20-MINUTE READ SUMMARY

We the People: A History of the U.S. Constitution — 20-Minute Read Summary

By Jill Lepore · Daily Book, Episode 34 · Source list: Barack Obama's favorite books of 2025



The Book in 60 Seconds

Jill Lepore, Harvard historian and author of *These Truths*, tells the history of the United States Constitution from an angle almost no one uses: through the amendments — above all, through the amendments that failed. Since 1789, nearly 12,000 amendments have been introduced in Congress and thousands more proposed outside it, yet only 27 have ever been ratified, and none meaningfully since 1971. Drawing on the Amendments Project, a database she and her collaborators built to collect those thousands of proposals, Lepore argues that amendment was meant to be the Constitution's engine of peaceful change; that Americans used it vigorously for 150 years; that politicians abandoned it from Franklin Roosevelt onward in favor of pressuring the Supreme Court; and that the resulting freeze has pushed constitutional change into judicial interpretation and presidential fiat, with rising risks of illegitimacy and political violence. Against the Supreme Court's dominant theory of originalism, she proposes recovering an older tradition she calls the philosophy of amendment: the idea that each generation is a co-author of the Constitution, entitled and obliged to mend it. To mend, in her telling, is to amend.

The Central Argument

The book's argument rests on a paradox Lepore states early. One of the Constitution's founding purposes was to prevent change; another was to allow for change without violence. Stability and self-correction were both design goals, and Article V — the amendment clause — was the hinge between them. It made change hard enough to resist passing passions, but possible enough that a determined, overwhelming majority could revise the fundamental law through an orderly, deliberative, democratic process instead of through crisis or bloodshed.

Her historical claim is that this hinge worked, roughly, for the republic's first century and a half. Amendments came in waves after upheavals — the Bill of Rights at the founding, the Reconstruction amendments after the Civil War, a Progressive-era cluster in the early twentieth century — and between waves, movements spent decades building the supermajorities amendment required. Constitutional change in that era was primarily something the people did to the text.

The Central Argument

Her diagnostic claim is that the hinge has now rusted shut. Article V demands two-thirds of both houses of Congress and ratification by three-quarters of the states. In a small, relatively homogeneous republic that bar was high but reachable; in a polarized continent of fifty states, where small states wield disproportionate power in the Senate and in ratification, a determined minority can block amendments supported by clear national majorities. The last amendment both proposed and ratified in the modern manner, the Twenty-sixth (lowering the voting age to eighteen), dates to 1971. The Twenty-seventh, ratified in 1992, was a two-century-old leftover about congressional pay. For over fifty years, on any question that matters, the formal constitution has been unamendable.

Her causal claim is the book's most contested. Beginning with Franklin Roosevelt — who, facing a hostile Supreme Court, chose to pressure and then restock the Court rather than seek a New Deal amendment — politicians of both parties learned that constitutional change could be obtained faster through judicial appointments than through Article V. Liberals applied the lesson during the Warren Court; conservatives built a legal movement to apply it in return. Into the vacuum stepped originalism, the theory that constitutional meaning is fixed at adoption and that only Article V may legitimately change it. Lepore argues that originalism is itself a recent invention, that it rests on a narrow slice of the historical record, and that its leading champions privately conceded Article V had become a "constitutional barricade" — insisting on a door they knew to be locked, thereby freezing a status quo while claiming democratic legitimacy.

Her prescriptive claim is deliberately modest: before any procedural reform can be imagined, Americans must recover the *philosophy* of amendment — the once-normal conviction that the Constitution is theirs to repair, that its framers never intended it preserved "like a butterfly, under glass," and that a citizenry which forgets it may amend will eventually seek change by worse means.

The Story, Wave by Wave

The founding wave. The Bill of Rights (1791) was the price of ratification: ten amendments demanded by a public wary of the new federal government. The Eleventh and Twelfth Amendments followed, fixing defects exposed by practice. The early pattern was pragmatic — run the machine, find the flaw, amend — and it establishes Lepore's baseline: amendment began as ordinary constitutional housekeeping, not emergency surgery.

The second founding. The Thirteenth, Fourteenth, and Fifteenth Amendments — abolishing slavery, establishing birthright citizenship and equal protection, and prohibiting racial disenfranchisement — refounded the republic after the Civil War. Lepore quotes Thurgood Marshall: "While the Union survived the Civil War, the Constitution did not." But she is honest about the sequel: Reconstruction collapsed, Jim Crow rose, and the Supreme Court narrowed these amendments for nearly a century. Winning text and securing rights proved to be different fights — an early lesson in the limits of amendment, and in how much depends on who interprets it afterward.

