



Living the First Amendment

Gordon Conable, *Madonna's Sex*,
and the Monroe County (MI) Library

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The First Amendment cannot be partitioned. It applies to all or it applies to no one.

—Gordon M. Conable¹

Whenever a library fulfills its mission of purchasing popular books, like best-sellers and titles in high demand, it usually will carry on quietly, without much community controversy. But what happens when the best-seller and in-demand title is also a highly charged sex fantasy full of graphic photographs of one of the most recognizable popular figures of the day, who also happens to be the book's author? Community outrage, organized protest, multiple and counter legal opinions, terrorist threats to the library, and multiple death threats to the library director were some of the responses to Monroe County Library System's purchase and open circulation of Madonna's book *Sex*.

THE BOOK

On October 21, 1992, Madonna's much hyped book *Sex* was released by Warner Books. While much has been written about reactions to the book, there is a lack of published detail describing the actual book. What follows is a descriptive analysis of the content and format of *Sex*. The New York imprint arrived in a silver Mylar sealed sleeve, which served to protect it from damage and prevent viewing from the browsing public. With the contents unrevealed to all but the purchaser, the mystique continued until the exchange of currency for commodity had

occurred. The silver metal plate book covers, with the title embossed on the front cover and the letter *x* surrounded by a parenthesis on the back cover, gave the book an artistic quality. A copy number, unique to each physical piece, was stamped on the bottom center of the back cover. The metal spiral binding offered a symbolic reference to the bondage depicted within the contents. However, the coils were too small to function as a binding medium. When turned, the pages easily tore away from the wire binding, rendering the book damaged after minimal use. This major publishing defect would later complicate the



issues facing acquisitions librarians. A large book, thirty-five by twenty-eight centimeters, *Sex* contained 132 unnumbered pages that were chiefly illustrated. The illustrations were presented as erotic portrayals of Madonna, frequently accompanied by at least one man or woman. Madonna and cohorts, sometimes partially clothed or nude, were photographed in scenes representing masturbation, oral sex, homosexuality, cross-dressing, bondage, sadism/masochism, and urination. Sexual intercourse was not depicted in the illustrations. Religious symbols were used as props in a few photographs. Text is interspersed throughout the book, addressing some of the sexual activity presented in the photographs. Occasionally the depictions are humorous, with one photograph featuring a clothed Madonna having a comical facial expression, reminiscent of Lucille Ball's Lucy character. In the same picture, two bald, nude lesbians appear to engage in sexual activity behind Madonna. On another page a laughing Madonna, wearing only thong underwear, frolics in the grass with a large dog. This scene can be viewed as an innocent, joyful scene or a thinly disguised depiction of bestiality, depending on the perspective of the beholder.

In addition to the primary book content, *Sex* included a bound-in comic book entitled "Dita in the Chelsea girl." The eight page supplement, measuring thirty-one by twenty-three centimeters, was set in after the primary text and before the acknowledgment page. Finally, a compact disc, containing excerpts from Madonna's album *Erotica*, was included in its own silver Mylar sealed sleeve along with the book. For the \$49.95 price tag, purchasers received a multimedia exposure to Madonna's sexual fantasies.²

Sex was also simultaneously published in several foreign markets, carrying British, Japanese, German, and French imprints. Globally, one million copies were released on the opening day.³ The half-million U.S. printing sold out quickly, and *Sex* debuted at the top of *Publishers Weekly* best-seller list.⁴ In its annual compilation of 1992 best-sellers, Madonna's book earned tenth place in the nonfiction category.⁵ *Sex* quickly rose to the top of the *New York Times* Best Sellers and remained there for ten weeks.⁶

Four years after its publication, Madonna described her intention in authoring *Sex*. In an interview published in

The Times, Madonna explained, "It was meant to be funny, mostly, but everyone took it very seriously—which just showed me what little sense of humour most of us have when it comes to sex. In fact, no one seems to have a sense of humour about it at all, not when it's presented to you by a female. I think that if a male had conceived the idea, and I was just a model in the book, it would have had a very different reception."⁷

THE PLACE

The county of Monroe occupies the southeastern corner of the state of Michigan, anchored between the big cities of Detroit to the north and Toledo to the south. The official visitor information website for the county prominently featured a photograph of General George Armstrong Custer, who was known primarily for his role in the Battle of the Little Big Horn. The photograph's caption read "Monroe is proud to be the hometown of General Custer." A statue of General Custer in Monroe was also described on the city site.⁸ This obvious declaration of civic pride in Custer may offer a glimpse of the cultural climate in the city and county of Monroe in the 1990s.

