



MEDIA ADVISORY:

Media Coalition counsel Michael Bamberger and Richard M. Zuckerman will be in the courtroom when the Supreme Court hears argument at 10 AM on Tuesday, April 22, 2014 in *Susan B. Anthony List v. Driehaus* (No. 13-193).

Media Coalition Executive Director David Horowitz, Mr. Bamberger, and Mr. Zuckerman are available for interview.

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FOR IMMEDIATE RELEASE:

Supreme Court to Hear Argument Tomorrow on Whether Courts Should Consider Challenges To Laws Which Restrict Free Speech

Booksellers, Librarians and Publishers, Which Helped to Establish Three Decades of Free Speech Case Law, Say Change to Legal Standard Could Shut Courthouse Door

WASHINGTON, April 21, 2014 – The Supreme Court will hear argument tomorrow [Tuesday, April 22, 2014] in a case which raises the issue of whether persons who exercise their First Amendment rights will be permitted to challenge laws which restrict free speech, without subjecting themselves to criminal prosecution for violating the laws.

The case, *Susan B. Anthony List v. Driehaus*, No. 13-193, concerns an Ohio law which empowers the Ohio Elections Commission to recommend criminal prosecution of a person whom the Commission finds made a false statement during a political campaign. The United States Court of Appeals for the Sixth Circuit dismissed a case challenging the law, because the plaintiff had not been prosecuted and could not show that prosecution was likely and imminent,

A broad range of media organizations, booksellers, librarians, and publishers represented by Media Coalition, Inc. submitted a friend-of-the-court brief in the case, urging the Justices to

reaffirm the principle that persons who have a well-founded fear of prosecution under a law that infringes First Amendment rights should have standing to bring a “pre-enforcement” challenge to the law, and need not face a choice between engaging in self-censorship and risking criminal prosecution.

The standing issue is expected to be addressed by the Justices in this closely watched case.

The brief asks the Court to adhere to the standard set forth by the Supreme Court in 1988 in *Virginia v. American Booksellers Association*, a milestone case brought by members of Media Coalition, Inc., a trade organization that defends the First Amendment rights of mainstream media, many of whose members also joined in the amicus brief filed in *Driehaus*. The organizations and their members represented in the *Driehaus* brief have brought 23 cases challenging censorship laws under the standard set forth in *Virginia v. A.B.A.*, and have prevailed in all cases.

“This case threatens the ability of any group, association or individual to challenge a law that violates free speech rights before it has been enforced,” said Media Coalition Executive Director David Horowitz. “If booksellers, publishers and librarians can only vindicate their First Amendment rights through a trial after they have been charged with a crime, this will cause a profound chilling effect on free speech.”

The friend-of-the-court brief addresses a legal question of especial importance to bookstores and libraries, one that does not hinge directly on the merits of the underlying Ohio election law.

The Media Coalition brief in *Driehaus* was filed on behalf of: **American Booksellers Association; American Booksellers Foundation for Free Expression; American Library Association; Association of American Publishers, Inc.; Comic Book Legal Defense Fund; Freedom to Read Foundation; Great Lakes Independent Booksellers Association; Mountain & Plains Independent Booksellers Association; Pacific Northwest Booksellers Association; Southern Independent Booksellers Alliance; Annie Bloom’s Books, Changing Hands Bookstore, Inc.; Harvard Book Store, Inc.; Paulina Springs Books; Powell’s Bookstore, Inc.; Schuler Books, Inc.; Tattered Cover, Inc.; The King’s English, Inc.; Weller Book Works; Village Books; and Dark Horse Comics.**

The Media Coalition brief was filed by Michael Bamberger and Richard M. Zuckerman of Dentons US LLP, general counsel to Media Coalition.

An interactive map of the challenges brought by Media Coalition’s members to statutes which violated First Amendment rights appears on Media Coalition’s website.

<http://mediacoalition.org/sbal-v-driehaus/>

Media Coalition, Inc., founded in 1973, is an association that defends the First Amendment rights of producers and distributors of books, movies, magazines, recordings, home video, and video games, and defends the American public’s First Amendment right to have access to the broadest possible range of information, opinion and entertainment.

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