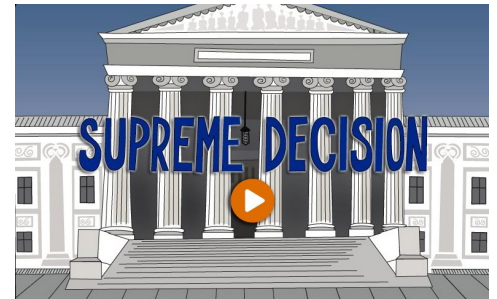


# Supreme Decision

a game guide for teachers

In *Supreme Decision*, students play a law clerk at the U.S. Supreme Court. As a clerk, students must listen in on judges' deliberations, understand each issue, and identify which side of the issue they agree with. combines animation and interactive activities to give students a peek into the inner workings of the Supreme Court.



## Learning Objectives

- Analyze the First Amendment right to freedom of speech and expression
- Identify protected and unprotected speech
- Simulate the deliberation process of Supreme Court justices

## Prerequisites

*Supreme Decision* is designed so that students learn what they need to know about the Supreme Court and the First Amendment by playing the game. Even so, students will get more out of the game if they have a basic understanding of the judicial system. We recommend teaching the iCivics lesson *Judicial Branch in a Flash* before having students play the game. You can find that and all our lessons and games at [www.icivics.org/teachers](http://www.icivics.org/teachers).

## HOW TO PLAY THE GAME

### 1. Meet Justice Irene Waters

At the start of the game, Justice Waters will welcome you to your new job as a law clerk. She'll ask you to work with her on the fictional case *Brewer v. Hamilton Middle School*.

### 2. Watch the oral argument

Next, you'll enter the courtroom and listen to the parties argue their case before the justices. (The individual justices are fictional; the courtroom setup is not, except that clients do not stand with their lawyers during oral argument.)

### 3. Receive your assignment

After the oral argument, Justice Waters will ask you to help her cast the deciding vote in the case. This transitions you to the main part of the game.



**Brewer v. Hamilton Middle School**  
Ben Brewer was suspended for violating a rule against wearing band t-shirts to school. Does the school's rule against band t-shirts violate the First Amendment right to free speech?

## YOUR JOB AS A LAW CLERK

With your assignment in hand, you will go behind the scenes at the Supreme Court, where you will visit four different rooms where justices are discussing the case. In each room, you will listen to a pair of justices debate a specific point about the First Amendment right to freedom of speech.

The screenshot shows a courtroom scene with two justices, Justice Keene and Justice Hsu, seated at a table. A text box at the bottom of the scene reads: "In this argument, it's all a matter of getting just the right balance between student speech and student discipline. Let's look at the consequences of different levels of student speech." A "CONTINUE" button is visible.

Overlaid on the right is a "PROPERTY OF Tangerini" tracker. At the top, it shows "800 points". Below that is a "CASE METER" gauge with "BEN" on the left and "SCHOOL" on the right. The gauge is currently pointing towards "SCHOOL". Below the gauge, there are two text boxes: "The First Amendment doesn't protect band t-shirts - they aren't speech." and "Cultural speech gets less protection than political speech." Below these are silhouettes of the two justices. At the bottom of the tracker are three buttons: "REPLAY OPENING ARGUMENTS", "FIRST AMENDMENT", and "TINKER CASE".

Annotations with arrows point to the tracker:

- As you play, the tracker on the side of the screen keeps track of your points and your progress.
- The Case Meter shows which side you're leaning toward based on the justices you've agreed with.
- This section tracks your progress and shows which justice you agreed with in each room.



**TIP:** The buttons at the bottom of the tracker let you listen to the oral argument again or read the First Amendment any time you want.

## MOVING THROUGH THE ROOMS

Each room is structured the same way. When you first arrive, you listen to the justices debate an issue. When they're finished, you answer a series of questions and do an activity:

REPLAY ARGUMENTS

Justice Keene      Justice Hsu





Ben    School       Ben    School

**1** Decide which justice argued for which side of the case and answer some follow-up questions.

You need **5** correct answers.


Is this speech or fashion? Speech communicates a message. Fashion does not.



shirt supporting girls' soccer



speech    fashion

**2** Complete an activity about the issue. But watch out: You'll lose points for wrong answers!



Justice Keene and Justice Hsu were arguing about whether or not band t-shirts are speech. Which Justice do you agree with?

REPLAY ARGUMENTS

Justice Keene    Justice Hsu

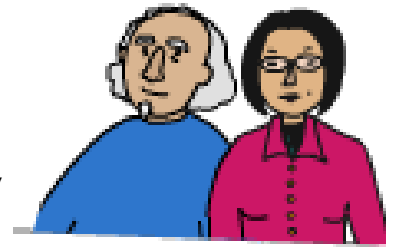
SUBMIT

**3** Decide which justice and argument you agree with.

## GAME GUIDE: SUPREME DECISION

### Room 1: Is a band t-shirt speech or fashion?

The justices debate whether a band t-shirt is even protected by the First Amendment in the first place. The activity presents you with a series of objects you must identify as speech or fashion. (examples: ripped jeans, anti-war armband) You play until you've identified 5 correctly.



### Room 2: Should cultural speech get as much protection as political speech?

The justices debate whether a band t-shirt is the type of speech that qualifies for protection. The activity presents you with a series of objects you must identify as political speech or cultural speech. (examples: campaign sign, sports trophy) You play until you've identified 5 correctly.

### Room 3: Are limits on student speech good or bad for education?

The justices consider how different outcomes in the case might affect education. The activity presents you with a series of four images, each depicting a different level of freedom of speech that could be allowed at school. You must place them along a continuum with "extremely limited speech" on one end and "no limits on speech" on the other.



