

LEGAL BENEFITS: MEDIA COALITION LAWSUITS

When a potential First Amendment challenge arises, the issue is presented to the board for discussion, followed by a vote by the members on whether to bring a lawsuit. Members are offered the opportunity to participate in virtually every First Amendment case that concerns them. The choice of whether to join a case as a plaintiff is left to each individual member. Members and supporters may also suggest litigation for the board's consideration. Media Coalition lawsuits address a broad range of First Amendment issues of concern its members.

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.

- *Florence v. Shurtleff*, Civ. No. 2:05CV000485 (D. Utah 2012) *A law that would have extended Utah's existing "harmful to minors" law to Internet content and required website operators to label or rate content*
- *ABFFE v. Burns*, Civ. No. 3:10-cv-00193 (D. Alaska 2011) *A "harmful to minors" law that would have applied to the Internet as well as bricks-and-mortar stores was struck down as overbroad and vague.*
- *ABFFE v. Coakley*, No. 10-11165-RWZ, WL 4273802 (D. Mass. 2010) *A Massachusetts law applying the state's "harmful to minors" statute to the Internet, violated adults' and older minors' free speech rights.*
- *Powell's Books v. Kroger*, 622 F.3d 1202 (9th Cir., 2010) *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. Its legal victories against similar laws in eight states have created a significant body of law protecting the Internet from government censorship. Among these cases were:

- *ABFFE v. Cordray* (decided as *ABFFE v. Strickland*) 601 F.3d 622 (6th Cir. 2010) *An Ohio law banning dissemination to minors of sexual material on the Internet violated the First Amendment;*
- *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. 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 a recent increase in legislation seeking to impose taxes or surcharges on both specific kinds of media and types of content. It immediately challenged a law 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.*

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