



Checks and Balances and Separation of Powers

The guiding principles of checks and balances and separation of powers are cornerstones of our republic.

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Lesson Overview

The guiding principles of checks and balances and separation of powers are cornerstones of our republic. This lesson can be used in a middle school civics or history classroom to address these principles and to build the skill of civil discourse. The lesson pays careful attention to the executive branch and includes a final assignment in which students will debate the viability of checks and balances in current day. Students will identify and analyze the information from this lesson to craft their argument.

Objectives

- Distinguish between separation of powers and checks and balances.
- Analyze different perspectives on the extent of power of the executive branch.
- Debate the viability of checks and balances and the extent of power of the executive branch.

Vocabulary

- State of nature
- Natural rights
- Checks and balances
- Separation of powers
- Articles of Confederation
- Tyranny

- Enlightenment

Materials

- Computers
- [They Never Learn: Politicians Continue to Grant Themselves Powers Later Abused by Their Opponents | Cato Institute](#)
- [Separation of Powers from the Cornell Law School](#)
- [How Donald Trump Is Again Upsetting the U.S. System of Checks and Balances | CNN Politics](#)
- Highlighters and pencils/pens
- Projector or other mode to display information
- Paragraph on Washington's View on the Executive Branch

Prework (~20 minutes)

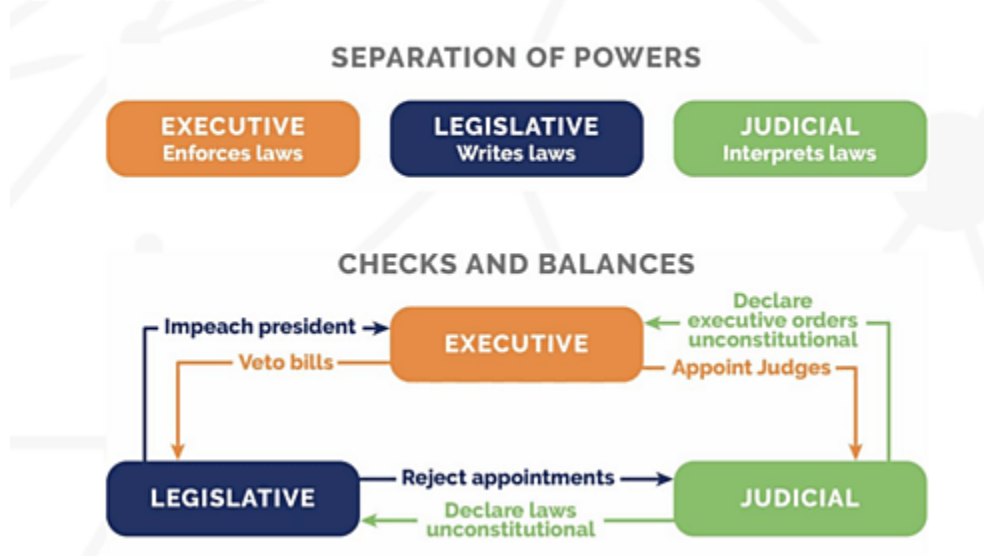
- Step One

As a class, display Figure 1 on the separation of powers and checks and balances. Begin with the notice and wonder structure by asking students the following questions: What do you initially notice?

What do you wonder about the diagram?

Engage in discussion about what students identify regarding the breakdown of checks and balances with separation of powers. Remind students to explain their reasoning.

FIGURE 1: BREAKDOWN OF CHECKS AND BALANCES WITH SEPARATION OF POWERS



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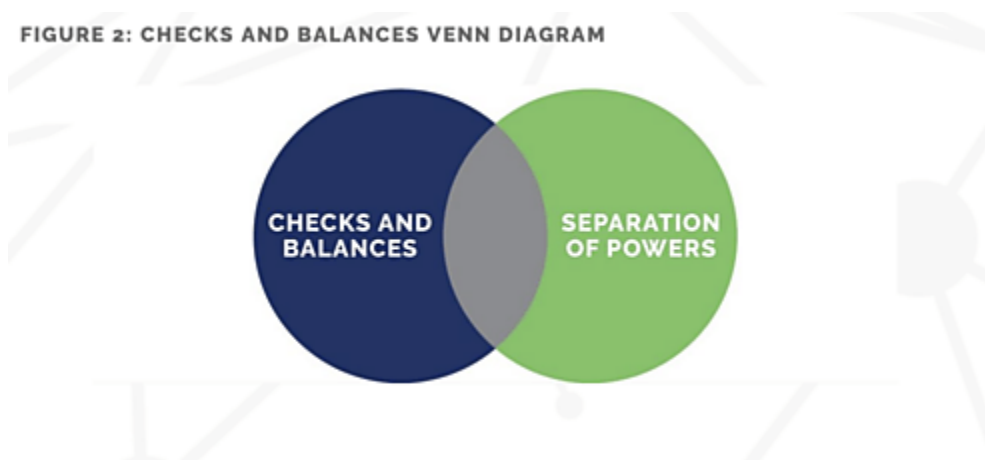
- Step Two

In preparation for the lesson activities, have students read the following article on Separation of Powers from the Cornell Law School. This may be used as a homework assignment or in class. Ask students to identify information by annotating the sections that point to who came up with the model, why, what it is, and how it is implemented in our government structure.

