


TRANSMITTAL MEMORANDUM

TO: The Honorable Mayor and City Council

FROM: Delilah A. Walsh, City Manager Initials: 

DATE: June 14, 2023 File #: MGR23-253

RE: **Request to Relocate the Book “Let’s Talk About It” in Ketchikan Public Library**

In February 2023, the Ketchikan Public Library received ten requests for reconsideration regarding the book “Let’s Talk About It: The Teens Guide to Sex, Relationships, and Being Human” written by Erika Moen and Matthew Nolan. After evaluation, the Library’s Head of Children’s Services Amie Toepfer found that the book met the requirements of the Collection Development Policy and the decision to retain the book was made.

On February 21 and March 3, 2023, Library Director Patricia Tully received two letters appealing the decision to retain the book. Director Tully considered both appeals, evaluated the book, and the decision was made to retain the book “Let’s Talk About It” in the Library’s Teen Nonfiction collection.

On March 6, 2023, Library Advisory Board (LAB) Chair June Dahl received a written appeal to the decision to retain the book in the Library’s Teen Nonfiction collection and a public hearing was held on April 12, 2023. The Board heard public comments from twenty-five residents, and eleven letters were read aloud. After discussion and a 6 to 1 vote, the Library Advisory Board’s recommendation to the Ketchikan Public Library is to retain the book “Let’s Talk About It” in the Teen Section of the Ketchikan Public Library.

During the regular City Council meeting of April 20, 2023 Councilor Riley Gass requested and received four hands for the Council to consider moving the book, “Let’s Talk About It” at a future meeting. Attached to this memorandum are all documents related to the request for reconsideration as well as all subsequent appeals and reviews, including information I requested from the City Attorney. I’ve also included the Library’s collection development policy.

Recommended Motion: I move the City Council direct Library staff to move the book “Let’s Talk About It” from the Teen Section of the Ketchikan Public Library to the Adult Section.

MEMORANDUM

To: Delilah Walsh, Manager, City of Ketchikan and Ketchikan Public Utilities
From: Pat Tully, Library Director
Date: May 1, 2023
Re: Packet contents for May 30, 2023 City Council meeting on book challenge

Per your request, the accompanying packet contains the following materials for the May 30, 2023 City Council meeting on challenges to the book, *Let's Talk About It*, by Erika Moen and Matthew Nolan. This book currently resides in the Teen Nonfiction section of the Library.

This packet contains the following files:

1. Initial reconsideration forms (redacted) from the following ten people:
 - a. Tanya Hedlind
 - b. Erica Nickich
 - c. Christine Johnson
 - d. Ryan Pritz
 - e. Terri Schultz
 - f. Sharyl Yeisley
 - g. Christina Weber
 - h. Dawn Falzarano
 - i. Theresa Elliot
 - j. Sharli Arntzen
2. Detailed written response to the ten reconsideration requests from Head of Youth Services and selector for children's and teen collections Amie Toepfer. Because the requests were similar, the same response was sent to all ten people.
3. Two appeals of Amie Toepfer's decision to retain the book to Pat Tully, Library Director. The two people who appealed are Tanya Hedlind and Terri Schultz.
4. Written response of Library Director Pat Tully to Tanya Hedlind and Terri Schultz to their appeals. Because the appeals were similar, the same response was sent to both.
5. Appeal to Library Advisory Board chair June Dahl from Tanya Hedlind, requesting a public hearing at a Library Advisory Board meeting.
6. Memo to City Manager Delilah Walsh from Library Director Pat Tully, with Ms. Tully's decision to follow the recommendation of the Library Advisory Board at its April 12 meeting to retain the book *Let's Talk About It* in the Teen Nonfiction section of the Library.
7. The Library's Request for Reconsideration policy and form.



Pat Tully <patt@firstcitylibraries.org>

You received a submission for Request for reconsideration policy and form

patt@firstcitylibraries.org <noreply@123formbuilder.com>

Fri, Feb 10, 2023 at 3:11 PM

Reply-To: noreply@123formbuilder.com

To: patt@firstcitylibraries.org

Form Summary

Title Lets Talk About It

Choose one format: Book

Please describe if
you chose Other:

Author Erika Moen & Matthew Nolan

Publisher

Your First / Last
name Tanya Hedlind

Your Address

Your Phone number

Best time to call Any

Your Email address

Indicate one I represent myself

If you are filing this
request on behalf of
another, please
enter their name:

To what in the
material do you
object?

Page 82: Talks about anal sex and encourages it. That is not a safe sex practice. Page 152: Encourages sexting. We shouldn't be teaching kids to post nudes online. 164: Encourages looking up porn. Page 165 Continues on with the porn along with very graphic photos including a couple in a sex act. There are many other pages that (I can't see page numbers) but show VERY graphic sexual photos.

Did you read, listen
to or watch the
entire work?

No, I only saw the pages, with the page numbers listed above.

What do you think
might be the result
of reading this
work?

It is encouraging kids as young as 12 to go out and put nude photos online, look up porn. This has a very high potential to turn into a child pornography situation. Kids are being taught too much sexualization at such a young age.

What would you like
the Library to do
about this item?

Remove the book from the kids section and library. It belongs in an adult book store.

The message has been sent from



Pat Tully <patt@firstcitylibraries.org>

You received a submission for Request for reconsideration policy and form

patt@firstcitylibraries.org <noreply@123formbuilder.com>

Fri, Feb 10, 2023 at 4:48 PM

Reply-To: noreply@123formbuilder.com

To: patt@firstcitylibraries.org

Form Summary

Title	Let's Talk About It
Choose one format:	Book
Please describe if you chose Other:	
Author	Erika Moen
Publisher	
Your First / Last name	Erica Nickich
Your Address	[REDACTED] United States
Your Phone number	[REDACTED]
Best time to call	NEVER
Your Email address	[REDACTED]
Indicate one	I represent myself
If you are filing this request on behalf of another, please enter their name:	
To what in the material do you object?	ALL OF IT. It sexualizes and how to sext and exploit themselves on the internet
Did you read, listen to or watch the entire work?	I saw a few pages out of the book and it is so inappropriate
What do you think might be the result of reading this work?	BURNING IT
What would you like the Library to do about this item?	REMOVE AND BURN

The message has been sent from [REDACTED]

[Quoted text hidden]



Pat Tully <patt@firstcitylibraries.org>

You received a submission for Request for reconsideration policy and form

patt@firstcitylibraries.org <noreply@123formbuilder.com>

Fri, Feb 10, 2023 at 4:55 PM

Reply-To: noreply@123formbuilder.com

To: patt@firstcitylibraries.org

Form Summary

Title

Let's Talk About It

Choose one format:

Book

Please describe if you chose Other:

Author

Erika Moen

Publisher

Your First / Last name

Christine Johnson

Your Address

Your Phone number

Best time to call

Your Email address

Indicate one

I represent myself

If you are filing this request on behalf of another, please enter their name:

To what in the material do you object?

I saw a few pages and heard part of the read & do not think it is suitable for middle school children.

Did you read, listen to or watch the entire work?

I did not, the parts I saw were more than enough.

What do you think might be the result of reading this work?

Young children may think it's ok to "sext" another or go online to view kink/porn. Both of these are not safe activities for children.

What would you like the Library to do about this item?

Remove it so that impressionable children do not have access to it.

The message has been sent from

Entry ID: 4

[Quoted text hidden]



Pat Tully <patt@firstcitylibraries.org>

You received a submission for Request for reconsideration policy and form

patt@firstcitylibraries.org <noreply@123formbuilder.com>

Fri, Feb 10, 2023 at 4:55 PM

Reply-To: noreply@123formbuilder.com

To: patt@firstcitylibraries.org

Form Summary

Title

Lets Talk About It

Choose one format:

Book

Please describe if you chose Other:

Author

Erica Moen

Publisher

Your First / Last name

Ryan Pritz

Your Address

Your Phone number

Best time to call

Night

Your Email address

Indicate one

I represent myself

If you are filing this request on behalf of another, please enter their name:

To what in the material do you object?

