

ATTACHMENT 1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

BIG HAT BOOKS, *et al.*,)
)
 Plaintiffs,)
)
 v.) No. 1:08-CV-0596 SEB-TAB
)
 PROSECUTORS, *et al.*,)
)
 Defendants.)

Affidavit of Elizabeth Barden

Comes now Elizabeth Barden, being duly sworn upon her oath, and says that:

1. I am adult resident of Indianapolis, Indiana.
2. I am the owner of Big Hat Books, a bookstore located in Indianapolis.
3. Big Hat Books is currently located in the Broad Ripple area of Indianapolis, but it will be moving to a new location after July 1, 2008.
4. Big Hat Books sells literature which it believes is not obscene under Indiana law, but which has adult sexual content and is not appropriate for all children.
5. For example, we sell works by Henry Miller such *Tropic of Cancer* and *Tropic of Capricorn*; D.H. Lawrence, such as *Lady Chatterley's Lover*; and Vladimir Nabokov's *Lolita*,, all of which have a strong sexual content.
6. Additionally we sell books that deal with adult human sexuality including *Our Body, Ourselves*, among other works that contain explicit information of a sexual nature.
7. Big Hat Books also has a large children's section and it receives more than 50% of its revenues from the sale of children's literature.

8. If Big Hat Books registers as required by HEA 1042 and becomes known as a purveyor of sexually explicit material to children it will injure store's business among those seeking children's literature.

9. Rather than have to register under HEA 1042 I will purge the shelves of Big Hat Books of literature that could possibly be construed as sexually explicit material under the law.

10. This will, of course, diminish the material available to adults, but I feel it is a course I must take if the law goes into effect.

11. Given that I do not believe that I can afford to register as required and risk losing a significant amount of my business the law, if it goes into effect, will require me to constantly comb through Big Hat Books' inventory to make sure that we are not selling anything that meets the definition of sexually explicit materials, whether or not the material is being offered for sale to minors.

12. HEA 1042 will therefore inhibit Big Hat Books in its business operations, will cause increased costs and administrative burdens for Big Hat Books and will restrict the availability of literature for adult patrons of the store.

Verification

I verify, under the penalty of perjury, that the foregoing is true and correct.

Executed on May 14, 2006

DATE

Chimera Houghton Pauden

NAME

Prepared by:

Kenneth J. Falk

No. 6777-49

ACLU of Indiana

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