

# House Appropriations Committee

## Human Resources Division

### House Bill 1015

#### Department of Corrections & Rehabilitation Appropriation

Andrew Alexis Varvel

North Dakota State Capitol

January 26, 2023

Harvest Room

2:00PM

Chairman Nelson and Members of the Committee:

My name is Andrew Alexis Varvel. I live in Bismarck.

Governor Burgum has recommended a major upgrade to our state's women's prison, and moving it from New England to Mandan.

His recommendations look good.

I think they can be improved upon.

The time is right for North Dakota to establish a separate prison for transgender, trans-species, non-binary, and gender non-specific inmates.

Throughout the country, and most notoriously in New Jersey, prisons have been confronted with transgender inmates raping female prisoners.

We don't want that!

We should also try to avoid putting transgender inmates into men's prison. Men's prison is often particularly dangerous to transgender inmates.

Lambda Legal, an LGBTQ+ legal advocacy organization, claims that one in six transgender Americans have been in prison.

<https://www.lambdalegal.org/know-your-rights/article/trans-incarcerated-people>

I am actually surprised that Lambda Legal's estimates are that low. That said, their estimates still show a rate of transgender incarceration far in excess of the rest of the population.

According to an article printed on February 26, 2020, NBC News counted 4890 inmates in state prisons throughout the United States.

<https://www.nbcnews.com/feature/nbc-out/transgender-women-are-nearly-always-incarcerated-men-s-putting-many-n1142436>

I suspect that this is a low-balled estimate. Moreover, the numbers of transgender people in our society has been massively increasing because LGBTQ+ has become increasingly fashionable, and particularly new gender identities of transgender and nonbinary varieties. A lot of this is probably due to a combination of teenage rebellion and trends on social media.

So, we will need some place to put transgender and nonbinary inmates. Putting them into women's prison would be a human rights abuse against women, while putting them into men's prison would be human rights abuse against transgender and nonbinary inmates. The most obvious solution would be to house these inmates in a separate location.

As it is, the present facility in New England is likely to be vacated by the women's prison. This proposed change of purpose would provide continued employment to the local community. Although I suspect that most of North Dakota's transgender and nonbinary inmates probably come from the Red River Valley, and specifically Fargo, the New England facility already exists.

I fully realize that this policy would effectively recognize three genders – natural man, natural woman, and other. This would reflect the English

language's use of three genders – he, she, and it. And yes, this policy would lump all of the hundreds of non-binary genders which have proliferated over the past decade into a catch-all category that could mean almost anything.

I recommend that the State of North Dakota try this re-purposing of the New England facility and see what happens. We should regard this to be a pilot project. If it turns out badly, then yes, it should be shut down. But I don't think it will turn out badly. I think this is likely to become a roaring success.

As a pilot project, the State of North Dakota may be able to receive federal funding because both the federal government and other states will want to know how this project works. Moreover, nearby states may wish to send their transgender and nonbinary inmates to this prison as part of an interstate accord. Yet, receiving funding from the federal government and other states should not be the reason for this project. Our goal should be the effective rehabilitation of transgender, transspecies, nonbinary, and gender non-specific prisoners so they can become law abiding citizens.

Traumatizing inmates by putting transgender and nonbinary inmates into either men's prison or women's prison would not serve the public purpose. I think a separate transgender and nonbinary prison would.

I hope you will amend this appropriation so the New England prison can be repurposed to house transgender and nonbinary inmates.

Chairman Nelson, and members of the Human Resources Division of the House Appropriations Committee, I thank you for your time.

I now welcome questions from the committee.

Andrew Alexis Varvel  
2630 Commons Avenue  
Bismarck, ND 58503  
701-255-6639  
mr.a.alexis.varvel@gmail.com