

Senate Judiciary Committee

House Bill 1205

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North Dakota State Capitol

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Peace Garden Room

10:00AM

Madame Chairman Larson and Members of the Senate Judiciary Committee:

My name is Andrew Alexis Varvel. I live in Bismarck.

I oppose House Bill 1205 for five reasons.

Reason #1 – The Legislature should not be in the business of censoring books. North Dakota does not need a bonfire of the vanities.

Reason #2 – As written, the definitions found in this bill are so vague and convoluted that they wouldn't actually censor anything. Even the much talked about “Let's Talk About It” could be kept if it is used as a textbook in a sexual education class, or as an anthropological reference, albeit a queer anthropological reference, to understand the ideological self-justification of LGBTQ+ subcultures in North America. Alex Comfort's “The Joy of Sex” could be kept as an anthropological reference about the counterculture in western countries during the 1970's. “Serious artistic significance” is a similarly vague concept. Would a picture of Michelangelo's naked statue of David count as “serious artistic significance”? Girolamo Savonarola may have disagreed.

The definition of “explicit sexual material” found in House Bill 1205 conflicts with how SB 2360 defines the same concept. Yet, if the much broader definition in SB 2360 dominates, major pieces of literature would get purged from our public libraries.

And yes, that would include the Holy Bible.

Reason #3 – This bill would – at best – create a massive deluge of paperwork.

Do legislators actually plan to read through every single procedural report and every single compliance report that each public library in North Dakota would be mandated to send to Legislative Management? Where is the money supposed to come from to deal with this deluge of red tape? Are our libraries supposed to drastically reduce hours for patrons so that librarians can focus on satisfying these legislative mandates?

And that's the best case scenario.

If House Bill 1205 gets passed in concert with SB 2360, the effect would be to massively reduce the books available for adults to read. Librarians and booksellers don't generally read every book they manage. Expecting them to do so would vastly reduce the stocks of books they could realistically make available. Either libraries would need to hire an army of censors to give each book a rating, or we find ourselves put into a situation where artificial intelligence tells humans what books we get allowed to read.

The concept of ChatGPT telling me what books I can't read does not appeal to me.

Reason #4 – Why should our state government be telling public libraries to get rid of pornography at all, if adult patrons want it to borrow it? I checked with various libraries, and they just don't have video pornography in stock. I can't borrow “Debbie Does Dallas” from any public library in North Dakota. But I can buy it on Amazon.

And then there is Reason #5 – if legislators were truly serious about keeping pornography away from children, they would simply ban children from using smart phones. Full stop. Children with smart phones can access pornography on the internet, and even when there are parental controls, children can often bypass them.

Yet, this legislation targets libraries. And this leaves me to wonder whether the principal motivation for this bill has nothing to do with pornography at all, but is rather using pornography as a pretext to shut down public libraries all over North Dakota. And by extension, to destroy any semblance of community that we may have left.

I am well aware of how this legislation has become a litmus test for a major internal power struggle within the Republican Party. And it can be tempting it may be show annoying opinion columnists who is boss. This temptation should be resisted.

I urge the Senate Judiciary Committee to recommend DO NOT PASS on House Bill 1205.

Thank you. I am open to questions from the committee.

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