Teaching young kids about sex, masturbation, "sexting" and taking nude photographs of themselves to put on the internet.

Did you read, listen to or watch the entire work?

There were a few pages posted on the internet which were very disturbing

What do you think might be the result of reading this work?

This could make children more susceptible to becoming victims of child pornography and exploiting them.

What would you like the Library to do about this item?

Remove this book

The message has been sent from

Entry ID: 3

[Quoted text hidden]



Pat Tully <patt@firstcitylibraries.org>

You received a submission for Request for reconsideration policy and form

3 messages

patt@firstcitylibraries.org <noreply@123formbuilder.com>

Sat, Feb 11, 2023 at 7:58 PM

Reply-To: noreply@123formbuilder.com

To: patt@firstcitylibraries.org

Form Summary

Title Let's Talk About It

Choose one format: Book

Please describe if you chose Other:

Author Erika Moen, Matthew Nolan

Publisher Random House

Your First / Last name Terri Schultz

Your Address

Your Phone number

Best time to call

Your Email address

Indicate one I represent myself

If you are filing this request on behalf of another, please enter their name:

I'm not sure of the page numbers.

To what in the material do you object?

A quote from the book - "A great place to research fantasies and kinks safely is on the internet." This statement is directly opposed to all advice given by those in law enforcement, etc who desire to protect children instead of exploit them. Teens who follow this advice put themselves in danger of being sexually exploited or worse. Does this help vulnerable teenagers? No, but it certainly helps sexual predators who hang out in internet chat rooms.

The authors instruct teens how to "safely" send and receive nude photos of themselves aka child pornography. If children under 18 follow the advice contained in this book, school district staff, counselors, and others who are designated mandated reporters will be legally required to report this activity. It is setting children up to sexually exploit themselves and/or other children. It is also setting them up for possible serious legal consequences.

Did you read, listen to or watch the entire work? No

Form Summary

What do you think might be the result of reading this work?

If teens follow the advice given in this book, they are at great risk of being sexually exploited by pedophiles and/or legal consequences of sending/receiving child pornography.

What would you like the Library to do about this item?

Get rid of the book. It is disturbing that this book was ordered for teens in our library.



Pat Tully <patt@firstcitylibraries.org>

You received a submission for Request for reconsideration policy and form

patt@firstcitylibraries.org <noreply@123formbuilder.com>

Fri, Feb 17, 2023 at 4:54 PM

Reply-To: noreply@123formbuilder.com

To: patt@firstcitylibraries.org

Form Summary

Title	It's called "Let's Talk About It" by Erika Moen
Choose one format:	Book
Please describe if you chose Other:	
Author	It's called "Let's Talk About It" by Erika Moen
Publisher	
Your First / Last name	Sharyl Yeisley
Your Address	
Your Phone number	
Best time to call	
Your Email address	
Indicate one	I represent myself
If you are filing this request on behalf of another, please enter their name:	
To what in the material do you object?	Sexual explicit material and encourages lying and sexual behaviors
Did you read, listen to or watch the entire work?	Yes
What do you think might be the result of reading this work?	Encourages sexualized behaviors in children and provides content that only parents have a right to discuss with their child under 18
What would you like the Library to do about this item?	Remove the item from access to children under 18 or remove the book entirely.

The message has been sent from





Pat Tully <patt@firstcitylibraries.org>

You received a submission for Request for reconsideration policy and form

patt@firstcitylibraries.org <noreply@123formbuilder.com>
Reply-To: noreply@123formbuilder.com
To: patt@firstcitylibraries.org

Fri, Feb 17, 2023 at 10:32 PM

Form Summary

Title	Let's talk about it
Choose one format:	Book
Please describe if you chose Other:	
Author	
Publisher	
Your First / Last name	Christina Weber
Your Address	[REDACTED]
Your Phone number	
Best time to call	
Your Email address	
Indicate one	I represent myself
If you are filing this request on behalf of another, please enter their name:	
To what in the material do you object?	Very sexual. I do not condone point being in our library. If children or adults want this book they can purchase it from a book store.
Did you read, listen to or watch the entire work?	I have seen previews online. Does not protect teens or children.
What do you think might be the result of reading this work?	Children being groomed sexually
What would you like the Library to do about this item?	Do not make it available

The message has been sent from [REDACTED]



Pat Tully <patt@firstcitylibraries.org>

You received a submission for Request for reconsideration policy and form

8 messages

patt@firstcitylibraries.org <noreply@123formbuilder.com>
Reply-To: noreply@123formbuilder.com
To: patt@firstcitylibraries.org

Fri, Feb 17, 2023 at 10:18 PM

Form Summary

Title Let's talk about it

Choose one format: Book

Please describe if you chose Other:

Author Erika Moen

Publisher

Your First / Last name Dawn Falzarano

Your Address

Your Phone number

Best time to call

Your Email address

Indicate one I represent myself

If you are filing this request on behalf of another, please enter their name:

To what in the material do you object?

I have seen pages of this book and am disgusted that the public library would have a book available that would encourage teens/children to watch/ buy porn and send nude photos thru messages and online.

Did you read, listen to or watch the entire work?

No, I saw a few of the pages

What do you think might be the result of reading this work?

It encourages and tells children that child porn is ok that the internet is their friend which in turn allows predators to prey on them

What would you like the Library to do about this item?

Remove or make it age restricted to no one under the age of 18

The message has been sent from



Pat Tully <patt@firstcitylibraries.org>

You received a submission for Request for reconsideration policy and form

patt@firstcitylibraries.org <noreply@123formbuilder.com>

Sat, Feb 18, 2023 at 4:34 AM

Reply-To: noreply@123formbuilder.com

To: patt@firstcitylibraries.org

Form Summary

Title Let's Talk About It

Choose one format: Book

Please describe if you chose
Other:

Author Erika Moen

Publisher

Your First / Last name Theresa Elliot

Your Address

Your Phone number

Best time to call

Your Email address

Indicate one I represent myself

If you are filing this request on
behalf of another, please enter
their name:

To what in the material do you
object? This book encourages kids to reach out to strangers via internet, trying
sexual fantasies and fetishes, trying different sexual positions...it is NOT a
book for adolescents!!!!

Did you read, listen to or watch
the entire work? No, I was too upset

What do you think might be the
result of reading this work? Our kids actually reaching out to Pedophiles because THIS BOOK says it's
ok and normal! So many consequences....

What would you like the Library
to do about this item? Burn all copies





2-20-23 -
Letter from
Amie Toepfer
sent.

Pat Tully <patt@firstcitylibraries.org>

You received a submission for Request for reconsideration policy and form

patt@firstcitylibraries.org <noreply@123formbuilder.com>

Sat, Feb 18, 2023 at 9:18 AM

Reply-To: noreply@123formbuilder.com

To: patt@firstcitylibraries.org

Form Summary

Title

Let's Talk About It

Choose one format:

Book

Please describe if you chose Other:

Author

Erika Moen

Publisher

Your First / Last name

Sharli Arntzen

Your Address

Your Phone number

Best time to call

Your Email address

Indicate one

I represent myself

If you are filing this request on behalf of another, please enter their name:

To what in the material do you object?

The promotion of sexting and exploring fantasies online with adults is grooming.

Did you read, listen to or watch the entire work?

Not yet, I have seen enough. It is so graphic it cannot be shared on social media. I do have access to the book in its entirety.

