

SB 2360 - Testimony from Senator Boehm

Senate Bill 2360 is designed to protect minors from the harmful and lasting influences of obscenity and pornography, whether it be in written, pictorial or digital form. Legislative Council has produced an amended version - merging SB 2123 with SB 2360 - and that is the bill currently under consideration.

This bill is based on extensive research which is available for review and offered in support of this legislation. The legislation focuses on schools and libraries - places where minors frequent, often without parental or adult supervision and protection. Our culture has frayed to the point where there are very few limitations on pornographic material. The proverbial frog, which entered the pot of water at room temperature, is slowly being boiled to its demise. The same thing is happening to our society with respect to pornography and our minors. It's time to turn off the heat and protect our most vulnerable citizens - our children.

This legislation removes the exemption clause for bona fide school and public libraries from this portion of century code in order to protect minors from obscenity and pornography. Libraries and schools used to be safe places for minors in our towns and communities. This is no longer the case. Our schools and libraries are now safe zones for activists, groomers, and pedophiles as the current language protects their ability to disseminate obscene materials to minors. For example, in a city council hearing in western North Dakota, concerned citizens could not show or read the material from a book in their local library because the content was obscene. Yet this same book was designed for minors and available at the local library for any child to access. Further examples of pornography/obscenity have been found in libraries in every major city in North Dakota. A catalog search revealed that small-town libraries offer this material as well. A list of these objectionable resources is available for review in support of this legislation.

Some have opposed this proposed legislation on the grounds of free speech, yet the Supreme Court ruled in *United States vs Reidel* (1971) that obscenity laws were constitutional. Opponents of this legislation have also cited the "book banning" argument as justification for these materials. However, our schools and libraries do not contain blatant adult pornography. If these materials can be kept out of our minor-accessible institutions, pornographic and obscene materials targeting our youth should be as well.

In this amended legislation, page 2 defines a public library and offers a clearer definition of pornography. Obscenity and pornography have zero redeeming value in these arenas as an educational research purpose unless one is trying to push an unnatural, perverted, and harmful ideological doctrine. This legislation does not affect biology and science courses which are addressed on page 2/line 24 and page 4/line 29 of this legislation. In this section, Legislative Council affirmed that the word "willful" protects our teachers, librarians and staff from prosecution for providing traditional instruction in science, biology, and health education.

Section 4 clearly defines a level of pornography. Section 6 will add a new section to code. As proposed, it would legislate protection for minors by adding safety policies and technological protection measures. It also calls for a report to the ND Attorney General for any incidents that occur. Why are these actions necessary?

The United States Constitution speaks to this as follows:

Article I Section 2. All political power is inherent in the people. Government is instituted for the protection, security and benefit of the people, and they have a right to alter or reform the same whenever the public good may require.

Pornography and obscene materials are being used to damage our children. In the interest of the public good, and for the safety and benefit of our children, we need to act.

Dr. James Dobson, a former member of the US Attorney General's Commission on Pornography, shared these thoughts regarding those who are trapped by pornography at a young age:

"More than 91 percent said they had unintentionally stumbled onto this terrible stuff while a single exposure to it by some thirteen to fifteen-year-olds is all that is required to create an addiction that will hold them in bondage for a lifetime. It is more addictive than cocaine or heroin. That was one of the conclusions drawn during the Attorney General's Commission on Pornography, on which I served. Studying for school or just surfing the Web."

"That is what happened to Ted Bundy, whom I interviewed just seventeen hours before he was executed for killing three girls, one of them little twelve-year-old Kimberly Leach. Bundy confessed two days before his death to murdering at least twenty-eight women and girls; authorities say there may have been as many as one hundred. Bundy asked to talk to me because he wanted the world to know how pornography had led to (not caused) his murderous rampage. He was thirteen years of age when he discovered pornographic materials at a dump. Among them were detective magazines that showed scantily clad women who were being assaulted. Bundy found those images extremely exciting, and so began a tragic life that ended in a Florida electric chair."

"I'm not suggesting that every adolescent who reads pornographic magazines or watches obscene videos will grow up to kill people. I am saying that a few of them will, and that many more—perhaps the majority—will develop full-blown addictions to smut. It is a huge cultural problem."

This destructive material has no place in our schools and libraries, and free speech should not be used as an excuse to allow this harmful material into the hands and minds of our children. There are many ways our children are gaining access to this material but our publicly-funded institutions should not be among them.

This legislation is a protective measure that can be used to shield our greatest resource, the children who will determine our society's future. We must protect them. Several individuals testifying to this legislation will reveal the dangerous and harmful effects of pornography. It is not subjective nor is it free speech.

I humbly ask for a do pass on this legislation in its amended form.

Additional Definitions & Resources:

"Prurient interest" means a voyeuristic, lascivious, degrading, shameful, or morbid interest in nudity, sex, or excretion that goes substantially beyond customary limits of candor in description or representation of those matters

20 U.S. Code § 9134 - State plans

47 U.S. Code § 254 - Universal service

Packet resources:

- Testimonies
- SB 2360 bill language
- US Law on Pornography
- Should Obscenity be Regulated - excerpt from the Attorney General Commission on Pornography
- Books in North Dakota Libraries
- Grooming: The Research-backed Links Between Pornography and Child Sexual