

**MEDIA COALITION MEMBERS JOIN INDIANA CLU AND OTHERS IN  
CHALLENGE TO RETAILER REGISTRATION/CENSORSHIP LAW**

*New Law Places Onerous, Undue Restrictions on Retailers  
Who Sell Material Containing Sexual Content*

INDIANAPOLIS, INDIANA, May 7, 2008 . . . Media Coalition members today filed a lawsuit in federal district court challenging a new registration law that infringes on the First Amendment rights of book, music, and video stores. The law requires any retailer that creates a new establishment or relocates after the law's effective date, July 1, 2008, and sells or intends to sell even a single piece of "sexually explicit" material to register with the state as an "adult" retailer and pay a \$250 fee. The organizations are asking that the court declare the law to be unconstitutional and prohibit the state from enforcing it.

Under the law, when registering, merchants must submit to the Secretary of State a detailed list of the types 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 retailer's registration, in effect creating a government watch list. Romance novels, art books, health education materials, and mainstream movies or music targeted toward a mature audience are all examples of material that could fall under the definition.

According to the complaint, a plain reading of the statute also requires that employees of affected businesses would also have to register and pay a fee if it is anticipated that the employee would be handling any transaction involving "sexually explicit" materials.

"The state cannot require retailers to register with the state to sell material protected by the First Amendment based on its content," said David Horowitz, Media Coalition's Executive Director. "This new law would force business owners to decide either to limit their inventory or be on a state list of 'adult stores' and pay a fee."

Horowitz also noted that Media Coalition sent a letter voicing these concerns to the legislature, and that when the bill passed the legislature, the Coalition also sent a second letter reiterating their concerns to Governor Daniels. Daniels signed the law on March 13, 2008.

Stores affected by the law would also face burdensome practical problems. Merchants would be required to constantly review material in order to determine whether existing or incoming inventory could meet the law's definition of "sexually explicit material." Even if a retailer specifically plans to shield minors from certain content, the mere availability of "sexually explicit" material would mean a retailer must register. Those who do not register would risk misdemeanor penalties if they were determined to be noncompliant.

Adding to the hurdles they would face in registering with the state and paying the fee, retailers would have difficulty determining what material meets the definition of "sexually explicit materials." This means the owners have to guess at a legal definition written by judges for lawyers.

"The law says Big Hat Books might be an 'adult' bookstore if we sell a single copy of 'Lolita.' Being classified as an adult bookstore basically puts us out of business," said Elizabeth Houghton Barden, owner of Big Hat Books.

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 the Indiana Civil Liberties Union, the Great Lakes Booksellers Association, the Indianapolis Museum of Art, the Indianapolis Downtown Artists and Dealers Association, Big Hat Books, and Boxcar Books and Community Center.

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

# # #

For further information, contact:

David Horowitz  
Media Coalition, Inc.  
(212) 587-4025 x11; [Horowitz@MediaCoalition.org](mailto:Horowitz@MediaCoalition.org)