

# **Violent Video Games**



## **First Amendment United States Constitution**

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”

# Violent Video Games



## Ace Games v. State of Florida

According to a recent report, children who play violent video games are up to 8 times more likely to commit a violent act or be around a violent act. These children are also 4 times more likely to commit a violent crime using a firearm. After reading this report, the Florida legislature passed the Safe Games Act. The Act says that no one under the age of 18 can buy, rent, or own a violent video game.

Ace Games is a small video game company that makes and sells violent video games that involve shooting people, stealing cars, and selling drugs. After the Safe Games Act became law, sales for Ace Games went way down in Florida. Because Ace Games lost so much money, many of the company's employees lost their jobs. Ace Games sued the State of Florida because it believed that the Safe Games Act caused Ace Games to lose money.

In the circuit court, where the trial was held, Ace Games claimed that the Safe Games Act violates the First Amendment because it takes away Ace Games's freedom of speech in making and selling a game to the public. Safe Games also argued that the Act takes away children's freedom to express themselves and decide what games they want to play. The State of Florida argued that it owes a duty to its citizens to cut crime rates in the state.

The circuit court agreed with Ace Games and ruled that the Safe Games Act was unconstitutional because it violated Ace Games's and children's rights to free speech. The State of Florida appealed to the Second District Court of Appeal. The district court disagreed with the circuit court's decision and decided that the Safe Games Act is constitutional. Ace Games appealed to the Florida Supreme Court. The Court is now ready to hear oral argument in this case.

# Violent Video Games

## Case Study Sheet

I. What are the Facts?

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II. State the Issue to be Decided:

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III. Arguments for Petitioner:

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IV. Arguments for Respondent:

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V. What Would You Decide?

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VI. Reason/Evaluation:

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VII. Mock Supreme Court Conference Decision:

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VIII. Actual Decision of the Court:

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# Violent Video Games



## Constitutional Question

Does banning children from owning violent video games violate the First Amendment?

# Violent Video Games



## Petitioner Arguments

**MAY IT PLEASE THE COURT. MY NAME IS \_\_\_\_\_ AND I REPRESENT THE PETITIONER, ACE GAMES, WHO ARGUES THAT THE SAFE GAMES ACT VIOLATES THE FIRST AMENDMENT.**

**Ace Games's Arguments (*against* the ban) include:**

1. The First Amendment was created so that even the most shocking speech would be protected as long as it doesn't cause immediate harm.
2. Although many criminals play video games, video games are not to blame for the bad things that criminals do.
3. Because the Safe Games Act says that video game makers cannot sell their games to children, game makers will no longer be able to freely express themselves by creating video games.
4. The video game industry already has a rating system for video games. Parents can decide for themselves if a game is okay for their children.
5. The government can find ways to cut down on crime other than limiting the free speech of Ace Games.

**Try to think of other arguments against banning children from buying violent video games. Write these arguments on the note pad at your seat.**

# Violent Video Games



## Respondent Arguments

**MAY IT PLEASE THE COURT. MY NAME IS \_\_\_\_\_ AND I REPRESENT THE RESPONDENT, THE STATE OF FLORIDA, WHO ARGUES THAT THE SAFE GAMES ACT DOES NOT VIOLATE THE FIRST AMENDMENT.**

**Florida's Arguments (*for* the ban) include:**

1. Children may act out what they see in the video games, and the state has a duty to help stop crime from happening.
2. Video games are linked to violence since the violence seen in the games is the same kind of violence we see everyday on the streets.
3. Parents are not always able to keep track of what types of games children can get. This ban helps those parents who don't know much about video games or who aren't able to watch their children all the time.
4. The video game companies can still have the right to create whatever games they want.
5. Florida has already passed laws that keep minors from doing certain things, such as underage smoking and drinking, because of the harm they cause.

