

2023 SENATE JUDICIARY

SB 2123

2023 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee
Peace Garden Room, State Capitol

SB 2123
1/23/2023

A BILL relating to displaying objectionable materials or performance to minors; and to provide a penalty.

2:29 PM Madam Chair Larson called the hearing to order.

Madam Chair Larson, Senators, Paulson, Sickler, Braunberger, Estenson, Luick, and Myrdal present.

Discussion Topics:

- Complaints
- Investigations
- Prosecutions
- Minors
- Human trafficking
- Public hearings
- Lawsuits
- Brain formation
- Sexualizing children
- School policies
-

2:30 PM Senator Beard introduced **SB 2123 #15558**

2:46 PM Senator Boehm in support of **SB 2123**, testified. #15680

2:51 PM Sharlet Mohr, testified in support. #15267

2:52 PM Karen Krenz, District 1 Moms for Liberty, testified in support. #15269 #15709

3:03 PM Kimberly Hurst, resides in District 1, testified in support. #15247

3:07 PM Melissa Sitton, testified in support. #15189

3:14 PM Kerrienne Boetcher, President ND Library Association, testified in opposition. #14843 #15406

3:26 PM Christine Kujawa, Director Bismarck Veteran Memorial Public Library, testified in opposition. #15495

3:30 PM Sandi Bates, master's in library and information Science, testified in opposition. #15685

3:38 PM Lindsey Bertsch, Marketing Coordinator Main Street Books, testified in opposition and written. #15508

3:43 PM Pat Conrad, testified in opposition to **SB 2123**. (no written testimony)

3:46 PM Michael Fladeland, Member of Board of Trustees-Bismarck Veterans Memorial Public Library, testified in opposition. #15489

3:59 PM Kevin Hoherz, ND Council of Educational Learders, testified in opposition. #15086

4:10 PM Casey Kruger, Student Valley City High School, testified in opposition. #15528

4:12 PM Elsie Redig, Student Belfield, testified. #15282

4:15 PM Janet Anderson, Library Director, Minot Public Library, testified in opposition. #15531

4:18 PM Mary Soucie, ND State Librarian, testified in opposition to **SB 2123**. (no written testimony)

4:23 Lisa Johnson, Vice Chancellor of Academic & Student Affairs-ND University System, testified neutrally. #15538

Additional written testimony:

Kaylene Detwiler #15356
Terry Detwiler #15358
Jessica Wojahn #15364
Mike Stensgard #15366
Kristin Sevier #15370
Mike Borg #15372
Kimberly Blake #15373
Eugene Fischer #15387
Jenetta Padilla #15389
Amanda Pickard #15393
Sharon Linnehan #15396
Roxanne Johnson #15399
Angela Hoggarth #15401
Rachel Geisthardt #15404
Carla Bellmore #15409
Rebekah Borg #15417
Lee Kruger #15550
Sarah Fagerland #15553
Kaitlin Jundt #15554
David Horowitz #15555
Elizabeth Kruger #15557
Traci Lund #15565
Cionda Holter #15568
Victoria Hammel #15570

Jacob Holter #15575
Sharon Linnehan #15578
Rachel Kercher #15584
Karen Thompson #15588
Whitney Oxendahl #15589
Kimberly Wilson #15600
Angela Beardemphl #15541
Caius Harris #15485
Tonya Palmer #15540
Amanda Mindt #15537
Ruth Heley #15289
Olivia Data #15291
Kayla Schmidt #15359
Bea Kaiser #15391
Jadon Bast #15250
Kristen Borysewicz #15256
Traci Juhala #15246
Casey Kruger #15528
Angie Laxdal #15527
Kara Geiger #15512
Jessica Bailey #15511
Samantha Kershisnik #15510
Beth Reitan #15509
Aaron Stefanich #15506
Delores Dillmann #15505
Tori Lee #15494
Maggie Oakland #15493
David Grogan #15474
Jennifer Jenness #15459
Dylan Gonser #15455
Gretchen Deeg #15448
Barry Borg #15412
Mariah Bates #15394
Thea Holter #15381
David Haney #15446
Anita Tulp #15438
Rozell Unruh #15432
Tim Ingstad #15428
Jodirae Ingstad #15427
Stephanie Baltzer #15425
Kimberly Ho #15424
Joshua Gow #15419
Kristin Michels #15465
Michele Seil #15462
Julie Duckworth #15384
Cheryl Borg #15416
Erica Lierz #15229

Brittney Kratochvil #15214
Daryl Larson #15204
Charles Sitton #15202
Lori Haberman #15193
Marlene Hiltner #15185
Toni Helm #15183
Teri Graalum #15180
Keith Colville #15179
Jeff Bast #15175
Kristy Bast #15174
Jenilee Kanenwisher #15147
Rebecca Needham #15141
Deragon Ralston #15136
Sara Westall #15134
Renee Newton #15123
Brian Kopp #15116
Susan Draper #15096
Rory Gabel #15089
Jessica Hauger #15079
Montana Ackman #15076 #15075 #15074 #15073
Anne Willetts #15066
Randi Monley #15047
Melissa Lloyd #15010
Mona Rindy Tedford #14993
Kristin Mestan #14992
Hannah Vanorny #14982
Wendy Wendt #14964
Denise Dykeman #14912
Debra Hoffarth #14899
Paulette Nelson #14891
Sheila Krueger #14881
Faith Schwartz #15007
Wesley Byzewski #14852
Jane Hirst #14848
Cindy Aaser #14847 #14846
Elia Scott #14960
Christine Cherry #14853
Robert Sandness #14823
Ashley Rocketship #14794
Timothy Dirks #14754
Beth Reitan #15431
McKenna Wilke #15556

4:25 PM Madam Chair Larson adjourned the meeting.

Patricia Wilkens, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee
Peace Garden Room, State Capitol

SB 2123
2/14/2023

A BILL relating to displaying objectionable materials or performance to minors; and to provide a penalty
--

6:12 PM Chairman Larson opened the meeting.

Chairman Larson and Senators Myrdal, Luick, Estensen, Sickler, Braunberger and Paulson are present.

Discussion Topics:

- Committee action

6:12 PM Senator Beard gave oral testimony on the bill.

6:12 PM Senator Myrdal moved to Do Not Pass the bill.

6:13 PM Motion is seconded by Senator Estenson.

6:13 PM Roll call vote is taken.

Senators	Vote
Senator Diane Larson	Y
Senator Bob Paulson	Y
Senator Jonathan Sickler	Y
Senator Ryan Braunberger	Y
Senator Judy Estenson	Y
Senator Larry Luick	Y
Senator Janne Myrdal	Y

Motion passes 7-0-0.

Senator Myrdal will carry the bill.

This bill does not affect workforce development.

6:13 PM Chairman Larson closed the meeting.

Rick Schuchard, Committee Clerk

REPORT OF STANDING COMMITTEE

SB 2123: Judiciary Committee (Sen. Larson, Chairman) recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2123 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.

TESTIMONY

SB 2123



Senator Diane Larson, Chair
Senate House Judiciary Committee

Dear Senator Larson:

The Fargo Public Library Board and Administration oppose Senate Bill No. 2123 due to the potential unintentional impacts on the access to materials from the libraries in North Dakota and the disruptions to library services it would cause. The language in the bill is extremely broad and would potentially criminalize library staff.

The Fargo Public Library Board opposes censorship in any form regardless of the motivations of the censor. The Fargo Public Library Board affirms the Library Bill of Rights and the Freedom to Read declaration.

It is essential that Senate Bill No. 2123 be prevented from being made law in order for libraries in North Dakota to continue to do their first amendment duties for the communities they serve. We urge Senate members to do their constitutional duty and prevent North Dakota from becoming a state that censors its public libraries.

Sincerely,

Dr. Carlos Hawley President, Fargo Public Library Board
Ms. Amy Ouren, Vice President, Fargo Public Library Board
Ms. Kristen Schipper Library Board Member, Fargo Public Library
Ms. Wanda Mengelkoch Library Board Member, Fargo Public Library
Ms. Jenna Reno Library Board Member, Fargo Public Library
Dr. Carrie Peterson Library Board Member, Fargo Public Library
Ms. Hannah James Library Board Member, Fargo Public Library
Timothy S. Dirks, MLIS, MPA Director, Fargo Public Library

Parenting should be done by parents, not by the state. Laws which make people less free and open avenues to silence voices protected by the First Amendment have no place on North Dakota books. Badly written laws even more so, and those that will cost tax payer dollars to enforce in an already underfunded system most of all. Where do the funds to review these materials come from? The staff? Will the legislators who propose these kind of nanny state laws volunteer their time to do so?

To Whom It May Concern,

I urge you to please oppose SB 2123. If it passes into law, I'm afraid it would be considered unconstitutional. The Supreme Court has decided many times over the years--particularly in the case of *Island Trees School District v. Pico* (1982)-- that students retain their First Amendment rights while in school and that neither the government nor school officials can restrict students' access to books. According to the Supreme Court, The First Amendment is implied to grant us freedom to choose what to read or not. No form of government can make that choice for us. If you believe that students should not read a certain book, it's not up to a government or school official to decide that, but rather their parents.

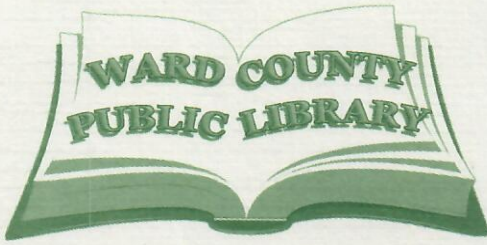
Let parents decide what their children may or may not read. If they are okay with their teenage children looking up answers to questions about safe sex, consent, and dealing with jealousy in a factual book intended for teenagers, that is supposed to be their decision.

I am concerned about this bill on a personal level. As a librarian at a rural public school, I need to provide books for all students in grades K-12. My library is basically one large room divided into two areas of books: one for elementary and the other for high school. I make it clear which books the little kids can check out. I don't think I should be faced with a fine, a class B misdemeanor or both just for having kids in the library during book checkout, when they just happen to be in the same room as books intended for middle and high school students, even if those books contain elements some people may consider inappropriate. They may never even open those books at all. There are many librarians at other rural K-12 schools in our state that I'm sure would be faced with this same problem. I suppose a solution would be to move the middle and high school books to a separate room, but rural schools only have so much space and so many resources to make that work.

Again, I urge you to oppose SB 2123 because it would take away students' right to read, and it would take away parents' rights to say what their children can read. It may also cause some unnecessary strife in all rural schools in our state.

Sincerely,

Robert Sandness
Flasher Public School
206 3rd Ave E.
Flasher, ND 58535



Phone 701-852-5388
Toll Free 1-800-932-8932
PO Box 5005
Minot, ND 58702
225 3rd St. SE
Minot, ND 58701

January 20, 2023

Chairman Larson and the Members of the Judiciary Committee,

I am writing to voice my opposition to the proposed changes presented in SB 2123.

The American Library Association first adopted a Freedom to Read Statement in June of 1953. This statement reads:

1. It is in the public interest for publishers and librarians to make available the widest diversity of views and expressions, including those that are unorthodox, unpopular, or considered dangerous by the majority.
2. Publishers, librarians, and booksellers do not need to endorse every idea or presentation they make available. It would conflict with the public interest for them to establish their own political, moral, or aesthetic views as a standard for determining what should be published or circulated.
3. It is contrary to the public interest for publishers or librarians to bar access to writing on the basis of the personal history or political affiliations of the author.
4. There is no place in our society for efforts to coerce the taste of others, to confine adults to the reading matter deemed suitable for adolescents, or to inhibit the efforts of writers to achieve artistic expression.
5. It is not in the public interest to force a reader to accept the prejudgment of a label characterizing any expression or its author as subversive or dangerous.
6. It is the responsibility of publishers and librarians as guardians of the people's freedom to read, to contest encroachments upon that freedom by individuals or groups seeking to impose their own standards or tastes upon the community at large; and by the government whenever it seeks to reduce or deny public access to public information.
7. It is the responsibility of publishers and librarians to give full meaning to the freedom to read by providing books that enrich the quality and diversity of thought and expression. By exercise of this affirmative responsibility, they can demonstrate that the answer to a "bad" book is a good one, the answer to a "bad" idea is a good one.

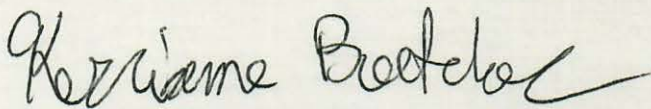
I firmly believe in this statement and that my beliefs and viewpoints should not dictate what another person may or may not want to read. The decision of whether or not a minor should have access to reading a particular subject is one that is best left up to their parents and/or

guardians and is not one that should be left to an outside entity with no knowledge of the minor and their development.

The proposed changes are a violation of the rights of individuals to select for themselves what they would like to read whether that is in a public bookstore or a public library. I am gravely concerned with the legality of this bill and the level of control that it is taking away from the individual and their right to choose what they and their family read.

I urge you to consider voting against the proposed changes and I thank you for your time and consideration.

Respectfully,

A handwritten signature in black ink that reads "Kerriane Boetcher". The signature is written in a cursive style with a long, sweeping underline.

Kerriane Boetcher
Library Director
Ward County Public Library
kerriane.boetcher@co.ward.nd.us
701-857-6471

Dear Representatives,

I am writing to ask you to vote in opposition of the HB 1205. This bill is a censorship bill that does not allow libraries to do what they are supposed to do. We are to supply materials to all our community without subjecting our personal opinions on what the public wants to read about and we are to have materials that show all the sides of an issue. This bill will prohibit libraries from following the very bylaws that they were created upon. I have included the material selection policy from our bylaws as well as the form that is required if someone has a complaint to material on the shelf. It is the parents' responsibility to know what their children are looking at or checking out. Just as it is a parent's responsibility to know what the children are looking at on their smart phones. Are you going to go after the internet next to pass laws that this same type of material cannot be posted on the internet? Access to this type of material is blocked on the computers in my library. If this law passes it not only has to do with the ONE book in particular that has come up time and time again during these discussions.

Books that would have to come off our shelves because it states in our bylaws (15.2.9) that we will not have a closed shelf collection, would include the bible – including the bible for teens – all romance novels, inspirational fiction novels, western novels, breast feeding books, midwifery books and any other non-fiction books that talk about the human body. This is way more far reaching and more work than what has been researched before the bill was introduced.

Our library has a very difficult time getting teens between the ages of 13-18 in the library. They have their phones to look everything up on, they do not come into the library until after they are out of high school as it is not a "cool" thing to do. The games they play on the internet are far more graphic than books that are in my library. Are you going to pass laws to keep the teens from accessing those games?

My tax payers will be very upset with myself and my staff if we are sitting at the desk reading every new book that comes into the library for patron checkout to be sure that none of the items listed in this bill are in those books, we have a very short description of the book to go off of when we order books. Once the book is here and being cataloged is when we know what all may or may not be in the book without reading the book in its entirety I would not know if there was any kind of sex, gender identity or anything else prohibited in this bill in these new books. It could be something very subtle in the book but yet then it would be prohibited from going on the shelf. It needs to be left up to the patrons and parents what they want to read and what they want their children reading. What offends one person may not offend another.

Please let me know if you have any questions.

Cindy Aaser
Director
Hazan Public Library

15.0 MATERIAL SELECTION

Ultimate responsibility for book selection, as for all Library activity, rests on the Director, who operates with the framework of policies and objectives determined by the Board of Trustees. All members of the staff will participate in the selection process following policy.

To this end, the Board of Trustees reaffirms the objectives of the American Library Association Library Bill of Rights and Freedom to Read Statement and recognizes a responsibility to:

15.0.1 Provide materials that will enrich the community, taking into consideration the varied interests, abilities, and educational levels of the citizens served.

15.0.2 Provide materials that will stimulate growth in factual knowledge, literary appreciation, aesthetic values and ethical standards.

15.0.3 Provide a background of information that will enable citizens to make intelligent judgments in their daily life.

15.0.4 Provide materials representative of the many religious, ethnic, and cultural groups and their contributions to our American Heritage.

15.0.5 Provide materials on opposing sides of controversial issues so citizens may develop the practice of critical analysis of all media.

15.0.6 Place principal above personal opinion and reason above prejudice in the selection of materials of the highest quality in order to assure a comprehensive collection appropriate for the users of the Library.

The Library will maintain an up-to-date array of selection tools such as reviewing services, review publications, online reviews and catalogs of recommended purchases.

15.1 Criteria for Selection of Materials

Needs of the community based on knowledge of the Library's objectives and the existing collection are given first consideration.

Materials for purchase are considered on the basis of:

15.1.1 Accuracy and reputation of author.

15.1.2 Local and state interest.

15.1.3 Suitability and importance to the whole collection.

15.1.4 Price and/or availability of funds.

15.1.5 Readability and popular appeal.

15.2 Procedure for Selection

15.2.1 In selecting print and non-print material for purchase, the Director evaluates the existing collection and consults reputable, unbiased, professionally-prepared selection aids.

15.2.2 Gift materials are judged by basic selection standards and are accepted or rejected by these standards.

15.2.3 Multiple items of outstanding and much-in-demand media are purchased as needed.

15.2.4 Worn or missing standard items are replaced periodically if relevant.

15.2.5 Out-of-date or no longer useful materials are withdrawn from the collections as needed.

15.2.6 Sets of materials and materials acquired by subscription are examined and are purchased only to fill a definite need.

15.2.7 Duplication of materials available in special (medical, etc.) school and academic libraries will be avoided whenever possible.

15.2.8 The Library will endeavor always to balance special group interests with general demand, to present fairly and truthfully both sides of every controversial subject handled, and to maintain a true balance between its duty to present information on all aspects of public questions, and its determination not to allow itself to be used as a propaganda vehicle.

15.2.9 The Library will not maintain a closed shelf collection of materials; but will encourage individual and parental discrimination in the choice of materials.

15.2.10 In addition, the board recognizes the duty of the Library to furnish materials outside the “main stream of popular output” and to provide in its collection a substantial representation of the critical, provocative, and experimental products as well as the classics.

All phases of the selection procedure will work toward the establishment of a representative collection of materials of high quality based on achievement of the services the Library is expected to perform.

The Library adopts the policy statement of the American Library Association, the Library Bill of Rights, and the Freedom to Read statement on book selection and controversial materials.

15.3 Procedure for Handling Complaints Regarding Materials Present or not Present for the Collection

The procedure below shall apply to all complaints about materials represented in the collection or not represented in the collection. This procedure is recommended by the Board of Trustees so that the complainant can be assured that his/her complaint receives a fair hearing.

In the “Materials Selection Policy of the Hazen Public Library” it states that “final responsibility for selection resides with the Director of the Library”. All complaints will be directed to his/her attention. All Library Board members will be immediately notified of the complaint. The Board of Trustees in their adoption of the Material Selection Policy, the Library Bill of Rights, and Freedom to Read Statement, support the Director in his/her exercise of the selection responsibility. They will hear complaints only if the complainant feels the policy statement does not support the Director’s decision, and then only if they feel it is necessary to study the decision more closely.

15.3.1. Instructions for the Staff

Should a patron question the placement of any material in the collection or question the intentions by failing to place certain material in the collection, staff are asked to comply with the following procedure:

15.3.1.1 Neither defend nor condone the item or the act. React in a manner that indicates your understanding of this person’s concern (even though you may disagree with the complaints). The responsibility for selection of materials for the Library has been vested in the Director. Let him/her provide the defense.

15.3.1.2 Provide the patron with a copy of the form “Request for Reconsideration of Material”. Ask that it be completed and signed. Inform the patron that the complaint will be given to the Director and that the patron will receive a response from the Director within one week.

15.3.2 Instructions for the Director

15.3.2.1 Upon receipt of the Request for Reconsideration of Material, examine the complaint, the material in question, the circumstances involved in the complaint, and submit to the patron no later than one week after receipt, a response based on your reasons for the selection of the material, the policies of the Library, etc.

15.3.2.2 Provide complainant with a copy of the Library’s Materials Selection Policy. Inform patron of the right to an additional hearing on the complaint should he/she feel that the response of the Director is not supported by the policy statement.

15.3.3 Instructions for the Board of Trustees

Should the patron feel that the Director’s response is not supported by the Materials Selection Policy, it is reasoned that either the policy statement or the Director’s interpretation of it are in question, therefore it becomes the Board’s obligation to review the matter.

15.3.3.1 Upon receipt of a request for additional review or a hearing from the complainant, the Director is asked to advise the Board of the entire situation. He/She is also asked to recommend action to the Board.

15.3.3.2 If the Board does not wish to hear the complaint, the President of the Board should instruct the Director to advise the complainant of their decision and the basis for the decision.

15.3.3.3 If the Board desires to hear the complaint, the Director is to make arrangements with the complainant to be present for a hearing. The Board will then recommend action to the Director after hearing the complaint.

Above all, the Board has as its concern the fairness of such a hearing, so as to protect the rights of all persons involved.

The Board will also have the Director notify the Intellectual Freedom Committee of NDLA, ALA, the State Librarian, the local newspaper, and other concerned persons or groups of the situation, requesting either their opinion, recommendation, or involvement.

Reconsideration of Material Form

The trustees of the Hazen Public Library have a materials selection policy and a procedure for gathering unput about particular items. Completion of this form is the first step in the procedure. If you wish to request reconsideration of a resource, please return the completed form (all information is to be completed) to the library director.

Hazen Public Library, PO BOX 471, 203 E Main ST, Hazen ND 58545

Date: _____

Name: _____

Address: _____

City: _____ State / Zip: _____

Phone: _____ Email: _____

Do you represent: Yourself: An Organization: Name of Organization: _____

1. Resource on which you are commenting:

- Book (ebook): _____
- Movie: _____
- Magazine: _____
- Audio Recording: _____
- Digital Resource: _____
- Game: _____
- Newspaper: _____
- Other: _____

Title: _____

Author/Publisher: _____

2. What brought this resource to your attention? _____

3. Have you examined the entire resource? If not, what sections did you review? _____

4. What concerns you about the resource? _____

5. Are there resource(s) you suggest to provide additional information and/or other viewpoints on this topic? _____

6. What action are you requesting the committee consider? _____

Signature: _____

Senate Judiciary Committee Members

I am a long-time resident of North Dakota who was born and raised in Minot and returned to my state to raise my family 40 years ago. I am writing to express my opposition to SB 2123, which amends the current law that relates to displaying objectionable materials or performances to minors. The changes that have been made to the current law are small, but very concerning. The original law is designed to protect minors from being exposed to sexually explicit books, magazines, photographs, etc. that are publicly displayed. I have no problem with the current law as written, but your changes take out some very important words that dramatically changes the tone of the law. It now would include books that contain any depiction or written descriptions of nude or partially denuded figures rather than those that are principally made up of those depictions. You need to realize that there are written descriptions of the naked body presented in a sexual manner in the Bible, although I would guess it is not the intention of the sponsors of this bill to ban the Bible from any of these locations.

The elimination of “The above shall not be construed to include a bona fide school, college, university, museum, public library or art gallery” also seems to dramatically change the purpose of this law. Who determines which paintings, photographs or other depictions of nudity are art and which are objectionable? Who decides if a book’s written depiction of the human body is exploiting sex, lust or perversion? Is there a standard that would be followed or is this up to the individual to decide? Would students in an art history class be able to study the great works of art which depict nudity in all of its forms?

