

House Education Committee

House Bill 1569

Andrew Alexis Varvel

Written Testimony

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3:30PM

Chairman Heinert & Members of the Committee:

My name is Andrew Alexis Varvel.

I live in Bismarck.

My opposition to HB 1527, HB 1536, and HB 1569 comes from the same place. This is a defense of local control, aversion to legislative micromanagement, and a principle that teachers should have considerable latitude to interpret statewide educational guidelines.

I oppose House Bill 1569.

Please look at page 1, lines 16-17.

It requires “Information about the race, gender, and socioeconomic status of sex trafficking victims and perpetrators...”

There is a term for discussing the intersectionality of race, gender, and socioeconomic status of victims and perpetrators –

Critical Race Theory

I strongly suspect that many of this bill's sponsors would not have signed on if they had realized that they were actually mandating that Critical Race Theory get taught as part of the 7-12 curriculum.

During the North Dakota Legislature's special session in 2021, I spoke in opposition to prohibiting discussion about Critical Race Theory as part of the K-12 curriculum. I spoke in opposition to both that law and to Critical Race Theory. And I still feel that way.

So, it is rather comical to me that, if this legislation actually gets passed, the Legislature would soon be both banning and mandating Critical Race Theory at the same time!

When teaching children about sex trafficking, do we really want to get into the weeds of race, sex, and class when there is plenty of examples from history that are enough to embarrass everybody?

Please read Appendix B with historical examples which could provide fodder for racial stereotyping.

Black girls should not be encouraged to become brothel madams. Native American girls not be encouraged to regard prostitution as a proper way honor the traditions of their ancestors. White boys should not be encouraged to perceive themselves as johns.

Pimps come in many colors, shapes, sizes, and genders – using history or statistics to perform racial stereotyping is not a good idea.

Please look at page 1, lines 23-24.

It calls for every child to learn “Basic identification training to determine if an individual is at risk of or has been sex trafficked...”

There are obvious signs of abuse – fear, submissiveness, bruises, and marks of pimp ownership. Children should know the basics. On the other hand, let's avoid teaching children any pointers on what kind of classmates they could more easily prey upon.

In Tom Lehrer's infamous song ***Be Prepared***, he sang:

*Don't solicit for your sister, that's not nice
Unless you get a good percentage of her price
Be prepared!*

This reference might sound funny in a comedy song from 1953 which satirized the *Boy Scouts*, but these lyrics point to a fundamental problem when it comes to stopping sex trafficking – we should not be teaching bullies how to become pimps.

Sex trafficking is a topic one would normally expect as part of a Health class curriculum, and I am confident that the Department of Public Instruction will consider this in its periodic review.

I regard this bill to be yet another piece of well meaning legislation which would micromanage the curriculum and cause more problems than it solves. Please recommend a **DO NOT PASS**.

Thank you.

APPENDIX A: Critical Race Theory Definition

A good summary of “critical race theory” comes from Yosso and Lopez.

Source: Tara J. Yosso and Corina Benavides Lopez, “Counterspaces in a Hostile Place: A Critical Theory Analysis of Campus Culture Centers”, in Lori D. Patton (ed.), “Higher Education: Perspectives on Identity, Theory and Practice” (Sterling VA: Stylus Publishing, 2010), 85-86.]

“CRT exhibits five tenets:

