



North Dakota Library Association  
*Established 1906*

January 20, 2023

Chairman Larson and the Members of the Senate Judiciary Committee,

My name is Kerriane Boetcher and I am writing as the President of the North Dakota Library Association (NDLA) to voice opposition to the proposed changes presented in SB 2123.

There are several areas of concern that NDLA has with these changes. Section One leaves public servants open to criminal prosecution for the selection of reading materials that they as a professional deem appropriate for a library collection, pursuant to board policies and in compliance with state and federal laws. There is also the risk of exposure to potential lawsuits on the censoring of Constitutionally-protected materials. The change of "is principally made up of" to "contains" opens up a realm where even educational materials could be considered as immoral.

This bill will prohibit all librarians from fulfilling their mission to serve information needs of their local communities. It violates the rights of readers to access constitutionally protected materials at their libraries.

Additionally, the idea that the presence of any content relating to sex, sexuality, sexual orientation, or gender identity with a work being sexually explicit overall is one that we reject.

Many of our public and school libraries have a collection development or collection management policy as approved by their Library Board of Trustees or School Board. These policies lay out the procedures that a library follows when evaluating materials for their collection. These policies include examining reviews from multiple peer journals, the analysis of the current collection, and a work as a whole. Many of them also include a process for the reconsideration of materials should a patron have concerns over a particular material while still remembering that a work must be evaluated as a whole and not a single scene or comic panel.

Libraries have a responsibility to allow patrons to access information on whole variety of topics including race/ethnicity, gender/sexuality, ability/disability, religion, socioeconomic status, and family situation. Libraries exist to level the playing field and provide equitable and authentic access for everyone. We provide no cost access to technology and more to help alleviate information poverty.

At our most recent annual conference, the North Dakota Library Association passed a resolution to release a statement against book challenges. I have attached the statement to my testimony.

The North Dakota Library Association is asking the committee for a do not pass recommendation on this bill.

Sincerely,

A handwritten signature in black ink that reads "Kerriane Boetcher". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Kerriane Boetcher  
President of the North Dakota Library Association  
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FOR IMMEDIATE RELEASE:

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## **Libraries Have A Place For Everyone By The North Dakota Library Association Executive Board**

Across the state of North Dakota, a few organizations are attempting to advance the idea that the voices of the marginalized have no place on library shelves. They have brought forth calls for the censorship of books and other resources that relate to the lives of those who are gay, queer, or transgender or that tell the stories of persons of color. By claiming that these works are immoral and subversive, they attempt to sway elected and non-elected officials to abandon constitutional principles and individual rights. They are resorting to intimidation and threats while targeting the safety and livelihood of library workers, educators, and board members who are dedicated to the public service and our communities.

NDLA strongly condemns these acts of censorship and intimidation.

We are committed to defending the constitutional rights of all individuals, of all ages, to use the resources and services of libraries. We champion and defend the freedom to speak, the freedom to publish, and the freedom to read, as promised by the First Amendment of the Constitution of the United States.

We stand opposed to censorship and any effort to coerce belief, suppress opinion, or punish those whose expression does not conform to what is deemed to be orthodox in history, politics, or belief. The unfettered exchange of ideas is essential to the preservation of a free and democratic society.

With the freedom to read under threat, the NDLA, including its Executive Board, Sections, and other units stand firmly with our members, the entire library community, allied organizations, and all those across this country who choose to exercise their own right to read and access information freely, and we call on others to do the same.