What do you think might be the result of reading this work?

Minors are taught pornography and the sexualization of their youth is acceptable for the pleasure of adults. Opinions will be taken as facts.

What would you like the Library to do about this item?

Take it out of circulation. Our tax dollars should not go to this kind of perversion.

The message has been sent from



February 21th, 2023

Ms. Schultz,

Thank you for your recent inquiry regarding *Let's Talk about It: The Teen's Guide to Sex, Relationships, and Being a Human* by Erika Moen and Matthew Nolan. I am responding to you in my capacity as Head of Youth Services of the Ketchikan Public Library. All requests for the reconsideration of youth library materials are addressed through this process. I have read your comments, read the material in question in its entirety, and have considered your concerns.

Each title purchased for the library is selected on its own merit and the needs of the audience for whom it is intended. Selection is made primarily on the basis of book reviews and other professional tools. The library's collection is composed of materials that reflect the unique and diverse needs of this wonderful community. This book was selected based on the authority, effectiveness and currency of the information, the reviews, need for updated material, and the overall balance of the subject matter.

Let's Talk about It: The Teen's Guide to Sex, Relationships, and Being a Human has received several starred reviews from multiple professional review sites and was nominated for the Young Adult Library Services Association's (YALSA) Great Graphic Novels of 2022. Here are some of the reviews:

A refreshingly inclusive read.... offering comprehensive, no-nonsense information on sex and sexuality." —*Publishers Weekly*, starred review

"Honest, normalizing, and sex positive.... Puts the *graphic* in the graphic-novel format, in the best and most educational way." —*Kirkus Reviews*, starred review

"Every panel of this book... is loaded with crucial information about consent, respect, consideration, and boundaries.... Real talk about relationships and sex." —*School Library Journal*

"A frank and open minded look at sex, relationships, and self-understanding." —*Booklist*

It was written by a married team of professional cartoonists who have more than twenty years of experience between them. It is an open and honest graphic novel guide to sex education that addresses issues like gender, consent, body types, sexting, safe sex, jealousy, anatomy, and more. It is comprehensive, thoughtful and well-researched and presents the information in an inclusive and accessible way, while creating space for discussions around a subject matter that is often considered taboo.

This book was written for teens and can be found in the teen nonfiction collection of the public library. The catalog record indicates that this item is for teenagers who are 14 years of age or older and/or for



1110 Copper Ridge Lane, Ketchikan, Alaska 99901
907-228-3331; library@firstcitylibraries.org

grades 10-12. The library does not act in place of the parents and does not restrict access to library materials for minors. Parents are encouraged to come to the library with their teen to select material that they feel is appropriate for their family.

After considering your request, I have concluded that *Let's Talk about It: The Teen's Guide to Sex, Relationships, and Being a Human* meets the requirements of the Collection Development Policy and should be retained by the Ketchikan Public Library.

If you are not satisfied with this decision, you may file a written appeal to Library Director Patricia Tully. Ms. Tully will respond in writing within ten (10) days. If that response is unacceptable, you may file a written appeal to the Library Advisory Board to request further consideration at a public hearing. You can contact Ms. Tully at Patt@firstcitylibraries.org.

Thank you for your interest in the collections at the Ketchikan Public Library. If you have any questions please feel free to contact me.

Sincerely,

Amie Toepfer

Digitally signed by Amie Toepfer
DN: cn=Amie Toepfer, o=Ketchikan City, ou=Library,
email=amiet@firstcitylibraries.org, c=US
Date: 2023.02.21 09:57:59 -09'00'

Amie Toepfer

Head of Children's Services

She/Her/Hers

Ketchikan Public Library

1110 Copper Ridge Ln, Ketchikan AK 99901

907-228-2306

amiet@firstcitylibraries.org

From Tanya Hedlind, February 21, 2023. Subject: My Appeal

Good Afternoon Ms. Tully,

I thank you for allowing me the chance to come and talk to you about my concerns and for your courtesy. I did however feel that Ms. Toepfer had already made up her mind before I arrived. Her body language came off as unwelcoming and that left me feeling like I was not truly heard.

So, with that and her response, I respectfully request an appeal to the decision made by Ms. Toepfer. The issues I have with her letter are as follows:

1. Her age/grade reference. 14 years old is 8th/9th grade. From Letter: The catalog record indicates that this item is for teenagers who are 14 years of age or older and/or for grades 10-12. It would appear that Ms. Toepfer is referring to the reading level of this book. Since it has been shelved in the Young Adult/Juvenile and the American Library Association defines Young Adult as "individuals between 12 and 18 years of age."
2. As per the sheet I gave you (and have attached here) I feel as though none of the issues I saw were addressed in her response. There are pictures in this book depicting people having sex and masturbating. That is sexually explicit material. I did not see anything defending or justifying the use of pornographic and sexually explicit materials. Nor is there any attempt to defend or justify the use of a how-to guide for sexting and posting pornographic images "safely" on the Internet or using the Internet as a reliable source for information as the book councils.
3. I do not see where the experienced cartoonist had true and accurate medical references. References should be included when talking about medical facts. From letter: It was written by a married team of professional cartoonists who have more than twenty years of experience between them. What authority does this married team have besides being professional cartoonists? Are they an authority on the subject matter, particularly that I have pointed out as being inappropriate? Effectiveness of what?
4. Her use of book reviews are from biased sources and not looking at sources from all avenues. From letter: This book was selected based on...the reviews... Initial selection of a book based on reviews, is understandable, but after reading and hearing reviews from the public whom you serve, a re-selection should take place.

It is alarming and how biased, opinionated, and factually inaccurate this book is. This book is teaching misinformation on genders and the body. It is pushing a political opinion that only serves half the library audience, which based on the library's Freedom to Read Statement and the Library Bill of Rights, this book is in gross violation of those standards. If the library is to appeal to all audiences, then there is a major failure at this point. This book does not provide a balance of point of view as it is only serving half this communities' beliefs. This book goes against morals and community standards by teaching kids it is ok to sext and to look up porn and that it significantly downplays STIs. From letter: It is an open and honest graphic novel guide to sex education that addresses issues like gender, consent, body types, sexting, safe sex, jealousy, anatomy, and more. Saying that teens need a guide for sexting and safe sex endorses and promotes these actions.

There are many kids who commit suicide over the consequences of sexting. This is a dangerous act to allow this book to encourage. Pornography has a significant negative affect on families, and marriages

and is a dangerous thing to encourage kids. Especially when our own government is trying to fight to protect kids from pornography. When you incorporate pornography and sexting, you open up kids to become victims of abuse and this can lead into child pornography. These kids can end up downloading pictures that once their 18 would technically put them in a category of being in possession of child pornography.

I understand that the world is growing more graphic and that there are dangers online (which this book encourages bad behavior) but our library doesn't need to add to it. We should be fighting against it. The library is becoming less safe and more about political agendas anymore. From letter: The library does not act in place of the parents and does not restrict access to library materials for minors. In fact, the library IS acting in place of the parents by not restricting material to age-appropriate audiences. Has the library truly become a place that parents must accompany small children and cover their eyes? How does that serve the community?

Collection development

The Library Director, with the advice of the Library Advisory Board, will set policy and guidelines governing materials selection. This policy will be reviewed and revised, if necessary, on an annual basis by the Library Director and the Library Advisory Board to ensure that both understand, approve, and support the policy. When was this policy last reviewed by the Library Director and the Library Advisory Board? The Library Advisory Board and the library staff recognize the responsibility to provide materials representing diverse points of view. The Ketchikan Public Library subscribes to and supports the American Library Association's Library Bill of Rights and the American Library Association Freedom to Read statement.