Warm-Up (~ 5 Minutes)

Invite students to take out their annotated article from the prework to help support them in comparing the system of checks and balances with separation of powers using Figure 2. This is to help students understand the similarities and differences of the two principles. Students can complete this as a think pair, share, with a partner and then share out when complete their answers as a whole class discussion.

FIGURE 2: CHECKS AND BALANCES VENN DIAGRAM



Lesson Activities

Activity One

Share with students that they will apply their understanding of the foundation of checks and balances with separation of powers to analyze the place of these principles in modern government.

- **Step One:** Pass out the following two articles and the paragraph on George Washington.

[They Never Learn: Politicians Continue to Grant Themselves Powers Later Abused by Their Opponents | Cato Institute](#)

This Cato resource provides an example of what could happen if checks and balances are not integrated into the political system. The article alludes to the idea that the

executive could become tyrannical (reminiscent of the tyranny we left in 1776). When discussing this article with students, there should be careful consideration given to the presentation of how checks and balances can keep branches in line without giving too much power to a specific branch or person.

[How Donald Trump Is Again Upsetting the U.S. System of Checks and Balances | CNN Politics](#)

This differing viewpoint takes the topic and applies it to a current event in the nation. Toward the middle of the article, the discussion of checks and balances comes up, regarding January 6th. It also discusses people and events throughout history (Burr and Nixon) when checks and balances were an afterthought, or when someone tried to circumvent the system. This discussion would be a good time to compare these events and to discuss when the system of checks and balances was successful and when there may have been shortcomings.

Washington's View on the Executive Branch: The failure of the Articles of Confederation highlighted glaring issues that the new Constitution needed to rectify. The main issue was the lack of a strong central government. This issue would be addressed by the creation of the three branches of government; the three separate branches would have specific jobs, one of which would be to keep the others in check. The goal was to create a new form of government different from the English monarchy. When the Constitutional Convention met, the delegates assumed that George Washington would be the president. As a result, much of the executive branch was designed around how Washington would lead and what he would do as the executive. Washington wanted to keep himself out of the conversation in public settings, mainly because he was the presiding officer at the time, and therefore he did not want to sway popular opinion. Behind closed doors, Washington was very vocal in his support for the new Constitution and the need for ratification. Washington initially did not want to be president; however, many believed that if he was elected, there would be greater support by the citizens for the new form of government. Washington believed that the power of the executive branch needed to lie with the office, not the individual. The integrity of the position would be kept with the peaceful transition of power from one president to the next. This is also where Washington got the idea for a two-term presidency. He believed that with a reduced number of terms, the presidency could be reflective of the society. Washington warned of political parties as they would lead to a divided nation. Washington never wanted the president to be the most powerful person in the country without checks and balances because he believed it would lead to a tyrannical government, as seen in England. For more information for students, use the article [Presiding Over the Convention: The Indispensable Man from Mount Vernon](#).

- **Step Two:** As a class, start with George Washington's view on how the executive branch should be run. Focus on the ideals that were the reason as to why the citizens of the dissolved colonies chose Washington as the first president of the newly created nation.

Next, as a class, read both articles without showing the articles' source. Then discuss whether George Washington's ideology has been upheld.

- **Step Three:** Upon completing the reading, prompt students with the following questions to spark class discussion.
- Do you think the articles support or oppose George Washington's ideology?
- Do you think George Washington and the Founders would be satisfied with how the executive branch is run?
- Do you think the executive branch has too much power?

Extension Activities

Short Story Assignment: Have students complete a creative short story on the concept of checks and balances with separation of powers. Students can determine the setting, and they should incorporate three to five vocabulary words in the short story. Rubric for Writing Assignment:

Task	Unsatisfactory: 1 to 2 points	Satisfactory: 3 to 4 points	Above satisfactory: 5 points
Construction of ideas	Composition of the essay is sporadic and not succinct. The writing is disjointed, and there is a lot of filler information. There is little to no organization to the writing.	The essay touches on main ideas from the lesson. There is no in-depth discussion of the material, but a basic understanding of content has been achieved.	Composition of the essay is thematic and easy to follow. Each sentence seamlessly moves to the next. Each piece of information supports the thesis statement. There are no superfluous statements.
Content	There is little to no content in the writing. Content that is present is incorrect information or is off topic of the thesis statement.	There is a good amount of content present in the writing. The content is very base level and lacks higher-order thinking.	All writing is evidence-based. Students demonstrate a high level of understanding and higher-order thinking in the writing.
Vocabulary and spelling	Fewer than three vocabulary words are used. Numerous spelling and grammar mistakes are present.	Exactly three vocabulary words are used, and spelling or grammar issues are minimal.	More than four vocabulary words are used, and they are used correctly in the writing. There are no spelling or grammar issues.
Creativity	The essay lacks creativity. The writing only has facts present.	Minimal creativity is used in the writing.	The writing is creative and takes the reader on a journey while demonstrating knowledge of the material.

Supplemental Resource: Blooket: [Checks and Balances and Separation of Powers Blooket](#) is an online supplemental gaming resource. This resource is free for students and educators and can be used for remediation or to strengthen student understanding. Each five-minute round of 36 questions reinforces lesson content in an engaging manner.