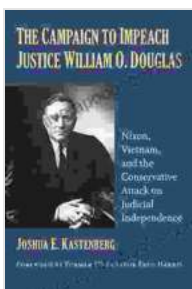


# Nixon, Vietnam, and the Conservative Attack on Judicial Independence

The Nixon administration's assault on judicial independence was a watershed moment in American history. It marked the beginning of a concerted effort by conservatives to reshape the judiciary in their own image, an effort that has continued to this day.

The attack on judicial independence was fueled by a number of factors, including the conservative backlash against the Warren Court, the Vietnam War, and the rise of the New Right. Conservatives believed that the Warren Court had gone too far in expanding individual rights and that the judiciary was no longer a neutral arbiter of the law. They also believed that the Vietnam War was a threat to national security and that the judiciary was interfering with the President's ability to wage war.

The Nixon administration used a variety of tactics to attack judicial independence, including packing the Supreme Court with conservative justices, pressuring judges to rule in favor of the government, and undermining the authority of the judiciary. These tactics were largely successful, and the judiciary has never fully recovered its independence.



## The Campaign to Impeach Justice William O. Douglas: Nixon, Vietnam, and the Conservative Attack on Judicial Independence by Lay Hwee Yeo

★★★★☆ 4.4 out of 5

Language : English  
File size : 1093 KB  
Text-to-Speech : Enabled  
Screen Reader : Supported

Enhanced typesetting : Enabled  
Word Wise : Enabled  
Print length : 336 pages



The Warren Court was a liberal Supreme Court that served from 1953 to 1969. The Court issued a number of landmark decisions that expanded individual rights, including the right to free speech, the right to privacy, and the right to a fair trial.

Conservatives were outraged by the Warren Court's decisions. They believed that the Court was legislating from the bench and that it was undermining traditional values. In 1968, Republican presidential candidate Richard Nixon promised to appoint conservative justices to the Supreme Court if he was elected.

The Vietnam War was a major factor in the conservative attack on judicial independence. Conservatives believed that the war was necessary to contain the spread of communism in Southeast Asia. They also believed that the judiciary was interfering with the President's ability to wage war.

In 1971, the Supreme Court ruled in *New York Times Co. v. United States* that the government could not prevent the publication of the Pentagon Papers, a leaked study of the Vietnam War. The Nixon administration was furious with the decision, and it accused the Court of undermining national security.

The New Right was a conservative movement that emerged in the late 1970s. The New Right was opposed to big government, abortion, and gun

control. It also supported a strong national defense and a free market economy.

The New Right played a major role in the conservative attack on judicial independence. New Right leaders believed that the judiciary was biased against conservatives and that it was undermining traditional values. They also believed that the judiciary was too powerful and that it needed to be reined in.

The Nixon administration used a variety of tactics to attack judicial independence. These tactics included:

- **Packing the Supreme Court with conservative justices.** Nixon appointed four conservative justices to the Supreme Court: Warren Burger, Harry Blackmun, Lewis Powell, and William Rehnquist. These justices shifted the balance of the Court to the right and helped to overturn many of the Warren Court's decisions.
- **Pressuring judges to rule in favor of the government.** Nixon and his aides pressured judges to rule in favor of the government in a number of cases, including the Pentagon Papers case. They also threatened to impeach judges who ruled against the government.
- **Undermining the authority of the judiciary.** Nixon and his aides made a number of public statements that undermined the authority of the judiciary. They accused the judiciary of being biased against the government and of being out of touch with the American people.

Nixon's attack on judicial independence had a lasting impact on the American legal system. The conservative justices that he appointed to the Supreme Court helped to overturn many of the Warren Court's decisions

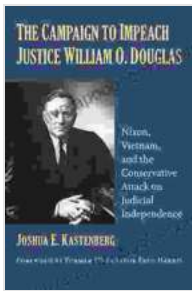
and to shift the balance of the Court to the right. This shift has had a profound impact on American law, and it has made it more difficult for liberals to advance their agenda.

In addition, Nixon's attack on judicial independence has undermined the public's confidence in the judiciary. Many Americans believe that the judiciary is biased against conservatives and that it is no longer a neutral arbiter of the law. This loss of confidence has made it more difficult for the judiciary to carry out its responsibilities.

The Nixon administration's assault on judicial independence was a watershed moment in American history. It marked the beginning of a concerted effort by conservatives to reshape the judiciary in their own image, an effort that has continued to this day. The attack on judicial independence has had a lasting impact on the American legal system and on the public's confidence in the judiciary.

### **Image Alt Attributes:**

- **Nixon giving a speech:** Nixon addressing the nation about the Vietnam War.
- **Supreme Court building:** The Supreme Court building in Washington, D.C.
- **Anti-war protest:** Protesters demonstrating against the Vietnam War.
- **Conservative judge:** A conservative judge sitting on the bench.
- **Liberal judge:** A liberal judge sitting on the bench.

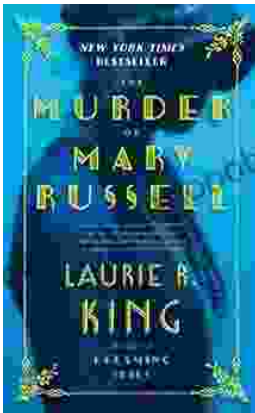


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