This bill, in combination with HB 1205, gets to the heart of censorship and is an infringement on our freedom and rights. The Republican Party that I grew up in was one of less governmental interference in our lives, but this, and other bills that are being proposed this session are doing the opposite. I have lived long enough to see several attempts to ban books and art and I can tell you that it doesn’t end well.

Please vote No on SB 2123.

Thank you,
Jane Hirst
Minot ND

I strongly urge you to vote in opposition of SB2123. It infringes on an individual's freedom to read and criminalizes the work of library workers. As you know, the First Amendment of the U.S. Constitution that Congress "shall make no law... abridging the freedom of speech, or of the press". Similarly, the first two Library Bill of Rights from the American Library Association state, "I. Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, background, or views of those contributing to their creation.

"II. Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval." This bill would force censorship, which libraries are fundamentally against.

There are countless works of literature that contain sexually explicit depictions. Libraries across the state would be forced to restrict patrons of all ages from the freedom to chose to read classics such as "1984". They may be forced to remove these books from the collection altogether, wasting thousands of tax dollars. Or it could be interpreted that the library staff have to monitor what patrons can check out, which violates their privacy.

The intention of this law, it seems, it to protect children from exposure to sexually explicit depictions. This bill is not necessary to accomplish the goal. Parents and guardians can monitor what their child is checking out from the library. It is a patron's decision, and by extension their

parent/guardian's decision, what they choose to read. It should not be the decision of the state or the library.

If the intention above is correct, I believe this bill will have a minimal result. If a minor wants to view or read perverted sexual depictions, a majority will use the internet, not books and magazines. There are already acts and laws such as the Children's Internet Protection Act (CIPA) as well as the North Dakota Century Code 12.1-27.1 that help protect from this.

I hope that you will consider how this bill will ineffectively fight the issue it's trying to while also going against the principles of libraries. Please protect our freedom and vote in opposition of SB 2123.

Sincerely,

Wesley Byzewski

I am writing as a member of the Board of Trustees for Minot Public Library, a library volunteer as well as patron, and a mom to oppose SB 2123. It is clear that the second and third order effects of criminalizing libraries for offering “any photograph, book, paperback book, pamphlet, or magazine, the exposed cover of which exploits, is devoted to, or contains depictions or written descriptions of nude or partially denuded figures posed or presented in a manner to exploit sex, lust, or perversion,” have not been considered. Libraries are an inclusive space. They serve the entire community regardless of age, race, ethnicity, sex, gender, sexual orientation, religion, creed, disability, economic status, or any other personal identifier. They provide access to educational information as well as entertainment. Reading is a joy. It is an escape from the stressors of reality. It is a way to educate oneself. It is a way to find representations of oneself and one’s life experiences that lets us know we are not alone. We are able to gain empathy through someone else’s story. We are able to learn how to process our own emotions through another lens even through works of fiction. It is not something to take for granted. Owning books is a luxury that some cannot afford, but everyone deserves access to reading materials to find whatever it is they need in that moment. Purchasing novels is not a necessity when you’re struggling to pay bills, but the escape, the education, the representation of the human experience, that is a necessity. Libraries remove those economic barriers to allow anyone to find that joy for themselves. Sex is a normal human experience and as such has been depicted in art and literature for thousands of years. Forcing the removal of depictions and descriptions of this would create inequities across socioeconomic lines. There is a reason that libraries are separated into children’s, young adult, and adult sections, however that does not mean that minors are restricted to one area. A middle schooler may stumble upon a harlequin novel with an objectively risqué cover. If SB 2123 were to pass, the library or a librarian, a public servant, would be held criminally responsible. The reality is that this hypothetical situation might lead to an uncomfortable conversation, but it is not one that would have any kind of lasting negative effects on the child. Removing that same novel, so that there was no chance for a child to see it, would deny an elderly woman whose library books are delivered to an assistant living facility from being able to indulge in her favorite genre which plays a role in maintaining her mental health. We cannot be so uncomfortable with the idea of a minor seeing part of the human body that we promote censorship. We cannot be so uncomfortable with nudity that we send a message that bodies are shameful. We cannot be so uncomfortable with sex that we hinder the important role that libraries have in our communities. It is not for elected officials to impose their personal morals on all of their constituents. It is not the place of the government to decide what is and is not appropriate for my child to read. Guardians need to be involved enough in the lives of the minors in their care that they determine what they are allowed to read based on the child’s maturity level. Criminalizing depictions of sex is not the way we protect our children. We protect our children through education, empathy, and understanding.

I will also point out that passing this bill would negatively affect small businesses. Bookstores provide materials for all ages, but it is not part of the employees’ jobs to restrict minors to certain areas. This means that those who can afford to will turn to online sources to purchase popular books instead of shopping local hurting our economy and the livelihoods of some North Dakota business owners.

At no time in history have the people who have banned books been the good guys.

It is with great concern that I contact you today in opposition to SB2123. This bill is set to criminalize the work of library employees. As library employees we work under the guidelines of the American Library Associations' Intellectual Freedom Act. It is this act that states it is the right of every person to seek and receive information about any topic from multiple points of view. It includes the right to hold, receive, and share ideas and information. All people have the right to intellectual freedom, including children and teenagers, and it should not be a crime to bring displays of certain topics to our community. It should however be each individual family who has the right to determine which library resources are acceptable for their own children and it should not be the legislature making that decision for them. It should also be the right of every librarian to display their collection in such a manner that the taxpayers, whose money was used to purchase those books, have a clear representation of all materials held within the library. Please stand with me in opposition of SB2123. Thank you.

Sheila Krueger
Casselton Public Library Director

To: Senate Committee Members –

Re: SB 2123

Dear Committee Members.

I am writing to urge you to recommend a DO NOT PASS for this bill. This bill basically allows censorship, infringes on booksellers and other organizations that has books available to the public. Do you realize that this would include library friends groups that sell reused books to the public to raise money for their organizations?

Everyone is ensured the freedom to read and purchase books from booksellers or other sources. The First Amendment of the US Constitution protects individuals from government attempts to suppress ideas and information. Americans should not have to sacrifice their heritage of a free press in order to be protected against what others think may be bad for them.

I do not think it is up to the ND Senate to dictate what a book store or other organizations can sell or have on display. This law would prohibit book sellers from displaying such books as Twilight, 50 Shades of Grey, Harlequin books and even the Bible.

In the words of Robert A. Heinlein, Science Fiction Author, "When any government or church for that matter, undertakes to say to its subjects, this you may not read; this you may not see; this you are forbidden to know, the end result is tyranny and oppression no matter how holy the motive."

Again, I urge a DO NOT PASS on this bill.

Sincerely,

Paulette Nelson

WRITTEN TESTIMONY IN OPPOSITION TO SB 2123

Senate Judiciary Committee on Senate Bill 2123

Date of Hearing: January 25, 2023 3:00 p.m.

Debra L. Hoffarth, 1320 11th Street SW, Minot, ND 58701

This written testimony is presented in opposition to SB 2123, which is an attempt to censor books and block North Dakota residents from participating in free speech.

This section of the North Dakota Century Code is devoted to obscenity, including protecting minor children from pornography.

The removal of the term “commercial gain” in section 1 and the removal of section (2)(c) (“The above shall not be construed to include a bona fide school, college, university, museum, public library, or art gallery”) removes from the public legitimate discourse on education and art. These items are protected by the First Amendment.

This law is not targeting any particular entity, but it will affect our public libraries which are one of the only places where anyone can freely find information. Libraries are a safe haven for people to learn and should not be a place where political rhetoric and ideals determine available information. For example, my local library has a policy on “Collection Management” which considers the developmental and information needs of children and teens.¹ This policy includes a right of the public to object to materials and a process for resolving those objections. It also places the responsibility for determining if a book is appropriate on the parents of the child, where it should rightly land.

This proposed legislation would also affect the display of or art and teaching of art and art history. It could potentially prohibit education on historic and iconic art pieces, such as Michaelangelo (i.e., David, the Sistene Chapel), Rembrandt, Botticelli, among others. It could also affect how health and sex ed are taught in public school.

Teachers, librarians, and museum curators should not be placed in a position of criminal liability for free speech or displaying art of artistic or historical value.

The government should not be in the business in blocking access to information, limiting free speech, limiting lawful artistic portrayals, or censoring books.

Please oppose SB2123.

Debra L. Hoffarth
1320 11th Street SW
Minot, ND 58701

¹ Minot Public Library Collection Management Policy
(<https://drive.google.com/file/d/16AW7LK74PaGuWH3FAiw3MbGrGtgs6pcA/view>)

WRITTEN TESTIMONY IN OPPOSITION
TO SB 2123

Senate Judiciary Committee on SB 2123

Date of Hearing: January 23, 2023

Denise Ann Dykeman 1840 12th St SW, Minot, ND 58701

My name is Denise Ann Dykeman. I am a resident of North Dakota, a parent, a practicing attorney, and a Lutheran. I am also an avid reader of books and an art lover. I've travelled to many bookstores, libraries, and art galleries all over the world. I have also visited the private collection of sexual art at the Kinsey institute at Indiana University and the World Erotic Art Museum in Miami. Both provided meaningful contributions to my understanding of humanity. I am glad to be in the United States of America where we are allowed to have a free exchange of ideas, even when those ideas might be controversial, shocking, or even offensive.

This proposed bill would unlawfully censor public libraries, art museums, books stores, and individuals. This bill would deprive North Dakotan children and adults from access to important ideas and art. The phrase "presented in a manner to exploit sex, lust, or perversion" is entirely subjective and unhelpful. Prohibiting not only "the exposed cover or available content" is shockingly broad. Are we really to tell the Minot Barnes and Noble or Main Street Books that they cannot carry books such as The Complete Illustrated Kama Sutra? What about "Art, a Sex Book" by John Waters? Shall our universities not display reproductions of Renaissance Art or Picasso? Shall our Christian churches remove all the bibles? Bibles include many colorful stories. See for example, Genesis 19:30-36 or Genesis 29:21-28. This bill is entirely overbroad and yet another bad bill for North Dakota businesses or anyone trying to recruit students or employees to the state.

Many book stores, libraries, and art galleries, including tribal and university galleries, contain art, sculptures, and books which display images of the nude human form or describe activities that might inspire lust or sex or even perversion. These pieces and materials teach us about what it is to be human, expose difficult truths, and explore beauty and sexuality as well. These works are important for our understanding of each other, other cultures, and historical understandings of sex and sexuality. I trust our North Dakota teachers, librarians, book store owners, and art curators to offer and display quality materials in our communities and I trust parents, pastors, and our community members to guide North Dakota children and answer their questions as they encounter these and other ideas.

As a young person, the places where I was exposed to potential harm were not in a library or in an art gallery, not a bookstore, or in a classroom, not even a gas station magazine rack, but rather, stumbling upon my teenage male cousins and their friends watching porn after school at my uncle's house or other such encounters in private homes. I would like to see this legislature focus much more attention and resources on the very serious problem of boys and grown men actually raping and abusing women and children rather than engaging in 1950's era pearl clutching and attempts at censorship and bullying in the name of protecting children.

Please Oppose Senate Bill 2123.

Denise A. Dykeman
1840 12th St SW
Minot, ND 58701

Elia Jay Scott,
Fargo, ND 58103 (district 46).

Please stop the war on trans lives.

Imagine (if you are not) that you are Catholic. And imagine that your state legislature proposes **21 bills** targeting, demonizing, and persecuting the Catholic community. One bans you from wearing a crucifix in public. One bans you from privately praying anywhere near a school. And one bans sale of alcohol for religious purposes, making it illegal for your church to obtain the spiritual medicine that keeps your soul alive, the Eucharist.

Now, instead, imagine that you are **transgender**. Instead of banning crucifixes, the state wants to ban you from going outside your house in clothes consistent with your identity. Instead of banning prayer in schools, they want to ban any school accommodation for your condition, gender dysphoria. And instead of banning the Eucharist, they want to ban the evidence-based, lifesaving healthcare that has saved your **actual, physical life**, and the lives of so many of your beloved friends.

That is what the North Dakota state legislature is doing right now. Republicans have introduced 21 – yes, 21 – bills, targeting, demonizing, and persecuting the transgender community, doing all I have described above and more.

This bill, SB 2123, nominally targets drag performance – something not even intrinsically sexual, an art form with literally centuries of history behind it, as a creative outlet for those who are gender-nonconforming – but instead will most likely be used to persecute trans people, by classing us as drag artists and therefore sexual predators just for existing in public.

Chair and members of the committee, if you are Catholic, Christian, or simply a human being of conscience, I ask you ***please to vote NO on all these anti-transgender bills***, and to stop this merciless, hateful war on our trans neighbors – whom, if we are Catholic, Christian, or people of conscience, we are commanded by God and human decency ***to love as ourselves***.

†

January 21, 2023

Senator Diane Larson, Chair
Senate Judiciary Committee

Dear Senator Larson and Senate Judiciary Committee,

Please vote "Do Not Pass" on Senate Bill 2123.

As a North Dakota citizen, voter, parent, and library director, I strongly oppose this bill. Not only does it violate my 1st Amendment rights and yours, it violates the Library Bill of Rights and the Freedom to Read declaration. SB 2123 potentially criminalizes public library staff members for following the guiding principles and ethics of the profession.

Moreover, as a parent, it is my right and responsibility - and mine alone - to determine what my children - and only my children - can read or view. Parents have the right and the responsibility to oversee their children's choices at the library, online, and anywhere else they may go. It is not up to the government to overrule a parent's rights.

Not only does this proposed bill limit children's and teen's access to information, it inadvertently limits adult access to materials as well. Families visit the library as a group activity where there is something for everyone. They often search for books together. This means that children have access to the entire library and, therefore, this bill affects every area of the library. Regulating what may or may not be included in the library collection takes away my freedom to read and it takes away your right as well. Needlessly.

Please remember that freedom is no freedom if it is accorded only to the accepted and the inoffensive. Vote 'Do Not Pass" on SB 2123 for my freedom and yours.

Sincerely,

Wendy Wendt

Wendy Wendt

I have loved libraries since I was a small child. I grew up in Oakes, ND, and was a very frequent visitor to our local public library. As a shy child, I found reading to be a welcome and wonderful way to escape into other worlds. I read so many books that by age 11, I had exhausted our small library's Children's and Young Adult sections. And so I ventured into the Adult section, an area of the library I had never paid attention to before. There I discovered, over the following years, John Grisham's gritty court mysteries, Torey Hayden's fascinating books about child psychology, Sue Grafton's compelling mysteries, Stephen King's deliciously scary books (I loved *Pet Sematary* and *Cujo*), and yes, Danielle Steel's and Nora Robert's romance books. As an extremely well-read and mature young person, I was ready to dive into these kinds of books – and my parents approved my reading choices. Not every young adult is ready to read these kinds of books, and that is ok – it is up to parents and guardians to help their children make these kinds of choices. Please do not put that responsibility on librarians and other public servants who do not know each young person personally who uses their services.

I work at the Bismarck Public Library and I cannot imagine removing all of our romance books and even books such as the Bible (which has sections about nudity and sex) because our librarians might be prosecuted if a child picks up one of those particular books.

We are library employees, not book police. Books are such a wonderful way to explore and learn and escape to places outside of ourselves. If parents want to restrict what their children read and look at, that is fine. Again, placing that responsibility on libraries and other public places is unmanageable and would be nearly impossible to prosecute.

I will end by echoing a Minot library board member who wrote that people who ban books have never been the "good guys" in history. Please don't be the "bad guys" here: vote DO NOT PASS on SB2123. Thank you.

Dear Chairman and Senate Judiciary committee,

My name is Kristin Mestan from Regent, North Dakota. I support this bill and would like you to vote DO PASS. The reason I think this bill needs to pass is because our children deserve to be protected. There is material currently available to them with graphic explicit pictures that are not educational, as some may argue. It is pornography and we need to protect our children from this evil. Thank you for your time.

Sincerely,

Kristin Mestan

January 22, 2023

Greetings:

I write in opposition to SB 2123.

- North Dakota's library and education professionals continuously make decisions about which books and materials to make available to students and to the public. Selection is not the same as censorship. As noted by the National Council of Teachers of English and International Reading Association, "Whereas the goal of censorship is to remove, eliminate or bar particular materials and methods, the goal of professional guidelines is to provide criteria for selection of materials and methods."
- Creating a censorship law (as SB 2123 would do) starts us down a very slippery slope. It is impossible to strictly define what is objectionable---that is a matter of personal opinion. If this bills passes, with its vague definition of what is to be censored (materials that are offensive to some), what is to stop the next person or group from promoting additional censorship bills regarding matters that are offensive to them? Do not take the dangerous action of setting censorship precedent with this bill.
- This bill extends the reach of government far beyond our values of limited government. Please respect the U.S. Constitution and the Bill of Rights.
- Do not dishonor our proud state by criminalizing the work of librarians. If citizens object to library material, they absolutely have the right to express their views. We should NOT, however, go anywhere near legislating censorship.

Thank you.

Mona Tedford Rindy

14129 1st St NE
Portland, ND 58274
monatedford@gmail.com

Please do not pass this censorship bill that would cause unnecessary logistics for librarians.

Melissa Lloyd
Assistant Director
Valley City Barnes County Public Library
assistantdirector@vcbclibrary.org
410 Central AVE N
Valley City, ND 58072
vcbclibrary.org

January 22nd, 2023
Senator Diane Larson, Chair
Senate House Judiciary Committee

Dear Committee Chair and Members of the ND Senate House Judiciary Committee:
My name is Melissa Lloyd. I am the Assistant Director at the Valley City Barnes County Public Library. I am writing to you to express my opposition to SB 2123. I am concerned that this bill would make it impossible for public libraries and other educational entities function, as well as be detrimental to many retail establishments.

The very pillar of a Public Library's foundation is equitable access of information to everyone regardless of race, religion, sexual identity, or socioeconomic status. As a Public Librarian I respect and support a person's freedom to choose what they read. When a government begins to restrict access and/or ban books you start to question the democracy of that government and the freedoms guaranteed by the United States Constitution. I ask you to consider these points:

1. The romance genre is a billion-dollar industry and contains many "written descriptions of nude or partially denuded human figures presented in a manner to exploit sex" that might be considered objectionable to many. For example, A gentleman came in the library to complain about the "filth" he read in an inspirational romance, the two main characters, had "kissed and held each other in a tender embrace". The gentleman thought this was too explicit. According to the bill, the library would have to remove the book. If it did not the librarian would be charged with a misdemeanor.
2. This bill would create fear for librarians. It is wrong to persecute people who have done nothing wrong. It is a librarian's job to provide access to information. Librarians don't force anyone to read books with "sexually explicit" material. If someone were to request a book deemed "sexually explicit", the librarian would have to deny the request for fear of persecution. Hindering the rights of the individual to access information.
3. It also sets up restrictions to access to Graphic Novels. Graphic Novels have been a valuable tool to people with reading disabilities to achieve greater understanding of literature. This bill would eliminate access for these individuals. Examples of Graphic Novel literature which feature images described in the bill include: The Holy Bible, Shakespeare's Hamlet and Romeo and Juliet and Homer's The Odyssey.

4. The purpose of this bill would be to punish people whose tax dollars are used so they don't have to purchase these materials from accessing information, and persecute the libraries and librarians who provide access to the information. This bill is so broad that not only will it be detrimental to libraries, but it would also hurt other educational institutions as well as retail stores. A museum or art gallery would not be able to display anything relating to Greek or Roman History or Art. Pictures of the Sistine Chapel would not be able to be shown. Magazines like Sports Illustrated, Men's Health, and Rolling Stone would not be allowed at retail stores because they feature partially nude males and females on the cover.

I understand the purpose of the bill is to protect children from seeing pornographic images, but kids have access to the internet. If they wish to find these things, they will. This bill will only take away people's first amendment right to read what they wish and explore the world of art and literature. Whether you support the book or not, whether you agree with it or not. Libraries don't ban books, because governments who do are never painted as heroes.

Thank you for the opportunity to share my story.

Sincerely,

Melissa Lloyd

Assistant Director

Valley City Barnes County Public Library

assistantdirector@vcbclibrary.org

410 Central AVE N

Valley City, ND 58072

vcbclibrary.org

My name is Randi Monley, and I am the Children's Librarian at the Minot Public Library in Minot, North Dakota. I have worked in the Minot Public Library for 10 years with the past 7 years being devoted to children's services. I also hold a Bachelors of Arts degree in Literature, and I have my own children to raise. I strongly oppose SB 2123.

First, the entirety of the library would be an "**establishment frequented by minors, or where minors are or may be invited as a part of the general public.**" The children's library is not the only place the children are found in the library. At the Minot Public Library, children ages 8 and under must be accompanied by an adult, which means that the children are often in the adult library with their caregiver to find materials appropriate for those over the age of 18. SB 2123 not only affects libraries but also local businesses. If the general population does not have access to materials that they are looking for, more money would be spent through online retailers, such as Amazon. This would negatively impact the financial soundness of North Dakota.

Second, SB 2123 does not have a caveat for works of art or scientific/biology/sex education books. It is very disturbing to me that the population of North Dakota would be shielded from valuable works of art including Michelangelo's works in the Sistine Chapel.

Another part of SB 2123 that is alarming is "**the exposed cover or available content.**" Therefore, it is not just the covers themselves, but the content of each book or periodical that comes into question. Classic works of literature would be discarded under this wording; including "The Odyssey" by Homer and "The Awakening" by Kate Chopin. With a Bachelors in Arts degree in Literature, I am appalled that these works and others would be unavailable to me or my children at the public library.

Another problem with SB 2123 is the vagueness of the statement "**exploit sex, lust, or perversion.**" What does "exploit" mean in this context? Who will answer the question "what is perversion?" The meaning of these words are different based on the individual consuming the material. It is the individual's personal freedom to read and consume whatever they choose. The library has options for all individuals without judgment.

Last, the government nor the library have been called to serve in loco parentis. The library maintains access for all patrons and families to make their own decisions on what is correct for their children. As a Children's Librarian, I feel it is the duty of the caregiver to be a part of their child's reading and viewing experience. As a parent, I am happy to have my children come to me with materials they want to check out, so that I can read, understand, question, and foster conversation with them. Therefore, I do agree that material should be accessible to all ages. It is my right as a parent to my children to have control over what they experience. It is not the right of North Dakota or any government to usurp my judgment regarding my children.

To: Senate Judiciary Committee

From: Anne Willetts, Grand Forks

Re: SB 2123

Please choose "Do No Pass" on SB 2123. I firmly oppose this bill and do not condone censorship on any level. Thank you.

Respectfully,

Anne Willetts
Grand Forks, ND

My name is Montana Ackman, I have been a proud citizen of North Dakota for all of my adult life, and I am writing to you today to urge you to **VOTE 'NO' on Senate Bill No. 2123**. This bill, if enacted, would be incredibly harmful to the God-given and US Constitutionally protected rights of the citizens of North Dakota to raise and parent their children and opens the Senate up to a variety of negative legal actions for its violation of the 1st Amendment as it relates to intellectual freedom and Freedom to View.

