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Will Supreme Court uphold Obama's legacy?

After significant wins last year, Obama's luck could run out in 2016

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President Barack Obama has twice celebrated in the Rose Garden after the court saved Obamacare, and he bathed the White House in rainbow colors, claiming last year's gay marriage legalization as a victory of his own.

There may be less for the White House to celebrate at the end of the Supreme Court term this year.

Justices agreed Tuesday to rule on a challenge to Obama's executive actions on immigration, pleasing advocates eager to overturn a lower courts judgment blocking the 2014 moves. "There is still hope," said Congressional Hispanic Caucus chair Rep. Linda Sanchez (D-Calif.).

If that happens, it could be a bright spot in what White House allies and other Democrats worry could be a dark June, the month the court normally issues its most important rulings of the year. With at least five core Obama policies on the line — collective bargaining, abortion, affirmative action, yet another Obamacare challenge and more voting rights laws — Democratic insiders are bracing for the Supreme Court to dismantle huge chunks of core issues for the president and other Democrats.

"In terms of real world impact, it's hard to imagine a set of issues that could have as great impact and are as politically salient in an election year," said Andy Pincus, a former assistant solicitor general who specializes in Supreme Court cases.

The decisions could become a significant rebuke to Obama on his way out the door, and pose trouble for Democrats in the midst of a presidential election, particularly if Hillary Clinton wins the nomination and continues positioning herself as a close continuation of the president.

"For all of last term, there weren't that many surprises. This term may very well surprise people — it could tilt a different direction," said Josh Blackman, a constitutional law expert South Texas College of Law and adjunct at the libertarian Cato Institute.

As with the challenge to Obamacare four years ago, Democratic operatives debate which would be better for them politically: decisions that go their way and pull the air out of Republican arguments, or decisions that go against them and fire up a resentful base.

Of course, everyone on both sides pretty much acknowledges that it will be Justice Anthony Kennedy, the court's famous swing vote, who most likely will decide the cases. This time, in addition to Obama's interests, he'll have 2016 politics weighing on him too.

At issue are more than what's involved in the cases themselves, though those are significant: California teachers who argue that forcing them to pay union dues violates their First Amendment rights; whether Texas can restrict access to abortions by closing down clinics that don't meet newly imposed standards; the constitutionality of affirmative action at the University of Texas; whether Texas can draw electoral districts based on the population of eligible voters instead of residents as a whole; possible expansion of religious exemptions in Obamacare.

It's the underlying issues that have left-leaning Court watchers worried, including the curbing of presidential authority if it blocks the immigration actions. And if the Texas abortion law is upheld, opponents say it would give states a green light to kill federal laws by imposing state exemptions specifically geared to undermine them.

To Pincus and others, this slate of cases illustrates the division among conservatives over whether they remain opposed to the concept of an activist judiciary in all circumstances, or whether they support activism when it blocks laws that they don't agree with.

"The immigration case and some of these other cases present fundamental questions about the role of the courts, whether more questions that used to be resolved in the political process are going to be turned to the courts to resolve," Pincus said.

The immigration case is pretty much the only one that the White House was hoping the justices would take up: if they hadn't, the lower court injunction blocking the executive actions would have held and, at best, kept them from taking effect until Obama was out of office. They might be struck down entirely now, but this is the only chance Obama has to actually see them start moving — though logistically, it may be too late anyway. Any implementation at this point will need to happen into the next presidency, and only if the next president decides to uphold the actions.

"This is a momentous day for the millions of DREAMers and all American families that would benefit from the implementation of DAPA and the expansion of DACA," said Tom Jawetz, vice president of immigration policy at the Obama-allied Center for American Progress. "We hope the Supreme Court of the United States will do the right thing: reject this politically motivated lawsuit, respect the authority of the secretary of homeland security to set smart national immigration enforcement policies, and unfreeze DAPA and expanded DACA."

But demonstrating the gamble underway with the court taking this case, the decision was also cheered by Sen. Marco Rubio (R-Fla.), who's made opposing Obama central to his presidential campaign pitch.

"I'm confident SCOTUS will agree Obama executive orders are unconstitutional. Regardless, as president, I will end them," Rubio wrote on Twitter on Tuesday morning.

Meanwhile, Clinton embraced it: "POTUS' action should be upheld so families can stay together and live without fear of deportation," she wrote on Twitter in reaction to the news.

The White House has been through the drama of Obama's legacy being on the line at the Supreme Court so many times that it's hard to get hearts racing much in the West Wing until the decisions actually come down. Especially after what was seen as lethal questions coming from the justices during the 2012 Obamacare case that ultimately went their way, they don't put stock in trying to gauge the outcome based on the oral arguments; allies felt like the collective bargaining and voting rights arguments both went poorly last year.

"We've got a lot of confidence," White House press secretary Josh Earnest said Tuesday, "in the legal arguments we'll be making before the court."