

My name is Lindsey Bertsch and I run events and marketing for Main Street Books in Minot, North Dakota. I have been employed at Main Street Books for over ten years, starting when I was 14 years old. I would like to urge the senators here today to oppose Senate Bill 2123. According to the proposed language of this bill, "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... which contains depictions or written descriptions of nude or partially denuded human figures posed or presented in a manner to exploit sex, lust, or perversion." "Business establishment" of course implies bookstores like the one where I work. I would like to get straight to the point of listing just some of the books that could therefore be classified as a Class B Misdemeanor for my bookstore to have on our shelves according to this proposed language:

- Speak by Laurie Halse Anderson (Young adult novel, one of my personal favorite books of all time - which I read as a freshman in high school. Contains a rape scene.)
- The Absolutely True Diary of a Part Time Indian by Sherman Alexie (a young adult novel I recommend a lot to parents looking for book recommendations for teenage boys, as it shows great examples of healthy male relationships. Contains descriptions of the narrator getting an erection occasionally.)
- On Earth We're Briefly Gorgeous by Ocean Vuong (a modern classic about a gay Vietnamese immigrant in the US writing to his mother, contains sex between two men and descriptions of their nudity)
- A Court of Thorns and Roses by Sarah J. Maas (best selling fantasy series, contains a couple of sex scenes with nudity.)
- Seven Husbands of Evelyn Hugo (nudity during sex between two women)
- 100 Years of Solitude by Gabriel Garcia Marquez (descriptions of male genitals)
- Fun Home by Alison Bechdel (nudity during an act of cunnilingus)
- Looking for Alaska by John Green (description of female breasts, description of fellatio)
- The Color Purple by Alice Walker (contains descriptions of incest, contains masturbation, description of cunnilingus with explicit detail of female anatomy)
- I Know Why the Caged Bird Sings by Maya Angelou (contains descriptions of sexual abuse)
- The Bluest Eye by Toni Morrison (descriptions of rape, and also consensual sex)
- Slaughterhouse Five by Kurt Vonnegut (descriptions of erections)
- 1984 by George Orwell (description of the feeling of a woman's breasts in a sexual context)
- And, of course, the book containing this line: "...she lusted after her lovers whose genitals were as those of donkeys and whose emission was as that of horses." This line is from the Bible, Ezekiel chapter 23 verse 20 to be specific.

These examples barely scratch the surface of how many books could be classified as Class B Misdemeanors to be displayed at bookstores under the proposed language of Senate Bill 2123. There are many books in contemporary adult fiction, and also some in young adult fiction, that could qualify for the misdemeanor for even just one or two lines describing any form of nudity as listed in the bill. And with no review process being mentioned, I am left to interpret this bill as implying we as booksellers could be arrested for carrying 1984.

In considering the practical aspects of this bill, I have this question: How are bookstores and libraries supposed to pay for all the extra labor that would be involved in vetting books, creating potential 18+ sections, organizing removal requests? Will more tax dollars be allocated to libraries to pay for the additional, government-mandated labor? Or will tax dollars be invested in technology to attempt to automate this process? Or what about the potential need for additional infrastructure if 18+ sections need to be created in libraries - is there a financial plan for our state to pay for this? Will subsidies be allotted to bookstores for the additional payroll that they wouldn't otherwise be accounting for in a fiscal year? If any of the answers to the above questions are "no" or "unknown," this bill cannot continue. Because if this bill passes, this is what you'll see: libraries and bookstores will have to shorten their hours or be closed more days of the week in order to cover labor costs. If bookstores are forced to close or reduce hours to make up for these costs, we will see a decrease in sales tax revenue for the state, as well as decreased daily foot traffic in the downtown areas where many independent bookstores are located.

As an independent bookstore employee, I am not fond of Barnes and Noble - however, I can't help but wonder how their North Dakota locations would respond to a law like this. It seems perfectly feasible that instead of wasting money on inventory vetting, bureaucracy, potentially bailing booksellers out of jail - they might consider closing their North Dakota locations altogether. Most Barnes and Noble locations are in malls - and malls are one of the biggest attractions for members in smaller communities visiting larger cities in North Dakota.

I urge you to stamp Senate Bill 2123 with a "do not pass."

Thank you for your time, and for hopefully hearing this testimony with an open mind.