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For Immediate Release

Booksellers Welcome Decision Clarifying Michigan Display Law

DETROIT, Michigan, October 5, 2004—Michigan booksellers today welcomed a legal decision that makes it clear that a new state law regulating the display of material that is “harmful to minors” will not force them to place *Joy of Sex, Of Mice and Men, Portnoy’s Complaint* and other titles with serious literary value in a separate “adults only” section of their stores. In January, six booksellers joined the Great Lakes Booksellers Association and others in filing a lawsuit charging that the law violated First Amendment rights because it was so vaguely written that they could be charged with violating the law for displaying a wide range of constitutionally protected material that might be “harmful.”

Booksellers were concerned because the law, which was approved last year, provides up to two years in jail and a \$10,000 fine for anyone who allows a minor to examine “harmful” works. On Sept. 2, U.S. District Court Judge Anna Diggs Taylor dismissed the booksellers’ complaint. However, in her decision, she made it clear that the law only affects books, magazines and other material that has “harmful” material on their covers. She also declared that a bookseller cannot be punished if a minor is

found reading a “harmful” work in the store as long as he or she takes steps to correct the situation when it is discovered. “Judge Taylor dismissed our complaint, but she also eased our concerns,” Jim Dana, executive director of the Great Lakes Booksellers Association, said. “The new law will not change the way booksellers in Michigan do business.”

The Michigan bookstores that challenged the law are Athena Book Shop in Kalamazoo; Books & More in Albion; Lowry's Books, with locations in Three Rivers and Sturgis; Nicola's Books in Ann Arbor; Schuler Books, Inc. with locations in Grand Rapids, Okemos, Lansing, and Walker; Shaman Drum Bookshop in Ann Arbor. The other plaintiffs were the American Booksellers Foundation for Free Expression, the Association of American Publishers, the Comic Book Legal Defense Fund, the Freedom to Read Foundation, and the International Periodical Distributors Association.

The plaintiffs are represented by Herschel P. Fink of Honigman Miller Schwartz & Cohn LLP, in Detroit, and Michael A. Bamberger of Sonnenschein Nath and Rosenthal in New York.