

Law Studies Lesson Plan (#7)

Fundamental Principles of American Democracy

Lesson Objectives:

- Explain how popular sovereignty, rule of law, separation of powers, checks and balances, federalism, and individual rights limit the powers of the federal government as expressed in the Constitution and Bill of Rights.
- Analyze the structure, functions, and processes of the legislative, executive, and judicial branches.
- Illustrate the law-making process at the local, state, and federal levels.

Essential Questions:

- Why is it important to understand how a limited government can secure the basic liberties of the American people?
- Why did the Founding Fathers establish the concept of checks and balances?
- How and why does federalism limit the government?
- How do the following principles lead to an orderly society? (popular sovereignty, rule of law, separation of powers, checks and balances, federalism, and individual rights)

Key Vocabulary:

checks and balances, concurrent powers, democracy, enumerated powers or expressed powers, executive branch, federal, federalism, founding fathers, individual rights, judicial branch, legislative branch, popular sovereignty, reserved powers, rule of law, separation of powers, veto

Materials Needed:

- Attachment A: Fundamental principles of American democracy
- Attachment B: Picture of end product – Principles of Democracy Hanger
- Attachment C: Checks and Balances Graphic
- Attachment D: Federalism Classification Activity

Attachment E: Decisions: Who makes them?

Attachment F: Post Quiz

Steps to Deliver the Lesson:

Lesson opening:

- Start by asking students what some limits are they have in their homes e.g. can't eat junk food, have to go to bed at a certain time etc. Explain that in order for the United States to have a democracy, the founding fathers created a government with certain principles to protect individual rights. Give specific examples of governments that do not embrace these concepts and discuss what could happen to the people's rights in these situations. (For example, China, Cuba, or Venezuela)

Activities:

1. Distribute reading (**Attachment A**): Fundamental Principles of American Democracy. Use different reading strategies for this passage. Since the passage has three pages (it contains charts) have students create two-column notes as a reading note taking guide. Main idea and detail could be appropriate categories.
2. Students will create a Principles of Democracy hanger. They will need: five index cards, one hanger, yarn, glue, and scissors. Give students five index cards, one for each principle. On the front of the index card have students write the name of the principle i.e. rule of law. On the back of the index card students are to write a definition and an example of the principle i.e. even the president can get arrested for breaking the law, nobody is above the law. After students complete all five cards, give each student five pieces of yarn (5 inches long) and a hanger to display their work. Students are to decorate as they wish. Please see **Attachment B** for picture of end product.
3. Distribute (**Attachment C**): Checks and Balances Graphic. Explain to students that they are to complete the top chart by using the Checks and Balances Graph below. Go over answers with students.
4. Have students complete **Attachment D** : Federalism Classification Activity, using their notes and their reading. Students can do this activity while working in groups or with a partner.
5. After finishing all steps, students should take post-quiz (**Attachment F**). Check for understanding and re-teach any concepts that were not mastered.

Lesson Closure:

After reviewing the post quiz, ask students the following questions to conclude the lesson:

- What are some principles of American democracy and why are they so important?
- How do these principles limit and protect the rights of individuals?
- What are some examples of the concept of Rule of Law?
- What does it mean to be sovereign?
- How do the three branches of government check and balance each other's powers? Do you agree with this system? Explain.

Differentiated Instructional Strategies:

How to accommodate a variety of student learning needs, remediation strategies as well as enrichment strategies.

- While students are working on the different activities, work individually with students who are having difficulty with the assigned task.
- Pair students who are struggling readers and/or English Language Learners with another student for assistance. Instead of writing an example on the back of the index cards, they may draw the example.

Technology Integration:

Activities incorporating technology, e.g., address lesson content through online resources.

- Have students watch the short video on the Rule of Law concept: <https://www.youtube.com/watch?v=IZDd2v18vfw>
- For more information on the concept of Checks and Balances students can access the Constitution Center website and read articles that pertain to this today: <https://constitutioncenter.org/blog/filter/checks-and-balances>
- In this interactive game students will further their knowledge on the concept of Separation of Powers. If technology is a problem, teachers can show the activity on a monitor. <https://www.icivics.org/games/branches-power>

Extension/Home Learning Activity:

- The concept of Federalism is very difficult to understand. In this activity students will first understand some decisions that they make by themselves, others that their parents make for them, and lastly decisions that they make together. Have students take **Attachment E** (Decisions, who makes them?) home to work together with their parents to complete. Students will write down some of the decisions they get to make, as well all their parents. After returning the next class, students may share their answers with the class. Write some of the most common answers on the board. Now, explain that this is the same concept as Federalism, there are some decisions and/or duties that the Federal government makes, others that the states have and others that they share.

