

# Separation of Powers

Name: \_\_\_\_\_

## Suggestion: Protect Military Medals

When a handful of concerned citizens in Colorado learned that some people were wearing fake military medals they'd never earned, they decided to do something about it. They went to their Congressional representative and made a suggestion. They wanted him to introduce a bill in Congress making it illegal to lie about military medals. After learning more about the problem, the representative agreed.



*An Army Medal of Honor*



## Writing the Bill

Representative John Salazar of Colorado drafted a bill called the Stolen Valor Act that would penalize people who falsely claim to be decorated military veterans. The bill said lies about military medals "damage the reputation and meaning of these medals." Under the bill, anyone who lied about receiving one of these medals could be fined, imprisoned not more than six months, or both. Representative Salazar introduced the Stolen Valor Act to the House of Representatives in July 2005.

A few months later, a similar bill was introduced in the Senate by Senator Kent Conrad of North Dakota. Senator Conrad's bill passed the Senate in September 2006. It was sent to the House of Representatives, which passed the bill in December.

## Approved!

The bill was then sent to the president for approval. President George W. Bush signed the Stolen Valor Act into law on December 20, 2006.



Unconstitutional!



## New Law Fails Inspection

Two years later, California resident Xavier Alvarez told everyone at a public meeting, "I am a retired marine of 25 years. I retired in the year 2001. Back in 1987, I was awarded the Congressional Medal of Honor. I got wounded many times by the same guy." These were all lies. Alvarez was charged with a crime under the Stolen Valor Act. In court, Alvarez argued that his lies were protected by the First Amendment right to free speech. His case eventually went all the way to the United States Supreme Court.

The Supreme Court agreed with Alvarez, saying "one of the costs of the First Amendment is that it protects the speech we detest as well as the speech we embrace." The Court said that unless these lies are used to commit fraud or for financial gain, they are protected by the First Amendment.

## Back to the Bill Writers

In response, a new version of the Act was drafted. On January 15, 2013, Congressman Joe Heck of Nevada introduced a bill making it a crime to receive any tangible benefit from lying about receiving a military medal. The revised Stolen Valor Act passed both the House of Representatives and the Senate in May 2013. Finally, on June 2, 2013, President Barack Obama signed the new bill into law.

**New and Improved!**

(and Constitutional)



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**1. Ideas for Laws.** The president sets the agenda for laws that are important. The president can also think of ideas for laws. Who else can suggest ideas for laws?

✓ Check ALL that you think are correct.  
**CIRCLE** the group that suggested the Stolen Valor Act.

- |  |   |
|--|---|
| <input type="checkbox"/> Lawmakers                           | <input type="checkbox"/> The president          |
| <input type="checkbox"/> Supreme Court justices              | <input type="checkbox"/> Comic book superheroes |
| <input type="checkbox"/> Dogs                                | <input type="checkbox"/> Citizens               |
| <input type="checkbox"/> Organizations interested in a cause |   |



**2. Menu Writers.** In real life, there are two groups of "Menu Writers." Who are they?

The \_\_\_\_\_  
 and the \_\_\_\_\_

**3. Final Say.** The "Menu Writers" had to re-write the Stolen Valor Act even though the "Lead Chef" approved it. Who has the final say about whether a law can stand? (circle one)

- A. The President, who can veto a bill or sign it into law.
- B. The Supreme Court, who can decide whether a law is constitutional.
- C. Congress, who can override the president's veto.

**4. Inspection Time.** Do you think the Supreme Court automatically "inspects" all bills that are signed into law?

- YES       NO

What has to happen first? ✓ Check ALL the things you think could lead the Court to look at whether a law is constitutional:

Someone...

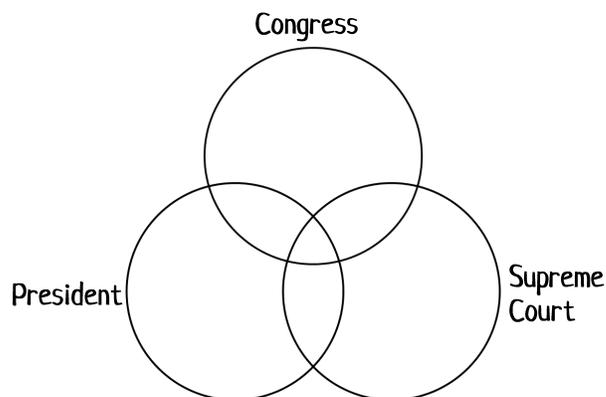
- Is punished under the law
- Loses money because of the law
- Doesn't like the law
- Loses property because of the law
- Is harmed in some way because of the law
- Has a friend who was harmed by the law

Even if something inappropriate happens, the Court still won't look at the law unless the person... (circle one)

- A. Asks the Court pretty please.
- B. Writes a letter to the Court explaining how the law caused them harm.
- C. Brings a case in a trial court and works their way up the court system.
- D. Sends chocolate to the justices.

**5. Separation of Powers.** Write the letter of each power in the space where it belongs on the diagram. Overlapping parts of the diagram are where shared powers go.

- A. Signs bills into law
- B. Writes laws
- C. Vetoes bills and returns them to Congress
- D. Hears disputes about laws
- E. Is part of the United States government
- F. Decides whether laws are constitutional
- G. Can override a veto with a large vote



Explain how "separation of powers" stops one branch from becoming too powerful:

\_\_\_\_\_

\_\_\_\_\_