

New User? Register | Sign In | Help

Preview Mail w/ Toolbar

Yahoo! Mail


 Web Search

HOME U.S. BUSINESS WORLD ENTERTAINMENT SPORTS TECH POLITICS SCIENCE HEALTH OPINION MOST POPULAR

Video Photos Blog Local Odd News Comics Weather Travel Vitality Who Knew? Site Index

News Search

TRENDING NOW:

- gary coleman
- american idol
- oil spill
- bp oil spill live feed
- slipknot
- 50 cent
- ipad
- paula Abdul
- pakistan
- tight pants ban
- elizabeth birnbaum
- nba
- don t ask don t tell
- alicia keys
- lakers
- willie nelson
- lee dewyze
- christina aguilera
- iran
- sammy sosa

There's a new way to get your news.

Watch Who Knew? Now



Is the Arizona immigration law unconstitutional?

8 votes | Send | Share | Print

Thu May 27, 3:22 pm ET

More from The Newsroom:

[House OKs 'don't ask' repeal; challenges still loom](#)

[The Starting Point: Casualties of war, salmonella & a balloon ride](#)

[Can Beck follow through with Random House boycott threat?](#)

[Louisiana congressman cries discussing spill](#)

[BP blocking journalists from spill sites](#)

[Obama defends oil-spill handling in press conference: 'The federal government is fully engaged.'](#)

[Huge day of news on Gulf of Mexico oil spill](#)

[Angry Palin neighbor offered house to journalist](#)

[More »](#)

Attorney [General Eric Holder](#) is ready to challenge Arizona's immigration law on the grounds that it unconstitutionally infringes on federal authority to police its borders, [the L.A. Times reported this week](#). But [legal analysts](#) are divided as to whether or not the controversial law can be struck down.

Holder's case hasn't been made public yet, but if the Department of Justice takes the rare step of directly challenging a [state law](#), it presumably thinks it has a good shot at winning. To keep the law, Arizona would have to prove that it is an example of "concurrent" enforcement, in which the state is cooperating with and reinforcing federal immigration law, instead of interfering with it.

Legal analysts are divided over whether Arizona will be able to prove that.

[Erwin Chemerinsky](#), an expert in constitutional law and the dean of the law school at the University of California, Irvine, [told the New York Times](#) the law is "clearly" pre-empted by federal law and is unconstitutional. Politician lawyers like Sen. Lindsey Graham (R-SC) and former Arizona Gov. Janet Napolitano [have also said](#) they think the law is unconstitutional for similar reasons.

But legal analysts at the Congressional Research Service were less confident. [They concluded that](#) courts may find it difficult to determine whether or not Arizona's law interferes with [federal authority](#) until it has been implemented. They added that many of the most "ambitious" extensions of the state's authority were reined in when the Arizona legislature passed an amendment to the law specifying that police could only ask for proof of [immigration status](#) in the course of a lawful stop or arrest for another crime.

Ilya Shapiro of the conservative CATO Institute [echoes the Congressional Research Service analysts](#), saying the law appears to be constitutional but may be struck down if proven unconstitutional in its implementation. The law specifies that it be "implemented in a manner consistent with federal laws," so it may be hard to argue that it is violating them in the abstract unless it can be shown to be doing otherwise in reality.

Department of [Justice officials](#) are still deciding whether to file a separate legal challenge asserting that the law encourages [racial profiling](#) and thus violates civil rights, government sources told the L.A. Times, which would lead to another set of [legal questions](#).

Matthew Miller, the department's chief spokesman, told the paper that no decisions on the legal challenges have been made yet. "We're still working on it, and it's still being discussed internally," he said.

Top Stories

- [2 more days till BP knows if well plug try works](#)
- [Arresting images of oil spill help drive story](#)
- [3 million feet of boom in Gulf, but does it help?](#)
- [UN experts say NKorea is exporting nuke technology](#)
- [Congress moves to end ban on gays in military](#)
- [Attackers strike sect mosques in Pakistan; 80 dead](#)
- [Suspected sabotage derails train in India; 71 dead](#)

[More Top Stories »](#)

ADVERTISEMENT

NEW ADVERTORIALS BY **HowLIFEWORKS**



[How to Convince Your Brain to Stop Over-Eating](#)

Sponsored By [Sensa](#)



[Who Gets to Use Unsold Cruise Cabins at Huge Discounts](#)

Sponsored By [VacationsToGo](#)



[Have Scientists Discovered a True 21st Century Love Potion?](#)

Sponsored By [PheromoneAdvantage](#)

sponsored links

[Mortgage Rates Hit 3.54% APR](#)

Obama Urges Homeowners to Refinance as Rates Drop.
[www.SeeRefinanceRates.com](#)

[Obama's Credit Card Bill Takes Effect](#)

Do You Qualify for a Credit Card Bailout? Find Out if You Can Get Help
[www.LowerMyBills.com/Debt](#)

[Pay More Than \\$44/Mo on Car Insurance?](#)

Car Insurance Top Secret Exposed - We've Done the Work to Help You Save
[Auto-Insurance-Experts.com](#)

Featured



[I comment, therefore I am](#)

Yahoo! News turns the spotlight on You, the Commenter.



