



A Community of Equals (New Democracy Forum): The Constitutional Protection of New Americans

Owen Fiss

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The issue of immigration in this country is, and has been for the past two centuries, a potential minefield for those trying to clarify the debate and suggest policy changes. When the subject is broached, gray areas of emotion and politics cloud every forum from the op-ed page to the talk show circuit. *A Community of Equals* is a welcome relief from the confusion and sometimes reactionary positions surrounding the issue, offering creative solutions from some of the most intelligent and forthright commentators of today.

This small book carries a big charge by presenting first the thoughts of Owen Fiss, a professor of law at Yale University, and author of *The Irony of Free Speech*. Fiss examines the paradox of xenophobia within a democracy founded on equality. He argues that since rights in the Constitution protect equal access to employment, education, welfare and medical care, as a nation we are bucking our most sacred document by imposing unequal limits to immigrants, both legal and illegal. He calls for the courts to intervene—rather than rely on politicians—and solve the debate with the same method used to insure civil rights.

His persuasive essay is followed by equally passionate responses from lawyers, civil rights activists and leading academicians, who don't always agree with Fiss' prescription for justice. While some take radically different paths in terms of resolution, each brings a new perspective that helps to illuminate the topic and the types of choices available to policymakers and citizens.

Although this book will raise more debate than it will resolve them, these lucid and articulate essays are models to follow for every future discussion about immigration.

ELIZABETH MILLARD (May / June 1999)

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