



Trump Appointees Restoring Constitutionalism to the Ninth Circuit Court

Thanks to President Trump's 10 appointees to the court, the radical influence of the previously liberal Ninth Circuit Court of Appeals appears to be waning.

The U.S. Court of Appeals for the Ninth Circuit is by far the largest of the 13 courts of appeals, with 29 active judgeships. It has appellate jurisdiction over the states of Alaska, California, Hawaii, Idaho, Montana, Nevada, Oregon, and Washington.

President Trump has appointed 10 of the court's 29 judges since 2018, moving the judicial leanings of the court in a decidedly constitutionally conservative direction.

In an article for PJ Media on February 24, journalist Megan Fox observed: "For the last forty years, at least, conservative media and thinkers have lamented the absolutely ridiculous rulings that have come out of the 'cuckoo for Cocoa Puffs' 9th Circuit Court of Appeals. Many of those rulings targeted Christians, maliciously removing religious symbols and forcing pro-life crisis pregnancy centers to advertise for abortion clinics."

Fox observed that when the Ninth Circuit tried to stop Trump's ban on migrants from countries with a heavy terrorist presence, the Supreme Court struck down its ruling. She noted: "The long reign of terror by the fruits and nuts on the California court appears to be finally over, thanks to President Trump."

The influence of the Trump appointees to the court is likely to be even greater than the total number of judges might suggest. Fox noted that of the senior judges who will be deciding cases on "merits" panels — reading briefs and issuing rulings — 10 were appointed by Republican presidents (Nixon, Reagan, George H.W. Bush, and George W. Bush) and only three are Democratic appointees. "You will see a sea change in the 9th Circuit on day-to-day decisions," Fox quoted Ninth Circuit Judge Milan D. Smith as saying, who was appointed by George W. Bush.

An article in *Politico* in December observed of Trump's appointments to Ninth Circuit, long regarded as the most "liberal" of all such appeals courts: "A bastion of liberalism in the federal judiciary is slowly turning rightward." The article continued:

The Senate confirmation of Lawrence VanDyke and Patrick Bumatay to the 9th U.S. Circuit Court of Appeals this month brought to nine the number of appointments President Donald Trump has made to the 29-member bench that serves as the last stop for nearly all legal complaints lodged in nine Western states. Democratic-appointed judges now hold a three-seat majority, compared with 11 at the start of Trump's presidency.

If the trend continues, it represents a major shift in the liberal wing of the judiciary, meaning lawsuits for progressive causes won't find a friendly ear as easily as they have.

The change in the makeup of the Ninth Circuit Court has already had an impact. *The New American*

UNITED STATES COURT OF APPEALS
for the NINTH CIRCUIT





Written by [Warren Mass](#) on February 26, 2020

[reported last August](#) that after the court denied Planned Parenthood’s request to reverse its order allowing the Trump administration’s restriction against allowing family-planning clinics to refer patients to abortion facilities to go into effect, Planned Parenthood dropped its Title X federal funding. (The Title X Family Planning Program, officially known as “Population Research and Voluntary Family Planning Programs,” is the only federal grant program dedicated solely to providing individuals with “comprehensive family planning.”)

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Warren Mass has served The New American since its launch in 1985 in several capacities, including marketing, editing, and writing. Since retiring from the staff several years ago, he has been a regular contributor to the magazine. Warren writes from Texas and can be reached at wmass@thenewamerican.com.



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