istration and finger printing and willful failure to comply was made a criminal offense against the United States.[1280] This Act, taken in conjunction with other laws regulating immigration and naturalization, has constituted a comprehensive and uniform system for the regulation of all aliens.[1281]

An important benefit of this comprehensive, uniform regulation accruing to the alien is that it generally has precluded state regulation that may well be more severe and burdensome.[1282] For example, in *Hines v. Davidowitz*,[1283] the Court voided a Pennsylvania law requiring the annual registration and fingerprinting of aliens but going beyond the subsequently enacted federal law to require acquisition of an alien identification card that had to be carried at all times and to be exhibited to any police officer upon demand and to other licensing officers upon applications for such things as drivers' licenses.[1284]

Another decision voided a Pennsylvania law limiting those eligible to welfare assistance to citizens and an Arizona law prescrib-

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[1280] 54 Stat. 670, 8 U.S.C. §§ 1301–1306.

[1281] *See* Hines v. Davidowitz, 312 U.S. 52, 69–70 (1941).

[1282] In the 1990s, Congress began giving the states a larger role in the enforcement of federal immigration law. During this period, Congress also broadened the states' authority to deny aliens state benefits. Still, in the 2000s, states increasingly asserted greater independent authority to deter the presence of illegal aliens within their borders, both through curtailing benefits and assuming a more active role in direct immigration enforcement. Most of these efforts foundered under court challenge, but some did not, resulting, in at least one instance, in the imposition of more severe consequences under state law than under federal law for similar immigration violations. *See* Chamber of Commerce of the United States v. Whiting, 563 U.S. ___, No. 09–115, slip op. (2011). Nevertheless, the *Whiting* Court found a textual basis in federal statute for the state sanctions imposed there. Absent text-based authority for separate state penalties for federal immigration violations, those state penalties likely will fail on preemption grounds. Arizona v. United States, 567 U.S. ___, No. 11–182, slip op. (2012) (invalidating state sanctions on unauthorized aliens seeking work in violation of federal law and striking state penalties for violations of federal alien registration requirements). It would further appear that states must ground their efforts to detect, arrest, and remove unauthorized aliens in authority delegated by Congress. Id.

[1283] 312 U.S. 52 (1941).

[1284] 312 U.S. at 68. The Court did not squarely hold the state incapable of having such a law in the absence of federal law but appeared to lean in that direction. State sanctions for violating federal alien registration laws were overturned in Arizona v. United States, at least in part because the state penalties were greater than those under federal law for the same violation. *But see* De Canas v. Bica, 424 U.S. 351 (1976), in which the Court, ten years prior to enactment of federal employer sanctions, upheld a state law prohibiting an employer from hiring aliens not entitled to lawful residence in the United States. The Court wrote that states may enact legislation touching upon aliens coexistent with federal laws, under regular preemption standards, unless the nature of the regulated subject matter precludes the conclusion or unless Congress has unmistakably ordained the impermissibility of state law. For examples of state sanctions against unauthorized aliens that have been struck on preemption grounds, see Arizona v. United States, 567 U.S. ___, No. 11–182, slip op. (2012).