

Power Grab

A Constitution Week Activity

CONGRESS, JULY 4, 1776.
States of America

We the People

insure domestic Tranquillity, provide for the common defence, promote the general Welfare, and bind us together in Peace and Union, do ordain and establish this Constitution for the United States of America.

Article I

Section 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons. The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative; and until such Enumeration shall be made, the State of New Hampshire shall be entitled to choose three, Massachusetts eight, New York nine, New Jersey seven, Pennsylvania six, Delaware six, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

More or less Representatives may be chosen from any State the Executive Authority thereof shall give Notice of Election to fill such Vacancies.

Section 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof for six Years, and each Senator shall have one Vote.

Immediately after they shall be qualified in consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year; of the second Class at the Expiration of the fourth Year; and of the third Class at the Expiration of the sixth Year, so that one third may be chosen every second Year; and if Vacancies happen by Resignation, or otherwise, during the Term of any Senator, then the Executive Authority thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.

Mini-Lesson Teacher Materials

Grade Level

8-12, U.S. Government and Civics,
United States History and Geography

Standards

8.23
GC. 06 & 07

Objectives/Learning Outcomes

Students will be able to identify the three branches of the United States Government and determine how each branch creates balance by acting as a check on the other.

Time Needed

50 Minutes

Materials

Constitution Overview and Power Grab PPTs, Mini constitution for each student, Teacher Notes *optional*: “Checks and Balances” student skill sheet, article “It Is ‘We the People’ . . .”

Key Terms and People

Constitution, Executive, Judicial, Legislative, Congress, President, Supreme Court, Supremacy

Power Grab A Constitution Week Activity



Adapted by the Institute of American Civics, University of Tennessee, Knoxville, with Derek A. Griffin, PhD Candidate in History, and Gabriel Karatantcheva, Graduate Assistant, Baker School of Public Policy and Public Affairs, MPA Student

Lesson Overview

In this lesson, students identify that the U.S. Constitution establishes the supreme law of the United States of America and represents the basic expression of our shared political culture. Students will recognize that the Constitution of the United States does not grant rights to citizens but enshrines and protects them. Working together in groups, students will work their way through the Constitution to better understand how the system of checks and balances is established to help prevent “Power Grabs” by any of the three coequal branches of the United States Government.

| Standards Alignment | | |
|----------------------------|-------|--|
| Tennessee State Standards | | |
| U.S. Government and Civics | GC.06 | Describe limited government within the Constitution, including: <ul style="list-style-type: none">• Checks and balances• Separation of powers |
| | GC.07 | Describe the structure of the Constitution and the process of amending it. |
| Eighth Grade | 8.23 | Examine the principles and purposes of government articulated in the Preamble and principles stated in the Constitution, including: the separation of powers, federalism, and checks and balances. |

**Activating
Strategy**

10 Minutes

Ask students, “**What is the U.S. Constitution?**”

Students may mention that the Constitution is a rule or law for the country. Be sure to discuss with students that the Constitution is the “Supreme Law” of the land before moving on. This means the Constitution governs how leaders must pass and enforce laws and enshrines citizens’ individual rights. The Constitution also establishes the structure of the American government, including providing for a system of “checks and balances” between three coequal branches of government. The Constitution represents the most basic expression of our shared political culture.

Make sure each student has a copy of the U.S. Constitution. Ask a student to **read Article I, Section 1 of the Constitution**: “*All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.*” Ask another student to **read the first sentence of Article II, Section 1**: “*The executive power shall be vested in a President of the United States of America.*” Ask, “**What is the difference in these two statements?**”

Students will likely point out that one involves “executive power,” and one involves “legislative power.” If they do not say in their answer, ask them what each of those powers means. Make sure students understand that legislative power is the power to create and enact laws, and executive power is the power to enforce laws. You should also point out, if students have not, that the words “herein granted” appear in Article I but not Article II. Explain that the Constitution grants specific powers to Congress but does not enumerate the powers of the executive. **Note:** *This concept is debated by legal scholars following the arguments of Hamilton and Jefferson. For the purposes of the game, we are following the Hamilton position.*

Instruction
30 Minutes

To begin, say, “**Today we are going to play a game to help you identify why some government actions are unconstitutional, according to the Constitution of the**

United States. All the questions/scenarios included in the game are ‘unconstitutional.’ Your task is to use your Constitution to find evidence as to why the scenarios do not comply with the Constitution.”

If you haven’t already, make sure that each student has a copy of the Constitution. Each group should also choose a record keeper.

Now begin with **slide 5** of the “Power Grab Game PPT.” Select a group to go first and have them choose a Branch and point total (e.g., “Legislative for 60 points”). Click the “power grab” chosen and read the statement. Start the timer by advancing the slide (click, right arrow, or space key. *Advance a second time to end timer. Advance a third time to reveal the answer.*) When a group believes they have found the Article/ Amendment, Section, and Clause that proves the “grab” is unconstitutional, they should raise their hand and say, “check.” If they are correct, their group receives the points for the question. If they are incorrect, other groups have a chance to answer (if they are correct, then they earn the points). Use the “Game Cards | Teacher Handout” to mark off chosen answers. Continue until all “power grabs” have been chosen or you run out of time. The group with the most points at the end of the game wins!