The Progressive wave. The Sixteenth (income tax), Seventeenth (direct election of senators), Eighteenth (Prohibition), Nineteenth (women's suffrage), and Twenty-first (repealing Prohibition) Amendments show the process at full stretch. The suffrage amendment is her set piece: a seventy-two-year campaign from Seneca Falls in 1848 to ratification in 1920, won through petitions, marches, arrests, hunger strikes, and state-by-state victories in the West. Its lesson cuts both ways. Amendment was always nearly impossible — and earlier generations, believing the door was the legitimate one, pushed for three generations anyway.

The Story, Wave by Wave

The wider archive. One of the book's most original contributions is its recovery of constitutional writing outside Washington. State constitutions were amended and rewritten constantly; Massachusetts's 1780 constitution still operates today. Black political conventions drafted constitutional claims decades before the Fourteenth Amendment. And in 1905, Native nations in Indian Territory drafted a sophisticated constitution for a proposed state of Sequoyah, which Congress refused, folding the territory into Oklahoma instead. The archive of American constitutionalism, Lepore insists, is far wider than the Philadelphia notes and the Federalist Papers.

The great turn. In the 1930s, Roosevelt "largely abandoned constitutional amendment in favor of applying pressure on the Supreme Court," in Lepore's summary. The New Deal transformed the Constitution's practical meaning — federal commerce and regulatory power expanded enormously — without changing a word of its text. The method became the habit of both parties. Constitutional politics reorganized itself around judicial nominations, confirmation wars, and the timing of retirements, while Article V sat unused.

The lost amendments. The Equal Rights Amendment, first proposed in 1923, passed Congress in 1972 with broad public support, then stalled three states short of ratification under an effective counter-movement led by Phyllis Schlafly. Repeated efforts to abolish the Electoral College died against the veto of the small states that benefit from it. After the ERA, amendment itself came to seem a boondoggle — and movements stopped investing in it. The Twenty-seventh Amendment's farcical ratification in 1992 — proposed in 1789, rescued by a University of Texas student, Gregory Watson, campaigning to overturn a poor grade on his paper about it — proves the door is not welded shut. It also proves how little can currently get through it.

Key Ideas, Explained Plainly

1. Count the failures. Constitutional history usually studies 27 successes. Lepore studies roughly 12,000 attempts. The failures reveal what each generation actually wanted — abolition, suffrage, labor rights, Electoral College reform, environmental rights — and therefore what the political system processed, and what it suppressed. Methodologically, this is the book's engine: the Amendments Project database converts an anecdotal subject into an archival one.

2. Article V is the villain and the hero. The same supermajority thresholds that protected the Constitution from fads made amendment, in a large polarized federation, close to impossible. Lepore's structural point deserves emphasis because it is not partisan: the procedure itself, unchanged since 1789, interacts with a changed country — fifty states, nationalized polarized parties, malapportioned ratification power — to produce paralysis.

3. Change migrates; it does not stop. Since 1971 the Constitution has changed constantly — on guns, campaign finance, presidential power, abortion, and more — but by Supreme Court interpretation and executive action rather than amendment. Lepore's legitimacy argument follows: a ratified amendment carries consent no 5–4 decision can match (nobody campaigns to repeal the Nineteenth Amendment), while judge-made change is fast, fragile, and reversible with the Court's composition — as recent years have demonstrated in both directions.

Key Ideas, Explained Plainly

4. Originalism, as she sees it. Her critique has three prongs: it is not itself original (as a self-conscious method it dates to the 1970s–80s, championed by Robert Bork and Antonin Scalia); it is not complete history (it consults a narrow canon and ignores the Black, women's, Native, and state constitutional records); and it arose politically, as a route to constitutional change for a movement that could not win amendments. Originalism, she concludes, "defies the philosophy of amendment" by treating the text's meaning as fixed while the only authorized changing mechanism stands unusable.

5. Amendment is the history of inclusion. The groups the original Constitution excluded — enslaved people, women, Native nations, the young — are precisely the groups that drove amendment campaigns. Freezing Article V therefore freezes the historically normal route by which outsiders wrote themselves into "We the People." This is the moral core of the book, and it explains its title.

