



Lesson 18.2 “What Is a Living Document?”

Unit 18: Civics and Government Today

Lesson Objectives

- Students will examine a primary source to consider how items from the past have evolved for use today.
- Students will complete a thinking routine and timeline to investigate U.S. constitutional amendments about voting.
- Students will reflect in writing how the process of amending the U.S. Constitution creates a living document.

Lesson Competencies

- I can analyze primary and secondary sources and draw appropriate conclusions. (Moose SS)
- I can analyze, use, and construct timelines to explain how events are related chronologically to each other and to explain probable causes and effects of events and developments. (Moose SS)
- I can develop my ideas using sources to gather concrete details, facts, quotes, and other information related to my focus. (ELA 5)

Essential Questions

How has New Hampshire come to be the way it is?
How has New Hampshire been shaped by many voices?

Focus Questions

How is a balance of power part of our democracy?

Estimated Time

Two 40-minute class sessions

Materials & Equipment

“Shoe, 1759” and Quick Connect for projection
“What is a living document?” for projection
Class set of “Who Should Vote?” worksheet with “Who Could Vote? Timeline” worksheet on the reverse
“Who Could Vote?” timeline for projection and “Who Could Vote? Timeline Educator Notes” for reference
“Amending the U.S. Constitution” infographic
Goldilocks signs as appropriate
Class set of “Your Living Document” worksheet
“Considered Constitutional Amendments” for projection



Educator Introduction & Rationale

When the Founding Fathers wrote the U.S. Constitution in 1789, they wanted it to be a document that shaped the United States for the future. They wanted it to support societal, political, and economic change, and they wanted it to guide the nation using the principles and ideas that inspired them. As a founding document, they did not want the Constitution to be easy to change, especially due to a sudden shift in public opinion that might not last. However, the Founding Fathers knew that they could not foresee the future challenges and evolution of the United States, so they put in place Article V outlining processes that allowed the Constitution to be amended. Adding amendments to the U.S. Constitution is a long process that involves the national and state governments. It requires more than a simple majority, and it has been successfully implemented fewer than 20 times since 1789. Six more amendments have passed Congress but not the state conventions; countless more have been proposed in Congress. The term “living document” is used to describe a constitution or other guiding document that can evolve over time. This lesson explores how the U.S. Constitution is a living document by exploring both the need for a strong constitutional foundation as well as the ability to change with the times.

This is the second lesson in Unit 18: Civics and Government Today. In this lesson, students explore what it means to have relevant and useful things from the past still in use and affecting us today. They start with an activation comparing a shoe from 250 years ago and their modern shoes, then transfer their reflections to considering the U.S. Constitution’s evolution as a living document. Four amendments about voting are used to create a timeline and help students understand how the Constitution may change to reflect the country’s development. Students then explore how the Constitution can be amended with an infographic and consider how it might be amended in the future.

Teaching tip: Four amendments on voting have been made to the U.S. Constitution since its ratification in 1788. Although states usually take the lead in managing elections and controlling voting rights, the federal government also plays a role in regulating this important democratic process. The issue of who should be able to vote and who has access to the voting booth is a complex topic, although an essential one for students to investigate. However, this lesson does not deal with voting rights but rather uses the practice of voting to examine how the U.S. Constitution is amended to reflect social change. Resources that examine voting rights are suggested in Supporting Materials, page 7 of this Educator Guide.

Please adapt all the material in this lesson, as necessary, to meet the needs of the students in your classroom. Please note, lesson vocabulary and definitions are at the end of this document. You may wish to preview these with your students. There is a reinforcement activity for students to explore how to amend the N.H. State Constitution. Two extension activities are presented for students who are ready to investigate amendments that have passed Congress but not the states or to examine how voting rights have evolved through our history when considering not only federal amendments but state and local laws as well.

Learning Activity

Activation

A shoe from long ago. Project the image “Shoe, 1759” and invite students to look closely at the object. Use the Quick Connect handout and practice close-looking skills or guide students without it. Students will recognize that the object is a shoe, likely from long ago.

