

Separation of Powers/Qualifications of Office

Lesson Plan: Grades 9-12

Overview

This lesson asks students to read and evaluate Articles I, II, and III of the Constitution to determine how the qualifications for office and terms of members of the executive and legislative branches differ from those of members of the federal judiciary.

Corresponding Student Center Pages

- [The Constitution](#)

Suggested Time Needed

2-3 class periods

Learning Objectives

After completing this activity, students will gain an understanding of the following:

- Judges are appointed and not elected in the federal judiciary, while members of congress and the president are elected officials.
- The Constitution lists specific qualifications (age, residency, citizenship) for members of the legislative and executive branches but not for the courts.
- There is dramatic difference in the length of Article I, when compared with Articles II and III, with the courts getting the least amount of coverage.

Students will also:

- Read and use the Constitution as a primary source document.
- Read and evaluate the information they find in the Constitution, and use this information to answer questions that are based on the reading.

Guiding Questions:

- How are members of the judiciary chosen? What qualifications must they have?
- How are the executive and legislative branches different? How are members chosen? What qualifications must they have to hold office?



- Why are Article I and II of the Constitution so much longer than Article III? Does the lack of space imply that the founders felt the courts were less important?

Missouri Grade Level and Course Level Expectations:

- 9-12.GV.3.GS.C – Analyze the unique roles and responsibilities of the three branches of government to determine how they function and interact.
- 9-12.GV.3.GS.D – Describe and give examples of how the constitutional principle of checks and balances limits the powers of government and leaders.
- 9-12.GV.4.GS.C – Compare the various processes pertaining to the selection of political leaders at the federal, state, and local level.
- 9-12.AH.5.GS.B. – Determine the lasting impact of shifting interpretations of governmental and constitutional principles including separation of powers, checks and balances, rule of law, judicial review, and limited government.

Materials List:

- [Access to a copy of the United States Constitution](#)
- A: Separation of Powers/Qualifications of Office – suggested for lower level high school
- B: Separation of Powers/Qualifications of Office – suggested for upper level high school

Procedure:

1. Prepare students for this discussion and lesson by providing a bit of background, or having students read over the [The Constitution](#) pages of the Student Center.
 - **Separation of Powers:** The fundamental principal that the powers of government are divided between three equal branches. The legislative branch makes laws. The executive branch enforces laws. The judicial branch interprets laws.
 - **Elected Official:** One that is elected by the people in free and open elections.
 - **Appointed Official:** One that is, in most cases according to the Constitution, appointed by the president and may be subject to confirmation by the senate. (The house does not have approval or confirmation power).
 - **Job Qualifications:** The specific skills or qualities that a person must have to get a certain job.
 - **Term:** The amount of time that an elected or appointed official holds office.
2. Ask students to look at the [The Constitution of the United States: A Transcription | National Archives](#).
3. Assign students Handout 1 OR 2.
 - **A: Separation of Powers** is a study guide for Articles I, II, and III of the Constitution. It walks students through the document, asking them to fill in the basics.
 - This study guide uses verbal cues from the document, and students simply fill in the blanks to learn the qualifications, terms, etc. of the members of government.



- **B: Separation of Powers** is also a study guide for Articles I, II, and III, but includes several open-ended questions. It is less directly tied to the language in the Constitution, and requires that students have a greater level of reading skill.

4. Conclusion. Use the completed handouts to lead a class discussion, using the questions provided below:

- What qualifications does the Constitution require for:
 - The President
 - The House
 - The Senate
 - The Courts
- Why do you think there are specific “qualifications” listed for the legislative and executive branches and not the judiciary?
 - Does the fact that members of the legislature and executive are elected, and that members of the judiciary are appointed, have something to do with this difference? Why?
- When it comes to qualifications, none of those listed in the Constitution are particularly stringent. What **ADDITIONAL** characteristics or qualities do you think voters look for in their members of congress or a president?
- Why did the framers put in specific term lengths for the house, senate and president, while allowing members of the court to serve as long as they were on “good behavior”? Why is a **LIFE TERM** important for the courts? What do we gain from this?
- In comparing the first three articles of the Constitution, students should note that Article III is the shortest with the least detail.
 - Why did the courts get so little space and detail?
 - What might this say about “judicial independence”?
 - Does this mean that the courts have less power? Are less important? Why or why not?
 - Does this mean that the courts have more power? Why or why not?

