

University Senate
Twamley Hall, Room 201
264 Centennial Dr Stop 8382
Grand Forks, ND 58202-8382
UND.edu/university-senate

SB 2360

ND Senate Judiciary Committee

March 14, 2023

Chairman Klemin and members of the House Judiciary committee:

My name is Robert Newman. I am a professor at the University of North Dakota and Chair of UND's University Senate. On behalf of the UND University Senate I submit this **testimony in opposition to SB 2360**.

The Senate Judiciary committee received a substantial volume of testimony on this bill, much of it opposing the bill. The version under consideration now in your committee has already received an abundance of testimony, laying out the reasons why the bill, should it become law:

- solves no problem that does not already have an accepted solution, and
- creates the impression that North Dakota is a state with state-sponsored censorship.
- Is clearly un-constitutional (see for example the testimony of David Horivitz)

I do not believe that members of the legislature would willfully cast our state in a negative light, for no good reason and that leads me to hope that you will reconsider this ill-advised bill. Although the bill targets both retailers and public libraries, places where minors will allegedly be faced with what the bill deems "obscene material," I will focus on libraries in my testimony.

Please remember the purpose of public libraries. They are repositories of knowledge and the arts, they are gathering places and community centers that support education and shared experiences, and importantly, they are fundamental to democracy by allowing access to these valuable resources for everyone.

Censorship and book banning have no place in a democracy. They are incompatible with the First Amendment right to freedom of speech and expression. Moreover, you simply cannot ban any information anymore in our modern information age. The only impact will be that citizens will lose trust in the government because the government is conspicuously attempting to prevent people from accessing material that is readily available online.

Today, the University of North Dakota rests on the ancestral lands of the Pembina and Red Lake Bands of Ojibwe and the Dakota Oyate — presently existing as composite parts of the Red Lake, Turtle Mountain, White Earth Bands, and the Dakota Tribes of Minnesota and North Dakota. We acknowledge the people who resided here for generations and recognize that the spirit of the Ojibwe and Oyate people permeates this land. As a university community, we will continue to build upon our relations with the First Nations of the State of North Dakota — the Mandan, Hidatsa, and Arikara Nation, Sisseton-Wahpeton Oyate Nation, Spirit Lake Nation, Standing Rock Sioux Tribe, and Turtle Mountain Band of Chippewa Indians.

As a practical matter, we do not and do not want to live in a society where authorities are monitoring our every move (have you read Orwell's 1984?). I think we would all agree that is un-American, or at least we would like to think so. Moreover, librarians are professional information facilitators. It is not their job to prevent people from accessing information, quite the opposite in fact. Read the testimony they have submitted.

As to the concerns raised in this bill, as other testimony has already noted, libraries already have policies about acceptable material, age-appropriate access, and opportunities for public participation in the process. Criminalizing librarians because some community members are offended by their decisions is highly inappropriate and creates an impossible situation for them.

Finally, you may question why the faculty at one of our universities is offering an opinion about this. Actually, I hope you are not questioning that because it should be obvious. The mission of colleges and universities is to foster learning and discovery for all members of society. But students of all ages most likely first encounter local public libraries and school libraries long before they arrive on a college campus. The knowledge and learning skills they develop at home, in schools, and, yes, through access to local libraries sets the stage for success in higher education. Our mission in higher education builds on that foundation.

Let libraries and librarians do their job! If anything they are doing was causing harm, we would all have already been harmed long ago. It did not happen and is extraordinarily unlikely ever to happen. This bill is not a solution to any problem. It will only make life difficult for librarians, library patrons, both of whom are your constituents.

We urge the committee to oppose SB 2360 and vote Do Not Pass.

Respectfully,

Robert Newman, PhD. / Chair, University Senate, UND