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Saturday, May 09, 2009

Book banning in West Bend continues: no common sense on the Common Council.

Hi everyone,

Enough already. I'm [calling shenanigans](#) on the city council.

[Saturday's column.](#)

Where's the Common Sense on the Common Council?

OK, time out.

The library book-banning fiasco has finally mushroomed into a Mad Hatter's Tea Party, complete with hookah smoking city aldermen and a chorus of March Hares demanding a bonfire of books, plus cash, because they've "suffered mental and emotional damage due to the book's very presence at the Library."

Are we in America? Or are we in Bizarro World?

Normally the Marziarkas' complaint would have been vetted through the library's grievance process and then chopped into confetti by the U.S. Constitution's protection of free speech and our country's instinctive distaste for people telling us what we should or shouldn't read.

But it hasn't gone away. It just gets more embarrassing.

Last month, the University of Wisconsin-Milwaukee School of Information Studies wrote a "Statement of Support for the West Bend Library" and, within the past week or so, The National Coalition Against Censorship, the American Booksellers Foundation for Free Expression, the PEN American Center (an international association protecting free expression), and the Association of American Publishers joined to condemn the common council's handling of the situation. They wrote a very polite letter reminding the Common Council of the essential details of constitutional law – in particular *Sund v. City of Wichita Falls* (N.D. Tex., 2000), involving similar complaints about literature with homosexual themes – as well as the difficulty of classifying books as legally obscene.

None of the books listed in the Maziarkas' complaint are legally classifiable as obscene. West Bend is finally internationally famous for more than toaster ovens. Nice, nice, very nice.

Whose fault is this?

The truth is, it is not the Maziarkas' fault. They exercised their right to complain. I disagree with them, emphatically, but I'll defend their right to do so. That's why we have a Constitution and public policies to address grievances. On the other hand, their constantly shifting complaint has

exacerbated the process of getting it heard and resolved.

The Library Board, too, is blameless, despite the hair-triggered judgment of aldermen who believed the board was taking too long. The Library Board was not dragging its feet. It was acting on the advice of counsel to re-boot the complaint procedure after the Maziarkas went public and their original complaint mutated from one constitutionally unsupportable life form into another.

So why it is still alive? Because someone's been feeding it.

It's always easy to blame the media. The local news has had a field day reporting that the Maziarkas were angry about sexually explicit materials being available to children in the library. This left the impression that sexually explicit materials were, in fact, available to children. So far as I've seen, the press never asked whether any of the material in question was actually 1) sexually explicit or 2) shelved in the children's section. The answer to both is no.

But I'm afraid those most responsible for making West Bend look like a bunch of bookburning yahoos are the Common Council members who voted precipitously against the library slate and, by prolonging this Mad Hatters Tea Party, have attracted the worst kind of national attention.

I'm sad to say my own alderman voted without reflecting carefully on the facts.

"They're all good people," said my alderman – of the board members he'd just fired. Presumably "good people," like a local attorney, a retired school teacher, a retired professional librarian with 24 years of experience on the board and a brilliant, young high school teacher don't have the experience, or morality, my alderman wants on the Library Board that decides what kind of books West Bend should make available to its residents. Does this mean he thinks they're good, but immoral?

I know. It doesn't make any sense to me either, but here we are.

So, here's how the council can spare West Bend further embarrassment: On Monday night the council needs to gather up some common sense and move to reconsider or rescind their previous vote on the library board candidates – whichever will cause less parliamentary discomfort – and then seat the board. The board can then provide the proper public hearing, as policy and law require, for whatever the Maziarka's complaint happens to be at this stage of its evolution.

Afterward, the board can render an informed decision and we can get back to worrying about the Brewers instead of whether West Bend is going to become known as a town that supports book burning.

But listen up: Nobody's going to burn my Elvis records.