

Brian Kopp
Opposition to HB1205

HB1205 if enacted would violate first amendment rights. It would create an environment that would remove libraries from having materials for a number of educational and informational reasons. Libraries are publically funded for the public and are to exist with first amendment guarantees and the library bill of rights followed. HB1205 would allow for the removal of books that based on someone's opinion were explicit, not the already created and enacted rules that prohibit pornography in public libraries, or by definition actually explicit materials. The discussions that have happened around books that are related to the list created in the new "Section 2" of this bill:

- (1) Human masturbation;
- (2) Deviant sexual intercourse;
- (3) Sexual intercourse;
- (4) Direct physical stimulation of genitals;
- (5) Sadomasochistic abuse;
- (6) Postpubertal human genitals;
- (7) Sexual preferences;
- (8) Sexual activity;
- (9) Sexual perversion;
- (10) Sex-based classifications;
- (11) Sexual identity; or
- (12) Gender identity.

(Continued) have been largely around religious beliefs and an active will to censor those lifestyles and gender identities that some folks do not agree with. This bill attempts to put the legislature in charge of what religious and expressive freedoms are. There are already protections in place for much of the above, which is why we do not see issues brought up until the end of the list, items 7 through 12, in the discussions and recent news stories. Many of the books that would come in to question have not had any legal ramifications for their publishing for the exact reasons listed above. The claims made against books that are used for educational purposes have single lines taken out of context, paragraphs ignored when discussing how print material for teens can teach them that sexting is illegal if they or the other party are under 18 years of age. Removing books based on personally held, mostly religiously based, beliefs is a direct violation of first amendment rights and will remove helpful knowledge of both sexuality and in some cases even the law as noted.

HB1205 would also allow those whom hold religious beliefs that gender isn't fluid in direct opposition to all scientific and historical evidence of the opposite to make a claim against a book or work of art. The standards to make the claim are up for wide interpretation and could allow communities/authorities to choose what is available at their public library instead of having a library that serves the whole community, which is funded by the whole community and state.

The claims that this bill protects children is a misdirection of the real target, sexual identity and gender identity. What I mean by this is those who oppose any commentary, discussion, or teaching about gender identity point to the much higher than average rate of self-harm and suicide among transgender people. The research is clear that the rates of self-harm and suicide is from the lack of their acceptance in society, ridicule, and being discriminated against. In 2016, the Departments of Education and Justice sent a letter to schools receiving federal funding that interpreted Title IX protection to apply to gender identity and transgender students. Libraries are part of our educational system and we should not as a

state decide to start discriminating against people based on their sexual identity or gender identity by removing books and print materials they or anyone may be interested in or could learn from.

Libraries should stay as a neutral ground for beliefs and ideas. It's why I have no issue with religious books of other religions in my public library or even some of the literature types being targeted in this bill. If they serve the community and do not harm the community they should be able to be available. Lastly there have been multiple comments throughout the state that children could unknowingly come across books that are not age appropriate. This is another misdirection from the actual issue, parenting. Parents have a legal responsibility for their children. If their children are violating library policy, by not supervising their children, the parents or guardians are at fault, not the library and society. We place safeguards in society to protect both children and adults, but we do so in a manner that does not restrict the rights of all people. If all current rules and laws are followed and enforced HB1205 serves no purpose other than to restrict first amendment rights to the freedoms of speech, expression, and religion (and from religion).

Please maintain the integrity of our libraries as an open and welcoming source of information and education for our communities here in North Dakota. Please oppose HB1205

Library Bill of Rights for reference:

The American Library Association affirms that all libraries are forums for information and ideas, and that the following basic policies should guide their services.

I. Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, background, or views of those contributing to their creation.

II. Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.

III. Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.

IV. Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas.

V. A person's right to use a library should not be denied or abridged because of origin, age, background, or views.

VI. Libraries which make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use.

VII. All people, regardless of origin, age, background, or views, possess a right to privacy and confidentiality in their library use. Libraries should advocate for, educate about, and protect people's privacy, safeguarding all library use data, including personally identifiable information.

Adopted June 19, 1939, by the ALA Council; amended October 14, 1944; June 18, 1948; February 2, 1961; June 27, 1967; January 23, 1980; January 29, 2019.

Inclusion of “age” reaffirmed January 23, 1996.