copy for himself.

Madison made many of his changes to the Notes after Jefferson had studied them. Jefferson did not approve of Hamilton's ideas of a strong national executive or his theories to abolish the states. Madison reacted to Jefferson's criticism of Hamilton by changing the Notes to lessen his original support for Hamilton. He also omitted speeches that he had originally placed in the Notes, shortened others, and made technical corrections. He inserted speeches by Charles Pinckney of South Carolina in favor of proportional representation, which had inexplicably been omitted in the original Notes. The later revisions were not always accurate, as Madison made corrections based not on facts but only on dim memories.

The publication of *Madison's Hand* has already had an impact on the study of the Notes and their significance. After a symposium on the Notes and Bilder's book held in November 2015, Yale Law School professor Heather K. Gerken attacked Madison as an unreliable narrator and accused him of making changes to the Notes to conceal responsibility for his mistakes. At the Balkinization blog, she wrote, "I suspect that many will be shocked by Madison's conduct, and these revelations certainly ought to spawn a spirited methodological discussion among originalists. Those who dislike originalism will also be tempted to pounce. The 'read the mind of the Framers' variant of originalism is now passé, but still. If the views of one person are this hard to untangle, how do we gauge the views of a nation? Moreover, the book makes clear there is a gap between original public meaning and the true intent of the Framers, as things were passed for reasons that we might not guess from the text." ⦿

*Henry S. Cohn is a Connecticut judge trial referee.*

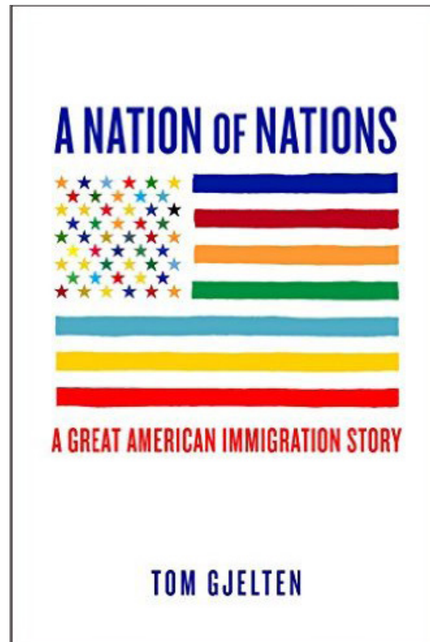
## A Nation of Nations: A Great American Immigration Story

**By Tom Gjelten**

*Simon & Schuster, New York, NY, 2015.*

*405 pages, $28.00.*

***Reviewed by R. Mark Frey***




It's election season and that means presidential candidates are out meeting and greeting the electorate, selling themselves and their brand. They push hot buttons and they sling mud to garner interest and to divide the voters as they vie for their respective party's nomination and then run for the presidency. Immigration is again at the fore as we hear some candidates bemoan the presence of foreigners, interlopers, drug dealers, and murderers, all seeking the demise of our country. Some condemn the growing diversity and browning of America, calling for the good old days when America was a Christian nation peopled by Europeans, ideally those from northern Europe. But others speak wistfully about the concept and promise of America as we strive to meet and fulfill the aspirations and principles set forth in our much-venerated U.S. Constitution.

Immigration has been a contentious issue throughout our nation's history. Certain sectors of the American public have decried the Other in our midst: those who speak, look, and worship differently from the majority. These sectors have called for limits on immigrants from certain countries. But others see immigrants as reminding us again of our nation's unique and exceptional qualities, replenishing the country, and reviving the great American experiment, as we seek to remake ourselves again and again.

For generations, peoples around the world have brooded over the meaning of America and the great experiment it is. Their answers comprise a wide-ranging set of views from Mark Twain to Maya Angelou and Langston Hughes, Ralph Waldo Emerson and Henry David Thoreau, Alexis de Tocqueville, Amy Tan, Jack Kerouac, Emma Lazarus, and even Paul Simon, in his song, "America." For Tom Gjelten in *A Nation of Nations*, America's poet, Walt Whitman, best states the meaning of America in *Leaves of Grass*, his paean to America: "The Americans of all nations at any time upon the earth, have probably the fullest poetical nature. The United States themselves are essentially the greatest poem. … Here is not merely a nation but a teeming nation of nations."

With that, Gjelten takes the reader on a journey exploring immigration and immigrants in the United States. Starting first with his own family's story of migration from Norway, Gjelten notes that, although his family faced struggles, its story was the idealized one of people coming to America from northern Europe. It was a nation of new beginnings, a land rich with opportunities for those willing through self-reliance to carve out lives based on their own merit and achievement rather than on their ancestry.

For others, however, such opportunities were not to be. Gjelten points out that, for many years, our laws gave preference to northern Europeans. In 1790, federal law restricted U.S. citizenship to free white persons, and, a century later, in reaction to the thousands of Chinese male contract laborers who came here to help build our nation's infrastructure, Congress enacted the Chinese Exclusion Act of 1882, which prohibited Chinese immigration.

The crude rhetoric of organizations such as the Immigration Restriction League fueled demands for even more measures to keep the Other out. In 1897, Prescott Hall, co-founder of the league, observed, "Do we want this country to be peopled by British, German, and Scandinavian stock, historically free, energetic, progressive, or by Slav, Latin, and Asiatic races, historically downtrodden, atavistic, and stagnant?"

