Principles of the Constitution through Time
Separation of Powers

Learning Objective: The student will understand how the principles of the Constitution have been reflected in historical events.

TEKS: Texas History 7.13A, USH 8.15D, Government 6D

Materials Needed: Copy of vocabulary graphic organizer, copy of appropriate principle handout, and access to internet to show video.

Teacher Background: The following lesson plan is designed to accompany the LRE video series #LiamLearns. The lesson plan that is provided is designed to be used in the following subjects: Texas History, 8th Grade US History, US History 1877 to the present, and U.S. Government. Each of the stimulus pieces attached to each principle have been selected to allow the principle to be reviewed throughout the various courses. Note: The intended course is located at the bottom of each page.

Teaching Strategy:

1. Explain to students that they will be reviewing “Separation of Powers” one of the principles of the Constitution and that they will be watching a short video to remind them of the concept followed by analyzing the concept in history.

2. Provide each student with a vocabulary graphic organizer, and explain that as they watch the following video, that they need to be prepared to define the principle, provide a definition, and an example.

   Have students watch the video on Separation of Powers at the following link: 
   http://www.texaslre.org/liamlearns/

3. When students have finished watching the video, give them time to complete their graphic organizer and check for student understanding by having students share their learning.

4. Once students have an understanding of the term, provide them with the appropriate document for their grade level and have them analyze using the questions provided.

Suggested Units to use documents:
1. Texas History – Kennedy Assassination
2. 8th Grade US History- New Nation Unit
3. US History 1877 to present – Great Depression
4. Government – Executive Unit

Note: Strategies for various types of primary sources have been included in this lesson to help students with analyzing different types of sources. They are located at the end of this lesson plan.
Document Analysis Suggested Answers
Below you will find suggested answers for each of the documents. Each bullet represents the questions asked on the documents.

7th Grade
- Text evidence could include: “to swear to perform the duties of the office and uphold and preserve the Constitution of the United States”

8th Grade
- Text evidence could include: “An Act to establish the Judicial Courts of the United States” or “the supreme court of the United States shall consist of a chief justice and five associate justices” or “and shall hold annually at the seat of government two sessions”.
- The Judiciary Act was necessary to establish the structure of the judicial branch.

US History 1877 to Present
- The document clearly shows three branches of government, the executive being the arms of the President, the legislative in the grasp of one of the hands, and an indication that the other hand is reaching for and seeking the judiciary.
- It shows that the President, in this case FDR, is increasing his power by attempting to control Congress and possibly the Judiciary.

Government
- The document shows the separation of powers between the legislative branch in Article I and the executive branch in article II.
- Students should be able to point to conflicts such as the Vietnam conflict and the President’s commitment of troops without a formal declaration of war. They might also point out that many individuals think that the President declares war.
Judge Sarah Hughes Delivered the Oath of Office to Lyndon B. Johnson
Following the Kennedy Assassination

Doc. 1 Source: wikimedia.org Public Domain

Doc 2: Interview with Judge Sarah Jones regarding delivering the Oath of Office to LBJ

The following are excerpts from the interview.
Source: Lyndon B. Johnson Presidential Library

Interviewer: It was at Love Field?
Hughes: It was at Love Field.
Interviewer: Now where do you live in Dallas?
Hughes: I live in Highland Park.
Interviewer: So you were on the right side of town?
Hughes: Yes, it does only take me about ten minutes to get there. So on the way out I—everybody wants to know what I was thinking about. I was thinking first of all that I must not think about Kennedy; I must think about the country going on.
Interviewer: That gives you something to think about.
Hughes: Yes. And another thing I was thinking about was that I must get there in a hurry, because Vice-President Johnson is always in a hurry and wants things done right now and I shouldn’t delay. And the other thing that I was thinking about was what the oath of office was, in case Barefoot [Harold Barefoot Sanders Jr. - a U.S. attorney at the time] couldn’t find it. I was brash enough to think that I could give the oath without having looked it up. You see I swear so many people—jurors—and I’ve given the oath of office to other public officials; I’ve sworn in many, many young lawyers and they always have to swear to perform the duties of the office and uphold and preserve the Constitution of the United States and I was quite sure that those were the two things that---
Interviewer: The oath is basically the same.
Hughes: Yes, the same.

