



CAN THEY DO THAT?

Learning Objectives: The students will...

1. Gain knowledge of two constitutional principles:
 - a. Separation of Powers
 - b. Checks and Balances
2. Become familiar with certain parts of the Constitution that pertain to separation of powers and checks and balances.

TEKS: Govt. 6D, Govt. 87A-C

Materials Needed: Copies of Can They Do That worksheet, copies of the Constitution.

Vocabulary: separation of powers, checks and balances, veto, impeachment, treason

Teaching Strategy:

1. This exercise is to be completed after students have studied the first three articles of the Constitution and have an understanding of separation of powers (each branch of government has specific functions and powers) and checks and balances (how those powers are checked by the other two).
2. Have students work individually or in pairs to complete the activity sheet, following the instructions at the top of the sheet.
3. After students have completed and checked their work, ask each student to complete an exit ticket in which they answer the following questions:
 - a. How does this exercise show how the framers desired to divide power within the national government?
 - b. After looking at the Constitution, which branch of the government did the framers feel should be the most powerful? Explain your reasoning.

Teacher Key:

1. NO—Article II, Section 2, Clause 2
2. NO—Article I, Section 1 and Article I, Section 7, Clause 2
3. YES—Article I, Section 7, Clause 2
4. NO—Article III, Section 1 and Article I, Section 8, Clause 9
5. YES—Article II, Section 4, and Article I, Section 2, Clause 5
6. NO—Article III, Section 1
7. YES—Article II, Section 2
8. YES—Article I, Section 1
9. NO—Article II, Section 2, Clause 2
10. YES—Article III, Section 2, Clauses 1 and 2

Lesson adapted from “What Does the Constitution Say about Separation of Powers and Checks and Balances?” by John J. Patrick and Richard Remy, as published in *Project '87*.

CAN THEY DO THAT?

Directions: Read each of the following hypothetical statements. Decide whether or not each statement describes a situation that is in accord with the words of the U. S. Constitution. If so, circle YES, and find the citation in the Constitution (number of the Article, Section, and Clause if present) that supports your answer and write it in the blank provided. If the statement does not describe a situation that is in accord with the words in the U.S. Constitution, circle NO, and find the citation in the Constitution (number of the Article, Section, and Clause if present) and write it in the blank along with how this citation explains your answer.

Clue: Answers to these items can be found in Articles I, II, and III.

1. The Chief Justice of the Supreme Court retired. Thus, the Senate chose a replacement.

YES

NO

2. The president signed into law a bill to raise the minimum wage, which he/she felt was needed, even though it had not passed both houses of Congress.

YES

NO

3. A crime bill passed both houses of Congress. The bill has been on the president's desk for over ten days while Congress has been in session. The bill becomes law without his/her signature.

YES

NO

4. The U.S. Supreme Court announced that it had established, by a unanimous vote of the justices, a new federal appeals court to help with its large load of cases.

YES

NO

5. Actions of the president that were deemed treasonous or a high crime may lead to impeachment by the House of Representatives.

YES

NO

6. Congress passed a law, which the president signed, setting seventy as a mandatory retirement age for justices of the Supreme Court.

YES

NO

7. As Commander-in-Chief the president orders troops abroad to handle an emergency.

YES

NO

8. Congress voted to cut money from the budget even though it eliminated a program supported by the president in his/her campaign.

YES

NO

9. The president signed a treaty with the head of an African nation. After approval by two-thirds of the Supreme Court, it went into effect.

YES

NO

10. The Supreme Court is the original court to hear and rule on a dispute between Texas and Oklahoma over water rights.

YES

NO
