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**ARKANSAS CENSORSHIP LAW HELD UNCONSTITUTIONAL**

**LITTLE ROCK, AR, NOVEMBER 19, 2004** – U.S. District Judge G. Thomas Eisele of the federal court in Little Rock, Arkansas on November 16, 2004, struck down the provisions of the Arkansas Code criminalizing the display of books which are inappropriate to younger minors but constitutionally protected as to older minors and adults.

The challenge to the law, resulting from its amendment in 2003, was brought by a broad-based coalition of plaintiffs including That Bookstore In Blytheville, along with trade associations representing bookstores, librarians, book publishers, comic book publishers and retailers and distributors in Arkansas, as well as the ACLU of Arkansas.

The plaintiffs believed that the law unconstitutionally required 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 restricted adults and minors from browsing materials protected by the First Amendment.

Judge Eisele had directed certified questions as to the meaning of the amended statute to the Arkansas Supreme Court. Based on the response from the Supreme Court, the judge found the display provisions “facially unconstitutional under the First and Fourteenth Amendments to the United States Constitution because such provisions are overbroad and impose unconstitutional prior restraint on the availability and display of constitutionally protected, non-obscene materials to both adults and older minors.”

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.

Michael A. Bamberger, a New York-based partner with Sonnenschein Nath & Rosenthal LLP, was lead counsel for the plaintiffs and was assisted by John L. Burnett of Lavey & Burnett, Little Rock, Arkansas.

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