

February 7, 2025

Dear Members of the ND Senate Judiciary Committee,

I'm director of James River Valley Library System in Jamestown, and I'm writing to respectfully oppose SB 2307. I hope to provide lawmakers with information that may be helpful as you consider this bill.

I understand why many people of all political, moral, and spiritual views are concerned with library materials. It's not just conservative people who sometimes feel uncomfortable. There were efforts to remove Dr. Seuss books from libraries after the publisher decided in 2021 that six Seuss books had racist images. Librarians rightly resisted these calls for removal.

As a conservative Christian and a father, I understand and respect the desire to shield our children from some topics. When my son was young, I restricted certain materials based on his maturity level, and in doing so, I was acting in my capacity as a father. As a librarian, my decisions are based on the needs of our entire community. Librarians are united in encouraging parents to supervise their own children's checkouts, just like we do for our children.

Both major parties have tried to restrict speech based on people's viewpoints. Conservatives are concerned about speech they consider inappropriate for children. However, this is not reason enough to restrict access to information protected by the First Amendment. Some folks on the other side have tried to restrict "disinformation" or "hate speech." Conservative speakers have been shouted down on college campuses, and that shouldn't happen. In addition, some viewpoints have been limited online due to government pressure (e.g. Meta's letter to Rep. Jordan 8/26/24 – [Zuckerberg says he regrets caving to White House pressure on content - POLITICO](#)). Except as narrowly interpreted by the Supreme Court, speech shouldn't be restricted.

Librarians collect materials that are 100% protected by the First Amendment, regardless of our personal viewpoints. The items in our collections are 100% legal to create, illustrate, publish, distribute, and maintain in public libraries in all fifty states. None of our library materials are obscene because obscenity isn't protected by the First Amendment. As a public librarian, I have a responsibility to provide materials suitable for our community in a manner that is fair to all major viewpoints. This means providing materials with which I may personally disagree and cataloging them age-appropriately.

Our library in Jamestown collects *diverse perspectives on all major topics*, and we try to do this using materials that are *broadly acceptable to our community* and *broadly considered age-appropriate by our community*. I believe all ND librarians go through a similar evaluative process, but we represent different communities with slightly different values, so selection decisions are unique to each community. Librarians know our users.

I have several concerns about SB 2307 that I hope the legislature will carefully consider:

- The threat of a class B misdemeanor for librarians and booksellers is an improper prior restraint on speech because it creates fear of including certain topics or viewpoints.
- The appropriateness of library materials should be a local decision, not a statewide ruling from the Attorney General.

- A material challenge should only come from a resident of the library's service area since it is unfair to allow outsiders to challenge a local library's decisions.
- SB 2307 requires relocation of legal free speech to an area not accessible to minors. I believe this will not stand First Amendment scrutiny, but I'm a librarian, not a lawyer.
- On a practical level, most libraries don't have an area big enough to accommodate all the materials that *could* be implicated in SB 2307. Our library alone may have more than ten thousand items containing some level of adult material, and these items are properly cataloged. Genres that contain adult material include fiction, art, history, true crime (including survivors of sexual abuse), anatomy, religion, mythology, and self-help, among many others. The presence of adult material in fiction written for adults is extensive, and depending on the final wording of the bill, libraries might not have adequate physical space to segregate those materials so children can't see them.
- The time required to carefully review all adult materials in our library would be prohibitive, particularly since every item cataloged for adults might have to be read, watched, or listened to under the current wording of SB 2307.
- E-materials are a massive part of the future of libraries and literacy, so restricting e-materials in the name of protecting children pushes libraries out of the digital marketplace.
- Today's children are getting inappropriate material from their phones, not the library, and not from library databases or e-materials.
- Threatening librarians and booksellers with a class B misdemeanor will only result in fewer readers across North Dakota.

The solution to concerns about library collections is diversity of the collection, not passing laws restricting materials protected by freedom of speech. A father approached me several years ago regarding a children's book that didn't align with his faith and values. I asked if he wanted to suggest something that would balance the collection, and he made a suggestion that I researched and purchased. Thus, the father decided not to make a formal challenge, and our collection became more balanced and inclusive. Thankfully, there have been no formal challenges to items in our collection during my twelve-year tenure.

I believe all librarians in North Dakota would react positively if people expressing concerns would settle for the collection becoming more balanced rather than trying to restrict the access of others. Instead of restricting, let's talk about balancing all viewpoints and accepting the fact that public libraries contain information that may displease us. Balanced collections will often contain material that may offend us located next to items we will appreciate. This is actually a strength of public libraries.

Being balanced and viewpoint neutral is key to providing fair public service, while disfavoring or restricting certain viewpoints harms the public and violates the First Amendment. Please allow librarians to continue balancing different viewpoints while favoring none. I respectfully request that you vote against SB 2307.

Thank you for your careful consideration and your service to the people of our state.

Sincerely,

Joseph Rector
Jamestown