In a free society, it is the right and responsibility of its **citizens** not its **governing body** to use their good judgement in deciding what they deem to be acceptable content to consume.

As this Bill relates specifically to minors and the places that they frequent, I would remind this Assembly that it is the job of a parent/legal guardian to filter content for their wards until the minors are of an age where they can be taught to monitor and filter the content that they choose to consume for themselves.

Additionally, with the exception of establishments that cater specifically to adults over the age of 21, there is no feasible place wherein minors would not be found. The way this bill has been written any doctor's office, dentist, motor vehicle repair shop, or other business institution that would have or display items such as *1984* by George Orwell, *People Magazine*, the Bible, books on puberty, books on marriage, or even something as mundane as the *New York Times* could be found to be in violation of this bill and subject to a class B misdemeanor.

Can you see how this approach is wrong and places responsibility for a minor's safety into the wrong hands?

Until a minor is of the majority and can make decisions for themselves, it should not be legislators and strangers who are charged with the protection of a child's innocence and (though I am loath to put it this way) maintaining their purity of thought. It should be the job of the parents and guardians who are entrusted with that minor's care to protect their innocence and educate them of the morals and values that lead to good judgement

I was raised by parents who adhere to a strict moral code, my parents took the time to educate me on the morals and values that they wanted me to internalize within myself and apply to my life. To this day, I use the good judgement that they taught me to have whenever I am evaluating media and information.

As for the legal action that this assembly is opening itself up to, I have attached the Merriam Webster Dictionary definition of **intellectual freedom** as well as **an applied interpretation of the 1st Amendment** titled the Freedom to View Statement.

In light of this information, I would again urge you to **VOTE 'NO'** on Senate Bill No. 2123 as this bill goes against the freedoms protected in the 1st Amendment and places the responsibility for the protection of minors in the hands of strangers and legislators rather than in the hands that can properly protect them – those of parents and guardians.

I appreciate your time and consideration of this!

Respectfully,

Montana Ackman

The Freedom to Read Statement

The freedom to read is essential to our democracy. It is continuously under attack. Private groups and public authorities in various parts of the country are working to remove or limit access to reading materials, to censor content in schools, to label "controversial" views, to distribute lists of "objectionable" books or authors, and to purge libraries. These actions apparently rise from a view that our national tradition of free expression is no longer valid; that censorship and suppression are needed to counter threats to safety or national security, as well as to avoid the subversion of politics and the corruption of morals. We, as individuals devoted to reading and as librarians and publishers responsible for disseminating ideas, wish to assert the public interest in the preservation of the freedom to read.

Most attempts at suppression rest on a denial of the fundamental premise of democracy: that the ordinary individual, by exercising critical judgment, will select the good and reject the bad. We trust Americans to recognize propaganda and misinformation, and to make their own decisions about what they read and believe. We do not believe they are prepared to sacrifice their heritage of a free press in order to be "protected" against what others think may be bad for them. We believe they still favor free enterprise in ideas and expression.

These efforts at suppression are related to a larger pattern of pressures being brought against education, the press, art and images, films, broadcast media, and the Internet. The problem is not only one of actual censorship. The shadow of fear cast by these pressures leads, we suspect, to an even larger voluntary curtailment of expression by those who seek to avoid controversy or unwelcome scrutiny by government officials.

Such pressure toward conformity is perhaps natural to a time of accelerated change. And yet suppression is never more dangerous than in such a time of social tension. Freedom has given the United States the elasticity to endure strain. Freedom keeps open the path of novel and creative solutions, and enables change to come by choice. Every silencing of a heresy, every enforcement of an orthodoxy, diminishes the toughness and resilience of our society and leaves it the less able to deal with controversy and difference.

Now as always in our history, reading is among our greatest freedoms. The freedom to read and write is almost the only means for making generally available ideas or manners of expression that can initially command only a small audience. The written word is the natural medium for the new idea and the untried voice from which come the original contributions to social growth. It is essential to the extended discussion that serious thought requires, and to the accumulation of knowledge and ideas into organized collections.

We believe that free communication is essential to the preservation of a free society and a creative culture. We believe that these pressures toward conformity present the danger of limiting the range and variety of inquiry and expression on which our democracy and our culture depend. We believe that every American community must jealously guard the freedom to publish and to circulate, in order to preserve its own freedom to read. We believe that publishers and librarians have a profound responsibility to give validity to that freedom to read by making it possible for the readers to choose freely from a variety of offerings.

The freedom to read is guaranteed by the Constitution. Those with faith in free people will stand firm on

these constitutional guarantees of essential rights and will exercise the responsibilities that accompany these rights.

We therefore affirm these propositions:

1. *It is in the public interest for publishers and librarians to make available the widest diversity of views and expressions, including those that are unorthodox, unpopular, or considered dangerous by the majority.*

Creative thought is by definition new, and what is new is different. The bearer of every new thought is a rebel until that idea is refined and tested. Totalitarian systems attempt to maintain themselves in power by the ruthless suppression of any concept that challenges the established orthodoxy. The power of a democratic system to adapt to change is vastly strengthened by the freedom of its citizens to choose widely from among conflicting opinions offered freely to them. To stifle every nonconformist idea at birth would mark the end of the democratic process. Furthermore, only through the constant activity of weighing and selecting can the democratic mind attain the strength demanded by times like these. We need to know not only what we believe but why we believe it.

2. *Publishers, librarians, and booksellers do not need to endorse every idea or presentation they make available. It would conflict with the public interest for them to establish their own political, moral, or aesthetic views as a standard for determining what should be published or circulated.*

Publishers and librarians serve the educational process by helping to make available knowledge and ideas required for the growth of the mind and the increase of learning. They do not foster education by imposing as mentors the patterns of their own thought. The people should have the freedom to read and consider a broader range of ideas than those that may be held by any single librarian or publisher or government or church. It is wrong that what one can read should be confined to what another thinks proper.

3. *It is contrary to the public interest for publishers or librarians to bar access to writings on the basis of the personal history or political affiliations of the author.*

No art or literature can flourish if it is to be measured by the political views or private lives of its creators. No society of free people can flourish that draws up lists of writers to whom it will not listen, whatever they may have to say.

4. *There is no place in our society for efforts to coerce the taste of others, to confine adults to the reading matter deemed suitable for adolescents, or to inhibit the efforts of writers to achieve artistic expression.*

To some, much of modern expression is shocking. But is not much of life itself shocking? We cut off literature at the source if we prevent writers from dealing with the stuff of life. Parents and teachers have a responsibility to prepare the young to meet the diversity of experiences in life to which they will be exposed, as they have a responsibility to help them learn to think critically for themselves. These are affirmative responsibilities, not to be discharged simply by preventing them from reading works for which they are not yet prepared. In these matters values differ, and values cannot be legislated; nor can machinery be devised that will suit the demands of one

group without limiting the freedom of others.

5. *It is not in the public interest to force a reader to accept the prejudgment of a label characterizing any expression or its author as subversive or dangerous.*

The ideal of labeling presupposes the existence of individuals or groups with wisdom to determine by authority what is good or bad for others. It presupposes that individuals must be directed in making up their minds about the ideas they examine. But Americans do not need others to do their thinking for them.

6. *It is the responsibility of publishers and librarians, as guardians of the people's freedom to read, to contest encroachments upon that freedom by individuals or groups seeking to impose their own standards or tastes upon the community at large; and by the government whenever it seeks to reduce or deny public access to public information.*

It is inevitable in the give and take of the democratic process that the political, the moral, or the aesthetic concepts of an individual or group will occasionally collide with those of another individual or group. In a free society individuals are free to determine for themselves what they wish to read, and each group is free to determine what it will recommend to its freely associated members. But no group has the right to take the law into its own hands, and to impose its own concept of politics or morality upon other members of a democratic society. Freedom is no freedom if it is accorded only to the accepted and the inoffensive. Further, democratic societies are more safe, free, and creative when the free flow of public information is not restricted by governmental prerogative or self-censorship.

7. *It is the responsibility of publishers and librarians to give full meaning to the freedom to read by providing books that enrich the quality and diversity of thought and expression. By the exercise of this affirmative responsibility, they can demonstrate that the answer to a "bad" book is a good one, the answer to a "bad" idea is a good one.*

The freedom to read is of little consequence when the reader cannot obtain matter fit for that reader's purpose. What is needed is not only the absence of restraint, but the positive provision of opportunity for the people to read the best that has been thought and said. Books are the major channel by which the intellectual inheritance is handed down, and the principal means of its testing and growth. The defense of the freedom to read requires of all publishers and librarians the utmost of their faculties, and deserves of all Americans the fullest of their support.

We state these propositions neither lightly nor as easy generalizations. We here stake out a lofty claim for the value of the written word. We do so because we believe that it is possessed of enormous variety and usefulness, worthy of cherishing and keeping free. We realize that the application of these propositions may mean the dissemination of ideas and manners of expression that are repugnant to many persons. We do not state these propositions in the comfortable belief that what people read is unimportant. We believe rather that what people read is deeply important; that ideas can be dangerous; but that the suppression of ideas is fatal to a democratic society. Freedom itself is a dangerous way of life, but it is ours.

This statement was originally issued in May of 1953 by the Westchester Conference of the American Library Association and the American Book Publishers Council, which in 1970 consolidated with the American Educational Publishers Institute to become the Association of American Publishers.

Adopted June 25, 1953, by the ALA Council and the AAP Freedom to Read Committee; amended January 28, 1972; January 16, 1991; July 12, 2000; June 30, 2004.

A Joint Statement by:

American Library Association (/)

Association of American Publishers (<http://www.publishers.org/>)

Subsequently endorsed by:

American Booksellers for Free Expression (<http://www.bookweb.org/abfe>)

The Association of American University Presses (<http://www.aaupnet.org/>)

The Children's Book Council (<http://www.cbcbooks.org/>)


Freedom to Read Foundation (<http://www.ftrf.org>)

National Association of College Stores (<http://www.nacs.org/>)

National Coalition Against Censorship (<http://www.ncac.org/>)

National Council of Teachers of English (<http://www.ncte.org/>)

The Thomas Jefferson Center for the Protection of Free Expression

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intellectual freedom

idiom

: freedom that allows people to think about or study what they want
the library's commitment to *intellectual freedom*

Dictionary Entries Near *intellectual freedom*

[intellectual disability](#)

intellectual freedom

[intellectual history](#)

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Style

MLA 

“Intellectual freedom.” *Merriam-Webster.com Dictionary*, Merriam-Webster, <https://www.merriam-webster.com/dictionary/intellectual%20freedom>. Accessed 16 Jan. 2023.

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Freedom to View Statement

The **FREEDOM TO VIEW**, along with the freedom to speak, to hear, and to read, is protected by the First Amendment to the Constitution of the United States. In a free society, there is no place for censorship of any medium of expression. Therefore these principles are affirmed:

1. To provide the broadest access to film, video, and other audiovisual materials because they are a means for the communication of ideas. Liberty of circulation is essential to insure the constitutional guarantee of freedom of expression.
2. To protect the confidentiality of all individuals and institutions using film, video, and other audiovisual materials.
3. To provide film, video, and other audiovisual materials which represent a diversity of views and expression. Selection of a work does not constitute or imply agreement with or approval of the content.
4. To provide a diversity of viewpoints without the constraint of labeling or prejudging film, video, or other audiovisual materials on the basis of the moral, religious, or political beliefs of the producer or filmmaker or on the basis of controversial content.
5. To contest vigorously, by all lawful means, every encroachment upon the public's freedom to view.

This statement was originally drafted by the Freedom to View Committee of the American Film and Video Association (formerly the Educational Film Library Association) and was adopted by the AFVA Board of Directors in February 1979. This statement was updated and approved by the AFVA Board of Directors in 1989.

Endorsed January 10, 1990, by the ALA Council

(/offices/oif)

As a mother to a 7-year-old boy and an employee of my city library; I am wondering why now is our State Republican elected officials so interested in taking away the citizens of this states First Amendment Rights? It should always be the job of the parent/guardian not the job of the State. With these type of poorly written laws it feels like we as a state are moving backwards instead of forwards and making the people feel less free, with an already underfunded system how is legislation going to fund such a bill?



1 SB 2123

2 Testimony in Opposition

3 Chairperson Larson and members of the Judiciary Committee. For
4 the record my name is Kevin Hoherz, I am representing the North
5 Dakota Council of Educational Leaders representing school leaders
6 across North Dakota. I come to you in opposition to SB 2123.

7 Our opposition is from the standpoint of our position of the
8 vagueness of the proposed changes, especially the removal of the
9 language that protects schools and educators from criminal
10 charges. The definitions outlined in SB 2123 will conflict with
11 Health Content Standards that have been adopted by the ND
12 Department Public Instruction in conjunction with health teachers
13 from across the state. Some of the health standards that have been
14 adopted included subject standards on human anatomical
15 structure of the reproductive system, the process of conception,
16 prenatal development, birth, differences between genders, and
17 functions of the reproductive system. Also, the Family and



1 Consumer Science class, Child Development has topics that analysis
2 of human growth and development across the human life span.

3 With the current trend in education moving getting student
4 workplace experience. Students need to be prepared for these
5 opportunities. We have student working in various fields needing
6 medical areas. Students entering the medical field need the
7 background and understanding of the human body. Our future
8 doctors, nurses, certified nursing assistants need to be exposed and
9 learn about the human body.

10 SB 2123 will cause hardships for our schools by removing language
11 that protects schools and their curriculum standards that have been
12 adopted by the NDDPI.

To the attention of Chairman Diane Larson and members of the Judiciary Committee,

My name is Rory Gabel from Valley City, father of 5, and grandfather of 4. I am writing to you in support of SENATE BILL NO. 2123 relating to displaying objectionable materials or performance to minors; and to provide a penalty.

I have been an active user of the Valley City/Barnes County Public Library for over 55 years. My children also frequented the library with my oldest daughter reading nearly every book in the Children's part of the library located in the downstairs part of the library. At the age of 10 or 11 she wanted more, so at the suggestion of the librarian she was encouraged to use the upstairs part of the library (Adult) with no restrictions, she could check out any book and peruse any and all books.

At that time books like "Let's Talk About It" were not in the library and the past Library Director Mary Fisher would not have allowed that filth in our library.

On the other side, those that are in favor of no restrictions on the books that are placed in the library, call it book burning if a certain book is not allowed. That is a ridiculous stance to take. They say if you can find it on the internet then it should be allowed in the libraries.

Information/books on bomb-making are on the internet, should those be on our shelves?

Please Support SENATE BILL NO. 2123

Thank you,

Rory Gabel-Valley City ND

01/22/2023

My name is Susan Draper and I reside in District 1, of Williston, ND I am asking that you please render a DO PASS on Senate Bill 2123.

This law already exists in the State of North Dakota, Senate Bill 2123 is merely adjusting the language used to protect minors, and people under the age of 18 years of age, from sexually explicit material. As North Dakota Century Code 12.1-27.1 Obscenity Control stands today, it is illegal to willfully display objectionable materials to minors in all places of public except a bona fide school, college, university, museum, public library, or art gallery. Why are public schools excluded from this? Where are my parental rights when my child is being exposed to this type of material? We have trusted the school districts and government officials to make sure our kids are not exposed to this type of material. Students have restrictions on everything in the school but their reading material. When have you ever said the movie was better than a book? Did you know that there currently is not a rating on books, like there is for movies? Parents are the ones that rate movies for the movie industry, and this should be a movement that we as a state and country do in the future.

There is a book excerpt in your pile of testimonies that couldn't even be made into a movie because it would be considered promoting child porn. Take this into consideration as you read and listen to these testimonies.

Children who learn health and human biology will not be subdued to learning loss because basic human academics do not include material that is "presented in a manner to exploit sex, lust or perversion".

Thank you for your consideration of this important matter and for your service to the state of North Dakota.

Susan Draper

Opposition to SB2123

Senate Judiciary Committee:

I'm opposed to to SB2123 for a multitude of reasons. I'll outline them briefly and give examples as to why the current 12.1-27.1-03.1 of the North Dakota Century Code should stay as is and is serving the purpose it is intended to well.

1. Change: Removing "is principally made up of" to "contains" depictions or written descriptions of nude or partially denuded human figures posed or presented in a manner to exploit sex, lust, or perversion ~~for commercial gain.~~

This language is broad and undefinable as what is perversion to one is not perversion to another. Depending on your culture, upbringing, and religious beliefs this is opinion and would violate freedom of speech and religion (and from religion) as seen in the next example.

Changing the language to "contains" any of the above would remove thousands of books in the library including the Bible.

Genesis 19:35 : So that night they got him drunk with wine again, and the younger daughter went in and had intercourse with him. As before, he was unaware of her lying down or getting up again.

Genesis 38:8-9 : Then Judah said to Onan, "Sleep with your brother's wife and fulfill your duty to her as a brother-in-law to raise up offspring for your brother." But Onan knew that the child would not be his; so whenever he slept with his brother's wife, he spilled his semen on the ground to keep from providing offspring for his brother.

Those are two examples that are presented in a manner that is exploiting lust and perversion in the Bible. All materials that make reference to any of the above, and many more examples, would have to be removed as well.

2. Change: ~~"The above shall not be construed to include a bona fide school, college, university, museum, public library, or art gallery."~~ The above being stricken from the document along with Change 1 now means that any material about anatomy, sexual health, sex education, romance novel, partially nude sculptures, etc. would be banned. The above change would remove educational and historical materials used without issue since their creation. Sculptures such as Michelangelo's "David" or any material containing it would become a violation of this law.

In line with the above a library, university, museum, art gallery, etc. could not teach about, contain or display artwork with nude or partially nude figures. Everyone has the same freedoms, we all have the freedom to not view, read, attend, or listen to materials we object to. Parents have the right to prevent their children from attending events or reading books they object to. None of the above material is being forced on anyone, but SB2123 requires removing freedom of speech and expression for everyone.

Thank You,
Brian Kopp
Dickinson ND

January 22, 2023
Senate Judiciary Committee
In Opposition of SB2123

I am writing to express my opposition to SB2123. The passing of this bill will squash freedoms of all people by removing free access to information, opportunities to study subjects of cultural importance, and eliminate entertainment from the shelves of libraries, the stages of theaters, and the walls of galleries.

Those who wish not to participate in certain subjects are not forced to. That is a freedom. Please don't restrict my freedom. Do Not Pass SB2123

Sincerely,
Renee Newton
Dickinson ND

Written Testimony from Board Members for the Friends of the West Fargo Public Library
Contact: friendsofthewfpl@gmail.com
In opposition of SB2123
January 22, 2023

Dear Senate Judiciary Committee,

We are Board Members for the Friends of the West Fargo Public Library. Our purpose is to promote the functions, resources, services and needs of the West Fargo Public Library. Our organization assists the library overall, as well as library staff and library board members. We also help to raise funding for library programming and outreach to the community of West Fargo.

We are writing to communicate our opposition to SB2123, which criminalizes the display of objectionable materials. These include things like magazines, pamphlets, and written descriptions. This bill is based on an individual's own feelings and opinions about what is objectionable material. This could be anything, including National Geographic Magazine or even the Bible. And, as it interferes with individual freedoms guaranteed by the United States Constitution, it follows that this bill is unconstitutional.

Logistically, this bill is also a nightmare for libraries and library staff across North Dakota. A librarian can go to jail and face a fine based on someone's personal opinion which is entirely subjective. Librarians are educated in curating and maintaining a collection of materials that meet the needs of all individuals. This bill would prevent them from doing their job as well as prevent individuals from obtaining the resources they need.

Senate Judiciary Committee, we urge you to vote 'do not pass' on SB2123. As Board Members for the Friends of the West Fargo Library we strongly oppose SB2123. Thank you for your time and consideration.

Sincerely,

Board Members for the Friends of the West Fargo Public Library
Donelle Richmond, Treasurer
Sara Westall, Secretary

Senator Diane Larson, Chair
Senate House Judiciary Committee

Dear Senator Larson:

For the record, my name is Mariah Ralston Deragon. I was born and raised in North Dakota and I oppose Senate Bill No. 2123.

SB No. 2123 is a direct threat to intellectual freedom in North Dakota, and would have immediate catastrophic effects on the patrons and library workforce of our state.

This legislation would unfairly incriminate library workers. Not only that, it would also censor library materials based on an invisible morality line that is drawn in the sand by the government of North Dakota, and by those who are aggressively challenging library materials that don't align with their personal, political, and religious agendas.

This line, once drawn, would violate the First Amendment rights of all North Dakotans seeking library materials. The materials in library collections must continue to be left to the discretion of professional librarians in the State of North Dakota. These librarians put countless hours into ensuring their collections are nonpartisan and representative of all their citizens. They also make sure that objectively sexually explicit materials are housed in appropriate locations in the library, if they are in the collections at all.

Regardless, it is not a librarian's job, nor the government's job, to judge the morality of library materials.

Please choose "DO NOT PASS" on SB No. 2123.

Sincerely,
Mariah Ralston Deragon
Bismarck, ND

January 22, 2023

Rebecca Needham

Resident of Dickinson, ND

I strongly urge you to vote, “do not pass” on SB 2123. If this bill passes, not only will it be a form of censorship in schools, colleges, libraries, art galleries, museums, theaters, and businesses, it will criminalize the teachers, librarians, artists, and business owners who support the right of all people to choose for themselves, what they see, read and hear.

This bill goes against my beliefs and I do not want you to pass SB 2123.

I am writing in opposition of SB 2205. I am a librarian and parent in Fargo. I strongly support the freedom to read and the ability for all library patrons to find books suitable to their needs. This bill is an example of state censorship and would criminalize librarians for doing their jobs.

There are many different beliefs about what is appropriate for children and when. I believe the person best suited to choose what is appropriate for a child is not the government but their parent or guardian. Parents and guardians know the most about their children's emotional development and maturity and know what is best for their child.

Although the intent of this bill may have been to protect children, it would affect all patrons served by public libraries in our state. Removing any book with "a written description of nude or partially denuded figures" would impact many popular books intended for adults. The language is extremely broad and would be difficult or impossible to uphold.

As librarians, we understand there are many viewpoints held by the public we serve. We spend a considerable amount of time developing our expertise, through education and professional development. This allows us to select a broad swath of materials that fit different viewpoints which library patrons can then choose to read if it is appropriate for them. It is this freedom to choose that has been central to American libraries since their inception. It forms an important part of ensuring we have an informed electorate as the foundation of our democracy.

Jenilee Kanenwisher

Dear Chairman and Senate Judiciary Committee,

My name is Kristy, and my family and I reside in Dickinson. I am reaching out to you today in support of SB2123. I am in favor of this bill because of the penalty it provides to those who intentionally share objectionable acts or materials with minors.

It has been brought to the attention of our community of some of the new “educational” materials being used in public institutions. Sadly, these materials are highly pornographic. Many studies have linked a minor’s porn usage to higher instances of depression, anxiety, sexual aggression, predatory behaviors, sexual dysfunction, and other mental health issues.

Pornography is incredibly harmful! Please vote DO PASS on SB2123! Let’s seek to protect our children from porn’s destructive snare.

Thank you,

My name is Jeff Bast, and I live in Dickinson, ND

I am writing to you today in favor of SB2123. Please consider the bill be amended to include all tax-funded educational systems in North Dakota. All of our schools and libraries should be held to the same standard set by ND Century Code as the citizens of this state. Please keep our libraries and schools a safe place for learning.

