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**HEADLINE:** A battle over sale of **violent video games**

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**HIGHLIGHT:**

Illinois governor's push to prevent sales to minors pits civil liberties against desire to protect children.

**BODY:**

When Francisco Rosa and his friends play video games, their favorites are the most violent: "Grand Theft Auto" - in which they steal cars, shoot police officers, and beat up prostitutes - and "Killzone."

All of the games are rated "M," for mature, but Francisco, who is 16, defends them, noting that they have the best graphics and technology.

If Illinois Gov. Rod Blagojevich has his way, however, it could soon get tougher for boys like Francisco to buy such games.

During a week in which millions of kids woke up to video games under the tree, debate here has been raging over many games' content, and who should control access to them. The governor's proposal, which would make selling violent or sexual games to anyone under 18 a misdemeanor punishable by up to a year in prison or a \$ 5,000 fine, is just the latest maneuver in an ongoing battle among kids, parents, the game industry, civil libertarians, and politicians eager for parents' support.

It's a law, say experts, that would likely run afoul of the First Amendment. But it raises pressing issues: Are some games unsuitable for kids? And whose responsibility is it to monitor access?

"Parents get a double message from the industry," says Blois Olson of the National Institute on Media and the Family. "It gives ratings, but sometimes in the same sentence it says these games have no effect on children." He stops short, though, of supporting laws that regulate sales, calling instead for independent ratings, better enforcement, and education for parents.

The current game-rating system is similar to the one for movies. And, like the movie guidelines, it's self-regulated. A store can card teenagers, and many refuse to sell M-rated games to anyone under 17, but no law requires them to abide by the rule - and critics cite lax enforcement

"Games are more realistic than they ever have been. Something like "Pac-Man" can't even be compared to games that are 3-D, where the person controlling the joystick is behind the goggles of a fighter," says Abby Ottenhoff, a spokesperson for Governor Blagojevich. "As a society, there are

certain things we have decided universally aren't appropriate for kids - alcohol, cigarettes, pornography. The governor believes these games are similar to those things and that the negative impact they can have on kids is real."

The problem with that analogy, say critics, is that items like cigarettes and alcohol don't fall under free-speech protection. Similar attempts to regulate video-game sales - including laws in Indianapolis, St. Louis County, and Washington State, have been struck down by courts as recently as July.

One problem is in defining the forbidden material, says Clay Calvert, codirector of the Pennsylvania Center for the First Amendment at Pennsylvania State University. Blagojevich's law would define violent games as, in part, "those realistically depicting human-on-human violence...."

"But what does the term 'realistic' mean, and how realistic does it have to be?" asks Professor Calvert. "When a term is vague, it can have a chilling effect on freedom of speech," and courts won't allow it to stand.

The governor hopes to defend the proposal with studies, such as ones from Iowa State University and Stanford, that link video-game use to aggression. But such research generally shows correlation, not causation, and the law limits its interest to causation.

Still, moves like this one are a perennially popular political maneuver that draws momentum from real-life incidents - the news that the Columbine perpetrators liked to play "Doom," for instance, or that two Tennessee teenagers who fired randomly at motorists, killing one person and wounding two more, admitted they were imitating Grand Theft Auto. Calvert says that in 2004 alone, he counted more than 20 state and local bills that tried to regulate game sales.

Even if such laws never pass muster with a court, many say video-game content needs attention, particularly from parents. One game that caught Blagojevich's attention was "JFK Reloaded," which has players take on the role of Lee Harvey Oswald, and was released on the anniversary of Kennedy's assassination. That game is Scottish and not for sale by US retailers, but parent watchdog groups say that popular games like "Grand Theft Auto: San Andreas" and "Halo 2" aren't much better.

In "Manhunt," the player stalks and kills victims in increasingly gruesome ways; in "Leisure Suit Larry: Magna Cum Laude," players try to have sex with college women and the box urges them to "help Larry earn a BA in T & A."

"A game is different from watching a movie or reading a book - it's so interactive and lifelike," says David Mikec, a middle-aged recruiter browsing the PlayStation 2 aisle of a Chicago Best Buy. Though he enjoys some of the M-rated games, he says he's surprised himself with how conservative he's become regarding minors. "I played 'Manhunt' recently. I couldn't believe how violent it is. I wouldn't let anyone under 16 play it, but I think the majority of people who play it are kids."

In store aisles, titles like "Killzone" and "True Crime" are tucked in among "Finding Nemo" and "Harry Potter." But signs warn customers that the store checks IDs. And the Interactive Entertainment Merchants Association, (IEMA) which represents about 85 percent of US game retailers, says enforcement has improved significantly since it decided to overhaul its policies last year.

A recent study by the National Institute on Media and the Family showed that 34 percent of children between 7 and 14 were able to buy M-rated games (about half of boys succeeded, and just 8 percent of girls) - an improvement from the year before. The research also shows that 87

percent of boys who play video games have tried M-rated ones.

"The governor's heart is in the right place, but he was misinformed," says Hal Halpin, president of the IEMA, noting that members have worked on posting signs, training staff, and demanding IDs. "Now that we've instituted these policies, we believe parents should be the ones deciding what they're kids play."

In Francisco's case, that means that even if sales were regulated, he'd still be able to play them. "I don't see anything wrong with them," says his father, as he heads to the cash register to buy the M-rated "Metal Gear Solid 3."

And his soft-spoken son doubts a law would hinder teens from getting the games. "I understand why their saying [we shouldn't play them]," he says. "But ... we hear these things in the streets. Playing the games takes our mind off other things."