

High court could roil '12 election; Justices to tackle immigration, health care, voting-rights cases

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Body

The Supreme Court's decision to review a stringent Arizona immigration law sets up a new legal battle over how to stop people from illegally crossing the border and offers the justices another blockbuster case for a term that will culminate during the presidential campaign.

The justices said Monday that they will take up the law, passed in 2010 and followed by other state legislatures, that requires police officers to check the immigration status of people they stop if they suspect they are here illegally.

The justices already had said they would hear challenges to the Obama-sponsored health care law and a Texas voting-rights case. Rulings are likely to come in the months before the Democratic and Republican presidential nominating conventions.

The Justice Department, which successfully sued to block enforcement of key Arizona provisions, had urged the court to wait to enter the case. The department said the law treads on the immigration power of the federal government.

"This will probably be the most important decision on immigration and federalism in the last half-century," Temple University law professor Peter Spiro said. "The justices are all aware of the problems with comprehensive immigration reform" on the federal level.

Since Arizona passed its law, other states have adopted similar measures and triggered nationwide litigation. A trend has been to use state law enforcement or other public authorities to check individuals' immigration status, either at police stops, as will be tested in the Arizona case, or in local schools, as an Alabama law dictates.

The U.S. Justice Department contends the federal government controls immigration, to the exclusion of the states, "to ensure aliens in the system are treated fairly." Justice Elena Kagan, a former U.S. solicitor general, is not participating in the case.

Washington lawyer Paul Clement, representing Arizona, said the case tests "whether states that bear a disproportionate burden of the costs of illegal immigration are powerless to use their own resources to enforce" the law. Clement is taking a lead in the other two major cases. He represents Texas against a voting-rights challenge and the states protesting the health care law.

Arizona Gov. Jan Brewer said: "This case is not just about Arizona. It's about every state grappling with the costs of illegal immigration."

White House spokesman Jay Carney said, "We look forward to arguing our point of view when the time comes."

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Graphic

photo By Matt York, AP Tough enforcement: Former Arizona state senator Russell Pearce wrote the immigration bill.

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