



## Lesson 5: Policymaking in the Three Branches of Government

There are 2 options for this lesson:

- Option A: Policy Analysis (pages 1-5)
- Option B: Civil Conversation (pages 6-9)

### Option A (Policy Analysis)

#### Overview

This lesson introduces students to executive, legislative, and judicial policymaking and to policy evaluation. First, students discuss how policy can be made by each of the branches. Then they read about and discuss how the Chicago City Council passed a controversial ordinance to suppress gang activity and how each branch of government was involved in the policy. Finally, students are introduced to a policy-analysis rubric and are guided through applying it to the Chicago gang ordinance.

#### Objectives

Students will be able to:

- Explain and give examples of how each branch of government can make policy.
- Explain how each branch of government was involved in a particular policy case study.
- Evaluate a policy using a rubric.

#### Preparation & Materials

- [Handout 5A: Chicago's Gang Congregation Ordinance](#)—1 per student
- [Handout 5B: GRADE](#)—1 per student

## Procedure

### I. Focus Discussion

A. Remind students that they have been studying policy and policymaking and tell them that today they are going to take a look at how policy can be made in the three branches of government.

Ask students for examples of policymaking in each branch. Begin with the legislative branch. If students have trouble coming up with examples, use the prompts below:

**Legislative.** This branch makes laws and students probably will have little difficulty grasping this and coming up with examples. Remind them of examples from previous case studies:

- Plastic bag ban (San Francisco Board of Supervisors)
- Lead-testing requirement (Congress)
- Bans on driving with hand-held cellphones (state legislatures)

**Executive.** This branch enforces the law. It can be involved in making policy by deciding how to enforce the law. Remind them of examples from previous case studies:

- The executive was involved in the three legislative examples above because the executive signed them into law.
- Suicide barriers on bridge (Caltrans—Department of Transportation in the executive branch of California)

**Judicial.** This branch interprets the law. Clearly, this branch affects policy as students have seen in the random drug testing case study (which the Supreme Court ruled constitutional). But this branch also makes policy (judicial policymaking is often controversial). Consider these examples:

- A Colorado judge has a sentencing policy for young people convicted of playing their music too loud while driving around the city. Instead of imposing a fine, he sentences them to one hour of listening to his music. He claims to no longer see repeat offenders.
- The *Miranda* rule was created by the Supreme Court in a confession case. The rule sets forth requirements that police must follow before questioning a criminal suspect. It is a policy to make sure police comply with the Fifth Amendment.

**B.** Tell students that they are going to examine a case study showing how all three branches of government can be involved in policymaking.

## **II. Reading and Discussion—Chicago’s Gang Congregation Ordinance**

**A.** Distribute [Handout 5A: Chicago’s Gang Congregation Ordinance](#) to each student. Tell students that this handout tells the story of an attempt by the city of Chicago to put a new gang suppression policy into place. Ask them to read it and look for the actions taken on the policy by the legislative, executive, and judicial branches.

**B.** When students finish reading, hold a discussion using the questions on the handout:

1. What problem(s) was the policy designed to address?

- Violent crimes, vandalism
- Fearful residents
- Gangs

2. How was the legislative branch involved with the policy? Name the actions and what legislative body did them.

- Public hearings on gangs (City Council’s Committee on Fire and Police)
- Passed the Gang Congregation Ordinance (City Council)

3. How was the executive branch involved? Name the actions and what executive body did them.

- Signed Gang Congregation Ordinance into law (Mayor)
- Issued General Order 92-4 (Chicago Police Department)
- Issued dispersal orders (Chicago Police Department)
- Arrested people for violating the ordinance (Chicago Police Department)
- Put those arrested on trial (Prosecutors)
- Handled appeals (Prosecutors)

4. How was the judicial branch involved? Name the actions and what judicial body did them.

- Tried the defendants (State Trial Courts)
- Heard appeals (Illinois Appellate Court, Illinois Supreme Court, and U.S. Supreme Court)
- Ruled on the ordinance’s constitutionality (All of the courts mentioned above)

### III. Guided Activity—GRADE

#### A. Explain that analyzing policy is important:

It is important to policymakers deciding what to do about a problem and when deciding whether to change a policy. Analyzing policy is also important to citizens. Voters may be asked to vote on policy initiatives. Politicians may promise to enact certain policies, and citizens may need to analyze what the politicians are proposing. Citizens in a democracy can influence policy, and it's important to have the tools to analyze it.

**B.** Tell students that they are going to practice analyzing policy by evaluating the Chicago Gang Congregation Ordinance using a policy-analysis tool. Distribute [Handout 5B: GRADE](#) to each student. Review the handout and then, calling on students, begin using GRADE to analyze the ordinance. Below are some possible responses:

**G** — The goal of the policy is to stop gang members from hanging around neighborhoods and intimidating people.

**R** — The reading does not specifically mention supporters or opponents. It's important that students begin thinking about who might support and oppose particular policies. Ask students to think of who might support or oppose the policy. Below are a few possibilities:

#### Possible Supporters

- Police
- Prosecutors
- neighborhood associations
- people terrorized by gangs
- local politicians

#### Possible Opponents

- gang members
- minority-group organizations
- civil-liberty organizations
- non-profits supporting the homeless
- defense attorneys

**A** — Among the advantages:

- Police can break up groups even when they are doing nothing wrong and thus rid neighborhoods of gang members.
- People will not be intimidated by gang members hanging around the neighborhood.

