

## **FOR IMMEDIATE RELEASE**

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### ***State Concedes Law Restricting Marijuana Magazines is Unconstitutional and Agrees to Permanently Block Enforcement***

*Law's defeat is a victory for First Amendment rights of booksellers, newsstands and their patrons*

DENVER – The State of Colorado joined plaintiffs' attorneys today in asking a federal judge to declare Colorado's restrictions on marijuana-related magazines unconstitutional and to enter a permanent order blocking their implementation and enforcement.

The joint filing, signed today by both the Attorney General and the bookstores, newsstands and magazine publishers who opposed the restrictions, stipulates that requiring magazines "focusing" on marijuana to be sold from behind the counter violates the First Amendment and the Colorado Constitution.

"We believed strongly that this law violated the First Amendment rights of our customers and feel vindicated by the government agreeing that it is unconstitutional," said Joyce Meskis of Tattered Cover Book Store, the lead plaintiff in the suit. "The agreement today confirms that the state cannot prosecute booksellers for giving their customers access to material that is fully protected by the Constitution simply because the legislature does not agree with the message."

A temporary emergency rule issued by the state Department of Revenue on Wednesday had halted implementation of the restrictions, but did not permanently resolve the suit. Today's filing, once certified by Federal District Judge Richard Matsch, will ensure once and for all that the restrictions will not be enforced.

"We commend the state for agreeing to stop this suppression of ideas before it started," said Mark Silverstein ACLU of Colorado Legal Director. "All people have the right to read and share their ideas free of government interference, and that's the way it should be."

"QUOTE from David Horowitz"

The lawsuit, [\*Tattered Cover v. Brohl\*](#), was filed earlier this week by ACLU of Colorado and Media Coalition, Inc. on behalf of the plaintiffs Tattered Cover Book Store, Boulder Book Store, Magpies Newsstand in Durango, Book Train in Glenwood Springs, Woody's Newsstand in Greeley, Al's Newsstand in Ft. Collins, American Booksellers Foundation for Free Expression, and Mountains and Plains Independent Booksellers Association. On Friday it was consolidated with *Trans-High Corporation v. Colorado*, a suit brought by magazine publishers.

The parties in the bookstore and newsstand case were represented by Media Coalition general counsel Michael Bamberger and Richard Zuckerman of the New York office of Dentons US LLP, and by ACLU lawyers Silverstein, Staff Attorney Sara Rich, and ACLU Cooperating Attorneys Chris Beall, Steven Zansberg, and Tom Kelley of Levine Sullivan Koch and Schulz LLP.

*The ACLU of Colorado is the state's oldest civil rights organization, protecting and defending the civil rights of all Coloradans through litigation, education and advocacy.*

Read more about the case [here](#).

Access the complaint [here](#).

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