

Chairperson and Committee members,

I am reaching out to you on behalf of myself as a citizen of North Dakota and on behalf of my family, to respectfully ask that you vote NAY on SB 2307. I was very disappointed that the Senate Judiciary Committee received testimony from 150 North Dakotans opposing this bill (compared to 23 North Dakotans who voiced support of the bill) and still voted to pass this bill. I hope that you will not follow this example and will listen to the citizens of North Dakota.

During this hearing you will hear some alarming testimony about the impact of pornography on youth. I am not going to deny this information. Pornography is not good for youth. However, as you hear this testimony you need to keep in mind the following, undeniable, fact: **LIBRARIES AND SCHOOLS DO NOT CARRY PORNOGRAPHY**. Just because a person doesn't like the content of something or is personally offended by it, it does not make it obscene or explicit or pornographic. I beg that you keep these things in mind as you hear about the detrimental effects pornography has on children.

I know that you will also hear about a handful of books and possibly even be given copies of these. The books you will hear about are *Let's Talk About It*, *Heartstopper*, and *This Book is Gay*. I will not point out that the common theme in all of these books is that they feature LGBTQ+ characters, but I will ask that if you get the chance you should read them all in their entirety. They are lovely books with themes of doing what you believe is best and showing compassion to yourself and others. As SB 2307 stands, none of these books would be removed from a library or school because they don't fit the ND and U.S. standard for obscenity (the "Miller Test") which requires an item be **taken as a whole**.

This leads me to a question: what is the point of this bill? Libraries already have a process in place to review books and for patrons to request books be reconsidered. As far as I can tell, the bill takes this well-vetted process and says that if a person doesn't like a decision made by an appointed board of their fellow community members they can then take it to their local States Attorney. This not only undermines the professionals *and* an appointed board, but also wastes the time of attorneys who are already stretched thin. SB 2307 seems as though it was put forward by people who were unhappy with certain decisions so they wanted to find others who might side with them. What happens when the attorney doesn't rule as some may want? What local control will be removed next?

Despite the changes made by the Senate, SB 2307 has some unclear and potentially alarming language which will impact my family's use of not just books, but library databases and digital resources. My family, like many others, use databases provided by my local public libraries and the ND State Library for both entertainment and educational purposes.

Section 6 of SB 2307 would make libraries have to update the authentication systems of these databases to identify patrons individually rather than by location as they do now. This would significantly reduce access for K-12 students even with the age verification system in place because ALL material would essentially have to be **acceptable for kindergarteners**. I'm sure there are ways for vendors to remove specific titles and articles from their online collections, but it would remove it for ALL patrons – not just K-12. This would mean that I wouldn't be able to access the latest Colleen Hoover novel from my library's OverDrive account and my child would not be able to use Academic Search Premier to look for information on Ancient Greece culture.

My child's access is actually my primary concern with most of this bill. My child is 16, but is being lumped into the same group as 7-year olds. He needs to be able to access resources for school projects and his teachers and librarians should not have to worry about fines for breach of contract with vendors as well as financial punishment from the state. This seems especially hard on schools where students from preschool to 12th grade share the same school library.

As a matter of fact, much of SB 2307 seems to punish small towns with K-12 students in one school building and public libraries that are only in one room. Many libraries across the state are just one room and therefore would find it very difficult to keep materials in “an area inaccessible to minors.” While some may say that libraries could just put certain items in a cabinet or behind a counter, this is not what patrons like my family want at our public library. We want to be able to browse the shelves to find what interests us and not have to ask someone for permission to get a book.

I completely agree with the need to keep small children from seeing inappropriate content, but libraries and schools already have processes in place to do this, so SB 2307 is unnecessary. Overall, it seems that most of the bill is providing a solution to a problem that doesn't exist. This bill seems to be a reaction to a few books which people find unacceptable and a few instances when citizens didn't like the results of established policies and procedures.

Please do not pass SB 2307. I know you want to protect children from being sexualized, but I don't think library materials and digital resources do this and I just don't think it's our place to decide what is and isn't right for other people's children. I trust that our library employees are following the necessary laws, policies, and procedures to ensure my children aren't being “sexualized” and I trust that they are reviewing the books they have and which they purchase in order to meet the needs of our community. I ask that you trust them too and vote NAY on SB 2307.

Respectfully submitted,  
Janet Anderson  
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