

My name is Rachel Kercher and I am the Youth Services Librarian at the Leach Public Library in Wahpeton. I have worked in North Dakota libraries for over fourteen years, and have spent the past ten years at the Leach Library serving library users and community members aged 0-18 years old and their families. Throughout all my years of library work, study for my MLS and my ongoing professional development, I have never been as concerned for the future of libraries and the people that we serve as I am now. These are difficult and scary times to raise children. With liberals and conservatives arguing and undermining each other at every turn, it can be hard to know who to listen to and believe. I understand that House Bill 1205 is the legislature's way of trying to protect our children; however, a parent's love of their child should not be politicized in order to promote censorship. The bill is flawed and has the potential to do more harm than good.

In Section 2.2 of HB 1205 it is stated that "a public library may not maintain in its inventory or promote books that make as their primary subject the study of sexual explicit material." This sentence is vague and has an incredibly broad reach that affects library users of all ages. Are the books and materials in this statement specifically intended and collected for minors, or are librarians now expected to deny the reading choices of fully informed, consenting adult patrons? How is the term "sexually explicit material" being defined and where is that definition coming from? What is sexually explicit to one person may not be to another. In cases of law, it is important to be as objective as possible. For example, in the list of terms in Section 2.1 of the bill, "sexual identity" and "gender identity" are included despite the fact that neither of these things have anything to do with the act of sex itself. According to the American Psychological Association a person's sexual identity is the gender assigned at birth and is a biological status, while gender identity is a person's sense of themselves as male, female or other. (<https://www.apa.org/topics/lgbtq/transgender.pdf>.) Sexual acts, explicit or otherwise, are not involved. Books about queerness and LGBTQIA+ topics are not inherently sexually explicit, and portraying them as explicit or in some way sexually deviant is discrimination against the LGBTQIA+ community. So again I ask, where are the definitions of "sexually explicit" and the subjects included in this list coming from?

Another problem with HB 1205 is in Section 2.3-4, where it is stated that a person who believes that a library is out of compliance with earlier sections of this bill may request that the book be removed from the library's collection and the library must comply within 30 days. This contradicts 2.5b, which requires libraries to have policy and procedure in place to evaluate a challenge request. The majority of libraries in North Dakota, including the Leach Public Library, have collection development policies already in place that explain to patrons and the general public the criteria used in the selection and weeding processes, as well as what steps to take in order to challenge an item and the procedure the library follows in that event. This bill requires libraries to have policies in place to address challenges but Section 2.3-4 takes away our ability to use those policies. For example, under the bill as it is written, a patron can file a written complaint to remove a book from our library's adult non-fiction collection for containing sexually explicit quotations such as "and they were both naked, the man and his wife, and were not ashamed" and "let her breasts satisfy thee at all times". The library would be required to remove this book within 30 days regardless of the fact that the majority of our patrons would be up in arms at censoring the King James Bible (Genesis 2:25; Proverbs 5:19). This bill opens the door wide for censorship of all types without giving librarians or the people we serve any recourse.

Additionally, this bill places the entire onus of monitoring children's reading habits on public libraries and librarians, to the point that we can be charged in court for simply trying to do our jobs. If this bill is indeed intended to protect minors, where are the parents? Parents bring their children to the library, sign them up for library cards, help them find books or even select books for them. What say do parents have in this situation? Do not all parents have the right and responsibility to decide for themselves what their children and families should and should not read? It is true that librarians choose which books to purchase for their libraries, and we do so carefully in order to create balanced collections that reflect our patrons, communities and the broader world. We can recommend books, but in the end it is the parent or guardian who has the responsibility to decide what is right for their own child.

Please consider what this bill is saying and the lasting consequences that it could have for libraries and library users in our state. There are better ways to protect and nurture our children in a library setting, ways that do not involve blanket censorship. I urge you to start conversations with the North Dakota State Library, the North Dakota Library Association, and hardworking librarians throughout the state so that we can work together on this issue.

On a deeply personal note, I have to add that I love my job. I am privileged every day to see the joy and excitement in our youngest patrons when they find a book they love, to experience the trust that teens put in me to help them find the materials they need to understand their identities, emotions and life experiences without judgement, and the gratitude of parents and grandparents for providing a welcoming space for their children to be themselves and the resources they need to succeed. I urge you to please do everything you can to defeat this bill so that I, and all other North Dakota librarians, can continue to serve our patrons and community members in the way they deserve.