Thank you for your time,
Jeff Bast

PLEASE PASS SB2123

North Dakota has protected libraries and schools from prosecution for way too long. Anyone that is giving pornography and obscene materials to minors should be open to prosecution to the fullest extent of the law. NOBODY should have protection from being charged when they are contributing to the indecency of minors. The stuff in the library is messing with kids minds intentionally confusing them and we protect that? Why would you protect such a perverted thing? A state is judged on how well it treats its most vulnerable. How well they protect them. Are we protecting our kids? No, we aren't. Are we helping them become the best they can be? No we aren't. We are allowing the ALA to do whatever they please with them. They rate obscene books as something fit for an 8 year old when other independent rating systems rate the same book not for minors. And you call that okay? It's not. They are perverting kids on purpose. Or trying to at least. It's time for the legislators of North Dakota to boldly stand up for the freedom of our kids. That doesn't mean freedom to read like the perverted ALA says. That means the freedom for a kid to be a kid without getting sex and gender shoved down their throats in the school or library. Let them be kids! Stop this madness! Pass this bill and make the schools and libraries accountable for what they're doing to our kids.

PLEASE PASS SB2123

North Dakota needs to place children's safety and innocence above those voices that seek to protect sexualizing them by calling it freedom to read or intellectual freedom. It's neither of these. You know and I know it. It's time we stop letting these people pretend they care about the safety of children and do the right thing and make peddling pornography and obscenity a prosecutable offense as it should be. Value our kids enough to do the right thing.

I am in favor of fighting for our kids to stop seeing porn and obscenity in our public libraries and schools.

IN FAVOR OF SB2123

PLEASE SUPPORT THIS BILL. THE KIDS DESERVE TO BE
PROTECTED FROM OBSCENITY AND PORNOGRAPHY IN PUBLIC
SCHOOLS AND LIBRARIES. THANK YOU

Mr chairman and Committee Members.

My name is Melissa Sitton a Resident of Stark County

Please pass the bill being presented on behalf of our children. We need our children's innocence protected. I never dreamed we would have to seek laws like this, cause it should be common sense. However, with this dumbing down of the population, it seems many don't know, that sexualizing our children is unacceptable. We need Moral and Integrity back into the State of North Dakota. Recently, I spoke publicly on this issue, after a Public Library of Stark County found it appropriate for Children to read books teaching them sexting, teaching these children to put themselves in danger physically and emotionally. This also taught our Children Fisting and other sexual activities that can hurt them medically. Maybe you can tell me why it is necessary that a "ABC" Toddler Book finds is appropriate to teach "S" is for "Sex"? I'm tired of the argument that "children will hear this at school anyways". Children speak about things that they hear or read. Meaning no child is safe when our public institutions have bypass the parents and taught our children against our will. Yes, children can see things online. However, parents can chose to have parental controls. Some parents don't provide their children with phones, and those that do weight the risk, and make the choices on behalf of their children. This statement is an excuse and does not justify conditioning our children. It is not up for debate that a public institution whether it be a school or library, etc. Override me or any parent of their rights, on what a child learns. Parents don't need a dangerous groomer writing books to educate our children. It's the responsibility of parents to protect their children, even if it means we have to protect them from our our public and Government institutions. There is nothing more dangerous the a Mother Bear protecting their Cubs. Right now us parents are feeling very threatened that our children have predators manipulating the mind of our children to set them up to be victims.

PLEASE PASS SB2123

We need decency for our kids. The library is not a place for indecency!

Mr chairman and Committee Members:

My name is Charles Sitton a Resident of Belfield ND

Please pass Bill SB 2123 on behalf of our children. We need our children's innocence protected. I don't care what anyone does in their bedrooms, but we must care that our children aren't forced to care about or accept anyone's sexual preferences so early in life. These are babies and we cannot be satisfied with sexualizing their thoughts and confusing reality in such innocent minds. This situation, and your voting base, demand that you give this matter all the attention and consideration you can muster up for the next generation in this great republic.

Thank you for your time

Charles Sitton

PLEASE PASS SB2123

Please remove all obscenity or pornography from our local libraries and schools...This is a place that should be safe and honored for our children to go....It does not belong in ND libraries...

January 22, 2023

To Whom It May Concern:

Due to the likelihood of administrative retaliation including the loss of my career, I must state that I am testifying on behalf of myself, not as a teacher in Williston Basin School District #7.

I did not obtain a second bachelor's degree (elementary education) to be coerced by a school district into being complicit with the distribution of pornographic material to children.

Currently in my community's school district there are several books being challenged over obscene content (23 currently, before the board disallowed any further challenges). I have read a few of these books and am appalled at the content. One such book I read is *Looking for Alaska* by John Green. This book was flagged by parents in the community for mature content. For some background, this book is found in the Middle School (making it accessible to 12-14 year old students). This book features language such as God/Christ, ass, asshole, shit, dick, damn, goddamn, bastard, piss, bitch, and fuck and its colorful derivatives (more than 30+ times). If that weren't enough, the book also features a graphic oral sex scene. This language and content is not even close to appropriate for the committee it is being read in, but remains even more so inappropriate for a 12 year old child to be reading.

As the century code currently reads, a graphic item such as a playboy magazine would need to be wrapped in plastic so that a minor could not see the inappropriate material, BUT if it was in a school library the playboy magazine would be perfectly fine. The exception for the schools was never meant to open the back door to sexually explicit and otherwise profane material, and SB 2123 would be the answer to the problem.

Schools should be an environment where children learn academic skills, NOT an institution where they are exposed to sexually explicit material. Teachers should be allowed to focus on academic content questions from students, not forced to address student questions pertaining to the sexually explicit content within the books provided by the school district libraries.

Thank you for consideration of my testimony,

A handwritten signature in black ink, appearing to read 'Brittney Kratochvil', written in a cursive style.

Brittney Kratochvil

Members of the North Dakota Senate Judiciary Committee,

My name is Erica Lierz and I reside in Williston, within District 23. Please consider this as my testimony. I'm a mother of 3 beautiful kids. Ages; 7,9, and 10. It is my belief that our youth are our most precious resource. The English dictionary defines a precious resource as being valuable, and that it shouldn't be wasted or used badly. It is imperative that we protect our youth from the gross maltreatment that is becoming the new normal. It is simple; subjecting kids to such vulgar materials will produce a future society that's lacking healthy morals and ethics. I ask that you please PASS senate bill 2123 to keep North Dakota's youth safe, innocent, and morally sound.

Thank you,

Erica Lierz

Testimony in opposition to SB 2123: (1/22/23)

My name is Traci Juhala. I currently hold the position of Head of Youth Services at the Bismarck Veterans Memorial Public Library and have been in this position since 2008. After reading the proposed amendments to NDCC 12.1-27.1-03.1 in SB 2123, I was extremely alarmed that were this bill to be passed and made law, not only would public libraries be required to censor materials, but librarians would potentially be held criminally accountable for not doing so.

Our library's mission is one I stand firmly behind: to collect, organize and provide open access to educational, informational, recreational, and cultural resources. My responsibility as a librarian is to make this happen with the financial resources I am allotted. I don't take this responsibility lightly, doing my best to make educated decisions about how we can spend our budget in the most wholistic way that serves the widest swath of our community, our whole community. Though materials intended for children and/or teens are placed in collections to make them readily available to those ages, there is no restriction on access. That is the nature and beauty of a public library; it is a microcosm of our broader world. We have patrons from across the political, religious, and philosophical spectrum using our public library. Children who grow up using a public library are introduced to a broad spectrum of ideas, so they, along with their parents, can learn to make decisions for themselves and become educated citizens who contribute to the greater good of our society. It is my job to collect, organize, and provide these resources according to our collection development policies, consulting community for input and using tools made available to professionals in my field. Restricting access to users based on arbitrary guidelines goes against the very nature of my job and my library's mission.

If this bill passes, it also appears that I would be subject to jail time for allowing a child to express his or her freedom to read if the material was deemed objectionable. This may be a well-intentioned attempt to keep kids safe. But there is nothing safe about taking away the freedom to choose, think, and learn. Passage of this bill could cause the people who help children learn to be forced out of their careers for fear of spending time in prison. That is a tragedy that must and can be avoided. There will always and should always be concern for children's welfare. But parents should be the decision-makers for what materials their children have access to. We have always encouraged and supported that paradigm in the library. The books we provide are for all people, from all walks of life. If patrons do not agree with concepts in a certain book, those patrons can choose not to check it out. It's that simple.

At Bismarck Veterans Memorial Public Library we have 43,611 items in our children's collection and 5401 items in our teen collection. Based on these amendments in SB 2123, in addition to limiting the resources available by making arbitrary decisions about what is acceptable for patrons, librarians would be expected to monitor the contents of every title in the collection and the age of every patron visiting the library. We have more than 172,000 patrons visiting the library every year, so this would simply not be feasible. This would simply not be right. Censorship, even well-intentioned, is still censorship. I urge a Do Not Pass for SB 2123.

Members of the Senate Judiciary Committee,

My name is Kimberly Hurst and I reside in District 1. I am asking that you please render a do pass on Senate Bill 2123. First, I would like to highlight the details I support within this bill. North Dakota has already created obscenity control in century code with direct definitions on objectionable materials or performance and display to minors. Senate Bill 2123 is adjusting the language used to protect minors, persons under 18 years of age, from sexually explicit material. Under North Dakota Century Code 12.1-27.1 Obscenity Control as it stands today, it is illegal to willfully display objectionable materials to minors in all places of public *except* a bona fide school, college, university, museum, public library, or art gallery. This raises the question, why are these the exceptions? Especially for *children* in schools? In Senate Bill 2123 the definitions are clearly outlined; with material that contains depictions or written descriptions of nude or partially denuded human figures posed or presented in a manner to exploit sex, lust, or perversion. This does not define material that is in relation to educational research purposes. Children who learn health and human biology will not be subdued to learning loss because basic human health academics do not include material that is "*presented in a manner to exploit sex, lust, or perversion*". Therefore, the adjusted language in this bill does not bear weight on academic learning loss.

Lastly in my support for this bill, I would like to mention the role it plays in safeguarding parental rights. With the way century code is written today, I do not have the parental rights to protect my children from obscene material while they are

in school. Books with unsuitable content are currently within reach of their hands in their school libraries leaving me no ability to step in, exercise my parental rights and protect them from being exposed to inappropriate material. I am asking this committee today to safeguard our parental rights and protect our children. I urge you to support the passing of Senate Bill 2123. Thank you for your consideration of this important matter and for your service to the state of North Dakota.

Kimberly Hurst

Dear Committee Members,

My name is Jadon, and I live in Dickinson, ND. Please accept my written testimony in favor of SB2123. Please consider voting in favor of this bill. Please also consider including all schools and libraries. After all, shouldn't they be expected to follow the same laws set for North Dakota's citizens put in place by our Century Code?

Thank you for your consideration,
Jadon

Dear Senators,

As a university librarian, I cannot imagine the stress that my peers in public and school libraries are currently enduring. As a parent of adult children, I cannot know the extent of pressures currently faced by parents guiding their younger children to adulthood. Tensions become high when the librarian's professionalism and commitment to the children seem under attack, yet the public may not understand why libraries operate as they do. In this session, it seems as though laws may be entirely changed because some books - within a collection of many different books - are making some individuals anxious. Instead of supporting community dialogue and sustained effort, SB2123 short-circuits this difficult work by changing the ND Century Code Chapter 12.1-27.1 Obscenity Control. These proposed changes are extreme and seemingly in conflict with the intent of the chapter as a whole. What is "obscene" is a fraught topic, yet the current version of the law allows for context (the places containing the material), balance (evaluation of the material "taken as a whole") and nature of the material (substantial nude imagery to be sold as a product) in controlling its impact on minors. I cannot understand why legislators would willfully take away these supports in navigating this important issue, especially when the goal of their work is to achieve fairness to a majority of their constituents.

Would the members of the judiciary committee want to be evaluated by a single comment or interaction or by their full legislative career? Assuming the answer is the latter, why would a librarian's role in building up their community's resources hinge upon a book or even a single passage within a book? It makes absolutely no sense nor does it reflect the freedoms of thought and expression that we are all entitled to enjoy.

Please do not let this bill proceed any further than this committee. If advanced, SB2123 would put the staff of libraries, museums and cultural institutions into an untenable position while sowing division among our community members. It would reflect poorly on our state and bring the current debate into the realm of litigation where losses are much harder to bear on all sides.

This testimony is submitted in my personal capacity as a ND resident and does not reflect the views of my employer. Thank you for your consideration,

Kristen Borysewicz, Larimore ND

Members of the Judiciary Senate Committee,

My name is Sharlet Mohr and I reside in District 23. I am asking that you please render a DO PASS on Senate Bill 2123.

Our children are the most innocent form of a human beings, and we don't need to force them to grow up any faster.

I urge you to support the passing of Senate Bill 2123.

Thank you for your consideration of this important matter and for your service to the state of North Dakota.

Sharlet Mohr

Karen Krenz

District 1 Williston, ND

Thank you, Madam Chair and Members of the Senate Education committee for letting me give my testimony. My name is Karen Krenz, I am chair of the Williams County chapter of Moms for Liberty. I am from District 1, in Williston and a mother of 3 boys. I am asking that you please render a DO PASS HB 2123. The changes that have been presented on this bill is adding written language to the content which exploits our children. This is very important to add into this bill because written language has such a big impact. When have we ever said, “the movie is better than the book”. Movies and video games have a formal rating system but book do not. Books provide more intimate detail than movies. We do not need to exploit our children to these obscenities and sexually explicit material.

Thank you for your consideration to this important matter and thank you for serving the state of North Dakota.

Hello my name is Ellie Redig a 17-year-old queer woman from Belfield North Dakota and I see a huge issue with the proposed bill today. First and foremost, I would like to say I am very passionate about this subject and what it entails so if I come across as rude that is not and will never be my intention and second, I am very knowledgeable on how to speak in a professional setting due to being in student congress and debating bills just like this one. I would first like to clarify the definition of a public library. According to Merriam Webster dictionary a public library is defined as a nonprofit library maintained for public use and usually supported in whole or in part by local taxes. The public library manifesto of 1994 goes on to state that a public library is a local center of information, making all kinds of knowledge and information readily available to all its users. The services of a public library are provided on the basis of equality of access for all, regardless of age, race, sex, religion, nationality, language or social status. Now that we have knowledge of what a library should entail I can now move onto my main points of discussion. Which will include the topic of gender dysphoria, the library bill of rights, and the childhood effects of being exposed to homosexuality.

Moving on, the topic of gender dysphoria was brought up many times throughout the articles I read regarding this topic and I wanted to bring this up because the facts I will use will prove that the books have nothing to do with gender dysphoria. I would again like to bring up the definition of a word this time being gender dysphoria. According to the Mayo Clinic gender dysphoria is the feeling of discomfort or distress that might occur in people whose gender identity differs from their sex assigned at birth or sex-related physical characteristics. Transgender and gender-diverse people might experience gender dysphoria at some point in their lives. However, some transgender and gender-diverse people feel at ease with their bodies, with or without medical intervention. The diagnosis was created to help people with gender dysphoria get access to necessary health care. According to an article by e medicine the prevalence of gender dysphoria is 0.005 to 0.0014 percent in males and 0.002 to 0.003 percent in females. According to an article from NHS the exact cause of gender dysphoria is unclear. Gender development is complex and there are still things that are not known or fully understood. Gender dysphoria is not related to sexual orientation. People with gender dysphoria may still have a different sexual orientation. I would like to bring up one more point on gender dysphoria according to the Heritage Foundation social media may have effect of the promotion of transsexual lifestyles. Therefore, it's not the books that are of concern it's other's views on the media. Banning or having books has no relevance with gender dysphoria.

The next topic of discussion I would like to bring up is the library bill of rights. The library bill of rights goes on to state that libraries should provide materials and information presenting all points of view on current and historical issues. Material should not be proscribed or removed because of partisan or doctrinal disapproval. To break this down it means that libraries should provide material of all viewpoints even if the viewpoints are not equally represented. No material should be removed because the public disagrees with the manner of the material. This statement from the library bill of rights can prove that we cannot go through with the banning of the books.

The final point of discussion is the childhood effects of being exposed to homosexuality. Many children that may feel different may try to suppress these feelings to meet societal expectations, to fit in or even to avoid upsetting their family. In some cases, children and teens might get overwhelmed by all these feelings, which can and will increase the risk for depression, anxiety and other mental health issues. Now that is clarified I would like to speak straight from my heart. The banning of LGBTQ would simply be detrimental to our youth and those who are going through the process of figuring out who they are. Speaking from experience I always knew I was different but I didn't understand how until I saw a same sex couple shown in a book or on social media. I've never felt more seen than knowing people like me are being shown and respected in a public setting. It absolutely breaks that children may only get to see families that are "normal" and may never get to see how their life is. These children may grow up with narrative that their family is wrong and not normal because they never see a depiction of their family.

In conclusion it is not the libraries job to ban material you don't want to see but it is their job to have material of all points of view. Thank you for your time, genuinely hope that I changed even one person's view on this topic.

Written Testimony

Senate Bill 2123

By Ruth Heley

January 23, 2023

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.

Olivia Data
Testimony on SB 2123
January 23, 2023

RE: Testimony in Opposition of SB 2123

Good morning, Chairwoman Larson and members of the committee. My name is Olivia Data, I am the Youth Action Council Coordinator for the North Dakota Women's Network, and I am writing to urge you to vote "Do Not Pass" on SB 2123.

The Youth Action Council is an organization that works to empower the youth of North Dakota and involve high school and college kids in civic engagement. Throughout all the projects we've done, one of our most important values has always been education. We believe that if we want a brighter future, young people must not only have access to education, but the encouragement to seek out answers to our questions and develop a love for learning.

Institutions such as museums, galleries, universities, and public libraries have always been a vital part of such a journey. These are spaces where artistry is celebrated, information is accessible, and young people are free to ask questions without shame or fear. In these places, we are encouraged to explore the world around us. We are able to use art, books, magazines, and more to learn about confusing and difficult topics in a safe and healthy way.

I'm sure you've all heard concerns about the dangers of social media, phone addiction, and unchecked internet usage. While phones can provide positive enrichment and easier access to information, it is true that they have many harmful effects as well. The internet and social media are no substitutes for the communities we can build face-to-face. Thus, in an increasingly online world, institutions such as art galleries, libraries, colleges, and more are essential if we want younger generations to have any hope of participating in their communities and staying excited

Olivia Data
Testimony on SB 2123
January 23, 2023

about learning. For example, youth who experience an education rich in the arts are more likely to vote, read newspapers, and visit their libraries.¹ And according to the Young Adult Library Services Association, 87% of public libraries offer programs for teens.²

These institutions are vital to our abilities to learn and grow. But SB 2123 puts this all at risk. Of course children should not have unrestricted access to sexual content – which is why this bill must not pass. SB 2123, in purging all writing and images of the human body, takes away younger generations’ opportunities to learn about themselves and the world around them in a safe and healthy manner. If people cannot find answers to their questions in our libraries, museums, or universities, we will be pushed further into our phones. We will be pushed further into our own shame and ignorance.

Furthermore, who gets to decide what is meant to “exploit sex, lust, or perversion?” A romance novel describing a man and a woman holding hands could be viewed as risqué; a photograph depicting a shirtless man playing a sport or dancing could be seen as pornographic. Even the bible, a holy book and a source of learning for countless generations, contains descriptions of nudity and adult topics. Will we ban all depictions of the human body? Will we shame members of our own community for exploring the definitions of art and literature?

On a personal note, I had the opportunity last summer to intern for The Capital Gallery. The art displayed in the gallery was a celebration of life, nature, and community. I loved seeing families

¹ Eastman, Michael. “The Arts and Achievement in At-Risk Youth: Findings from Four Longitudinal Studies.” *National Endowment for the Arts*, <https://www.arts.gov/sites/default/files/Arts-At-Risk-Youth.pdf>. Accessed 22 January 2023.

² “Teens Need Libraries - YALSA.” *American Library Association*, <https://www.ala.org/yalsa/teens-need-libraries>. Accessed 22 January 2023.

Olivia Data
Testimony on SB 2123
January 23, 2023

come into the gallery and form connections with sculptures of dancing women or paintings of North Dakota wildlife. There were a few bookshelves in the gallery with books about art that served as resources for artists in our community. And yes, many of them contained images of partially nude figures. Art is meant to both embrace and challenge human emotion. There is no way to tell for certain what a photograph or piece of writing is meant to do. Thus it is very plausible that such books as those displayed in the gallery could be banned by this very bill. The photographs that inspired artists to embrace their creativity, the art that helped families bond together, the books that have educated and comforted countless people are all placed at risk by SB 2123. How can we encourage youth to celebrate learning and creativity if we are afraid of these things ourselves?

We all deserve to be able to learn and grow in a safe and healthy environment. If we want to have any hope of preserving any places of knowledge, art, and community for future generations, we must stop censoring our libraries, museums, universities, and galleries. Please, help us build a world where youth are empowered, supported, and excited about learning. I urge you to vote “Do Not Pass” on SB 2123.

Thank you, and please do not hesitate to email me at yac@ndwomen.org if you would like to ask any questions about my testimony.

Olivia Data
Youth Action Council Coordinator
District 35
Bismarck, ND

I (Kaylene J. Detwiler, Valley City, ND) am in support of SB2123 that will help put a stop to our children being exposed to porn and obscenity in our public libraries and schools.

I (Terry F. Detwiler, Valley City, ND) am in support of SB2123 that will help put a stop to our children being exposed to porn and obscenity in our public libraries and schools.

Kayla Schmidt – District 35
 Opposition - SB 2123
 North Dakota Senate Judiciary Committee

January 23, 2023

Chair Larson and members of the Senate Judiciary Committee,

My name is Kayla Schmidt and I live in Bismarck. I've lived in North Dakota my entire life, except for one year in which I left to study in England to earn my M.A. in Creative Nonfiction and Biography writing.

I worried about how my work would compare to my peers—a cohort made up of writers from across the world. However, I found I had a unique perspective that I could bring to my memoir and personal essays. The Midwest lived-experience is not widely written about—perhaps because so many of our artists do not feel supported. Our stories don't feel significant. We self-censor.

SB2123 is a much more dangerous kind of censorship. So much of my returning to North Dakota depended on the notion that I could still write with honesty about my life and my home. That I could still access creative works, collaborate with the few working artists in the state, perform and publish my writing freely.

North Dakota already suffers from losing the majority of its creative people to larger, more welcoming cities. Most local writers I admire do not live in North Dakota any longer.

In contrast, Norwich, the city where I earned my degree, nurtures creativity. They have been designated as a UNESCO 'City of Literature,' with modern support for artists through their university programs and writing centers and their recognition of past writers of importance: Julian of Norwich published the first book in English written by a woman in 1395. Through famine, war, changes in leadership, changes in personal taste, they have uplifted the arts for centuries.

Leaving that environment to return home to North Dakota was difficult. I'd become accustomed to living in a community that hosted festivals, open mics, pop up galleries, readings, concerts, parades, performances, and celebrated creative expression of all kinds.

