

## LEGAL BENEFITS: AMICUS BRIEFS

Media Coalition members frequently submit amicus briefs on First Amendment issues that affect their interests. Drafts of an amicus brief are circulated to members and supporters, who then choose to sign the brief. In recent years, Media Coalition has submitted numerous amicus briefs in support of its members in a broad range of cases, such as:

- *U.S. v. Alvarez* 132 S. Ct. 457 (2012) In this challenge to a federal law that criminalizes falsely claiming to have earned certain military honors, Media Coalition asserted in an amicus brief that there has never been an exception to the First Amendment for false speech. The brief also noted that the government's argument that the First Amendment does not protect false speech if the government's interest in "truth" outweighs the value of the speech at issue could open the door to laws that make illegal a broad range of false speech, chilling vigorous and necessary public debate. The Court will rule before it adjourns at the end of June.
- *Brown v. EMA*, 131 S. Ct. 2729 (2011) Media Coalition filed an amicus brief in support of its members EMA and ESA, arguing that the First Amendment barred California from banning minors' access to video games with violent themes and requiring producers to label such games with an "18." The brief asserted that violence cannot be restricted under the First Amendment and that upholding the law could lead to censorship of other media. In striking down the law, the Supreme Court affirmed that video games are fully protected speech and that there is no exception for violent speech under the First Amendment.
- *U.S. v. Stevens* 130 S. Ct. 1577 (2010) Media Coalition worked with the defendant's counsel to develop and coordinate a comprehensive amicus strategy and submitted an amicus brief on behalf of its members and a broad range of filmmakers and other media groups. Media Coalition's brief argued that upholding a federal law banning depictions of intentional harm to animals would create a new class of speech exempt from First Amendment protection. The brief also challenged the government's assertion that it could ban speech it deems to have "low value" and causes social harm. The Supreme Court ruled the law unconstitutional, rejecting the government's balancing test and refusing to create a new exception to the First Amendment.
- *ACLU v. Mukasey*, 534 F.3d 181 (3d Cir. 2008), *cert. denied* 129 S. Ct. 1032 (2009) Media Coalition submitted a brief to the Third Circuit Court of Appeals agreeing with the District Court that the Child Online Protection Act was overbroad and that there were less restrictive means available to parents to prevent minors from accessing content on the Internet. Media Coalition offered amicus support at each stage of the litigation, from trial court to two hearings before the Supreme Court.
- *ESA v. Swanson*, 519 F.3d 768 (8<sup>th</sup> Cir. 2007) Media Coalition submitted an amicus brief on behalf of some members to the Eighth Circuit Court of Appeals arguing that the state may not restrict the sale or rental of video games based on violent content, nor can a state enforce a voluntary ratings system. The Eighth Circuit affirmed the lower court's ruling that the law is unconstitutional.
- *Lyle v. Warner Brothers*, 94 P.3d 476 (Cal. 2004) In response to a sexual harassment suit brought by Amaani Lyle, a writers' assistant for the television show *Friends*, Warner Brothers argued that sexually explicit jokes and discussion were a necessary part of the creative process of the show. In a lengthy decision, the California Supreme Court dismissed the portion of the lawsuit addressed by Media Coalition's amicus brief.

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