
The 2009 West Bend Community Memorial Library Controversy: Understanding the Challenge, the Reactions, and the Aftermath

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ABSTRACT

For most of 2009, the West Bend Community Memorial Library in West Bend, Wisconsin, was embroiled in controversy due to a series of community-based challenges against the presence of so-called “sexually explicit books” and “books for youth on homosexuality” in the library’s Young Adult section. The controversy generated considerable discussion and debate over the role of the library in providing access to information, the nature of intellectual freedom and professional authority, the influence of community and outside stakeholders, and the role of local governance in library operations. These discussions occurred in public meetings and across dinner tables, in community protests and editorial pages, on blogs and social media, and in professional and academic venues, and they reached far beyond the limits of the rural Wisconsin city, making the West Bend controversy an important and unique opportunity to explore how debates over intellectual freedom play out in the twenty-first century information ecosystem.

INTRODUCTION

For most of 2009, the West Bend Community Memorial Library in West Bend, Wisconsin, was embroiled in controversy due to a series of community-based challenges against the presence of an online GLBTQ readers’ advisory list and the presence of “sexually explicit books” and “books for youth on homosexuality” in the library’s young adult section. While public debate flared, and the library’s staff and board were taking steps to formally review and address the challenges, the West Bend City Council refused to reappoint four sitting Library Board members over their handling of the dispute. Soon after, following continued public discussion and debate, the library’s Board (including the four members who were denied reappoint-

ment but not yet replaced) voted unanimously to maintain the current young adult collection without removing, moving, labeling, or restricting access to any of the existing materials.

This dispute over intellectual freedom and access to information, and the political aftermath, sparked global attention, with media coverage ranging from local outlets to CNN and ABC News, as well as the United Kingdom's *Guardian*, and public outcry by numerous library and free-speech organizations. According to the Pew Research Center's Project on Excellence in Journalism, the West Bend Community Memorial Library controversy was the third most blogged about topic during the week of July 20–24, 2009, following only news about President Obama's first six months in office and the announcement of a new costume for the British TV science fiction character Dr. Who ("Bloggers Seize," 2009).

The West Bend library controversy generated considerable discussion and debate over the role of the library in providing access to information, the nature of intellectual freedom and professional authority, the influence of community and outside stakeholders, and the role of local governance in library operations. These discussions occurred in public meetings and across dinner tables, in community protests and editorial pages, on blogs and social media, and in professional and academic venues. They reached far beyond the limits of the rural Wisconsin city, making the West Bend controversy an important and unique opportunity to explore how debates over intellectual freedom play out in the twenty-first-century information ecosystem.

This article situates the events. Discussion begins with a profile of West Bend, Wisconsin, itself, since a review of the history and demographics of this particular setting will highlight the importance of the local social and political context in similar debates. The investigation then details the various complaints and processes followed over the course of the controversy and provides a summary of the aftermath, including impacts on the West Bend Library, local government, and the community at large.

THE COMMUNITY: WEST BEND, WISCONSIN

The city of West Bend, Wisconsin, is located in largely rural surroundings, forty miles northwest of Milwaukee, the state's major metropolitan area. With settlements dating back to 1845, the city has largely German roots: in 1882, for example, 195 of the villages' 238 families were German (*West Bend Historical Album*, 1976, p. 20). According to the 2010 US Census, the city's population is 31,078. Over the last fifty years, the city has experienced a steady population increase, rising between two thousand and four thousand every ten years. Throughout this population growth, the city's demographics have remained racially homogenous. The 2010 census reveals 94.8% of the population self-identifying as White, 1% as Black or

African-American, 0.4% as American Indian, 0.8% as Asian, and 1.7% as biracial or multi-racial; 3.9% identify as Hispanic (of any race).

While West Bend's legislative districts have changed over time due to re-districting, state senators and representatives have consistently come from the Republican party (Legislative Reference Bureau, 2012). West Bend is the seat of Washington County, which has voted overwhelmingly Republican in national presidential elections since 1968 (Wisconsin's 5th District Republican Party, 2009). A mayor and a common council, made up of the mayor and eight elected alderpersons, govern the city. An elected school board manages the West Bend School District, and the city is served by the West Bend Community Memorial Library (WBCML), with an appointed board made up of one alderperson and eight citizen members appointed by the mayor and approved by the common council.