Selection Criteria

Each title is selected on its own merit and the needs of the audience for whom it is intended. From letter: It is an open and honest graphic novel guide to sex education that addresses issues like gender, consent, body types, sexting, safe sex, jealousy, anatomy, and more. Saying that teens need a guide for sexting and safe sex endorses and promotes these actions. Selection is made primarily on the basis of book reviews and other professional tools. Major selection tools for the Ketchikan Public Library include Booklist, Library Journal, School Library Journal, and Kirkus. Works that have won major awards such as the Caldecott, Man Booker, and Academy Awards are also considered for selection. Patron requests are given strong consideration. Publishers or dealer's catalogs and "bestseller" lists are also used for selection. No single standard exists which can be applied in all acquisition decisions. Some materials must be judged primarily on their artistic merit, some on their scholarship, some on their value as human documents; others are needed to satisfy recreational and entertainment needs. General criteria considered in evaluation and reevaluation of materials for the Ketchikan Public Library include:

- Funds and space
- Popular interest and usefulness
- Authority, effectiveness and currency From letter: It was written by a married team of professional cartoonists who have more than twenty years of experience between them.

What authority does this married team have besides being professional cartoonists? Are they an authority on the subject matter, particularly that I have pointed out as being inappropriate? Effectiveness of what?

- Attention of reviewers, critics, and public From letter: This book was selected based on...the reviews... Initial selection of a book based on reviews, is understandable, but after reading and hearing reviews from the public whom you serve, a re-selection should take place.

- Reputation and/or significance of author From letter: It was written by a married team of professional cartoonists who have more than twenty years of experience between them.

What authority does this married team have besides being professional cartoonists? Are they an authority on the subject matter, particularly that I have pointed out as being inappropriate?

- Suitability of physical form for library use

- Availability of similar material in other library collections

- Overall balance in subject and point of view From letter: This book was selected based on the authority, effectiveness and currency of the information, the reviews, need for updated material, and the overall balance of the subject matter. Please explain the balance to which you refer.

Tanya Hedlind



Pat Tully <patt@firstcitylibraries.org>

Response to Reconsideration Request

Terri Schultz [REDACTED]

Fri, Mar 3, 2023 at 10:12 AM

To: Amie Toepfer <amiet@firstcitylibraries.org>, "patt@firstcitylibraries.org" <patt@firstcitylibraries.org>

Hello Ms. Tully and Ms. Toepfer,

I'm responding to the attached letter that I received from Amie and would like to appeal her decision to keep the book, Let's Talk About It: The Teen's Guide to Sex, Relationships, and Being a Human in your library's collection. In my request for reconsideration, I wrote that if teens follow the advice given in this book, they are at significant risk of being sexually exploited by pedophiles or experiencing the legal consequences of sending/receiving child pornography.

The authors instruct teens how to "safely" send and receive nude photos of themselves, which is child pornography. This advice leads children to exploit themselves or other children sexually. It is also setting them up for possible severe legal consequences. If children under 18 follow the advice contained in this book, school district staff, counselors, and others who are designated mandated reporters will be legally required to report this activity.

A statement from the book, "A great place to research fantasies and kinks safely is on the internet," is directly opposed to all advice given by law enforcement professionals who desire to protect children instead of exploit them. This advice doesn't help vulnerable teens; it certainly helps sexual predators who hang out and are eager to discuss their "kinks" in internet chat rooms. Teens who follow this advice put themselves in danger of being sexually exploited or worse.

For the above reasons, I'd like this book removed from the Ketchikan Public Library.

Thank you for your time and consideration,

Terri Schultz

[Quoted text hidden]



T Schultz.pdf
487K



March 2, 2023

To Ms. Tanya Hedlind,

Thank you for your detailed letter appealing the decision of our Head of Youth Services, Amie Toepfer, to retain the book *Let's Talk About It*, in the Library's Teen Nonfiction collection. What follows is my response and decision regarding the book:

1. Random House, which published the book, indicates that it is for teenagers 14 years of age and older. The Teen Room is available for use by teens who are 13-19 years of age. All of our collections—adult, teen and children's collections—are available for checkout by any person who has a Library account. Often teens will check out books that are in the adult section to use in their schoolwork, or for recreational reading. The Library encourages parents of minor children, including teens, to accompany them to the Library and assist them in selecting books that suit their interests, needs and family beliefs. Library staff are not able to act in the place of parents, or to customize what each child is permitted to check out based on their parents' preferences.
2. Many of the illustrations in the book are sexually explicit, which is to be expected of a book on sex and relationships. I would not categorize the illustrations as pornographic, since the intent of the illustrator is to educate teens about sex, not to provoke sexual feelings. The information on sexting is educating teens (and their parents) about what it is and under what circumstances it is legal and not exploitive. Providing information about sexting or other practices is not the same as encouraging or promoting these practices. An alternative perspective is that information about this and other sexual topics enables teens to make mature choices, and to recognize when someone is attempting to groom or abuse them and know how to seek help.
3. Neither author is a medical professional, but they have written other well-received books on sexuality and relationships.
4. The review sources the Library uses are standard in public libraries—Publishers Weekly; Kirkus, School Library Journal, and Booklist—and they provide valuable insights into newly-published books so that librarians can determine which books will be most useful and popular in their community. We value community members' input into what we select for the collection—we receive many suggestions for books to consider adding and we acquire most of these. The Request for Reconsideration process allows members of the community to request that the Library reconsider a book in the collection. It is



important that this process be as careful and thorough as the Library's original selection process.

5. The Library seeks to maintain a balanced collection, but this does not mean that each book must contain all points of view on a topic. The Library's collection contains books with many points of view and opposing perspectives on issues, by which we provide the community with a balanced collection. A book such as *Let's Talk About It* is not for every family, but it does provide information for teens and their parents who choose to check it out.
6. The Library is a place of knowledge, ideas and learning, and sometimes this can be uncomfortable, unsettling, and confusing. Ketchikan's community is very diverse, and what is offensive and inappropriate to one group of residents may be acceptable and useful to another group. The Library cannot make those distinctions for every family, and so it falls to parents to do so. What the Library can do is provide a wide range of books and other materials, so that people can choose from among them based on their interests and beliefs.

After considering the points in your letter, I have decided to retain the book, *Let's Talk About It*, in the Library's Teen Nonfiction collection. You may appeal this decision by sending a written request to the chair of the Library Advisory Board, June Dahl, to ask that the Board hold a public hearing on the matter. You may send the letter to her in care of the Library:

June Dahl, Chair, Library Advisory Committee
c/o Ketchikan Public Library
1110 Copper Ridge Lane
Ketchikan, AK 99901

Thank you for the care and time you have taken in this matter.

Sincerely,

Patricia Tully
Director, Ketchikan Public Library
patt@firstcitylibraries.org ; 907-228-2311

March 6th 2023

June Dahl, Chair, Library Advisory Board
c/o Ketchikan Public Library
1110 Copper Ridge Lane
Ketchikan, AK 99901

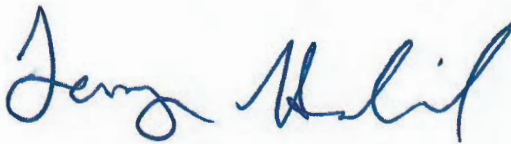
Dear Ms. Dahl,

Pursuant to the enclosed letter to me from Pat Tully, Director, Ketchikan Public Library, I am contacting you regarding Ms. Tully's decision to retain the book, Let's Talk About It, in the Library's Teen Nonfiction collection despite my Request for Reconsideration filed with Amy Toepfer, the Teen Librarian, and Pat Tully as Library Director. Accordingly, as detailed in Library Policy, this is my formal written appeal to the Library Advisory Board to request further consideration at a public hearing. Please have the Library Advisory Board arrange a public hearing on this matter.

