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January 23, 2023

Dear Members of the Senate Judiciary Committee:

I am writing you as a North Dakota citizen, a parent of a minor, a tax payer, and a therapist, regarding proposed Senate Bill 2123. I urge you to please support this bill.

Historically, ordinary citizens have trusted librarians to avoid purchasing and promoting materials that would be construed by a reasonable person as being unduly harmful to youth. However, in recent years, a breakdown has occurred such that materials of a sexually explicit nature, reasonably construed as being unduly harmful to youth, are being promoted by publishers, book reviewers, and librarians across the country and within our State. Although there are multiple examples of such media currently in circulation, one example that has come to my attention is a book entitled "Let's Talk About It" by Erika Moen and Matthew Nolan. The paperback version of this book is available for sale via numerous vendors for between five and twenty dollars per copy. Three copies of it have also been purchased and made available for browsing and/ or check-out by patrons of any age at my local public library in Valley City, ND. Please note that the bill at hand would not legislate a prohibition of this book and others like it from the general public marketplace. Instead, the bill aims simply to remove these books from the places where youth frequent, to reasonably protect their wellbeing.

The Moen/ Nolan book addresses a teen audience, is written to be engaging and entertaining, and is full of highly graphic cartoon images of nudity and sex as well as explicit verbal descriptions of a wide expanse of sexual activities. Whether the book itself is "pornographic" is a matter of opinion, as its authors assert that it's purpose is to educate rather than to sexually stimulate the reader. In any event, the book encourages readers to research pornography on the Internet (p. 164-165), indicating that whether or not it is pornographic in itself, it explicitly promotes pornography use. The book also promotes "sexting," i.e., the digital sharing of sexually explicit pictures of oneself, and other activities that are generally understood to be harmful to youth.

I have worked in the mental health field for eighteen years and have been a licensed counselor for the past eight years. As such, I am acutely aware of the problems that arise when adults encourage youth to seek out novel sexual experiences. There is no disagreement among mental health professionals that the prefrontal cortex in human beings remains under development until after age twenty: this is the part of the human brain that enables us to defer impulses, to conceptualize long-term consequences, and to make decisions in our own best interest in a logical and reasoned manner. Because this part of the brain is still undergoing rapid development in human beings at age thirteen and fourteen and seventeen, adolescents don't have the physical neural networks to be able to consent to sexual activity in the same, meaningful way that they could in adulthood. This is the biological, factual basis upon which laws that do not recognize a capacity to consent to sexual activity prior to age eighteen are predicated, and it comprises facts of human development that do not change to keep up with changing times or a

changing culture. Furthermore, because the brain is undergoing rapid changes throughout adolescence, the life experiences that occur during these years may shape mental health and personality more profoundly than they would during later stages of development.

Empirical research on the effects of sexually explicit material on minors is limited because, unsurprisingly, it is generally not legal, and it is not considered ethical, to provide sexually explicit materials to minors in the United States, for research purposes or otherwise. However enough research exists to reasonably substantiate what many parents intuitively suspect as follows: (1) that there is a robust association between adolescent pornography use and permissive sexual attitudes (Peter & Valkenburg, 2016); (2) that the probability of teens engaging in sexual intercourse increases with the frequency of their consumption of pornography and/ or other sexually explicit material (Bogale & Seme, 2014; Brown & L'Engle, 2009; Manaf et al., 2014; and Cheng, Ma, and Missari, 2014); (3) that consumption of sexually explicit material in adolescents is associated with initiating sexual activities at younger ages (Kraus & Russell, 2008; Morgan, 2011); and (4) that there is evidence to suggest the consumption of sexually explicit material by adolescents is associated with substance abuse (Carroll et al., 2008) as well as with both sexual aggression (Brown and L'Engle, 2009) and sexual victimization (Bekele, Van Aken, & Dubas, 2011).

At this point in time, public libraries in our State are either unaware of the risks, or are choosing to ignore the risks, of promoting sexually explicit materials to youth. In light of the deliberate inaction of these institutions, whose purpose is to serve the public, legislative action has become necessary and appropriate.

Every day, librarians in North Dakota make decisions about which books will be included in, and excluded from, their collections. They take into account considerations including cultural significance, merit, relevance, appropriateness, and cost. Removal of books that are no longer appropriate to maintain in a library's collection is a routine task of librarians, having nothing to do with First Amendment Rights and everything to do with maintaining the inherent value of libraries for the communities they serve.

In recent months, I have heard librarians in my community and elsewhere argue that members of the general public cannot rightfully influence the librarian's above-described curating process, and the legislature cannot rightfully place any restrictions on that process, in any way that would prevent the librarian from shelving any book for any reason, because such action equates censorship, and it infringes, in a roundabout way, on the constitutional right to free speech. This absolutist line of reasoning suggests that librarians must be permitted to shelve any material they choose, and to promote any material to the public, no matter how inherently harmful that material may be.

The free speech/ censorship argument may have been tenable in the 1980s and earlier, prior to the widespread use of the Internet. However I do not find it tenable today, because it relies upon premises that are no longer accurate as follows: (1) that the books shelved in a library are the only resource, or are the primary resource, Americans utilize when they seek information or new ideas; and (2) that authors are not able to reach the American public effectively, if their books are

not maintained on the shelves of a public library. The reality is that in 2023, the Internet, not the public library, is the primary conduit of information-sharing and free speech in America, and no one knows this fact better than librarians. I point this out to clarify that the issue at hand is not one of government censorship, i.e., the creation of law that would effectively prevent information from being shared in the general American discourse, and that the proposed legislation does not undermine the right to free speech, because the authors of affected materials are able to express their ideologies and are able to sell their books to American consumers regardless of whether physical copies of those same materials are being shelved in our public libraries.

Please expand the law that currently protects our youth from exposure to pornography and other sex-focused materials on the street and at the dollar store so that it will also protect them from the same at the public library, the venue where parents have for generations encouraged their children in good faith to attend preschool story hour, teen book clubs, and countless other activities intended to engage youth.

Thank you for your time, attention, and service.

Sincerely,

M.A. Oakland, LPCC, NCG

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