In recent years, numerous social and political debates have sparked tensions within West Bend government, reflecting a local level of "acrimony [that] is a reflection of the fissures evident in state and national politics" (Hessel, 2011). Local disputes over school spending, social climate, and educational policies have included controversy over including "sexual orientation" alongside religion, race, creed, ethnicity and others in the protected classes portion of the school district's new antiharassment policy; the school board's initial refusal to recognize a chapter of the Gay Straight Alliance, a national youth organization, leading to a federal lawsuit; intense community debate over a proposed charter school with religious connections; and numerous ethical complaints against council members and other city officials. These controversies reached a high point in 2009 when tensions escalated around whether gay and allegedly sexually explicit material should be allowed to remain on the shelves of the young adult section of the West Bend Community Memorial Library.

THE COMPLAINTS AND LOCAL RESPONSES

In 2004, the WBCML added a young adult GLBTQ booklist called "Out of the Closet" to the "young adults zone" section of its website, providing summaries of recommended GLBTQ fiction and nonfiction books (Pekoll, 2009, 284). Five years later, on February 3, 2009, local residents Jim and Ginny Maziarka deposited a letter in the overnight book drop, complaining about the presence of the list and asking for its removal. The complaint argued, in part, that "[as] a conservative community, I am sure the taxpayers of West Bend would be as offended as my husband and I were when we reviewed this website that directly links itself to our very own West Bend Community Memorial Library" (Tyree & Pekoll, 2009). A few days later, on February 16, 2009, the library received a formal book challenge from the Maziarkas that included a list of thirty-seven books that the complaint described as containing "propaganda" having "negative

influences on impressionable children” that “encourages & normalizes illegal behaviors” (Tyree & Pekoll, 2009). A letter accompanying the official “Reconsideration of Materials” paperwork submitted argued further (emphasis in original):

We are concerned about young children stumbling *upon these books at our public library*. We ask that these books, and other similar propagandistic gay books either not be carried or that they be put in a reference section to protect children from accessing them without their parents’ knowledge and supervision. . . . We further ask that the web page referencing book recommendations for homosexual activity among teens “Out of the Closet” be removed or password-protected in order to, once again, prevent access without parental permission. (Tyree & Pekoll, 2009)

The letter also noted “an obvious omission in material” in the library that required immediate attention as “[the] health, safety and well being of many people hinges on getting this situation rectified.” This referred to the absence of books about “leaving homosexuality or the origins of same sex attractions,” and the Maziarkas demanded “equal access to all information, including ex-gay books.” The letter provided a list of fifteen books and various online resources related to “Unwanted Same Sex Attraction” and “Gender Identity Disorder” for inclusion in the library’s collections (Tyree & Pekoll, 2009).

In accordance with the WBCML’s reconsideration process, the Maziarkas met with Kristin Pekoll, the Young Adult Librarian responsible for the collection and readers’ advisory list in question. At that meeting, the Maziarkas again argued that a “taxpayer-funded public library” should strive for “balance in the selections that the libraries carry on the homosexual issue in the YA Zone,” and that if so-called “gay-affirming” books are available, so should “faith-based and ex-‘gay’ books that oppose a pro-homosexual ideology.” They asked that any youth web pages referring to topics of a “sexual nature” be password-protected or removed altogether and, most notably, asked for the removal of any book in the young adult section that contains “perverse and pornographic language” (Maziarka, 2009a). With no resolution, the Maziarkas next met with library Director Michael Tyree, where they specifically requested a “ban” on Stephen Chbosky’s young adult novel *The Perks of Being a Wallflower* (Maziarka, 2009b). Again, no resolution was found to satisfy the complainants.

The book challenge was added to the agenda of the March 3, 2009, Library Board meeting, and in anticipation of larger-than-usual attendance, the meeting was moved to a larger venue. However, attendance exceeded that expanded capacity, and public safety rules required postponement of the meeting until a suitable venue could be found (Butler, 2009). After some negotiating of dates, the Library Board meeting was rescheduled for March 25, 2009.