Of note is the fact that, despite Ms. Tully's instruction that I contact the "Library Advisory Committee: I am addressing this to the "Library Advisory Boards" since that is the terminology used by both the library policy and city code. If that is incorrect, please inform me otherwise.

Enclosed is a copy of all the material I have received and generated in response to this Request for Reconsideration.

Mrs. Tanya Hedlind



Enclosed:

Personal Book Observations

Summary of Meeting with Ketchikan Public Library Head of Children's Services

Ketchikan Public Library Director's Response to Appeal of Denial to Request for Reconsideration



The takeaways from the book:

It is encouraging any age to read this.

This book is written based on biased views and opinions.

This book is written as a way to influence teens, not to be strictly educating.

Despite a couple warning labels, the book goes on to encourage various sexual activities without scientific support, medical inaccuracies, misinformation, biased views, political viewpoints, foul language etc.

This book is full of graphic and sexually graphic pictures.

It downplays the seriousness of STIs.

It encourages dangerous sexual practices such as anal sex, nude selfies, sexting, downloading porn.

Breakdown of issues by page number:

- Page 18: The label of virginity and referencing cisgender term. Biased view/opinion and not scientifically backed.
- Page 31: Normalizing one night stands. These can have serious consequences
- Page 37: Sleeping around with multiple partners is ok. Can have serious consequences
- Page 38: Telling kids to F the government and go with radical ideology. Politically biased
- Page 45: Definitions of Gender, Sex, and Sexuality are misinformation, biased, not scientifically backed
- Page 46: Gender is defined by society is misinformation, misleading, biased, not scientifically backed. It dismisses the foundational tools on gender study and how gender classified behaviors into male/female values and beliefs. We used this to compare to societies around the world and throughout history.
- Page 47: Referencing history with sexual information is rewriting history. It is misleading, unnecessary
- Page 48: List of multiple genders is not scientifically backed. Biased and misinformation, misleading
- Page 50: Gender pronouns are not scientifically backed and are biased and misinformation, misleading
- Page 53: Gender IDs change. That is misinformation. Not scientifically backed
- Page 64, 65, 73: Unnecessary nudity
- Page 76: Body Parts. No references made to male or female body per scientific facts
- Page 78-79: Misleading and misinformation on body types and unnecessary nudity
- Page 80: Unnecessary nudity
- Page 82: Encourages anal sex and explains anus functions with misinformation not scientifically backed

- Page 83-90: All body parts shown without proper explanation of female and male bodies. Missing important information
- 91: Sexually explicit photos of someone engaging in a sexual act
- Page 101: Normalizing one night stands which can have dangerous consequences
- Page 111-116 Encourages masturbation
- Page 117-119: Sexually explicit and unnecessary photos depicting and encouraging masturbation
- Page 120-123: Encourages masturbation
- Page 133-134: Downplays STIs. That is a serious topic that needs to be emphasized
- Page 139-145: Graphics are unnecessary
- Pages 149-151: Encourages sexting. Very dangerous and can have horrible consequences
- Page 152-153: Encourages sexting and unnecessarily graphic.
- Page 158, 159, 162, 163: Graphic
- Pages 164-165: Sexually explicit photos and encourages looking up porn which can have bad consequences
- Page 166, 171, 172, 174: Unnecessarily graphic
- Page 228: More book options on the topic. Have these options been vetted.

My takeaway from the Freedom to Read Statement and Library Bill of Rights:

Misleading when stating it is 'Guaranteed by the Constitution.' It is not in the constitution. The constitution is the freedom of speech. The freedom to read is a God given freedom.

All rights are in fact not being safeguarded as only some views are being guarded and others disregarded.

The Freedom to Read statement and the Library Bill of Rights portrays a view of totalitarian views. It's the library's decision and no one has a say. Giving the library staff total control over books despite public opinion because the blanket statement covers every type of material and point of view as being protected.

In regards to the book with this statement and bill in mind:

This book does not enrich learning because it promotes:

Propaganda: Gender ID, mentions systemic inequality (page 38), Telling kids to Fuck the government and viva la revolution (page 38)

Misinformation: Mostly focusing on what gender is and how it is defined and with pronouns.
Downplaying STIs.

Censorship: Cutting out any and all scientific facts about the human body in regards to male and female.
Focuses on terms and ideology

Corrupt Morals: Encouraging porn, sexting, multiple sex partners, one night stands.


Questions:

Who adopted this Library Bill of Rights and Freedom to Read Statement?

Did the Library Advisory Board or the City Council have input?

Did the patrons have input?

MEMORANDUM

TO: Delilah Walsh, City Manager
FROM:  Mitch Seaver
City Attorney
DATE: April 4, 2023
SUBJECT: Removal of Library Materials

1. Introduction. Pursuant to your request this memo concerns the legal principles involved in concerning the removal of books from the public library as relates to minors.

2. Summary. Minors have a First Amendment right to receive information through the library. However, minors can be protected from materials that are obscene for minors even though they are not obscene for adults. Under Alaska Statute AS 11.61.128 for material to be obscene or “harmful to minors,” it must meet the following criteria:

- (1) the average individual, applying contemporary community standards would find that the material appeals to the prurient interests in sex for persons under 16 years of age;
- (2) a reasonable person would find that the material taken as a whole, lack serious literary, artistic, educational, political or scientific value for persons under 16 years of age, and
- (3) the material depicts actual or simulated conduct in a way that is patently offensive to the prevailing standards of the adult community as a whole with respect to what is suitable for persons under 16 years of age.

This memo also discusses court cases concerning content and viewpoint discrimination and restrictions on access to library materials by minors.

3. Obscenity. First Amendment free speech protections extend to children and young adults. This includes the right to receive information through the library. As stated by the Supreme Court in *Erzanick v. City of Jacksonville*, 422 U.S. 205 (1975):

Speech that is neither obscene as to youths nor subject to some other legitimate proscription cannot be suppressed solely to protect the young from ideas that a legislative body thinks unsuitable for them.
Id at 213-14.

In respect to obscenity, the First Amendment rights of minors differ from those of adults. In the leading case of *Ginsberg v. New York*, 390 U.S. 629 (1968) (plurality opinion) the Supreme Court held that states can determine that certain materials are obscene for minors even though they may not be for adults. *Ginsberg* involved a New York statute that prohibited the sale of materials “harmful to minors,” to those under 17 years of age.¹

The Court upheld the constitutionality of the statute on the basis that material is obscene as to minors if it is: (1) “patently offensive to prevailing standards of the adult community as a whole with respect to what is suitable material for minors;” (2) “predominately appeals to the prurient interest of minors;” and (3) “is utterly without redeeming social importance to minors.” *Id* at 633.

In *Miller v. California*, 413 U.S. 15 (1973), the Supreme Court re-examined the standards for obscenity and held that a work may be subject to state regulation where that work, taken as a

¹New York Penal Law § 484 defined, “harmful to minors,” as follows:

- (f) ‘Harmful to minors’ means that quality of any description or representation, in whatever form, of nudity, sexual conduct, sexual excitement, or sadomasochistic abuse, when it:
 - (I) predominantly appeals to the prurient, shameful or morbid interest of minors, and
 - (ii) is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors, and
 - (iii) is utterly without redeeming social importance for minors.

whole, appeals to the prurient interest in sex; portrays sexual conduct as specifically defined by the applicable state law in a patently offensive way; and taken as a whole does not have serious literary, artistic, political or scientific value.

