

History of the Supreme Court

(36 lectures, 30 minutes/lecture)

Course No. 8570

Taught by [Peter Irons](#)

University of California at San Diego

Ph.D., M.A., Boston University J.D., Harvard Law School

For more than two centuries, the Supreme Court has exerted extraordinary influence over the way all of us live our daily lives.

The Court has defined the boundaries of our speech and actions since its first meeting in 1790, adding to our history books names such as John Marshall, Louis Brandeis, Hugo Black, Earl Warren, Thurgood Marshall, Warren Burger, William Rehnquist, and many others.

Have you ever wondered what goes into shaping the Court's decisions—or the beliefs of its justices? Or how the nine justices blend divergent and often strongly conflicting philosophies to reach decisions that reflect consensus—or sometimes *fail* to? How even a single change in the Court's personnel can dramatically alter not only the Court's ideological balance but its cooperative chemistry, as well? Or what it actually sounded like in the Court as some of the most important cases in our history were argued?

Experience the Most Powerful Judicial Institution in the World

The History of the Supreme Court answers these questions and many more as it traces the development of the Court from a body having little power or prestige to its current status as "the most powerful and prestigious judicial institution in the world." The course is taught by a professor schooled in law and politics—both of which are critical to understanding the Court—who is an honored teacher as well as an experienced advocate.

In fact, Professor Irons not only initiated the case that ultimately cleared the record of three Japanese Americans whose initial convictions for resisting World War II internment had been upheld by the Court but he also unearthed and first made available to the public the historic audio recordings of arguments begun during the era of Chief Justice Earl Warren.

Several historic recordings are highlighted in this course. You will have a front-row seat as you hear lawyers actually arguing before the Court—and the justices' replies. Among those you'll hear are:

- dramatic moments from the arguments over *Roe v. Wade*
- the voice of future Justice Thurgood Marshall, standing to defend the rights he had won four years earlier in *Brown v. Board of Education*, when the Court struck down the doctrine of "separate but equal" education that had endured since *Plessy v. Ferguson* in 1896.

Consensus... Continuity... Diversity

As he tells the Court's story, Professor Irons returns to the main themes he believes have been critical to the Court's transformation into that "powerful and prestigious" institution:

- how the Court works to achieve consensus, even in the face of conflicting judicial views;
- how the Court's decisions reflect changes in our society while still achieving the judicial continuity so essential to stability in the law; and
- how diversity in so many aspects of American society—and especially in race, religion, gender, or sexual orientation—has influenced both the Court's decisions and choices of cases.

The course also is rich in biographical snapshots of not only the justices but also the advocates who have stood before them and the dozens of ordinary men and women whose cases reached the court.

Meet the People Who Made an Impact

You'll meet Chief Justice Roger Taney, John Marshall's pro-slavery successor, whose ruling in *Dred Scott v. John Sandford*—that no black man could be a citizen—is considered the Court's most shameful decision, and whose career led one critic to remark after his passing that he had "earned the gratitude of his country by dying at last. Better late than never."

You'll encounter a man named Ernesto Miranda, whose 1966 case, *Miranda v. Arizona*, established the "Miranda rights" that have become standard procedure in police interrogations, and you'll listen to recordings of lawyers for both sides arguing the case.

Wide-ranging in scope and both clear and nuanced in its presentation, **The History of the Supreme Court** offers a fascinating look into a vital institution.

Course Lecture Titles

Part 1

1. Personality and Principle
2. Shaping the Constitution and the Court
3. Ratification and the Bill of Rights
4. John Marshall Takes Control
5. Impeachment, Contract, and Federal Power
6. Roger Taney Takes Control
7. "A Small, Pleasant-Looking Negro"
8. The Civil War Amendments
9. "Separate but Equal"
10. Two Justices from Boston
11. The Laissez-Faire Court
12. "Clear and Present Danger"

Part 2

13. The Taft Court and the Twenties
14. Wins and Losses for New Deal Laws
15. "Court Packing" and Constitutional Revolution
16. The New Dealers Take Control
17. "Beyond the Reach of Majorities"
18. Pearl Harbor and Panic
19. The Supreme Court and the Communist Party
20. Thurgood Marshall—Lawyer and Justice
21. Five Jim Crow Schools and Five Cases
22. The Hearts and Minds of Black Children
23. "War Against the Constitution"
24. Earl Warren—Politician to Chief Justice

Part 3

25. "We Beg Thy Blessings"
26. "You Have the Right to Remain Silent"
27. The Warren Court Reshapes the Constitution
28. Earl Warren Leaves, Warren Burger Arrives
29. "A Right to Privacy"
30. From Abortion to Watergate
31. The Court Faces Affirmative Action
32. Down from the Pedestal, Out of the Closet
33. Burning Flags and Burning Crosses
34. Prayer and Abortion Return to the Court
35. One Vote Decides Two Crucial Cases
36. Looking Back and Looking Ahead