

Dear Senators,

Please oppose HB 1205 and vote "Do Not Pass" for three reasons:

First, the North Dakota Criminal Code already defines Obscenity Control, and this standard has been supported for decades and endorsed through various Supreme Court judgments. HB 1205 notes, "A public library may not contain **in its inventory** books that contain explicit sexual material. "Explicit sexual material" is defined in the first section of HB 1205 to include such generalizations as sexual activity and sexual intercourse. With these generalizations, citizens can apply any standard they choose, including their own instilled ideals, to define these terms.

Second, in the 1943 case of *Martin vs. the City of Struthers*, the Supreme Court Justices reasoned that the First Amendment protects both "the right to distribute literature" and "the right to receive it," and stated that literature is protected "even if it creates a nuisance for a community of cleaning litter from its streets." This opinion of the United States Supreme Court also states that while the distributors of literature (in HB 1205, the distributor is a library) may be either a nuisance or a cover for criminal activities, they also may be useful members of society (librarians) engaged in the dissemination of ideas in accordance with the best tradition of free discussion...

*Martin vs. the City of Struthers* doesn't control anything except the distribution of literature, so it substitutes the **judgment of the community** for the **individual judgment of the household**. This case also covered criminal punishment for distributors (libraries, librarians in HB 1205) for annoying the person on whom he calls, even though the recipient of the distributed literature is glad to receive it.

The Justices in *Martin vs. the City of Struthers* also stated that communities must solve problems for themselves with respect for the constitutional rights of those desiring to distribute literature and those desiring to receive it and those who choose to exclude such distributors from the home.

Third, to those who choose to exclude such distributors from the home, they cannot have their cake and eat it too. Taxpayers, or the public, fund the libraries so that every citizen in each community has access to information. Taxpayers also pay librarians to distribute this information. Citizens shouldn't be able to make, change, or destroy laws to fit a particular group or organization of citizens because they feel "annoyed" or "bothered" by another's ideals.

Librarians are also trained professionals that screen materials to ensure the safety of and access to information for all patrons. Because library materials don't contain a citizen's or group of citizens' viewpoints or lifestyles doesn't deem the material "dangerous" "unsafe," "pornographic," "sexually explicit," or "obscene." Libraries are places of knowledge provided to the community by the community for all members of that community.

As my own thought, in the United States' cities and towns, we have all different types of religions, Catholics, Lutherans, Presbyterians, Baptists, Seventh Day Adventists, Jews, Muslims, Jehovah Witnesses, etc. Why? Because we all don't agree about how to worship and what to value or honor. It's the same principle that applies to access to information. We all carry different ethics and values, but that doesn't mean that others must adopt those ethics and values. Each citizen, or household, follows their own path.

HB 1205 promotes censorship, promotes book banning, and denies citizens their First Amendment rights and patrons' rights to information. Judgment of individual households should not and cannot override the judgment of the community when it applies to the citizens' access to information.

Sincerely,  
Martina Kranz  
Mother, Grandmother, Veteran, Librarian,  
and Citizen of Minot, North Dakota