In the meantime, on March 16, 2009, the Maziarkas emailed a list of an additional eleven books to add to their original complaint of “sexually explicit books,” and “in accordance with state statutes concerning pornographic materials for minors,” they asked for the removal of *The Perks of Being a Wallflower* and Brent Hartinger’s novel *The Geography Club*, arguing the “explicit pornographic nature of these books is inappropriate for minors/juveniles and should not be made readily available in the young adult or juvenile fiction areas of our library.” In response to these new demands and other media statements made by the Maziarkas, Director Tyree advised them on March 19, 2009, that the City Attorney had interpreted their recent actions and statements as a withdrawal of their original complaint—that they now objected to specific books, and not all the books in the particular genre in question. As a result, the March 26 Library Board meeting was cancelled, and the Maziarkas were asked to start the reconsideration process again with the specific objections to specific books (Tyree & Pekoll, 2009).

The Maziarkas responded to this request to restart the reconsideration process with defiance and suggested Tyree’s notification reflected “the library board’s attempts to unilaterally withdraw our appeal without our permission and duck the issue that has now garnered much public attention so as to maneuver the issue out of the public eye and scrutiny with delay and the use of more private meetings with staff” (Maziarka, 2009c). Reaffirming their original request, the Maziarkas held their own town meeting on the night of the canceled Library Board meeting, and called for the Library Board to “state on the record whether they believe that pornographic books should be in the youth sections of the library” (Maziarka, 2009d). Supporters circulated a petition, calling on the Library Board to consider five specific policy positions (Tyree & Pekoll, 2009):

- The mandatory reclassification of “youth-targeted pornographic books” into the adult section of the library
- Visual identification of explicit material with a parental advisory
- Restriction of access to library-produced sexual content online
- Maintenance of “balanced literature” on issues “controversial within the West Bend community,” including homosexuality
- Policies consistent with the Children’s Internet Protection Act to implement Internet filtering

Meanwhile, vocal opposition to the Maziarkas’s position emerged in the West Bend community. Maria Hanrahan spearheaded the organizing of the “West Bend Parents for Free Speech” website, and the anonymous Concerned West Bend Citizen created the oppositional blog “Sleepless in West Bend.” Hanrahan circulated her own petition, calling on the library to enforce or adopt policies that “protect the collection from attempts at censorship,” and specifically requested the board reject the requests made

by the Maziarkas in their petition (Hanrahan, 2009). Other responses included an organized march against library censorship and a “read-in” at the WBCML, which included informal discussion of book banning in general.

Amid the community debate and discussion of the book challenges, the sitting Library Board was up for reappointment by West Bend’s mayor and Common Council. While Mayor Kristine Deiss recommended reappointment of all sitting members, on April 20, 2009, the Common Council voted against reappointing four of the Library Board members who were vocal in their opposition to the Maziarkas’s requests. One council member specifically argued that the appointees were not serving the interests of the community “with their ideology” (Rank, 2009). One of the four refused reappointment was a twenty-four-year veteran of the Library Board (also a retired academic librarian), the others being an attorney and two teachers.

The Library Board finally met on June 2, 2009, to consider the Maziarkas’s petition, with the four members who were denied reappointment but not yet replaced. The board met for over two hours and heard viewpoints from nearly sixty people. Maziarka presented her petition with approximately seven hundred signatures, and Hanrahan submitted over one thousand signatures from her opposing petition. In the end, the Library Board rejected the Maziarkas’s requests, voting 9–0 to maintain “without removing, relocating, labeling or otherwise restricting access” the books in the young adult category at the West Bend Community Memorial Library (Behm, 2009).

EXTERNAL REACTIONS

This local dispute over intellectual freedom and access to information sparked considerable global attention, including media coverage, outrage by professional and activist organizations, and praise by supporters. The March 26 town meeting garnered local media attention, and a few weeks later the University of Wisconsin–Milwaukee School of Information Studies, which educates librarians and information professionals, issued a statement supporting the WBCML staff for their support of the principles of intellectual freedom (Zimmer, 2009).

