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## Preface

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## PREFACE

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In April 1983, several members of the *Journal* suggested choosing immigration reform as a Special Issue topic. The idea had immediate appeal: the passage of the Simpson-Mazzoli bill seemed imminent; the new Refugee Act was not performing, in the views of some people, in a neutral (nonideological) manner; and many new immigration problems emerged that would soon require congressional, judicial, and administrative attention. Professor Alexander Aleinikoff helped us hammer this notion into a Special Issue by suggesting topics, providing sources, and ultimately writing an Article for the issue. This project may not have come off without his assistance. This is the first of two introductory praises to Alex; this as a friend and teacher, the next as a scholar. He deserves them both.

Professor Fuchs was correct in his *Introduction* when he said "it is impossible for this issue or any single issue of any law journal to cover more than a fraction of the important immigration issues . . . ." Nevertheless, we are pleased with the effort. We hope that some of what appears in this issue will influence the current immigration debates, or create new ones in previously settled or uncontroversial areas.

We also expect the diversity of authors will improve the response to this Special Issue. Although the scholarship of the three contributing professors is definitely the strength of this issue, the two nonprofessors, Arthur Helton and Alan Simpson, offer unique insights into current immigration and refugee problems.

Mr. Helton, an immigration lawyer who frequently litigates asylum claims, draws on an array of unique sources to bolster his analysis. From the affidavits in his files, he provides us with a side of the indefinite detention issue that we rarely see:

After 11 months in detention in the United States, I wish to return to Haiti. My decision is based on the fact that, over the past month, I have become very depressed and ill and have not been able to receive medical treatment. I wish to state that this decision to leave in no way indicates a change from my previous position of fearing political persecution upon return. I fully expect that I may be mistreated or even killed upon my return to Haiti. However, I would rather die in my own country than remain in prison in the United States without any indication that I will ever be released.

Senator Simpson, the co-sponsor of the Immigration Reform and Control Act and Chairman of the Senate Subcommittee on Immigration, is also on the “front lines” of the immigration controversy. In describing why we need to adopt the reforms of the Simpson-Mazzoli bill, he explains that failure to do so may create a backlash from the American public resulting in ever stricter restrictions on immigration. He details the history of immigration paranoia, then gives us a rare look into his files: “Another indication of a potential backlash is the tremendous volume of mail that the Subcommittee on Immigration receives suggesting that we halt *all* immigration and deploy the United States Army on the Southern border.”

These two glimpses into the files of attorneys and legislators are views we rarely see. We are proud to present them as part of a scholarly, innovative treatment of a current issue.

*The Editorial Board*