

THE MEDIA COALITION INC

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LEGAL BENEFITS: MEDIA COALITION LAWSUITS

DAVID HOROWITZ
Executive Director

American Booksellers
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.

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Chris Finan
American Booksellers
Foundation for Free
Expression

Immediate Past Chair
Sean Devlin Bersell
Entertainment Merchants
Association

Treasurer
Sally Jefferson
Entertainment Software
Association

General Counsel
Michael A. Bamberger
Sonnenschein Nath &
Rosenthal LLP

When a potential First Amendment case arises, the issue is presented to the board for discussion followed by a vote on whether to bring a lawsuit. Members are offered the opportunity to participate in virtually every relevant First Amendment case affecting businesses. The choice of whether to join a case as a plaintiff is left to each individual member.

In recent years, Media Coalition has filed lawsuits involving a broad range of First Amendment issues of concern to businesses.

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 material the small categories of speech the Supreme Court allows to be regulated.

- *Powell's Books v. Myers*, ___F.Supp. 2d___ (D. Ore. Dec. 12, 2008) (on appeal to 9th Circuit) 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 brought successful challenges to overturn laws that would have placed overbroad restrictions on content providers on the Internet and blocked Internet users from accessing constitutionally protected material. Our legal victories in challenges to similar laws in eight states have created a significant body of law protecting free expression on the Internet.

- *PsiNET v. Chapman*, 362 F. 3d 277 (4th Cir. 2004) A Virginia Internet display to minors statute was held unconstitutional and en banc review was denied.
- *ABFFE v. Strickland* 512 F. Supp. 2d 1082, (S.D. Ohio 2007) An Ohio law banning dissemination to minors of sexual content on the Internet violated the First Amendment.
- *ABFFE v. Dean* 342 F. 2d 86 (2nd Cir. 2003) (Vermont law) A Vermont law banning dissemination of sexual material on the Internet was ruled unconstitutional.
- *SEBA 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 both on specific kinds of media and specific types of content. We successfully challenged a law passed last year that imposed a tax on content and a license on retailers to carry any such material.

- *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 that was found to amount to a tax on such material.

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 consumers in the United States.