

THE MEDIA COALITION INC

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February 3, 1995

Sen. Robin L. Taylor
Chairperson
Senate Judiciary Committee
Capitol Bldg. Rm. 30
Juneau, AK 99801

Re: Senate Bill 31

Dear Senator Taylor,

Senate Bill 31 threatens the First Amendment rights of adults and older juveniles. The members of Media Coalition, who represent most of the publishers, booksellers, librarians, periodical wholesalers and distributors, recording and video game manufacturers and retailers in Alaska and the rest of the country, have asked me to explain their concern.

S.B. 31 criminalizes the display of material that is "harmful to minors" in any place to which minors have access. While they have some sexual content, materials that are "harmful to minors" are not obscene under the guidelines set down by the U.S. Supreme Court: they contain serious literary, artistic, political or scientific value and are therefore constitutionally protected. The definition of "harmful" is sweeping enough to encompass many mainstream, contemporary books, films, videos, recordings and video games.

S.B. 31 does not ban the sale of these "harmful" works. However, requiring retailers to display "harmful" material in sealed opaque wrappers would inevitably force them to get rid of non-obscene materials with sexual content. S.B. 31 ignores the fact that it is impossible for a retailer to review the thousands of items that he or she receives every year to determine which ones are "harmful." Rather than run the risk of making a mistake that could lead to a criminal conviction or, at least, bad publicity, a law-abiding business person will choose to discontinue the sale of all works with sexual content. In the end, a restriction purportedly designed to protect children will deprive adults and older juveniles of materials they have a right to read, see, or hear.

Please support the right of adults and older juveniles to purchase constitutionally protected material. Defeat S.B. 31.

Sincerely yours,

Christopher Finan
Executive Director