

From Time Magazine
Monday, Jan. 10, 2005

Video Vigilantes

If parents don't monitor kids' access to violent and sexual games, should the states do it?

By ANITA HAMILTON

One of the best-selling video games of 2004, *Grand Theft Auto: San Andreas*, lets players control a character called CJ, who has just returned home to the fictional town of Los Santos to avenge his mother's murder and resurrect his once powerful street gang. To make money, CJ robs people, which often involves punching and kicking his victims until they are lying dead in a pool of blood. To cruise around town, he steals cars and mows down pedestrians who get in his way. And to keep his spirits from flagging amid all the mayhem, he can hire a prostitute and have sex with her in his car. While the game does not show the sex onscreen, the rocking of the car, the sound of the woman groaning and the vibrations of the PlayStation 2 game pad leave little to the imagination.

Like about 10% of all video games on the market, *Grand Theft Auto* is rated M for mature by the Entertainment Software Rating Board, a self-regulated group created by the gaming industry, and is recommended only for players ages 17 or older. Yet there is no law preventing retailers from selling M-rated games--including other hot titles like *Halo 2*, *Half-Life 2* and *Doom 3*--to kids. Now the Governor of Illinois, Democrat Rod Blagojevich, is trying to do something about that. Outraged by a news report about *JFK Reloaded*, a game available for download from an overseas firm, in which players try to assassinate President Kennedy, Blagojevich plans to propose two bills this month that would make it a misdemeanor, punishable by fines of \$5,000 or up to a year in jail, for retailers to sell or rent games with certain sexual or violent content to kids under 18. The \$7 billion video-game business, says Blagojevich, is an industry that "targets its products at kids. Just as a child buying cigarettes is inappropriate, just as a child buying alcohol is inappropriate, just as a child buying pornography is inappropriate, the same kind of thinking, in my judgment, applies to violent video games and graphic sexual video games." If passed and upheld in court, the laws would be the first statewide measures to impose fines and jail time for selling M-rated games to minors.

Blagojevich is in for a tough fight. As video games have become a regular part of kids' daily lives--a recent survey by Michigan State University found that eighth-grade boys play them on average 23 hr. a week and girls 12 hr.--many people agree that the games' increasingly realistic depictions of violence and sex need to be examined. Nevertheless, three previous attempts to block the distribution of violent games to minors--initially approved in Indianapolis, Ind.; St. Louis, Mo.; and Seattle--have been overturned in federal courts on the grounds that video games are protected "speech" under the First Amendment.

Undaunted, Blagojevich told *TIME* he plans to avoid the pitfalls of previous efforts by creating a narrower definition of what is violent or sexual. "The violence [banned] would be human-on-human violence and realistic depiction," says Blagojevich. "It's a definition comparable to obscenity statutes that routinely get upheld by courts," he says. Geoffrey Stone, a professor at the University of Chicago law school who specializes in constitutional law, says the Blagojevich bill focusing on sexual content has the best chance of succeeding because it would fall under the category of obscenity for minors, which is a widely accepted concept. In contrast, the measure to regulate violent games "is hopeless

because there is no recognized constitutional principle that allows the government to shield children from violent expression," says Stone.

What's more, video-game makers and retailers have vowed to fight Blagojevich's plan. "We will oppose it," says Doug Lowenstein, president of the Entertainment Software Association, a trade group representing 25 major gaming companies. "The state of Illinois should not dictate the choices parents make," says Lowenstein, who believes that the industry should continue to regulate itself. In fact, some retailers are making an effort to crack down. David Vite, president of the Illinois Retail Merchants Association, says big stores like Target have locking registers that do not permit video-game transactions until a buyer's date of birth is punched in. Proof of age isn't always requested, however. And compliance among retailers is voluntary and often spotty. In a 2003 study conducted by the Federal Trade Commission, 69% of kids ages 13 to 16 who tried to purchase M-rated games were able to do so (vs. 36% who were able to get into R-rated movies). The city council of New York last month released the results of a local study that found 16-year-olds could buy M-rated games in nearly 90% of their attempts.

Opponents of video-game laws argue that it is the job of parents, not government, to regulate which games kids can purchase. But some parents say they could use more guidance in determining which games are appropriate for their children. Ruben Burgos, 44, of Chicago, who has a 6-year-old son, supports Blagojevich's plan. "Parents need help with control of video games in the same way they needed help with control over cigarettes. Kids can still get cigarettes, but the laws do help," Burgos says.

Other parents believe that legislation goes too far. "I think people are smart enough to know whether their children should play these games or not," says Chicago mom Michelle Nolan, 37, who keeps her family's PlayStation 2 system in her bedroom so she and her husband can monitor what their children play. And, needless to say, most youngsters consider regulation unnecessary. Alex Spicer, 16, of Orinda, Calif., says that he plays video games for five hours at a time on weekends and that he and his friends stop only for bathroom breaks. He's a huge fan of Halo 2, in which humans and aliens kill one another with guns, grenades and other weapons. But he says the violence is "not that bad. It's really just for fun." Alex's dad Scott doesn't have a problem with his son playing the game and says, "He's 16. He can certainly separate reality from the fiction of those things."

According to some psychologists, however, even make-believe depictions of death have more influence than people realize. "One of the great myths is that unrealistic violence has no impact," says Craig Anderson, a psychology professor at Iowa State University who testified before the U.S. Senate in 2000 that violent games increase aggressive behavior and thinking. "Even in studies using cartoonish characters, you still get increases in aggression." What has yet to be studied, says Anderson, are the long-term psychological effects of the games--although with more than 90% of kids playing video games today, one problem researchers won't face is a shortage of gamers to study. Parents, of course, don't have the luxury of waiting to see what such studies reveal, especially when their children are pressing them to get the latest games now. As a result, many moms and dads, even a few of those who consider the violent and sexual content in some of the most popular games objectionable, can find it hard not to give in to their kids' passion for them. Therese Palmer, 42, of Rockwall, Texas, once picketed a store that sold violent toys, but she admits that she lets her two sons, 9 and 15, play Grand Theft Auto and other M-rated games. "I hate that the games are violent and so over the top, but this is the world we live in," she says. "I want to raise my kids with a sense that I trust them to be good and to know how to set their own limits." Governor Blagojevich is hoping his bills will take care of those others tempted to step over the line.

--With reporting by Anna Macias Aguayo/Dallas, Noah Isackson and David E. Thigpen/Chicago and
Laura A. Locke/ San Francisco