

March 13, 2008

Hon. Mitch Daniels
Office of the Governor
Statehouse
Indianapolis, Indiana 46204-2797

Re: Indiana House Bill 1042

Dear Governor Daniels,

We are writing you today to urge a veto of House Bill 1042, a bill that violates the First Amendment rights of Indiana booksellers and their customers.

H. B. 1042 would require any bookstore that intends to sell “sexually explicit materials” to register with the Secretary of State and provide a statement detailing the types of books to be sold. The Secretary of State must then identify those stores to local government officials and zoning boards. “Sexually explicit material” is defined as any product that is “harmful to minors” under existing law. There is a \$250 registration fee. Failure to register is a misdemeanor.

Booksellers in the United States are in a fierce competition to serve the needs of American readers. Despite our differences, however, we all believe that it is a critical part of our role as booksellers to defend the right of our customers to have access to all books, magazines, recordings and other materials that are protected by the First Amendment. Demanding that bookstores register with the state before selling works they have a legal right to sell is anathema to the First Amendment.

The legislation would have a serious chilling effect on booksellers. The definition of “sexually explicit materials” is vague, potentially encompassing mainstream novels and other artistic works with sexual content as well as books that provide information about sexuality and health. Some booksellers will be reluctant to identify themselves as sellers of “explicit” books and magazines and will choose not to carry them, depriving adults and older minors of works they have a First Amendment right to purchase.

Some regulation of bookstores that primarily disseminate sexually explicit material is a legitimate government function. But such restrictions must not be allowed to infringe on the constitutional rights of mainstream booksellers and their customers.

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We urge you to protect First Amendment rights by vetoing H.B. 1042.

Thank you.

Chris Finan	Tom Carney	Jim Dana
President	General Counsel	Executive Director
American Booksellers	Borders ®	Great Lakes Booksellers Association
Foundation for Free Expression		

Terry Whittaker
Viewpoint Books
Columbus

Ernie Ford
Fine Print Book Store
Greencastle

Sharonda Youngblood
Youngblood's Books
Fishers

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Books Alive
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