



GeauxVote Smart!

Louisiana Citizenship Education Program

Louisiana's Old State Capitol
Museum of Political History
www.sos.la.gov/osc

DIVISION OF POWER

Over 200 years ago, our Founding Fathers wrote the Constitution, which is a basic design for how our government should work. The Constitution sets up a republican form of government and gives power to the people who elect representatives to speak for them. The representatives are responsible for helping all the people in the country, not just a few people.

The Constitution divides the government into three branches. They are the legislative, executive and judicial branches. Each branch has its own specific powers and duties, providing a "check and balance" to the other two branches. This separation of powers makes sure that each branch of government fulfills its responsibilities without exceeding its power.

The Constitution also divides power between the state and federal government to protect the rights of the people.

Why is the legislative branch important?

The word "legislate" means to create or pass laws. The legislative branch, or Congress, makes laws for the nation. As established by the Constitution, the United States has a bicameral, or two-house, legislature. Congress is composed of two houses, the U.S. House of Representatives and the U.S. Senate. Congress meets at the U.S. Capitol in Washington, D.C.

Each state elects two U.S. Senators to represent them in the Senate in Washington,

D.C. The state population, or the number of people who live in the state, decides the number of U.S. Representatives elected by a state.

What does the executive branch do?

In government, the word "execute" means to perform or carry out what is required. The executive branch is responsible for making sure people follow the laws that the legislative branch passes. At the national level, the leaders of the executive branch are the President and Vice-President. Governors are executive leaders of states.

As the head of the executive branch, one of the President's main responsibilities is to act on the laws passed by Congress. When the Senate and the House approve a bill, they send it to the President. If he agrees with the law, he signs it and the law goes into effect. If the President does not like a bill, he can veto it, or refuse to sign it. If the President vetoes a bill, it will most likely never become a law. However, Congress can override a veto, if two-thirds of the members of Congress vote again to approve it.

The executive branch also includes the groups that help protect the people and nation and help enforce the laws. These groups include the branches of the U.S. military, the National Guard and Coast Guard, state and local police as well as other law enforcement officers.



Why do we need a judicial branch?

The word “judicial” refers to anything related to the law and the administration of justice. The court system is part of the judicial branch. When people are unsure about the meaning of a law, the judicial branch listens to many opinions and makes a decision. Courts are responsible for applying the laws to cases brought before them. Courts hear and decide issues of law and fact, and determine which remedy or punishment applies to each case.

The U.S. Supreme Court is the highest court in the United States. The Supreme Court is made up of nine judges. They meet at the Supreme Court building in Washington, D.C.

How does the Constitution divide power between the state and national government?

Powers given to the national government are called enumerated, or listed (or delegated), powers. Powers set aside for the states are reserved powers. Sometimes the state and national governments share responsibilities. Shared powers are called concurrent powers.

DIVISION OF POWER

National Government	Both National and State Governments	State Government
<ul style="list-style-type: none"> • Print money • Regulate interstate (between states) and international trade • Make treaties and conduct foreign policy • Declare war • Provide an army and navy • Establish post offices • Make laws necessary and proper to carry out these powers 	<ul style="list-style-type: none"> • Collect taxes • Build roads • Borrow money • Establish courts • Make and enforce laws • Charter banks and corporations • Spend money for the general welfare • Take private property for public purposes, with just compensation 	<ul style="list-style-type: none"> • Issue licenses • Regulate intrastate (within the state) businesses • Conduct elections • Set up local governments • Ratify (approve) amendments to the Constitution • Act to protect public health and safety • May take actions the Constitution does not give to the national government or prohibit the states from taking



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LESSON PLAN

Grade Levels	Elementary, middle and high school
Time	Adapt to meet needs
Overview	The introductory reading and supporting activities encourage classroom conversation and investigation about how the Constitution organizes the U.S. government. Teachers are encouraged to adapt the materials and activities to meet the needs, grade level and interests of their students.
Focus Question	How and why does the U.S. Constitution divide governmental power?
Materials	Division of Power reading; computer and Internet access optional
Preparation	Make copies of the reading, one per student

Benchmarks

Fourth Grade

- Identify the three branches of the federal government and describe their major responsibilities (C-1A-E4)
- Describe the significance of the Declaration of Independence, the U.S. Constitution and its principles of democracy, and the Bill of Rights (e.g., basic freedoms) (C-1B-E1)

Seventh Grade

- Explain how separation of powers limits government and describe the U.S. government system of checks and balances (C-1A-M3)
- Identify the powers of the U.S. federal government and the powers it shares with state governments according to the U.S. Constitution (C-1A-M3)
- Identify the structure and powers of the three branches of the federal government, the limits of those powers, and key positions within each branch (C-1A-M5)

Eighth Grade

- Identify the structure and powers of the three branches of the state government, the limits of those powers, and key positions within each branch (C-1A-M5)

High School Civics

- Explain the distribution of powers, responsibilities, and the limits of the U.S. federal government (C-1A-H3)



- Categorize governmental powers as delegated, reserved, concurrent, or implied (C-1A-H3)
- Identify powers denied to federal or state governments by the U.S. Constitution (C-1A-H3)
- Analyze or assess issues related to the distribution of powers at the federal level (e.g., tensions among the three branches of government, roles and responsibilities of the three branches) (C-1A-H3)

Vocabulary

1. bicameral
2. checks and balances
3. concurrent powers
4. Congress
5. enumerated powers
6. executive branch
7. judicial branch
8. legislative branch
9. president
10. republic
11. representative
12. reserved powers
13. Supreme Court
14. U.S. Constitution
15. veto

Activities

Division of Power

Directions Use the Division of Power reading to fill in the blanks below.

1. What are the three branches of our government? _____, _____, _____.
2. The _____ branch of our government makes the laws.
3. The _____ branch of our government enforces our laws.
4. What are the two parts of our Congress? _____ and _____.
5. _____ and _____ are elected by voters in their states to represent the people of the state in Washington, D.C.
6. Where do the major branches of our federal government meet and work?

7. The _____ is the leader of the Executive Branch of our government.



Three Branches of Government

Read about how the U.S. Constitution divides power among the three branches of government. Use the information to complete the activity below. In the boxes below, list the duties and jobs of each branch of government.

[K - 3rd Grade](#)
[4th - 7th Grade](#)
[8th - 12th Grade](#)

Executive

Legislative

Judicial

Why do we have three branches of government?
Is one branch more important than the other two?