Remind students that due to the difference in the vesting clauses (from the Activating Strategy), Congressional powers must be listed in the text of the document, while you can assume that the Constitution must directly prohibit presidential actions for them to be unconstitutional.

Note: You may need to provide more time or hints to help students.

**Closing
Argument**
10 Minutes

Ask students, “**How do the three branches of the United States government act as checks and balances on the other branches?**”

Students should identify the roles of each branch of government and how they work to provide a system of checks and balances on the other branches. The **Legislative**


Branch provides advice and consent on executive appointments and can override presidential vetoes. It can also create lower courts and refuse judicial appointments. The Legislative branch also passes laws the Executive Branch must adhere to and enforce. The **Judicial Branch** interprets laws passed by Congress and can declare them unconstitutional. Judges appointed by the president serve for life and may rule Presidential actions unconstitutional. The **Executive Branch** can propose bills, veto bills passed by Congress, is in charge of executing laws passed by Congress and appoint judges to fill vacancies.

*Optional: Discuss further with students by displaying the “Checks and Balances” chart (**slide 66**) and having students complete the student skill sheet.*

Game Cards | Teacher Handout

| Executive | | Judicial | | Legislative | |
|---------------------|----------------------|---------------------|----------------------|---------------------|----------------------|
| Power Grab 10pts | Power Grab 20pts | Power Grab 10pts | Power Grab 20pts | Power Grab 10pts | Power Grab 20pts |
| Power Grab 30pts | Power Grab 40pts | Power Grab 30pts | Power Grab 40pts | Power Grab 30pts | Power Grab 40pts |
| Power Grab 50pts | Power Grab 60pts | Power Grab 50pts | Power Grab 60pts | Power Grab 50pts | Power Grab 60pts |
| Power Grab 70pts | Power Grab 80pts | Power Grab 70pts | Power Grab 80pts | Power Grab 70pts | Power Grab 80pts |
| Power Grab 90pts | Power Grab 100pts | Power Grab 90pts | Power Grab 100pts | Power Grab 90pts | Power Grab 100pts |

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“Power Grabs” of the Three Branches | Answer Key

Executive Branch

10 pts A serious economic crisis takes place in the U.S. The President decides to run for a third term. (*Amendment 22*)

20 pts The President declares war on China. (*Article I, Section 8, Clause 11*)

30 pts The President makes an appointment to a U.S. Senator’s seat who resigned for personal reasons. (*Article I, Section 3, Clause 2*)

40 pts To fight terrorism, anyone found guilty of hijacking will be punished by having their fingernails ripped off. (*Amendment 8*)

50 pts The President decides that Congress will meet in regular session on December 15 of each year. (*Amendment 20, Section 2*)

60 pts The President orders that a mass murderer be sent back to Washington from Oregon. (*Article IV, Section 2, Clause 2*)

70 pts A famous actor is arrested and charged with a state crime. The President pardons him. (*Article II, Section 2, Clause 1*)

80 pts Your land is in the way of a federal highway, so the Department of Transportation takes your land without compensation. (*Amendment 5*)

90 pts The President orders that the next presidential election will be decided by popular vote. (*Article II, Section 1, Clause 2-4*)

100 pts The President, concerned about drug violations in Tennessee, allows the Governor and Attorney General to suspend its Constitution and Republican Form of government for a period of one year. (*Article IV, Section 4*)

Legislative Branch

10 pts Congress passes a 10% tax on lumber being exported from California. (*Article I, Section 9, Clause 5*)

20 pts Congress passes a law that people from Georgia may not drive cars in Tennessee because of pollution. (*Article IV, Section 2, Clause 1*)

30 pts Congress passes a law invalidating a presidential pardon of an individual convicted of a federal crime. (*Article II, Section 2, Paragraph 1*)

40 pts Congress decides that beards are illegal; anyone who wore one in the last year must pay a \$100 fine. (*Article I, Section 9, Clause 3*)

50 pts Congress decides to impeach the President with the President Pro Tempore of the Senate presiding. (*Article I, Section 3, Clause 6*)

60 pts A House member dies; the House takes four days off to mourn, but the Senate says they can only have two days off. (*Article I, Section 5, Clause 4*)

70 pts Congress passes a law naming 15 university students guilty of crimes against the government and orders them to be expelled from school. (a bill of attainder). (*Article I, Section 9, Clause 3*)

80 pts Congress passes a law that says that Tennesseans upset with Georgia’s new highway can sue GA in TN’s Supreme Court. (Amendment 11)

90 pts Congress decides because of the contributions of Michael Jordan in basketball, they will honor him with the title, "Sir Michael Jordan." (*Article I, Section 10, Clause 1*)

