

Media Coalition provides one-stop shopping for legislative services. It analyzes and tracks legislation, writes legal memorandum in opposition to bills, advises legislators and staff, and builds support among local businesses, trade associations, and free speech groups.

Our Mission in Action - State Legislation

Three bills Media Coalition successfully opposed in 2009 illustrate the work it does. Each bill had a strong sponsor and overwhelming support in the legislature. But in each case, Media Coalition helped stop or amend the bill to protect the interests of its members and supporters.

Utah H.B. 353 – “Truth in Advertising” Legislation

Utah House Bill 353 was championed by anti-video game activist Jack Thompson and other censorship groups. It would have amended the state’s Truth in Advertising law to make it a deceptive trade practice for a retailer to advertise adherence to an industry rating system and then fail to enforce it. Analysis of the bill showed that it would have a significant chilling effect on retailers of movies and video games.

- Media Coalition immediately provided the Utah House and Senate with a legal analysis of the bill’s problems at the request of our video game and movie association members.

When the bill was passed quickly by overwhelming margins, with heavy support from the Utah Eagle Forum, Media Coalition contacted Governor Huntsman and urged him to veto the bill. It then enlisted broad opposition to the bill from media industries and non-media groups.

- Media Coalition worked with its member organizations that represent local bookstores, comic book retailers, and libraries to shift the debate from its singular focus on the “violent” video games and R-rated movies.
- Media Coalition armed local businesses with information about the bill and encouraged them to contact Governor Huntsman.
- Media Coalition helped craft an op-ed that was submitted to the *Salt Lake Tribune* by a prominent bookseller as well as several letters to the editor.
- Media Coalition coordinated opposition from other First Amendment groups, helping them hone their message and generate grassroots opposition.

Contrary to all expectations, the Governor vetoed the bill, making it one of only two bills he vetoed that year.

- Media Coalition then reached out to all members of the legislature and strongly urged them to let the veto stand.

Result: In mid-May, the legislature adjourned without holding an override vote, defeating H.B. 353.

New Jersey H.B. 3757 – “Social Networking” Legislation

Part of a 10-bill package purporting to protect minors on the Internet that was backed by the Attorney General, New Jersey House Bill 3757 would have barred any sexually offensive communication with a minor via a “social networking” site. Rather than making this a crime, the bill allowed any recipient of the communication to sue the speaker for substantial civil damages. In analyzing the bill, Media Coalition found that it applied to a wide range of speech protected by the First Amendment for both adults and minors. In addition, the definition of a “social networking” site covered many businesses on the Internet that do not consider themselves social networking sites, including bookstore websites, video game sites, and sites designed to promote movies or music.

- Media Coalition submitted extensive memoranda to the bill’s sponsors and the Attorney General’s staff explaining the legal and business concerns of content providers and retailers.
- Because Media Coalition has successfully litigated numerous challenges to restrictions on Internet speech, the motion picture and video game industries asked Media Coalition to take the lead for content producers in discussions with legislative staff and representatives of other affected businesses, including the social networking, ISP, and telephone industries.
- Media Coalition negotiated with the Attorney General’s staff to craft language acceptable to all parties. It then drafted several versions of the bill that protected its members’ and supporters’ interests and the First Amendment.

Result: The bill did not pass in 2009. It was held over to 2010 but died when the legislature adjourned.

Illinois H.B. 4078 – “Son of Sam” Bill

Illinois House Bill 4078 was intended to prevent former Governor Blagojevich from profiting from his malfeasance by selling his story to the media. As introduced, it would have required any public official convicted of certain crimes to forfeit all income derived from a media depiction or description of their crimes. The bill was expected to pass in mere days.

- Media Coalition analyzed the bill and concluded that it was unconstitutional because it applied solely to income derived from speech.
- To slow its progress, Media Coalition presented a legal memo explaining these problems to the bill’s sponsor.
- At the request of the sponsor, Media Coalition drafted a constitutionally acceptable bill that addressed the legislators’ concerns without violating the First Amendment.

Result: Media Coalition’s language was adopted, and the bill became public law in August 2009.