

Written Testimony

Senate Bill 2123

By Ruth Heley

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Thank you for the opportunity to offer my testimony. My name is Ruth Heley and I have been a resident of Dickinson, ND since 1994. I was a private music teacher and classical performer for 22 years and have homeschooled my son for the past 6 ½ years. I am offering testimony in favor of Senate Bill 2123, with some suggested clarifications. This bill may address protecting our minors in that it attempts to eliminate some inconsistencies and exceptions in the Century Code.

I want to first focus on how this bill prevents harm to our minors. A number of the 107 contested books in our Dickinson library encourage several known harmful or dangerous behaviors. According to the FBI's website, "The FBI has seen a huge increase in the number of cases involving children and teens being threatened and coerced into sending explicit images online—a crime called sextortion." In addition, "The FBI also has recently seen [an increase in financial sextortion](#) cases targeting minor victims in the U.S. Financial sextortion is different from traditional sextortion." Teens caught in this trap have been prone to kill themselves rather than be found out. A book in ND libraries, *Let's Talk About It* describes sexting, the sending of sexually explicit pictures, as "...the highlight of your day. It's thrilling, sexy, and fun—a way of saying "you turn me on...". This book offers scant warnings about the negative sides of sexting.

I would also like to address pornography use and its treatment in some of these books. According to *Psychology Today's* website, "...parents, educators, and psychologists alike have expressed concern about porn serving as de facto sexual education for many young people, because of its unrealistic depictions of sexual activity." *Let's Talk About It* sends conflicting messages, describing porn as a "fun sugary treat" while telling minor children that some porn "can be unethical or illegal to watch". In my experience, minor children are challenged to determine appropriate research materials for school subjects much less have the capacity to research what porn is "ethical" or not. These kinds of cautions coupled with enticements are not likely to be heeded by children at all.

In addition, a number of these books are geared to encourage sexual experimentation amongst minors. No minor in the State of North Dakota is legal to have sexual relationships due to our age of consent laws. Engaging in sex can open up tweens and teens to sexually transmitted diseases, pregnancy and emotional harm. These are not healthy choices for our children.

Secondly, this bill protects parental rights to introduce sexual information at time when the child is developmentally and emotionally ready. In the library in Dickinson, Juvenal and Young Adult sections are completely combined. The only difference that separates them is a sticker on the spine to designate one from the other. This spans an age group of about 8 or 9 all the way up to 18. Despite a parent's best efforts at monitoring a child, any book taken indiscriminately by them from the shelf and opened may expose them to images and language that they may not be ready for emotionally or maturity-wise. My experience as a parent has shown me that I know my child well and am best acquainted with the nature of our family and our moral beliefs. In the book, *Puberty is Gross, But Also Really Awesome*, readers are urged at multiple occasions to seek answers through hotlines or school counselors and not their parents or guardians first. While these other options can be useful in some difficult home circumstances, rarely suggesting parents as a resource drives a wedge of mistrust in the family unit.

Finally, this bill *does not* prevent the right to free speech and intellectual freedom. These authors have been able to write these sexually explicit books aimed at our youth as guaranteed by the First Amendment. They are allowed to have them published and allowed to have them for sale through the internet and in stores that choose it. Senate Bill 2123 will not prevent them from doing so in the future. I propose further that these authors have abused their intellectual rights by writing material that encourages harmful behavior and directed it to some of the most vulnerable individuals in our society. The further galling aspect is that I am currently expected to pay the bill for this material, to be made available at a publicly funded institution, regularly utilized by minor children. As a North Dakota tax-paying individual, I reject this idea.

I have some concerns with the bill as written in terms of the treatment of art galleries and museums. I currently assist in managing an art gallery in Dickinson, privately operated and open to the general public, that is housed at Dickinson State University. When we curate a collection, we make efforts to keep it "family friendly". I do not see an exception made or clarification made in the bill for important works of artistic value that may include

nudity. Eliminating access to fine art that illuminates the history of our culture and was *not created with prurient intentions* would be a detriment to students of art and the public alike. By works of significant artistic value, I am referring to works like Michaelangelo's *David*, Botticelli's *Birth of Venus*, Picasso's *Blue Nude* and numerous examples of Greek statues. I also do not see exceptions made for images of indigenous cultures. While I am in favor of eliminating access by minors to explicit sexual materials, I would like to see clarifications made in this bill so that it can truly address the sexualizing nature of the literature we are seeing currently in North Dakota libraries and schools, without eliminating important cultural knowledge. With those considerations in mind, I recommend a do pass for Senate 2123. Thank you.