

## INTRODUCTION

From its inception, the University of California at Davis Law Review has not followed the format of the traditional law review. It has, instead, been published annually in a single hardbound volume, containing only articles written entirely by students on a symposium topic. The approach is one which allows for a healthy diversity in legal topics and analysis, yet draws together a variety of efforts into a single product likely in its whole as well as its parts to be useful to those working in the field.

A volume covering alienage, nationality and immigration might seem at first glance to encompass not a single symposium topic, but a broad range of topics over more than one legal field. This observation is certainly true. Yet, the articles have a surprising unity and inter-relationship. In developing the approach to this volume, the editorial board came to see that the area of concern was with the idea of national borders. Restrictions on people that arose out of or were enforced through the concept of a nation and its geographical metes and bounds were the focus of attention. Conceived as such, the topics lend themselves to a unified symposium treatment.

The symposium is one which raises a number of interesting questions. In particular, recent developments in various aspects of constitutional law touch these topics in a unique manner. Additionally, this volume deals with areas having integrated bodies of statutory law and regulations, which are subject to varying interpretations and the need for revision according to changing conditions.

Finally, the topic is one with modern implications. The ideas of the nation and nationality are old and increasingly universal concepts. Today, however, with mounting problems in immigration and border control, with more aliens present in this country, with more Americans traveling abroad, and with the shifting of global politics, the topic of this symposium is one of current concern.

### I. ALIENS IN THE UNITED STATES

*Aliens and the Federal Government: A Newer Equal Protection* examines the problems inherent in applying the traditional two-tier

equal protection analysis to federal classifications based on alienage. The article suggests the application of a new, flexible, intermediate standard of judicial review.

*The Alien Commuter After Saxbe v. Bustos* analyzes, in light of the recent United States Supreme Court decision in *Saxbe v. Bustos*, the statutory authorization for the alien commuter practice and the legislative alternative to this practice.

*Chinatown Sweatshops: Wage Law Violation in the Garment Industry* describes the widespread wage law violations in San Francisco Chinatown garment shops. The article explains the social and economic causes of the ineffectiveness of the present law and proposes a regulatory scheme to curb abuse.

*Immigration Consultants* describes the abusive practices of many immigration consultants, laymen who hold themselves out as being able to advise clients regarding immigration procedures. The current law and current legislative proposals are discussed.

*Health Care for Indigent Illegal Aliens: Whose Responsibility?* asserts that the growing problem of providing health care for indigent illegal aliens raises important legal, humanitarian, and public health issues. The article examines the scope of the problem, the shifting and ill-defined responsibility under existing law, and proposals to clarify responsibility.

## II. IMMIGRATION AND BORDER CONTROL

*Illegal Aliens and Enforcement: Present Practices and Proposed Legislation* is concerned with possible legal restraints on immigration and local officials who attempt to locate and apprehend illegal aliens and with current Congressional proposals attempting to solve the problem of illegal immigration.

*Border Searches: Beyond Almeida-Sanchez* discusses the development of searches of aliens at or near international borders. The *Almeida-Sanchez* decision and subsequent developments are analyzed.

*The Immigration System: Need to Eliminate Discrimination and Delay* explores Congressional policies of eliminating discrimination and avoiding backlogs in immigration. Evaluated in light of these policies are separate hemisphere ceilings, per-country limits for Canada and Mexico, the preference system, and the labor certification program.

*Ideological Restrictions on Immigration* deals with the broad prohibitions of United States law against the entry of Marxist aliens. It argues that these prohibitions are more harmful than beneficial and should be repealed.

*Law and Procedure in Intercountry Adoptions by California Residents* is an analysis of the procedures and impediments of federal immigration law and California adoption law as they govern inter-

country adoptions. The article discusses alternative approaches to the typical intercountry adoption process.

*Private Immigration and Naturalization Bills — Equitable Safety Valves* analyzes criticisms of immigration and naturalization bills in Congress and sets forth the current Congressional procedures for granting or denying relief by private bills.

### III. DEPORTATION

*Due Process and Deportation — Is There a Right to Assigned Counsel?* notes that the recent evolution of the due process concept has incorporated a right to assigned counsel where an individual has much at stake and counsel is needed for the individual to be heard in a meaningful way. The article asserts that there is a due process right to assigned counsel.

*Defense of Sham Marriage Deportations* defines the sham marriage problem, explains federal requirements of marriages used as the basis for immigration, and discusses the alien's defense to a charge that he has entered the United States by means of a fraudulent marriage.

*Alternatives to Deportation: Relief Provisions of the Immigration and Nationality Act* provides an overview of the deportation process, emphasizing the alternatives to deportation allowed to deportable aliens on a showing of eligibility for relief. It also focuses on channels for review of discretionary action.

### IV. RESTRICTIONS ON AMERICANS

*The Conditional Status of Derivative Citizenship* deals with problems of children born overseas to one American parent and one foreign parent and analyzes present statutory conditions and recent case law.

*Expatriation — A Concept in Need of Clarification* analyzes two unsettled issues of United States expatriation law: whether Congress has the power to take away a person's citizenship without his assent and, if assent is required, how it must be determined that it has been given.

*Area Restrictions and the Right to Travel Abroad* examines the governmental policy of requiring special passport validation for travel by United States citizens to specified countries. The article discusses the constitutionality of present regulations and proposes legislation.

### V. QUASI-SOVEREIGN ENTITIES WITHIN UNITED STATES JURISDICTION

*The Allocation of Criminal Jurisdiction in Indian Country — Federal, State and Tribal Relationships* examines the division of criminal jurisdiction among the federal, state and tribal governments

in Indian country, tracking the origins of jurisdictional patterns and suggesting needed reforms.

*The Commonwealth of the Northern Mariana Islands: A Mass Grant of United States Citizenship* examines the ramifications of the provisions of the Covenant that grants United States citizenship to the people of the Northern Mariana Islands. It contends that certain excluded groups should also receive citizenship.

## VI. SPECIAL PROJECT

*Attorney's Guide to the Use of Court Interpreters, with an English and Spanish Glossary of Criminal Law Terms* considers the use of interpreters and suggests typical questions and court instructions to be used when qualifying individuals for interpreting. The glossary restates selected criminal law terms in everyday English and Spanish.

*The Editorial Board, 1974-75*