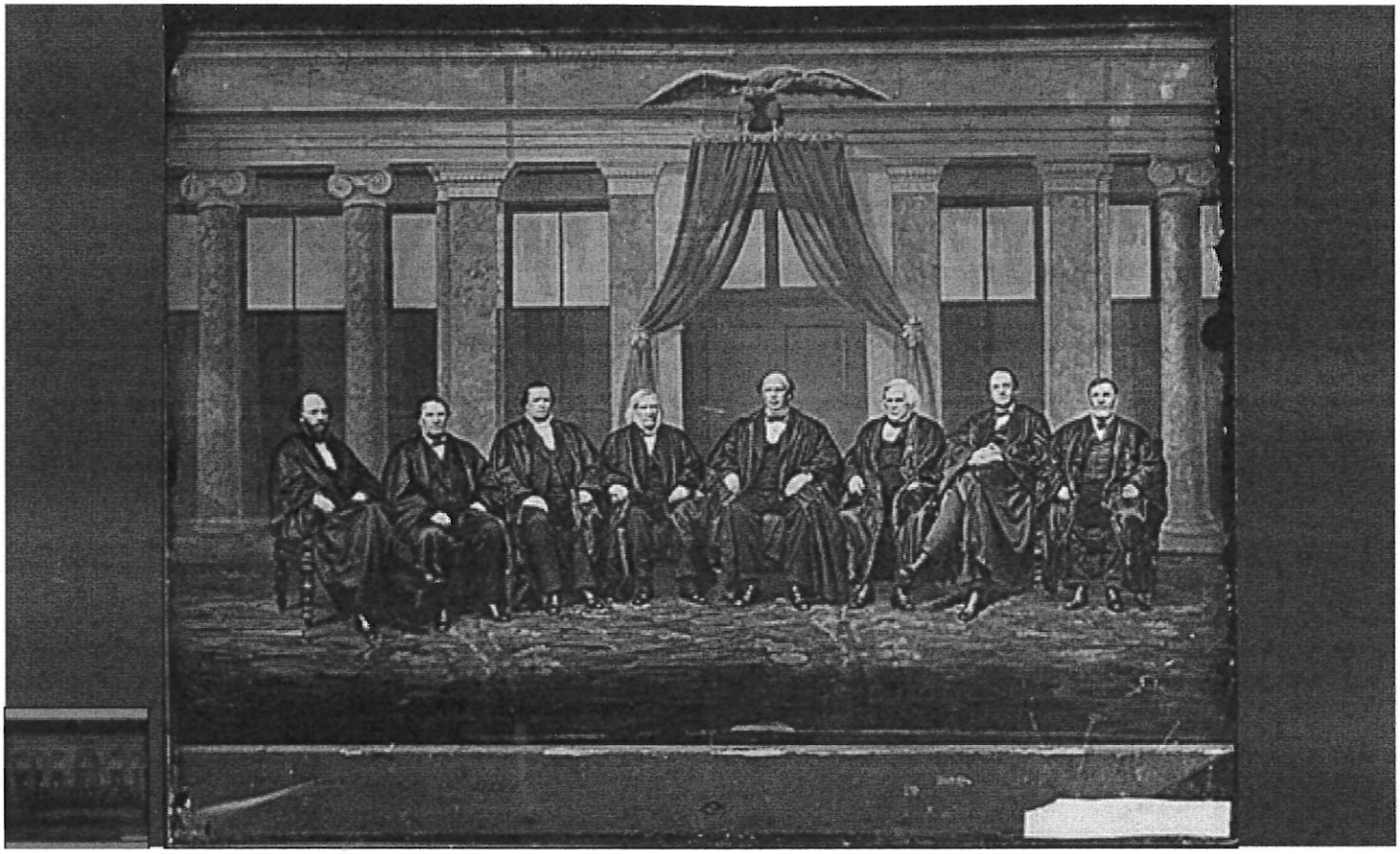
May 31, 1955.



On May 17, 1954, in *Brown v. Board of Education of Topeka* (five separate cases consolidated under a single name), the U.S. Supreme Court ruled unanimously that separate but equal public schools violated the 14th Amendment.

On May 31, 1955 – one year and two weeks after the ruling that racial segregation in public schools was unconstitutional – Chief Justice Earl Warren issued this decree, ruling how desegregation was to be carried out. The plan directs that schools be desegregated under the control of Federal district judges "with all deliberate speed."

Document 7: Honorable P. Salmon Chase Chief Justice of the Supreme Court



Full Title - Hon. Salmon P. Chase, Chief Justice, U.S.; Hon. Nathan Clifford, Maine; Stephen J. Field, Justice Supreme Court, U.S.; Hon. Samuel F. Miller, U.S. Supreme Court; Hon. Noah H. Swayne, Justice Supreme Court, U.S.; Judge Morrison R. Waite, Supreme Court, U.S

Additional details from our exhibits and publications

In this circa 1865 photo, Chief Justice Salmon P. Chase sits with the Justices of the Supreme Court. Chase was named Chief Justice by President Lincoln in 1864. Chase later presided over President Andrew Johnson's impeachment trial.