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January 14th, 2023

Honorable Lawrence R. Klemin & the ND House Judiciary Committee
North Dakota Legislative Council
State Capitol
Bismarck, ND 58505

Dear Committee Chair and Members of the ND House Judiciary Committee:

My name is Melissa Lloyd. I am the Assistant Director at the Valley City Barnes County Public Library. I am writing to you to express my opposition to HB 1205. I am concerned that this bill would make it impossible for public libraries to even exist. The very pillar of a Public Library's foundation is equitable access of information to everyone regardless of race, religion, sexual identity, or socioeconomic status. As a Public Librarian I respect and support a person's freedom to choose what they read. When a government begins to restrict access and/or ban books you start to question the democracy of that government and the freedoms guaranteed by the United States Constitution. I ask you to consider these points:

1. The bill's definition of "sexually explicit" sets up a slippery slope. It suggests "images" fit into this definition. But, reading requires the use of one's imagination. Doesn't reading words on a paper invoke images of what the author is writing. Do we remove books because the words create "sexually explicit" images in people's heads? By that logic, if a book has "sexually explicit" words would a library have to remove everything? Then you would have nothing on the shelves. For example, A gentleman came in the library to complain about the "filth" he read in an inspirational romance, the two main characters, had "kissed and held each other in a tender embrace". The gentleman thought this was too explicit. According to the bill, he could write a letter, and the library would have to remove the book. If it did not the librarian would be charged with a misdemeanor.
2. This bill would create fear for librarians. It is wrong to persecute people who have done nothing wrong. It is a librarian's job to provide access to information. Librarians don't force anyone to read books with "sexually explicit" material. If someone were

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to request a book deemed “sexually explicit”, the librarian would have to deny the request for fear of persecution. Hindering the rights of the individual to access information.

3. It also sets up restrictions to access to Graphic Novels. Graphic Novels have been a valuable tool to people with reading disabilities to achieve greater understanding of literature. This bill would eliminate access for these individuals. Examples of Graphic Novel literature which feature images described in the bill include: *The Holy Bible*, Shakespeare’s *Hamlet* and *Romeo and Juliet* and Homer’s *The Odyssey*.
4. The people who claim that the books are “sexually explicit” will also claim that they are obscene and pornographic. That is their opinion. These books do not fit the three rules of the Miller test. Most if not all these books are available at retail stores. The purpose of this bill would be to punish people whose tax dollars are used so they don’t have to purchase these materials from accessing information, and persecute the libraries and librarians who provide access to the information.

It is my understanding that this bill was introduced to response to a book that has been challenged both at Dickinson and Valley City Barnes County Public Library. The book *Let’s Talk About it: The Teen’s Guide to Sex, Relationships and Being Human* by Erika Moen and Matthew Nolan. The book in question is a Graphic Novel Sex Education Text. According to the verbiage of this bill it would not succeed in being removed. I would like to reiterate the library did nothing to sensationalize this book. It sat on the shelf at the Valley City Barnes County Public Library for almost a year and a half, with no checkouts. It wasn’t until the local paper published a piece painting the book as salacious, people began to cry foul. The article was full of misinformation and missed the overarching message of the book. The wording “taken as a whole” is incredibly important in terms of this book, because I have read this book, and the message of this book is “Communication”. To empower teens and young adults the importance of communication in relationships especially sexual ones. Now, I’m not an expert in pornography or obscene materials, but I challenge anyone to find legitimate pornography that’s message is the importance of communication in a sexual relationship. That information was not mentioned anywhere in the article. But the article or the writer aren’t the ones being persecuted, instead this bill is going after the librarians and the library.

In the course of this book challenge. The library and staff were painted as the bad guys, when all we did was make information available to those who choose to read it. I and other staff members have been threatened, bullied, and treated with contempt. I feared for the safety of

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my children, the staff, and myself. But we've also been supported. We received numerous letters of support not to remove the book, the patrons who use the library in our community understand the importance of access to information. The foundation of public libraries is still strong. The freedom to read and to provide access to that is the right of every citizen in every community.

A majority of these people opposed to the book don't have library cards and don't use the library. They want this book and other books like it banned. Whether you support the book or not, whether you agree with it or not. Libraries don't ban books, because people who do are never painted as heroes.

Thank you for the opportunity to share my story.

Sincerely,

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