

Dear Members of the House Human Services Committee,

I am writing to oppose HB 1181 that would “amend and reenact section 1-01-34 of the North Dakota Century Code,” to equate “gender” with “biological sex” for legal purposes.

I taught history at NDSU for 35 years, specializing, in among other things, the history of families in America and the history of women in America. We have a long history in which gender (how people express who they are) has changed over time and has not always matched their biological sex.

Let me give you four examples in our state where biological sex did not match how people presented themselves in terms of their gender.

The indigenous men who dressed and behaved as women, whom we now call Two-Spirit, were here long before Euro-Americans settlers. The prominent historian Francis Parkman on his Oregon Trail journey of 1846, encountered Two-Spirit people who were valued and respected among the indigenous people in this area: the Chippewa, the Hidatsa, the Lakota, and the Mandan. Their biological sex did not match their gender.

In pre-statehood days, we have a documented example of a transgender man (John Fubbister in the early 1800s) and a transgender woman (Mrs. Nash the favorite laundress of Libbie Custer at Fort Abraham Lincoln). Their gender did not match their biological sex.

In Cando in the 1950s, an unmarried woman had become “the boy” in her family during the Great Depression because her father needed her labor on the farm. She dressed as a man and drove the school bus and lived and worked as a man her whole life. Her biological sex did not match her gender.

In our own era, we have numerous examples of North Dakotans who were identified when they were born as members of one biological sex, but who because of hormonal and other factors, were, in fact, members of the opposite sex. Their gender does not match their biological sex.

Sincerely,

Larry R. Peterson, PhD
Professor Emeritus of History, NDSU