

Chair Larson, Vice Chair Paulson, and members of the Committee:

On behalf of the ACLU of North Dakota, I submit testimony in opposition to HB1333.

This overly broad bill is a violation of the First Amendment rights of North Dakota citizens. Drag is a centuries old form of art and entertainment dating back to the origins of theatre in ancient Greece and was standard in all productions of Shakespeare. For decades, drag has been a part of mainstream American culture from the silver screen classic *Some Like it Hot* to the comedy antics of *Mrs. Doubtfire*.



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While drag is not new to artistic expression of the LGBTQ+ Two Spirit community, this particular form of drag has joined more mainstream entertainment and culture over the past 20 years.

Not all drag performances contain adult content, and those that do, typically cater to the appropriate audience and venue. This bill seeks to label all drag entertainment as adult entertainment. Drag performers typically show less skin than the cisgender female servers at some popular restaurants and use dance moves that would rival any cheerleaders at local sporting events—both where children are often present.

Furthermore, families have a First Amendment right to attend these events and the performers and venues have a right to offer them. Parents have the right to determine what is appropriate for them to attend without government instructing them.

Lastly, let's state plainly what this bill is: an attempt to remove LGBTQ people from public life. This bill, like others like it across the country are being fueled by the same paranoia and fear leading to banning books and censoring teachers for treating all their students the same. Laws like this have a long history of hurtfully and pointlessly targeting, arresting, and criminalizing LGBTQ people, giving police permission to raid bars like Stonewall and arrest trans women for simply existing in public.

The First Amendment guarantees a right to freedom of expression, regardless of whether that is expressing gender, art, or political belief.

HB1333 is unnecessary government overreach and should not become law. We strongly urge a “do not pass” recommendation from the Senate Judiciary Committee.

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