



American Booksellers Foundation for Free Expression Association of American Publishers, Inc. Comic Book Legal Defense Fund Entertainment Merchants Association
Entertainment Software Association Freedom to Read Foundation Motion Picture Association of America, Inc. Recording Industry Association of America, Inc.

Memo of Concern Regarding New Jersey Senate Bill 2715

The members of Media Coalition understand the motivation to provide parents with information on how to reduce the likelihood of their kids committing violence but we strongly disagree with the premise that consuming media with violent themes or images causes them to commit actual violence. The trade associations and other organizations that comprise Media Coalition have many members throughout the country including New Jersey: publishers, booksellers and librarians as well as manufacturers and retailers of recordings, films, videos and video games.

S.B. 2715 would require the Department of Education to make available information on how a parent can limit a child's exposure to electronic media with violent images or themes. The bill requires the Department of Education to refer to specific research and statistics about media effects. We believe this information is incomplete and one-sided and could prevent the Department from presenting accurate information to New Jersey parents.

The claims that the media cause anti-social behavior have come with the introduction of each new media. Blame has been assigned to books, movies, music, television and now video games. Recently, researchers and associations have made definitive statements that research shows that video games lead to actual violence. However, this research does not hold up under independent review and is not supported by real world evidence of violence. Also, these claims ignore dissenting social science. Many academics and criminologists strongly contest the conclusion that there is any meaningful connection between the media and actual violence.

Government reviews of the social science

Government reviews have found that the science does not show that media with violent content causes actual violence let alone "rampage killings." Recently, government bodies in Sweden and Australia completed reviews of the literature as part of the process to consider implementing state rating systems meant to restrict access to certain video games. In 2011, the Swedish Media Council conducted a comprehensive survey of all available literature published in international research journals of studies on the connection between video games with violent content and aggressive behavior during the period from 2000 to 2011. The Council reviewed 161 articles which altogether contained 106 empirical studies and 55 articles consisting of 'meta studies,' research overviews, scientific debate articles, method critiques or comments on the articles of others." The Council concluded that "there was no evidence for VCG (violent computer games) causing aggressive behaviour [sic]." The report went on to state that much of the research on violent video games and aggression suffers "from serious methodological deficiencies." A 2010 review by the Australian Attorney General's Department found that the

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studies on video games effects on aggression are divided. The report summary found that “[O]verall, as illustrated in this review, research into the effects of VVGs [violent video games] on aggression is contested and inconclusive.” It also concluded that “Significant harmful effects from VVGs have not been persuasively proven or disproven.” A similar report was issued by the British Government in 2005 that reached the same conclusions.

There are older reviews that considered other media too. Several domestic reviews were conducted following the tragic shootings at Columbine. The Surgeon General’s lengthy 2001 report *Youth Violence: A Report of the Surgeon General* extensively explored the causes of youth violence. The authors concluded that, despite a “diverse body” of research, it was not possible to come to a conclusion about the effect of media consumption on minors in either the short or long-term. In September 2000, the Federal Trade Commission released its report “Marketing Violent Entertainment to Children: A Review of the Self-Regulation and Industry Practices in the Motion Picture, Music Recording and Electronic Game Industries,” which included an appendix that reviewed media effects research. The report stated that “[m]ost researchers and investigators agree that exposure to media violence alone does not cause a child to commit a violent act, and that it is not the sole, or even the most important, factor in contributing to youth aggression, antisocial attitudes, and violence.” Also, the National Research Council’s comprehensive 1993 report *Understanding and Preventing Violence* offered a matrix of the risk factors for violent behavior. Media with violent content is not cited as a factor.

Judicial reviews of the social science literature and testimony of experts

Courts have been dubious of the social science literature and testimony from prominent researchers. Nine state and local laws that barred minors from buying or renting video games with violent images have been struck down as violating the First Amendment. In these cases the state and local government bodies submitted social science research, public reports and statements from medical and psychology trade associations to defend the laws. The courts examined the social science research and concluded that it failed to establish a causal link between content with violent images and real world anti-social behavior.

The Supreme Court dismissed the research as inadequate in *Brown v. Entertainment Merchants Association*. 564 U.S. ___, 131 S. Ct. 2729 (2011). In his majority opinion, Justice Scalia wrote, “These studies have been rejected by every court to consider them, and with good reason: They do not prove that violent video games cause minors to act aggressively (which would at least be a beginning)....[T]hey show at best some correlation between exposure to violent entertainment and minuscule real-world effects, such as children’s feeling more aggressive or making louder noises in the few minutes after playing a violent game than after playing a nonviolent game. *Brown*, 131 S. Ct. at 2379.