**Try to think of other arguments in favor of banning children from buying violent video games. Write these arguments on the note pad at your seat.**

# Violent Video Games



## Sample Questions for Justices

### Questions to ask the Petitioner (Ace Games):

1. Why should we think of violent video games as a type of speech?
2. If video games do cause children to be violent, why shouldn't the state keep children from being able to buy those games?
3. Do video games make children more violent?
4. Aren't the video game producers still free to create whatever games they want?

**Try to think of other questions for the attorneys who are against banning children from buying violent video games. Write these questions on the note pad at your seat.**

### Questions to ask the Respondent (State of Florida):

1. Are video games really bad enough for us to give up First Amendment rights to protect ourselves from them?
2. Doesn't the First Amendment apply to speech in the form of words and art?
3. Doesn't the Safe Games Act keep most of the people who actually play video games from buying them?
4. Can't parents just stop their children from buying these games if the games are harmful to their children?

**Try to think of other questions for the attorneys who are in favor of banning children from buying violent video games. Write these questions on the note pad at your seat.**

# **Violent Video Games**



## **Marshal's Script**

(You must call Court to order in a very **loud** voice.)

**All rise.**

**Hear ye! Hear ye! Hear ye!**

**The Supreme Court of Florida is now in session.**

**All who have cause to plea, draw near, give attention, and you shall be heard.**

**God save these United States, this great State of Florida, and this honorable Court.**

**Ladies and gentlemen, the Florida Supreme Court.**

**Please be seated.**



# Violent Video Games



## Chief Justice's Script

The Court is ready to hear the case of Ace Games v. State of Florida.

**Are the attorneys ready to proceed?**

**Attorneys for the Petitioner may begin.**

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*[When the Marshal calls time, tell the petitioner's attorneys that their time is up. If the attorneys are in the middle of an answer when time is called then you can tell them that they may briefly finish their answer.]*

**Attorneys for the Respondent may begin.**

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*[When the Marshal calls time, tell the respondent's attorneys that their time is up. If the attorneys are in the middle of an answer when time is called then you can tell them that they may briefly finish their answer.]*

**Attorneys for the Petitioner may present rebuttal.**

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*[When the Marshal calls time, tell the petitioner's attorneys that their time is up. If the attorneys are in the middle of an answer when time is called then you can tell them that they may briefly finish their answer.]*

**Attorneys, thank you for your arguments. The Court will announce its decision shortly.**

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## Clerk (place on Clerk's desk)

After the arguments, the Justices will vote on the case. Count the votes for the Petitioner (Ace Games) and Respondent (State of Florida).

### ***READ:***

The Florida Supreme Court has reached a decision in this case. By a vote of \_\_\_\_\_ to \_\_\_\_\_ the Court rules in favor of the \_\_\_\_\_.

# Violent Video Games



## Vote Sheet

Votes:

Chief Justice Lewis

\_\_\_\_\_  
Petitioner/Ace Games

\_\_\_\_\_  
Respondent/State of Florida

Justice Wells

\_\_\_\_\_  
Petitioner/Ace Games

\_\_\_\_\_  
Respondent/State of Florida

Justice Anstead

\_\_\_\_\_  
Petitioner/Ace Games

\_\_\_\_\_  
Respondent/State of Florida

Justice Pariente

\_\_\_\_\_  
Petitioner/Ace Games

\_\_\_\_\_  
Respondent/State of Florida

Justice Quince

\_\_\_\_\_  
Petitioner/Ace Games

\_\_\_\_\_  
Respondent/State of Florida

Justice Cantero

\_\_\_\_\_  
Petitioner/Ace Games

\_\_\_\_\_  
Respondent/State of Florida

Justice Bell

\_\_\_\_\_  
Petitioner/Ace Games

\_\_\_\_\_  
Respondent/State of Florida

# Violent Video Games



## Court Decisions

At this time, there is no controlling decision on this case. However, legislatures in a number of states are trying to pass laws like the Safe Games Act.