The law is set to take effect at the end of July.

— Liz Goodwin is a national affairs writer for Yahoo! News.

Follow Yahoo! News on [Twitter](#), become a fan on [Facebook](#)

Related Searches: [erwin chemerinsky](#) [department of justice](#) [arizona](#) [racial profiling](#)

Buzz up! 8 votes | [Send](#) | [Share](#) | [Print](#)

More...

Top Stories Video: [Bases ready for World Cup teams](#)
Reuters

Top Stories Video: [Raw Video: Bear falls out of a tree](#)
AP

Top Stories Video: [Dress Like a Princess](#) *ABC News*

103 Comments

Show:

[Post a Comment](#)

Comments 1 - 10 of 103 [First](#) | [Prev](#) | [Next](#) | [Last](#)

Tvphilo 20 hours ago | [Report Abuse](#)

58 8

What side are the Feds on?

[Replies \(13\)](#)

Tvphilo 20 hours ago | [Report Abuse](#)

55 8

I don't even recognize our government anymore. I am starting to feel like I am in a freaking twilight zone episode. Either our elected are embarrassingly incompetent or they have sold us out to big business and giant corporations.

[Replies \(5\)](#)

Siaosi 20 hours ago | [Report Abuse](#)

6 18

they on the feds side you idiot ha ha

[Reply](#)

Jim L. 20 hours ago | [Report Abuse](#)

61 10

"No one is above the law, not even the President!" That is what is meant by a nation of law, not of men. But that is a rule that we have allowed to slip away. If we are going to live under the rule of law, we have to obey the law — all of it. If we chose to follow some laws and ignore others, then law no longer has any authority. That is, to me, the whole problem of illegal immigration. We have a very clear set of laws about immigration. They are clearly written and easy to understand. If you enter the United States without proper documentation, you are violating the law. And if you are allowed to stay, then the law becomes meaningless. Other countries rigidly enforce their immigration laws So why are we in such an uproar because Arizona wants to enforce immigration laws in their state? Let me say it again: Illegal immigration into the United States is a criminal act. Allowing it to go unpunished is a direct insult to the rule of law.

Now if the law is unfair, or in some other way unacceptable, then it is the duty of our lawmakers to change it. But until they do, the law is the law and needs to be enforced. Authorities have a responsibility to investigate all people who might be violating our laws. If that causes some people who are here legally to be inconvenienced, I am sorry. But it is a necessity. Their best response is to provide all assistance to the authorities in detecting and arresting illegals in their communities. Their safety is just as much at risk as anyone else.

[Replies \(15\)](#)

Brett 20 hours ago | [Report Abuse](#)

54 17

Watch Who Knew?:

There's a new way to get the news.
[» More Who Knew? videos](#)



Top Stories on Facebook

Are you on Facebook? Join our page for top stories!
[» Join our Facebook page here](#)



100% RSS feed free

Follow Yahoo! News on Twitter to get the top stories.
[» Follow @YahooNews here!](#)

Education



Jobs That Pay \$50K And Up

See what it takes to land a \$50K job. One pays more than \$80,000!



5 Flexible Jobs That Pay

Want to be in control of your work schedule? No problem with these high-paying jobs.

Updates

[Manage My Updates](#)

My Connections Everyone

Sign In

to see what your Connections are up to on Yahoo! News.
New User? [Sign Up](#)

Today



Louis buzzed up: Sestak White House Job Claim: Just Politics, Not a Crime (Time.com) 17 seconds ago



village_idiot465 buzzed up: Palin makes good on fence threat (AP) 19 seconds ago



Eric buzzed up: Public opinion turning against Obama on oil spill (The Newsroom) 19 seconds ago



Gregory S buzzed up: NCAA: 8 violations in UConn men's basketball (AP) 40 seconds ago



Benjamin F buzzed up: Congress moves to end ban on gays in military (AP) 1 minute ago

ADVERTISEMENT