With fifteen branch libraries, the Monroe County Library System (MCLS) served a population of 133,600 in the early 1990s.⁹ Gordon M. Conable accepted the position of library director in 1988, immediately following his lengthy and successful tenure as associate director of the Fort Vancouver Regional Library in Washington. Conable had developed his administrative skills and nurtured his role as guardian of the First Amendment while in Washington. His style emerged as a blend of intelligence and knowledge, softened by tolerance and commitment, offered with a generous service ethic and presented within a pedagogical framework. He had attained national recognition as a leader in intellectual freedom within library circles, as evidenced by his election to the post of president of the Freedom to Read Foundation in 1992-1995 and again in 2001-2005.¹⁰

Once Madonna's book was published, the decision to purchase it was consistent with the criteria established for selection of materials for the MCLS. The primary factors considered were media attention, numerous pre-publication patron requests, and interest in the book.¹¹ Five copies were ordered and the roughly fifty dollar



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per book price was significantly reduced by a 40 percent discount.¹²

By early December the stirrings of discontent regarding the presence of Madonna's *Sex* in the MCLS collection began with scattered protest meetings in county churches. Irene Conable, wife of the library director, recalled that her husband had attended one of those strategy meetings at a local church. When Conable was identified by the participants, a big discussion ensued on whether he would be permitted to remain at the meeting. Those present eventually voted to allow the library director to stay, as long as he remained silent. The opposition to *Sex* in the library collection was not unanimous among the clergy, as the pastor of Petersburg United Methodist Church eventually spoke against banning the book.¹³

The community opposition quickly escalated to an organized protest when 2,616 signatures were presented to a MCLS's board meeting on December 21, demanding the removal of the controversial book from the library. With approximately 250 residents attending the meeting, the board heard ninety minutes of comment on both sides of the issue. While some spoke in favor of the library's decision to purchase *Sex*, citing principles of free speech rather than personal preference, thirty speakers described the book variously as pornographic, harmful to children, immoral, a waste of tax money, and against community standards. The Monroe County police chief also joined the opposition. Unruly behavior, which was later described as "mass hysteria," required board chairman Judith See to call for order on numerous occasions. True to his principles, Director Conable voiced support for the dissenters, saying "this issue is about the right of everyone to have an opinion. That's what the library is for—to help people facilitate their right of expression." During that meeting the library board announced the formation of an internal review committee to determine if policy was followed in selecting Madonna's book.¹⁴

On January 19, the MCLS board held its next meeting at the Monroe County Community College to accommodate the hundreds of anticipated residents. Among the crowd of 325 people, attendees exercised their First Amendment rights, with the majority speaking against the book while others spoke in support of the library's decision to purchase. Among the frequent emotional outbursts, some called for the firing of Director Conable while others blamed the library board. Opponents recommended that disgruntled residents seek relief from the county board of commissioners. To help their cause, the angry residents distributed fliers among the audience, listing the names, home phone numbers and opinions on

the library's purchase of the *Sex* book for each Monroe County commissioner. In addition to accepting comments from the community, the library board heard conclusions from Robert A. Sedler, professor of law, Wayne State University of Detroit, regarding the constitutional and legal considerations applicable to the selection and removal of materials by a public library and the access provided to minors to materials in a public library. In his memorandum to the library board dated January 14, Sedler concluded that "for the library system to remove Madonna's book, *Sex*, from its collection because of public opposition to the book would indisputably violate the First Amendment." Further, Sedler stated, "I simply cannot conceive of any rules restricting access to the library collection by minors, particularly mature minors, that would satisfy the requirements of the First Amendment." This legal opinion further bolstered the findings of the library review committee, which had concluded that the book was properly selected. In their decision, the review committee also concurred "that to not purchase this book, in light of the attention it was receiving and the local demand for it, would fall short of the direction contained in Board policy, the mission of the library, and this library system's heritage of service." Conable noted that ninety-seven requests for the book had already been recorded, assuring that the book would not appear on the library shelves until 1994. At the end of the long evening, after listening to comments from the audience, receiving Sedler's legal opinion and the review committee's recommendation, the library board voted four to zero to keep Madonna's book in the collection.¹⁵

