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MICHIGAN CENSORSHIP LAW CHALLENGED BY MICHIGAN BOOKSELLERS

DETROIT, MICHIGAN, January 6, 2004 – A coalition of mainstream Michigan booksellers, publishers and distributors filed a lawsuit in U.S. District Court here today challenging a Michigan statute signed into law by Governor Jennifer Granholm on November 5.

The new law makes it a crime to allow a minor to examine a work that is “harmful to minors.” It is already illegal to sell “harmful” material to minors. To also require booksellers to prevent any possibility that a minor might occasionally examine harmful works would require them to segregate the material in “adults only” sections or wrap it in plastic. This would unconstitutionally limit the First Amendment rights of adults and older minors to browse constitutionally protected books, magazines and music.

The new law applies to all works that might be “harmful to minors,” including novels and works of non-fiction that do not contain any pictures. As a result, it could force booksellers to impose these restrictions on books that are “harmful” only to the youngest minors, including romance novels, works relating to sexual education and health, and classic literary texts.

The suit does not challenge provisions of state law governing display of sexually explicit magazine covers, or the sale and dissemination of obscene materials.

“This law would drastically alter the character of bookstores,” Jim Dana, the executive director of the Great Lakes Booksellers Association, said. “Today, bookstores are open, welcoming places that invite their customers to browse and explore the wide range of works that are available to them. If booksellers can be fined \$10,000 and sentenced to up to two years in jail because a kid picks up the wrong book, they will have no choice but to protect themselves by rigidly restricting what their customers can see.”

Plaintiffs in the suit include six Michigan booksellers, Great Lakes Booksellers Association, Association of American Publishers, American Booksellers Foundation For Free Expression, Comic Book Legal Defense Fund, Freedom to Read Foundation, and International Periodical Distributors Association.

Attorneys representing the plaintiffs are Herschel P. Fink of Honigman Miller Schwartz & Cohn LLP, Detroit, Michigan, and Michael A. Bamberger of Sonnenschein Nath and Rosenthal LLP in New York.