



Lesson Plan: Fayette v. Take Two

Student Handouts:

How Far does Free Speech Go?





Analyzing the First Amendment Via Current Events

Contents

1. Decision Writing Template
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9 Wise Men and Women

Name _____ Per _____

Justice Antonin Scalia has decided to spend more time with his family in the remaining years of his life. He also doesn't mind getting three times his pay as a part time legal consultant for a major TV network. President Obama has appointed you to fill his seat on the United States Supreme Court!!!! After some rocky confirmation hearings in the Senate, you were confirmed and are now ready to hear your first Constitutional case.

Your term in office: _____

Your pay: _____

Constitutional Requirements needed to fill this position: _____

Constitutional Issue or Amendment in question: _____

Your ruling: (In favor of plaintiff or defendant) _____

Reasoning:



Fayette Alabama v. Take Two Interactive

The City of Fayette Alabama has passed an ordinance banning the sale or possession of the video game “Grand Theft Auto” within its city limits. Take Two Interactive produces “Grand Theft Auto” which is graphic, violent, and extremely popular amongst gamers.

It is the Fayette City Council’s contention that playing “Grand Theft Auto” has encouraged some young people to commit deadly crimes, and in at least one case to specifically target police officers. They point to a recent shooting that claimed the lives of three Fayette officers. It is the Council’s position that the game is not a form of expression protected by the First Amendment because it promotes violence against a specific group: police officers. In past decisions the Supreme Court has ruled that the First Amendment does not protect “fighting words” that target a specific group and that restrictions can be placed on speech that appears to encourage or cause illegal actions.

The makers of the game, Take Two, state that the game is simply that, a game. Millions of people play the game daily and lead normal, law-abiding lives. Thus Take Two contends that the game alone does not contribute to acts of violence against police officers or encourage other illegal actions. Furthermore, they believe the game may be a way for players to let out aggression, thus discouraging violence. Most importantly, Take Two argues that the game is a form of free expression protected by the First Amendment to the Constitution. Banning “Grand Theft Auto” would open the door to the censorship of any form of expression a community deems threatening, including music, books, and videos. Take Two regards any limitations placed on the game as unconstitutional.

The case worked its way through the lower courts in Alabama and eventually to the Alabama supreme court, where the court sided with Take Two. As a result, the city of Fayette appealed to the U.S. Supreme Court and you and your fellow justices have agreed to hear the case.



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As a Supreme Court Justice, what would you rule?

Should the game be banned due to the danger it poses to police officers and society? Or is GTA a form of free expression protected by the First Amendment to the Constitution?

Are there limitations or restrictions that can be placed on the game without compromising the freedom of expression protected by the First Amendment?

Are there dangers in banning or restricting the game? Not banning or restricting the game?

Justice's Notes

Article of or Amendment to the Constitution in question:

Brief summary of the Constitutional Conflict or Question:



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Evidence for City Council

Evidence for T2



Ruling Guidelines:

1. Clearly State Your Opinion – Do you rule in favor of the Fayette City Council or in favor of T2?
2. Site at least two specific reasons in favor of your ruling from your notes and explain why they support your opinion.
3. Explain how you interpret the First Amendment and how your interpretation supports your ruling