

March 11, 2023

Senator Larson and Committee Members,

HB 1205 violates the First Amendment and is bad for North Dakota. I strongly urge a “Do NOT Pass” out of committee and “NO” votes on the floor for HB 1205.

I am a North Dakota resident and local church pastor. Two weeks ago, I and hundreds of others, including members of my church community stood for half an hour outside the Bismarck Public Library reading books. We read in the bitter cold to protest this bill because it restricts the rights of the people, bans the Bible from public access, removes knowledge of the human body from the public eye, and restricts the access of the homeless, the homebound, the hospitalized, and all North Dakotans.

The First Amendment protects the freedom of speech. This bill broadly and subjectively redefines “obscene” (a definition which was already legally established in 1973 in the *Miller v. California* case) and will remove from our libraries a wide spectrum of publications including medical texts with images of the human body, pregnancy books, parenting resources, history accounts, art books, fitness materials including workout videos, health magazines, and a large number of other non-fiction and fiction books and movies in *all* sections of our libraries. In addition, our state will lose access to on-the-go resources like Libby and Hoopla, which provide a way for residents to remotely borrow digital and audio books and watch movies while traveling, homebound, hospitalized, or too busy to physically stop at the library. Important medical resources, history accounts, commentaries on society, works of art, and entertainment will be banned by HB 1205. As a result, thousands of voices will be silenced throughout the state by this bill. This is a direct violation of our First Amendment rights.

The First Amendment also protects the freedom of religion. HB 1205 will unequally remove religious texts from our public libraries. As a Christian pastor, it alarms me that our legislators would restrict the religious freedoms of North Dakotans by banning the Bible and commentaries related to the Bible from our libraries. Other religious texts will also be banned by this bill, but the censorship will affect the variety of religions unequally.

Our libraries already have established policies for curating appropriate collections based on each community’s needs. The legislature should not infringe on the responsibilities of our library boards or school boards to make the best decisions for their local community or the right of parents to make the best decisions for their own children.

Not only is HB 1205 a direct violation of the First Amendment and an act of government overreach into the decision-making process of local communities, but it will also be expensive to implement. Tax dollars will need to be spent to hire readers for every book, article, and magazine currently in circulation in our libraries and schools. The curation of current and future collections will require additional staff. In addition, tax dollars will need to be spent on litigation as a result of this bill.

As a North Dakotan, I strongly urge a “Do NOT Pass” on HB 1205 and a “No” vote on all forms of HB 1205.

Sincerely, Rev. Gretchen Deeg