Standard 3: Structure and Function of Government

SS.5.C.3.2

Explain how popular sovereignty, rule of law, separation of powers, checks and balances, federalism, and individual rights limit the powers of federal government as expressed in the Constitution and the Bill of Rights.

How are the federal government’s powers limited by the United States Constitution and the Bill of Rights?

Teacher Note: These lessons should be taught in conjunction with American history benchmarks to add historical perspective to these important civics understandings.
Overview of the structure and functions of the three branches of government outlined in the *U.S. Constitution*

The *U.S. Constitution* is comprised of seven articles, each of which concerns a power of government. The first three articles deal with the three branches of government in the order that the founders intended would reflect the amount of power that each branch would have under the new system. The legislative power, being the most powerful, is listed first, while the executive power, which enjoys checks on the legislative power, is listed second. The judiciary power is listed third (the power of the courts to overturn laws was not established until *Marbury v. Madison* in 1803, and is not found in the *U.S. Constitution*). It was the founders’ intention that the courts would not be powerful.

The legislative power is the strongest of the three powers of government because the nation is based on the rule of law. Persons responsible for enforcing and adjudicating the laws work in response to the result of the lawmaking process. The executive branch must enforce laws in place while it may not enforce laws not in place. Similarly, the courts may not adjudicate laws that do not exist. This means that the executive and judiciary branches are reactive—they function in response to the proactive legislature. This makes the legislature the most powerful branch of government.

The fourth and fifth articles address state powers and the role of the national government in protecting states, and the amendment process. Article VI outlines how conflicts between the national and state governments will be addressed (if a national and a state law contradict one another, then the national law is considered “supreme”). The final article outlines the ratification process that required approval by nine state legislatures or state conventions.

**The Bill of Rights**

The *Bill of Rights* was added as the first ten amendments to the *U.S. Constitution* in 1791. The *Bill of Rights* was added in response to concerns expressed by those opposing the transition from the confederal (state-centered) *Articles of Confederation* to a federal shared power (*U.S. Constitution*) system. Opponents were concerned that the proposed constitution lacked a specific listing of rights.

The Bill of Rights was intended to protect the people from the federal government abusing its power, specifically as to the rights of political expression, the rights and protections accorded individuals accused of crimes, private property protection, and the rights of the people as they relate to federal and state laws.

**Conclusion**

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1 This content also covers American History Benchmark SS.5.A.5.10: Examine the significance of the Constitution including its key political concepts, origins or those concepts, and their role in American democracy.
The federal Constitution was ratified in 1788 without a bill of rights; soon after all states ratified the document (Rhode Island ratified the Constitution in 1790), and not just the minimum nine needed per Article VII, the Bill of Rights was added to the Constitution.
Common Core State Standards
Grade 5 English Language Arts, Reading: Literature

Key Ideas and Details

RL.5.1. Quote accurately from a text when explaining what the text says explicitly and when drawing inferences from the text.

RL.5.2. Determine a theme of a story, drama, or poem from details in the text, including how characters in a story or drama respond to challenges or how the speaker in a poem reflects upon a topic; summarize the text.

RL.5.3. Compare and contrast two or more characters, settings, or events in a story or drama, drawing on specific details in the text (e.g., how characters interact).

Craft and Structure

RL.5.4. Determine the meaning of words and phrases as they are used in a text, including figurative language such as metaphors and similes.

RL.5.5. Explain how a series of chapters, scenes, or stanzas fits together to provide the overall structure of a particular story, drama, or poem.

RL.5.6. Describe how a narrator’s or speaker’s point of view influences how events are described.

Integration of Knowledge and Ideas

RL.5.7. Analyze how visual and multimedia elements contribute to the meaning, tone, or beauty of a text (e.g., graphic novel, multimedia presentation of fiction, folktale, myth, poem).

RL.5.8. (Not applicable to literature)

RL.5.9. Compare and contrast stories in the same genre (e.g., mysteries and adventure stories) on their approaches to similar themes and topics.

