

MEDIA COALITION and RESTRICTIONS ON VIOLENT CONTENT

Since the school shootings at Columbine High School, there has been a significant increase in state legislation that seeks to restrict material with violent content. A number of these laws have been enacted. Courts have blocked all of them on the grounds that material with violent content is protected by the First Amendment, but the issue is now before the U.S. Supreme Court.

Media Coalition has defended the dissemination of material with violent themes by either litigating or providing amicus support in the following cases:

- *Brown v. EMA* (formerly *Schwarzenegger v. EMA*), 131 S. Ct. 2729 (2011) The U.S. Supreme Court declared unconstitutional a California law restricting minors' access to video games with certain violent themes and requiring producers to label such games with an "18."
- *U.S. v. Stevens*, 130 S. Ct. 1577 (2010) The Supreme Court struck down a federal law criminalizing depictions of intentional harm to animals, refusing to create a new exception to the First Amendment. In addition to filing an amicus brief, Media Coalition worked with the defendant's counsel to develop the overall amicus strategy.
- *ESA v. Swanson*, 519 F.3d 768 (8th Cir. 2007) The Eighth Circuit upheld the District Court ruling that barred Minnesota from restricting minors from buying or renting video games with violent themes, enforcing the video game industry's ratings system or requiring retailers to post signs with the rating restrictions.
- *ESA v. Blagojevich*, 469 F.3d 641 (7th Cir. 2006) The Seventh Circuit found a ban on video games with violent (or some sexual) content was unconstitutional. They also enjoined the requirement that video games carry an "18" label.
- *ABFFE v. Petro*, 233 F. Supp. 2d 932 (S.D. Ohio, W. Div. 2002) U.S. District Court Judge Rice barred enforcement of a statute that defined "harmful to juveniles" material as including depictions or descriptions of violence.
- *IDSA v. St. Louis County*, 329 F.3d 954 (8th Cir. 2003) The Eighth Circuit ordered a U.S. District Court Judge to bar enforcement of a county ordinance banning the sale, rental and "free play" for minors of any video game with violent content.
- *AAMA et al. v. Kendrick et al.*, 244 F.3d 572 (7th Cir. 2001) The Seventh Circuit sent the case back to the trial court to block enforcement of an Indianapolis ordinance barring the display and operation of arcade games with violent or sexual content. The definition of "harmful to minors" in the city's general ordinance had also been broadened to include material that depicts violence.

Much of this legislation stems from claims that exposure to violent content in media causes actual violence. Media Coalition has worked to counter these assertions by publishing *Shooting the Messenger: Why Censorship Won't Stop Violence*, which surveys social science research in this area and facilitating amicus briefs filed by social scientists in *AAMA et al. v. Kendrick et al.* and *IDSA v. St. Louis County* that addressed "media effects" research that claims to show a link between violent content in media and actual violence.

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