

# THE MEDIA COALITION INC

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## MEDIA COALITION HIGHLIGHTS 1999-2000

American Booksellers  
Foundation for Free  
Expression

### ***Media Coalition Submits Report to Federal Trade Commission***

Association of American  
Publishers, Inc.

Comic Book Legal  
Defense Fund

In August 2000, The Media Coalition offered *Shooting the Messenger: Why Censorship Won't Stop Violence* to the FTC for consideration as part of the Commission's investigation of the marketing of media with violent content to minors. *Shooting the Messenger* was written in response to the frequent rush to blame the media as the cause of school and youth violence. The report debunks the often repeated claim that there is a relationship between consuming media and committing violence. The report demonstrates that the causes of violence are both complex and varied but there is no causal link between violent media and actual violence. The report emphasizes that past efforts to protect minors by restricting their access to media, from half-dime novels to comic books to jazz and rock and roll, has failed. The report stresses that the responsibility rests with parents to help children understand what they read, see and hear and apply it to their own value system.

Entertainment Software  
Association

Freedom to Read  
Foundation

Interactive Electronic  
Merchants Association

Magazine Publishers of  
America, Inc.

Motion Picture  
Association of America,  
Inc.

### ***Media Coalition Opposes Censorship Legislation***

National Association of  
Recording Merchandisers

Publishers Marketing  
Association

Recording Industry  
Association of America,  
Inc.

Video Software Dealers  
Association

In June 1999, a package of legislation was introduced in Congress in response to the tragic shootings at Columbine High School. A bill introduced by Congressman Hyde would have banned minors' access to media with violent content and subject a retailer to five years in prison for violating the law. A second bill introduced by Congressmen Wamp and Stupak would have created a government imposed rating system for violent content for movies, videotapes, video games, television and sound recordings, including audio books. Each sale of unrated or misrated material would be subject to a \$10,000 fine. The Media Coalition communicated to members of Congress that both bills are unconstitutional and would be quickly challenged. In conjunction with a larger coalition of retailers, distributors and media companies that strongly opposed both bills, The Media Coalition saw the bills soundly defeated in the House of Representatives. In addition, The Media Coalition has also fought or monitored censorship bills in 26 states.

Chair

Judith Krug  
Freedom to Read  
Foundation

Immediate Past Chair  
Chris Finan  
American Booksellers  
Foundation for  
Free Expression

### ***Media Coalition Files Amicus Brief Defending Retailers***

Treasurer

Gail Markels  
Entertainment Software  
Association

In August 2000, The Media Coalition filed an *amicus* brief with the Supreme Court in *City News and Novelty, Inc. v. City of Waukesha* to protect the livelihood of retailers of First Amendment-protected material during the licensing and zoning processes. Retailers are entitled to judicial review of decisions by license and zoning board decisions, a lack of prompt judicial action often will leave store owners with the choice of self-censorship by removing First

General Counsel  
Michael A. Bamberger  
Sonnenschein Nath &  
Rosenthal LLP

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

Amendment-protected material or closing indefinitely. A delay in review could allow a licensing or zoning board to force close a business that legally is allowed to operate but for the delay.

### ***Media Coalition Continues to Protect Speech in Cyberspace***

In July 2000 a three judge panel of the Third Circuit Court of Appeals upheld an injunction preventing enforcement of the Child Online Protection Act, a second attempt at a broad federal restriction on using the Internet to transmit non-obscene material with sexual content. Members of The Media Coalition were both plaintiffs and amici in the case. In addition to the successful challenge of the federal law, The Media Coalition has participated in a series of victorious challenges to similar state laws. In August 2000, U.S. District Judge Michael granted a preliminary injunction preventing enforcement of a Virginia law restricting material available to adults on the Internet to what is suitable for minors. In November 1999, a three judge panel of the U.S. Tenth Circuit Court of Appeals upheld a U.S. District Court injunction against a New Mexico law banning computer transmission to minors of “material harmful to minors.” The law would reduce what is available for adults on the Internet to what is appropriate for minors. The judges found that the law violated both the First Amendment and the Commerce Clause. This was the first decision by a federal Circuit Court on a state law of this kind. A similar Michigan law has been enjoined by a U.S. District Court in Detroit and in August 2000, a complaint was filed seeking an injunction blocking enforcement of an Arizona law restricting access to material on the Internet. Members of The Media Coalition have participated in all the cases, either as plaintiffs or amici. In addition to winning the cases, more than \$600,000 has been recovered in legal fees.

### ***Victory for Media Coalition Members in Playboy TV Litigation***

In May 2000, The Supreme Court ruled unconstitutional a law requiring cable channels primarily dedicated to sexually explicit programming to be either totally scrambled or available solely between 10 p.m. and 6 a.m. The Supreme Court found that allowing individuals to request a blocking device for their home is a less restrictive means to meet the government’s objective of protecting children from “signal bleed.” The impact of this case reaches far beyond the immediate issue. The government argued that since there are some parents who would take no action to get a blocking device installed, the Government must step in and act as a substitute parent. The court responded “. . . even upon the assumption that the Government has an interest in substituting itself for informed and empowered parents, its interest is not sufficiently compelling to justify this wide spread restriction on speech.” The members of The Media Coalition filed an *amicus* brief at each stage of the litigation.

### ***Media Coalition Fights for Banned Books Week Pamphlet***

In February 2000, members of Media Coalition, along with teacher Tom Newton, filed a motion for a preliminary injunction in Harrisonburg, VA to prevent the removal of the 1997-98 Banned Books Week Pamphlet from the bulletin board outside Newton’s classroom. After one complaint about the pamphlet by a parent, Principal Slye ordered the pamphlet removed and suggested that Newton would be fired if he did not comply. U.S. District Judge Michael denied the motion for an injunction but upheld Newton’s right to continue to use the pamphlet in the classroom and teach students about censorship. Judge Michael also ruled that other teachers can use the pamphlet in the same fashion and students could not be denied access to the pamphlets in the appropriate setting.

**September 6, 2000**