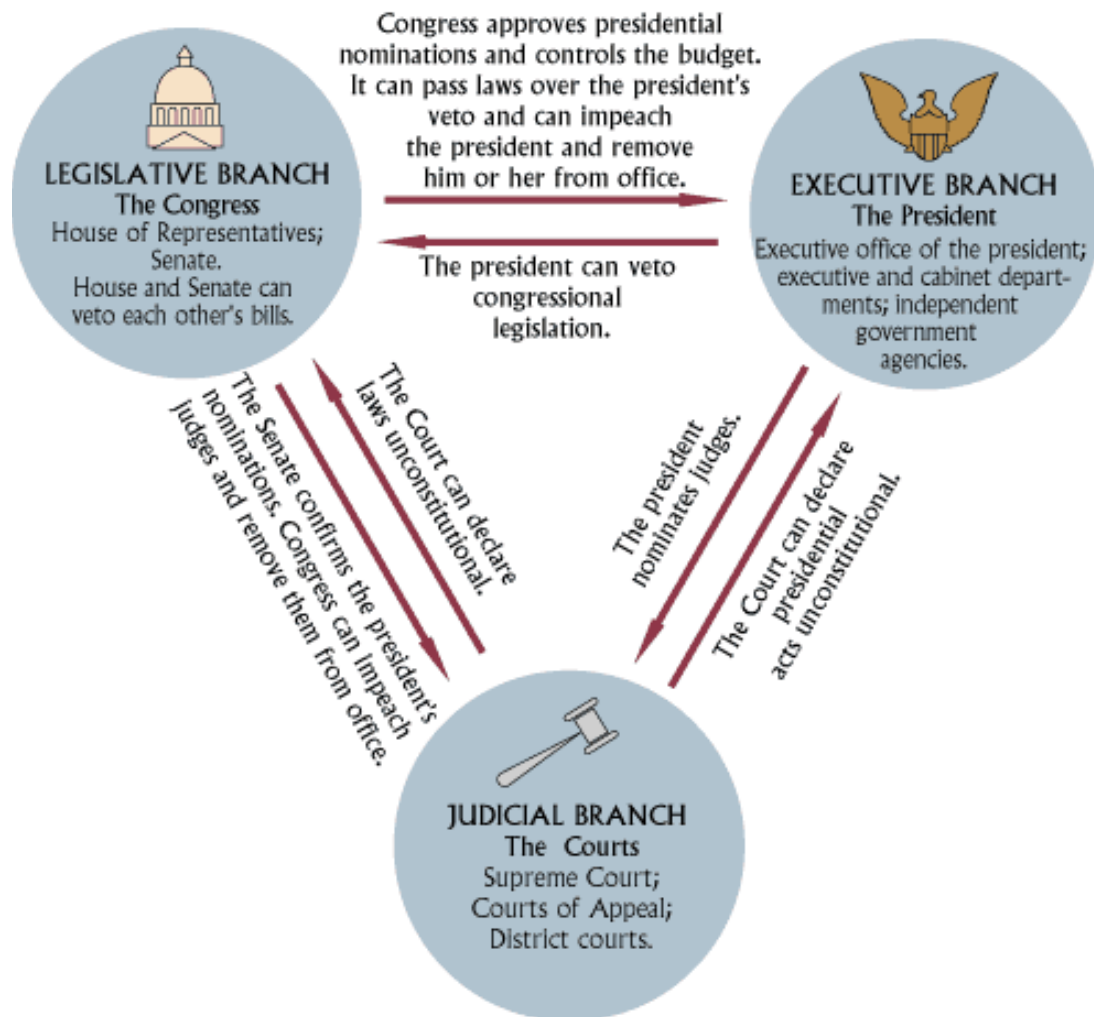
Attachment A Fundamental Principles of American Democracy

The word “democracy” means “rule by the people.” It originated more than 2,400 years ago in Ancient Greece. While this definition tells us that the citizens of a democracy govern their nation, it omits essential parts of the idea of democracy as practiced in countries around the world. The principal purposes for which people establish democratic government are the protection and promotion of their rights, interests, and welfare. Democracy requires that each individual be free to participate in the political community’s self-government. Therefore, political freedom lies within the each of us.

