

Chairperson, Mr. Klemin, members of the House Human Services committee, I am Barry Nelson, here on behalf of the Fargo Human Rights Commission to testify regarding SB 2360, and on behalf of the Commission I urge you to vote do not pass on this bill.

The Fargo Human Rights Commission consists of [eleven volunteer members](#) who are nominated by the Mayor and appointed by the City Commission. Each serves a three-year term. The Human Rights Commissioners represent a broad range of racial, religious, ethnic, social, economic, political and professional groups.

**Our mission is:** The Fargo Human Rights Commission provides leadership and education in areas of civil rights, to eliminate discrimination against persons because of color, creed, religion, national origin, age, sex, sexual orientation, gender identity, disability, or marital status. It encourages adherence to civil rights through education, conciliation, and mediation. It identifies human and civil rights-related concerns of the public and recommends policies to the board of city commissioners that protect and preserve individual rights.

At its February, 2023 commission meeting, the assembled commission members voted unanimously on a resolution standing in opposition to the numerous bills targeting our Transgender community.

Our opposition to these bills is based on two principles: 1) it is harming our kids, and 2) it is restricting our freedoms.

In support of principle number one, I cite the following: National research tells us that 75% of transgender youth feel unsafe at school and are more likely to miss school out of concern for their safety. The North Dakota Youth Risk Behavior Surveillance (YRBS) data from 2021 indicates that suicide ideation and attempts are disproportionately higher for LGBTQ. Evidence is as follows: middle school students who ever seriously considered suicide: straight – 22%; LGB – 65%; Transgender – 74.7%. Middle school students who have ever attempted suicide: straight – 7.5%; LGB – 29.3%; Transgender – 46.3%.

Passing bills that directly or indirectly target LGB and specifically Transgender students only enhance this environment by further targeting them within schools and community.

It is within the overall context of the numbers and breadth of bills being presented in this legislative body, that we stand in opposition to SB 2360.

But, wait, you may say: SB 2360 does not specifically say out loud the words lesbian, gay, bisexual or transgender, nor does it express any concern about LGBTQ. I will get to that in a moment.

But first, I must ask: what prurient interest was served by those who came up with this bill, much less to stand on the floor of our government's most sacred and prestigious places of law making and read specific sections of this bill, as profoundly prurient sounding as it all sounds?

We should and could be spending collective time addressing the very serious issues of hunger amongst school age children, about the critical shortage of child care, of the crisis in lack of mental health services for all our citizens, much less the sobering statistics on suicide of our young people. We stand in a time when there is ample resources that could be seriously studied and committed to addressing the serious issues faced by our young

people, our working families and our elderly. I know there are serious members of this prestigious body who in fact are attempting to do just that.

Instead, we are spending time debating as to what rises to the level of obscene material, trying to find that reasonable North Dakota person, and trying to figure out what is or is not offensive sexual conduct whether normal or perverted. And, to prepare for this conversation, someone had to sit around alone or with a group of people to define explicit sexual material – is there really only nine categories? And to determine that a nude or partially denuded human figure can go to the degree to which a breast is exposed and to the degree of separation from the areola? Does this rise to the level of civil rule making?

SB 2360 does not specifically address books or material regarding LGBTQ individuals. It is, however, within the larger context of the number of bills that seek to restrict rights of, to even attempt to erase the existence of members of the LGB and particularly members of the Transgender community, that the broad and vague language of this bill could disproportionately be used to remove books with an LGBTQ theme from our public libraries.

PEN America, a literary and free expression organization, identified in a report released on Monday [at least 50 groups at the national, state or local level](#) that have advocated for book bans in recent months.

Many of these efforts seek to pull books with LGBTQ characters or themes – think Maia Kobabe’s “[Gender Queer](#)” or George M. Johnson’s “[All Boys Aren’t Blue](#)” – and are part of a [broader, conservative-led movement](#) to chisel away at the rights and status of LGBTQ Americans.

In the 1970s in particular, there was a major movement from social conservatives to keep gay and lesbian teachers out of classrooms. There was a [major statewide initiative in California](#). There was, of course, [Anita Bryant in Florida](#).

The animus that was driving those campaigns was, *We need to keep gays and lesbians out of classrooms precisely because they’re an inherent danger to our children. They’re predatory. They’re recruiting.*

In many respects, what’s happening now isn’t a new invention.

This article further explains: Those who are affected the most by book banning are the students in the classroom. When books are banned or challenged, **the footing of the curriculum becomes unstable**. By opening children up to places, people, and different cultures, books help children develop empathy for others. Oct 14, 2022

Books that are explicitly about LGBTQ topics, or have LGBTQ protagonists or prominent characters have been disproportionately targeted during the last nine months of bans, PEN America found. Thirty three percent of all banned books—or 379 books—contained LGBTQ themes, including a subset of 84 titles that deal with transgender characters and topics. EducationWeek, April, 2022.

Given what is happening around the country with over 400 homophobic and transphobic bills being introduced in just the past three months, given that in North Dakota 21 bills have been introduced to restrict or limit the rights of Transgender students, their parents, educational organizations and health care providers, it is not difficult to ascertain what the unspoken intent of this bill is.

Please vote no on SB 2360.