



## INDEPENDENT WOMEN'S FORUM

July 18, 2008

Dear Governor Paterson,

The New York State Legislature recently passed S. 6401-A and A 11717a, bills to regulate the video game industry within the state of New York and create a commission to study the effects of violent video games on children. These bills are ill advised and redundant of existing policing measures the industry imposes on itself, therefore it is a waste of taxpayer dollars and they should be vetoed.

The Entertainment Software Ratings Board (ESRB) already has one of the most strictly enforced and comprehensive ratings systems of any industry and unrated games are not sold at the major retailers, making them nearly impossible to get a hold of. Adding regulation on to a business that is effectively policing itself is not a wise use of scarce resources and brings the government into areas where it has no business; namely acting as arbiter of what constitutes someone's justified exercise of their First Amendment rights. Parents are quite capable of monitoring what their children purchase and play, especially since the purchase of adult oriented games is restricted by the ESRB ratings system.

These bills also create an advisory council to study the effects of violent video games on children, but this study would simply duplicate other studies done by the Federal Trade Commission and is not needed. The FTC has much greater resources and had a broader scope of inquiry than mandated by S.6401-A and A 11717a and gives high marks to the video game industry, particularly to their ratings system and the prevention of Mature rated games being sold to minors. To repeat this study would be an unnecessary waste of taxpayer dollars.

While these bills are politically popular, they have been overturned by the courts as unconstitutional everywhere they have been passed as a clear violation of the First Amendment. In losing those cases, states have had to pay hundreds of thousands of dollars in legal fees to the video game industry, adding additional cost to taxpayers. Just recently the state of Minnesota paid \$65,000 in attorney fees and expenses as a result of the successful challenge to Minnesota's video game law. To date such challenges to unconstitutional video game laws have resulted in awards of close to \$2 million in fees and expenses.

It simply is not worth it to harm the taxpayers of New York in order to allow some to score political points with their constituents. Allow parents to parent, to monitor what their children play and see, the government need not be involved.

S. 6401-a, and A 11717a while perhaps well-intentioned bills, like most well-intentioned bills, miss the point that they are not needed. The current system is working effectively as the video game industry polices itself. I urge you not to interfere with what is working when it will only end in useless costs and expenses for New York. Save the taxpayers of New York the money this bill would cost in legal fees and veto S. 6401-a.

Sincerely,



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