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WEDNESDAY, NOVEMBER 23, 2011

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NOTIFICATION

## 4th Circuit Turns Left, Leaving 'Most Conservative' Label Behind

November 23, 2011 11:47 am



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The 4th Circuit has been widely described as the most conservative of the federal circuits. The 4th earned that distinction by

its support of the U.S. Supreme Court's landmark 1966 Miranda decision, for example. Now, things are changing.

"The 4th has taken a left turn," **Tricia Bishop** wrote in a recent article in The Baltimore Sun that has been widely cited on legal blogs.

In recent federal appeals from Maryland, Virginia, West Virginia and the Carolinas, the 4th recently sided with a defendant on a Fourth Amendment case claiming that improper searches violated the defendant's rights. This was the circuit's *fourth* such Fourth Amendment ruling since March.

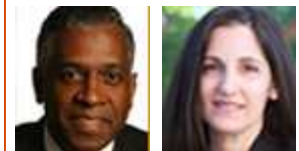
The court ruled in a case involving the separation of church and state that only generic, non-ideological speech is appropriate for government meetings.

The 4th actually threw out constitutional challenges to President **Barack Obama's** health care law, focusing on procedural arguments rather than their core arguments.

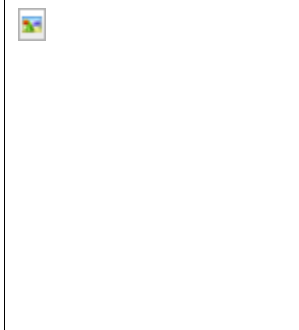
"The 4th has long been one of the most, if not the most, conservative circuits. Now it's almost one of the most liberal," **Ilya Shapiro**, a senior fellow at the Cato Institute, a libertarian think tank in Washington, D.C., wrote.

When Obama took office, the 4th Circuit had 11 sitting judges — six Republican appointees and five Democratic appointees. Four vacancies, Bishop noted. "Since he took office, two more vacancies opened on the 4th Circuit. The 4th now has 13 judges in total," Bishop wrote. "Five have been approved: a woman, two black men, a

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mocratic appointments to five Republican, according to Bishop's tally, with another awaiting confirmation by the Senate.

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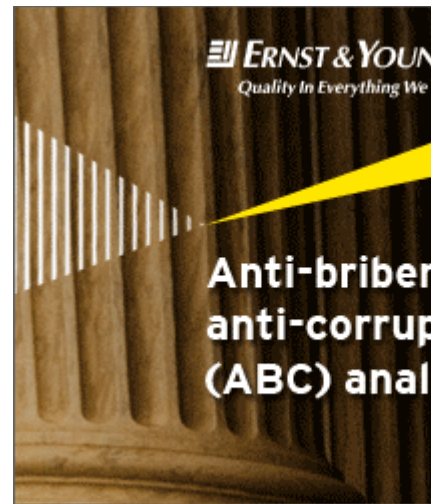
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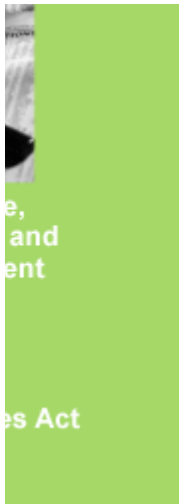
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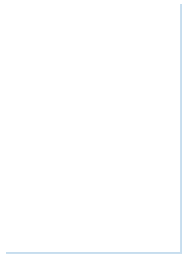
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