Alaska has enacted AS 11.61.128 which reflects the *Miller-Ginsburg* test:

(a) A person commits the crime of distribution of indecent material to minors if:

(1) the person, being 18 years of age or older, intentionally distributes or possesses with intent to distribute any material described in (2) and (3) of this subsection to either

(A) a child that the person knows is under 16 years of age; or

(B) another person that the person believes is a child under 16 years of age;

(2) the person knows that the material depicts the following actual or simulated conduct:

(A) sexual penetration;

(B) the lewd touching of a person's genitals, anus, or female breast;

(c) masturbation;

(D) bestiality;

(E) the lewd exhibition of a person's genitals, anus, or female breast; or

(F) sexual masochism or sadism; and

(3) the material is harmful to minors.

(b) In this section, it is not a defense that the victim was not actually under 16 years of age.

(c) In this section, "harmful to minors" means

(1) the average individual, applying contemporary community standards, would find that the material, taken as a whole, appeals to the prurient interest in sex for persons under 16 years of age;

(2) a reasonable person would find that the material, taken as a whole, lacks serious literary, artistic, educational, political, or scientific value for persons under 16 years of age; and

(3) the material depicts actual or simulated conduct in a way that is patently offensive to the prevailing standards in the adult community as a whole with respect to what is suitable for persons under 16 years of age.

(d) Except as provided in (e) of this section, distribution of indecent

material to minors is a class C felony.

(e) Distribution of indecent material to minors is a class B felony if the defendant was, at the time of the offense, required to register as a sex offender or child kidnapper under AS 12.63 or a similar law of another jurisdiction.

Therefore, before material can be found harmful to minors, an ordinary member of the community would need to find that, taken as a whole, it appeals to the prurient interest in sex for persons under 16; that a reasonable person would find that the material lacks serious literary, artistic, educational, political or scientific value for persons under 16, and that the material depicts sexual conduct in a way that is patently offensive to prevailing standards in the adult community as what is suitable for those under 16 years of age. Thus, while the prurient interest and patently offensive factors are based on contemporary community standards, the serious literary, artistic, educational, political or scientific value is determined on the basis of whether a reasonable person would find serious value, even if the community as a whole, or the “average” member of the community would not. *Pope v. Illinois*, 481 U.S. 497 (1987); *American Book Seller v. Webb*, 919 F.2d 1493 (11th Cir. 1990).²

4. Access. As mentioned above, apart from obscene materials, freedom of speech cannot be suppressed solely to protect young persons from ideas that a legislative body thinks are unsuitable. *Erzanick, supra* at 422 U.S. 213-14. Furthermore, subjecting speech to unequal restrictions based on the opinions or ideas expressed is viewpoint based discrimination which violates the First Amendment. In other words, government regulation of speech must be viewpoint neutral. For example, where the category of the content is sexuality, an expression of support for heterosexual perspectives over LGBTQ perspectives is a viewpoint. Thus, removing content that favors one viewpoint is unconstitutional. *Parent, Families, and Friends of Lesbians and Gays Inc. v. Camden R-III School Dist*, 853 F. Supp. 2d 888 (W. D. Mo. 2012); *Case v. Unified School Dist. No. 233*, 908 F. Supp. 864 (D. Kansas 1995).

² As stated by the court in *American Booksellers v. Webb, supra* at 1504:

[I]f a work is found to have a serious literary, artistic, political or scientific value for a legitimate minority of normal, older adolescents, then it cannot be said to lack such value for the entire class of juveniles taken as a whole

Where access to library books has been restricted because government officials simply dislike the ideas contained in those books, courts have found that the First Amendment has been violated even though the books were not removed from the library. In *Counts v. Cedarville School Dist.*, 295 F. Supp.2d 996 (W.D. Ark., 2003), the court held that a school district regulation requiring parental permission for checking out Harry Potter books from the school library violated a student's First Amendment right to access to books, even though the student owned the books and the parents had signed a permission slip. The court based its decision on the fact that the books had been stigmatized which stigmatized those that read them and that the student had to endure additional procedures before being allowed access to the books. The case arose in a school setting and while the court recognized that students' First Amendment rights may be restricted where necessary to avoid material and substantial interference with schoolwork or discipline, there was no evidence that any disobedience resulted from reading the books.

To similar effect is the court's decision in *Sund v. City of Wichita Falls*, 121 F. Supp. 2d 530 (N.D. Texas 2000). In that case, the city had adopted a resolution that gave 300 library card holders who signed a petition the right to censor children's books by having books moved from the children's area of the library to the adult section. The court held that the resolution was an unlawful delegation of governmental authority to private citizens and that it violated the First Amendment.

The court found placing the books in the adult library placed a significant burden on gaining access to those books. It reasoned that the children and parents looking for those books in the children's areas will be unable to locate them. The book challengers argued that the resolution was justified by "parents rights." The court rejected that argument because even if the petition was signed by a parent, that parent would mandate what information another parent's children may or may not receive:

Thus, the Altman Resolution can hardly be said to support "parent's rights," as it permits a non-parent to dictate what someone else's children may read and allows one parent to suppress material not only for her own children, but for all others in the community.

Moreover, if a parent wishes to prevent her child from reading a

particular book, that parent can and should accompany the child to the Library, and should not prevent all children in the community from gaining access to constitutionally protected materials. Where the First Amendment rights are concerned, those seeking to restrict access to information should be forced to take affirmative steps to shield themselves from unwanted materials; the onus should not be on the general public to overcome barriers to their access to fully-protected information. *Id* at 551.

The court found that the resolution was unconstitutional because it would burden protected speech on the basis of content and viewpoint and place a burden on the general public to overcome barriers in order to access protected information.



**1110 Copper Ridge Lane
Ketchikan, AK 99901
(907) 228-2311**

MEMORANDUM

To: Delilah Walsh, Manager, City of Ketchikan and Ketchikan Public Utilities
From: Pat Tully, Library Director
Date: April 18, 2023
Re: Decision on the request for reconsideration of the book, *Let's Talk About It*

On April 12, the Library Advisory Board held a public hearing on Mrs. Tanya Hedlind's request to move the book, *Let's Talk About It: The Teen's Guide to Sex, Relationships, and Being a Human*, from the Teen Nonfiction to the Adult Nonfiction section. Twenty-five residents spoke during public comment to voice their thoughts and concerns either in favor of the request or in opposition to it. Eleven residents sent letters that Board members read aloud in the meeting. Afterward, the Advisory Board discussed the request and voted 6 to 1 to recommend that the Library retain the book in the Teen Nonfiction section.

As Ketchikan Public Library Director I attended the Library Advisory Board meeting, and appreciate everyone who took the time to speak or write on this issue, and the Board for their careful consideration. I have decided to follow the Library Advisory Board's recommendation and retain the book in the Teen Nonfiction collection.

I am available to speak with any Ketchikan Gateway Borough resident about my decision and answer any questions they have.



Ketchikan Public Library Request for Reconsideration of Library Materials Policy and Procedure

Informal Interview:

An informal interview discussion between the patron and the appropriate librarian should be arranged (Lisa Pearson for Adult collection materials, Amie Toepfer for Children's or Teen materials). The librarian will listen carefully to the patron's objection(s) to the material and may explain to the best of their ability, why and how the material was originally selected. The library's formal request for reconsideration of materials should be clearly explained.

If the informal review by the librarian is sufficient and the patron does not wish to pursue the request further, a short synopsis of the complaint and the circumstances should be filed with the Director and no further action need be taken.

Formal Review:

If the patron is not satisfied with the informal review and wishes to pursue the complaint, the staff member should provide the "Request for Reconsideration of Materials" form as well as the "Collection Development Policy" to the patron and again explain the procedures for a formal review.

When the Library receives a written request to reconsider a title, the Director will:

- 1.) Notify the Library Advisory Board and the City Managers Office that a request to reconsider has been received, with a synopsis of the complaint.
- 2.) Route the formal request to the appropriate collection Librarian (Lisa Pearson, if the complaint involves Adult collection materials, Amie Toepfer if Children's or Teen collection materials).