6. The stakes are practical, not academic. When lawful self-correction fails, Lepore argues, three pathologies follow: presidents govern by decree and emergency power (the "imperial presidency"), courts absorb political conflict and lose legitimacy in confirmation wars, and some citizens conclude that violence is the remaining language — a line she traces from the Oklahoma City bombing to the Capitol attack of January 6, 2021. Amendment was designed as the alternative to all three.

Memorable Lines (Short, Attributed)

- "One of the Constitution's founding purposes was to prevent change. Another was to allow for change without violence." — Lepore's statement of the founding paradox.
- The framers never intended the Constitution to be preserved "like a butterfly, under glass" — her image for the antiquarian attitude she opposes.
- Thurgood Marshall, quoted in the book: while the Union survived the Civil War, the Constitution did not — the old order was refounded by the Reconstruction amendments.
- Robert Bork's private description of Article V, as Lepore reports it: a "constitutional barricade" — the phrase she uses to press her paradox about originalists insisting on a door they knew was locked.

Fair Criticisms

Reviewers across the spectrum praised the storytelling while contesting the argument, and the strongest objections deserve a hearing.

Causation may run the other way. National Review and others note that Lepore offers little direct evidence that originalism caused the amendment drought — which began, on her own account, with Roosevelt in the 1930s, decades before originalism existed. The rival theory blames the "living Constitution" approach: once judges would update the document themselves, amendment became unnecessary-seeming, and originalism arose as a reaction. Her narrative supplies as much support for this sequence as for hers.

Originalism is not met on its strongest terms. Law & Liberty and the Claremont Review of Books argue that modern originalism claims to follow the text's original *public meaning*, not framers' private intentions; that fixed meaning, changeable only by the people through amendment, is itself a democratic theory; and that blocking judicial updating should, logically, *incentivize* amendment. Critics charge that the book sometimes reduces Scalia's jurisprudence to its results on abortion and guns, and that Lepore never resolves a tension of her own: she seems to welcome amendment for changes she favors and interpretive flexibility for changes she favors.

Diagnosis without prescription. As The Economist observed, the book "is not a road map for repair." If Article V's threshold is the problem, lowering it would itself require clearing that threshold. Periodic conventions and the unused convention route go largely unexplored as programs. Lepore would likely reply that recovering the philosophy must precede any mechanics — but readers wanting a plan will leave hungry.

Scale and advocacy. At over 700 pages, accumulation sometimes substitutes for confrontation with the best counter-arguments. And Lepore writes openly as an advocate; the book is best read as a great brief — formidable in evidence, alert readers will note, in selection as well. Pairing it with a serious originalist text turns it into a complete education.

The Debate in One Exchange

Because the book's argument will be quoted at readers from both directions, it helps to hold the core dispute in its simplest form.

Lepore's side: "The Constitution was built to be amended, Americans amended it for 150 years, and the health of the republic tracked that practice. When amendment stopped, change did not stop — it moved to the least democratic channels available, courts and presidents. Originalism rationalizes the freeze by declaring meaning fixed and the amending door the only legitimate one, while knowing the door is barred. Recover the philosophy of amendment, and you recover the people's authorship of their own fundamental law."

The critics' side: "Amendment did not die because judges claimed the power to fix meaning; judges claimed that power because the country preferred judicial shortcuts to the hard work of consensus — a preference Lepore's own hero, Roosevelt, pioneered. Originalism is the discipline that refuses the shortcut: meaning stays fixed until the people, by the deliberately hard process the framers chose, decide otherwise. That hardness is not a bug to be lamented but the framers' considered judgment that fundamental law should not turn on temporary majorities — and if today's majorities cannot clear it, the remedy is persuasion at scale, of exactly the kind the suffragists practiced, not complaint about the bar."

A reader who can state both paragraphs fairly has gotten the essential education this book, at its best, provides — whichever paragraph finally persuades them.

How to Approach Reading It

Do not march from page one. Read the introduction and framing chapters closely — the double purpose, Article V, and the philosophy of amendment live there — then sample the amendment narratives by interest: suffrage for movement politics, Reconstruction for the second founding, the ERA for modern America, the Sequoyah constitution for a story almost no reader will know. The chapters work as self-contained movements, so sampling is a legitimate route, not a shortcut. Keep the Amendments Project in mind as a companion; browsing real proposals, including the wild ones, restores the book's central feeling — that proposing amendments was once a normal act of citizenship. Readers who have not read *These Truths* will find this volume deepening it; readers who have will find the same voice working a narrower, richer seam. Above all, read it argumentatively. It is a book that wants an argument and can withstand one.

