

Public Policy Panel and Working Group

Panel chair: Jeff McIntyre, American Psychological Association

Panel presenters:

U.S. Rep. Betty McCollum, D-Minnesota (4th congressional district)
Michael Rich, M.D., MPH, Harvard School of Public Health
Catherine J. Ross, PhD, JD, George Washington University Law School
Kevin Saunders, JD, PhD, Michigan State University

The Summit public policy panel discussion covered two areas of public policy debate: youth video gaming as a public health issue and legislative attempts to restrict youth video game access.

Youth video gaming as a public health issue

Presenters:

U.S. Rep. Betty McCollum, D-Minnesota (4th congressional district)
Michael Rich, M.D., MPH, Harvard School of Public Health

Both presenters provided avenues for addressing youth video gaming as a public health issue in order to shape public policy on youth video gaming:

- Leveraging elected officials' heightened awareness
- Reframing the public policy debate from one of social values to one of child health

Leveraging elected officials' heightened awareness

One indication that youth video gaming is evolving into a priority public health issue is the heightened awareness of state and federal elected officials about violent video games. The elected officials' perspectives are heavily influenced by parent constituents who have conveyed concerns about their children's access or exposure to violent video games.

At the federal level, Congress would likely support two tracks that would not involve direct regulation of the video game industry:

- Establishing an independent video rating board to provide more reliable ratings, rather than ratings based on subjective social norms
- Supporting educational programs for parents so they have greater awareness of video game content, the effects of video games, and a better understanding of how to monitor and intervene with their children's video gaming

Other potential federal legislation could encourage development of positive video games, such as video games that promote positive social decision-making, or development of a universal rating system to bring consistency and improved information to help parents avoid violent or sexually explicit content in any form of media.

Reframing the public policy debate

Public policy debates on youth video gaming have, to date, been framed in terms of social values. This has kept youth video gaming from being a priority issue for policymakers.

To improve prospects for public policy proposals on youth video gaming, public health organizations should work collectively to reframe the public policy debate: rather than based on social values, youth video gaming should be reframed from an entirely public health perspective. This would carry numerous benefits:

- Public policy debates would focus on the degree children's mental, physical and social health is affected by video gaming.

- Outcomes of concern from video gaming would be objective and measurable rather than subjective.
- Policy debates would be based not on social norms, but on child development and educational outcomes.
- Proposed legislation would shift from advocating for restrictions to advancing public health initiatives, which avoids the problems of constitutional restrictions on free speech.

Research Citations

Committee on Public Education. Media violence. Pediatrics. 2001;108:1222-1226

Legislative attempts to restrict youth video game access

Presenters:

Catherine J. Ross, PhD, JD, George Washington University Law School

Kevin Saunders, JD, PhD, Michigan State University

Video games are speech, and under the Speech Clause of the First Amendment, may not be regulated based on content or viewpoint. Moreover, the Supreme Court has expressly held that depictions of violence are protected under the Speech Clause. To date, eight states have passed legislation to restrict youth access to violent video games. Federal courts have overturned or enjoined enforcement of each of the statutes that they have ruled on so far. No statute regulating video games has survived judicial review.

The judicial rulings in these lawsuits suggest that in order to support government restrictions on the sale or distribution of violent video games, as the Congressional Research Service has concluded, “the government would have to present empirical evidence that these games harm minors or cause them to become violent,” which the expert testimony in litigation thus far has failed to establish.

Future public policy initiatives might include the following:

- Develop additional scientific research: recent court opinions have been seeking a higher standard of science than existing media effects research, with a different definition of causality than most social scientists use. New research findings could specifically compare standards of causality and probability, and explain reasons for pursuing research findings that use probability and correlations.
- Educate the judiciary about the scientific process, particularly as it relates to behavioral sciences.
- Consider opportunities for presenting youth video game restrictions as a compelling government interest for the psychological well-being of children. However, this may also face First Amendment challenges.
- Pursue non-regulatory public policy options, such as a video game rating system independent of the video game industry or a universal ratings system that would apply to all media forms.

The discussion on benefits and drawbacks for legislation to establish an independent rating system or a universal rating system are summarized in Table II.

Research Citations

Table II – Summary of Benefits and Drawbacks

- Independent video game rating system

- Universal ratings system for all media forms

| | Benefits | Drawbacks |
|---------------------------|---|---|
| Independent rating system | <ul style="list-style-type: none"> • Ratings not dependent on video gaming industry • Objective measures for validity and reliability • Option to use public pressure to enforce – work with retailers/ suppliers | Cannot mandate on video game industry because of free speech |
| Universal ratings system | <ul style="list-style-type: none"> • Easier for parents to use than multiple media rating systems • Opportunity to move away from ratings based on shifting norms of society • Ratings based on psychological risks for harm | Could result in a lower quality media rating system, such as current rating system for movies, although this would not occur if the universal rating system uses measures that are objective, reliable and valid. |

Public Policy Working Group Recommendations

The working group was chaired by the panel chair:

Jeff McIntyre, American Psychological Association

Members of the Public Policy Working Group included:

Mary Kay Craig, Violence & Militarism Working Group, Interfaith Center on Corporate Responsibility

Eileen Espejo, Children Now

Michael Rich, M.D., MPH, Harvard School of Public Health

Catherine J. Ross, PhD, JD, George Washington University Law School

Kevin Saunders, JD, PhD, Michigan State University

Public policy recommendations covered a broad array of proposals, with a common theme of addressing youth video gaming as a public health issue that demands higher priority by legislators.

Recommendations include:

Government-designated Stakeholder Task Force

Seek to have a government entity create a task force of stakeholders on video gaming to achieve common goals and common language, and define ways to reduce the polarization around existing effects research. Members would include:

- Scientific researchers – psychologists, social psychologists, educators, media scholars, communicator scholars, etc.
- Literary / cultural studies researchers
- Video gaming industry
- Public health officials
- Children’s advocates
- Legal counsel

Temporary moratorium on legislation

A temporary moratorium on legislation designed to restrict sales/rentals of violent video games to minors is recommended, but only under the condition that there would be:

- Pending additional scientific research designed to address questions raised by the courts.
- Commitment to pursue such research.

Scientific amicus filings

Encourage scientific organizations to file – either independently or jointly – amicus briefs, or friend-of-the-court briefs, in support of court cases involving video game sales restrictions.

Judiciary educational programs

Establish dedicated educational programs for the judiciary system on:

- How scientific research establishes probabilistic conclusions about causality.
- Translating scientific research for court opinions / decisions.

This would carry benefits and applications in a variety of areas of behavioral sciences.

Federally-funded research for prevention intervention strategies

- Pursue dedication of federal health research dollars to design research studies to answer questions the courts have raised in rulings on video game retail sales restrictions.
- Pursue federally-funded educational research on the best methods to frame communications to reach parents effectively to improve understanding and use of video game ratings.

Universal ratings exploration

While government probably cannot require universal ratings of video games, government entities would be encouraged to engage in their own free speech and publicize retailers and arcades and other video game outlets that allow access by children to inappropriate video games. The intention is to give the public greater awareness about and use of video game ratings.