Joining numerous local voices of support for the Maziarkas, the most visible outside supporter of the book challenge was Dan Kleinman, a critic of the American Library Association (ALA) and a crusader against what he considered to be the ALA’s “pro porn policies.” Kleinman blogged extensively about the West Bend controversy, engaged in online dialogue with various local stakeholders, and assisted Ginny Maziarka with the creation of a timeline and repository of information related to the challenges.

The controversy received greater external attention after the West Bend Common Council’s refusal to reappoint four sitting Library Board members, which sparked condemnation from the American Library Association and a collection of free speech organizations including the Ameri-

can Booksellers Foundation for Free Expression, the National Coalition Against Censorship, the Association of American Publishers, and PEN American Center (American Libraries, 2009).

Taking advantage of the West Bend controversy, the Milwaukee branch of the “Christian Civil Liberties Union” filed a legal claim against the city of West Bend, Mayor Kristine Deiss, the West Bend Library Board, and Library Director Michael Tyree, arguing that the young adult book *Baby Be-Bop* is offensive, and that the book’s “words can permeate violence, and puts one’s life in possible jeopardy, adults and children alike.” The group demanded \$120,000, Deiss’s resignation, and the removal and public destruction of the book. These demands further fanned the acrimony around the debate.

Once the controversy had subsided, numerous organizations recognized the actions of the WBCML staff and community members and their fight in support of principles of intellectual freedom and access to information. The Wisconsin Library Association’s Intellectual Freedom Round Table awarded the 2009 WLA/Proquest Intellectual Freedom Award to the WBCML staff, its board members, and Maria Hanrahan (Buchanan & Zimmer, 2009). The library also received the Robert B. Downs Intellectual Freedom Award given by the faculty of the Graduate School of Library and Information Science at the University of Illinois at Urbana-Champaign (“West Bend Community Memorial Library,” 2009). The West Bend Activists for Free Speech (Michael Tyree, Maria Hanrahan, and Mark Peterson) were later awarded the WI ACLU’s Civil Libertarian of the Year award. Ginny Maziarka was recognized by the Wisconsin branch of the Eagle Forum, an advocacy group founded by Phyllis Schlafly, for her efforts to “remove sexually explicit materials from the children’s section of a local library” (“West Bend Mother Honored,” 2009).

THE AFTERMATH

In the aftermath of this very public and contentious controversy, the various parties involved took steps to better understand what had happened and what steps can be taken moving forward, each in support of their own position. Ginny Maziarka was vocal in her concern that the interests and standards of the local community had been “hijacked” by the American Library Association, and, with Dan Kleinman’s assistance, filed an open records request to obtain emails and related communications from the City of West Bend, the WBCML staff, and its board members to try to determine the level of collaboration and influence the ALA might have had on the handling of the controversy (Maziarka, 2010). An annotated archive of the documents received under the open records request was published online by Maziarka in 2010 (Maziarka & Kleinman, 2010).

Meanwhile, the WBCML took steps to update its formal “Reconsideration of Materials” policies and documents, which were twenty-five years old

at the time of the 2009 controversy. Library Board meetings in the summer of 2009 resulted in additions to the formal policy stating that

- library materials will not be marked or identified to show approval or disapproval of their contents, and no library materials will be sequestered;
- responsibility for reading and the use of the library by children rests with their parents and legal guardians; at no time will library staff act in loco parentis; selection of library materials will not be inhibited by the possibility that they may come into the possession of children; and
- while a person may reject materials for himself or herself, or for his or her children, he or she cannot exercise censorship to restrict access to the material by others.

The entire episode also sparked considerable reflection among WBCML staff and board members regarding the need to better inform the public about library collections and acquisition policies, the nature of internal communications and open records policies, and also the role of media—both traditional media and social media—in the local controversy (Pekoll, 2009).

The West Bend challenge has also become a valuable case study for helping other libraries and information professionals understand the complexities of book challenges and related threats to intellectual freedom in today's information environment. The clash between a community with strong conservative values and an institution promoting open access to information has always existed, but in today's environment, the combined impact of the Internet, social media, amateur blogging, open records, global media attention, and professional scrutiny reveals how what once might have been an isolated and contained process for reconsidering materials can quickly expand and evolve.

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