

**For Immediate Release**

**Media Coalition Members Win First Amendment Challenge to  
Retailer Registration/Censorship Law**

**Law Placed Onerous, Undue Restrictions on Retailers  
Who Sell Any Material Containing Sexual Content**

INDIANAPOLIS, INDIANA, July 1, 2008...The members of Media Coalition , a trade association that defends the First Amendment rights of the producers and retailers of books, magazines, music, video and video games, and libraries won an important victory when U.S. District Judge Sarah Evans Barker ruled unconstitutional and barred enforcement of an Indiana law requiring businesses to register with the state if they offer for sale a single book, magazine, movie, or video game that is “sexually explicit.” Judge Barker found the law a violation of the First Amendment because it is unconstitutionally vague and overbroad and is a content-based restriction, a tax on free expression, and a permit requirement based on content.

“This is a comprehensive First Amendment victory for book, video, music and video game retailers, librarians, and the Museum of Art,” David Horowitz, executive director of Media Coalition, said. “We are delighted that Judge Barker ruled for the plaintiffs on all of our claims.” Horowitz also noted that Media Coalition and bookstore owners sent letters alerting both the legislature and Governor Daniels to the constitutional problems with this law before it was enacted.

The law required any retailer that opens a new establishment or relocates after the law’s effective date, July 1, 2008, and sells or intends to sell even a single item that is “sexually explicit” to register with the state as an “adult” retailer and pay a \$250 fee. When registering, business owners were required to submit a detailed list of material they plan to sell that could be “sexually explicit.” The Secretary of State would then notify local governing bodies and any appropriate zoning authority about the merchant’s registration, in effect creating a government watch list.

Judge Barker sided with the plaintiffs in ruling that this law had multiple constitutional defects. “There can be no doubt that compliance with such a vague mandate will be unduly burdensome, will have a chilling effect on expression, and will fail to provide ordinary people with a reasonable degree of notice as to the laws requirements; the Constitution demands no less,” Barker said.

Media Coalition members American Booksellers Foundation for Free Expression, Association of American Publishers, Entertainment Merchants Association, Freedom to Read Foundation, and National Association of Recording Merchandisers are plaintiffs in the challenge. They are joined by Indiana Civil Liberties Union, Great Lakes Booksellers Association, Indianapolis Museum of Art, Indianapolis Downtown Artists and Dealers Association, Big Hat Books, and Boxcar Books and Community Center. Media Coalition members were represented by Michael A. Bamberger of Sonnenschein Nath & Rosenthal LLP, who is counsel to Media Coalition.

Indiana has 30 days to appeal Judge Barker's ruling to the Seventh Circuit Court of Appeals. Plaintiffs expect to seek reimbursement of their legal fees from the state if they ultimately prevail.

Media Coalition is a trade association that defends the First Amendment rights of publishers, booksellers, librarians, recording, motion picture and video game producers, and recording video, and video game retailers in the United States. Media Coalition was founded in 1973.

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