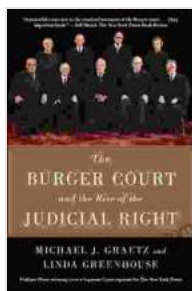


The Burger Court and the Rise of the Judicial Right

The Burger Court, named for Chief Justice Warren Burger, served from 1969 to 1986. During this time, the Court shifted to the right, with conservative justices outnumbering liberal justices. This shift had a profound impact on American law and society.

Chief Justice Warren Burger

Warren Burger was appointed Chief Justice by President Richard Nixon in 1969. Burger was a conservative Republican who believed in judicial restraint. He argued that the Court should defer to the decisions of the elected branches of government.



The Burger Court and the Rise of the Judicial Right

by Linda Greenhouse

★★★★☆ 4.4 out of 5

Language : English
File size : 45158 KB
Text-to-Speech : Enabled
Screen Reader : Supported
Enhanced typesetting : Enabled
Word Wise : Enabled
Print length : 481 pages



Burger's philosophy of judicial restraint was reflected in many of the Court's decisions during his tenure. For example, in the case of *United States v.*

Nixon (1974), the Court ruled that President Nixon did not have the absolute privilege to withhold evidence from a criminal investigation. This decision was a major victory for the prosecution and helped to lead to Nixon's resignation.

The Conservative Justices

During the Burger Court era, the conservative justices on the Court were often in the majority. These justices included William Rehnquist, Lewis Powell, and Antonin Scalia.

Rehnquist was a strong advocate for judicial restraint. He believed that the Court should only overturn laws if they were unconstitutional beyond a reasonable doubt. Powell was a more moderate conservative who was often willing to compromise with the liberal justices. Scalia was a staunch conservative who believed that the Constitution should be interpreted according to its original meaning.

The Liberal Justices

The liberal justices on the Burger Court were often in the minority. These justices included William Brennan, Thurgood Marshall, and Harry Blackmun.

Brennan was a leading advocate for judicial activism. He believed that the Court should use its power to protect the rights of minorities and the poor. Marshall was the first African American justice on the Court. He was a strong advocate for civil rights and equal protection under the law. Blackmun was a more moderate liberal who was often willing to compromise with the conservative justices.

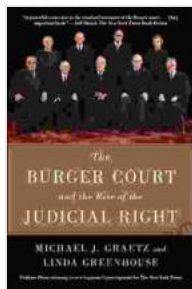
The Burger Court's Legacy

The Burger Court's legacy is complex and controversial. Some scholars argue that the Court was too conservative and that its decisions set back the cause of social justice. Others argue that the Court was simply reflecting the conservative mood of the country at the time.

Regardless of one's opinion of the Burger Court, there is no doubt that it was a pivotal period in the history of the Supreme Court. The Court's shift to the right had a profound impact on American law and society, and its legacy continues to be debated today.

Further Reading

- David M. O'Brien, *Storm Center: The Supreme Court in American Politics* (2005)
- Richard A. Posner, *The Supreme Court: A Short History* (2020)
- Jeffrey Rosen, *The Supreme Court: The Personalities and Rivalries That Defined America* (2007)



The Burger Court and the Rise of the Judicial Right

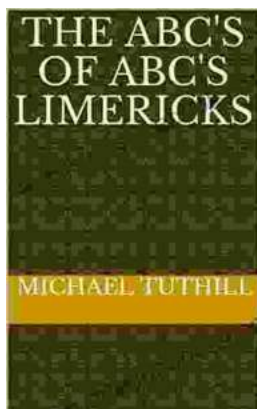
by Linda Greenhouse

★★★★☆ 4.4 out of 5

Language : English
File size : 45158 KB
Text-to-Speech : Enabled
Screen Reader : Supported
Enhanced typesetting : Enabled
Word Wise : Enabled
Print length : 481 pages

FREE

DOWNLOAD E-BOOK



The ABC of ABC Limericks: A Comprehensive Guide to the Quintessential Verse Form

: A Journey into the World of Limericks Welcome to the whimsical and witty world of ABC limericks, a beloved form of verse that...



GCSE Set Text Student Edition: Collins Classroom Classics - A Comprehensive Review

The GCSE Set Text Student Edition: Collins Classroom Classics is a meticulously crafted resource designed to support students in their GCSE English Literature studies....