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Media Coalition Responds to Supreme Court Decision to Review Mandatory Labeling of Video Games with Violent Themes

NEW YORK – The Supreme Court today agreed to review a ruling that the First Amendment bars restrictions on video games with violent themes. Media Coalition, a trade association that defends the First Amendment rights of mainstream media, said it hoped that in doing so the Court would put an end to a decade-long effort to restrict such content.

At issue in *Schwarzenegger v. EMA, No. 08-1448*, is a challenge to a California video game law, enacted in 2005, that prohibited the sale or rental to minors of any video game containing certain violent content. The law – blocked by a federal judge in 2006 before it took effect – also required such manufacturers to include an “18 and older” warning label on the front of the package, and provides civil penalties of up to \$1,000 for violations.

The Court’s decision to review the case comes just one week after the Justices forcefully struck down a federal law that banned depictions of animal cruelty, noted David Horowitz, Executive Director of Media Coalition. In *U.S. v. Stevens*, the Justices by an 8-1 vote refused to create a new exception to free speech rights under the First Amendment, calling the attempt “startling and dangerous.”

“In last week’s ruling in *U.S. v. Stevens*, the Court reiterated that speech is protected by the First Amendment save for a small number of narrow historic exceptions,” Horowitz said. “The speech at issue in this case does not fall within one of those narrow exceptions and we hope that the Court will decline to create a new category of unprotected speech.”

In 2008, Media Coalition filed a friend-of-the-court (aka *amicus*) brief with the Ninth Circuit Court of Appeals in support of the plaintiffs in today’s case, arguing that speech with violent content could not be regulated by the government and that the labeling requirement was unconstitutional as compelled speech. Last year, a three-judge panel of the Ninth Circuit ruled unanimously that the restriction on speech and the labeling requirement violates the First Amendment.

In addition to filing an *amicus* brief in the California case, Media Coalition in 2004 brought a successful challenge to an Ohio law that banned speech with violent themes in all media (*Bookfriends v. Taft*). Media Coalition also filed *amicus* briefs in victorious challenges to similar state and local laws in Indiana, Illinois, Minnesota, Missouri, and Washington. Laws were successfully challenged in Louisiana, Michigan, and Oklahoma as well. In all of these cases, the courts ruled that that government cannot ban speech with violent themes, and that computer and video games are forms of artistic expression that, like movies, books, and music, are fully protected by the First Amendment.

More information about all of these cases is available at www.mediacoalition.org.

Media Coalition, Inc., founded in 1973, is an association that defends the First Amendment right to produce and sell books, movies, magazines, recordings, DVDs, videotapes, and video games, and defends the American public's First Amendment right to have access to the broadest possible range of opinion and entertainment.

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