Why It's on the List

Barack Obama included *We the People* among his favorite books of 2025, and the fit is natural: a former constitutional law professor, on the eve of the nation's 250th anniversary (and of the first state constitutions), choosing a history that relocates constitutional authorship from courts and presidents to ordinary people — abolitionists, suffragists, students, and cranks with petitions. For any reader, its news value is the reframing: America's constitutional crisis is usually described as a crisis of interpretation. Lepore argues it is a crisis of amendment — of a repair mechanism abandoned — and once seen that way, many familiar pathologies, from confirmation wars to governance by executive order, rearrange themselves into a single story.

The Method: Why the Failed Amendments Matter

Lepore is a narrative historian, but this book has an empirical spine that distinguishes it from her earlier work: the Amendments Project's database. Earlier scholarship on amendment tended to proceed anecdotally — a famous campaign here, a curiosity there. A database of nearly every proposal introduced in Congress, supplemented by proposals circulated outside it, allows different questions. When did proposing amendments peak, and when did it collapse? Who proposed them — members of Congress performing for constituents, or movements that had organized for decades? What subjects recur across centuries, revealing permanent American discontents: the Electoral College, money and corruption, the terms and pay of officials, the rights of the young?

The answers shape the book's periodization. Proposing amendments was once a routine parliamentary act and a routine civic act alike; members introduced them by the hundreds in years of ferment, and citizens' groups drafted them as manifestos. The decline Lepore documents is therefore double. Congress largely stopped *succeeding* after 1971, but the culture of proposing — the habit of translating political desire into constitutional text — thinned as well, as movements rationally redirected their energy toward courts, agencies, and statehouses. The database lets her show that the philosophy of amendment was a lived practice before it was a theory, and that its disappearance is measurable, not merely nostalgic.

The method has limits a fair reader should note. A database of proposals can count attempts but cannot weigh sincerity: some proposals were always messaging devices, introduced to be campaigned on rather than ratified. Nor does a count of failures distinguish between a system wisely filtering bad ideas — and there were dreadful proposals among the thousands, including efforts to entrench racial exclusion, religious establishment, and punitive moralism — and a system wrongly blocking good ones. Lepore knows this; her claim is not that more amendments would automatically mean a better Constitution. It is that a process incapable of producing *any* amendment on *any* contested subject for half a century has stopped performing the filtering function altogether. A filter that passes nothing is not a filter. It is a wall.

A Short Timeline

- **1789–1791** — Madison's proposed amendments are introduced; ten are ratified as the Bill of Rights. A proposal on congressional pay stalls — for two centuries.
- **1804** — The Twelfth Amendment repairs presidential elections after the crisis of 1800.
- **1865–1870** — The Thirteenth, Fourteenth, and Fifteenth Amendments abolish slavery and attempt a second founding on citizenship and equal protection.
- **1913–1920** — The Progressive cluster: income tax, direct election of senators, Prohibition, and women's suffrage.
- **1933** — The Twenty-first Amendment repeals Prohibition — amendment correcting amendment, the process working as designed.
- **1937** — Roosevelt's court-packing plan fails, but his appointments succeed; constitutional change by interpretation becomes the governing method.
- **1961–1971** — A final productive decade: presidential succession and D.C. electors, the poll tax ban, and the Twenty-sixth Amendment's eighteen-year-old vote — the last amendment of the modern kind.
- **1972–1982** — The Equal Rights Amendment passes Congress, then dies three states short of ratification.
- **1992** — The Twenty-seventh Amendment, proposed in 1789, is finally ratified — a coda, not a revival.
- **2025** — Lepore publishes *We the People*, arguing for recovery of the philosophy of amendment ahead of the nation's 250th anniversary.