There are five fundamental principles underlying the Constitution:

1. **Popular Sovereignty:** the idea that the People are the ultimate authority and the source of the authority of government—is a fundamental principle of democracy. Sovereignty means the right to rule and popular means the population or public. In a democracy, the powers of government are based upon the consent of the governed. Free elections and other forms of civic participation are essential to democracy. Elected officials are always accountable to the people that vote them into office.
2. **Rule of Law:** Government is limited by rule of law, which means that no one is above the law. No one should break the law or try to escape from it. This also means that the law applies to everyone. Our laws are based on the Constitution and protected by the courts.
3. **Separation of Powers:** The founding fathers, also called the Framers of the Constitution, feared that one person or one group could gain too much power, therefore they divided the government into three parts or branches. Therefore, each branch of government has its own powers and all power is not just in one branch or government entity. Montesquieu a French philosopher influenced the idea of separating the legislative, executive, and judicial branches. Splitting the powers among the three branches is called Separations of Powers.

4. **Checks and Balances:** Another way of limiting the power of government is to include a system of checks and balances. This means that each of the three branches is able to check and balance each other's powers. This system allows each branch of a government to amend or veto acts of another branch so as to prevent any one branch from exerting too much power. One example is when the President can veto legislation and by doing that is checking and balancing the power of the Legislative branch. The chart below demonstrates the way it works.



5. **Federalism:** Another principle of our American government which further limits its powers is Federalism. This simply means that the powers of government are divided among the **Federal** (entire Nation) and the states (fifty individual states). The powers that are specifically given to the Federal government are called **enumerated** or **expressed powers**. The ones given specifically to the states are called **reserved powers** and the ones that both levels of government can exercise are called **concurrent powers**.

National Government	State Governments
<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	<ul style="list-style-type: none">• Issue licenses• Regulate intrastate (within the state) businesses• Conduct elections• Establish local governments• Ratify amendments to the Constitution• Take measures for public health and safety• May exert powers the Constitution does not delegate to the national government or prohibit the states from using

Concurrent powers of the national government and state governments include the ability to:

- 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

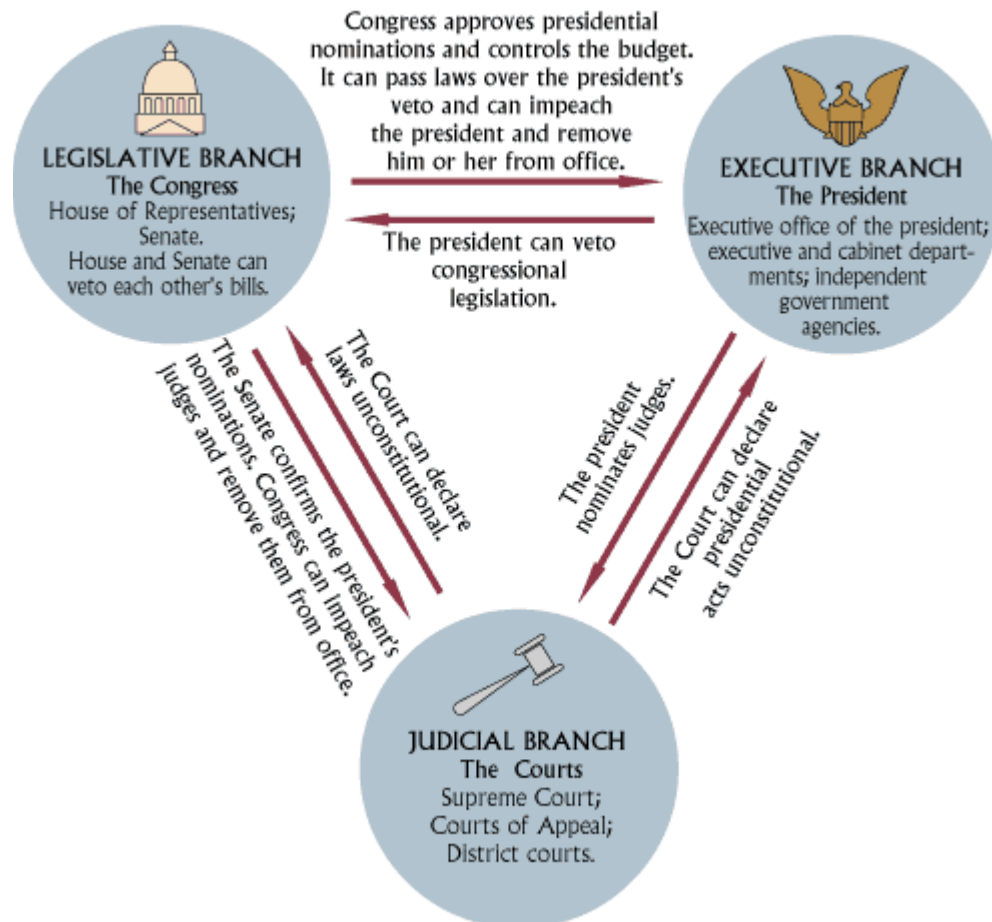
End product



Principles of Democracy Hanger

Attachment C

POWER	HOW IT CAN BE CHECKED
Congress passes a law.	The president may: OR the president may: THEN, the Supreme Court may:
The president vetoes a law passed by Congress.	Congress may:
The president makes a treaty with another country.	The Senate may:
The president enforces a law.	The Supreme Court may:



