Brown v. Entertainment Merchants Ass’n, 564 U.S. 786, 853 (2011)(Thomas, J., dissenting)

The State of California passed a law which prohibited the sale or rental of "violent video games" to minors, and required that violent video games be placed in packaging that was labeled "18." An association that represented the video-game and software industries claimed that the statute violated the First Amendment. The Supreme Court agreed and found that the statute did violate the First Amendment. The statute was seriously underinclusive because it did not preclude minors from having access to information about violence in other forms, only in video games, and it was seriously overinclusive because it abridged the First Amendment rights of young people whose parents (and aunts and uncles) thought that violent video games were a harmless pastime.

The Dissent Disagreed With the Majority’s Opinion and Underscored the AMA’s Research Showing the Correlation of Violence and Aggressive Adolescents

Eleven years ago, for example, the American Academy of Pediatrics, the American Academy of Child & Adolescent Psychiatry, the American Psychological Association, the American Medical Association, the American Academy of Family Physicians, and the American Psychiatric Association released a joint statement, which said:

“[O]ver 1000 studies . . . point overwhelmingly to a causal connection between media violence and aggressive behavior in some children . . . [and, though less research had been done at that time, preliminary studies indicated that] the impact of violent interactive entertainment (video games and other interactive media) on young people . . . may be *significantly more severe* than that wrought by television, movies, or music.” Joint Statement on the Impact of Entertainment Violence on Children (2000) (emphasis added), online at http://www.aap.org/advocacy/releases/jstmtevc.htm.