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Media Contacts:

David Horowitz, Executive Director, Media Coalition
212-587-4025x3/917.701.5552

John Krieger, Communications Director, ACLU of Colorado
720.402.3111/303.653.6246

Bookstores, Newsstands and Bookseller Organizations Challenge Law Violating their First Amendment Rights and those of their Customers

New Colorado law forces retailers to sell magazines focused on marijuana from behind the counter if anyone under 21 is allowed on the premises.

DENVER – Bookstores, newsstands and two bookseller organizations [filed suit](#) yesterday to block enforcement of a law that violates the First Amendment rights of retailers to display magazines that focus on marijuana and their customers' right to browse those publications. The law, which was passed as a provision of the new Retail Marijuana Code, requires store owners that allow anyone under 21 years old on their premises to keep all magazines focused on marijuana or the marijuana business behind the counter.

"Clearly, this is speech protected by the Constitution," said Joyce Meskis of Tattered Cover Bookstore, one of the plaintiffs in the suit. "It has been sold, borrowed and read by people who have had rightful access to this material for years and years. To limit this speech now would be a travesty. On behalf of the readers we serve, we cannot permit this law to stand without inviting future legislatures to restrict the display of other kinds of books and magazines."

"When government decides it doesn't like an idea or disagrees with content and then acts to restrict its reach, that is unacceptable censorship," said ACLU of Colorado Legal Director Mark Silverstein. "Just as the legislature cannot censor magazines, it also cannot require newsstands to hide government-disfavored content behind the counter."

"The First Amendment bars the government from picking and choosing what information the public may see or browse merely because the legislature thinks it focuses on an undesirable act," said David Horowitz, Executive Director of Media Coalition. "Otherwise, the legislature could force booksellers to restrict access to books, magazines, and other media that focus on wine, beer, driving or any other activity that is illegal for adults or minors."

The lawsuit, [Tattered Cover v. Brohl](#), was filed by ACLU of Colorado and Media Coalition, Inc. on behalf of the plaintiffs Tattered Cover Bookstore, 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.

The parties are 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.

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

Access the complaint [here](#).

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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.

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. www.mediacoalition.org