

Lesson Name: Interactions between the Branches

Grade Level(s)

Learning Objectives:

- Students will explore past and present efforts to adapt and redesign the US Constitution and political institutions over time.
- Students will analyze the Constitution
- Students will identify the role of the President in the Supreme Court

AP Government Connection: Unit 2: Interactions Among Branches of Government

Lesson Summary: Article III of the Constitution is short compared to the Articles for Congress and the President. In these lessons, students will explore different documents to determine what the role of the judiciary is and why it is important that it was set up to be independent.

Design Challenge 3: Simultaneously Celebrating and Critiquing Compromise: 2: How do we help students make sense of the paradox that Americans continuously disagree about the ideal shape of self-government but also agree to preserve shared institutions?

Primary Theme: A New Government and Constitution

Related Driving Question: How flexible and adaptable are the political institutions of the United States?

Lesson Plan

- Look at [Article III](#) to answer the simple question, “*According to the Constitution, what is the job of the Supreme Court?*”
- I gave students 30 minutes to look through [Federalist 78](#) (I used the Analytical Reading from MyAP) Although not a long enough time for a deep read, it gave them enough time to really see what Hamilton was talking about. I asked the question again, “*According to Federalist 78, what is the job of the Supreme Court?*”
 - Now, we discuss here how Federalist 78 is not a governing document but it gave insight as to what the Founder’s meant.
- To close the class, read excerpts from [Marbury v. Madison](#) and asked one last time, “*According to Marbury v. Madison, what is the job of the Supreme Court?*”
- At 35 minutes: Listen to the Judge discuss the [independence of the judiciary](#)
 - For students, from [34:26 to 39:53](#) would be great for students to compare other nations with the United States

- Have students read [“Reorganization of the Judiciary”](#) for homework and outline the arguments made by the president to change the judiciary. Defend or refute the arguments using Federalist 78, the Constitution, and other relevant documents

Day Two: Socratic Seminar: Defend or refute the arguments in FDR’s Fireside Chat on the Reorganization of the Judiciary using Federalist 78, the Constitution, and other relevant documents.

Day Three: Argumentative Essay Practice

The executive’s power should expand during times of crisis over the judicial branches.

Documents used:

- Federalist 51
- Federalist 70
- Federalist 78
- Constitution

Round 1: Decide whether your group will defend or refute this claim and create a line of reasoning. (5-10 minutes) Write your thesis statement on your paper and raise your hand to have the teacher check.

*Groups will be given a point if The claim or thesis responds to the prompt rather than restating or rephrasing the prompt and establishing a line of reasoning. ** Groups cannot move on from this until they receive the point.***

Round 2: Create your counterclaim. It must describe an alternate perspective AND refute, concede, or rebut that perspective. (this can be a work in progress) (5 minutes)

— Divide paper into two portions to allow documents to be placed in columns

****These last rounds are not timed, but they have until 10 minutes before the bell**

rings**

Round 3: As a group, outline Federalist 51 to show your knowledge of the document and explain how you can use it in your essay to explain the relationship between the evidence provided and the claim or thesis — or how it will be used for the counterclaim

Round 4: Repeat using Federalist 70

Round 5: Repeat using Federalist 78

Round 6: Repeat using Constitution (Teacher may choose to give a little bit longer with this portion)

Round 7: Readdress your counterclaim using one of the documents you've outlined. It must describe an alternate perspective AND refute, concede, or rebut that perspective.

Assessment: Gallery Grading

Spend 20 minutes walking the essays and grading using the [College Board rubric](#) (each student is required to grade 2) As they grade, keep a list on the board of what was amazing about the class's essays and what needs to be the focus on for the next essay

Extension: Concept Analysis FRQ:

“WHAT IS MY PROPOSAL? IT IS SIMPLY THIS: WHENEVER A JUDGE OR JUSTICE OF ANY FEDERAL COURT HAS REACHED THE AGE OF SEVENTY AND DOES NOT AVAIL HIMSELF OF THE OPPORTUNITY TO RETIRE ON A PENSION, A NEW MEMBER SHALL BE APPOINTED BY THE PRESIDENT THEN IN OFFICE, WITH THE APPROVAL, AS REQUIRED BY THE CONSTITUTION, OF THE SENATE OF THE UNITED STATES.

THAT PLAN HAS TWO CHIEF PURPOSES. BY BRINGING INTO THE JUDICIAL SYSTEM A STEADY AND CONTINUING STREAM OF NEW AND YOUNGER BLOOD, I HOPE, FIRST, TO MAKE THE ADMINISTRATION OF ALL FEDERAL JUSTICE SPEEDIER AND, THEREFORE, LESS COSTLY; SECONDLY, TO BRING TO THE DECISION OF SOCIAL AND ECONOMIC PROBLEMS YOUNGER MEN

WHO HAVE HAD PERSONAL EXPERIENCE AND CONTACT WITH MODERN FACTS AND CIRCUMSTANCES UNDER WHICH AVERAGE MEN HAVE TO LIVE AND WORK. THIS PLAN WILL SAVE OUR NATIONAL CONSTITUTION FROM HARDENING OF THE JUDICIAL ARTERIES.

THE NUMBER OF JUDGES TO BE APPOINTED WOULD DEPEND WHOLLY ON THE DECISION OF PRESENT JUDGES NOW OVER SEVENTY, OR THOSE WHO WOULD SUBSEQUENTLY REACH THE AGE OF SEVENTY.”

FIRESIDE CHAT DISCUSSING THE PLAN FOR REORGANIZATION OF THE JUDICIARY, PRESIDENT FRANKLIN D. ROOSEVELT; MARCH 9, 1937

AFTER READING THE ABOVE, RESPOND TO THE QUESTIONS BELOW.

1. EXPLAIN HAMILTON'S VIEW OF THE JUDICIARY IN FEDERALIST 78. (1 POINT)
2. COMPARE YOUR ANSWERS IN PART A WITH FDR'S VIEW OF THE JUDICIARY FROM THE ABOVE READING. (2 POINTS)
3. USING YOUR KNOWLEDGE OF THE CONSTITUTION, EVALUATE THE CONSTITUTIONALITY OF FDR'S PLAN. (2 POINTS)

Rubric: