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ARKANSAS CENSORSHIP LAW CHALLENGED BY BROAD COALITION

LITTLE ROCK, AR, JUNE 23, 2003 – A broad-based coalition, ranging from an independent Blytheville bookstore to the Arkansas Library Association, filed a lawsuit in U.S. District Court here today challenging the constitutionality of new amendments to an Arkansas statute which will go into effect on June 26, 2003.

The coalition of plaintiffs includes That Bookstore In Blytheville, along with trade associations representing bookstores, librarians, book publishers, comic book publishers and retailers and distributors in Arkansas, and the ACLU of Arkansas.

The plaintiffs assert that the law unconstitutionally requires retailers and libraries to prevent all minors from accessing constitutionally protected materials that may be considered inappropriate for younger minors. By requiring plaintiffs physically to segregate such material, the statute unconstitutionally restricts adults and minors from access to materials protected by the First Amendment.

“Popular novels and serious non-fiction carried by my and other bookstores, like such works as I Know Why The Caged Bird Sings by Maya Angelou; Of Mice and Men by John Steinbeck; romance novels by Nan Ryan and Linda Howard; Forever by Judy Blume; Joy of Sex by Alex Comfort, feature sexual content or have sexual content on the cover that some might consider inappropriate for young children,” said Mary Gay Shipley, proprietor of That Bookstore In Blytheville, one of the plaintiffs. “Under this law, I would be required to create an ‘adults only’ section in my store to display some of the greatest novels and most important works of serious non-fiction, including Of Mice and

Men, Forever, and Joy of Sex. I don't sell 'dirty books' and I resent being treated like I run an adult bookstore." Libraries and librarians run similar risks.

Michael A. Bamberger, a New York-based partner with Sonnenschein Nath & Rosenthal and lead counsel for the plaintiffs, said "The law has been clear for many years that an attempt to protect minors will violate the First Amendment if it unduly restricts the First Amendment rights of adults. As the U.S. Supreme Court has said, the state cannot burn the house to roast the pig."

Plaintiffs in the suit include That Bookstore In Blytheville, American Booksellers Foundation For Free Expression, Arkansas Library Association, Association of American Publishers, Comic Book Legal Defense Fund, Freedom to Read Foundation, International Periodical Distributors Association and the ACLU of Arkansas. Plaintiffs are concerned that when the amendment becomes effective on June 26, 2003, it will prohibit them and their members – at the risk of jail or fines – from communicating valuable information on a wide range of topics, including art, literature, women's health and free speech.

In addition to Bamberger, the plaintiffs are represented by John L. Burnett of Lavey & Burnett, Little Rock, Arkansas.

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