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Activision Blizzard Joins Broad Coalition Urging Rejection by the U.S. Supreme Court of California's Flawed Restrictions on Video Game Purchases

Media Groups, Civic Organizations, Attorneys General of Ten States, Constitutional Scholars and Over 80 Social Science Professors and Researchers Support Video Game Industry in Opposing Efforts To Restrict Content And Eliminate First Amendment Rights for Anyone Under 18; 1st Amendment Tampering Would Open Door to Wide-Ranging Restrictions In Other Areas

SANTA MONICA, Calif., Sept. 21 /PRNewswire/ -- Activision Blizzard, Inc. (Nasdaq: [ATVI](#)), the interactive entertainment software industry's leading publisher, today announced it supports respondents in *Schwarzenegger v. EMA (No. 08-1448)* and has joined the historic alliance of film, music, publishing, advertising, journalism, creative guilds, software, comic books, and other media-related groups, as well as 10 state Attorneys General, numerous legal scholars and social science professionals urging the U.S. Supreme Court to strike down a 2005 California law that would interfere with the First Amendment by creating an unprecedented exception for unprotected speech. This exception is directed at vaguely defined video game content that California legislators deem violent and inappropriate for consumers under 18.

The groups and individuals involved in the opposition to California law cut across an exceptionally wide philosophical and political spectrum, but are united in their unwavering belief that *Schwarzenegger v. EMA*, which the Supreme Court is scheduled to hear on Nov. 2, 2010 is dangerous, unnecessary, and misguided, and could undermine freedom of speech protections under the First Amendment for the entire nation. Creating a superfluous exception for video game content could corrupt the First Amendment to the point where the gates are opened to wide-ranging restrictions beyond entertainment software, extending to other entertainment content, such as books, films, television and music.

The California law prohibiting the sale or rental to minors of any video game containing certain expressions, ideas and images considered too violent by California government officials was blocked by a federal judge as unconstitutional before it even took effect. That decision was upheld by the U.S. Ninth Circuit Court of Appeals. The law would have provided for substantial penalties on retailers of the products who failed to enforce the vague law.

Activision Blizzard independently filed a friend-of-the-court brief with the U.S. Supreme Court, one of twenty

seven such briefs, stating that the pre-existing entertainment software industry rating and enforcement efforts, recently recognized by the Federal Trade Commission as a singular example of self-compliance, effectively empowers parents to make informed decisions regarding the games their children play. The California statute – which flatly prohibits the sale to minors of games that meet the statutory definition – would not materially advance that interest beyond what the existing rating system already provides.

"Our First Amendment has survived intact for 219 years amid far greater technological, historical and social challenges," said Bobby Kotick, CEO of Activision Blizzard. "The argument that video games present some kind of new ominous threat that requires a wholesale reassessment of one of our nation's most treasured freedoms and to take that freedom away indiscriminately from an entire group of our population based on nothing but age is beyond absurd. These are the same attacks Americans have witnessed against every previous emerging entertainment medium and genre including books, comics, rock 'n' roll, movies, TV and the Internet. In each case, freedom prevailed. We are thrilled to be able to be an important part of this historic effort to protect our Constitution and to ensure that video games remain vibrant form of expression for every gamer in our constituency."

Kotick continued, "Instead of tampering with the nation's Constitution and wasting taxpayers' money on setting forth unenforceable regulations during budgetary crisis, California could and should have adopted any number of measures and campaigns designed to ensure even higher rates of parental understanding of, and reliance on, the industry regulation system. Video game industry is a homegrown California economic success story providing thousands of highly paid skilled jobs at the time of economic crisis."

Laws similar to California have been declared unconstitutional in the past in over a dozen of federal courts from Michigan, to Louisiana. The California law presents itself as a child protection law and uses verbiage in the standards applicable to sexually explicit materials and concern for parents' ability to help children. The law attempts to use outdated obscenity standards applicable to depictions of sexual conduct and transplant them into the modern universe of digitally created entertainment.

"Some proponents say they want to act on behalf of parents when all this law will do is swap a self-regulatory program the federal government itself has shown is extremely successful with a taxpayer-funded bureaucracy the state can't afford and attempt to enforce rules that are vague and impossible to comprehend. At a time when our schools are out of money, child care centers are closing and health clinics are unfunded, how is that exercise of common sense?" said George Rose, Executive Vice President and Chief Public Policy Officer of Activision Blizzard. "Law enforcement time is more productively spent on our streets and highways eradicating real crime, not patrolling check-out lines at our neighborhood stores."

Activision Blizzard joined such diverse groups in opposing *Schwarzenegger v. EMA* as the Entertainment Software Association, the U.S. Chamber of Commerce, the American Civil Liberties Union, the Creative Coalition, the Cato Institute, the American Booksellers Foundation for Free Expression, the Association of American Publishers, Inc., the Freedom to Read Foundation, the National Association of Recording Merchandisers, the Recording Industry Association of America, the Association of National Advertisers, the Amusement & Music Operators Association, PEN Center USA, The Recording Academy and Microsoft. Some of the most respected members of legal and social sciences academia joined as well.

Also, the Screen Actors Guild, the Writers Guild of America, the Directors Guild of America, the National Association of Broadcasters, the American Federation of Television and Radio Artists, the Motion Picture Association of America, the National Association of Theatre Owners, the Independent Film and Television Alliance, the Producers Guild of America, LucasArts, the Student Press Law Center, the Society of Professional Journalists, the American Society of News Editors, the National Press Photographers Association, the Radio-Television Digital News Association, and the First Amendment Project registered their opposition to California's poorly designed law.

"The sheer breadth of support exhibited by public interest organizations, civic and media groups, legislative leaders, academia and interested parties demonstrate both the importance video games have assumed in the hearts and minds of our nation and the sacredness of certain basic tenets of our Constitution. We will never give up the fight for the freedom of expression our industry deserves and we will never forget this support," Kotick added.

Activision Blizzard's brief can be found online at www.ActivisionBlizzard.com.

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