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As Term Opens, A New Look At The Making of Landmark Cases

Marcia Coyle, Supreme Court Brief

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As the U.S. Supreme Court begins to tackle new cases that could become landmarks in the October 2015 term, C-SPAN, in cooperation with the National Constitution Center, launches a new series that examines in depth 12 older landmark cases that helped to shape the meaning of the Constitution.

Beginning Oct. 5, the first day of the new term, the 12-part “Landmark Cases: Historic Supreme Court Decisions” looks at the legal questions, people who initiated the claims, the places involved and the lawyers and judges who were key to “the most historically significant” cases from the founding through 1973.

Studio guests will interact with viewers, and there will be visits to historic sites for context. Each 90-minute program will air live on C-SPAN and C-SPAN3 (also the weekend home for American History TV) on Monday nights at 9 p.m. They will also be available on <http://c-span.org/landmarkcases> and will air live on C-SPAN Radio.

C-SPAN is also publishing a companion book, “Landmark Cases: 12 Historic Supreme Court Decisions,” by National Law Journal Supreme Court correspondent Tony Mauro. The book’s case descriptions are drawn and updated from the second edition of Mauro’s *Illustrated Great Decisions of the Supreme Court* (CQ Press, 2006).

The 120-page book, with photos and an introduction by National Constitution Center president and CEO Jeffrey Rosen, features brief introductions to the backgrounds, highlights and impacts of the 12 landmark cases in the series.

The idea for the series evolved from an event at a National Constitution Center board of trustees meeting in Washington. Justice Ruth Bader Ginsburg suggested that a focus on the human stories behind important high court cases could lead to a better understanding of the Constitution today.

Michael Gerhardt of the University of North Carolina School of Law, scholar in residence at the center, and Danieli Evans, the center’s senior fellow for constitutional studies, worked with a C-SPAN team to select the 12 cases in the series.

Asked why the selection stopped at 12 and 1973, Gerhardt said, “I think the short answer to both is

we were thinking of historic cases, cases that would be important, particularly over the long term, cases that shaped American history and that people would look back on as pivotal in some significant way. They had to be around for a while.”

The selection team discarded “a lot of cases, at least dozens,” he said. “There were a lot of different drafts. I’m not even entirely convinced everyone would agree on the 12 we chose.”

“We wanted to pick cases that changed the direction and import of the court in society and that also changed society,” said C-SPAN president and CEO Susan Swain. “The cases chosen represent some of the tipping points in the court’s history. Taken together, they represent our evolving understanding of rights in America.”

The 12 landmark cases selected are:

Marbury v. Madison (1803); *Dred Scott v. Sandford* (1857); *The Slaughter-House Cases* (1873); *Lochner v. New York* (1905); *Schenck v. United States* (1919); *Korematsu v. United States* (1944); *Youngstown Sheet & Tube v. Sawyer* (1952); *Brown v. Board of Education* (1954); *Mapp v. Ohio* (1961); *Baker v. Carr* (1962); *Miranda v. Arizona* (1966), and *Roe v. Wade* (1973).

“It’s always timely in a way to look at these cases, and I think this is a good time of the year as well to get people thinking again about what are landmark cases and the differences they have made,” Gerhardt said.

Watch a two-minute video trailer [here](#) previewing the series.

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