DACA supporters rally at the Supreme Court on Thursday, June 18, 2020, after the court rejected the Trump administration’s push to end DACA.

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Science

United States

Meanwhile, important liberal decisions are often easy to circumvent—and constitutional invalidations. That is why the Roberts court is so staunchly conservative: In pivotal areas—from immigration, Obamacare, same-sex marriage to gun rights—the most formidable and enduring are the conservative decisions seen as liberal victories.

First, the government can always stop doing what it has been doing, even if the decision was made in the form of a constitutional invalidation. The decision that deprived liberals of what had been a significant immigrant rights victory at the lower court level was based on statutory interpretation—something that has made the conservative decisions far more durable. As a scholar who specializes in the Constitution and the courts, I see another reason for that.

The Conservative decisions

The decision was not only a big practical win for the Trump administration, but it was also a big strategic one. The Department of Homeland Security is a large bureaucracy and the hard work of crafting regulations, rules, and policies has been a conservative advantage. It also deprived liberals of what had been a significant immigrant rights victory at the lower court level. And the American Civil Liberties Union found that the adverse effects of this decision were unlikely to last.

The Liberal decisions

The decision made that agency—and theoretically others like it—more vulnerable to political pressure from the White House. As a scholar who specializes in the Constitution and the courts, I see another reason for that.

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