SB2123 would significantly damage any possibility of freedom of expression in our state. If schools, colleges, universities, museums, public libraries, art galleries, and businesses cannot allow creative works for fear that they fall outside a limited definition of acceptable content, we have no culture. We lose our talented artists. We lose revenue. We lose freedom of expression.

Please give SB2123 a "Do Not Pass" recommendation. Let North Dakota remain a place where creativity, not censorship, thrives.

Sincerely,

Kayla Schmidt



"All shall be well, and all shall be well and all manner of thing shall be well." – Julian of Norwich

I am in favor of HB 2123. I am in favor of this bill because I have 2 young children. When I was a child, my family had a set of encyclopedias. Back in the day, when we were bored, we would page through the encyclopedia, hoping to find something interesting. Of course, anything with pictures was fun to look at. I remember finding pictures of naked bodies. I could not wait to show my friend. We have never seen an adult body before! Fast forward to now. I have 2 children and we have 1 book in our house about changing bodies. My kids absolutely love that book. Why? Because they haven't seen grown adult bodies yet. Guess what they try to do when their little friends come over? Show them that 1 book. While the encyclopedia and a book approved by me that I purchased may be safe and not sexual, there are many books in our libraries and schools that are. I want to be able to choose what my children will learn about sex and bodies until they are old enough to learn in a healthy manner. Children go to the libraries after school to hang out with friends. In fact, there is a bus that drops off kids at the library until their parents come home from work, middle schoolers. Kids are kids, and if they know there is that one book in the library that teaches them what every sex position and sex act is, they are going to want to see. They don't need to check it out to just look. I asked a lady once when she started talking about to her kids about sex. She said when they are very young. Why I asked? She said, "Do you want them to hear how it supposed to be done the way you want them to know or the way another little kid at school tells them the way?" What if that kid has been molested or raped and then your child thinks that is OK to be treated that way. Their first impression of sex will stick in their minds. I have seen some of the material in the books on the shelves of our library in Dickinson and I didn't even know what they meant about some of the terms this book was teaching. Most all of it is unnecessary for our children. Please protect our children. Jessica

PLEASE PASS SB2123 to protect our kids and grandkids. Thank you

Good morning Legislators.

My Name is KRISTIN SEVIER from Dickinson ND.

I am in support for SB 2123 but ask this bill be amended to include any and all tax-funded education systems in ND. All our schools and libraries should be held to the same standards set by ND Century Code as the common citizens of North Dakota. Please keep our libraries and schools safe for our kids to learn and spend time. Just because it's 2023 our morals and standards have not change ...this is a attack on our children . Pornography does not belong in the hands of our children. Understand this is not book burning this is simply protecting the innocence of our children ! Porn belongs in a porn shop - not in our public library ! Please take the moral high ground and stand with us and support this bill .

Thank You for your time .

PLEASE PASS SB2123

Thank you.

Dear Chairman and Senate Judiciary Committee

Please support SB2123. Thank you.

Dear members of the Senate Judiciary Committee,

My name is Thea Holter, I live in District 1 and I am a wife and a mother to three children, ages 14, 11, and 5. I strongly support Senate Bill 2123.

Recently I have been made aware of some extremely explicit books that are in our school library. A group of us parents were researching the content in some of these books and one book in particular, really affected me. After reading just a page or two, I was sickened to my core. My husband couldn't even read it. It was an explicit account of a father repeatedly molesting his daughter with her twin sister watching. My thought was, if I basically feel traumatized after reading this book, how would it affect a minor? I can not imagine what purpose this is in a school library for? I can't think of a single one! Someone needs to be responsible for exposing minors to this material. When I send my children to school, I expect them to be safe from this sort of harm. In current times, many of us disagree on many issues, but one thing we must agree on is the protection of children from obscenities such as books and other pornographic materials that are proven to be harmful to their developing brains.

I urge you to support Senate Bill 2123. Thank you for your service to the state of North Dakota and for deliberating this issue at hand.

Thea Holter

Dear Chairman and Senate Judiciary Committee

Please vote for DO PASS on SB2123. The children of North Dakota deserve protection from themselves and their own adolescent decisions that we all know don't end well most of the time. When did we decide children knew what was best for themselves? They don't. It's up to the rational minded adults in society to save them from themselves sometimes. That is what this bill seeks to do. Please pass it and protect the kids.

Please support HB2123 to help keep the innocence of our children.

I write to ask you to please support HB2123, keeping sexually explicit material out of our libraries and schools. We are asking that libraries and schools and public entities be safe for our children and young adults (and safe for me as a parent trying to train children in people's dignity), free from sexually explicit material, much of what can be defined as pornography. One individual I know is in prison. He started with pornography and ended with sharing it with minors....ending in a prison sentence. Let's help people not be sickened by pornography and ruining families and also keep our public areas free from sexually explicit material. If an individual can be in prison for sharing this material with minors (rightfully so), it should not be in our libraries and schools. Freedom to share sexually explicit material is not a freedom....it's a harm. Sadly, today we need a law to say what should be known intrinsically but isn't. Thank you.

Bea Kaiser

Resident of Bismarck, ND

I urge you to vote “do not pass” on SB 2123. This proposed bill is an insult to the residents of North Dakota. Penalizing entities for maintaining collections to be accessible for all patrons? I certainly hope not!

Having moved to North Dakota many years ago, I was optimistic as our leaders were enthusiastic and progressive, looking to improve life for the citizens of North Dakota. I’ve appreciated a sense of belonging and wish that for all our citizens. I’ve found inspiration in Governor Doug Burgum’s quest for common-sense regulatory philosophy that avoids unnecessary burdens on citizens. I appreciate an administration that encourages collaboration and knowledge to solve problems, the true heart of state government. All citizens deserve access to opportunities to reach their fullest potential. He has also stated “It’s not enough for students to do well on traditional measures. The challenge is how to equip them with the skills and mindsets they need to be creative problem solvers, effective communicators and informed, responsible citizens who are strong collaborators.” Yes, give all the tools to succeed, and don’t criminalize those who help them!

Access for all is far more beneficial to promote open dialog versus the limitations of censorship. I encourage you to promote efforts of acceptance rather than the infringement of rights.

Again, I urge you to vote “do not pass” on SB 2123.

PLEASE PASS SB2123 to protect my kids and their futures. Thank you

Mariah Bates
Williston, North Dakota
House Bill 2123

Members of the Senate Education Committee,

My name is Mariah Bates and I reside in District 1. I am asking that you please render a DO PASS on Senate Bill 2123.

I am a resident of Williston North Dakota and have learned about and read the long list of books in our school district, and across our state, that are blatantly obscene and are somehow available to children to check out. The idea of distributing obscenity to minors in a school setting is obscene in itself.

The descriptions found within these books have horrifying and disgusting details that make your stomach flip. Many of these scenes described would not even be allowed in a Rated R movie, they would be labeled X rated, or, for some of these books it would be flagged as child pornography! I can not even begin to fathom the idea that there may be people who are for the availability of these books, it makes me sick.

Something needs to be done. North Dakota need to take a stand for our children, our families, our state, and our country by not allowing obscenity such as these book to be distributed to minors.

Thank you for your consideration of this highly important matter and for your service to the state of North Dakota.

Mariah Bates

Sharon Linnehan

1/22/2023

Re. SB 2123

As a university level art educator one of the things I taught my students was how to accurately render a subject set before them. In order to teach this skill to others I had to have this ability myself. In order to perfect my own ability to accurately draw, I took two semesters of life drawing as an undergraduate and also attended workshops in Johnson, VT, Minneapolis, MN, and New Smyrna Beach, FL all of which were devoted entirely to drawing posed nude models. Later I hired a female model to pose nude for me in my home in order to continue to perfect my drawing skills.

Life drawing, that is drawing a living nude person who is posed in front of an artist or art students, has been part of Western visual art training for hundreds of years. Mistakes in proportion are more difficult to hide in a nude than in a clothed person. Actually when I taught university level art students I did not have them draw nude models because their skill level in drawing was not good enough to merit this.

They all started drawing foreshortened geometric solids and once they got those proportions correct they could move on to more interesting subject matter such as a still life or clothed model.

Exemptions to the anti-pornography laws designed to protect minors were meant to protect the libraries from law suits initiated by the families of minors who, for example, got a hold of certain issues of *National Geographic*, or a text on Classical Greek or Roman sculpture. These legitimate exemptions were never meant to promote books advising children to pay for their porn, follow interviews with porn stars, engage in casual sex (oral, anal, or otherwise) with members of either sex, teach them to masturbate, sneak home with classmates to have sex when their parents weren't home, or whatever.

My grandson is 11 years old and in the 6th grade. He skipped 1st grade because in kindergarten he was tested and read at the 5th grade level. He is an avid reader and is very sad about not wanting to go to the library anymore because of the "bad" books. In the past he used the library frequently and loved everything about it. He himself has made the decision to not use Valley City's public library. We buy books for him on the internet instead.

I support SB 2123 I urge you to support it also.

I support SB2123 and ask you to do the same

There's enough saturation of obscenity and Pornography in our society already! We 'certainly' don't need to allow more of it in our libraries and schools! Allowing this is just allowing the camel to get its nose under the tent and it will not stop here in regards to normalizing both obscenity and pornography.

IN FAVOR OF SB2123

I am in favor of protecting our kids from obscenity and pornography in our public schools and libraries. They get slammed with sexualization everywhere, they need a safe place. I protect my grade school age son from all of that garbage, please make sure he's protected from it in these institutions. There's no place for pornography and obscenity in schools or libraries. Thank you.



January 20, 2023

Chairman Larson and the Members of the Senate Judiciary Committee,

My name is Kerriane Boetcher and I am writing as the President of the North Dakota Library Association (NDLA) to voice opposition to the proposed changes presented in SB 2123.

There are several areas of concern that NDLA has with these changes. Section One leaves public servants open to criminal prosecution for the selection of reading materials that they as a professional deem appropriate for a library collection, pursuant to board policies and in compliance with state and federal laws. There is also the risk of exposure to potential lawsuits on the censoring of Constitutionally-protected materials. The change of "is principally made up of" to "contains" opens up a realm where even educational materials could be considered as immoral.

This bill will prohibit all librarians from fulfilling their mission to serve information needs of their local communities. It violates the rights of readers to access constitutionally protected materials at their libraries.

Additionally, the idea that the presence of any content relating to sex, sexuality, sexual orientation, or gender identity with a work being sexually explicit overall is one that we reject.

Many of our public and school libraries have a collection development or collection management policy as approved by their Library Board of Trustees or School Board. These policies lay out the procedures that a library follows when evaluating materials for their collection. These policies include examining reviews from multiple peer journals, the analysis of the current collection, and a work as a whole. Many of them also include a process for the reconsideration of materials should a patron have concerns over a particular material while still remembering that a work must be evaluated as a whole and not a single scene or comic panel.

Libraries have a responsibility to allow patrons to access information on whole variety of topics including race/ethnicity, gender/sexuality, ability/disability, religion, socioeconomic status, and family situation. Libraries exist to level the playing field and provide equitable and authentic access for everyone. We provide no cost access to technology and more to help alleviate information poverty.

At our most recent annual conference, the North Dakota Library Association passed a resolution to release a statement against book challenges. I have attached the statement to my testimony.

The North Dakota Library Association is asking the committee for a do not pass recommendation on this bill.

Sincerely,

A handwritten signature in black ink that reads "Kerriane Boetcher". The signature is fluid and cursive, with a long horizontal stroke at the end.

Kerriane Boetcher
President of the North Dakota Library Association
president@ndla.info

FOR IMMEDIATE RELEASE:

Contact: Kerrienne Boetcher, President

Organization Name: North Dakota Library Association

Telephone Number: 701-857-6471

Email Address: president@ndla.info

Website address: <https://ndla.info/>

**Libraries Have A Place For Everyone
By The North Dakota Library Association Executive Board**

Across the state of North Dakota, a few organizations are attempting to advance the idea that the voices of the marginalized have no place on library shelves. They have brought forth calls for the censorship of books and other resources that relate to the lives of those who are gay, queer, or transgender or that tell the stories of persons of color. By claiming that these works are immoral and subversive, they attempt to sway elected and non-elected officials to abandon constitutional principles and individual rights. They are resorting to intimidation and threats while targeting the safety and livelihood of library workers, educators, and board members who are dedicated to the public service and our communities.

NDLA strongly condemns these acts of censorship and intimidation.

We are committed to defending the constitutional rights of all individuals, of all ages, to use the resources and services of libraries. We champion and defend the freedom to speak, the freedom to publish, and the freedom to read, as promised by the First Amendment of the Constitution of the United States.

We stand opposed to censorship and any effort to coerce belief, suppress opinion, or punish those whose expression does not conform to what is deemed to be orthodox in history, politics, or belief. The unfettered exchange of ideas is essential to the preservation of a free and democratic society.

With the freedom to read under threat, the NDLA, including its Executive Board, Sections, and other units stand firmly with our members, the entire library community, allied organizations, and all those across this country who choose to exercise their own right to read and access information freely, and we call on others to do the same.

I support SB2123

I'm writing in o support of SB2123, we must keep pornography out of our schools and public libraries. What on earth is happening in this world when this is even being considered. We are fighting the devil which is coming after our youngest and most impressionable. Please stand for and protect our kids.

You may no doubt have heard all the controversy going both for and against books containing pornography. The reason for the controversy is that this material is being made available to children not only in back alleys but also in public libraries and schools. It would be good to consider what one expert would say on this subject. So, let's look back to 1989. When Dr. James Dobson of Focus on the Family interviewed serial killer Ted Bundy the night before Bundy was executed. Bundy had murdered more than 20 young women before he was apprehended, tried, and convicted. The day before his execution, he agreed to talk to Dr. Dobson who asked Bundy one simple question, why? What had led Bundy to commit such heinous deeds? ***Bundy responded that he knew he had done terrible things, that he deserved to die, but he added, "We have to look beyond retribution, the cause was pornography."*** If anyone was ever an authority on the evil effect of pornography it was Bundy. He could speak not only to his own experiences but from what he had learned from his time on death row he had talked with other prisoners awaiting execution and had asked them what fueled their life of crime. Every single one of them blamed pornography. He also told Dobson they can put me to death but, there will be thousands more like me. He was talking about the availability of pornography 34 years ago. That wasn't even a fraction of the amount of pornography circulating today, and today our tax dollars are subsidizing the purchase and display of pornography in our public library. Are we financing the creation of more Ted Bundy's?

Barry Borg, Valley City

SENATE JUDICIAL COMMITTEE

I ask you to please vote IN FAVOR of SB2123. My husband and I have been fighting to get these pornography books out of the library that our grandchildren visit. It's not right. We need that changed at the state level. Schools and libraries shouldn't have pornography or obscenity. We have laws against that. Make these institutions live up to the same standards of the rest of North Dakota.

Thank you,

Cheryl Borg

Valley City, ND

SENATE JUDICIAL COMMITTEE

I ask you to please vote IN FAVOR of SB2123. Schools and libraries shouldn't have pornography or obscenity. We have laws against that. Make these institutions live up to the same standards as the rest of North Dakota.

Thank you,

Rebekah Borg

Valley City, ND

DO PASS SB2123

I support the passing of this bill. Thank you

Hi there,

My name is Kimberly Ho and I am a resident of Dickinson, ND. I am writing in to show my support of Bill SB 2123, regarding prohibiting public libraries from keeping sexually explicit books on their shelves. I have taken time to get into our local library and view these books and they are not appropriate for our children; they are indoctrinating and breed confusion during very developmental years of life! Please keep our libraries protected places to learn not places where kids will be exposed to inappropriate material. I would like to amend that this bill extend to public schools, their curriculum, and their libraries as those are all tax funded education systems. All our schools and libraries should be held to the same standards set by ND Century Code as the common citizens of North Dakota. Please keep our libraries and schools safe for our kids to learn and spend time. Thank you for your time and for listening!

RE: Opposition to North Dakota SB2123

Senate House Judiciary Committee

Dear Committee,

I am writing to you today as a citizen and former librarian of North Dakota who opposes Senate Bill No. 2123. Not only is the language of this bill overly broad, but it will also interfere with people's right to information and turn librarians into agents of censorship.

I am also writing this as a survivor of childhood sexual abuse. That is not a fact I share lightly, and one that I only recently shared publicly in my opposition to HB1205. My local and school libraries saved my life by having books that talked about the things I experienced. These same books would likely be removed from bookshelves under this bill. That is unacceptable to me.

It is in the public interest, and that of a democracy, to have a diversity of information and opinions available to its citizens. I appreciate that this bill likely came about as an attempt to "protect" people, but this isn't the way to do that.

Stephanie Baltzer, Mandan, District 34
Former North Dakota Library Association President
Lifelong ND Library Patron

Re: SB2123

Submitted by: Jodi Rae Ingstad

SB2123 is a bill I implore you to pass. North Dakota can be the premier state in warding off mentally indoctrinating our children by normalizing pornographic books, other objectionable materials and like performances.

We lock away sex offenders yet we grow the ideas in children in our public libraries that become the very thoughts that turn a once innocent child into an offending man or woman. My tax money supports libraries. I will not aid and abet.

In the words of Anthony at Caesar's funeral, "The evil that man do lives after them." Please do your due diligence in supporting this bill to not be considered so. Anthony's words go on, "Men have lost their reason." But you don't have to in the case of SB2123. Let's show them your reason. Be courageous in protecting the children at least in our state. Our home.

I'm entrusting you-our elected officials-to do the right thing, for them. The children.

Respectfully,

Jodi Rae Ingstad

Re: SB2123

Submitted by: Tim Ingstad

As a father -it seems other-worldly that I even need to ask any of you to support this bill. It should happen without the ask.

As men -we are commissioned to protect our children, the children, any children within our reach and beyond. This bill is a minimal protection in a world filled with evils attempting to skew the hearts and minds of the children entrusted to our care. Do at least the minimal and pass this bill please.

Respectfully,

Tim Ingstad



Bottineau Public Library
314 5th Street West
Bottineau, ND 58318

701-228-2967

I am writing in opposition to HB 1205. This bill not only infringes upon our patrons freedom to have access to information, it is also is unconstitutional, as a violation of the First Amendment. This bill also potentially criminalizes the library employees. Libraries provide access to information to all and the freedom to read, it is not up to the libraries or their staff to decide what may or may not be appropriate for that patron. In the case of minors, that decision should be up to the child's parent or guardian, NOT the library or library staff. The Bottineau County Public Library , like most libraries, has a collection development policy already in place, which makes this bill unnecessary and a wasteful use of tax payers dollars.

I strongly urge opposition to HB 1205.

Sincerely

A handwritten signature in black ink, appearing to read "Beth Reitan", with a long horizontal flourish extending to the right.

Beth Reitan
Bottineau County Public Library

Mr. or Madam Chairman, and members of the committee, my name is Rozell Unruh from Dickinson. This bill SB2123 is not about censorship or book banning it is about protecting our children from inappropriate material that their minds can not process, comprehend, or understand. We protect our children's bodies why don't we start protecting their hearts and minds? This bill will help protect our children from the grooming that this genre of books is promoting.

As far as people saying this bill is against free speech, it is not.

According to Cornell Law School:

Freedom of speech is the right to speak, write and share ideas and opinions without facing punishment from the government. The First Amendment protects this right by prohibiting Congress from making laws that would curtail freedom of speech.

Even though freedom of speech is protected from infringement by the government, the government is still free to restrict speech in certain circumstances. One of these circumstances is:

Obscenity - *Alliance for Community Media v. FCC*, the Supreme Court found that obscenity and child pornography have no right to protection from the First Amendment, and as such, the government has the ability to ban this media altogether.

The book "Let's Talk About It" has such obscenity. During the Dickinson Public Library Board meeting in November that was televised, blown up pictures from this book were held up in front of the camera and the station would not air the pictures due to the obscenity and pornographic nature of these pictures.

It is our duty to protect all children under the age of 18 as much as we possibly can. Which this bill will do. Please vote due pass for SB2123.

Thank you,
Rozell Unruh

January 23, 2023

Dear Senate Judiciary Committee,

I am writing this testimony in opposition to Senate Bill 2123 for several reasons. First, as a former school librarian and now Director of the Valley City Barnes County Library in Valley City I am very much aware of the importance of a library that contains a comprehensive collection that supports a wide variety of media, viewpoints, and ideas. For people who love to read, the library provides them with access to subjects they are interested in for FREE. So far this year, our patrons have saved over \$25,000 by choosing to borrow materials from the library and not purchasing them on their own. Many of our patrons would not have the resources to spend on reading material if they couldn't find what they want to read in the library. The absence of the reading material desired by our patrons would also force them to look to outside resources for what they want so will be spending money outside of our community rather than in it. Limiting the library's subject matter will also discriminate against anyone with special needs or that has a reading disability. Many people who struggle to read depend on graphics and sketches to help them understand the text. The pictures, graphics, and sketches help them feel successful as readers and as informed citizens.

Secondly, as a resident of North Dakota, I wonder where this is leading and how far it will go if we allow a bill like this to pass. It seems the main focus of this bill is to limit libraries yet it could turn into much more than that. What would be next? Would a nursing mother be banned from nursing in a restaurant, public park, or other public event because there might be the potential for a minor to get a glimpse of her bare breast? What about the all the trucks that drive around on our public roads and streets that have a big scrotum swinging from the back end of the truck? Certainly, that is disgusting, and a child should not be exposed to that view! Would they be facing a misdemeanor? What about the people that have naked breasted women tattooed on their bodies? Would they face prosecution if they are exposing them in a public area where minors may see them? I feel that if you start taking away our freedom to read and view whatever we choose and possibly even more, our state will decline in residents, tourism, and in respect from the rest of our country.

Third, as a Christian, I am appalled at the treatment my staff have endured over the last six months during our recent book challenge. The name calling, accusations, rude comments, and disgusting messages left on the phone that have taken place by people claiming to be Christians do not display the Christian behavior that Jesus has taught us. I can only assume that these people are reacting out of fear, misinformation, and a reluctance to find the truth. Our library and most others have policies that patrons are encouraged to follow. One of those policies states that underage children are to be supervised by a parent or another adult while they are in the library. Our librarians are not babysitters. If parents do their job, there would be no

opportunity for a child to be in an area that is not meant for them or get ahold of material their parents would find offensive.

Lastly, as a parent, it was my job to supervise my children, monitor what they were watching, reading, and doing. I remember many times when I made those choices. As a parent, I had to extend a certain amount of trust in their choices as well. They did not always make good choices and so they and I had to face the consequences of that. I did not blame a book, other people, or anything else. Ultimately, the responsibility belonged to my husband and I to guide them into adulthood.

One of the hardest things I had to face as a mother was watching two of my teenage children join the military. It became even scarier when they were both in the military during the 9-11 attacks. While they were serving our country, they saw things and experienced things that changed them not necessarily for the better, yet they were willing to serve our country and to fight for the freedom of people both here and abroad. They served for you and would have given their lives if needed to protect your right to freedom. If you take away their right to read and view anything they want as outlined by the Library Bill of Rights' Freedom to Read Statement, what are you telling them? How will you explain to them that it is ok for them to possibly give their life for your freedoms all while you think it is ok to take away theirs?