5. Review the Guiding Questions

- How are members of the judiciary chosen? What qualifications must they have?
- How are the executive and legislative branches different? How are members chosen? What qualifications must they have to hold office?
- Why are Article I and II of the Constitution so much longer than Article III? Does the lack of space imply that the founders felt the courts were less important?

6. OPTIONAL EXTENSIONS

- a. Visit the Student Center and Educator Center pages on “The Organization of the Federal Courts.” Complete the lesson plan **About Federal Judges; Qualifications of Judges**.



A: Separation of Powers/Qualifications of Office

Directions: Use a copy of the U.S. Constitution (from your text or online) to find the answers to the following questions.

You can view the Constitution at the following link: [The Constitution of the United States: A Transcription | National Archives](https://www.archives.gov/founding-docs/constitution-transcript)

The Constitution is organized into a series of seven articles, each with subsections. The amendments that follow the articles were all added AFTER the Constitution was adopted in 1789.

Find ARTICLE I

Which branch of government does **Article I** define: _____

Article I, Section 1 states that all _____ powers will be “vested” in a _____ of the United States.

This body, according to **Section 1**, will have 2 parts; the _____ and the _____. We call these the two “houses” of the legislature.

Article I, Section 2 refers to the lower house of the legislature, the _____.

Section 2 tells us how long the term of members is by telling us that they are elected every _____ years by the _____ of the state. Therefore, if they are elected in this fashion, their term must be _____ years long, and all of them are up for re-election at the same time.

Section 2 also gives us the QUALIFICATIONS (the various criteria that a person must meet to qualify for a job in the house of representatives) for membership. What are they?

You must be at least _____ years old.

You must be a citizen of the U.S.A for at least _____ years.

And you must “be an inhabitant of the State” that chooses you (watch the language here as it is confusing). Members of the house represent a congressional district. Thus in most states they must be from the state and must live in the district that elects them. Some states, however, like North Dakota, have only one member of the house because they have a small population. This means that house members in North Dakota and other states with small populations are elected “at large,” or from the whole state.

If we continue in **Section 2** we find out a few things about the house of representatives. For example:

Section 2 tells us that “Representatives . . . shall be apportioned . . . according to their respective numbers.” This means that representation in the HOUSE is based on the state’s population. (Apportioned = a system of determining what portion of representatives or how many people each state gets in the house.)

For the United State House of Representatives go to: <http://www.house.gov/representatives/>

How many members of the house does your state have? _____

Section 2 tells us that the house shall have the sole power of _____, so it is the house that investigates criminal activity in the judicial and executive branches, and which can bring criminal charges against members of these branches.



Move ahead to Article I, Section 3

Article I, Section 3 describes the upper house of the legislature or the _____.

Section 3 tells us that each state will have _____ senators.

According to **Section 3** each senator is chosen by the legislature of the state for _____ years. This means that a term in the senate lasts for that long, with one third of the body up for re-election every 2 years. This makes the senate a continuous body and ensures that all one hundred members will not be new at any time.

Look for the QUALIFICATIONS for senators in the 3rd paragraph of **Section 3**. What are they?

You must be at least _____ years old.

You must be a citizen of the U.S.A. for at least _____ years.

You must be an inhabitant of the _____ that elects you.

You should note that the qualifications for the senate are a bit harder than for the house. Why do you think this is so? What does it say about senators, in comparison to representatives?

Can you think of any qualifications that are missing? Consider things that you might look for in a member of congress that the framers seem to have left out? List any additional qualifications you might have here:

Article I, section 3 tells us that the _____ will be the president, or leader, of the senate.

Is he or she allowed to vote? YES NO

What special circumstance might change the answer for A above? _____

Move ahead to Article II:

Article II, Section 1 tells us that the _____ power of the United States will be vested in a _____.

He or she will hold his/her term for _____ years.

Skip the long section on how presidents are chosen for now. Skip down to the 5th paragraph, which details the qualifications that a president must meet to run for office:

Only a _____ citizen is eligible to be president.