Following the library's decision to keep Madonna's book in the collection, the Monroe County board of commissioners, as anticipated, entered the discussions surrounding the book's controversy. Opponents expected the county board to take action against the library, but following the Sedler opinion there appeared to be no lawful option to force removal or restrict circulation of Madonna's book. On January 21, the commissioners' legal adviser, Mark Braunlich, who had studied the issue, reported in his preliminary findings that the commissioners' only authority was to appoint and remove members to the library board. Further, citing the findings of the library review committee, Braunlich found no basis for dismissal of library trustees. The commissioners had also requested county prosecutor Edward Swinkey to determine if the library would be engaging in criminal activity by circulating *Sex* to minors. The Berlin Township board became the only one to openly oppose the addition of the *Sex* book to the library.¹⁶



The furor over *Sex*, although occasionally contentious and heated, had thus far largely remained within the range of legal discourse and the parameters of protected speech. However, on the evening of January 21, the same day that Braunlich announced that he found no lawful way to force the library to comply with censors, the MCLS received a bomb threat. Via telephone, an anonymous male announced the presence of pipe bombs and that the building should be evacuated. While the caller did not mention the book controversy, library officials assumed the bomb threat was linked to the library's decision to retain Madonna's *Sex*. Monroe County deputies evacuated the thirty or forty patrons and staff from the main library building, the Ellis Reference and Information Center, within minutes of the threat. At 10 a.m., the library staff heard something hit the parking lot surface. The summoned deputies returned to discover an empty piece of pipe in the lot, though it was unclear if this incident had any relationship to the earlier bomb threat. Irene Conable confirmed that no bomb was ever located in the library following this incident.¹⁷

Attempts to ban a book from a library collection usually follow a logical progression of actions: a citizen files an objection to an item, the library implements a formal review of the item, and a decision is announced. In this case, however, multiple legal opinions were rendered while community opponents sought removal of or restricted access to *Sex*. The next step in the legal counterpoint occurred when Mark Braunlich released his findings on the Sedler opinion on January 26. As expected, Braunlich confirmed the autonomy of the library board, but he also stated that restricting access to minors would not violate the constitution.¹⁸

With an unsatisfactory response from the library board, opponents turned to the Monroe County board of commissioners for response and relief. At the January 26 meeting of the board, citizens once again gathered to primarily voice opposition to *Sex* as a part of the library's collection. Many comments addressed process and policy and included the following:

- The book-selection process lacked citizen input.
- Library board appointments should go to citizens who pledge to remove authority over selection policy from the director and give it to the citizenry.
- The library board members should resign.
- Does the county need a library?

On a personal level, it was alleged that "Mr. Conable is a dictator and he has total authority to do anything."

Dozens of citizens continued the call for Conable's resignation. The commissioners were polled on their personal opinions regarding the purchase of Madonna's book. Of the nine-member board, eight opined that, since the book could not legally be removed, it should be restricted to circulation to adults or for use in the reference area. In their comments, two commissioners did, however, address First Amendment concerns. The remaining board member did not think the library was the appropriate place for Madonna's *Sex*. Clearly, there was unanimous lack of support for the library's selection policy and decision to purchase this best-seller.¹⁹

After several weeks of community upheaval, and with no signs of this controversy diminishing, the chairperson of the library board resigned. Judith See spoke to the pressure from 4-H families and interference with her job as 4-H youth agent at the cooperative extension service as the reasons for her decision. See also spoke of the many "threatening" letters that stated she was morally unfit to work with youth. At their February 10 meeting the commissioners, however, voted six to three to reject her resignation. Many board members cited her contributions to the 4-H program and the county library, noting her positive impact on children in both roles. At that same meeting, interested citizens continued to present their opinions about Madonna's book, describing it as pornographic, degrading to women, and contributing to moral decay, child endangerment, and encouraging sexual offenders. One local lawyer described the opposition as a "highly organized, right-wing, extremist group," and then proceeded to throw several notable classic books on the floor. He ended by offering a pack of matches to the board chairman, suggesting that book burnings would follow the attempts to censor.²⁰