1. The intercentricity of race and racism with other forms of subordination: CRT starts from the premise that race and racism are central, endemic, permanent, and fundamental part of defining and explaining how U.S. society functions (Bell, 1992; Russell, 1993), CRT acknowledges the inextricable layers of racial subordination based on race as well as on gender, class, immigration status, surname, phenotype, accent, and sexuality (e.g., Crenshaw, 1989, 1991; Valdes, 1998).
2. The challenge to dominant ideology: CRT challenges White privilege and refutes claims of objectivity, meritocracy, color blindness, race neutrality, and equal opportunity that institutions of higher education make to camouflage the self-interest, power, and privilege of dominant groups (e.g., Calmore, 1992; Solórzano, 1997).
3. The commitment to social justice: CRT's social and racial justice research agenda exposes the “interest convergence” of civil rights gains in education (Bell, 1987) and works toward the elimination of racism, sexism, and poverty, as well as the empowerment of People of Color and other subordinated groups (e.g., Freire, 1970, 1973; Solórzano & Delgado Bernal, 2001).
4. The centrality of experiential knowledge: CRT recognizes the experiential knowledge of People of Color as legitimate, appropriate forms of data, and critical to understanding, analyzing, and teaching about racial subordination (e.g., Delgado Bernal, 2002).
5. The transdisciplinary perspective: CRT extends beyond disciplinary boundaries to analyze race and racism within both historical and contemporary contexts (e.g., Calmore, 1997; Delgado, 1984, 1992; Gutiérrez-Jones, 2001; Harris, 1993; Olivas, 1990).”

APPENDIX B: Race, sex, class – do we really want to go there?

At one time, the most famous black woman in North Dakota was Melvina Massey. She was the madam of the Crystal Palace, the most upscale brothel in Fargo.

Angela Smith, *Melvina Massey: Fargo's Most Famous Madam*, in Historical Sex Work: New Contributions from History and Archaeology (Gainesville, FL: University Press of Florida, 2020), pages 161-186.

Kristen R. Fellows, *Homosocial Bonding in the Brothel: Feminine Spaces and Masculine Identities*, in Historical Sex Work: New Contributions from History and Archaeology (Gainesville, FL: University Press of Florida, 2020), pages 189-214.

We could talk about how a survivor of the Wounded Knee massacre, Zintkala Nuni (Lost Bird) turned tricks in San Francisco.

Reneé Sansom Flood, Lost Bird of Wounded Knee: Spirit of the Lakota (New York: Scribner, 1995), pages 282-287.

We could talk about how, according to John Bradbury's journal of 1811, a pimp near a Hidatsa village got wildly upset with him because the traveler refused to purchase sex with his shirt.

John Bradbury's Journal Entry for 1 July 1811, in *Volume V: Bradbury's Travels in the Interior of America, 1809-1811*, in Reuben Gold Thwaites (editor), Early Western Travels: 1748-1846 (Cleveland: The Arthur H. Clark Company, 1904), page 166.

According to the journal of Henry Marie Brackenridge dated 18 June 1811 about an Arikara village,

“Our common boatmen became objects of contempt, from their loose habits and ungovernable propensities. To these people, it seemed to me that the greater part of their females, during our stay, had become mere articles of traffic ... fathers brought their daughters, husbands their wives, brothers their sisters, to be offered for sale at this market of indecency and shame ... The silly boatmen, in spite of the endeavors of our parties, in a short time disposed of almost every article which they possessed, even their blankets and shirts. One of them actually returned to camp, one morning entirely naked, having disposed of his last shirt...”

Henry Marie Brackenridge's Journal Entry for 18 June 1811, in *Volume VI: Brackenridge's Journal up the Missouri, 1811*, in Reuben Gold Thwaites (editor), Early Western Travels: 1748-1846 (Cleveland: The Arthur H. Clark Company, 1904), pages

In 1797, Canadian fur trader and explorer David Thompson wrote the following:

“The curse of the Mandanes is an almost total want of chastity : this, the men with me knew, and I found it was almost their sole motive for their journey hereto : The goods they brought, they sold at 50 to 60 p^{cent} above what they cost ; and reserving enough to pay their debts, and buy some corn ; [they] spent the rest on Women...”

On the next page, David Thompson also wrote:

“The white men who have hitherto visited these Villages, have not been examples of chastity...”

David Thompson's Narrative of His Explorations in Western America, in Publications of the Champlain Society, Volume XII (Toronto: Champlain Society, 1916; reprinted, New York: Greenwood Press, 1968), pages 234, 235.