As the discussion progresses, ask students if we still use objects like this today. How is the shoe in the image different and the same from the shoes with which they are familiar? Make a list of similar and different features. Specifically, how are their shoes today different than this shoe?

Teaching tip: Use the “[Mason Explains: Story of a Shoe](#)” video on the “Moose on the Loose” website to help students understand how a shoe from long ago differs from today and how they have changed. To find the video, go to “[Media Library](#)” at moose.nhhistory.org/educators and select “Explainer Videos” from the drop-down menu of resource types.

Guide students to understanding that although there have been changes in how shoes are made and how they look, they are still fundamentally the same and serve the same purpose. What enabled this shoe from 250 years ago to be something we still use today?

Possible outcomes:

- It had to be something useful and necessary.
- It had to be something that could change with the times.
- It had to be valuable to us.

Suggested Reading

Student Content. Before starting Direct Instruction, consider having students read Unit 18, Learn It! “[Federalism and the Federal Government](#),” pages 3-5.

Infographic. Project the infographic “[The Constitution of the United States](#)” and preview its content with students. It can be accessed on Unit 18, Learn It! “[Federalism and the Federal Government](#),” page 4.

Direct Instruction

An old Constitution. Ask students if they know how old our country is. Students may know that the U.S. Constitution became law in 1789, and so it is only slightly younger than the shoe they have been considering. We also still use the U.S. Constitution. What has enabled it to be something we still use today?

The power of the Constitution is that it is a living document, enabling it to change with the times. Project “What Is a Living Document?” and discuss with students. If some students struggle with the idea, reassure them that the forthcoming examples will clarify how the Constitution is a living document.

**Direct
Instruction &
Guided Practice**

“Projecting Across Time.” Use the process of “Projecting Across Time,” adapted from Project Zero’s Thinking Routine Toolbox from Harvard Graduate School of Education. In order to help students grasp how the U.S. Constitution is a living document and how essential that is to our democracy, center in on one issue: who should vote in our democracy?

Teaching tip: Note with students that the U.S. Constitution makes federal laws about voting to try to make sure all elections are fair and everyone has an equal opportunity to vote. However, it is the states who make most laws about voting. This is an important issue, but today you will be looking at how the right to vote has evolved in only the U.S. Constitution. This will show what laws apply to the entire United States and how the Constitution is a living document.

Distribute the “Who Should Vote?” worksheet and have students individually fill out the first circle asking what they think or know about who should vote. Restrain students from filling in the other circles by projecting the timeline “Who Could Vote?” partially covered up.

As a class, conduct a discussion about how the amendments about voting show the Constitution as a living document. Reveal the amendments one at a time and talk about how the Constitution was amended to reflect what was occurring in the country. Use the Educator Notes to help give context.

As you show the various amendments, students should turn over their worksheet and create a timeline mirroring the information. Note that the directions encourage them to include the dates but then add word art or an illustration to show how the amendment changed the right to vote in the United States.

When you have investigated the four amendments, students should turn their worksheets back to the front and fill in the final three shapes. They can do so individually or in pairs; circulate to assist and provide guidance.

Ensure the discussion continues to circle back to how students think the amendments about voting show that the Constitution is a living document. How did learning about the voting question help them understand the larger question of living documents?

Teaching Tip: This is a good spot to pause if you divide the lesson between two teaching sessions.

**Suggested
Reading**

Infographic. Before starting Guided Practice, project the infographic “Amending the Constitution” and preview its contents with students. It can be found in the “[Worksheets and Resources](#)” document for this lesson plan.

Guided Practice **Amending the Constitution.** Ask students what they think would be a reasonable process for amending the Constitution. Share that there have only been 17 additional amendments since the first 10, the Bill of Rights, were ratified in 1791.

How difficult do students think amending the Constitution should be? As a living document, it needs to be able to reflect the evolution of views in the country but should not change with passing trends.

Put amending the Constitution to the Goldilocks test. Hang the signs or designate ends of the room as “Too hard” and “Too easy” and make clear that “Just right” is in the middle. Have students show their opinions by moving. They can then share their reasons with others near them or in the whole class.

Teaching tip: Note with students that when the Constitution is amended, the Constitution itself doesn’t change. Rather, amendments are added at the end of the Constitution to change how laws affect the people and the government.