Range of Reading and Complexity of Text

RL.5.10. By the end of the year, read and comprehend literature, including stories, dramas, and poetry, at the high end of the grades 4–5 text complexity band independently and proficiently.
Key Ideas and Details

RI.5.1. Quote accurately from a text when explaining what the text says explicitly and when drawing inferences from the text.

RI.5.2. Determine two or more main ideas of a text and explain how they are supported by key details; summarize the text.

RI.5.3. Explain the relationships or interactions between two or more individuals, events, ideas, or concepts in a historical, scientific, or technical text based on specific information in the text.

Craft and Structure

RI.5.4. Determine the meaning of general academic and domain-specific words and phrases in a text relevant to a grade 5 topic or subject area.

RI.5.5. Compare and contrast the overall structure (e.g., chronology, comparison, cause/effect, problem/solution) of events, ideas, concepts, or information in two or more texts.

RI.5.6. Analyze multiple accounts of the same event or topic, noting important similarities and differences in the point of view they represent.

Integration of Knowledge and Ideas

RI.5.7. Draw on information from multiple print or digital sources, demonstrating the ability to locate an answer to a question quickly or to solve a problem efficiently.

RI.5.8. Explain how an author uses reasons and evidence to support particular points in a text, identifying which reasons and evidence support which point(s).

RI.5.9. Integrate information from several texts on the same topic in order to write or speak about the subject knowledgeably.

Range of Reading and Level of Text Complexity

RI.5.10. By the end of the year, read and comprehend informational texts, including history/social studies, science, and technical texts, at the high end of the grades 4–5 text complexity band independently and proficiently.
Common Core State Standards
Grade 5 English Language Arts, Reading: Language

Vocabulary Acquisition and Use

L.5.4. Determine or clarify the meaning of unknown and multiple-meaning words and phrases based on grade 5 reading and content, choosing flexibly from a range of strategies.

- Use context (e.g., cause/effect relationships and comparisons in text) as a clue to the meaning of a word or phrase.
- Use common, grade-appropriate Greek and Latin affixes and roots as clues to the meaning of a word (e.g., *photograph, photosynthesis*).
- Consult reference materials (e.g., dictionaries, glossaries, thesauruses), both print and digital, to find the pronunciation and determine or clarify the precise meaning of key words and phrases.

L.5.5. Demonstrate understanding of figurative language, word relationships, and nuances in word meanings.

- Interpret figurative language, including similes and metaphors, in context.
- Recognize and explain the meaning of common idioms, adages, and proverbs.
- Use the relationship between particular words (e.g., synonyms, antonyms, homographs) to better understand each of the words.

L.5.6. Acquire and use accurately grade-appropriate general academic and domain-specific words and phrases, including those that signal contrast, addition, and other logical relationships (e.g., *however, although, nevertheless, similarly, moreover, in addition*).
Common Core State Standards
Grade 5 English Language Arts, Reading: Writing

Text Types and Purposes

W.5.1. Write opinion pieces on topics or texts, supporting a point of view with reasons and information.

- Introduce a topic or text clearly, state an opinion, and create an organizational structure in which ideas are logically grouped to support the writer’s purpose.
- Provide logically ordered reasons that are supported by facts and details.
- Link opinion and reasons using words, phrases, and clauses (e.g., consequently, specifically).
- Provide a concluding statement or section related to the opinion presented.

W.5.2. Write informative/explanatory texts to examine a topic and convey ideas and information clearly.

- Introduce a topic clearly, provide a general observation and focus, and group related information logically; include formatting (e.g., headings), illustrations, and multimedia when useful to aiding comprehension.
- Develop the topic with facts, definitions, concrete details, quotations, or other information and examples related to the topic.
- Link ideas within and across categories of information using words, phrases, and clauses (e.g., in contrast, especially).
- Use precise language and domain-specific vocabulary to inform about or explain the topic.
- Provide a concluding statement or section related to the information or explanation presented.

