# A First Amendment Right To Teach Teens To Kill Policemen?

by Phyllis Schlafly Sept. 8, 2004

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The judicial supremacists have struck again. A Clinton-appointed activist judge has wrapped the First Amendment around video and computer games that teach teenagers to kill policemen.

Washington state parents got fed up with their children playing violent video games and spurred their state legislators to action. The state imposed a fine for the sale or rental to minors of video or computer games containing "realistic or photographic-like depictions of aggressive conflict in which the player kills, injures, or otherwise causes physical harm to a human form in the game who is depicted . . . as a public law enforcement officer."

The new law restricted violent games that reward youths with points for simulated killing of others. While the impact of these games on impressionable youngsters is not fully known, common sense tells us that the videos lack any redeeming value and desensitize youths to violence.

Determined to overturn the new law, the Video Software Dealers Association went hunting for a supremacist judge who would bend the First Amendment to cover these games. The dealers found their man in federal district court judge Robert S. Lasnik.

Judge Lasnik nullified the state statute and prohibited its enforcement. He permanently enjoined Washington State from restricting the distribution of violent video games to minors.

Judge Lasnik went overboard in his extreme defense of violent video games. "Whether we believe the advent of violent video games adds anything of value to society is irrelevant; guided by the First Amendment, we are obliged to recognize that they are as much entitled to the protection of free speech as the best of literature."

Judge Lasnik crafted an interpretation of the First Amendment that protects purveyors of violence and sex to children. Lasnik said that even if it were proven that violent video games cause "real-life aggression in minors," he would invalidate the Washington state law because it would not "curb such aggression in a direct and material way."

He admitted that the videos are "filth," yet insisted that the First Amendment safeguards them. Using language often invoked to protect pornographers, Lasnik said that the statute failed to use the "least restrictive alternative available."

He also indicated his disapproval that the statute only protected law enforcement officers against simulated violence rather than minorities, too.

Lasnik's decision is a good example of what President Bush calls "legislating from the bench." Acting like a legislator rather than a judge, Lasnik laid down three criteria for any future attempts by the legislature to protect minors from harmful video games.

Instructing legislators how to do their job, he pronounced that any future regulation must (1) "cover only the type of depraved or extreme acts of violence that violate community norms," (2) "prohibit depictions of extreme violence against all innocent victims," and (3) be supported by "social scientific studies."

Lasnik's instructions border on the absurd. Don't we already have "community norms" against killing policemen? Do we really need "social scientific studies" to tell us that it's dangerous to teach teenagers to kill policemen?

His suggestion that we can't prohibit teaching teenagers to kill policemen unless the same video generalizes the advice to all kinds of murder shows how ridiculous the liberals' casual use of the "equal protection" argument has become.

We have no confidence that Lasnik would uphold the law even if the Washington state legislature obeyed all his instructions. After the U.S. Supreme Court knocked out a federal law to protect minors from internet pornography in Reno v. ACLU (1997), and Congress tried to comply with the Court's instructions in the Child Online Protection Act, the Supreme Court struck down the new congressional law in Ashcroft v. ACLU (2004).

Even Justice Stephen Breyer said, "What else was Congress supposed to do?" We are left with the Court-invented "right" of smut peddlers to send their porn onto your home computers where may be accessible to your children.

Quite apart from the nonsense of Judge Lasnik's particular decision is the evidence it provides about the growing cancer of judicial supremacy. His brazen interference with the voters' attempt to protect their children illustrates how much power has been seized by the courts.

The American people must confront and repudiate the supremacist notions displayed by the life-tenured federal judges appointed by previous presidents who have convinced themselves, as the French King Louis XIV famously said, "L'etat, c'est moi."