**D** — Among the disadvantages:

- Police may arrest people who are doing nothing wrong and are not even gang members.
- The law violates peoples' basic liberties.

**E** — Ask students to weigh the advantages against the disadvantages. If they believe the advantages outweigh the disadvantages, then they favor the policy, but they must also consider alternatives. Tell them that one alternative is always to do nothing. Ask them if they know of any other alternatives. If they do, briefly discuss them.

#### **IV. Debrief**

A. Ask students:

- Can you think of other examples of policymaking in different branches of government? (national and local)
- Why should citizens know about policymaking in the three branches of government? Think of when knowing which branch might be associated with a particular policy would come in handy.

B. After completing this lesson, have students return to the Citizenship Brainstorm, identifying and adding to the lists.

## Option B (Civil Conversation)

### Overview

This lesson gives students a chance to examine one example of how policymaking can occur at and through the executive, legislative, and judicial branches of government. First, students discuss how policy can be made by each of the branches. Then they read about and discuss how the Chicago City Council passed a controversial ordinance to suppress gang activity and how each branch of government was involved in the policy. Finally, students are introduced to a policy-analysis rubric and are guided through applying it to the Chicago gang ordinance.

### Objectives

Students will be able to:

- Explain how each branch of government relates to the law and give examples of how each can make policy.
- Use close reading skills to analyze a text and then present text-based claims.
- Explore and critically evaluate competing arguments raised in the case of *City of Chicago v. Morales*.

### Preparation & Materials

[Conducting a Civil Conversation in the Classroom](#) – Review this teacher’s guide prior to using this discussion strategy with your students.

[Handout 5A: Chicago’s Gang Congregation Ordinance](#)—1 per student

[Civil Conversation Guide](#) – 1 per student

## Procedure

### I. Focus Discussion

**A.** Remind students that they have been studying policy and policymaking and tell them that today they are going to take a look at how policy can be made in the three branches of government.

Ask students to explain how each branch relates to the law and to give examples of policymaking in each. If students have trouble coming up with examples, use the prompts below.

**Legislative.** This branch makes laws and students probably will have little difficulty grasping this and coming up with examples. Remind them of examples from previous case studies:

Plastic bag ban (San Francisco Board of Supervisors)

Lead-testing requirement (Congress)

Bans on driving with hand-held cellphones (state legislatures)

**Executive.** This branch enforces the law. It can be involved in making policy by deciding how to enforce the law. Remind them of examples from previous case studies:

The executive was involved in the three legislative examples above because the executive signed them into law.

Suicide barriers on bridge (Caltrans—Department of Transportation in the executive branch of California)

**Judicial.** This branch interprets the law. Clearly, this branch affects policy as students have seen in the random drug testing case study (which the Supreme Court ruled constitutional). But this branch also makes policy (judicial policymaking is often controversial). Consider these examples:

**A.** Colorado judge has a sentencing policy for young people convicted of playing their music too loud while driving around the city. Instead of imposing a fine, he sentences them to one hour of listening to his music. He claims to no longer see repeat offenders.

The *Miranda* rule was created by the Supreme Court in a confession case. The rule sets forth requirements that police must follow before questioning a criminal suspect. It is a policy to make sure police comply with the Fifth Amendment.

**B.** Tell students that they are going to read and discuss a case study that illustrates how all three branches of government can be involved in policymaking.

## **II. Civil Conversation—Chicago’s Gang Congregation Ordinance**

*NOTE: To use this strategy most effectively, please review **Conducting a Civil Conversation in the Classroom** and **Handout 5B: Civil Conversation Guide** prior to the lesson.*

**A.** Distribute [Handout 5A: Chicago’s Gang Congregation Ordinance](#) and the [Civil Conversation Guide](#) to each student. Tell students that the text in Handout 5A tells the story of an attempt by the city of Chicago to put a new gang suppression policy into place.

**B.** Have students work individually through Steps 1 and 2 of the Civil Conversation Guide, making sure to note that the last part of Step 2 appears on the second page.

**C.** Assign student groups to complete Step 3 (the discussion). As groups have their Civil Conversations, your role is to circulate and make sure they are all participating and basing their arguments on the text; don’t feel like you have to weigh in on their conversations.

**D.** Once all groups have had their Civil Conversations, give students time to complete Step 4 individually.

## **III. Debrief**

**A.** You may want to bring the whole class back together to debrief the content of the case and/or the Civil Conversation procedure.

Possible debriefing questions for whole-class discussion might include:

- Can you think of other examples of policymaking in different branches of government? (national and local)



- Why should citizens know about policymaking in the three branches of government? Think of when knowing which branch might be associated with a particular policy would come in handy.

**B.** After completing this lesson, you may also have students return to the Citizenship Brainstorm completed in Lesson 1 in order to use their additional knowledge to add to the lists they generated about the Knowledge, Skills, Attitudes, and Actions of engaged citizens.