W.5.3. Write narratives to develop real or imagined experiences or events using effective technique, descriptive details, and clear event sequences.

- Orient the reader by establishing a situation and introducing a narrator and/or characters; organize an event sequence that unfolds naturally.
- Use narrative techniques, such as dialogue, description, and pacing, to develop experiences and events or show the responses of characters to situations.
- Use a variety of transitional words, phrases, and clauses to manage the sequence of events.
- Use concrete words and phrases and sensory details to convey experiences and events precisely.
- Provide a conclusion that follows from the narrated experiences or events.

Production and Distribution of Writing

W.5.4. Produce clear and coherent writing in which the development and organization are appropriate to task, purpose, and audience. (Grade-specific expectations for writing types are defined in standards 1–3 above.)

W.5.5. With guidance and support from peers and adults, develop and strengthen writing as needed by planning, revising, editing, rewriting, or trying a new approach.
W.5.6. With some guidance and support from adults, use technology, including the Internet, to produce and publish writing as well as to interact and collaborate with others; demonstrate sufficient command of keyboarding skills to type a minimum of two pages in a single sitting.

**Research to Build and Present Knowledge**

W.5.7. Conduct short research projects that use several sources to build knowledge through investigation of different aspects of a topic.

W.5.8. Recall relevant information from experiences or gather relevant information from print and digital sources; summarize or paraphrase information in notes and finished work, and provide a list of sources.

W.5.9. Draw evidence from literary or informational texts to support analysis, reflection, and research.

- Apply grade 5 Reading standards to literature (e.g., “Compare and contrast two or more characters, settings, or events in a story or a drama, drawing on specific details in the text [e.g., how characters interact]”).

- Apply grade 5 Reading standards to informational texts (e.g., “Explain how an author uses reasons and evidence to support particular points in a text, identifying which reasons and evidence support which point[s]”).

**Range of Writing**

W.5.10. Write routinely over extended time frames (time for research, reflection, and revision) and shorter time frames (a single sitting or a day or two) for a range of discipline-specific tasks, purposes, and audiences.
## Content Civics Vocabulary

Teacher Note: Preteach vocabulary words and definitions. As a vocabulary extension following the lesson, have students complete the chart for each word providing examples and non-examples (if applicable) and a gesture/visual/symbol for each word.

<table>
<thead>
<tr>
<th>Word</th>
<th>Definition</th>
<th>Example</th>
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Instructions for conducting a Read Aloud

Preparing for a Read Aloud:
1. Select a read aloud text that will provide a springboard for teaching the civics benchmark (See suggested books within this module, but not limited to).

2. Along with the content civics vocabulary for this module, identify additional vocabulary terms within the selection necessary for text comprehension and understanding the civics benchmark.

3. Generate questions of varying complexity related to the text that support deeper understanding of the civics benchmark.

4. Plan opportunities for authentic student engagement with the text during the Read Aloud (text discussion, turn & talk, think-pair-share).

Conducting a Read Aloud:
1. Introduce the book.

2. Briefly introduce the predetermined vocabulary words.

3. During the Read Aloud, conduct think alouds so students are provided a model of thinking that is applied while reading. Use the generated questions to ask students about the text to allow opportunities for authentic student engagement (text discussion, turn & talk, think-pair-share) and to clarify understanding.

4. After the Read Aloud, provide opportunities for students to discuss and write about civics concepts learned.
**Suggested Books**

**A Balancing Act: A Look at Checks and Balances** by Kathiann M. Kowalski

After Americans won their freedom in the Revolutionary War, they faced the challenge of forming their own government. Many people didn't trust governments. They wanted to protect their freedoms so they formed three branches—the Executive, Legislative, and Judicial—that would watch each other, ensuring that no one person or branch would become too powerful. Discover how all three branches of government work, and how they check and balance each other to guard Americans' freedoms.

