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INTERACTIVE ENTERTAINMENT ORGANIZATIONS FILE BRIEF IN SUPPORT OF VIDEO GAMES' FIRST  
AMENDMENT RIGHTS TO SUPREME COURT

*AIAS and IGDA File a Joint Amicus Brief in Defense of Members' Freedom of Expression*

CALABASAS, Calif. and WASHINGTON, DC, September 20, 2010 – The Academy of Interactive Arts & Sciences (AIAS) and International Game Developers Association (IGDA) today announced that the two organizations have collaborated in submitting to the U.S. Supreme Court an amicus brief in support of upholding federal trial court and appellate court rulings that a California statute is unconstitutional, and that video games are a constitutionally protected form of expression. The AIAS, the professional video games organization advancing the awareness of the artistic value of its interactive entertainment community, and IGDA, a professional organization serving game developers, provided in its brief background and information of today's expressive, complex video games and argued that overturning the lower court decisions and upholding the California statute would undermine its members' freedom of expression. Oral arguments will take place November 2, 2010 at the Supreme Court in Washington, D.C. for the case, *Schwarzenegger v. Entertainment Merchants Association and Entertainment Software Association*.

"Video games in all of their iterations are deserving of the same protections our Constitution has provided film, television, music and literature," stated Joseph Olin, president, AIAS. "The talented men and women who create games - professional members of the Academy – are the equal to their colleagues in other media and it is our duty to represent their talent in this historic case."

"Over the years videogames have come to be recognized as an important form of creative and artistic expression," said Jim Charne, a California-based attorney appointed by the IGDA to lead this effort on its behalf. "Videogames deserve the same respect and treatment under our Constitution as other creative works. Censorship based on content should not be acceptable to a free society."

The AIAS and IGDA argue video games are a medium of artistic expression worthy of protection under the Constitution's First Amendment. The brief demonstrates how contemporary games have emerged as a popular media expressing complex ideas. This argument is based on four points, that: (1) videogames are popularly recognized as artistic expression; proof being that there has been an

increased “focus of critical commentary on the arts,” (2) games have become an “increasingly important creative inspiration for other media,” (3) major universities and art institutes across the United States now have programs and degrees in game design” and (4) there has been an increase in “scholarly interest in the relationship between games and culture.”

In support of its position, the AIAS and IGDA present a detailed analysis of games rated “M” or “mature” for violence or adult themes. That use of violence - or adult situations – as a story element within video games is no different than use of violent content that may appear in literature and film. In all cases, it constitutes an integral aspect of complex narrative that explores moral and social issues. The four games presented were: Rockstar Games’ *Red Dead Redemption*, Ubisoft Entertainment’s *Assassin’s Creed II*, Quantic Dream’s *Heavy Rain* and Irrational Games’ *Bioshock*.

The brief also argues that if the California law were found to be Constitutional, it would “chill that protected expression.” The vague nature of the law would result in reactions by the video game community that ultimately compromise their work through self-censorship of their ideas for fear of potential criminal liability.

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\*\*NOTE: TO RECEIVE AN ELECTRONIC COPY OF THE AIAS + IGDA BRIEF FILED WITH THE U.S. SUPREME COURT, PLEASE EMAIL [DEBBY@INTERACTIVE.ORG](mailto:DEBBY@INTERACTIVE.ORG). IT IS ALSO AVAILABLE AT [http://www.interactive.org/images/pdfs/AIAS\\_IGDA\\_SCOTUS\\_Brief.pdf](http://www.interactive.org/images/pdfs/AIAS_IGDA_SCOTUS_Brief.pdf)\*\*