

American Government & Politics: A Christian Worldview.
Separation of Powers Showdown (15–20 Minutes)

TEACHER INSTRUCTIONS

Goal

Students practice applying constitutional checks and balances, identifying which constitutional check could be used when one branch of government exceeds its proper authority.

Instructions

1. Put students in pairs/small groups to complete the handout. (Allow 10–12 minutes.)
2. Discuss as a class via volunteers.

Suggested Key

1. Judicial review by the courts
2. Senate refusal to ratify the treaty
3. Constitutional amendment, refusal by the executive branch to accept the claim, or congressional action within constitutional limits
4. Presidential veto or judicial review
5. Congress controls appropriations and may investigate or impeach
6. Congress may override the veto with a two-thirds vote
7. Constitutional amendment, future court reversal, or other constitutional checks
8. Senate refusal to confirm; appointment cannot be completed properly
9. Judicial review; states may ignore/nullify the law or challenge it in court
10. Congressional oversight, funding restrictions, or impeachment

Debrief/Wrap-Up Question

Why did the Framers divide power among separate branches instead of giving all governmental power to one person or one institution?

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Read each situation, and decide which constitutional check could be used to respond to the problem.

Situation #1 – Congress passes a law requiring all newspapers to obtain a federal license before publishing political opinions. What constitutional check could be used?

Situation #2 – The President signs a treaty with a foreign nation and announces that it is now official, even though the Senate never voted on it. What constitutional check could be used?

Situation #3 – The Supreme Court declares that all future Presidents must seek the Court's approval before issuing executive orders. What constitutional check could be used?

Situation #4 – Congress passes a law creating a national curriculum for every public and private school in America. What constitutional check could be used?

Situation #5 – The President spends billions of dollars on a new federal project that Congress never funded. What constitutional check could be used?

Situation #6 – Congress passes a bill. The President vetoes it. Congress believes the bill is important and wants it to become law anyway. What constitutional check could be used?

Situation #7 – The Supreme Court rules that citizens may be imprisoned for criticizing government officials. What constitutional check could be used?

Situation #8 – The President appoints a new Secretary of State but refuses to submit the nomination to the Senate. What constitutional check could be used?

Situation #9 – Congress passes a law that greatly expands federal authority. The President signs it. Many states believe the law exceeds the powers delegated to the federal government. What constitutional check could be used?

Situation #10 – The President repeatedly refuses to enforce laws that are clearly constitutional and were properly enacted. What constitutional check could be used?