A Closer Look at Three Turning Points

1787–1791: amendment as the founding generation's own habit. It is easy to forget how provisional the Constitution felt to the people who wrote it. The Philadelphia Convention exceeded its instructions; ratification nearly failed; and the First Congress spent much of its energy on the amendments that became the Bill of Rights. James Madison, shepherding those amendments through the House, treated them not as ornaments but as repairs that completed the design. Even then, the filter was severe: Madison's proposed amendment limiting congressional pay raises — the future Twenty-seventh — survived the House but then waited two centuries for the states. The founding generation thus supplies both halves of Lepore's thesis at once. Amendment was normal, expected, and continuous; and amendment was never easy. The machine was built to demand consensus, and consensus was already expensive in a republic of thirteen quarreling states.

1865–1870: amendment as refounding, and its betrayal. The Reconstruction amendments were not housekeeping; they were a new constitution smuggled into the old one's numbering. The Fourteenth Amendment alone attempted to redefine citizenship, nationalize the protection of rights against the states, penalize disenfranchisement, and disqualify former Confederates from office. Lepore's treatment emphasizes two things at once. First, the amendments were the product of amendment politics — of Black conventions, Union leagues, petition campaigns, and a Republican Party that understood it was rewriting the social contract. Second, their subsequent gutting by judicial interpretation and political retreat is the book's first great demonstration that interpretation can unmake what amendment makes. That asymmetry haunts the rest of her argument: if courts can narrow amendments for a century, the people's textual victories are only as durable as the interpreters allow — one more reason, for Lepore, that a healthy system cannot leave interpretation as its only moving part.

A Closer Look at Three Turning Points

1937–1972: the turn and the last success. The hinge of the book is the New Deal confrontation, when the Supreme Court struck down program after program and Roosevelt, after his 1936 landslide, proposed expanding the Court. The famous "switch in time" and subsequent retirements gave him his Court, and the constitutional revolution proceeded by interpretation. Lepore's point is not that the revolution was unjustified; it is that a precedent was set in method that neither party has since abandoned. The decades that followed proved the method's power in both directions: the Warren Court's criminal-procedure and desegregation decisions, then, after 1971, the long conservative counter-mobilization. And 1971 itself is the telling endpoint. The Twenty-sixth Amendment — eighteen-year-olds, conscripted for Vietnam, demanding the vote — passed Congress and was ratified in about one hundred days, the fastest ratification in American history, because the consensus was overwhelming and the machinery, for once, was pushed by everyone at once. It stands in her narrative as proof that Article V can still move at speed when the country truly agrees — and, by contrast, as the last time it did. The ERA's failure immediately afterward, despite majority support, marks the moment the exception became the rule.

What This Means for a Reader in 2026

You do not need a position on originalism to find this book useful; you need only a newspaper. Confirmation battles that treat Supreme Court vacancies as national emergencies make sense once you see the Court as the country's de facto amending body. Executive orders that reverse with each administration make sense once legislation and amendment are both blocked, leaving the presidency as the only moving part. State politics, by contrast, will start to look strangely healthy: state constitutions are amended constantly, and state voters routinely decide fundamental questions directly — evidence, Lepore would say, that the appetite for constitutional self-government did not die; it was displaced downward.

The book also reframes how to listen to constitutional rhetoric. When a politician says the Constitution forbids or requires some contested policy, Lepore trains you to ask three questions. Which mechanism produced that meaning — amendment, precedent, or a recent theory of interpretation? Whose historical record is being consulted, and whose was left out? And if the public overwhelmingly wanted the opposite rule, is there any realistic process by which it could enact it? On her evidence, the honest answer to the third question, for most of the last fifty years, has been no — and she regards that answer, not any single ruling, as the crisis.

Finally, the book is a quiet argument about agency. The Amendments Project's thousands of failed proposals were mostly written by people with no power: the disenfranchised, the young, the defeated. They behaved as if the Constitution belonged to them, and in Lepore's accounting that behavior — sustained over two centuries — is a large part of why the document's promises ever expanded at all. Her closing wager is that the behavior is recoverable, and that recovering it begins with remembering it existed. Whether the reader accepts her wager or sides with her critics on causation, that recovered memory is the book's durable gift.

What to Read Next

- **These Truths** by Jill Lepore — her one-volume history of the United States, the natural companion and predecessor.
- **The Words That Made Us** by Akhil Reed Amar — a constitutional history emphasizing the people's role in making and remaking the document, from a scholar who shares Lepore's democratic instincts by a different route.
- A serious originalist statement, such as Antonin Scalia's **A Matter of Interpretation** — to test Lepore's critique against the strongest version of its target, as this summary's criticisms suggest.