The commissioners announced their intention to work with library officials to resolve the emotional and legal issues that remained, following the decision to retain *Sex* in the library collection. At their meeting of February 23, the board appointed its human resources committee to form a joint task force with library board members to work toward a resolution of the community discord regarding the library's acquisition. Specifically, the task force was charged to review the library policy on book selection and circulation as applied to Madonna's book. While welcoming citizens to attend task force meetings, the commissioners warned that improper conduct would not be tolerated.²¹

Instead of the community turning its collective attention to the collaborative work of the task force, this momentum was interrupted with the release of prosecutor



Edward Swinkey's legal opinion, which he presented to county commissioners on March 8. In this next step in the legal sparring between the commissioners and library officials, Swinkey concluded that the sexually explicit content of Madonna's book made it harmful to minors as defined by Michigan law. If the book is legally harmful to minors, some library employees could be prosecuted for making it available to minors at the library. The prosecutor did concede that librarians were exempt from prosecution, citing numerous citations to case law. In an interview with the *Monroe Evening News*, Swinkey declared that he would not rule out prosecution for the nonlibrarian employees.

Further, Swinkey stated that the library system "has in its power the ability to deny access to the book without violating the U.S. Constitution."²²

On the same day that the commissioners received the prosecutor's opinion, the library board also convened. When informed during the meeting of the Swinkey opinion, director Conable declined to comment until he and the board were able to carefully review and discuss it. The unrelenting opponents, perhaps emboldened by the Swinkey decision, continued to dominate the comment period of the meeting, with twenty speakers repeating the same themes against Madonna's book. Even though two board members suggested that some restriction might be possible, angry citizens escalated the conflict by proposing the pursuit of legislation mandating that the library board be an elected body. Others proposed campaigning to defeat the next library millage vote. Once again the library director was the target of negative comments, with one opponent calling for future review committees to be composed of people "not beholden to the (library system) director."²³

When the commissioners met on March 9, they agreed to refer the Swinkey opinion to the human resources task force that would jointly review the library's policy on material selection with representatives of the MCLS. State Representative Lynn Owen stated in a letter that he would sponsor a bill changing the library board from appointment to election, but only if the commissioners presented him with a supporting resolution to that effect.

Citing their support for the current arrangement whereby the commissioners appoint the library board, the county commissioners refused to provide the requisite resolution.²⁴

The next salvo in the conflict came from the library, when director Conable announced that the board would meet in closed session to review another legal opinion. Citing attorney-client privilege as the justification for the private meeting, Conable also said that he was empowered

as director to hire a lawyer when needed.²⁵ As anticipated, the mystery legal opinion was the third rendered on the Madonna book controversy, with Robert Sedler issuing his second legal opinion for the library on this topic. The twenty citizens who attended the library board meeting on March 16 were excused when Sedler reviewed his opinion. Once removed from the meeting, the citizens held signs and posters complaining that the closed meeting was illegal and wasted taxpayer money. Monroe County prosecutor Edward Swinkey later confirmed that the library's closed session to review the legal opinion was within the law.²⁶

In his opinion, Sedler stated that

a court would rule that as a matter of law, the book, which had been on the national best seller list for a number of weeks, has "serious literary, artistic, political or scientific value for a legitimate minority of normal, older adolescents." Madonna is a famous rock star, and her sexual fantasies convey messages of sexuality, rebellion, freedom, racial equality and the like to her many fans, who include "a legitimate minority of normal, older adolescents."