100 pts Congress passes a law that Presidents can only be elected to one term of six years. (*Article II, Section 1, Clause 1/Amendment 22*)

Judicial Branch

10 pts A District Court rules that the government may not issue patents because of the need for technological advancement. (*Article I, Section 8, Clause 8*)

20 pts A district court rules that since Washington D.C. is not in any state, residents there may not vote in national elections. (*Amendment 23*)

30 pts The Supreme Court rules that because of our large national debt, the U.S. can no longer borrow money. (*Article I, Section 8, Clause 2*)

40 pts The Court decides that religion and politics don't mix, therefore; no government official is required to take an oath of office. (*Article II, Section 1, Clause 8 or Article VI, Section 3*)

50 pts The ambassador to Spain is brought home and tried in a New York court for crimes. (*Article III, Section 2, Clause 1*)

60 pts The Supreme Court rules that regardless of congressional statute, the heads of departments may no longer make appointments of inferior officers, but only the President of the U.S. (*Article II, Section 2, Clause 2*)

70 pts A male teacher in Tennessee sues, alleging sexual discrimination by taking the case directly to the Supreme Court. (*Article III, Section 2, Clause 2*)

80 pts The Court rules that income tax is illegal, and you don't have to pay. (*Amendment 16*)

90 pts The Court rules that because of the difficulty in finding honest, qualified candidates, they will allow Senator Howard Baker to serve concurrently as Secretary of the Interior. (*Article I, Section 6, Clause 2*)

100 pts The Courts find a defendant guilty of treason based on the testimony of one witness. (*Article III, Section 3, Clause 1*)

Checks and Balances | Student Skill Sheet

Directions: Using the provided flowchart, identify how each branch can CHECK (counter) the powers of the other branches. Be careful to place your information in the correct boxes.

| | |
|---|---------------------|
| Executive Branch checks the ___?___ by... | Legislative Branch: |
| | Judicial Branch: |
| Legislative Branch checks the ___?___ by... | Executive Branch: |
| | Judicial Branch: |
| Judicial Branch checks the ___?___ by... | Executive Branch: |
| | Legislative Branch: |



UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TENNESSEE

Joel W. Solomon United States Courthouse

900 Georgia Avenue

Chattanooga, Tennessee 37402

CONSTITUTION DAY 2025: IT IS “WE THE PEOPLE” WHO MAKE IT WORK

September 2025

Each September 17, our nation pauses to recognize Constitution Day, commemorating the signing of the United States Constitution in 1787. It is a day not just for lawyers, judges, or politicians—it is a day for all citizens. The beginning of the Constitution affirms this. The first three words of the Constitution read, “We the People.” Those three words are not ceremonial, nor put there as mere place holders. They are at the very heart of the representative republic established by the Constitution. The Constitution is a document that allows the majority in “We the People” to govern, while also protecting the rights of the minority.

Written over two centuries ago by people long since departed, the Constitution is often admired for its durability. It has stood the test of time and still provides the framework for our government today. The wisdom of the framers of the Constitution is demonstrated every day we follow the dictates of the document. We must keep in mind, however, that this wonderful document is only parchment and ink unless the people it governs make it function. The system of checks and balances, the guarantees of liberty, and the protections of rights all depend on citizens who understand, respect, and uphold these principles.

It is easy to fall into the trap of thinking that the Constitution is self-executing, that it works automatically and on cruise control, without effort on our part. But the truth is, in times past, it required constant care. And it still requires that constant care today. Our courts interpret it, our representatives legislate under it, and our citizens exercise their rights and responsibilities with it. When the average citizen votes, serves on a jury, engages in civil debate, or simply stays informed, he or she breathes life into the Constitution’s words.

While the framers could not have foreseen every challenge our nation would face, they trusted “We the People” to make the system work. Some would not have foreseen the expansion of rights and responsibilities to women, Blacks, and eighteen-year-olds, for example. Nor could most of the founders have foreseen the arrival on our shores of people from every part of the world who eagerly undertake the challenging task of becoming United States citizens. The Constitution is not perfect, nor is our history free from struggle and mistakes. Amendments have been necessary to expand freedoms and protect from overreach by the federal and state governments alike. Courts have been called upon to enforce the law. But again and again, the people—through persistence, courage, and civic engagement—have carried the document forward. All this expansion has led to a more robust and representative “We the People.”

On this Constitution Day, we must remember that we are not celebrating a dry, dead, and irrelevant historical document. Rather, we should reaffirm our personal, individual roles in its continuation and survival. The strength of the Constitution does not rest in the parchment signed in Philadelphia in 1787. Its strength rests in us. As long as “We the People” commit ourselves to justice, liberty, and democracy, the Constitution will continue to endure and guide us.

After all, it is not just the Constitution that makes America work. It is us, “We the People.”

Curtis L. Collier
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and

Williams, Emily. “Constitutional Power Grab Game: A Summarizing Activity for Checks and Balances in Government.” Unknown date. Sept. 2025 retrieved from <https://emilycwilliams.com/Documents/power%20grab%20game.pdf>.

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