

Chairman and members of the committee, my name is Lindsey Bertsch, and I am a District 3 resident of Minot, North Dakota. I am the manager of Main Street Books, which is also located within District 3. I am urging you to give a DO NOT PASS recommendation to Senate Bill 2360.

I testified in opposition to a previous version of this bill, Senate Bill 2123, on January 23rd. At this hearing, I brought up several books that this bill would criminalize librarians and booksellers for carrying, including the Bible. I heard no argument refuting how this bill wouldn't criminalize the Bible being on library and bookstore shelves. I encourage you to read this bill carefully:

“A person is guilty of a class B misdemeanor if the person willfully displays at newsstands or any other business establishment frequented by minors...any book ... **contains** depictions or **written descriptions** of nude or partially denuded human figures posed or presented in a manner to exploit sex, lust, or perversion.” Although the Bible is full of verses that would criminalize it, I cited the story of Oholibah in Ezekiel chapter 23, specifically verse 20 which is as follows: “She lusted after her lovers, whose genitals were as large as donkeys and whose emissions were that of a horse.” If this bill passes, someone would be fully within their right to go to the police station and report a librarian or bookseller for having this book in their inventory and not checking an individual's ID before they can pick it up and look at it. If the excuse for this reality is “No one would ever do that,” then that is just plain irresponsible and not a solid foundation for a law. There is **nothing** in SB 2360 that exempts the Bible, or 1984, or Slaughterhouse Five, or I Know Why the Caged Bird Sings, or the *innumerable* other books that would be criminalized under this bill. There truly seems to be a misunderstanding of how many books would be affected if this bill is enacted - the unintended ramifications would be dire.

I would also like to mention some books that have been brought up in some of the testimonies in favor of SB 2360. I read Let's Talk About It from cover to cover. Multiple testimonies have stated that this book encourages the act of “fisting.” I have read this book and there is not even a mention of the word “fisting” in this book. There's also no instruction on “how to give a blowjob” in this book - if this is the book certain testimonies have been referencing when they say that. Representative Satrom said on the house floor that on Page 108 of this book, there is an illustration of a young girl with a hand down her pants at a family picnic. This illustration not only doesn't appear on page 108, but doesn't exist within this entire book. As for other citations, many of them leave out key details, picking and choosing phrases to fit their narrative. For example, this book does talk about sexting, however it actively discourages anyone under the age of 18 from engaging in it because of potential consequences, including legal consequences. I'm not trying to convince you to like this book, I'm just trying to correct some things that have been said about it. I personally don't agree with all of the phrasing in this book, but

compared to what minors have access to on the internet or through peer pressure, it is a valuable resource. What this book does very well is it tells teenagers to NEVER do anything if they feel they're being pressured into it, by anybody. It gives them tools to set boundaries in relationships with both romantic partners and friends, and it shows them how to own up to mistakes in relationships and heal them. It even has questionnaires outlining abusive behavior to watch out for in relationships; something I think young people can definitely benefit from. Regardless, if this is the book we keep coming back to in conversation - go right ahead and write a bill about this book! Because now, it reaches so much further than Let's Talk About It.

There is one more book I'd like to discuss - it was mentioned in one testimony given in favor of this bill (on behalf of the ND Family Alliance) but it concerned me more than any others being brought up. That is *The Absolutely True Diary of a Part Time Indian* by Sherman Alexie. It's been challenged in libraries across the country since its publication in 2007 for its honest portrayal of multiple topics and life challenges, but I believe the only thing that would qualify it for criminalization under SB 2360 would be the narrator's account of getting an erection. The narrator is a teenage boy dealing with a lot of coming-of-age issues that are important to address - the narrator grapples with his identity, his hopes and dreams, his family and impoverished state, his community, and the feeling of being othered by those around him both on and off his reservation. This is a beautiful book, and for YEARS I have recommended it to every parent looking for a book for a teenage son. In fact, just this past Friday, March 10th, I recommended this book, and *Speak* by Laurie Halse Anderson - which also could qualify for criminalization under this bill - to a gentleman looking for books to gift his 16 year old granddaughter. This bill could send me to jail for that.

I am twenty five years old and can remember when smart phones started to enter my daily life in middle and high school. Trust me when I say teenagers CAN and DO see far worse on smartphones than what is found in books like *Let's Talk About It*, or *Looking for Alaska*, or the plethora of other young adult books being challenged. I can recall many times being shown images I did not consent to seeing due to peers showing them off on their smartphones at school. I'm sure the younger members of this committee can relate to that experience as well.

Finally, I would like to thank Representatives Schneider, Rep. Roers Jones, and Rep. Bahl, for voting against HB 1205 when it was on the House floor. I hope you recognize that Senate Bill 2360 is also an egregious infringement on personal freedoms and the right to read, and do your due diligence in illustrating that point to your colleagues. If passed, this bill poses a deeply concerning threat to the future of literacy in North Dakota. Thank you.