In 1924, Congress passed the Johnson-Reed Act, restricting immigration through a national origins quota system. Immigrant visas were provided to two percent of the total number of people of each nationality present in the United States at the time of the 1890 national census, resulting in the complete exclusion of Asian immigrants. Passage of the Immigration and Nationality Act of 1952 (the McCarran-Walter Act) continued the national origins quota system but allowed Asians to immigrate here, albeit at a trickle—roughly 2,000 immigrants, with about 100 visas allotted

to each Asian country, and the confounding requirement that their ethnicity rather than nationality be factored into the equation. Thus, a British national with one parent of Chinese ancestry would be counted toward the limited allotment for China, not toward the British nationality quota. Although spouses and children of U.S. citizens were not subject to the quota system, immigration policy in effect continued to favor northern and western Europeans.

In the 1950s, pressure grew to eliminate racial bias in immigration policy, but only after John F. Kennedy became President did the subject gain serious attention. Following Kennedy's assassination, his successor, Lyndon B. Johnson, pushed for passage of legislation envisioned by JFK. Gjelten provides a fascinating glimpse into the behind-the-scenes politics that led to the passage of the Immigration and Nationality Act of 1965 (the Hart-Celler Act), which President Johnson signed at the foot of the Statue of Liberty. This legislation is significant in that it eliminated the national origins quota system and gave preference to immigration based on family connections and skills, opening up the country to immigrants previously underrepresented, from Asia, Africa, the Middle East, and Latin America. As LBJ observed at the signing ceremony, "This system violated the basic principle of American democracy—the principle that values and rewards each man on the basis of his merit as a man. It has been un-American in the highest sense, because it has been untrue to the faith that brought thousands to these shores even before we were a country. Today, with my signature, this system is abolished."

A new chapter relating to immigrants and the growing diversity of our nation's population began with passage of that 1965 legislation. To be sure, it has not been a smooth process, as Gjelten painstakingly notes in his discussion of first, second, and third generation immigrants in Fairfax County, Va., and their interest in and ability to become engaged in civic affairs, both at the local and national levels. At the same time, Gjelten points to the backlash against immigrants engendered by the Sept. 11 attacks, which often masked a concern about the browning of America.

Such outcries ignore the positive features of an increasingly pluralistic society. For Gjelten, a society that guarantees freedoms while even respecting diversity has much to offer. He approvingly cites political scientist Robert Putnam's comment "that at the end we shall see that the challenge is best met not by making 'them' like 'us,' but rather by creating a new, more capacious sense of 'we.'"

*A Nation of Nations* offers a rich and insightful introduction to the immigration debate underway in this election season. It provides some sorely needed background, including a review of relevant U.S. history and immigration legislation and policies as well as the personal stories of several immigrant families who arrived from Korea, Bolivia, and Libya after passage of the Immigration and Nationality Act of 1965. We learn about their struggles and triumphs and in the process watch the Other slowly transform into a fellow human being, yet another member of our society. For me, the personal stories were the most telling and compelling in conveying the immigrant experience and the meaning of the great American experiment. ☉

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## Go Set a Watchman: A Novel

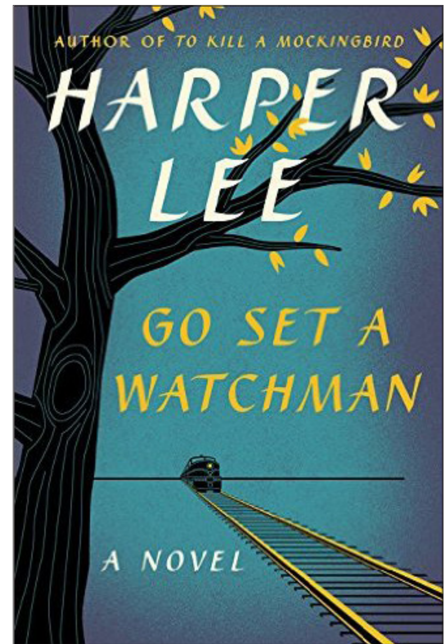
### By Harper Lee

*HarperCollins Publishers, New York, NY, 2015.*
*288 pages, $27.99 (cloth), $18.99 (paper).*
***Reviewed by Ryon McCabe***

The late Harper Lee's "new" novel, *Go Set a Watchman*, really made me mad!

I am a huge fan of Lee's novel, *To Kill a Mockingbird*. I studied it in high school, college, and law school. I have also read the novel for pleasure at least half a dozen more times in the past 20 or so years since law school. I have even listened to Sissy Spacek's audiobook version, which I highly recommend.

I even have a framed photograph of Atticus Finch, as played by Gregory Peck, hanging on the wall of my law office. It is of




a courtroom scene, with Atticus standing in front of the jury at the Maycomb County Courthouse, with the segregated gallery behind him. I am not alone in my hero worship of Atticus. In 2012, the American Film Institute rated Atticus Finch as the number one movie hero of all time, beating out Superman, Spiderman, Luke Skywalker, and even James Bond.

What makes Atticus so special to millions of us? I can only speak for myself, but my appreciation for Atticus has grown over the years. In high school, *To Kill a Mockingbird* was to me a novel about race. By defending Tom Robinson against false rape charges, Atticus Finch stood alone as the conscience of his community, exposing the flaws and injustices of the racist society in which he lived.

In later readings, *To Kill a Mockingbird* became a novel about law and the practice of law. Atticus was the consummate lawyer's lawyer, trusted by his clients to handle their most important affairs. He demonstrated outstanding courtroom skills. Remember his understated, yet devastating, cross-examination of Bob Ewell. What trial lawyer wouldn't love that?

In more recent readings, *To Kill a Mockingbird* speaks to me about fatherhood. Written from the viewpoint of Atticus' daughter, an eight-year-old named Scout, the book shows Atticus through the eyes of his children. He is a pillar of the community, a member of the state legislature, and a busy trial lawyer, yet he always has time for his children. He reads to them every night and stays at their bedside during sickness.