

# THE MEDIA COALITION INC

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## MEDIA COALITION and INTERNET LAW

Since 1995, Media Coalition's successful challenges to the application of state "harmful to minors" laws to the Internet have established the definitive body of law protecting free expression on the Internet. These laws barred the dissemination of material with sexual content to anyone – including adults – in spite of other existing, equally effective means for shielding children alone. The laws violated a basic constitutional principle that the state cannot limit adults to viewing only what is acceptable for minors. Media Coalition has succeeded in all of our challenges to these laws, thereby protecting retailers' and content providers' rights to make the broadest range of constitutionally protected material available on the Internet.

*Laws applying state "harmful to minors" law to the Internet were found unconstitutional in the following Media Coalition challenges:*

### *U.S. Circuit Court of Appeals decisions:*

- *PSINet v. Chapman*, 342 F. 3d 227 (4<sup>th</sup> Cir. 2004) (Virginia law)
- *ABFFE v. Dean* 342 F. 2d 86 (2<sup>nd</sup> Cir. 2003) (Vermont law)
- *ACLU v. Johnson*, 194 F. 3d 1149 (10<sup>th</sup> Cir. 1999) (New Mexico law)

### *U.S. District Court decisions:*

- *ABFFE v. Strickland*, 512 F. Supp. 2d 1082, (S.D. Ohio 2007) (Ohio law) (On appeal to 6<sup>th</sup> Circuit and renamed *ABFFE v. Cordray*)
- *ACLU v. Goddard*, No. Civ. 00-0505 TUC-AM (D. Ariz. Aug. 11, 2004) (Arizona law)
- *Southeast Booksellers v. McMasters*, 282 F. Supp. 2d 389 (D.S.C. 2003) (South Carolina law)
- *ALA v. Pataki*, 969 F. Supp. 160 (S. D. N. Y 1997) (New York law)

*Additionally, Media Coalition has provided amicus support to challenges brought by its members and others in the following Internet challenges where our members have been plaintiffs:*

### *Before the U.S. Supreme Court:*

- *ACLU v. Reno*, 521 U.S. 844 (1997) (Communications Decency Act) (Federal law)
- *ACLU v. Mukasey*, 534 F. 3d 181 (3d Cir. 2008), cert. den. 129 Sup. Ct. 1032 (2009) (Child Online Protection Act) (Federal law)

### *In U.S. Circuit Courts of Appeal:*

- *Cyberspace Communications, Inc. v. Engler*, 238 F.3d 420 (6<sup>th</sup> Cir. 2000) (Michigan law)

Despite Media Coalition's success in these challenges, states have continued to pass laws that regulate Internet content through unconstitutional means. Media Coalition has a challenge pending in Utah to a law that bars dissemination to minors of "harmful to minors" material and requires blacklisting by the Attorney General of all websites that contain such material. Another similar law in Ohio was stuck down in U.S District Court but has been appealed by the state to the 6<sup>th</sup> Circuit. In challenging these laws, Media Coalition has been a critical advocate for First Amendment rights on the Internet.

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

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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

Independent Book  
Publishers Association

Motion Picture  
Association of America,  
Inc.

National Association of  
Recording Merchandisers

Recording Industry  
Association of America,  
Inc.

*Chair*

Chris Finan

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Foundation for Free  
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Sean Devlin Bersell

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Association

*Treasurer*

Sally Jefferson

Entertainment Software  
Association

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