

## **The Winner Is Brackets**

The Winner Is strategy is based on the science of “bracketology.” Brackets can be used to analyze key laws, events, people, or in this case four Supreme Court cases. The bracket contains four cases and the question used for the basis of the analysis. Students can work alone or with partners to determine which case best answers each side of the bracket and the major reason for their decision. Once the two winners are determined, the students then repeat the analysis determining the final winner and explain the reason for their choice.

# Oyez, Oyez, Oh Yay!

[www.texasbar.com/civics/index.html](http://www.texasbar.com/civics/index.html)

Mapp  
v.  
Ohio

In this 1961 case the Court overruled its own past decision and decided that "the exclusionary rule" now applies to the states. This means that evidence seized illegally in violation of the Fourth Amendment is now inadmissible in a state court.

Gideon  
v.  
Wainwright

In this 1963 case the Court ruled that in serious criminal cases in state courts the Sixth Amendment's right to counsel requires the states to provide defendants with a lawyer if they cannot afford one.

Miranda  
v.  
Arizona

In this 1966 case the Court ruled that before a suspect in police custody can be interrogated, the Fifth Amendment's no self-incrimination clause requires that he/she must be informed that he/she has a right to remain silent, that he/she has a right to an attorney, etc.



Hernandez  
v.  
Texas

In this 1954 case the U. S. Supreme Court unanimously ruled that the equal protection of the laws clause of the U. S. Constitution's Fourteenth Amendment is violated when a state tries a person of a particular race or ancestry before a jury from which all persons of that race or ancestry have been excluded from serving.

**What case had greatest impact on the criminal justice system in the United States?**

Mapp v. Ohio

Gideon v. Wainwright

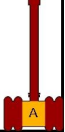

Miranda v. Arizona

Hernandez v. Texas

# Oyez, Oyez, Oh Yay!

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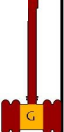
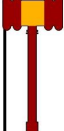
**Tinker  
v.  
Des Moines  
School  
District**





In this 1969 case The U.S. Supreme Court ruled that public school students do have rights protected by the U. S. Constitution and that a school district had violated students' First Amendment freedom of speech when it suspended them for wearing black armbands to school in silent protest of the Vietnam War.




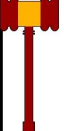
**Schenck  
v.  
United  
States**





In this 1919 case the Court ruled that the conviction of a defendant for sending a leaflet to draftees when the nation was at war urging them peacefully to resist the draft was not a violation of the First Amendment. In doing so, the Court announced the "clear and present danger test" to be used to judge cases involving freedom speech.



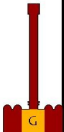
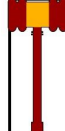
**Engel  
v.  
Vitale**




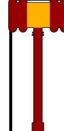
In this 1962 case the Court ruled that a public school district's policy requiring students to begin their day by reciting a government composed prayer was a violation of the no establishment of religion clause of the First Amendment.



**Texas  
v.  
Johnson**



In this 1989 case the Court ruled that burning the American flag is speech protected by the freedom of speech clause of the First Amendment.



**Which case has contributed the most to achieving liberty in the United States?**

Tinker v. Des Moines School District

Schenck v. United States

Engel v. Vitale

Texas v. Johnson

# Oyez, Oyez, Oh Yay!

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Baker  
v.  
Carr

In this 1962 case the Court overruled its own past decision that the drawing of legislative districts was "a political question" and thus federal courts could not hear cases involving the drawing of those districts. From now on, the Court ruled, federal courts could hear and decide such cases.

Brown  
v.  
Board of  
Education

In this 1954 case the U. S. Supreme Court unanimously overruled the Court's 1896 decision in Plessy v Ferguson and in doing so declared that racial segregation by state law in public schools, even though the separate schools may be equal, violates the equal protection of the laws guaranteed by the U. S. Constitution's Fourteenth Amendment.

Grutter  
v.  
Bollinger

In this 2003 case the Court ruled that in making admissions decisions, a state university's law school can consider an applicant's race as long as race is not the only factor considered and as long as there are no quotas.

OYEZ, OYEZ,  
OH YAY!