For the above reasons, I have no hesitation whatsoever, in concluding that a court would hold that as a matter of law, Madonna's book, *Sex*, is not "obscene as to minors" under the standard of "variable obscenity," and so is protected by the First Amendment and correspondingly is not prohibited by MCL 722.674. I note that Mr. Swinkey has made no effort whatsoever to support his contention that the book is "harmful to minors" within the meaning of MCL 722.674, and I would suggest that this is because such a contention is completely unsupported as a matter of law.²⁷

After the library board reconvened in open session, they referred the Sedler opinion to a special subcommittee of board members who were charged to review the current decision regarding open circulation of Madonna's book.²⁸

By the time the human resources committee of the board of commissioners met as charged, it seemed clear that its primary agenda was to find a way to legally restrict access to Madonna's book. At a meeting on March 31, the human resources committee, three lawyers involved with the controversy, and library representatives participated in the ongoing discussion, though the forty people in attendance were only allowed observer status during this official committee work session. Prosecutor Swinkey and legal advisor Braunlich were of the opinion that Madonna's book would meet the community standard for obscenity



to minors. Bruce Laidlaw, the interim general counsel representing the library, who was aligned with Robert Sedler, disagreed that this book would fail the legal litmus test of finding some artistic, educational, or scientific value, even among the average seventeen year old. Laidlaw also referred back to the legal concept of “variable obscenity,” which had been addressed in Sedler’s most recent legal opinion. Both Laidlaw and Sedler had been unable to find a single case where the court had declared a specific work legal for adults but lawfully obscene for minors. Library Director Conable reported that among several legal opinions rendered on the book *Sex*, only Swinkey’s concluded that this title was beyond the protection of the First Amendment.²⁹

Though the public had no opportunity to speak at this meeting, they expressed their anger with T-shirts emblazoned with “Monroe county library—harmful to our children” and other slogans comparing the library and its director to hazardous waste. In a more constructive way, their collective voice was represented when twenty questions originating from the county residents were asked of Director Conable. In his responses, Conable was unwavering in his support of the Constitution, the public’s right to access at the library material protected by the First Amendment, and the library’s selection policy that safeguards that right. To summarize, Conable’s answers and statements confirmed that

- *Sex* has been the most requested title by Monroe citizens than any other book in the last five years;
- *Sex* was not viewed prior to purchase but was within the standards of selection procedure;
- no twelve-year-old had requested the title to date, and that child would probably be eighteen before the book would be available;
- current library selection policy already prohibited the acquisition of any legally obscene materials; and
- only a court of law can issue a legal opinion that would find a specific title to be legally obscene.

From the meeting two key action items emerged. The committee wanted county legal advisor Mark Braunlich to draft a policy that would define a way the county library could restrict access to Madonna’s book without violating the law. The other outcome of the meeting was a decision to draft a proposal for the full board of commissioners to adopt a resolution similar to one enacted in neighboring Ingham County, which required the library board to define policy to restrict access to sexually explicit materials that are harmful to minors.³⁰

As requested, Braunlich drafted a one-page resolution for the county commissioners that urged the library officials to restrict access to books that are considered sexually explicit and therefore harmful to minors on the basis of community standards. Director Conable tactfully responded that this resolution would be “an invitation for dialogue” between library board members. In keeping with his steadfast resolve to follow the Constitution and rule of law, Conable also issued an open request to lawyers Swinkey or Braunlich to provide detailed legal supporting evidence for their positions that lawyers Sedler and Laidlaw disputed. The library director emphasized that the library board would surely consider a constitutionally legal restriction to minors accessing Madonna’s book.³¹

In mid-April, the subcommittee of library board members, who had been charged to review the decision to circulate Madonna’s *Sex* without restriction, recommended that no change be made in that decision. Around the same time, the county commissioners voted unanimously to pass Braunlich’s resolution, which asked the library board to revise its policy by considering community standards and restricting access to minors regarding sexually explicit materials. Despite the overwhelming support for this resolution among the commissioners, they also acknowledged that they cannot force the library board to change policy, so no change was expected. The commissioners agreed to continue to monitor the library board’s actions as well as the community’s response. There was also some support expressed for another, more thorough legal opinion from Swinkey or Braunlich with evidence supporting their decision that Madonna’s book was harmful to minors. After almost four months of uproar over the purchase and circulation of *Sex* by the county library, only a few residents commented on this topic at the April 13 commissioner meeting.³²

