Senate Judiciary Committee
Senate Bill 2199

Andrew Alexis Varvel

Written Testimony

Peace Garden Room North Dakota State Capitol

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Madame Chairman Larson and Members of the Committee:

My name is Andrew Alexis Varvel. I live in Bismarck, District 47. My sex is male. My grammatical gender in English is masculine. My grammatical gender in Lakota is animate. My pronouns are rock/paper/scissors.

First of all, I realize that some form of pronoun bill will probably pass during this session. I'm not going to get into any arguments with conservative women on whether men should be allowed to use women's toilets. That said, I question the appropriateness of putting this statute into Chapter 1-01.

The original Chapter 1-01 of our Century Code is called “General Principles and Definitions”. Gender, in the context of section 1-01-34, refers to grammatical gender. It is intended to mean that any statute that uses the archaic practice of using one grammatical gender to refer to people in general will apply to both men and women.

So, there may be some unintended consequences from this deletion.

Down the road, I think our state ought to take a policy on grammatical gender which reflects the English language – and Germanic languages in general. He, she, and it. (Don't forget Cousin Itt!) So, it is appropriate for North Dakota to recognize de facto eunuchs and other people who have been sterilized to form a third gender separate from males and females.

As an aside, I am coming out during this session in favor of establishing a separate state prison for transgender, transspecies, nonbinary, and gender non-specific inmates. They would be kept away from both male and female populations so that all inmates in our state – male, female, and neuter – can be protected from the horrors of what has already happened in the New Jersey prison system with Demi Minor impregnating two female inmates.

I think a three-gender system can work. It can keep male impostors out of women's spaces. I realize that this is a major concern right now. It can also recognize a safe space for people who perceive themselves to be nonbinary.

For the most part, DNA is a good marker for whether a person is a man or a woman. In the very rare instances where a doctor makes a written diagnosis of someone with a genetic or developmental abnormality which outwardly expresses itself in a phenotype at variance with one's genotype, special allowance should be made to recognize customary phenotypic expression.

If some version of this bill gets passed by the Legislature, it will need a lot of work. Although no version of this bill will be popular with everybody, I do think that we need to find common ground where we can recognize the basic dignity of our nonbinary or neutered friends and neighbors, while also protecting children from predators who would sterilize children for profit.

Although I do oppose Senate Bill 2199 and although I would recommend a DO NOT PASS as presently written, I am filing this written testimony in the NEUTRAL category because I feel substantially differently about this legislation than most other opponents do. I hope you understand.

Thank you, and I am open for questions from the committee.

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