

## Testimony in Support of Senate Bill 2360

Mark Jorritsma, Executive Director North Dakota Family Alliance Legislative Action February 14, 2023

Madam Chair Larson and honorable members of the Senate Judiciary Committee:

North Dakota Family Alliance Legislative Action is submitting this testimony in support of Senate Bill 2360, and respectfully requests that you render a "DO PASS" on this bill.

Our organization and its constituents feel strongly about protecting minors from explicit sexual material. Many of our constituents have told us, particularly in recent months, that they feel unsafe allowing their children and grandchildren to visit the public library when they are not present, because of the content found in books that are available and sometimes even promoted by the libraries. Both public and school libraries currently allow highly inappropriate books to be read by children, frequently under the guise of educational purposes. Appendix A shows examples of current books from multiple public libraries around our state, the intended audience for each (children and young adults), and descriptions of why each is often banned, per the American Library Association.

We obtained a number of the books found in North Dakota libraries which have been identified as potentially obscene and showed them to willing constituents, both more liberal and conservative. Most responded with disbelief and shock, and even the most "progressive" among them still expressed significant concern. While this was certainly not a formal study, the informal polling of these individuals and families strongly indicates an undeniable desire to keep these books out of children's hands.

Until now, libraries have been permitted to push the boundaries further and further regarding what is shown to our children, and not surprisingly, the situation has continued to deteriorate. However, this bill would make them accountable to ensure no books in our North Dakota libraries violate our obscenity laws.

Counter to what some may claim, SB 2360 is not out to stifle creativity, artistic expression, or academic research. It specifically exempts organizations such as colleges, universities, museums, and art galleries from the requirements found in the bill. This bill is not about stifling expression or thought, but instead, has everything to do with protecting children from having their innocence stolen from them by age-inappropriate materials.

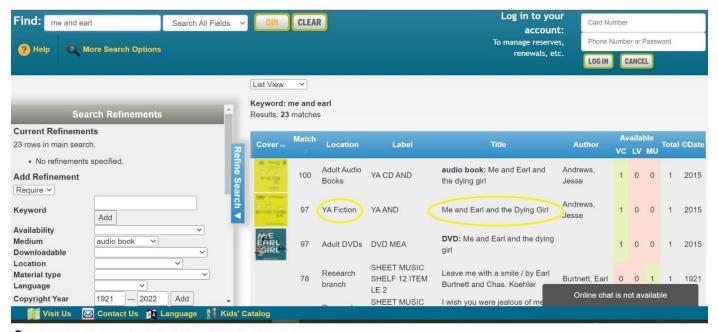
We understand that our world today is a complex and sometimes confusing place for children as they try to understand social constructs such as gender identity, or scientific facts about subjects such as biological reproduction, puberty, and STIs/STDs. They need to learn about these things to function in our society – shielding them is not an option. However, Senate Bill 2360 would ensure that they are introduced to these concepts honestly and appropriately when their parents decide it is time.

We like that the bill focuses on public libraries, allows for legal action to be taken against individuals (not just organizations) violating the law, contains an extensive definition of "explicit sexual material", and other features. That said, we would nevertheless propose that a bill with potential significant implications such as this one perhaps receive additional examination to ensure it can fully stand up to judicial review.

North Dakota Family Alliance Legislative Action wholeheartedly agrees with what this bill seeks to do – protect our children. As a result, we ask that you render a "DO PASS" on Senate Bill 2360. Thank you for taking the time to read our testimony and please do not hesitate to contact us if you have any questions.

Mark Jorritsma Executive Director

# **Appendix A**



Source: Valley City Barnes County Public Library, Valley City, North Dakota.

### ANNED BOOKS BY YEAR

## Top 10 Most Challenged Books of 2021

Find more shareable statistics on the Free Downloads webpage.

The ALA Office for Intellectual Freedom tracked 729 challenges to library, school, and university materials and services in 2021. Of the 1597 books that were targeted, here are the most challenged, along with the reasons cited for censoring the books.

- 1. Gender Queer by Maia Kobabe
- Reasons: Banned, challenged, and restricted for LGBTQIA+ content, and because it was considered to have sexually explicit images
- 2. Lawn Boy by Jonathan Evison
- Reasons: Banned and challenged for LGBTQIA+ content and because it was considered to be sexually explicit 3. All Boys Aren't Blue by George M. Johnson
- Reasons: Banned and challenged for LGBTQIA+ content, profanity, and because it was considered to be sexually explicit
- 4. Out of Darkness by Ashley Hope Perez
- Reasons: Banned, challenged, and restricted for depictions of abuse and because it was considered to be sexually explicit
- 5. The Hate U Give by Angle Thomas
- Reasons: Banned and challenged for profanity, violence, and because it was thought to promote an anti-police message and indoctrination of a social agenda
- 6. The Absolutely True Diary of a Part-Time Indian by Sherman Alexie
- Reasons: Banned and challenged for profanity, social references and use of a demoastory term 7. Me and Earl and the Dying Girl by Jesse Andrews Reasons: Banned and challenged because it was considered sexually explicit and degrading to women
- 8. The Divost Eye by Toni Morrison



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Source: Valley City Barnes County Public Library, Valley City, North Dakota.