Later in April, Braunlich did announce his intention to meet with Conable to discuss Braunlich’s opinion that *Sex* and other sexually explicit books can be legally restricted to adults. The culmination of this announcement resulted in a formal memorandum from Braunlich to Conable, dated July 14, wherein Braunlich agreed “with Professor Sedler that since the Library Board purchased Madonna’s book in accordance with the existing material selection policies, removal of that book at this time would likely to be found to violate the First Amendment of the United States Constitution.” The primary objective of Braunlich’s letter, however, was to ask the library to revise its circulation policy to allow legal restrictions for children seven-teen years of age and younger on the basis of sexually explicit content and laws intended to protect minors.³³



With no legal means to force the library to remove Madonna's book from the collection, nor success in asking library officials to rewrite policy, angry residents and some county commissioners looked to future appointments on the library board as the sole method to instill change and some measure of control over the library. To that end, the majority of the commissioners selected William Carrigan, who openly opposed the acquisition of *Sex* in the library, to join the library board in June 1993. In doing so, the commissioners also failed to reappoint a seated library board member who had supported the library's policies. In August, new library board member Carrigan submitted a proposal to change library policy by introducing restrictions to some materials. Nancy Colpaert, retired MCLS library director and direct successor to Gordon Conable, confirmed that policies affecting open access to MCLS materials would not be changed after the Conable era.³⁴

NATIONAL RESPONSE TO THE BOOK

Around the United States, public libraries and library boards struggled with the decision to purchase Madonna's *Sex*. No prepublication copies were released, ostensibly to heighten the allure of the forbidden content. Once published, major book reviewers panned *Sex*, so the decision to withhold advance copies may have been an attempt to delay the inevitable bad press.³⁵ In some libraries, like the MCLS, the decision to add this book to the collection led to an aftermath of protest and challenge. With any controversial title, there is opportunity for discourse and potentially negative outcomes at every stage of a book's journey in a library, from acquisition through shelf life. For many librarians, there was no satisfactory answer to the many dilemmas this title created: purchase this pricey book and accept the likelihood that it might be stolen, vandalized, or quickly worn out. Further, library directors might expect calls to remove it from the collection, charges of peddling pornography, and motions to restrict access to adults. On the other hand, decisions not to acquire the book could expose the library to justified charges of censorship in selection. For the first time in recent memory, a book with undeniable and sustained best-seller status, as well as great reader interest, pushed the limits of what the populace considered acceptable mainstream reading. For librarians who did not reject this purchase out of hand, this title became a litmus test of their principles, policies, and practices.

Across the country, libraries were involved in various stages of controversy regarding Madonna's book. Individual citizens, action groups, and county boards protested decisions to acquire the title as well as the policies that

supported unrestricted access to *Sex* once it was added to the library catalog. Reports in multiple issues of the *Newsletter on Intellectual Freedom* in 1993 showed a clustering of activity in the southwest, midwest, and east coast. A particularly fierce response occurred in Houston, Texas, where residents banded together as the "Citizens Against Pornography." They called on the mayor to prevent the purchase of the title despite funding provided by an anonymous donation. Failing that, there was a call to remove the book from the library and to recall lawmakers who did not comply. Library Director David Henington, whose resignation had been requested by the citizen group, convened a review committee. Based on the committee's recommendation, the book was retained in the collection, but with noncirculating status only to adult users. In two cases, library directors in Austin, Texas, and Downers Grove, Illinois, responded to written attorney opinions by limiting access to persons over eighteen. The Topeka and Shawnee County (KS) Public Library removed the book on the recommendation of the library's review committee, but then reversed itself and reinstated the book with adult-only circulation status. The Des Moines, Iowa, public library similarly restricted viewing by keeping the book in the reference area, with access limited to readers eighteen and older. Many libraries in Arizona (Phoenix, Glendale, Tempe, and Scottsdale), Connecticut (Stamford, Norwalk, and New Canaan), and Omaha, Nebraska, made known their intentions not to purchase *Sex*. In Mesa, Arizona, Colorado Springs, Colorado, and St. Louis, Missouri, orders that had already been placed were canceled following numerous complaints. The public libraries in Champaign, Illinois, and Manchester, Connecticut, delayed decisions on access and circulation after the book was received.³⁶

