

THE MEDIA COALITION INC

275 SEVENTH AVENUE • SUITE 1504 • NEW YORK, NEW YORK 10001
PHONE: 212-587-4025 • FAX: 212-587-2436 • WWW.MEDIACOALITION.ORG

DAVID HOROWITZ
Executive Director

LEGAL BENEFITS: MEDIA COALITION LAWSUITS

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

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

When a potential First Amendment challenge arises, the issue is presented to the board for discussion followed by a vote on whether we should bring a lawsuit. Members are offered the opportunity to participate in virtually every relevant First Amendment case affecting businesses. Each member can choose to join the case as a plaintiff or not.

In recent years, Media Coalition has filed lawsuits involving a broad range of First Amendment issues of concern to businesses.

CONTENT: In recent years, Media Coalition and its members have successfully challenged laws that ban specific types of content in all forms of media that go beyond the small categories of speech the Supreme Court allows to be regulated.

- *Powell's Books v. Myers*, ___F. Supp. 2d___ (D. Ore. Dec. 12, 2008) (on appeal to 9th Circuit) *An Oregon law broadly restricting any material that has any more than an incidental amount of sexual content.*
- *Bookfriends v. Taft*, 233 F. Supp. 2d 773 (S.D. Ohio, W. Div. 2002) *An Ohio law restricting the sale to minors of material containing violence, cursing, and glorification of criminals was ruled unconstitutional.*

INTERNET: Media Coalition has successfully challenged laws that would have placed unconstitutional restrictions on content providers on the Internet and blocked Internet users from accessing constitutionally protected material. Our legal victories to similar laws in eight states have created a significant body of law protecting the Internet from government censorship. Among our cases were:

- *PsiNET v. Chapman*, 362 F. 3d 277 (4th Cir. 2004) *A Virginia statute barring display to minors on the Internet was held unconstitutional and en banc review was denied;*
- *ABFFE v. Strickland* 512 F. Supp. 2d 1082, (S.D. Ohio 2007) *An Ohio law banning dissemination to minors of sexual material on the Internet violated the First Amendment;*
- *ABFFE v. Dean* 342 F. 2d 86 (2nd Cir. 2003) *A Vermont law banning dissemination of sexual material on the Internet was ruled unconstitutional;*
- *Southeast Booksellers v. McMasters*, 282 F. Supp. 2d 389 (D.S.C. 2003) *A South Carolina law banning dissemination of "harmful to minors" material on the Internet was ruled unconstitutional.*

TAXING AND LICENSING: Media Coalition has seen an increase recently in legislation seeking to impose taxes or surcharges both on specific kinds of media and types of content. We immediately challenged a law passed last year that imposed a tax on content and required retailers to have a special license.

- *Big Hat Books v. Prosecutors*, 565 F. Supp. 2d (S.D. Ind. 2008) *An Indiana law imposing a license fee on retailers carrying any sexually explicit material was found to be both an unconstitutional tax on such material and license on the retailer.*