

Why Republican-Appointed Supreme Court Justices Turn Liberal

Gary Bauer of American Values says he can list a number of justices who have drifted left—but not one that has gone the other way. Why is that?

Supreme Court Justice John Roberts is one of the most obvious examples. In the last two to three years, he has completely reversed his stand on some decisions from what he originally said and how he voted previously. That should concern us because the law hasn't changed. He has.

Senator Ted Cruz had his own opinion. "I actually think much of what is driving it is, I think, John despises Donald Trump," he told CBN. "I think it's personal."

According to that same report, Gary Bauer of American Values says, "he hopes Sen. Cruz is wrong but says it's as good an explanation as any other for the bizarre drift of Justice Roberts.

"'It would be a terrible comment about Chief Justice Roberts if he was making decisions based on a personal dislike of President Trump,' Bauer observed, "and, of course, the worrisome thing would be if there are disputes related to the election."

As we know, there were disputes related to the election. After numerous state courts abdicated their role to review the evidence of election irregularities, they passed their duty to the highest court in the land. With the recent appointments of conservative justices Kavanaugh and Barrett, conservative voters were hopeful the evidence would finally be reviewed. Since the issue affects every American citizen and all future

elections, it is shocking that it was turned down without review. Even more surprising was both more recently appointed conservative justices sided with liberal justices without explanation.

Justice Clarence Thomas wrote a forceful rebuke in his dissent. "One wonders what the Court waits for. We failed to settle this dispute before the election, and thus provide clear rules. Now we again fail to provide clear rules for future elections. The decision to leave election law hidden beneath a shroud of doubt is baffling. By doing nothing, we invite further confusion and erosion of voter confidence. Our fellow citizens deserve better and expect more of us. I respectfully dissent," Thomas stated as he voiced the same question most conservative voters also ask.

Their refusal to consider this important case stirs the question: Is there any hope for justice in America? And why are we seeing a pattern of Republican-appointed justices voting with the liberal bloc of the Court?

There are several reasons which I will outline: the Greenhouse Effect, the Whitehouse Effect and who is shaping what the justices receive.

The Greenhouse Effect received its name from former *New York Times* legal reporter Linda Greenhouse. In 1992, Judge Laurence Silberman of the D.C. Circuit Court of Appeals described Greenhouse's impact on the high court.

According to the *Wall Street Journal* article, "She applied a carrot-and-stick approach to the Justices in her coverage of Court decisions depending on whether they pleased or offended her political preferences. Justices are human and want to be admired, and over time the Greenhouse Effect influenced John Paul Stevens, Sandra Day O'Connor and Anthony Kennedy to move left."

Although Greenhouse is no longer at the *New York Times*, the

effect remains in place as liberal mainstream media outlets lend the weight of approval through the articles they publish. They work to shift public opinion and to applaud justices who lean left.

Then there is the more recent Whitehouse Effect. In August 2019, Rhode Island Senator Sheldon Whitehouse signed and filed an amicus brief in the U.S. Supreme Court that threatened the Justices with future court-packing if they didn't vote his way on a Second Amendment case.

We see that threatened restructuring now underway. Under the Biden administration, the nine-member, conservative majority court may undergo radical change if they "pack the court" and shift the balance. By adding a provision to add new members, it allows the current administration to appoint new justices, all with liberal judicial views in step with the progressive agenda.

It was announced almost immediately after Biden took office that a special commission was being put together which would make good on the Democrat Party goal of unmaking the conservative majority on the Supreme Court.

"The President remains committed to an expert study of the role and debate over reform of the court and will have more to say in the coming weeks," a White House statement on the creation of the commission read.

The commission plans to share their report in 180 days which projects that the Democrat-led commission may add as many as six new liberal justices.

Yet perhaps our greatest concern should be who is shaping the information that the Supreme Court justices actually receive. Due to the high number of cases sent to the Supreme Court each year, there is no way the justices can read every single case. As a result, each justice has between four to six clerks, usually 20-30 year old recent law school graduates, to assist

in this endeavor. The concern is when we realize that all have graduated from left-leaning schools.

It is the clerks who are first given the cases to read and summarize for the justices. At this stage, because the case would first go through the clerk's political filter, their summary could cause a justice to either take or reject a case—or frame how they will respond. When first appointed, Kavanaugh said he would read his own cases to avoid this conflict. This is likely one reason Thomas tries to hire clerks from a more diverse group of law schools than just the Ivy Leagues. You can learn more about this from the wonderful documentary about his life—Created Equal: Clarence Thomas in His Own Words.

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