The Collection Librarian will respond in writing, citing all available review sources and explain why the material was selected, what audience it was selected for, and where this item fits in a well rounded collection if the decision is to retain the material. The written response to the patron should be made within ten (10) working days of receiving the formal request. The Library Director will receive a copy of the request and the written response. The patron will receive a copy of the written response and information about the appeals process.

Appeals:

- 1.) If the patron is not satisfied with the recommendation and explanation of the formal review, they may file a written appeal to the Library Director. The Director will respond, in writing within ten (10) days.
- 2.) If that response is unacceptable, the patron may file a written appeal to the Library Advisory Board to request further consideration at a public hearing.

Disposal of material:

The material in question will not be removed or restricted unless an official determination has been made to do so. The item may be temporarily unavailable if a library staff member or Advisory Board member has the item checked out in order to review it.

April 21, 2023 revision

NOTE: This form and attachments may be included in the City Council agenda packet, which is made available to the public.

Ketchikan Public Library
Request for Reconsideration of Library Materials

Title: _____

Choose one:

Book: _____

Periodical or magazine: _____

DVD: _____

Other (please specify): _____

Author: _____

Publisher: _____

Your Name: _____

Address: _____

Phone Number _____ Best time to call: _____

Indicate one:

- I represent myself _____
- This request is being filed on behalf of: _____

To what in the material do you object? Please be specific. Cite page numbers.

Did you read (listen to or watch) the entire work? If not, which parts?

What do you feel might be the result of reading this work?

What would you like the library to do about this item?

April 21, 2023 revision

NOTE: This form and attachments may be included in the City Council agenda packet, which is made available to the public.

Ketchikan Public Library - Collection Development Policy

The Library Director, with the advice of the Library Advisory Board, will set policy and guidelines governing materials selection. This policy will be reviewed and revised, if necessary, on an annual basis by the Library Director and the Library Advisory Board to ensure that both understand, approve, and support the policy. The Library Advisory Board and the library staff recognize the responsibility to provide materials representing diverse points of view. The Ketchikan Public Library subscribes to and supports the American Library Association's Library Bill of Rights and the American Library Association Freedom to Read statement.

The Library's collection is composed of fiction and nonfiction titles that reflect the unique character of this community. It provides educational, recreational, cultural, and research information in a wide variety of formats that include books, magazines, newspapers, maps and pamphlets, as well as non-print material such as DVDs, compact discs, realia, and electronic and online resources. The Adult Division collection concentrates on the needs of the adult lifelong learner by providing popular and high interest fiction and nonfiction materials. A core collection of recommended materials in both reference and general works is augmented by a strong regional collection and well-developed marine, travel, health, crafts/hobbies, cultural, and "how-to" sections. The Children's Division maintains a strong juvenile fiction and nonfiction collection, which equally represents youth 0-13 years of age and their caregivers. The Teen Room contains young adult fiction and non-fiction, books, DVDs, and CDs. The Ketchikan Public Library does not collect for curriculum support. The Public Library can be an additional source of information and assistance but the school libraries are primarily responsible for curriculum support.

Selection Criteria

Each title is selected on its own merit and the needs of the audience for whom it is intended. Selection is made primarily on the basis of book reviews and other professional tools. Major selection tools for the Ketchikan Public Library include Booklist, Library Journal, School Library Journal, and Kirkus. Works that have won major awards such the Caldecott, Man Booker, and Academy Awards are also considered for selection. Patron requests are given strong consideration. Publishers or dealer's catalogs and "bestseller" lists are also used for selection. No single standard exists which can be applied in all acquisition decisions. Some materials must be judged primarily on their artistic merit, some on their scholarship, some on their value as human documents; others are needed to satisfy recreational and entertainment needs. General criteria considered in evaluation and reevaluation of materials for the Ketchikan Public Library include:

- Funds and space
- Popular interest and usefulness
- Authority, effectiveness and currency
- Attention of reviewers, critics, and public
- Reputation and/or significance of author
- Suitability of physical form for library use
- Availability of similar material in other library collections
- Overall balance in subject and point of view

Recommendations from library users are encouraged and will be purchased if they meet the above criteria.

Ketchikan Public Library - Collection Development Policy

Most items in the Alaska Digital Library collection are selected by a committee of the Alaska Library Network. Patron suggestions are considered by the committee in making their selections.

Cooperative Collection Development

The Ketchikan Public Library is part of the First City Libraries system. This means it shares computer equipment, a common database, and a circulation system, with the Ketchikan Gateway Borough School district. The computer system is fully integrated so each library can tell exactly what titles other libraries own, thereby avoiding needless duplication and facilitating cooperative collection development. Materials owned by member libraries are, in most cases, freely shared with all patrons.

The Ketchikan branch of the Alaska Court System Library maintains a collection of federal and state law and associated materials while the Public Library maintains a collection of materials on Alaska State Law. The Library also collects materials of general interest related to law and the courts, as well as, do-it-yourself business and personal law.

The Ketchikan Public Library also participates in an interlibrary loan program. The library is an active member of the OCLC Network, which provides access to the bibliographic holdings of libraries nationwide.

Weeding & Inventory

Using selection criteria and circulation statistics, librarians select items to withdraw from the collection in an ongoing process. This ensures that the Library's collections are relevant and meet the community's changing needs. A complete inventory of the collection is done yearly.

Selection Responsibility

The Library Director has the final responsibility for maintenance and development of the collection. The Adult Services Librarian is the acquisitions librarian for the adult fiction and nonfiction. Approximately ½ nonfiction and ½ fiction titles are selected for adult interests. The Children's Librarian is the acquisitions librarian for the children's and young adult (teen) fiction and non-fiction collections. Approximately 1/2 fiction and 1/2 nonfiction titles are selected for children and young adults. The large print collection is the responsibility of the Outreach Librarian and is primarily popular fiction. Each librarian chooses newly-published, older and replacement titles in their selection area, with input by other staff members as needed.

Collection Maintenance

Materials are reviewed regularly and systematically by the appropriate librarians to assess overall quality and physical condition. Materials of current value but in poor physical condition will be evaluated for mending, rebinding, or replacement. Mending is only done in cases of minor damage or when there is no alternative.

Duplication

Duplicate titles are added to the collection only under careful consideration and sufficient demand. This situation is driven by budgetary and space constraints.

Ketchikan Public Library - Collection Development Policy

Conservation

The library supports conservation and preservation of all historic materials of regional interest. Many books in the Tongass Historical Museum collection have been entered into the First City Libraries union catalog. While the Tongass Historical Museum's collection does not circulate, it is available for the public to use in-house. Occasionally, an item from the library collection will be donated to the Museum.

Gifts

Selected donations will be evaluated for inclusion in the collection in the same manner as new materials. Items not selected for inclusion in the collection will be disposed of or given to the Friends of the Ketchikan Public Library to be sold at their book sale. The library cannot legally appraise gifts for tax purposes.