In 1990, the American Library Association's Office for Intellectual Freedom (OIF) created a database of challenged materials, from which it publishes an annual list of challenged or ultimately banned titles. From 1992 to 1993, the OIF collected data on twenty-seven cases surrounding libraries and Madonna's *Sex*, many of which have been summarized in the previous paragraph.³⁷ In 1991, the year preceding the publication of Madonna's book, the OIF tallied 508 challenges. In 1992 and 1993, at the height of the *Sex* controversy, the reported cases increased to 641 and 686, respectively. The amount of challenges to library materials continued to increase significantly, with 758 reports in 1994 and 762 in 1995. In 1996, the number of cases dropped to 661. While these numbers are significant, it is difficult to determine if fluctuations reflect changes in reporting, a rise or fall in censorship activity, or a combination of both.



In Indiana, comprehensive data were gathered from public, academic, and special libraries regarding the decision to purchase Madonna's *Sex*. In 1993, the Danny Gunnells Intellectual Freedom Committee of the Indiana Library Federation included its first "question of the year" along with the annual survey on intellectual freedom for the previous year. Two-hundred and ninety libraries responded to the question: did your library purchase Madonna's *Sex* book? Of the 188 public libraries, 36 academic libraries, and 66 special libraries, only 3 public libraries and 2 academic libraries reported acquiring this sex fantasy book. Respondents were asked to designate criteria used not to purchase the title, choosing all categories that applied: Here are the results³⁸

- Community standards: 100
- Cost: 97
- Professional reviews: 87
- Format: 69
- Erotica: 58
- Patron request: 56
- Written selection policy: 50
- Controversy: 46
- Availability: 17
- Best-seller status: 11

When community standards alone carry significant weight in determining material purchases, the librarian may neglect his or her responsibility to provide all viewpoints on a controversial topic. When paired with cost and book reviews, the decision not to purchase gains strength. The wise librarian takes great care to ensure that such criteria are always equally applied to all acquisitions and not only to provide convenient reasons when confronted with a potentially contentious selection.

Fifteen years after the publication of *Sex*, the OCLC WorldCat catalog, a global bibliographic database, listed library holdings for this title in eight countries, forty U.S. states, the District of Columbia, and Puerto Rico.³⁹ A further analysis of these 155 libraries revealed that college, university, and research libraries were the predominant owners of one or more copies of Madonna's book (63 percent). The remainder was divided among public libraries (23 percent), art libraries and museums (10 percent), and other special libraries (4 percent).

Because of poor binding quality, even moderate use would damage this book. Given the uproar and interest in the *Sex* book, it is quite possible that consecutive circulations occurred at public libraries. If so, representative OCLC holdings from the public library group type may

have been higher immediately following its purchase in late 1992. When anger is generated in some segments of the population by the presence of controversial items in library collections, vandalism may occur. This too would prompt the removal of the title from the collection and OCLC holdings.

THE PERSONAL PRICE

One might question if the strong and unwavering persona that Conable displayed to his staff, the library board, and the general public might differ from Conable the private citizen. Irene Conable, herself a librarian, quickly dismissed that possibility. She emphasized that both she and her husband were "one hundred percent" committed to the library's acquisition of and open access to Madonna's book. Both Conables held the position that "it was incumbent on us to preserve this commitment to the First Amendment." It was sadly ironic that one of the most highly regarded leaders in the intellectual freedom community, the library director who frequently counseled other librarians facing censorship challenges around the country, was himself the object of one of the most vicious and lengthy attacks in the modern history of public libraries. Throughout the duration of this series of events, Conable kept in contact with the staff of the OIF, generally to keep them apprised of developments. While the OIF staff served as a sounding board for and offered advice to Conable, this was clearly not a situation where a librarian needed significant help and direction to handle that which was not taught in library school.⁴⁰

It would be naive to think that enduring months of personal and professional attack would not have some profound affect on a person. While the hateful comments, placards, and signs as well as calls for the library director's resignation were public knowledge, Conable did not tell his wife about the two written death threats that he had received until long after the Madonna episode had passed. Irene Conable related that in one letter to the editor of a local newspaper, the writer referred to Conable as "Satan" and that the purchase of the *Sex* book was the work of Satan. It must be stated that Conable did not balk at controversy. In his wife's words he was "engaged by the difficult." Conable also loved the challenge of a teachable moment, regardless of whether it was while addressing his library staff or facing an angry group of residents trying to portray him as a purveyor of pornography. Sadly, the sustained tension of many months of discord and personal attacks manifested itself in a life-threatening medical condition. Conable developed high blood pressure, which his wife believes was a contributing factor in his early and untimely death on January 12, 2005.



