

# THE MEDIA COALITION INC

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**Media Coalition provides one-stop shopping for legislative services. We analyze and track legislation, write legal memorandum in opposition to bills, advise legislators and staff, and build support among local businesses, trade associations, and free speech groups.**

## *Our Mission in Action - State Legislation*

Three 2009 bills exemplify the work we do. Each bill had a strong sponsor and overwhelming support in the legislature. But in each case, we helped stop or amend the bill to protect the interest of our members.

### *Utah H.B. 353 – “Truth in Advertising” bill*

Utah House Bill 353 was introduced by anti-video game activist Jack Thompson. It would have amended the state’s Truth in Advertising law to make it a deceptive trade practice for a retailer to advertise adherence to an industry rating system and then fail to enforce it. Analysis of the bill showed that would have a significant chilling effect on retailers of movies and video games.

- Media Coalition immediately provided the Utah House and Senate a legal analysis of the problems with the bill on behalf of our video game and movie association members.

When the bill quickly passed by overwhelming margins with heavy support from the Utah Eagle Forum, we contacted Governor Huntsman and urged him to veto the bill. We also enlisted broad opposition to the bill from other media industries and other non-media groups.

- Media Coalition worked with our member organizations that represent local bookstores, comic book retailers, and libraries to shift the debate from its singular focus on the “violent” video games and “R” rated movies.
- Media Coalition armed local businesses with information about the bill and encouraged them to contact Governor Huntsman.
- Media Coalition helped craft an op-ed that was submitted to the Salt Lake Tribune by a prominent bookseller as well as several letters to the editor.
- Media Coalition coordinated opposition from other First Amendment groups, helping them hone their message and generate grassroots opposition to the bill.

Contrary to every expectation, the Governor vetoed the bill, one of only two bills he vetoed this year.

- Media Coalition then reached out to all members of the legislature and strongly urged them to let the veto stand.

**Result:** In mid-May, the legislature adjourned without holding an override vote,

Media Coalition is a trade association that defends the First Amendment rights of publishers, booksellers, and librarians, recording, motion picture and video games producers, recording, video, and video game retailers and customers in the United States.

American Booksellers  
Foundation for Free  
Expression

Association of American  
Publishers, Inc.

Comic Book Legal  
Defense Fund

Entertainment Consumers  
Association

Entertainment Merchants  
Association

Entertainment Software  
Association

Freedom to Read  
Foundation

Independent Book  
Publishers Association

Motion Picture  
Association of America,  
Inc.

National Association of  
Recording Merchandisers

Recording Industry  
Association of America,  
Inc.

Chair  
Chris Finan  
American Booksellers  
Foundation for Free  
Expression

Immediate Past Chair  
Sean Devlin Bersell  
Entertainment Merchants  
Association

Treasurer  
Sally Jefferson  
Entertainment Software  
Association

General Counsel  
Michael A. Bamberger  
Sonnenschein Nath &  
Rosenthal LLP

### ***New Jersey H.B. 3757 – “Social Networking” bill***

Part of a 10-bill package purporting to protect minors on the Internet that was backed by the Attorney General, New Jersey House Bill 3757 would bar any sexually offensive communication with a minor via a “social networking” site. Rather than make this a crime, the bill allowed any recipient of the communication to sue the speaker for substantial civil damages. In analyzing the bill, Media Coalition found that it applied to a wide range of speech protected by the First Amendment for both adults and minors. In addition, the definition of “social networking” site covered many businesses on the Internet that do not consider themselves social networking sites, including bookstores, video game sites, and sites designed to promote movies or music.

- Media Coalition submitted extensive memoranda of law to the sponsors and the Attorney General’s staff explaining the legal and business concerns of content providers and retailers.
- Because Media Coalition has successfully litigated numerous cases that challenged restrictions of speech on the Internet, the motion picture and video game industries asked Media Coalition to take the lead for content producers in discussions with legislative staff and representatives of other affected businesses including the social networking, ISP, and telephone industries.
- Media Coalition negotiated with the Attorney General’s staff on language acceptable to all parties and drafted multiple versions of the bill that would not violate the First Amendment.

**Result:** Significant changes have been made to the bill, and we are working to address the remaining problems.

### ***Illinois H.B. 4078 – “Son of Sam” bill***

Illinois House Bill 4078 was intended to prevent former Governor Blagojevich from profiting from his malfeasance by selling his story to the media. As introduced, it would have required any public official convicted of certain crimes to forfeit all income derived from a media depiction or description of their crimes. The bill was expected to pass in mere days.

- Media Coalition analyzed the bill and concluded that it was unconstitutional because it applied solely to income derived from speech.
- To slow its progress, Media Coalition presented a legal memo explaining these problems to the bill’s sponsor.
- At the request of the sponsor, Media Coalition drafted a constitutionally acceptable bill that addressed the legislators’ concerns without violating the First Amendment.

**Result:** Media Coalition’s language was adopted and the bill was passed by the Illinois House and Senate. It was sent to the Governor on June 19, 2009.