Please do not make this decision based on the fear and anxiety of a few about something that never be an issue if policies are followed and parents take their responsibility in raising their children seriously. Vote no.

Anita Tulp

January 23, 2023

Senator Diane Larson, Chair
Senate Judiciary Committee

Dear Senator Larson and Senate Judiciary Committee,

Please vote "Do Not Pass" on Senate Bill 2123.

As a North Dakota citizen, voter, parent, and grandparent, I strongly oppose this bill as it infringes on everyone's 1st Amendment rights. SB 2123 potentially criminalizes public library staff members for ordering of materials that some may find offensive and this is a slippery slope as it could also call for not allowing the bible or other religious works in a library which may be offensive to some.

It is not up to the government to decide what people want to read or not read as it is an individual's right and is best left to the parents to decide for their children what is appropriate.

This bill would also limit adult access to materials that some might find offensive so I strongly request that this bill be voted down.

Sincerely,

David Haney
Grand Forks, ND

January 23, 2023

Chairperson Larson and Committee Members,

I strongly urge a Do NOT Pass on SB 2123. With the exception of changing “he” to “the person,” the amendments presented in SB 2123 violate the First Amendment of the US Constitution. Freedom of speech includes plays, music, dance, film, literature, poetry, and the visual arts. SB 2123 is overly restrictive and would include restricting art textbooks, works of art, popular magazines about women and men’s health, and other common publications in schools, colleges, universities, museums, public libraries, and art galleries. Representations of famous works of art such as Michelangelo’s “David” could fall under the widely defined description of SB 2123. I ask you to uphold the rights of North Dakotan’s by rejecting this attempt at overreaching censorship.

I urge a Do NOT Pass on SB 2123.

Thank you,
Gretchen Deeg

Hello ND Senate Judiciary Committee,

I would like to express to you my opposition to Senate Bill 2123. The bill appears to me to be almost entirely retaliatory in nature, and is likely in response to the Dickinson Valley City Public Library Boards' decision to not ban/remove a book from their shelves last year. The current wording is very detrimental to libraries and the freedom of speech and information that they provide to their communities.

My primary issue regarding the bill is that it could open the door to more information censorship. Learning from what has happened in the world these last several years, it should not be any government's goal to further restrict access to information, even if it's information that one might find objectionable. Freedom of information is meant to be freedom of all information, not just what a select few determine it to be.

Additionally, I do not know of a single library or library board within the state that doesn't already have a process for patrons to request to have questionable materials to be removed. This bill appears to be an attempt to override what a locally elected/appointed library board decides. I'm a firm believer that whenever possible, it is best to limit or remove government overreach where none is needed.

Finally, the bill does not include any section that would allow for the library to argue to keep and/or maintain the challenged item within their current collection. This ultimately could lead to nearly any romance book or any piece of media with romance as a sub-plot to being accused and forcefully removed without due process. As it is worded, there is not even a burden of proof requirement for the accuser to prove that a book should be considered indecent and therefore removed. It just mandates that if anyone requests for a book to be removed and uses the reason that it's indecent, that it must then be removed or face class B misdemeanor charges, period.

As a fellow resident, voter, and library supporter of North Dakota, I hope that you consider and take my comments into consideration, and to vote "no" to its passage or referral.

Thank you for your time,
Dylan Gonser
1110 Walnut ST.
Grand Forks, ND 58201

As a parent and a librarian, I stand in strong opposition to this bill and its efforts to eliminate our first amendment rights. To remove access to this information in this way infringes on our rights as citizens to make our own decisions on whats appropriate for us and our children. This bill is unconstitutional and stands contrary to the very idea of a democratic republic.

Public libraries and their collections of materials serve as the greatest supporters of America's first right-Freedom of Expression. A library's role is not to determine what should or shouldn't be read, but to provide access to a wide range of materials and content to assist patrons in their quest for knowledge. Not every book is appropriate for every library, but it must be the decision of the trained library staff to make those determinations, and it is the role of parents to determine what content is appropriate for their children. These are very individualized and personal choices, as are guaranteed by the First Amendment, and Senate Bill 2123 seeks to limit these rights. Please vote no on Senate Bill 2123.

Senate Judiciary Committee on SB 2123

I do not believe that there is any logical purpose to the passing of this bill regarding displaying objectionable materials or performances. Never have I been concerned with any images that have been publicly displayed to youth (or adults) in North Dakota, these concerns seem to be rooted in fear and not reality. The wording of the law is also increasingly vague, which is always of great concern to me. This leaves a huge range of interpretations which generally allows for overuse and misuse of the law.

There are many classic, historical examples of media displaying verbal and visual nudity or other such acts and images. That does not mean all of these examples are created to exploit sex or perversion. However, the mere use of these topics could be construed to fit a single person's agenda to have it removed. Tasteful art is up to the interpreter, and we should that interpreter be the parents of a minor viewer, or an adult viewer themselves. The government should never be allowed to make these decisions.

The removal of line 2.e. is especially concerning. By striking the line which includes art galleries, museums, and public universities, it's been made quite clear this is not just about children, as universities are not generally a space for minors to frequent. Artistic expression is also of very great concern to me, as my degree is a Bachelor of Arts. We studied centuries worth of imagery that contained nudity and we also drew from live, nude models. Personal exemption from these events has always been a personal choice. Viewership at a gallery is moderated by a curator and the viewer themselves. The government has no place in these choices.

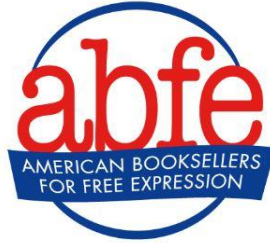
Government-controlled censorship is a very dangerous road. There are countless stories regarding this topic, maybe starting with the book 1984. No government should be dictating the media we consume, no good ever comes of this. If your motives to pass this bill are rooted in religion, let's not forget the extended use of nudity and sex used throughout the Christian Holy Bible. My interpretation, based on the wording of this law, is that the display of the Bible would most definitely be banned according to this law. Focus your time on the much more pressing issues we face, this law is a waste.

Sincerely,

Kristin Michels

District 3

Minot, ND



Dear Chair Larson and the Senate Judiciary Committee members:

On behalf of American Booksellers for Free Expression (ABFE), the free speech initiative of the American Booksellers Association – the not-for-profit trade association of independent bookstores across the country, including North Dakota – I am writing today in opposition to ND SB 2123.

SB 2123 would make it a Class B misdemeanor if a “person willfully displays at newsstands or any other business establishment frequented by minors, or where minors are or may be invited as a part of the general public, any photograph, book, paperback book, pamphlet, or magazine, the exposed cover or available content of which exploits, is devoted to, or contains depictions or written descriptions of nude or partially denuded human figures posed or presented in a manner to exploit sex, lust, or perversion.”

SB 2123 is a threat to independent bookstores (and indeed, all bookstores), which stock and sell thousands of books. It would simply be impossible for bookstore owners to know everything in every book and materials that a store sells – meaning any given book on the shelf of the store represents a potential Class B misdemeanor. ABFE, on behalf of ABA, believes this bill represents a threat to a bookstore's owner's First Amendment right to carry and sell legal materials.

I urge the committee to oppose this bill.

I appreciate the opportunity to share our concerns with the committee. I am available to discuss our concerns in greater detail if that would be helpful.

Sincerely,

David Grogan, Director
American Booksellers for Free Expression, Advocacy & Public Policy
American Booksellers Association
333 Westchester Ave, S202
White Plains, NY 10604

I knew that I was different from a very young age. Growing up in Texas with immigrant parents & in a poor immigrant community, my perspective of the world was limited. The first time I kissed a girl, we were hidden in her closet at midnight, scared of being found by her parents. It was a beautiful & deeply sad moment. A memory that should be cute and awkward and funny is tainted forever because of it was clouded by our terror of being found out to be “wrong”. We weren’t wrong.

I’m a fantastic actor. My greatest performance, to date, was convincing those around me that I was heterosexual & cisgender. I hid my feelings, my personhood, & my joy for over a decade. When I learned the word transgender, after I had spent my whole life convinced that I was completely alone, I was beside myself with grief over my life so far & utter joy at the life I now had the chance to start living. My family didn’t accept that I wasn’t their daughter. I attempted suicide multiple times. One attempt landed me in a medically induced coma. When I woke up, to the surprise of even my doctors, my family told me how happy they were that their “little girl” came back to them. I kept trying to kill myself, I ran away from home, my parents threw me out & my guardians in North Dakota took me in. They didn’t accept me either, so I went back to acting.

Three years later, at 18, I was homeless, traumatized from years of abuse, & **still transgender**. No beating took it out of me, no vitriolic words could stem who I was, lack of support couldn’t make me a different person. Now that I have transitioned socially, medically, & legally, I am three years free from a suicide attempt, two years sober, & finally at home within myself. I have friends. I have a place to live. I have pets. I am alive & happy to be so.

The attack on transgender rights all across the country will not stop people from being transgender. Centuries of history have shown, time and time again, from book burnings to murders to genocides, that transgender people cannot be subdued into nonexistence. Even if every single transgender person were to die tomorrow, more would be born the next day. The outcome of bills like these is that transgender people are made to suffer more for existing, suicide rates of transgender people increase dramatically, & the murders of transgender people are normalized.

The Lemkin Institute for Genocide Prevention has classified the actions of lawmakers within the GOP against the LGBTQ+ community as a movement driven by fascistic, genocidal ideology. Transgender people, whether adults or children, deserve the freedom to identify as themselves & to seek treatments that are deemed appropriate by World Health Organization, the World Professional Association for Transgender Health, & other unbiased medical organizations that rely on science to determine the proven safest treatments that lead to the proven best outcomes for people. Transgender people do not pose **any** risk to non-transgender people. Transgender people, very simply, wish to live our lives, as ourselves, in peace.

The push to ban drag is very obviously driven from a desire to reinstate anti-cross-dressing laws, which were created to require, at threat of imprisonment, dress that was deemed “acceptable” by sexism, strict gender roles, & the hatred of queer people.

Senate Judiciary Committee
SB 2123
23 January 2023

Chair Larson. Vice Chairs Paulson and Sickler, and members of the Committee
I submit testimony in opposition to SB2123

My name is Mike Fladeland. I'm a Bismarck resident and a member of the Board of Trustees of the Bismarck Veterans Memorial Public Library (VMPL). I oppose HB 1205 and SB2123 for several reasons, including references in HB 1205 to "maintaining or promoting certain books," pertaining to certain subjects listed under Section 2. However, my primary objection is to censorship of the collections of the state's public libraries. While the House Bill concentrates more so on censorship, the Senate Bill goes further and provides for a penalty, namely a class B misdemeanor, and removes an exclusion for public libraries, as well as other institutions and organizations. Regarding the Senate Judiciary Committee's consideration of SB2123, I request a Do Not Pass

The VMPL has a Collection Development Policy that includes sections addressing Principles of Selection

and Reconsideration of Library Materials. As stated in our principles, "The Library makes available, as the budget allows, a wide range of ideas and viewpoints in a variety of formats in support of an informed citizenry. It supports the individual choice and judgment of library users in seeking information and upholds the freedom of users to read, view, and listen, even though the content may be controversial, unorthodox, or unacceptable to others."

The Reconsideration section provides for "a process whereby opinions and/or complaints from Burleigh County citizens or individuals with current non-resident Library cards regarding materials selection can be voiced," and acted upon.

That's how the VMPL approaches censorship as well as, more specifically, "book banning." At the national level, the American Library Association affirms in the Library Bill of Rights, that "Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment." Further, the Association, in a Freedom to Read Statement, states "**The freedom to read is essential to our democracy.**"

These bills represent an insidious and dangerous attempt to limit the people's freedom of choice. The action of censoring the state's public library collections and establishing a penalty, which would essentially be directed at the library directors, is onerous. These bills are solutions in search of a problem and need to be rejected.

Ms. Maggie Oakland, LPCC, NCG
Valley City, ND
58072

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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January 23, 2023

To whom it may concern:

I write to urge you to vote in opposition to SB2123. Not only does it infringe on an individual's freedom to read, it criminalizes the work of public servants (library workers). As I'm sure you know, the First Amendment of the United States Constitution states that Congress "shall make no law... abridging the freedom of speech, or of press." This bill would promote and force censorship, which libraries are fundamentally opposed to and actively fight against.

If this bill were to pass, libraries across this state would be forced to restrict patrons (of all ages) from the freedom to read what they'd like, including many works considered to be classics. This bill would also force libraries to remove countless books in their collections, which turns into wasting thousands of tax dollars. This forced purge of materials may also be interpreted by patrons as the library staff is monitoring what they check out, which infringes on and violates patron privacy.

What this unnecessary bill is hoping to accomplish is to protect children from exposure to sexually explicit depictions and descriptions. Parents and guardians can and should monitor what their children are checking out and reading. It should be the responsibility of the parent or guardian to shield their child(ren) from this sort of material, NOT that of the state or public library. As you know, there are already laws and acts in place (Children's Internet Protection Act, North Dakota Century Code 12.1-27.1) that help protect minors from this sort of thing. This bill would mean regulating what ANY person has access to, not just children. It infringes on my rights as a library patron, as well as on yours.

At the end of the day, this bill would violate everything public libraries stand for, accessibility being one of the main reasons we do what we do. According to the Freedom to Read statement, issued in May 1953, "...democratic societies are more safe, free, and creative when the free flow of public information is not restricted by governmental prerogative or self-censorship." I urge you to, please, let parents protect their own children, and vote in opposition to SB2123.

Thank you.

-Tori Lee
Mobile Library Coordinator
Williston Community Library

January 23, 2023

Re: SB 2123 – Opposed

Chairman Larson and Members of the Senate Judiciary Committee:

For the record my name is Christine Kujawa, Library Director at Bismarck Veterans Memorial Public Library and I oppose Senate Bill 2123.

This bill is vague, broad, disregards many considerations, and would prohibit people of all ages from accessing information, including works of art and literature. The definition of “objectionable” is completely subjective. From my library’s perspective, this would cause a logistical nightmare. To be compliant, we would have to monitor the contents of every title in the collection, over 400,000 items, and the age of who is looking at them, with close to 190,000 visitors annually, or I will be criminally charged with a class B misdemeanor, with a penalty of fines, jail time or both if the material in question is not removed. **I’m a librarian and would face jail time, fines, or both if I don’t remove material based on someone’s nebulous and subjective definition of “objectionable” content.** This could include art books, romance novels, magazines, and movies. What about our high school students who shelve all manner of material at the library? Can we no longer hire them? Will we have to fire them?

There are forces at work that interfere with a “life of the mind and diminish the possibility of a life of meaning. They include separation from the written word...and

separation from the virtues of leisure, respite, and reflection.” They hinder access to “books and reading and conversation and discourse to inner peace, to self-discovery, to food for thought and thought’s nourishment of the soul.”¹

These aren’t my words but rather those of a lawyer who wrote an academic peer-reviewed literary analysis of Ray Bradbury’s book *Fahrenheit 451*. Written in 1953 and set in a dystopian society, the government gathered all the books and burned them so citizens didn’t have access to objectionable ideas, thoughts, and the written word. Anyone found with such a book was criminally charged. Does this sound familiar?

As a lifelong citizen of North Dakota, this bill is an embarrassment to our state, our citizens, and anyone thinking about moving here. The First Amendment guarantees our freedom of speech and right to access information. Censoring intellectual and academic freedom raises significant constitutional questions and issues and is bad public policy. Each of us gets to decide for ourselves the information we want access to but we don’t get to choose for other people. Doing so is un-American and unconstitutional. If you find a book or material objectionable, don’t look at it.

Respectfully,

Christine Kujawa
Bismarck, ND

¹ Smolla, Rodney A. “The Life of the Mind and a Life of Meaning: Reflections on *Fahrenheit 451*.” *Michigan Law Review*, vol. 107, no. 6, Apr. 2009, pp. 895–912.

Please vote "DO NOT PASS" on SB 2123.

I was unaware that there was an issue with schools, museums, public libraries, or art galleries in the state of North Dakota displaying "objectionable materials" to minors such that the exclusion of these places in section 12.1-27.1-03.1 of the North Dakota Century Code needs to be deleted. Even if there may have been isolated incidents that may have offended someone, is amending a law to impose criminal penalties on North Dakota teachers, museum curators, or librarians the answer? To me, the obvious answer is a resounding "NO."

As legislators representing the people of North Dakota, I believe that one of the most important responsibilities you have is to consider how proposed legislation will be implemented, and the consequences, intended or not, of passing such legislation. The language of this amendment is so broad that it could be construed to apply to the entire section of romance novels contained in any library. Do you really expect our state attorneys to file criminal charges against librarians because a certain book in the library's collection is found to be "objectionable" to someone?

Personally, I think it is insulting to our public servants who work in schools, museums, or libraries to suggest that there is a need to pass this amendment. Let's not needlessly bring the worst of the culture wars to our state.

Submitted by:

Delores Dillmann

Resident of Bismarck, North Dakota

Dear Senate Judiciary Committee,

I am a North Dakota resident, and I am against SB 2123.

Aaron Stefanich
Grand Forks, ND

My name is Lindsey Bertsch and I run events and marketing for Main Street Books in Minot, North Dakota. I have been employed at Main Street Books for over ten years, starting when I was 14 years old. I would like to urge the senators here today to oppose Senate Bill 2123. According to the proposed language of this bill, "a person is guilty of a class B misdemeanor if the person willfully displays at newsstands or any other business establishment frequented by minors... any book... which contains depictions or written descriptions of nude or partially denuded human figures posed or presented in a manner to exploit sex, lust, or perversion." "Business establishment" of course implies bookstores like the one where I work. I would like to get straight to the point of listing just some of the books that could therefore be classified as a Class B Misdemeanor for my bookstore to have on our shelves according to this proposed language:

- Speak by Laurie Halse Anderson (Young adult novel, one of my personal favorite books of all time - which I read as a freshman in high school. Contains a rape scene.)
- The Absolutely True Diary of a Part Time Indian by Sherman Alexie (a young adult novel I recommend a lot to parents looking for book recommendations for teenage boys, as it shows great examples of healthy male relationships. Contains descriptions of the narrator getting an erection occasionally.)
- On Earth We're Briefly Gorgeous by Ocean Vuong (a modern classic about a gay Vietnamese immigrant in the US writing to his mother, contains sex between two men and descriptions of their nudity)
- A Court of Thorns and Roses by Sarah J. Maas (best selling fantasy series, contains a couple of sex scenes with nudity.)
- Seven Husbands of Evelyn Hugo (nudity during sex between two women)
- 100 Years of Solitude by Gabriel Garcia Marquez (descriptions of male genitals)
- Fun Home by Alison Bechdel (nudity during an act of cunnilingus)
- Looking for Alaska by John Green (description of female breasts, description of fellatio)
- The Color Purple by Alice Walker (contains descriptions of incest, contains masturbation, description of cunnilingus with explicit detail of female anatomy)
- I Know Why the Caged Bird Sings by Maya Angelou (contains descriptions of sexual abuse)
- The Bluest Eye by Toni Morrison (descriptions of rape, and also consensual sex)
- Slaughterhouse Five by Kurt Vonnegut (descriptions of erections)
- 1984 by George Orwell (description of the feeling of a woman's breasts in a sexual context)
- And, of course, the book containing this line: "...she lusted after her lovers whose genitals were as those of donkeys and whose emission was as that of horses." This line is from the Bible, Ezekiel chapter 23 verse 20 to be specific.

These examples barely scratch the surface of how many books could be classified as Class B Misdemeanors to be displayed at bookstores under the proposed language of Senate Bill 2123. There are many books in contemporary adult fiction, and also some in young adult fiction, that could qualify for the misdemeanor for even just one or two lines describing any form of nudity as listed in the bill. And with no review process being mentioned, I am left to interpret this bill as implying we as booksellers could be arrested for carrying 1984.

In considering the practical aspects of this bill, I have this question: How are bookstores and libraries supposed to pay for all the extra labor that would be involved in vetting books, creating potential 18+ sections, organizing removal requests? Will more tax dollars be allocated to libraries to pay for the additional, government-mandated labor? Or will tax dollars be invested in technology to attempt to automate this process? Or what about the potential need for additional infrastructure if 18+ sections need to be created in libraries - is there a financial plan for our state to pay for this? Will subsidies be allotted to bookstores for the additional payroll that they wouldn't otherwise be accounting for in a fiscal year? If any of the answers to the above questions are "no" or "unknown," this bill cannot continue. Because if this bill passes, this is what you'll see: libraries and bookstores will have to shorten their hours or be closed more days of the week in order to cover labor costs. If bookstores are forced to close or reduce hours to make up for these costs, we will see a decrease in sales tax revenue for the state, as well as decreased daily foot traffic in the downtown areas where many independent bookstores are located.

As an independent bookstore employee, I am not fond of Barnes and Noble - however, I can't help but wonder how their North Dakota locations would respond to a law like this. It seems perfectly feasible that instead of wasting money on inventory vetting, bureaucracy, potentially bailing booksellers out of jail - they might consider closing their North Dakota locations altogether. Most Barnes and Noble locations are in malls - and malls are one of the biggest attractions for members in smaller communities visiting larger cities in North Dakota.

I urge you to stamp Senate Bill 2123 with a "do not pass."

Thank you for your time, and for hopefully hearing this testimony with an open mind.



Bottineau Public Library
314 5th Street West
Bottineau, ND 58318

701-228-2967

I am writing in opposition to SB 2123. This bill not only infringes upon our patrons freedoms, it is also unconstitutional, and could potentially criminalize library staff. It also is in violation of the Library Bill of Rights and the Freedom to Read Declaration.

The library provides access to information to all patrons, the decision as to what is appropriate is made by the patron or in the case of children, the child's parent or guardian. I strongly oppose SB 2123

Sincerely,

A handwritten signature in black ink, appearing to read "Beth Reitan".

Beth Reitan
Bottineau County Public Library

Good morning

Im a mother of 2 kids in Killdeer ND. Before this last year I was honestly clueless about the fact that the public libraries could display content that you would need to provide an ID to see in other places. The fact that these materials in question most recently are in cartoon form is even worse. Cartoons are typically geared towards small children. The library should be a safe place for children. It breaks my heart to see whats happening. I spent hours upon hours in the library growing up. My mother is a librarian.

Books like these are entirely inappropriate for so many reasons. But most of all for the fact that they could be used as a grooming tool for child predators. I have personally seen the aftermath of child molestation both as a martial arts instructor helping children/families heal and as a family member of someone very near and dear to me that it happened to by a trusted family friend. A book like this would have been gold to these monsters.

If porn was displayed openly at a movie theater or you could enter that movie without showing ID when buying the ticket, we would be suing the theater. We would be especially upset if the movie was advertised as a cartoon and rated PG. I dont understand why libraries (which are publicly funded) are held to a separate standard.

Last, I have shown my friends who are members of the LGTBQ community this book to get a perspective of someone who these books are supposedly made for. One friend (who is also a mother) was shocked and abhorred that her community was being used as a way to peddle these books and another said his childhood predator wouldve loved it. Yikes.

