

THEME: The United States Constitution

TOPIC: Preamble, Separation of Powers, Checks and Balances

PREPARATION / PROPS: Poster of the Signing of the Constitution, “Liberty Tree” sign on a tree or wall, papers on the “Liberty Tree”, picture of James Madison, three-headed eagle picture, picture of the branches of the government

LESSON: Preamble. The Constitution is a set of laws for our government. The Bill of Rights is a section of amendments at the end of the Constitution that protects some of our individual rights. The first sentence of the Constitution is called the Preamble. The preamble explains the purpose of the Constitution:

“We the people of the United States – That means everyone who lives here in the United States. In order to form a more perfect union – to make our country even better, especially at solving problems that affect all of us. Establish justice – to make sure all people in the United States are treated equally, or fairly. Insure domestic tranquility – insure means to make sure something happens.



Domestic means here in our country. Tranquility means peace. So this part “insure domestic tranquility” means that the people in America will live in peace. Provide for the common defense – that people in America will be protected from their enemies. Promote the general welfare – that the people in American can be happy and help each other be happy. Secure the blessings of liberty – secure means to make something stay put. A blessing is something good provided by God and liberty means freedom. So this part means to make sure all the good things we have because of God and our freedom are never taken away – people can choose what they want to do and where they want to go. To ourselves and our posterity – posterity means future generations – or your kids and their kids and their kids. Do ordain and establish – to set this down as law. This Constitution of the United States of America – the document in today's lesson.

Separation of Powers. Our founding fathers knew that giving any one person or group of people too much authority would end in tyranny. That means it would end up with the people in power treating everybody else badly. They knew the power in the government should be separated. This was not a new idea. Back in Rome, about 100 B.C., there was a man named Polybius who wrote about having three separate departments. Then in the 1740's there was a man named Baron Charles de Montesquieu who also liked the idea of three departments. He said that there cannot be liberty if the three are not separated. He recommended these three branches: legislative, executive, and judicial.

The founders used a three-headed eagle as an illustration of the separation of powers. Each head of the eagle has its own job. The first one is the legislative branch, called Congress, and it makes the laws. The second is the executive branch, including the president, and it carries out the laws. The third is the judicial branch, including the Supreme Court, and its job is to protect and guard the Constitution.

There are three separate heads, but they are attached with one neck. One branch can't go off on its own because the other two are there to keep it in place. Each branch should do its own job and no one else's.

We have one president. New Jersey wanted to have several presidents, and a man named Randolph from Virginia thought we should have at least three. But James Madison said we should only have one – that way decisions could be made quickly if necessary, and there would be no one for a president to blame for bad decisions but himself.

Checks and Balances. There are three separate branches and a separation of powers. Checks and balances are used to make sure that no one department gets too much power. They work together to keep each other in check.

This is how our government is set up to run. The founding fathers built in checks so that one department doesn't get too much power. If they do get too much power, they will eventually take over completely and we will lose our freedom. The checks are to help prevent abuse of power and to prevent one department from intruding into the jobs of another department.

Even with the checks, there have been intrusions where one department oversteps its boundaries and does the job of another department. An example is something called “judicial legislation” - where the courts end up making new laws while pretending to only be interpreting old laws. Another intrusion is presidential executive orders – that is when the president basically makes a law. But law-making is supposed to be the job of the legislative branch. So our government today is not operating the way the founders had wanted it to and it is causing problems.

In order for the checks to work, the departments have to stand up and not allow the other departments to do its job. The people – every citizen of the United States – have to watch closely and not allow it to happen. And we need to elect only those people who will respect and follow the Constitution. The founding fathers wanted to preserve the freedom that so many fought, sacrificed, and died for – and they wanted a way to resolve problems peacefully. That is the main purpose of the Constitution.

DISCUSSION POINTS:

- What are some of the “blessings of liberty” of freedom? In the Constitution, the framers wrote “We the People” in large letters. Why do you think they did that?
- Our government has three separate departments – legislative, executive, and judicial. What are some good things that result from this separation? Have you ever been in charge of a smaller part of a large project? How did that go? An example might be playing on a team – what happens if you try to play other positions.
- The framers knew that government could easily get out of control and so they included checks and balances in our Constitution. Can you think of any ways that one department can check another department? What if the president vetoes a bill – is there any way for that to be checked?

ACTIVITY: Three Headed Eagle – Separation of Powers

Materials: Brown sheet, white towel, clip, yellow construction paper beaks, tape

Method: Choose three volunteers. It helps if they are about the same height. Have them stand side by side, as close together as possible. Wrap a brown sheet around them and clip it in the back. Ask the kids if they know what you are making. Then take the white towel and tuck it in the neck in the front under the center volunteer so it hangs down, simulating the white breast. Again ask the kids their ideas (some answers are quite funny!). Then put tape on the back of the beaks and stick them on their noses. Use this three-headed eagle as you describe the three branches of our government.



ACTIVITY: Rock, Paper, Scissors – Checks and Balances

Materials: Big rock, piece of paper, scissors

Method: Hold up the rock and ask the kids what it is. Do the same with the scissors, and last the paper. Ask them if it sounds familiar to them. Someone will come up with “Rock, Paper, Scissors”. Ask them which is the best one to use in the game – rock, paper or scissors. Show how the rock crushes the scissors, but the paper can cover the rock, and so on. Have them realize that each has powers, but each can be checked by one of the others. Have them choose partners and play rock, paper, scissors, challenging them to see who can get 10 wins in a row first. Use this as a springboard to talk about checks and balances and why they are important. The kids will have fun playing the game.



ACTIVITY: Preamble with Music and Hand Motions

Materials: A copy of A More Perfect Union – America Becomes a Nation (A Teacher’s Guide) – see references, music from School House Rock, poster board with the preamble printed on it

Method: Use the music for the Preamble from School House Rock and the hand motions provided on page 20 of the teacher’s guide to teach the kids the preamble. You can also make up your own hand motions if you do not have a copy of the teacher’s guide. The younger kids will really like the hand motions. You can hang the poster on the wall for the older kids so they can read along.

REFERENCES: The 5,000 Year Leap by W. Cleon Skousen, The U.S. Constitution, Liberty's Kids Episode 40 We The People, A Guide for Learning and Teaching the Declaration of Independence and the U.S. Constitution by Joseph Andrews, A More Perfect Union – America Becomes a Nation (A Teacher's Guide) by the National Center for Constitutional Studies, <http://www.youtube.com/watch?v=30OyU4O80i4&feature=related> (this is the Schoolhouse Rock Preamble song)