Founding Principle: Separation of Powers

Day 1
Warm-up [15 minutes]
A. Distribute Handout A: Attitude Inventory and do a think-pair-share. If students wish to change their answers after discussing with their partner, they should feel free to do so.

B. Reconvene the class and ask for a few volunteers to share their responses. Which items let to the most discussion? Did anyone change their mind? Why?

C. Ask students how they responded to the questions that asked about their understanding of concepts (#s 1-2). What information do students need to increase their understandings? Make a list on the board and refer to it through the activities.

Activity [30 minutes]
A. Copy and distribute, and use a projector to show the following quotation, also on Handout B. Read it aloud and clarify any questions students have.

Ambition must be made to counteract ambition. The interest of the man must be connected with the constitutional rights of the place. It may be a reflection on human nature, that such devices should be necessary to control the abuses of government. But what is government itself, but the greatest of all reflections on human nature? If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself. A dependence on the people is, no doubt, the primary control on the government; but experience has taught mankind the necessity of auxiliary precautions. – James Madison, Federalist 51, 1787

[Vocabulary notes: Oblige: Require; Auxiliary: Supplemental, providing additional help]

B. Point out to students that #s 6-7 on Handout A are loose paraphrases of Madison’s ideas. Have students write a one-page journal in response to the quotation. They should address the following questions:

- Madison says government is a reflection on human nature. What can you tell about Madison’s understanding of what that human nature is?
- What does Madison say is the primary [first, most important] way to control government? What are the “auxiliary precautions” he says are needed?

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• Madison does not say ambition is bad; he says it must be counteracted. Is this an important difference? Why or why not?

**Day II**

**Activity [30 minutes]**

Have students watch the video [Constitutional Principle: Separation of Powers](http://billofrightsinstitute.org/resources/student-resources/constitutional-principles-videos/) and complete the viewing guide. The video can be found here:

**Wrap-up [15 minutes]**

A. Conduct a large group discussion to answer the question: Were the Founders wise to divide power? Why or why not?

B. Ask students to take a few minutes and consult their initial responses to Handout A. As a large group, consult the list on the board of what students believed they need to know. *Note to teacher: Take note of student responses as a formative assessment, and set aside needed time for reinforcement or extending.*

C. Students should assess their progression in their journals, connecting what they’ve learned about the principle of Separation of Powers to their final project. How, if at all, would separation of powers guard against the kinds of things that happened to Paul Chambers happening in the U.S.?
Handout A: Attitude Inventory

Directions: For each statement, circle the number that best describes your response.

1. I understand the principle of separation of powers with checks and balances.
   1 2 3 4 5 6 7 8 9 10

2. I know the powers of each branch, and some things I can do as a citizen to hold officials within their constitutional roles.
   1 2 3 4 5 6 7 8 9 10

3. “Gridlock” in government is one of the main reasons good things don’t get done.
   1 2 3 4 5 6 7 8 9 10

4. Separation of powers would not be necessary if officials had better character.
   1 2 3 4 5 6 7 8 9 10

5. Giving each branch of government ways to “check” the other branches slows things down too much.
   1 2 3 4 5 6 7 8 9 10

6. Government should be designed to work with human nature.
   1 2 3 4 5 6 7 8 9 10

7. If men were perfect, we wouldn’t need government.
   1 2 3 4 5 6 7 8 9 10

8. Separation of powers is an outdated idea in our modern society.
   1 2 3 4 5 6 7 8 9 10

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Handout B: Federalist 51

Directions: Read the following excerpt from Federalist 51. What is James Madison’s main point? Double-underline his concluding idea in this paragraph, and single-underline the points he makes to build up to it. Then write a brief summary of his main point on the lines below.

Ambition must be made to counteract ambition. The interest of the man must be connected with the constitutional rights of the place. It may be a reflection on human nature, that such devices should be necessary to control the abuses of government. But what is government itself, but the greatest of all reflections on human nature? If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself. A dependence on the people is, no doubt, the primary control on the government; but experience has taught mankind the necessity of auxiliary precautions. – James Madison, Federalist 51, 1787

[Vocabulary notes: Oblige: Require; Auxiliary: Supplemental, providing additional help]

Directions: Complete the first section while you watch the video. Then read the questions that follow. Watch the video a second time if needed, and then answer the questions.

1. The three branches of government are ________________, which makes the law, ________________, which carries out the law, and ________________, which interprets the law.

2. The Founders believed that for these powers to be concentrated in one person or branch, would be “the very definition of ________________.”

3. Article I of the U.S. Constitution explains the powers and function of ________________.

4. Article II of the U.S. Constitution explains the powers and function of ________________.

5. Article III of the U.S. Constitution explains the powers and function of ________________.

6. In Federalist 51, James Madison wrote about the need to enable government to control the governed, as well as for government to control ________________.

7. The Constitution ensures that ________________ is the most powerful branch of government.

After you watch:

1. What does the principle of separation of powers mean?

2. The video begins with Professor Muñoz’s statement that the purpose of separation of powers is to “frustrate” government action. How would you put this in your own words?

3. Why would the Founders have wanted to frustrate government action? Are those reasons still important today?

4. How is James Madison’s plan for “ambition to counteract ambition” reflected in our system of separated powers?

5. What does our system of separated powers with checks and balances reveal about the Founders’ understanding of human nature?

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