

January 16, 2023

Dear Members of the ND House Judiciary Committee,

I'm director of James River Valley Library System in Jamestown, and I'm writing to respectfully oppose HB 1205 and any similar bills. Librarians are deeply committed to equitable provision of information, even information with which we may personally disagree.

Our society is divided in many ways, and because the mission of public and school libraries is to serve all people in our communities, social fissures often play out in library decisions. My library colleagues will present many important points regarding HB 1205, but I want to highlight two shortcomings of HB 1205: first, indecency is almost impossible to consistently define; and second, our communities should be allowed to continue exerting discretion over their library collections without the threat of misdemeanors for librarians.

I was a secondary teacher at conservative Christian boarding academies before I became a library director. Every spring, teachers would meet to modify the student dress code, and each year, we thought we'd solved our concerns through enhanced definitions, more prohibited types of attire, and more effective sanctions. Each year, we were sadly mistaken. I recall one young man who had been dress-coded several times. One day, he appeared at school wearing a plaid sport coat several sizes too large, an ill-fitting Oxford shirt, a clownish tie, awful slacks, and scuffed dress shoes. He had turned himself into a human scarecrow, but he was technically compliant with dress code. Efforts to define objectionable library materials will fail for the same reasons that I and my well-meaning school colleagues repeatedly failed to fully define proper school attire: there is simply no clear, consistent definition that can be applied to all situations in all communities of North Dakota.

The second reason to vote against HB 1205 and similar legislation is that our communities are diverse, and our diversity means local control of libraries is the only way to answer the question of what is objectionable in a community. Library trustees are locally appointed, and most libraries in North Dakota have item-challenge policies approved by the Board of Trustees. Therefore, when difficult questions arise, issues can be fully vetted and addressed at the local level. If a statewide law is imposed, important local discussions will be restricted by the parameters of state law rather than the needs and wishes of the people paying property taxes to support their library.

The issue of potentially objectionable materials is difficult and laden with emotion from people of good will representing various perspectives. I hope and believe that these issues can find solutions through good-faith discussions at the local level rather than state-wide legal definitions that may end up satisfying no one. I respectfully request that our legislators vote against HB 1205 and similar measures.

Sincerely,



Joseph Rector

Director

James River Valley Library System