### Room 4: Does the *Tinker* case support Ben or the school?

The justices discuss existing precedent and which side it supports. The activity presents you with short excerpts from the landmark case *Tinker V. Des Moines* and asks you to identify which side each excerpt supports.

## THE COURT'S OPINION

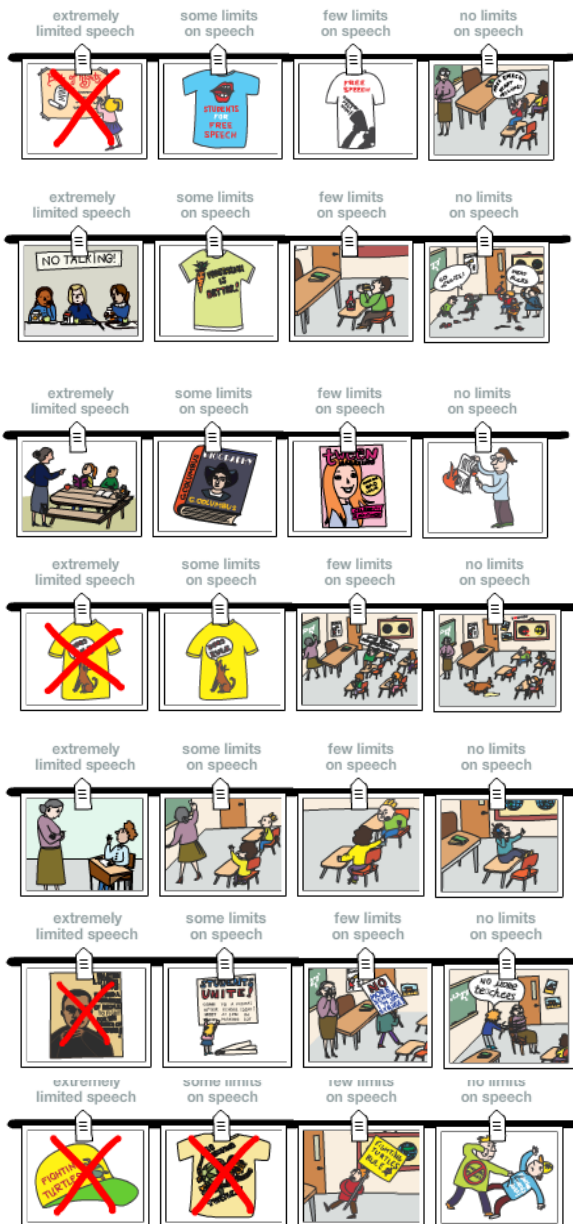
After you've visited all the rooms, you'll return to Justice Waters' chambers, where she'll sum up your performance and final game score. And guess what? Justice Waters has written a court opinion based on your recommendations for each issue! A high honor indeed—Congratulations!

**TIP:** Students' written opinions may be different because of the choices they made. Students can either print the majority opinions or email them as evidence that they played the game.

### ANSWERS TO SELECTED ACTIVITIES

**Rooms 1 and 2:** If students choose a wrong answer here, the game immediately tells them why that answer is wrong. Each activity has a large number of items, so students keep playing until they have categorized five items correctly.

**Room 3:** Below are the correct continuum configurations for each variation of the activity. (The red Xs are part of the individual picture.)



**Room 4:** Below are the correct answers for each statement from the Tinker case. Students must try the activity again until they get the answers correct. The statements always appear in the same order.

Students and teachers have the First Amendment right to freedom of speech even when they are at school. **BEN**

However, teachers and principals must be able to control some things student do so that learning is not disrupted. **SCHOOL**

The First Amendment right to freedom of speech has limits in a school setting. **SCHOOL**

Mary Beth Tinker's armband was not disruptive because there was no violence or interruption of classroom activities. **BEN**

Just being afraid that something will be disruptive is not enough to take away the right to freedom of speech. After all, a disruption could happen any time one person says something that another person disagrees with. **BEN**

But, if the school has good reason to think that the speech will cause disruption, it can stop the speech. **SCHOOL**



## CLASSROOM CONVERSATION STARTERS

### Pre-Game Questions

You can use these questions to lead into playing *Supreme Decision* in the classroom.

- What is the United States Supreme Court? What does it do?
  - ◇ *The Supreme Court is the highest court in the United States. It is our court of last resort—the highest court to which cases may be appealed. It interprets the Constitution.*
- What do people mean when they say “freedom of speech”? Where does that right come from?
  - ◇ *The First Amendment of the Constitution says the government can’t pass laws limiting people’s freedom of speech. This guarantees the right to express oneself in most cases.*
- What do you think happens at the Supreme Court? Is it like courtrooms in movies and TV?
  - ◇ *The Supreme Court has 9 justices. Lawyers for each side argue their case in front of all the justices together. There are no witnesses and there is no jury.*

### Post-Game Questions

Use these questions as a way to debrief the individual experiences of playing *Supreme Decision*.

- “Freedom of speech” sounds simple, but it’s not. What made it complicated in this case?
  - ◇ *Some expression is considered “speech” and some isn’t; some kinds of speech get more protection than others under the Constitution; you have to consider the circumstances (interfering with education).*
- What do Supreme Court justices do behind the scenes?
  - ◇ *They discuss the case with each other in order to come to a decision. They may argue or debate with each other and try to convince each other of certain points.*
- Why do we need the Supreme Court? Isn’t the answer to legal questions clearly stated in the Constitution?
  - ◇ *The Constitution can be interpreted many different ways. Someone needs to have the last word about what the Constitution actually means.*

### Activity Idea

- Ask students to think about their own belongings. Do they own anything that would be considered speech? If not, do members of their family own anything? Have each student think of at least 1 thing they or a family member owns that qualifies as speech. Create a class list on the board and discuss why each item is “speech.”

