

March 12, 2023

To: Chairperson Larson and Members of the Senate Judiciary Committee,

My name is Mariah Ralston Deragon and I oppose House Bill 1205.

I am a fourth generation North Dakotan, which for the tribal nations of our state, means my family is still new to this area. Nonetheless, I feel a strong connection to the cultural, geographic, and social landscape of North Dakota.

I am distantly related to the woman the Edna Ralston Public library was named for in Larimore, ND. My father, Tim Ralston, was a North Dakotan poet. I myself am a librarian.

I'm also an ally to LGBTQIA+ individuals. That stands for Lesbian, Gay, Bisexual, Transgender, Queer/Questioning, Intersex, Asexual, and + holds space for other identities not included in that acronym, such as Two Spirit, which is an identity particular to certain Indigenous nations.

A little girl in my family, whose identity I will not disclose due to the increasingly hostile place North Dakota has become for queer individuals, told her parents a couple of years ago that she thought she was bisexual. She was 9 years old at that time. I do not accept that if HB1205 is passed, there's a version of North Dakota in 2024 where books portraying same sex relationships in her age group will be hidden away from her in a "special" section of the library- or maybe removed altogether. If libraries are forced to separate books, which according to the language of this bill could be targeted as "prurient interests," then it is that much more likely she won't seek out those books for fear of being outed, or because she may be made to feel unsafe by her peers for drawing extra attention to sexuality.

That is why it is a first amendment right for parents with queer children to be able to have access to those materials specifically in children's collections. Making the choice to remove the items to adult sections directly affects and potentially endangers another parent's child. It removes their access to representation in our libraries.

I am a librarian, and I am an ally to LGBTQIA+ individuals. I am not a groomer. How that term is currently being manipulated in homophobic ways online and in testimony during this 68th Legislative Session is truly disturbing, and speaks to the fact that our state needs comprehensive sex education for adults and children, now more than ever.

I support sex education. To be clear, books about sex education are not obscene, they are not the same as pornography. According to the Guttmacher Institute, which is a leading research and policy organization committed to advancing sexual and reproductive health worldwide,

"All young people should have access to comprehensive sexual and reproductive health information that is medically accurate, LGBTQ inclusive, and culturally and age appropriate so that they can make informed decisions about their sexual behavior, relationships and reproductive choices. Sex is already part of [many adolescents' lives](#), and they deserve to receive high-quality information to inform their decision-making. Unfortunately, just [30 states and the District of Columbia](#) require sex education to be taught in schools, and fewer states require that the school curricula include key sex education topics or even medically accurate information."

(<https://www.guttmacher.org/fact-sheet/sex-education>)

For the proponents of this bill who think that librarians in this state are out of touch with North Dakota values, I truly ask you consider this in good faith...Maybe it is North Dakota falling short on the values whereby we support ALL of our citizens, regardless of creed, race, sex, gender, or sexual orientation?

I would also like to add...Each time I've come to the Capitol to testify on these library bills this session, the bills have been amended drastically. It makes it rather difficult to provide testimony addressing the specificity of those changes. I think that in itself demonstrates the fact that these bills are not conceptually sound. This is evidenced by the constant substantial edits being done to the major tenets of the bills.

Even with this amended version of HB1205, the language is still overly broad, which will likely lead to all manner of materials being challenged and purged from libraries. Regardless of the specific language used in this bill, it continues to be at its core, an unconstitutional bill.

In addition to being unconstitutional, the bill puts an unsustainable financial burden on counties, cities, libraries and staff to re-review the entirety of their collections, a task that will require countless hours and additional payroll. Who is paying for that? And what are libraries supposed to do with the now "obscene" materials that they cannot sell or give away?

In closing, I support the freedom to read, the freedom for parents and individuals to have open access to the constitutionally protected materials, which they are afforded rights to under the First Amendment.

I ask you to VOTE NO on HB1205.

Sincerely,
Mariah Ralston Deragon