The public library is a sacred space. It is dear to my heart. It was a safe place in my childhood. But it is not the public libraries responsibility to educate our children. It is not their responsibility to indoctrinate our children. It is their responsibility to:

- order books, journals and other resources
- catalog and keeping track of library materials
- advise academics on materials for their courses
- make sure all users can access library resources
- respond to requests from students, staff and other library users
- manage library staff
- manage budgets and projects
- promote the librarys resources.

In that list I see no responsibilities that include raising awareness for political or social agendas and theories. If I as a parent or any adult old enough to view pornographic imagery wish to seek out information that is in these books in question I could certainly do that. But it is not the responsibility of the library to provide that material for general public access.

My issue is with the imagery and graphic detail that the books give about sex acts. This is entirely inappropriate and unacceptable for kids to have easy access to in a public space. And there are many other more appropriate books with information about gender identity that could fill its place that dont contain that sort of imagery or graphic detail.

I support HB2123.

Thank you

Samantha Kershisnik

My name is Jessica Bailey, and I am a lifelong resident of Grand Forks, ND. I strongly oppose this bill, SB 2123. It is a parent's responsibility to guide their children through their reading choices, and it is no one's right to limit another child's freedom to read.

Testimony in opposition to SB 2123

I'm not even sure where to begin with this trainwreck of a bill. Above all, it's a complete violation of the First Amendment, specifically free speech, as it prevents even art galleries and museums from having or displaying any material that contains nudity or even the description of nudity. It also affects public and university libraries, as well as privately owned businesses.

How do you suppose public institutions, which are woefully underfunded as is, are to review the hundreds of thousands of books and other written materials for simply containing descriptions of sex and nudity, and then somehow place them out of view or reach of a significant number of patrons? I can't figure out why anyone would want to do that. Aren't we a state that values small government and personal responsibility? This bill is neither.

And let's not forget that, historically speaking, the people who ban books and art are not the good guys.

This is a terrible bill. Please vote Do Not Pass.

Thank you.

Kara L. Geiger

My name is Angie Laxdal. I am a lifelong North Dakotan, mom of three, and library marketing director. I strongly oppose SB 2123. As parents, it's our job to help guide our own children. It's not our job to limit another child's freedom to read. Censorship is a slippery slope.

Mr. Or Madam Chairman and members of the board, today I am writing in opposition of SB 2123. My name is Casey Kruger. I am 18 years old and a senior at Valley City Junior/Senior high school. I am a member of the generation this legislation will affect the most. I am incredibly saddened that this bill was proposed. It is a blatant attempt to ban books, works of art, and other visual or textual references to anything remotely sexual. I can not describe the amount of books that would be subject to violation because of one sentence or one passage. To name just a few: 1984 would undoubtedly be brought into question due to the sex scenes depicted therein, The Handmaid's tale has scenes of rape and would be immediately thrown out, ancient poems like the Odyssey and Illiad would be brought into question, and of course the Bible has multiple sections depicting nude or partially denuded figures. These are just some of the literature I could think of off the top of my head which isn't even mentioning all the famous art that would be ripped from the hands of museums and art galleries. Venus de milo, almost the entire works of Michelangelo, Sandro Botticelli's depictions of Dante's inferno, The Birth of Venus, Judgement of Paris, and the Vitruvian Man one of the most famous renaissance depictions of anatomy. Removing all protections and expanding the grounds one which this law can apply can only damage our society, not help it. This law is meant to protect children, but since when is that the government's job. I am 18 years old and was, to my memory, never exposed to anything remotely sexual until is was 12. I am, and always have been, an avid reader and user of the both the public library and the college library, since my father works at the college. I was brought to art galleries and museums by my parents and under their supervision, I do not remember seeing anything remotely sexual. I applaud and support my parents for making choices that helped form me into the individual I am today. I firmly stand against this attempt to limit my privileges, freedoms, and rights to access any information I need from our vaunted institutions of knowledge. Thank you for your time and consideration.



www.minotlibrary.org ♦ (701) 852-1045
516 2nd Ave SW Minot, ND 58701

January 23, 2023

Chairperson Larson
and Members of the Senate Judiciary Committee,

Thank you for the opportunity to submit testimony urging you to oppose Senate Bill 2123. I have reached out to each of you via e-mail, so I will not reiterate much of what I have already shared regarding my concerns about this bill.

If approved, SB 2123 would put our state on a slippery slope toward censorship and removing individual freedoms. I am shocked that this is even being considered based on the 67th Legislative Assembly, which worked so hard to protect citizens' rights to not wear face coverings and not be forced to vaccinate. This drastic switch to bills that now restrict the rights of readers to access what they want to read **and** of businesses to sell items that earn revenue is somewhat confusing.

Additionally, while I know that this bill was presented with the intention of keeping North Dakota youth "safe," there are some serious concerns regarding what is meant by this...

First of all, it would not be appropriate for me to tell my neighbor's child that they must wear a helmet when riding their bicycle. It may be true that the child would be safer, but it is simply not my place to enforce this. Why should access to reading materials be different?

Secondly, it is unclear what SB 2123 is trying to protect minors from; breasts? genitalia? butts? Is the ND State Legislature trying to promote the idea that bodies are shameful, including one's own body?

Finally, this bill is going to backfire on those who proposed it. While the ONE BOOK everyone seems to be focusing on (*Let's Talk About It*) will be removed, so will the Bible. As proposed, this legislation intended to regulate adult entertainment would also make faith leaders criminally liable for having copies of the Bible accessible to minors in houses of worship.

Like many other bills we have seen in 2023, SB 2123 is far too vague to enforce. Just a few examples of unclear portions include:

- “**where minors are or may be invited as a part of the general public**” is just about everywhere except bars – if this is the case, why not just say that?
- “the exposed cover or **available content** of which exploits, is devoted to, or contains depictions or written descriptions of nude or partially denuded human figures...” **Available content** would mean every book, magazine, or newspaper for anyone who can read – again, just say that since that seems to be the intention.
- “posed or **presented in a manner to exploit sex, lust, or perversion**” is very subjective - what is meant by exploit?

Legally, SB 2123 faces many challenges (and likely expensive legal fees). As it is written, SB 2123 prohibits people from accessing constitutionally protected materials and relates materials describing/depicting the human body and sex to pornography which has been consistently found to be false by the courts.

Many ND legislators have continuously said that bills such as SB 2123 and HB 1205 enforce Chapter 12 of the ND Century Code. However, it cannot be said that our legislators represent “the average person, applying contemporary North Dakota Standards,” as seen by the number of people opposing these censorship bills. Further, elected officials swear to uphold the ND State Constitution and the Constitution of the United States, including the First Amendment.

I understand that there is a lot of confusion about the First Amendment, but fortunately, there have been much more experienced people than you or I who have been able to clarify some of this confusion. For instance, in Board of Education, Island Trees Union Free School District v. Pico (1982), the Supreme Court ruled that public schools can bar books that are “pervasively vulgar” or not right for the curriculum. Still, they **cannot remove books “simply because they dislike the ideas contained in those books,”** as the latter infringes on a student's rights to **receive** and express ideas as outlined in the First Amendment.

Additionally, the 1973 Supreme Court case Miller v. California ruled that, unlike pornography, **obscenity is a legal term and is determined using a three-pronged test known as the Miller Test.** To be classified as obscene, the material must meet **all three** of the following criteria:

1. Whether the average person, applying contemporary adult community standards, finds that the matter, taken as a whole, appeals to prurient interests
2. Whether the average person, applying contemporary adult community standards, finds that the matter depicts or describes sexual conduct in a patently offensive way
3. Whether a reasonable person finds that the matter, taken as a whole, lacks serious literary, artistic, political, or scientific value.

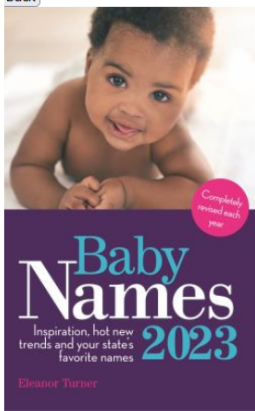
Remember that the work **must be evaluated as a whole** (not based on a single scene or comic panel) and that library collection development policies exist to ensure librarians are acquiring material that does have literary, artistic, political, and scientific value.

My staff and colleagues work hard every day to help your constituents. They help your mom set up her Facebook account, help your friend apply for a job, find the perfect audiobook for your family's long drive, provide resources for your nephew's research report, sing songs and read stories to your grandchildren, provide a safe place for your teenage daughter to come after school, and so much more. We deal with all ages, races, incomes, and backgrounds and often work with people struggling with mental and emotional challenges. We support the communities you serve and ask that you support us by not voting to approve and forward HB 2123. Thank you for your time and consideration.

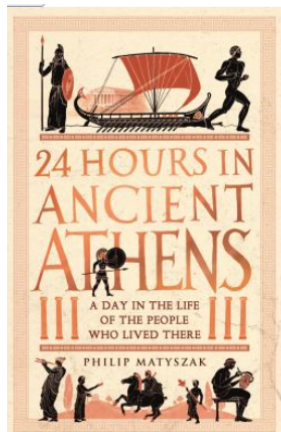
Respectfully,

Janet Anderson
Library Director
Minot Public Library
janet.anderson@minotnd.org
701-852-1045

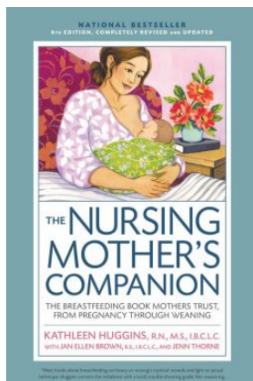
Here are a sample of some books at the Minot Public Library which I could be considered a criminal for shelving, along with potential reasons for challenging these books. I am certain that many of you will brush this off as absurd, but these are no more absurd than the comparison of library materials to *Playboy* and *Penthouse* the misguided assumption that SB 2123 reflects a majority of North Dakotans.



Not only is this person naked, but in order to have babies, people usually have sexual intercourse.



It appears that some of these silhouettes may have little-to-no clothing on.



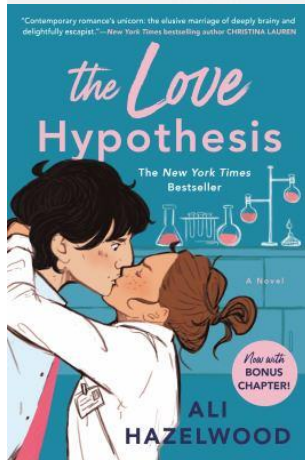
This books “contains depictions” AND “written descriptions of the “female breasts.”

EVERYONE POOPS

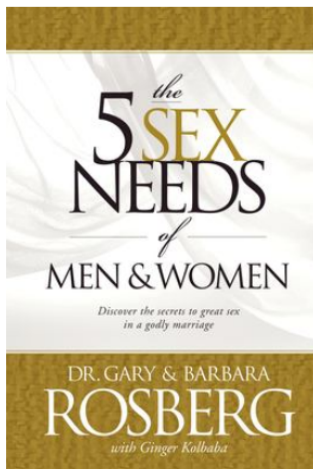


TARO GOMI

This classic children's books contains depictions of "partially denuded human figures."



One of the more popular books of the past year will have to be removed due to a couple of pages of intimacy.



This Christian book exploits sex as it is the primary subject matter.

Below is just a small sample of some of the more popular books for our older patrons who will now have to learn how to purchase these online on what we already know is a limited income for this population...



Additional items that would not be allowed:

- *National Geographic* magazine
- *People* magazine
- Certain issues of newspapers if topics related to sex or the human body are reported

I am Urging Due Pass on SB2123. It is my opinion that books that encourage experimenting with casual sex and pornography is not at all appropriate to be in libraries where our youth has access to them. It is our right and duty as citizens to protect our youth. As a parent of young children, I would feel uncomfortable with them potentially getting exposed to this and without adults being aware of this potential exposure. Porn has no place in a library. If parents want to expose their children to these books, then they can buy the books and have it at privacy of their own homes. Books related to sex and pornography has no place in a public setting for all ages to have access to. Thank you for your time.

Amanda Mindt
4457 113th Ave SE
Valley City ND 58072



SB2123

Senate Judiciary Committee

January 23, 2023

Lisa A. Johnson, Vice Chancellor of Academic & Student Affairs, NDUS
701.328.4143 | lisa.a.johnson@ndus.edu

Chair Larson and members of the Senate Judiciary Committee, my name is Lisa Johnson, and I serve as the Vice Chancellor of Academic and Student Affairs for the North Dakota University System. I am here today on behalf of the North Dakota University System to provide neutral testimony related to SB2123 as the State Board of Higher Education has not met nor articulated a position related to SB2247.

This bill was moved up in the committee hearing schedule this week—which is fine. My only request is to amend the proposed bill to retain language that is proposed to be struck on Page 2, lines 1-2.

As early as 1883, North Dakota colleges and universities have successfully navigated aspects of what could be described as objectionable material, informing participants of images, scenes, or language that may be viewed by the public—including minors. There are numerous images within campus libraries, art displays, textbooks, and classroom materials that fit SB2123’s description of “nude or partially denuded figures”.



Statue of the god, Zeus, sitting with an angel.



May 5,2022: Exposition with antique Greek statues. Naked sculpture in the hall of Archeology Museum. Antalya, Turkey.

The NDUS respectfully requests retaining the language on Page 2, lines 1-2 in SB2123. I remain available to Committee members for questions.

As a citizen of North Dakota, a mother, a library patron, and a library staff member, I strongly oppose SB2123.

Tonya Palmer
Information Services Supervisor
Grand Forks Public Library
Grand Forks, ND

My name is Angela Beardemphl, I have been a resident of Grand Forks, North Dakota for over 20 years. I firmly oppose the proposed bill, SB 2123. As a parent, it is my responsibility to choose what my child is reading, it is not the responsibility of the state or librarians.

January 16, 2023

Testimony re: SB Bill 2123
Lee Kruger, Resident of Valley City

Dear Senate Judiciary Committee:

Please vote 'do not pass' on SB 2123 which removes the well-considered exceptions for schools, colleges and libraries, museums, public libraries, or art galleries, as well as striking the phrase "for commercial gain" in subsection one and adding the phrase "or written descriptions" in the same.

Not only would this amendment be unenforceable and create an unbelievable amount of obviously censorious work for whomever is held to its misguided and incredibly broad standards, but it smacks of the sort of censorship and authoritarian government overreach we'd expect from a non-democratic country/legislature.

I am a North Dakotan; this is America; please turn your attentions to legislation that can help our state and bolster the great ideals of our nation, rather than countenancing those who would restrict speech in our fine state and the republic of which it is a part. Please vote 'do not pass' on SB 2123.

Thank you for reading my testimony.

Respectfully,

Lee Kruger

I am submitting testimony in opposition of the bill being presented. The government does not get to choose what my children can or cannot read. That is my responsibility as a parent. Religious beliefs of those on the committee and in the ND government have no place in deciding laws.

Sarah Fagerland
Minot, ND

January 23, 2023

To Whom It May Concern:

I am writing this testimony in response to the Senate Judiciary Public Hearing SB 2123. I am concerned about the limiting of materials to the public. I am in opposition to this bill because it blocks First Amendment rights under the U.S. Constitution. This bill would block the freedom of expression and creation of authors and artists, as well as the freedom of choice for individuals. Limiting sources in public libraries only creates more "black market" situations for patrons to find what they are searching for. There are various sources and genres provided in a library that would have to be removed due to possible infractions of this bill. The Bible, for example, has mention of nudity (example Adam and Eve) as well as many other books and resources. Movies, audiobooks, nonfiction works of art, romance novels, historical fiction novels, etc. all have some mention of descriptions of nudity or lustful situations. My concern is that the past history of limiting materials and sources (Prohibition, book banning, etc.) to people infringe on the rights of the people and only causes mistrust in government. I believe it should be up to the individual to be able to choose what sources and materials they are able to access.

Thank you for you time and consideration,
Kaitlin Jundt



THE MEDIA COALITION

DEFENDING THE FIRST AMENDMENT SINCE 1973

American Booksellers Association Association of American Publishers Authors Guild Comic Book Legal Defense Fund
Entertainment Software Association Freedom to Read Foundation Motion Picture Association

Memo in Opposition to North Dakota Senate Bill 2123

We oppose North Dakota Senate Bill 2123 because we believe it violates the First Amendment rights of retailers and other businesses that distribute mainstream content. The trade associations and organizations that comprise Media Coalition have many members throughout the country, including North Dakota: authors, publishers, booksellers and librarians, producers and retailers of films, home video and video games. They have asked me to explain their concerns.

Summary of the bill

S.B. 2123 amends North Dakota's existing display law to make it a crime for any business that permits minors to enter to display "any photograph, book, paperback book, pamphlet, or magazine, the exposed cover or available content of which exploits, is devoted to, or is principally that contains depictions or written descriptions of nude or partially denuded human figures" in a sexual context. The existing law is limited to material that principally contains images of nudity in a sexual context.

The bill is unconstitutional because it bars display to minors of material that contains depictions or descriptions of nudity that is much broader than what the U.S. Supreme Court has said is illegal for minors. While minors do not enjoy the protection of the First Amendment to the same extent as adults, the Supreme Court has ruled that "minors are entitled to a significant measure of First Amendment protection, and only in relatively narrow and well-defined circumstances may government bar public dissemination of protected material to them." *Erznoznik v. City of Jacksonville*, 422 U.S. 212-13 (1975). The contours for what speech could be barred for minors was established in *Ginsberg v. New York*, 390 U.S. 629 (1968), and subsequently modified by *Miller v. California*, 413 U.S. 15 (1973). In those cases, the Supreme Court created a three-part test for determining whether material is First Amendment protected for adults but is unprotected as to minors. Under that test, in order for sexually explicit material to fall outside the First Amendment as to a minor, it must, when taken as a whole:

1. predominantly appeal to the prurient, shameful or morbid interest of minors in sex;
2. be patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors; and
3. lack serious literary, artistic, political or scientific value.

Governments may restrict minors' access to sexually explicit speech under this test, often referred to as speech "harmful to minors," but it cannot go beyond this narrow range of material as determined by the *Miller/Ginsberg* test.

The Supreme Court has repeatedly rejected attempts to restrict minors' access to sexual speech that was broader than what is allowed under the *Miller/Ginsberg* test. In *Reno v. American Civil Liberties Union*, the Supreme Court struck down a federal law that was very similar to the one proposed in S.B. 9. 521 U.S. 844 (1997). It barred dissemination of "any comment, request,

suggestion, proposal, image, or other communication that, in context, depicts or describes, in terms patently offensive as measured by contemporary community standards, sexual or excretory activities or organs, regardless of whether the user of such service placed the call or initiated the communication.” The Court dismissed the government’s argument that it could bar this speech under the *Ginsberg* precedent. *Id.*, at 865. See also, *Sable Communications of Cal., Inc. v. FCC*, 492 U.S. 115, 127 (1989) (struck down a law barring indecent content rather than content that is harmful to minors under the *Miller/Ginsberg* test); *Erznoznik* at 213-14 (striking down a law barring minors from accessing material containing nudity without any of the prongs from the *Miller/Ginsberg* test); *Powell’s Books v. Kroger*, 622 F.3d 1202, 1213 (9th Cir. 2010)(blocking enforcement of an Oregon law barring sexual speech for minors that did not comply with the *Miller/Ginsberg* test); *Entertainment Software Ass’n v. Blagojevich*, 469 F.3d 642 (7th Cir. 2006) *aff’g* 404 F. Supp. 2d 1051 (N.D. Ill. 2005) (permanently blocking an Illinois law that barred the sale of sexual material to minors but omitted the serious value prong of the *Miller/Ginsberg* test).

Even if the bill was limited to barring the display of material “harmful to minors,” as defined by the Supreme Court, it would still be an unconstitutional violation of the rights of retailers. The bill imposes a total ban on the display of material. Courts have ruled that limitations on the display of material “harmful to minors,” as defined by the *Miller/Ginsberg* standard, must have two elements. First, the determination for whether it is harmful to minors must be judged for older minors. Second, the law can only require that a retailer take reasonable steps to prevent minors from perusing harmful to minors material, but it cannot mandate blinders, bagging or segregation as the only way to do so. It certainly cannot bar any display of the material. Absent these elements, the law would be overly burdensome on a bookseller who may have tens of thousands of titles in his or her store and an unreasonable hindrance on the right of adults to access such material and would have the impossible task to guess the age of each minor in a store and assess whether he or she is browsing a book that is illegal based on the minor’s age. Otherwise, a bookseller would have to keep all of the books that might be inappropriate behind the counter. This could include art books, romance novels, sexual health material and numerous other books that contain sexual content. These are unreasonable burdens on the rights of bookseller and adults who have a First Amendment right to access this material.

The controlling case on regulation of display of material harmful to minors is *Virginia v. American Booksellers Assn., Inc.*, which was brought by members of Media Coalition. 488 U.S. 905 (1988), on remand 882 F. 2d. 125 (4th Cir. 1989). The Virginia legislature amended its law to prohibit display of harmful to minors material if a minor was able to browse them. The law was ultimately upheld but only after the court held that to be convicted the bookseller “must have knowingly afforded juveniles an opportunity to peruse harmful materials in his store or, being aware of facts sufficient to put a reasonable person on notice that such opportunity existed, took no reasonable steps to prevent the perusal of such materials by juveniles.” *Virginia v. American Booksellers*, 882 F. 2d. at 129 (4th Cir. 1989) (citing *Commonwealth v. American Booksellers Ass’n*, 372 S.E.2d 618, 625 (1988)). Second, the harmful to minors material is to be judged based on what is illegal for oldest minors. The court held that if material has serious value for “a legitimate minority of normal, older adolescents, then it cannot be said to lack such value for the entire class of juveniles taken as a whole.” *Id.*, (citing *Commonwealth v. American Booksellers Ass’n*, 372 S.E.2d 618, 624 (1988)).

Finally, S.B. 2123 cannot be saved by a promise of legislators or prosecutors that the statute will be construed narrowly or be benignly enforced. In *U.S. v. Stevens* the Court said, “[T]he First Amendment protects against the Government; it does not leave us at the mercy of noblesse oblige. We would not uphold an unconstitutional statute merely because the Government promised to use it responsibly.” 559 U.S. 460, 480 (2010).

For these reasons we oppose S.B. 2123. We would welcome the opportunity to do so to discuss these concerns further. If you would like to do so, please contact our Executive Director David Horowitz at horowitz@mediacoalition.org or by phone at 212-587-4025. We ask you to protect the First Amendment rights of retailers and all the people of North Dakota and amend or defeat S.B. 2123.

McKenna Wilke (16)

Testimony on SB 2123

January 23, 2023

Senate Bill 2123 bill could be a threat to teenagers' and minor's education. In many coming to age stories, there is almost always a description of sex, lust, or perversion. These parts of books are crucial for teenagers to learn about sex and other feelings that they are not taught about in school. It can help teenagers understand these feelings they may be experiencing and let them know that others feel or do these actions as well. Not only is this part of books educational, but they are also found in the majority of books, in coming-of-age books, mystery, thriller, and romance. If we banned these books, it could make students not want to read as much because of the limited choices. Teenagers should be able to read whatever they want, growing up adults always pressed me to read more, why are we trying to stop kids from reading books now?

My name is Elizabeth Kruger. I'm the parent of one preteen and two teenage boys. I'm an elementary school teacher and I oppose this bill.