**The Constitution and You** by Syl Solbel

All elementary school students learn about the history of the U.S. Constitution when they first begin social studies. This book is different. It tells boys and girls about the great American document itself—explaining exactly what the Constitution does, as well as how it affects and protects people today. Kids discover how the Constitution provides for the federal government's three branches—legislative, executive, and judicial. Then they see how it gives all citizens many rights, including the right to vote, to enjoy freedom of speech and the press, to worship—or not worship—according to one's religious beliefs, to disagree openly with government policy, and to defend oneself in courts of law when accused of crimes or civil wrongs. Kids also see how, according to the Constitution, many rights are kept beyond control of the federal government, and are reserved for the separate states, communities, and individuals. This book's language is clear and simple. It cites many examples that relate directly to each student's own experiences.
Bell Work

Module Objective:
1. The student will explain how the powers of the federal government are limited by the Constitution and the Bill of Rights.

Activity:
1. Pass out a sheet of paper.
2. Ask students to write down as many things they can think of that have limits.
   Examples:
   a. amusement park rides- height and weight limits
   b. roads- speed limits
   c. cars- speedometer has limit on how fast the car can go
3. Allow the students to share their responses.
4. Tell the students that even the government has limits and today they are going to learn how it is limited.
Guided Practice Activity

Activity:

1. Explain to the class that the Constitution and the Bill of Rights limit the powers of the federal government. Society has developed terms to describe some of these limits.
2. Pass out the information sheet: Definitions.
3. Explain to students that the terms on the information sheet help us to understand the limits on the powers of the federal government.
   a. The founding fathers did not want a repeat of the type of government they had with King George before independence from Great Britain.
   b. When the founding fathers were discussing the new government of the United States, they made sure that there would be ways to limit the powers of the federal government so it did not grow too strong.
4. Review each term on the information sheet.
## Definitions

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Application Activity

Activity:

1. Provide the students with a piece of drawing paper and instruct them to fold it into sixths.
2. Instruct the students to:
   a. Draw a picture that represents each term on the information sheet.
   b. Write a sentence under each drawing that explains how they think the term limits the powers of the federal government.
3. Do the example of Checks and Balances as a whole class. Students should complete the remaining five terms individually or in pairs.
4. Allow the students to share their drawings and sentences.
Example of the term, illustration, and sentence:

Checks and Balances

Congress can pass a law and the president can agree with the law and sign it or disagree with the law and veto it.
Independent Practice Activity

Writing Prompt: There are many ways that the powers of the federal government are limited. Before you write, think about the ways that the powers are limited. Write to explain why you think that the powers of the government should be limited.

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## Supplemental Resources and Activities

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<tr>
<td>2.</td>
<td><a href="http://www.brainpop.com">www.brainpop.com</a></td>
<td>BrainPop – videos and quizzes to build background knowledge (interactive online videos with questions)</td>
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</table>
Reading Comprehension

Directions: Read the following information. Then answer the questions in complete sentences.

The Founding Fathers, the framers of the Constitution, wanted to form a government that did not allow one person to have too much authority or control. While under the rule of the British king they learned that this could be a bad system. Yet government under the Articles of Confederation taught them that there was a need for a strong centralized government.

With this in mind the framers wrote the Constitution to provide for a separation of powers, or three separate branches of government. Each has its own responsibilities and at the same time they work together to make the country run smoothly and to assure that the rights of citizens are not ignored or disallowed. This is done through checks and balances. A branch may use its powers to check the powers of the other two in order to maintain a balance of power among the three branches of government.


1. What did the Articles of Confederation teach the founding fathers?

____________________________________________________________________________

2. What is the purpose of checks and balances?

____________________________________________________________________________

3. Why did the framers want to keep one person from having too much power?

____________________________________________________________________________

4. What is separation of powers?

____________________________________________________________________________
Answer Key

Reading Comprehension

1. A need for a central government
2. Use of powers to maintain balance of the three branches
3. British rule showed it was not a good system
4. Each branch has its own responsibility while working with the other branches.