



## High School

# Understanding Separation of Powers

**Overview** Students will discuss real newspaper articles about recent events that have raised interesting issues with respect to the separation of powers in U.S. government.

## Presentation

Begin the session by asking students to define the role of each branch of government.

- The **legislative** branch—composed of the House of Representatives and the Senate, also referred to as Congress—is responsible for making laws.
- The **executive** branch makes sure that the law is carried out. The head of the executive branch is the President of the United States.
- The **judicial** branch, which is composed of the Supreme Court and the lower federal courts, interprets or explains the law.

Ask students to define **separation of powers** (*when the powers of government are divided among the three branches of government*) and **checks and balances** (*each branch has some control over the power of the other branches*).

Divide the class into three groups. Explain that you will give each group a newspaper article from the last 18 months. Each group should discuss the article, answer the questions below, and be prepared to report back after a 15-minute discussion.

You may choose your own recent newspaper articles to share with students, or you can link to several online news articles from the Law Day website at [www.lawday.org/schools/lessons](http://www.lawday.org/schools/lessons), including the following:

- “Congress, President Intervene In Schiavo Case,” *Newshour Extra*, March 21, 2005
- “DeLay apologizes for blaming federal judges in Schiavo case,” *Boston Globe*, April 14, 2005
- “Court: Terror Suspects Can Challenge Detentions,” *MSNBC*, June 28, 2004

- “Executive privilege at heart of dispute over Miers memos,” *Boston Globe*, October 28, 2005
- “Senators want to know Bush wiretap authority,” *Fox News*, December 20, 2005
- “High Court to Hear Case on War Powers,” *Washington Post*, November 8, 2005
- “One Sentence in Constitution Could Be Key to Roberts’ Role,” *Baltimore Sun*, August 9, 2005

## Questions

1. What event or issue does the article describe? Summarize what is at issue in the article.
2. How does the article involve the issue of separation of powers?
3. How does the article illustrate some of the checks or balances of government?
4. Do you think that the branches of government involved exercised appropriate checks and balances on other branches?
5. Do you think there are fixed lines separating the powers of the branches in the U.S. system of government? Give reasons for your answer.
6. Do you think there are clear guidelines that establish when one branch of government can check or balance the power of another? Give reasons for your answer.

## Follow-Up

Distribute a different newspaper to each group, and ask students to identify a story that mentions the powers of one branch of government or raises the issue of separation of powers.

## Materials

- Three newspaper articles that raise issues with respect to the separation of powers in U.S. government (Sample articles are linked directly from [www.lawday.org/schools/lessons](http://www.lawday.org/schools/lessons).)
- Three different newspapers with national circulation