



March 20, 2023

Dear Chair Larsen and members of the committee:

On behalf of American Booksellers for Free Expression (ABFE), the free speech initiative of the American Booksellers Association – the not-for-profit trade association of independent bookstores across the country, including North Dakota – we are writing today on behalf of North Dakota booksellers to express their opposition to HB 1333.

HB 1333 criminalizes drag performances. The bill stipulates that “male or female impersonators who provide entertainment appealing to a prurient interest,” in a location where the performance is in the presence of a minor, would be guilty of a Class A misdemeanor for a first offense. Subsequent offenses would be a class C felony. The bill also fails to define “prurient interest,” as this term could have different meanings for different people.

Bookstores are a crucial part of the fabric of its community and a hub for the very American ideal of free expression. The shelves of bookstores contain a wide and countless array of voices and stories, and a book that one customer may find objectionable, another customer may deem to be a classic, and vice versa. The events at the bookstore mirror this conviction to free expression and diversity.

If this bill were to become law, it would have a chilling effect on the bookstore’s business. If a bookstore were to feature a reading or an appearance by authors such as actor and TV Star RuPaul or Dame Edna, the character created and performed by Australian comedian Barry Humphrie, where a minor was present, the bookstore could run afoul of the law.

On behalf of North Dakota booksellers, we oppose this bill as it would threaten many bookstores with making a choice between turning away authors or turning away customers.

I appreciate the opportunity to share our concerns with the committee.

Sincerely,

David Grogan, Director
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American Booksellers Association
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