

Dear Chair Larson and members of the Senate Judiciary Committee,

My testimony is in opposition to Senate Bill 2231. I ask that you give this bill a Do Not Pass.

This is a poorly written bill.

"Preferred pronoun' means a pronoun that does not conform to the individual's assigned sex at birth" is simply false. My preferred pronouns is "she," which matches my assigned sex at birth. I prefer that you use female pronouns when addressing me or speaking about me. The section on expressed gender is likewise poorly written. In certain times in history men regularly wore wigs, make-up, tights, and high heels. If a student who was assigned male at birth came to school wearing wigs, make-up, tights, and high heels, would that violate the understanding of expressed gender? Gender expression is a socially constructed set of norms, not something determined by biology. What is typical today may be wildly different ten years from now. The bill defines "sex" using three criteria, connected by the word "and," meaning a person's sex must comply on all three levels, but these are criteria almost no one has at their disposal, which would be cost prohibitive to obtain. The state could not prove the "hormone profiles at the time of birth" because we simply do not track these.

The section regarding prohibiting teaching about or training teachers about expressed gender creates a self perpetuating state of ignorance. It prevents us from learning. Human knowledge is constantly expanding and transforming based on new discoveries. It is one of the wonders of the human brain that we can consider new information and adapt. This bill prevents us from learning, in school. That is rather ironic, because schools are supposed to be institutions of learning.

Aside from being poorly written, the consequences if this bill passes will have a direct effect on the life expectancy of North Dakotans. When people die young, it disproportionately affects life expectancy. We know from school surveys that transgender youth in North Dakota strongly consider suicide at rates much higher than other youth. This is not dependent upon them transitioning and having people respect their preferred pronouns. In fact, the ones most likely to attempt suicide are youth who know they are transgender, but also feel like there is not a safe place for them to transition. The idea that we can get rid of transgender people by pretending they don't exist in North Dakota, is the idea that we can get rid of them by ensuring they do not survive until adulthood. What if your own child completed suicide and you found out later it was because they felt transgender? \

I have sat with North Dakota parents whose transgender youth died by suicide as a direct result of the kinds of policies this law would codify. If just one teacher, just one school staff, had acknowledged their preferred gender, their chosen name, the way their brain told them they are, perhaps things could be different. How many of North Dakota's children will die because of this bill or any one of the bills proposed this year?

My child felt like an outcast because our school system is so gendered. There was no third category in which their “I’m not either of these two options” self could fit. Have you ever been somewhere that just didn’t fit for you? What if you were required to be in that place for 12 years? The first week of kindergarten my kid did not eat lunch. The other students split by gender when deciding where to eat lunch and my kid, who was marked “female” at birth did not feel female. More than that, they knew they aren’t female. Literally at 5 years old my kid knew they were different and it made them unable to eat because the world did not acknowledge the possibility of this difference. As early as preschool a teacher noticed that my child’s interests could not be classified by the typical binary gender.

When scientists look at the brains of transgender people they are different than the brains of others assigned the same gender at birth. “In studies that use MRIs to take images of the brain as people perform tasks, the brain activity of transgender people tends to look like that of the gender they identify with.” [clevelandclinic.org] Gender is not the same as your genitalia. Just like a parent with brown eyes and one with blue eyes can have a green eyed child, gender is more complex than we have thought. It is not one or the other and not decided solely by external genitalia.

Please do not pass.

Thank you for your consideration

Rev. Michelle Webber