This means that you must be a citizen from birth; you cannot be a naturalized citizen (born a citizen of a foreign state who became a citizen later in life).



You must be at least _____ years old to be president.

You must be a resident of the United States for at least _____ years.

Many people might say that the qualifications to be president are limited, considering that that president is the highest elected official of our nation, and that he/she has control of the military. Look at the qualifications, then think about what OTHER qualities or skills you might like your president to have. Write at least THREE qualifications that you might add to the Constitution if you could:

Move ahead to Article III:

Article III, Section 1 tells us that the _____ power of the United States will be vested in one _____.

Section 1, also speaks of “inferior courts” that will be established by _____

Section 1 states that “Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behavior...” This is the only statement relating to terms in this section. What does it mean? How long do judges serve once chosen?

Skim over the next two sections. Do you find ANY qualifications for federal judges? YES NO

What does the lack of qualifications mean? Why do you think the framers put in specific qualifications for the congress and the executive and wrote none for the courts?

Some things to ponder before you answer: Are judges of the court elected? Or appointed? Does that make a difference when it comes to qualifications?

What are some qualifications you think federal judges might need to have?



Note: **Section 2 and 3 of Article III** tell us the kinds of cases the federal courts will have jurisdiction over, and give us some information on the crime of treason.

Now look back to Articles I, II, and III:

Compare Article I, Article II, and Article III. What do you notice is the same/different about them?

SIMILARITIES

DIFFERENCES

Why do you think **Article III** is the SHORTEST of the articles that deal with the branches of government? Does that imply anything about the courts?



B: Separation of Powers/Qualifications of Office

Directions: Use a copy of the U.S. Constitution (from your text or online) to find the answers to the following questions.

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Section 2 tells us how long the term of members is by telling us that they are elected every _____ years by the _____ of the state. Therefore, if they are elected in this fashion, their term must be _____ years long, and all of them are up for re-election at the same time.

Section 2 also gives us the QUALIFICATIONS (the various criteria that a person must meet to qualify for a job in the house of representatives) for membership. What are they?

Please note that the residency requirement often confuses students. Article I states that you must “be an inhabitant of the State” that chooses you. Members of the house represent a congressional district. Thus, in most states they must be from the state AND must live in the district that elects them. Some states, however, like North Dakota, have only one member of the house because they have a small population. This means that House members in ND and other states with small populations are elected “at large,” or from the whole state.

If we continue in **Section 2** we find out a few things about the house of representatives. For example:

Section 2 tells us that “Representatives . . . shall be apportioned . . . according to their respective numbers.” This means that representation in the HOUSE is based on the state’s population. (Apportioned = a system of determining what portion of representatives or how many people each state gets in the house.)

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How many members of the house does your state have? _____



Section 2 tells us that the House shall have the sole power of _____, so it is the house that investigates criminal activity in the judicial and executive branches, and which can bring criminal charges against members of these branches.

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Is he or she allowed to vote? YES NO

What special circumstance might change the answer for A above? _____

Move ahead to Article II:

Article II, Section 1 tells us that the _____ power of the United States will be vested in a _____.

He or she will hold his/her term for _____ years.

Read through **Section 1**, and find the qualifications for the presidency. What are they?



Use a computer and look up the meaning of “natural born citizen.” How is this different from a naturalized citizen? How do you become a natural born citizen?

Why do you think the framers thought it was important for the president to be natural born when they did not include those criteria for the congress?

Many people might say that the qualifications to be president are limited, considering that that president is the highest elected official of our nation, and that he/she has control of the military. Look at the qualifications, then think about what OTHER qualities or skills you might like your president to have. Write at least THREE qualifications that you might add to the Constitution if you could:

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Skim over the next two sections. Do you find ANY qualifications for federal judges? YES NO

What does the lack of qualifications mean? Why do you think the framers put in specific qualifications for the congress and the executive and wrote none for the courts?

What are some qualifications you think federal judges might need to have?



Go back to **Article II, Section 2**: What do you find to explain the process for choosing federal judges? Please explain this process IN YOUR OWN WORDS:

Note: **Section 2 and 3 of Article III** tell us the kinds of cases the federal courts will have jurisdiction over, and give us some information on the crime of treason.

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