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# Judge sides with ACLU, orders questionable literature to remain in children's library

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**WICHITA FALLS, Texas**—The American Civil Liberties Union has prevailed in a federal lawsuit challenging a Texas city's ordinance allowing citizen input into the appropriateness of books in its public library's children's section.

An ACLU lawsuit with 19 plaintiffs—including three children and the president of the Wichita Falls chapter of Parents and Friends of Lesbians and Gays—was affirmed Sept. 19 by U.S. District Chief Judge Jerry Buchmeyer, who ruled a Wichita Falls ordinance unconstitutional for per-

children from written material the parents might consider unsuitable or inappropriate, the Wichita Falls *Times Record News* reported.

Jeffress told Baptist Press, "The judge's ruling was predicable, given his past rulings, but nevertheless regrettable. All of this is a part of the ACLU's larger agenda—to remove any restriction on literature available to children, which would include removing filters of Internet porn sites in libraries.

"This case never had anything to do with censorship or banning books," Jeffress noted, "but simply the right of a large number of citizens to request moving objection-

collected, and the two books were moved to the library's adult section in July; the ACLU filed suit the same month.

Buchmeyer, in his 44-page ruling, wrote, "Not only does this language allow any special interest group to suppress library materials on the basis of their content, it actually facilitates an infinite number of content and viewpoint-based speech restrictions."

Just because some people find the books offensive or immoral is insufficient reason for overriding the professional judgment of the library's staff, Buchmeyer also wrote, according to the *Times Record News*.

mitting 300 library patrons to petition for the removal of any children's book in the public library to be limited to the adult section.

The ACLU lawsuit defended in particular two children's books with homosexual themes—*Heather Has Two Mommies* and *Daddy's Roommate*.

The books were challenged in 1998 by Pastor Robert Jeffress and the deacons of First Baptist Church in Wichita Falls.

Buchmeyer dismissed testimony from former and current city council members who said they were merely trying to offer parents a way to protect their

able books from the children's section to the adult section."

The pastor added, "In my personal opinion, the ACLU has never met a piece of pornography they wouldn't like to defend."

The ordinance was passed by Wichita Falls' city council by a 4-3 vote in February 1999. Named the Altman Resolution after its author, council member and First Baptist member Bill Altman, the ordinance set up a petition system to allow card holders age 18 and older who have lived in Wichita Falls for at least six months to request that the library move children's books at issue from the children's section.

More than 500 signatures were

Altman told the newspaper after the ruling, "As it stands now, one person, one staff member—the librarian—can put anything she wants into the children's section."

Wichita Falls Mayor Jerry Lueck told the *Times Record News* a review is under way on whether the city will appeal the ruling. He also said he believes the issue should be decided by a citywide referendum, not a federal judge.

"When it comes to a community like Wichita Falls, the people living in Wichita Falls have the right to decide what books are in the library," Lueck said.