In a challenge to an Illinois law, the court heard testimony from Dr. Craig Anderson, the leading academic proponent of the theory that video games cause violence. Dr. Anderson is a prolific researcher who has done numerous studies and meta-analyses. He played an important role in statements made by the American Psychological Association and the American Academy of Pediatrics that claimed there was proof that media causes aggressive behavior. He is frequently quoted in the news. U.S. District Court Judge Kennelly heard testimony from Dr.

Anderson on his research on media causing aggression in minors and from Jeffrey Goldstein and Dr. Dmitri Williams who challenged Dr. Anderson's conclusions based on their own research and their review of his work. Judge Kennelly concluded, "we agree with Dr. Goldstein and Dr. Williams that neither Dr. Anderson's testimony nor his research establish a solid causal link between violent video games exposure and aggressive thinking and behavior." *Entertainment Software Ass'n v. Blagojevich* in which 404 F. Supp. 2d.1051, 1066 (N.D Ill. 2005) aff'd 469 F.3d 641 (7th Cir. 2006). Other courts have reached the same conclusion. The Ninth Circuit added in *Video Software Dealers Ass'n v. Schwarzenegger*, "We note that other courts have either rejected Dr. Anderson's research or found it insufficient to establish a causal link between violence in video games and psychological harm. See *AAMA v. Kendrick*, 244 F.3d at 578; *Granholm*, 426 F. Supp. 2d at 653; *Entm't Software Ass'n v. Hatch*, 443 F. Supp. 2d 1065, 1069 & n.1 (D. Minn. 2006); *Blagojevich*, 404 F. Supp. 2d at 1063." 556 F. 3d 950 at 963.

No statistical correlation between violent content and actual crime

Crime statistics disprove the claims that there is a correlation between violent or sexual content and the commission of crimes. Despite the explosive growth of media in the last 20 years, FBI crime statistics show that crime has dropped overall and youth crime in particular has declined steadily in much of the country. Statistics show no correlation between crime rates and media consumption when comparing different countries based on their media consumption: <http://www.washingtonpost.com/blogs/worldviews/wp/2012/12/17/ten-country-comparison-suggests-theres-little-or-no-link-between-video-games-and-gun-murders/>. Nor is there a correlation between media proliferation and incident of mass shootings: http://boston.com/community/blogs/crime_punishment/2012/08/no_increase_in_mass_shootings.html. Michael Males, Senior Researcher for the Center on Juvenile and Criminal Justice and Sociology Lecturer at University of California at Santa Cruz, demonstrated the lack of correlation between media deemed to have violent content and actual crime statistics in his comment submitted to the FCC in response to Notice of Inquiry MB Docket No. 04-261. <http://apps.fcc.gov/ecfs//document/view.action?id=6516794018>. The Notice of Inquiry was seeking comment on violence on television and the impact on children. While the statistics are slightly dated, the trends remain the same even as media has become more common.

Finally, we offer a note of caution. There is a long history of blaming the media for antisocial behavior by minors and adults based. At one time or another, books, movies, opera, jazz, blues, rock and roll, heavy metal and rap music, television, radio, comic books, video games, Internet, and social networking have all been accused of causing such behavior among minors (and adults). Many of these claims of harm were also based on "scientific proof" that the media causes harm. These claims of proof go back at least to the 1920s. In the 1950s, the battle against comic books was championed by Dr. Frederic Wertham, a psychiatrist and advocate of the threat of comic books and the author of *Seduction of the Innocent*. He conducted extensive research that he claimed proved that comic books turned kids into criminals. When the Senate held hearings to investigate how comic books were corrupting minors he told the Judiciary Committee "as long as the crime comic books industry exists in its present forms there are no secure homes." See, *Brown* at n. 5. These claims turned out not to be true and it was recently revealed that he altered his research to support his pre-conceived notions that comic books cause criminality.

If you would like to discuss further our position on this bill, please contact David Horowitz at 212-587-4025 #3 or at horowitz@mediacoalition.org. Also, we are happy to provide any of the reports or studies cited in our memo.

While we understand the need to provide information to parents, we ask this committee to insist that the information is accurate and complete.

Respectfully submitted,



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