Hernandez  
v.  
Texas

In this 1954 case the U. S. Supreme Court unanimously ruled that the equal protection of the laws clause of the U. S. Constitution's Fourteenth Amendment is violated when a state tries a person of a particular race or ancestry before a jury from which all persons of that race or ancestry have been excluded from serving.

Which case has contributed the most to achieving equality in the United States?

Baker v. Carr

Brown v. Board of Education

Grutter v. Bollinger

Hernandez v. Texas

# Oyez, Oyez, Oh Yay!

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**Brown  
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**Plessy  
v.  
Ferguson**

In this 1896 case the U. S. Supreme Court ruled that state laws requiring "equal but separate" railway accommodations for African Americans and whites did not violate either the U. S. Constitution's Thirteenth Amendment's prohibition of slavery or the equal protection of the laws clause of the Fourteenth Amendment.

**Sweatt v.  
Painter**

In this 1950 case the U. S. Supreme Court ruled that the equal protection of the laws clause of the U. S. Constitution's Fourteenth Amendment required that an African American applicant be admitted to the University of Texas Law School since there was no "separate but equal" state law school for African Americans.



**Hernandez  
v.  
Texas**

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**Which case best illustrates the struggle for equality in the United States?**

Brown v. Board

Plessy v. Ferguson

Sweatt v. Painter

Hernandez v. Texas

# Oyez, Oyez, Oh Yay!

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**Marbury  
v.  
Madison**

In this case for the first time the Court ruled an act of Congress unconstitutional, thus establishing its power of judicial review. The Supreme Court is the final interpreter of the meaning of the Constitution.

**McCulloch  
v.  
Maryland**

The Court ruled that some of the enumerated powers given Congress in Article I, Section 8, paragraphs 1-17 combined with the "necessary and proper clause" of paragraph 18, give Congress the power to create a Bank of the U. S. Congress has "implied powers"

**Gibbons  
v.  
Ogden**

For the first time the court interpreted Congress' power under the commerce clause of the Constitution. The Court defined commerce broadly and stated that Congress' power under the commerce clause "is complete in itself, may be exercised to its utmost extent, and knows no limitations other than those prescribed by the Constitution."



**Dred Scott  
v.  
Sandford**

The Court ruled that slaves were not citizens. By its ruling, the Court also declared the Missouri Compromise unconstitutional. Part of Section 1 of the 14th Amendment was later added to the Constitution for the purpose of overruling the Court's decision.