The impact of the community backlash also had an impact on the rest of the Conable family, both individually and collectively. Irene, who was employed as a school librarian, stopped taking lunch in the teacher's lounge when the atmosphere became contentious. Some friends simply disappeared from her life. Conversely, some previous acquaintances became steadfast friends. One woman who sang in the community chorus with Irene would pick her up every Sunday so she wouldn't drive by herself. Irene's fear of being alone was not unfounded. The Conable family lived on three acres in a rural part of Monroe County, with a homestead containing a barn and a granary. In the midst of the Madonna crisis, their closest neighbor, still acres away, made a point of telling the Conables that he would not help if there was ever a need. With Gordon Conable frequently away evenings to attend meetings at various branch libraries, the family decided to put their farmhouse on the market, and they moved into town.

Their young son Ted was five years old at the time and attended the local Montessori school. The Conables considered moving him to another school because the private school was in an isolated location. The head of the school, however, assured Ted's parents that she would assign one person each day to watch Ted and so he remained. This precaution was not based on paranoia, as Ted was also threatened in a letter received by his father. Irene recalled how she and Gordon had speculated that this letter may have been related to a local letter to the editor in which the writer thought the children of Monroe were threatened by the presence of Madonna's book and that the library director needed to pay attention to the fact that he had a small child himself. Irene's parents were furious with her and Gordon for doing anything that could have put Ted in danger. At the height of these threats a good friend offered the Conable family refuge in Chicago. The Conables seriously considered moving Irene and Ted to Chicago but eventually decided to keep the family together in Monroe.

Enduring hardship in every facet of his personal life, however, was not the end of this saga. The pressure on Conable at the MCLS never completely relented, so as 1993 came to a close he began applying for other library positions. For the next five years, Conable applied for every reasonable library director vacancy that was advertised. Though he was frequently one of two finalists, not once was Conable offered a job. Feeling doomed, Conable started applying for assistant director positions, thinking he would fare better if the hiring decision was the prerogative of the director. Still, no offers

were tendered. At some point during the years of rejection Conable contemplated returning to school to pursue a law degree.

One cannot help but acknowledge that this form of professional shunning was a damning indictment on the library profession itself. We librarians rally around our collective free speech battle cry and declare intellectual freedom as one of our "core values."⁴¹ We support the American Library Association's "Library Bill of Rights" and the Constitution on which it is based. In Gordon Conable, we witnessed an esteemed library administrator who embraced best practices, who followed law and policy to the letter, yet was no longer an acceptable hire for a position of library leadership and authority.

THE TRIUMPH

In 1998, Gordon Conable was finally offered an administrative position, which would build on his impressive resume. He accepted an appointment as executive vice president for public libraries at LSSI (Library Systems and Services, Inc.) and the family moved to California. Accolades also followed his courageous defense of free speech. In 1994, he was recognized as "Michigan Public Servant of the Year" and was the first librarian so honored by the Public Administration Foundation. In 1996, Conable was named to the Freedom to Read Foundation's Roll of Honor in addition to other honors bestowed by various foundations. When LSSI announced Conable's death, he was described as "an outstanding senior manager" and "a passionate advocate for libraries and the library profession" who "brought his extensive knowledge and deep convictions to every aspect of his job and life."⁴²

FINALE

Here are answers to a few lingering questions that emerged during the investigation of these events. Did Madonna's book remain in the collection at Monroe? The answer is no, but not because of censorship. Former MCLS Library Director Nancy Colpaert confirmed that the five copies of *Sex* were eventually withdrawn because of damage to the spiral binding following five years of continuous circulation.⁴³ Did Madonna ever contact the Monroe library during the long controversy? According to Irene Conable, she did not. Gordon Conable tried to contact Madonna, but she did not respond. Finally, how should librarians view Conable's role in this prolonged crisis? To quote Irene Conable, "He was not only a shining example but a warning."



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