Attachment D:

Federalism Classification Activity

Federalism: a system in which power is divided between local, state, and national governments

Directions: Classify the following powers in the chart on the next page. Take the time to consider which category would be the most appropriate based on the description.

- declare and engage in war
- conduct elections
- print and coin money
- govern marriage laws
- maintain an army, navy, and air force
- regulate interstate and foreign commerce
- regulate intrastate commerce
- punish lawbreakers
- levy and collect taxes
- protect the rights of citizens
- set traffic standards
- admit new states
- provide for public safety
- borrow money
- establish and maintain schools
- negotiate treaties with foreign countries
- protect public health
- determine the qualifications of voters
- set up a post office
- set rules for immigration
- maintain the state militia (also known as the National Guard)

Attachment D:

Powers of the National Government	Powers Shared by the State and National Governments	Powers of the State Governments

Attachment E:

Decisions.... Who makes them?

Decisions students make by themselves	Decisions/Powers Shared by students and parents	Decisions that their parents make for them

Low Complexity Items:

1. One of the major concepts of American Democracy is rule of law which means:
 - a. That legislative branch of the government has more power than any of the three branches.
 - b. The states have more power than the national government.
 - c. Nobody is above the law.
 - d. The president can be excused for breaking the law.

2. The division of authority among the three branches of government is known as.
 - a. Separation of powers.
 - b. Concurrent powers.
 - c. Government powers.
 - d. The federal powers.

3. What is the meaning of “the power lies with the people?”
 - a. Government tells us what to do.
 - b. Popular Sovereignty
 - c. Rule of Law.
 - d. Separation of powers.

Moderate Complexity Items

4. What is the meaning of the statement below?

“Congress has the power to impeach the president”

- a. Congress works together with the other branches
 - b. Congress can remove the president from office.
 - c. Congress and the president don't get along.
 - d. The president has more power than Congress.
5. The concept of Rule of Law teaches us that nobody is above the law. What can happen if a member of the legislative branch of Congress abuses his/her power and breaks the law?
- a. This member of Congress is part of government therefore he can't be punished.
 - b. The other members of Congress will get mad at him/her.
 - c. The president will punish him/her.
 - d. He or she can be prosecuted under the law.
6. Which branch of Government can veto laws?
- a. The Executive branch, which is represented by the president.
 - b. The legislative branch, which is represented by Congress.
 - c. No branch of government can veto laws.
 - d. The judicial branch, which is represented by the Courts.

High Complexity Items

7. The statement below is a quote by William R. Rehnquist a former Supreme court Justice. The statement demonstrates that he believed in which principle of American democracy?

Quote: .We start with first principles. The Constitution creates a Federal Government of enumerated powers”

- a. Rule of Law
 - b. Checks and Balances
 - c. Federalism
 - d. Popular Sovereignty.
8. According to Article V, both Congress and the states must participate in the amendment process. This requirement reflects which of the following ideas about the distribution of power in America?
- a. Separation of church and government
 - e. Separation of the three branches of government
 - f. The importance of federalism
 - g. The importance of the state powers.

9. *“If men were angels, no government would be necessary Federalist No. 51*

The above quote by James Madison from Federalist 51 (the Federalist Papers) refers to a specific need. What need is Madison referring to?

- a. The need for government with Checks and Balances.
- b. The need for a system of rules.
- c. The need for an independent military
- d. The need for a national education system

10. Below is a chart that shows certain powers that the National and State governments have. What are some powers that are shared by both governments?

National Government	State Government
<ul style="list-style-type: none">• Coin money.• Declare war.• Conduct foreign relations.• Oversee foreign and interstate trade.	<ul style="list-style-type: none">• Ratify amendments.• Manage public health and safety.• Oversee trade within the state

- a. They both control mints that print money.
- b. They both can declare war.
- c. They both make treaties with foreign governments.
- d. They both can tax make and enforce laws.

Answers to Post Quiz

1. C
2. A
3. B
4. B
5. D
6. A
7. C
8. F
9. A
10. D