**What case has had the most long-lasting impact on the development of our nation?**

Marbury v. Madison

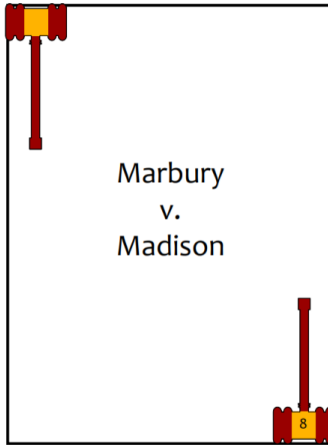
McCulloch v. Maryland

Gibbons v. Ogden

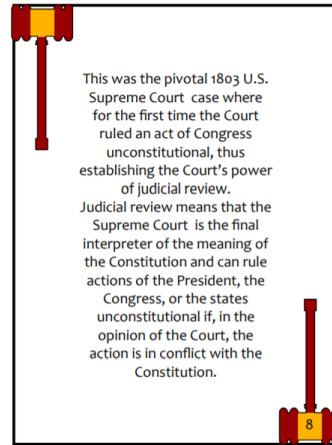
Dred Scott v. Sandford

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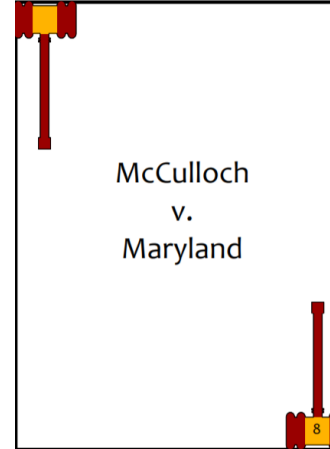
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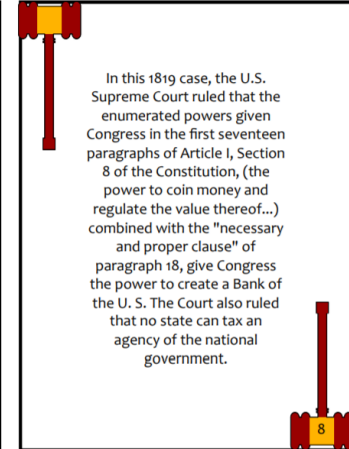
Marbury  
v.  
Madison



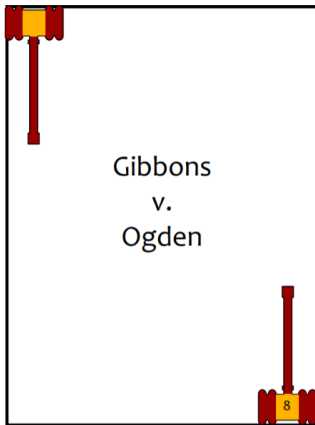
This was the pivotal 1803 U.S. Supreme Court case where for the first time the Court ruled an act of Congress unconstitutional, thus establishing the Court's power of judicial review. Judicial review means that the Supreme Court is the final interpreter of the meaning of the Constitution and can rule actions of the President, the Congress, or the states unconstitutional if, in the opinion of the Court, the action is in conflict with the Constitution.



McCulloch  
v.  
Maryland



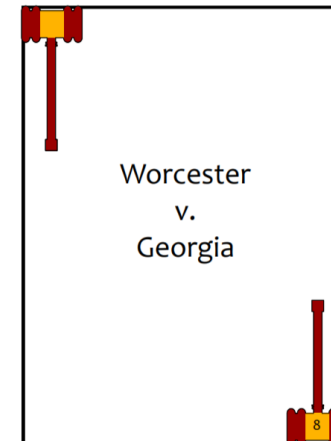
In this 1819 case, the U.S. Supreme Court ruled that the enumerated powers given Congress in the first seventeen paragraphs of Article I, Section 8 of the Constitution, (the power to coin money and regulate the value thereof...) combined with the "necessary and proper clause" of paragraph 18, give Congress the power to create a Bank of the U. S. The Court also ruled that no state can tax an agency of the national government.



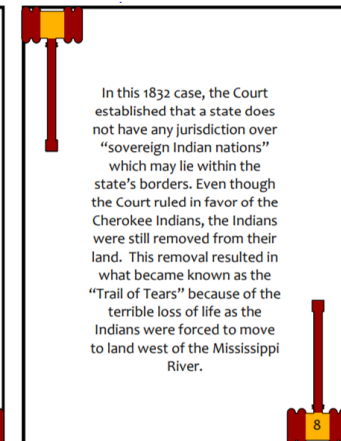
Gibbons  
v.  
Ogden



In 1824, the Supreme Court was asked to interpret Congress' power under the commerce clause of Article I, Section 8 of the Constitution which authorized Congress to regulate commerce with foreign nations and among the states. The Court defined commerce broadly to mean not only traffic, buying and selling, and interchange of commodities, but also the transportation of those goods from one point to another. If "commerce" commences in one state and crosses over into another, Congress has the power to regulate it. The Court stated that Congress' power under the commerce clause "is complete in itself, may be exercised to its utmost extent, and knows no limitations other than those prescribed by the Constitution."



Worcester  
v.  
Georgia



In this 1832 case, the Court established that a state does not have any jurisdiction over "sovereign Indian nations" which may lie within the state's borders. Even though the Court ruled in favor of the Cherokee Indians, the Indians were still removed from their land. This removal resulted in what became known as the "Trail of Tears" because of the terrible loss of life as the Indians were forced to move to land west of the Mississippi River.

**Which Marshall case has had the most long-lasting impact on the development of our nation?**

Marbury v. Madison

McCulloch v. Maryland

Gibbons v. Ogden

Worcester v. Georgia