Collection formats

- **Reference:** Items selected are works in a variety of high interest subject areas, or which are included in standard reference bibliographies for small libraries. This collection is reviewed annually for currency and effectiveness. These items do not circulate so that they will always be available for patron use.
- **Alaskana:** Items of state and local interest are placed in the non-circulating Alaskana collection so that they will always be available for patron use and research. Extra copies may be placed into general circulation, depending on value and ease of replacement.
- **Magazines:** Subscriptions are heavily used in the library and all but current copies circulate. Back issues are generally held for one year for monthly periodicals and 3 months for weekly periodicals. The Library's subscription list is reviewed annually and titles are added or dropped according to use.
- **Newspapers:** Subscriptions to regional and state newspapers provide patrons with current information. All newspapers are kept for at least two weeks. The Ketchikan Daily News is kept in hard copy until microfilmed. Microfilm copies of Ketchikan papers are retained for research.
- **Pamphlet files:** State and local historical items are kept for Alaskan and general interest information. Small items which present shelving problems, or clippings are included as well as information not available in other formats.
- **Maps:** The Library topographic maps of Southeast Alaska and some local navigational charts are collected.
- **Video and audio:** Informational, educational, and literary DVDs, CDs and other video and audio materials are collected to provide alternate access to information. Price is a serious consideration in the purchase of videos and audiobooks. Outstanding popular culture and award winning films are included. Critically acclaimed foreign films, independent films and PBS productions are heavily collected. DVDs and various audio formats are currently being purchased for the collection.
- **Online:** The Library is a member of the Alaska Digital Library and through it provides access to a large collection of downloadable electronic and audio books. The Library also provides access to the State's SLED databases, and subscribes to a small number of electronic databases.
- **Realia:** The library collects a variety of items that are not text-based. These items are chosen for their durability, local interest, ease of circulation and storage, and contribution to the library's mission to supply materials for educational and recreational purposes. This collection includes such things as board games, craft tools, AV equipment, puppets and GPS locator beacons.



City Manager/General Manager | 334 Front Street, Ketchikan AK 99901 | (907)228-5603

TRANSMITTAL MEMORANDUM

3a

TO: The Honorable Mayor and City Council

FROM: Delilah A. Walsh, City Manager

Initials:

DATE: May 22, 2023

File #: MGR23-268

RE: **Additional Attorney Information**

On April 19, 2023, Library Advisory Board (LAB) member Deborah Simon asked three follow-up questions of City Attorney Mitch Seaver regarding his memorandum to me dated April 4, 2023. That 4/4/2023 memorandum was provided to all LAB members ahead of their decision on whether or not to move the book, "Let's Talk About It," from the Teen section to the Adult section of the Ketchikan Public Library. It is also a part of the May 30, 2023 special meeting packet.

I'm attaching the City Attorney's response to those questions to ensure the City Council has access to all information related to the book reconsideration issue.

From: [Mitch Seaver](#)
To: [REDACTED]
Cc: [Delilah Walsh](#); [Pat Tully](#)
Subject: Questions from Prof. Simon
Date: Friday, May 19, 2023 10:21:48 AM
Attachments: [Memo - Removal of Library Materials - MAS.pdf](#)

Dear Professor Simon,

Here are my answers to your questions regarding libraries and the First Amendment.

(1) Do you believe it to be unconstitutional to move a book from one section to another at the request of a concerned citizen?

The fact that a book is not physically removed from a library does not mean that First Amendment rights are not implicated. The United States Supreme Court has applied the most exacting standards to regulations that suppress, disadvantage or impose different burdens on speech because of its content. This principle was relied on in *Sund v. City of Wichita Falls* in ruling that moving children's books from the children's area of the library to the adult section violated the children's First Amendment right to receive information. The *Sund* decision is discussed in my April 4, 2023 memorandum (copy attached). Also see the discussion of the *Counts v. Cedarville School District* in that memorandum.

(2) Do you believe it to be unconstitutional to remove a book from the library at the request of a concerned citizen?

As set forth in my April 4, 2023 memo, the United States Supreme Court ruled in *Erzanich v City of Jacksonville*, 422 U.S. 205(1975):

Speech that is neither obscene as to youths nor subject to some other legitimate proscription cannot be suppressed solely to protect the young from ideas that a legislative body thinks unsuitable for them.
Id at 213-14.

While a concerned citizen can make a request to remove a book from the library, if the request and removal is motivated by a disagreement with the ideas promoted by the book, then the removal would be unconstitutional.

(3) What affect does the Court's finding in *Little v Llano County*'s that, "The Court will not invade the prerogative of the Library with regard to proper placement of books or restrictions on access" have on moving a book from one section to another in our library at the request of a concerned citizen?

In *Little v. Llano County*, 2023 WL 273 1089 (W.D. Texas 2023)(slip opinion) the plaintiffs sued the county commissioners, members of the library board and the library system alleging that those defendants were violating the plaintiffs First Amendment rights by restricting access to certain books based on their messages and content.

At the center of the plaintiffs' case was that the defendants had removed certain books that had

been placed in the children's area from the library shelves, hidden them from view and removed those books from the library's searchable catalog.

The plaintiff's requested that a preliminary injunction be entered while the case was pending, ordering, (1) that the removed books be returned to the library system (2) that the library's searchable catalog be updated to reflect that the books are available for checkout, (3) that the books be returned to their original location on the library's shelves and, (4) enjoining the defendants from removing any more books while the case was pending.

In finding that the plaintiff First Amendment rights had been violated, the court wrote:

The physical books at issue in this case, although "available" for checkout are hidden from view and absent from the catalog. Their existence is not discernible to the public, nor is their availability. An injury exist because the library's "in-house checkout system" still places "a significant burden on Library Patrons' ability to gain access to those books.
Sund, 12 F. Supp. 2d at 534. *Id.* at 6.

Note that the court relies here on *Sund v. City of Wichita Falls* discussed above which ruled that moving children's books from the children's area to the adult section violated the First Amendment.

The court in *Little* granted plaintiffs' preliminary injunction motion in part, ordering the defendants, (1) to return the books at issue to the library system, (2) to update the library catalog to show that the books were available for checkout and (3) to refrain from removing any more books while the case was pending. The court did not order the books be removed to their original location, stating:

Although Plaintiffs have demonstrated they are entitled to a preliminary injunction, their evidence cannot sustain some of the remedies they seek. The evidence demonstrates that, without an injunction, Defendants will continue to make access to the subject books difficult or impossible. Defendants must therefore be prevented from removing the books, and the books at issue be made available for checkout through the Library System's catalogs.
(Proposed Order, Dkt 22-12).

However, Plaintiffs focused on book removals, not on relocations. Therefore, the Court cannot find that they are entitled to their request to return the physical books to their original locations. The Court will not invade the prerogative of the Library with regard to proper placement of books or restrictions on access. *Little* at slip opinion 11.

Because the plaintiffs' preliminary injunction focused on book removals, not relocations, the court did not have enough information to order their return to the original placement to the shelves, leaving proper placement of the books to the library. This does not mean that the library may place the books in a legally improper place, particularly given the Courts reliance on *Sund v. City of Wichita Falls*.

Little v. Llano County is presently on appeal before the 5th Circuit Court of Appeals.

I hope this answers your questions.

Mitch Seaver

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MEMORANDUM

To: Delilah Walsh, Manager, City of Ketchikan and Ketchikan Public Utilities
From: Pat Tully, Library Director
Date: June 5, 2023
Re: Library classification of nonfiction materials

The Ketchikan Public Library uses the Dewey Decimal Classification system for its nonfiction collections, to classify and shelf books by subject. This system has existed since 1876 and has been regularly updated and expanded since then. Most public libraries in the United States use this system to assign call numbers to nonfiction books. The records for new books that the Library downloads into its online catalog include a suggested Dewey Decimal class number, and we almost always use this number to create call numbers.

Let's Talk About It is in the Teen Nonfiction section of the Library, with the call number 306.7083 MOEN (this last is the primary author's last name). The Dewey class number is broken down as follows:

300 – Social Sciences

306 – Culture and Institutions

306.7 – Sexual relations

306.7083 - Class here interdisciplinary works on relations between the sexes, sex, sexual love

This is the Dewey class suggested in the record for this book, so this is the class we used in the call number. Based on our professional expertise and experience, we made the decision to place it in the Teen Nonfiction section, as it is clearly a book written for teens.