#### Top 10 for 2017

#### View the Censorship by the Numbers infographic for 2017

The ALA Office for Intellectual Freedom tracked 354 challenges to library, school and university materials and services in 2017. Of the 416 books challenged or banned in 2017, the Top 10 Most Challenged Books are:

1. Thirteen Reasons Why written by Jay Asher

Originally published in 2007, this New York Times bestseller has resurfaced as a controversial book after Netflix aired a TV series by the same name. This YA novel was challenged and banned in multiple school districts because it discusses exited and the same name.

2. The Absolutely True Diary of a Part-Time Indian written by Sherman Alexie

Consistently challenged since its publication in 2007 for acknowledging issues such as poverty, alcoholism, and sexuality, this National Book Award winner was challenged in school curriculums because of profanity and situations that were deemed sexually explicit.

- 3. Drama written and illustrated by Raina Telgemeier
- This Stonewall Honor Award-winning, 2012 graphic novel from an acclaimed cartoonist was challenged and banned in school libraries because it includes LGBT characters and was considered "confusing."
- 4. The Kite Runner written by Khaled Hosseini

This critically acclaimed, multigenerational novel was challenged and banned because it includes sexual violence and was thought to "lead to terrorism" and "promote Islam."

- 5. George written by Alex Gino
- Written for elementary-age children, this Lambda Literary Award winner was challenged and banned because it includes a transgender child.
- 6. Sex is a Funny Word written by Cory Silverberg and illustrated by Fiona Smyth
- This 2015 informational children's book written by a certified sex educator was challenged because it addresses sex education and is believed to lead children to "want to have sex or ask questions about sex."
- 7. To Kill a Mockingbird written by Harper Lee
- This Pulitzer Prize-winning novel, considered an American classic, was challenged and banned because of violence and its use of the N-word.
- 8. The Hate U Give written by Angie Thomas
- Despite winning multiple awards and being the most searched-for book on Goodreads during its debut year, this YA novel was challenged and banned in school libraries and curriculums because it was considered "pervasively vulgar"

## Source: American Library Association

## Your search returned 7 results.

## Availability Limit to currently available items Authors Beach Boys

Refine your search

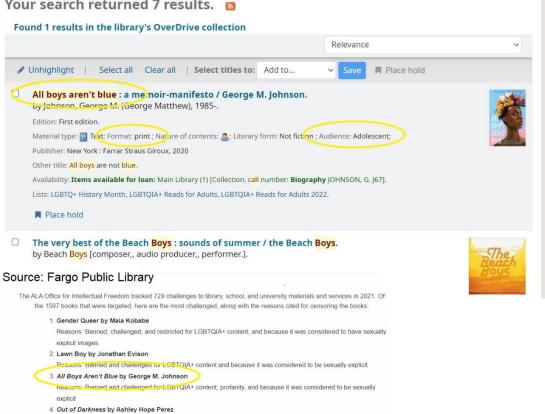
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Reasons: Banned, challenged, and restricted for depictions of abuse and because it was considered to be sexually

Reasons: Banned and challenged for profanity, violence, and because it was thought to promote an anti-police

Reasons: Banned and challenged for profanity, sexual references and use of a derogatory term

Reasons: Banned and challenged because it was considered sexually explicit and degrading to women

Reasons: Banned and challenged because it depicts child sexual abuse and was considered sexually explicit

Reasons: Banned, challenged, relocated, and restricted for providing sexual education and LGBTQIA+ content.

Reasons: Banned and challenged for LGBTQIA+ content and because it was considered to be sexually explicit.

Source: American Library Association

explicit

5. The Hate U Give by Angle Thomas

8. The Bluest Eye by Toni Morrison

9. This Book is Gay by Juno Dawson

10. Beyond Magenta by Susan Kuklin

message and indoctrination of a social agenda

7. Me and Earl and the Dying Girl by Jesse Andrews

6. The Absolutely True Diary of a Part-Time Indian by Sherman Alexie



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Target Audience Note: Grades 3-7.

## Source: Grand Forks Public Library

#### Top 11 Most Challenged Books of 2018

View the Censorship by the Numbers infographic for 2018

The ALA Office for Intellectual Freedom tracked 347 challenges to library, school and university materials and services in 2018. Of the 483 books challenged or banned in 2018, the Top 11 Most Challenged Books are:

#### 1. George by Alex Gino

Reasons: banned, challenged, and relocated because it was believed to encourage children to clear browser history and change their bodies using hormones, and for mentioning "dirty magazines," describing male anatomy, "creating confusion," and including a transgender character

- 2. A Day in the Life of Marlon Bundo by Jill Twiss, illustrated by EG Keller
- Reasons: banned and challenged for including LGBTQIA+ content, and for political and religious viewpoints 3. Captain Underpants series written and illustrated by Dav Pilkey
- Reasons: series was challenged because it was perceived as encouraging disruptive behavior, while Captain Underpants and the Sensational Saga of Sir Stinks-A-Lot was challenged for including a same-sex couple
- 4. The Hate U Give by Angle Thomas Reasons: banned and challenged because it was deemed "anti-cop," and for profanity, drug use, and sexual references
- 5. Drama written and illustrated by Raina Telgemeier
- Reasons: banned and challenged for including LGBTQIA+ characters and themes 6. *Thirteen Reasons Why* by Jay Asher
- 0. Thinteen Reasons why by Say Ashe
- Reasons: banned, challenged, and restricted for addressing teen suicide 7. *This One Summer* by Mariko Tamaki, illustrated by Jillian Tamaki
- Source: American Library Association