

Super Mario: Public Enemy Number One

By Reg P. Wydeven
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I'll never forget Christmas morning in 1979 when my sister and I rushed upstairs to find an Atari 2600 game system under the tree. Over the past 25 years, I've graduated from Atari 2600 to Atari 5200, Nintendo, Super Nintendo, Nintendo 64, and finally Xbox. (And keeping with tradition, hopefully I'll find an Xbox 360 under the tree this year!)

Although I've probably spent hundreds of hours during my lifetime playing video games, I consider myself to be pretty well adjusted (despite what you may have heard). This is true even though many of those hours I may have been playing games where I was boxing, kung-fu-ing, stabbing, shooting, or otherwise harming an opponent. Many parents, however, fear their children may not turn out as "normal" as me.

That is why California recently passed a law that would fine retailers \$1,000 for selling or renting violent video games to anyone under the age of 18. Scheduled to go into effect on January 1, 2006, the law was ironically signed by the star of many video games, Governor Arnold Schwarzenegger.

The law defines a "violent video game" as one that allows a player an option to kill, maim, dismember or sexually assault an image of a human being in a way that is "especially heinous, cruel or depraved," like torture, or in a way that appeals to the "deviant or morbid interests" of a minor, is patently offensive to prevailing community standards regarding what is suitable for a minor and is devoid of serious artistic or other value.

In response to the law's passing, the Video Software Dealers Association filed a lawsuit in federal district court in San Jose to have the law declared unconstitutional. The VSDA claims the law violates the First Amendment rights to free speech of video game retailers, distributors and consumers. The Association further states the law is too vague, making it impossible to determine which games would be deemed "violent."

The VSDA defeated similar bills in other states, including Washington, and it is currently fighting laws passed in Michigan and Illinois.

Elly and James Swartz, however, want to use the court system to prevent violent video games from falling into the hands of children. The Swartzs founded World Against Toys Causing Harm, Inc. (or W.A.T.C.H.), which is a consumer advocacy group that has immeasurably reduced child fatalities because of its annual "10 Worst Toys List" that identifies toys with the potential to cause injury or death.

The Swartzs believe escalating youth violence, and school shootings in particular, are attributable to violent video games. Under the theory of product liability, they believe the electronic game industry, which generates billions of dollars annually, is responsible for youth violence. The Swartzs accuse manufacturers of marketing these games to kids while failing to warn them of the defects. While a verdict has yet to be won against a video game manufacturer in a products liability case, the Swartzs are confident one will be forthcoming.

The most violent game I played during my formative years involved a frog being run over by a truck. But today some games depict very realistic shootings of people, including police officers. I'm very interested to see how these cases shake out - not only as a gamer, but especially as a parent.

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