**Reflection &
Independent
Practice**

Possible amendments. While there are 27 total amendments to the Constitution, six more amendments have passed Congress but not the states and countless more have been proposed. It is a living document that will continue to be amended as our nation changes and time passes.

How do students think it might be amended in the future? Distribute “Your Living Document” and provide students time to complete it in small groups or individually. Display “Considered Constitutional Amendments” as inspiration.

Reinforcement

1. **Amending the N.H. State Constitution.** Use “Amending the N.H. Constitution” to explore how the process works for the state constitution.
2. **Living documents.** Have students discuss other living documents they can think of. Is there a student government that revises its constitution? Or rules for clubs, teams, or other groups in which they participate? What about rules at home? Are those written down? Do they ever change? If a living document is any document that is updated or changed, what else can they brainstorm that meets that definition? Why is it important that rules and constitutions are updated?

Extension

1. **Amendment investigation.** Six amendments have been approved by Congress but have not been ratified by the states. Three are presented on “Constitutional Amendments Approved by Congress” worksheet. Invite students to consider and discuss them, and provide materials for them to research the process of ratifying these amendments through the state conventions. Why haven’t they been ratified? Do students think they should be?
2. **Voting rights.** As noted in the [Educator Overview](#), the right to vote is controlled at the state and local level as well as the federal level. State and local laws enabling the right to vote are arguably more impactful than federal laws; laws at all level are actively being legislated in the modern day. How has access to the vote changed over the course of U.S. history, considering both state and federal actions? How have states expanded or restricted the right to vote in their populations? Use the TEDEd video (4:30 minutes) to introduce and explore these questions with students. Discussion questions at the end are: Do enough citizens have the right to vote now? Among those who can vote, why don’t more of them do it?

Find the video “The fight for the right to vote in the United States” at ed.ted.com/lessons/the-fight-for-the-right-to-vote-in-the-united-states-nicki-beaman-griffin.

Supporting Materials

New Hampshire Historical Society Resources

1. Shoe, 1759
2. Quick Connect handout

Other Resources

Project Zero's Thinking Routine Toolbox is an amazing resource for all teachers. "Projecting Across Time," found at pz.harvard.edu/resources/projecting-across-time was adapted in this lesson. We highly recommend looking through all the thinking routines available at pz.harvard.edu/thinking-routines.

Douglas, Leonard & Garvey, PC. *How Do You Amend the New Hampshire Constitution?* www.nhlawoffice.com/our-blogs/2018/november/how-do-you-amend-the-new-hampshire-constitution/

Proposed Amendment Handouts Sources:

- *Amending America: Proposed Amendments to the United States Constitution, 1787 to 2014* www.archives.gov/open/dataset-amendments.html
- *Proposed Amendments.* www.constitutionfacts.com/us-constitution-amendments/proposed-amendments/
- *Proposed Amendments Not Ratified by States.* www.govinfo.gov/content/pkg/GPO-CONAN-1992/pdf/GPO-CONAN-1992-8.pdf
- Pumphrey, Clint. "10 Weirdest Failed Constitutional Amendments" on *How Stuff Works*. people.howstuffworks.com/10-weirdest-failed-constitutional-amendments.htm#pt11

Additional resources about amending the Constitution:

- Annenberg Classroom's *Our Constitution* "Chapter 4 – How Has the Constitution Expanded Over Time?" www.annenbergclassroom.org/resource/our-constitution/constitution-chapter-4-constitution-changed-time/
- Supreme Court Justices Antonin Scalia and Stephen Breyer discuss originalism and a living Constitution in the Senate. www.c-span.org/classroom/document/?9505 (5 minutes)

Excellent Lesson Plans on Voting Rights:

- Facing History and Ourselves. www.facinghistory.org/educator-resources/current-events/voting-rights-united-states
- ICivics.org www.icivics.org/teachers/lesson-plans/voting-rights
- Zinn Education Project www.zinnedproject.org/materials/teaching-voting-rights-struggle/

Standards

“Moose on the Loose” Content:

- ✓ Students will understand that after the revolution, the United States of America established a federal government; colonies established state governments. They will understand that the New Hampshire State Constitution established the basic structure of government for the state and created laws to protect the people and interests of the state. (3-5.T3.2)
- ✓ Students will understand that New Hampshire today is a modern, diverse state with a rich culture and thriving economy. (3-5.T8.1)

“Moose on the Loose” Skills:

- ✓ Gathering, Interpreting, and Using Evidence (3-5.S1.2)
- ✓ Communicating and Critiquing Conclusions (3-5.S2.1)
- ✓ Effective Historical Thinking (3-5.S3.1, 3-5.S3.2)
- ✓ Understanding and Participating in Government (3-5.S6.1, 3-5.S6.2)

New Hampshire Social Studies Frameworks:

- ✓ Civics and Governments: The Nature and Purpose of Government (SS:CV:4:1.1, SS:CV:4:1.2)
- ✓ Civics and Governments: Rights and Responsibilities (SS:CV:4:4.1)
- ✓ US / NH History: World Views and Value systems and their Intellectual and Artistic Expressions (SS:HI:4:3.1)
- ✓ US / NH History: Social/Cultural (SS:HI:4:5.3, SS:HI:4:5.4)

NCSS Themes:

- ✓ Theme 2: Time, Continuity, and Change
- ✓ Theme 6: Power, Authority, and Governance
- ✓ Theme 10: Civic Ideals and Practices

C3 Frameworks:

- ✓ Constructing Supporting Questions (D1.3.3-5, D1.4.3-5)
- ✓ Civic and Political Institutions (D2.Civ.3.3-5, D2.Civ.5.3-5)
- ✓ Participation and Deliberation (D2.Civ.8.3-5)
- ✓ Processes, Rules, and Laws (D2.Civ.12.3-5, D2.Civ.13.3-5, D2.Civ.14.3-5)
- ✓ Change, Continuity, and Context (D2.His.2.3-5)
- ✓ Causation and Argumentation (D2.His.14.3-5)
- ✓ Communicating Conclusions (D4.2.3-5)
- ✓ Taking Informed Action (D4.6.3-5)

Common Core ELA Grade 3:

- ✓ Key Ideas and Details in Informational Text (RI.3.3)
- ✓ Craft and Structure in Informational Text (RI.3.4, RI.3.5)
- ✓ Range of Reading and Level of Text Complexity in Informational Text (RI.3.10)

Common Core ELA Grade 4:

- ✓ Key Ideas and Details in Informational Text (RI.4.3)
- ✓ Craft and Structure in Informational Text (RI.4.4, RI.4.5)
- ✓ Integration of Knowledge and Ideas in Informational Text (RI.4.7)
- ✓ Range of Reading and Level of Text Complexity in Informational Text (RI.4.10)
- ✓ Research to Build and Present Knowledge (W.4.8, W.4.9)
- ✓ Comprehension and Collaboration in Speaking and Listening (SL.4.1, SL.4.1b, SL.4.1c)
- ✓ Vocabulary Acquisition and Use (L.4.4)

Common Core ELA Grade 5:

- ✓ Key Ideas and Details in Informational Text (RI.5.3)
- ✓ Craft and Structure in Informational Text (RI.5.4, RI.5.5)
- ✓ Integration of Knowledge and Ideas in Informational Text (RI.5.7)
- ✓ Range of Reading and Level of Text Complexity in Informational Text (RI.5.10)
- ✓ Research to Build and Present Knowledge (W.5.8, W.5.9)
- ✓ Comprehension and Collaboration in Speaking and Listening (SL.5.1, SL.5.1b, SL.5.1c)
- ✓ Vocabulary Acquisition and Use (L.5.4)

Lesson Vocabulary

amend	(verb) To revise or change
amendment	(noun) An addition to an existing document; in the U.S. Constitution, the amendments come after the original document
constitution	(noun) A document laying out the rules for how a government will work
Constitution	(noun) The document that lays out the framework for how the federal government works; written in 1787 and ratified in 1789
democracy	(noun) A government ruled by majority vote of the people
living document	(noun) A paper that is added to or changed through time