1. What evidence is found in these documents that embodies the principle of Separation of Powers?
Congress of the United States, begun and held at the City of New York on Wednesday the fourth of March one thousand seven hundred and eighty nine.

CHAP. XX. An Act to establish the Judicial Courts of the United States.

SECTION 1. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the supreme court of the United States shall consist of a chief justice and five associate justices, any four of whom shall be a quorum, and shall hold annually at the seat of government two sessions, the one commencing the first Monday of February, and the other the first Monday of August. That the associate justices shall have precedence according to the date of their commissions, or when the commissions of two or more of them bear date on the same day, according to their respective ages.

Excerpt of the Judiciary Act of 1789, which established the Federal Court System. – Source Public Domain (Wikipedia).

How does the Judiciary Act of 1789, describe the principal of Separation of Powers? Provide specific text evidence to support your answer.

Why was this act necessary, after the U.S. Constitution was approved?
How does the above document represent the principle of Separation of Powers?

What is the document inferring about the principle of Separation of Powers?

This document intended for use in US History 1877 to present.
Article I, Section 8

The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;...To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

Article II, Section 2

The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.

How do the above excerpts reflect the principle of Separation of Powers?

How might these two clauses have created confusion and/or conflict in our nation’s history?
### SOAPS— Primary Document Analysis

<table>
<thead>
<tr>
<th>Subject</th>
<th>What is the main topic or idea of this document?</th>
</tr>
</thead>
</table>
| Occasion | Where and when was the document produced?  
What was happening during the time the document was written? |
| Audience | For whom was the document written/produced?  
How might an audience have received this document and why? |
| Point of View | What does the writer or producer believe? |
| Speaker | Who is the speaker or producer?  
What can you tell me about his background?  
How might his personal background have influenced his work? |

### APPARTS— Primary Document Analysis

| Author: | Who created the source?  
What do you know about the author?  
What is the author’s point of view? |
|---------|--------------------------------------------------|
| Place and time: | Where and when was the source produced?  
How might this affect the meaning of the source? |
| Prior Knowledge: | Beyond information about the author and the context of its creation,  
what do you know that would help you further understand this primary source? |
| Audience: | For whom was the source created and how might this affect the reliability of the source? |
| Reason: | Why was this source produced and how might this affect the reliability of the source? |
| The main idea: | What point is the source is trying to convey? |
| Significance: | Why is this source important?  
Ask yourself “So What?” in relation to the question asked. |

### OPTIC

**Evaluating Visuals**

<table>
<thead>
<tr>
<th>Overview</th>
<th>What is the point of view of the visual?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parts</td>
<td>What details seem important?</td>
</tr>
</tbody>
</table>
| Titles (Words) | What is the title of the visual?  
Read all labels and any written words (if you can). |
| Interrelationships | Using the title, what big umbrella concept connects the whole visual? |
| Conclusion | Why is this visual important to what we are studying? |

### Interpreting Political Cartoons

| Symbols | What symbols are in the cartoon?  
What do they represent? |
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Opinions</td>
<td>What is the opinion of the author?</td>
</tr>
</tbody>
</table>
| Characters | Who are the people in the cartoon?  
What do they represent? |
| Labels | What words are there to help you understand the message? |
| Exaggeration | How are portions of the visual exaggerated?  
Why do you think the author did this? |
| Agree | Do you agree with the author’s point of view?  
Explain. |
<p>| Response | To what event is the cartoon in response? |</p>
<table>
<thead>
<tr>
<th>Principle of the Constitution:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Define the principle:</td>
</tr>
<tr>
<td>Use the principle in an original sentence.</td>
</tr>
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</tr>
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<tr>
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Use the principle in an original sentence.