

# Philosophy of business law

Law



BUSINESS LAW Philosophy of Business Law The answers to three hypothetical questions will be given. The first regards the constitutionality of the Arizona immigration law. The second regards the constitutionality of mandates for health care. The third question regards the issue of lifting a ban on selling wood from a particular kind of tree.

According to an article on WordPress, anti-immigration could make Arizona a losing zone when it comes to winning electoral votes for the next presidential election (" What's the REAL Reason for Arizona's New Jos CrowLaw," 2010, p. 1). The anti-immigration law violates the Constitution on so many levels: it violates privacy, searches are unreasonable, searches are unwarranted, people are profiled, and rights are violated. On the other hand, in contra of those arguments are that privacy isn't an issue where legal status is concerned. Searches are not unreasonable to the police if they turn up something illegal. Unwarranted searches can be legal with reasonable suspicion that something illegal is taking place. Profiling is just a way for the police to keep abreast of developing situations. Rights can be violated, however, to stop the law from being broken, which is what the argument might be.

The Constitutional basis for objections filed by the state AG's would be that not everyone wants or needs health care. This violates a person's right to freedom as guaranteed by the First Amendment. Their liberty is in jeopardy as well. If the U. S. were to be represented, their best defense would be that every American needs health care because it is a Constitutionally guaranteed right. The Supreme Court should rule that health care is mandatory, and that without it, people would be in dire straights.

The client in the case where he is selling wood does not have a sound basis  
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for overturning the DNR regulation. The State should raise the issue of the danger of lifting the ban, but it would not be sufficient to defeat a Constitutional challenge unless the State can prove the Emerald Ash Borer disease would be fatal in this particular case. The client could not sue the state, but perhaps he could file a civil suit suing the people prohibiting the sale of wood because they are impinging upon his business. This is a weak argument. A judge would rule for the State because Ash Borer threat is unknown.

Three issues have been resolved here. Namely, the Constitutionality of the new Arizona immigration law and health care mandates have been discussed, as well as the issue of whether or not a ban should be lifted on selling a certain type of wood.

#### REFERENCES

What's the REAL reason for Arizona's new Jos Crowlaw (2010). Available:  
<http://tpzoo.wordpress.com/2010/04/26/whats-the-real-reason-for-arizonas-new-jose-crow-law/>