Members of the committee. My name is Todd Beard, Senator from Williston District 23. I am here to speak on SB 2123. The purpose of this bill is to amend 12.1-27.1 Obscenity Control. Specifically, 12.1-27.1-03.1 Objectionable materials or performance-Display to minors- Definitions- Penalty.

The sexually explicit material available to our minor children in our schools and public libraries has become a major issue in our state. One side of this issue is determined to ensure these sexually graphic books and materials be available to our children. Another side believes making available sexually graphic books and materials may cause harm to minor children. I side with the latter.

A long time ago, and not so far away the school I attended had a library which was overseen by a wonderful capable person. She took her job very seriously. She not only made sure we had material available to us, but also that it was age appropriate. She was the adult in the room. When a parent sends their children out into the world to participate in sports or the scouts or even the classroom, they expect an adult to be in the room. Taking charge. Protecting. So where are the adults in the libraries? No one wants to take responsibility. Not the librarians, the school boards, or the public library boards. In fact, many libraries shun responsibility by using an organization like the American Library Association for book selection. An agenda driven organization which has a website page dedicated in training people how to fight bills like this one to keep this material in the hands of children. Others will use a reference to the US Supreme Court case known as "Pico". This is a false argument. The one thing that all nine justices agreed on was that school boards absolutely have the right to remove vulgar material from the library. The concern of the justices which affirmed the lower court decision was to ensure political speech was not removed. In other words, the writings of people like Thomas Jefferson, Abraham Lincoln and Martin Luther King Jr could not be removed by the school boards.

We have existing law which agrees that minors should be afforded protections from this material. All my amendment does is provide clarification that includes not only visual depictions, but also written descriptions. Words matter. Printed sexually explicit material has similar effects as visual material. Therefore, any adult that clearly makes available this material to minor children could be charged with a class B misdemeanor. Currently in our state there are public schools and public libraries not only ensuring this material is available, but also in some cases even promoting it. To what end? Let's make sure there is an adult in the room.

The second part of the amendment strikes out the exemption. The purpose of this is because it is duplicated in century code. If you refer to 12.1-27.1-11 you will find these same exemptions with the clarification of it being for adults only.

I ask for a Do Pass vote and will try to answer any questions you may have.

Thank You

Senator Todd Beard

Traci Lund

Director, Divide County Public Library

Former President of NDLA 2019-2020

Opposition to SB 2123

Dear Senator Larson,

I am opposed to bill 2123.

Traci Lund

Good Day Members of the Senate Judiciary Committee,

My name is Cionda N Holter, I reside in District 3, I would like to urge you to render a do pass on SB 2123. Our children need to be protected from as many forms of obscene material as possible. It has been scientifically proven that exposure to pornographic material at young ages can damage brain development.

We are the adults it is our job to protect children best we can from graphic pornographic images and reading materials. As we all know human trafficking, sex trafficking and grooming are all huge issues we are facing now. For children to be allowed to have access to these kinds of materials normalizes these things to them so they do not recognize the danger of it until it is too late. I ask you to please take a stand and protect our children from the outcomes of these materials.

Thank you,

Cionda (C.C.) Holter

701-580-4746

In opposition of SB 2123 | Victoria Hammel 1

Chairman Larson and members of the North Dakota Senate Judiciary Committee,

Thank you for this opportunity to express my opinion as a citizen of Valley City, North Dakota, a former professional librarian, educator, and mother of a now grown son.

Please do not pass SB 2123. It is completely unnecessary legislation.

SB 2123 is an example of government overreach into the lives of the citizens of North Dakota.

Under the guise of “protecting minors,” with no exceptions allowed for schools, colleges universities, museums, public libraries, nor or art galleries, it would deprive everyone of access to many cultural works, art, and even important medical information.

If it were truly about “protecting minors” why does it only address nudity? Images and descriptions of violence are far more prevalent and potentially harmful when viewed by children.

Printed texts on sexual education will inevitably contain images or descriptions that when taken out of context could be construed as pornographic. Images from a health text on various diseases or books with information on breastfeeding, when taken out of context, could be called pornographic by some people. This bill would even prohibit the medical pamphlets available in health care settings.

SB 2123 is demanding the government enforce a narrowly defined view of morality to appease a small segment of the population that would have the state take away the rights and responsibility of parents to monitor and choose what their children see and read.

In state that openly promotes individual freedoms, I find it abhorrent that our state legislators are advocating for this type of censorship.

Sincerely,

A handwritten signature in black ink that reads "Victoria M. Hammel". The signature is written in a cursive style with a large, looping initial 'V'.

Victoria M. Hammel
January 23, 2023

Good Day Members of the Senate Judiciary Committee,

My name is Jacob R Holter, I reside in District 3, I would like to urge you to render a do pass on SB 2123. Our children need to be protected from as many forms of obscene material as possible. It has been scientifically proven that exposure to pornographic material at young ages can damage brain development.

We are the adults it is our job to protect children best we can from graphic pornographic images and reading materials. As we all know human trafficking, sex trafficking and grooming are all huge issues we are facing now. For children to be allowed to have access to these kinds of materials normalizes these things to them so they do not recognize the danger of it until it is too late. I ask you to please take a stand and protect our children from the outcomes of these materials.

Thank you,

Jacob R. Holter

701-580-4746

Sharon Linnehan

832 12th Avenue SW

Valley City ND 58072

linnehan@erskine.edu

701 741-2307

Re. SB 2123

As a university level art educator one of the things I taught my students was how to accurately render a subject set before them. In order to teach this skill to others I had to have this ability myself. In order to perfect my own ability to accurately draw, I took two semesters of life drawing as an undergraduate and also attended workshops in Johnson, VT, Minneapolis, MN, and New Smyrna Beach, FL all of which were devoted entirely to drawing posed nude models. Later I hired a female model to pose nude for me in my home in order to continue to perfect my drawing skills.

Life drawing, that is drawing a living nude person who is posed in front of an artist or art students, has been part of Western visual art training for hundreds of years. Mistakes in proportion are more difficult to hide in a nude than in a clothed person. Actually when I taught university level art students I did not have them draw nude models because their skill level in drawing was not good enough to merit this. They all started drawing foreshortened geometric solids and once they got those proportions correct they could move on to more interesting subject matter such as a still life or clothed model.

Exemptions to the anti-pornography laws designed to protect minors were meant to protect the libraries from law suits initiated by the families of minors who, for example, got a hold of certain issues of *National Geographic*, or a text on Classical Greek or Roman sculpture. These legitimate exemptions were never meant to promote books advising children to pay for their porn, follow interviews with porn stars, engage in casual sex (oral, anal, or otherwise) with members of either sex, teach them to masturbate, sneak home with classmates to have sex when their parents weren't home, or whatever.

My grandson is 11 years old and in the 6th grade. He skipped 1st grade because in kindergarten he was tested and read at the 5th grade level. He is an avid reader and is very sad about not wanting to go to the library anymore because of the "bad" books. In the past he used the library frequently and loved everything about it. He himself has made the decision to not use Valley City's public library. We buy books for him on the internet instead.

My name is Rachel Kercher and I am the Youth Services Librarian at the Leach Public Library in Wahpeton. I have worked in North Dakota libraries for over fourteen years, and have spent the past ten years at the Leach Library serving library users and community members aged 0-18 years old and their families. I am writing to you today in opposition of SB 2123.

Section 1.1 of this bill states that if this bill passes it will be unlawful to display any “book, paperback book, pamphlet, or magazine, the exposed cover or available content of which exploits, is devoted to, or contains depictions or written descriptions of nude or partially denuded human figures”. This can be applied to any book or magazine within my library’s collection regardless of the title’s intended audience. This can include books on toilet training, books on puberty or any book that includes information on anatomy and physiology. This can include books on consent and body autonomy that help teach small children that their body is their own. This bill can include books geared to the adult survivors of rape and sexual abuse. This can also include the Bible for containing verses such as “and they were both naked, the man and his wife, and were not ashamed” and “let her breasts satisfy thee at all times” (Genesis 2:25; Proverbs 5:19).

While SB2123 has potential to keep explicit materials from minors in a public library setting, it does so at the expense of all library users. There are lasting consequences of passing this bill that will infringe on the rights of all North Dakotans.

Dear Senators:

Please allow me to thank you for all the hard work you do, and for your service to your constituents and to the people of North Dakota.

I am Karen Fay Thompson, long-time Bismarck resident, public library patron, retired librarian, and retired medical writer. I urge this committee to **do not pass SB 2123**.

Here are my reasons, and I write from the heart here. When I was going through puberty, I was lucky that I could talk to my mother about just about anything. She answered my questions willingly and sometimes lent me books or sent me to the library to fill in the gaps or answer questions she couldn't. I never had to learn about sex "out behind the barn."

Not every young person is as fortunate as I was. For this reason public libraries must continue to offer confidential, reliable, and accurate information for young people seeking answers to such personal questions.

If public libraries are hobbled by laws passed through bills such as SB 2123, young people will learn about sex from unreliable sources, the modern equivalent of "out behind the barn." We all want much better resources for our children and grandchildren.

Thank you for taking my comments. I appreciate your attention.

Karen Fay Thompson

701-426-3849

Senate Judiciary Public Hearing
January 23rd 2:30pm
SB 2123 - Testimony in Opposition

Chairman Larson and members of the Senate Judiciary Committee, my name is Whitney Oxendahl, and I am here in opposition of Senate Bill 2123. I oppose this bill because I am a parent of three small children, and this bill aims to limit what books and resources my public library can offer to my family, my children, and my community.

I am also a former member of the Fargo Public Library Board of Directors. The Fargo Public Library is run by an amazing staff of librarians who are professionals with advanced degrees in library science. The librarians overseeing and curating the collection of the hundreds of thousands of books and magazines are professionals, and this bill overrides their credentials while also opening them up to being charged with a class B misdemeanor. Not only that, this bill will impact the recruitment of librarians to our state if we add the potential of criminal charges to their job descriptions.

SB 2123 would create a tremendous and impossible burden on North Dakota librarians to audit their entire collection for this type of content. Content that is subjective and too broadly defined in the bill.

Additionally, the Fargo Public Library already has a Statement of Concern policy for reviewing items in the collection that individuals find concerning. A library committee reviews the statement, and the library board votes on the committee's recommendation.

This bill is not about freedom and liberty, this is about placing restrictions on ideas and information. This bill is about censorship, and I urge you to give SB 2123 a Do Not Pass recommendation.

I'm sure you'll hear some passionate testimony today as we have a community that loves our public libraries. Thank you for the opportunity to share mine.

Senate Judiciary Committee Members,

I have resided in North Dakota all my life. I am from and currently reside in Williston, ND. I obtained a BA in Music/Vocal Performance from Minot State University. I am just beginning my family and plan to send my children into the school system of my community. I am deeply concerned for my children when that time does arrive. There are several books currently in our school library that are beyond inappropriate for minors. If this book were given to a minor by an adult outside of school grounds, I would imagine that legal charges could be brought against the adult in question. I personally have not read all the books on the list; however, I have reviewed several of them. One of them is *Identical* by Ellen Hopkins. This book is very graphic in its depiction of incest, abuse of a daughter by her father while her twin sister witnesses the abuse. It is described in such detail that it speaks to the father's bodily fluid and how it trickles down his daughter's hand. Then the book goes on to depict how the twin who witnesses the abuse, turns to prostitution, drugs, and alcohol to cope while the twin who is abused turns to self-harm, bulimia/anorexia, and alcohol to cope. Resulting in one of the twins overdosing and passing away. There is very little indication from the title or the back of the book summary to what this book pertains.

I don't believe this material has a place in our public library. Especially without any warning system of checks and balances on who is eligible to check out such material. As a parent, it isn't material that should be offered by my child's school.

I personally, upon reading this material felt ill and found it be very disturbing. The thought of my daughter unknowingly to me or even herself checking out this book from her school library is unconscionable.

I have often found those in opposition, to having not researched into the material in question, or don't understand that this is not a request of banning books. I understand that this material has its place or value for those who have been abused to address their issues and find healing. However, without any warning many individuals who have been abused can argue that these books are a trigger to something that they were not intending to have triggered.

Please stand up for our children and community. Parents already have such a long, tough battle for their children's innocence with the countless entities of which it can be tarnished. That battle should not include our public and school libraries.

Please vote YES on SB 2123.

Thank you for your time and attention to this matter.

Sincerely,

Kimberly Wilson

Williston, ND

Support for Senate Bill 2123

Senator Keith Boehm

I am here this afternoon to voice support for SB2123. I supported this bill because it works on protecting the most vulnerable in our society from the scourge of pornography/ obscenity. It changes Century Code to target ways in which the pornography industry gets this horrid and damaging material into our minors hands. I look at our children as the most valuable resource that North Dakota has. There is much talk about other resources in our state. How to protect them, how do we increase the quality and how to capitalize on them. We need to do the same for our most valued resource our children. When a child is exposed to pornography it changes them forever, changes their brain. Brain scans have shown this result. Some say that this intrudes on free speech. I do not believe pornography is free speech. Do not our public institutions censor/ban pornographic magazines.

If an adult is concerned about free speech, they can get this material at any adult bookstore or online pornographic store, their free speech is unhindered it is just hindered where minors are concerned. I ask that the committee would make this legislation work even if it takes an amended version or melding it with another bill. I ask that this committee give a do pass on SB2123.

Freedom to View Statement

The **FREEDOM TO VIEW**, along with the freedom to speak, to hear, and to read, is protected by the First Amendment to the Constitution of the United States. In a free society, there is no place for censorship of any medium of expression. Therefore these principles are affirmed:

1. To provide the broadest access to film, video, and other audiovisual materials because they are a means for the communication of ideas. Liberty of circulation is essential to insure the constitutional guarantee of freedom of expression.
2. To protect the confidentiality of all individuals and institutions using film, video, and other audiovisual materials.
3. To provide film, video, and other audiovisual materials which represent a diversity of views and expression. Selection of a work does not constitute or imply agreement with or approval of the content.
4. To provide a diversity of viewpoints without the constraint of labeling or prejudging film, video, or other audiovisual materials on the basis of the moral, religious, or political beliefs of the producer or filmmaker or on the basis of controversial content.
5. To contest vigorously, by all lawful means, every encroachment upon the public's freedom to view.

This statement was originally drafted by the Freedom to View Committee of the American Film and Video Association (formerly the Educational Film Library Association) and was adopted by the AFVA Board of Directors in February 1979. This statement was updated and approved by the AFVA Board of Directors in 1989.

Endorsed January 10, 1990, by the ALA Council

(/offices/oif)

Lets look at commonly used statement by those in opposition.

It is not put out by any legal entity.

It is put out by a entity that has a vested interest in promoting pornography. when i look at the description of who formed it, the statement says all the right things but comes from an organization that supports pornography because it is supposedly free speech. Our government is tasked with protecting its citizens and that is what this legislation does. Pornography is reaching our children and the formerly safe institutions are being used to do it. I challenge everyone that hears this to study our sanctioning organizations and affiliations to see what they are really purveying, and you find out they are not gold standards but dark standards as they promote pornography and perversion.

Sandi L. Bates, MLIS, private citizen
Bismarck, ND
This testimony is my personal opinion.
OPPOSED to SB2123

There are so many factors about this bill to which I am opposed. Most of all what has me stymied about many of the legislative actions taken by this Republican-controlled session is the political stance touted by the party as being laissez-faire with limited government. And yet, here we are – having a hands-off government trying desperately to limit access to information mainly because one book discusses sexuality in a way that makes some uncomfortable.

We are raising up generations unable to critically think their way out of a wet paper bag. These young people are hindered by lack of access to information – unless that information falls within parameters in agreement with their parents' opinions. Natural exploration and curiosity should be encouraged and not stifled because the supposed adult does not want a topic discussed. Let's not continue to dumb down the populace. One of the major tenets promoted by Thomas Jefferson himself, "An educated citizenry is a vital requisite for our survival as a free people" is more critical now than ever.

Most librarians doing collection development have master's degrees in library and/or information science. We have undergone rigorous education

to inform our decisions based on gold-standard, best practices laid out and followed by the profession. We are even more cognizant that we do not only collect items in line with our own personal beliefs, but instead create a complete collection representing all sides. For instance, libraries also carry sex education materials on abstinence.

If parents do not want their child exposed to certain types of materials, there is an easy answer. The parent can accompany THEIR child anywhere a public walkway could potentially expose the child to obscene materials. Or they can skip going anywhere at all. In no way, should the prudishness of some parents limit the rest of the populations' access to books that make some uncomfortable.

I doubt when the writer of this bill was putting pen to paper, he considered the Bible, will fall within the parameters and be challenged for passages such as Genesis 19:4-5 "Before they had gone to bed, all the men from every part of the city of Sodom—both young and old—surrounded the house. They called to Lot, "Where are the men who came to you tonight? Bring them out to us so that we can have sex with them." Promoting homosexuality right there.

In addition, every romance novel, Sports Illustrated Swimsuit edition, National Geographic magazine, popular fiction novel by authors such as

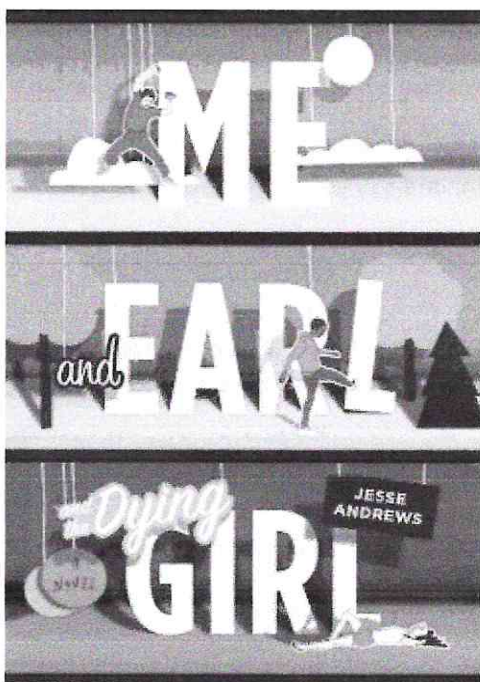
John Grisham, James Patterson and the like will fall under challenge parameters. In fact, since "gender identity" includes speaking about males or females, you could argue, every book in the library, with maybe the exception of a few farm animal stories, will need to be culled.

Is that really the democracy we live under? Is that really the world you want to live in?

I urge you adamantly to mark SB2123 DO NOT PASS.



ME AND EARL AND THE DYING GIRL



Summary of Concerns:

This book contains **inexplicit sexual nudity; sexual activities; and excessive/frequent profanity.**

Young Adult

By Jesse Andrews

ISBN: 978-1-4197-0176-4



You are about to access material that may contain content of an ADULT nature. These files may include pictures and materials that some viewers may find offensive. If you are under the age of 18, or if such material offends you or if it is illegal for you to view these materials, please exit now.

3 / 5

Minor Restricted
BookLooks Review Rating

Page	Content
32	GREG'S INEXPLICABLE BONER is in full retreat.
42	Chapter 6 PHONE SEX
49	I'm just saying, you do not leave Isreal without getting laid. You could have and eight-inch-thick titanium diaper bolted to your pelvis, and you would still somehow get laid. It should be their official tourism slogan: Isreal. Where Virginity Goes to Die.
59	"Are you gonna eat her pussy?"
60	<p>"Yeah, Earl, I'm going to eat her pussy."</p> <p>"Heh."</p> <p>"Yeah."</p> <p>"Do you even know how to eat pussy?"</p> <p>"Uh, not really."</p> <p>"Papa Gaines never sat you down, said, Son, one day you're going to have o eat the pussy."</p> <p>"No. But he did teach me how to eat a butthole."</p> <p>..."God bless that man."</p> <p>"Yup."</p> <p>"I would teach you some pussy-eating technique, but it's a little complicated."</p> <p>..."Son, I don't have time for that. I got like twenty pussies over here that I need to eat."</p> <p>"Is that right."</p> <p>"I'm on pussy deadline."</p> <p>"You've got twenty vaginas, all lined up in a row."</p> <p>"Aw, what the hell. What the hell. No one's talkin bout vaginas. Greg, what the hell is wrong with you. Man, that's nasty."</p> <p>..."I'm talkin bout pussy. I got a little honey mustard over here, a little Heinz 57, and a whole lotta pussy."</p>
69	My God, what if she wanted to have sex? Would I even be able to get a boner? I was pretty sure it would be impossible for me to get a boner in those circumstances.
72	<p>"I mean, it's also their fault for getting sexy pillows."</p> <p>"We had this one pillow in the house, they had to burn it, because that thing just got me so aroused."</p> <p>"That was the sexiest pillow, I just, I just wanted to make love to it all night, until the dark break of dawn."</p> <p>"I used to call that pillow the dirtiest names. I used to say 'You slutty pillow, you're such a dirty slut, stop toying with my emotions."</p> <p>..."Then one day I came home from school and caught that pillow having oral sex with this table from across the street..."</p>
73	3. Suggest that you habitually masturbate all over pillows.
74	yo pa gaines drove me to whole foods so if you need some funky Vlasic pickle relish for that pussy just hollerrr



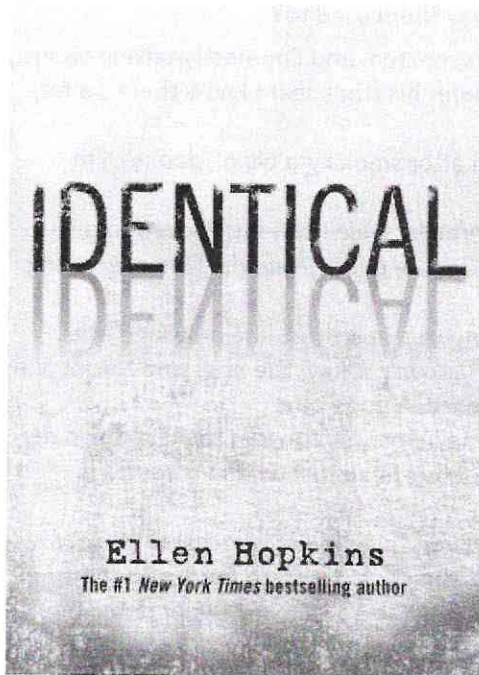
Page	Content
75	"All you need to know is that it's about the combination of food and sex. Like, oral sex." ..."Why is Earl combining food and oral sex?"
111	Yeah, uh, fuck. shit. Earl Werner Herzog can lick my ass-cheek. ...Earl Man, fuck Aguirre, the Wrath of God. Werner Herzog can stick his face all up in my asshole.
206	So you can be a heterosexual, or a homosexual, and I feel like I understand that, like you're a woman in a man's body or some shit, but I been thinking about it and how the fuck can somebody call theyself a bisexual. ...Man, ain't nobody like, that fine-ass girl is making me hard right now. Oh wait, my mistake, that dude over there is the one that's making me hard. That don't make no goddamn sense. ...Goddamn. If you're seriously like, "For real, I'm bisexual, any person can get me hard," man, you must get a hard-on from all kinds of freaky shit. Greg I think, uh...I mean, some scientists think that everyone's actually a little bit of both. Home and hetero. Earl Naw. That don't make any damn sense at all. You tellin me right now, you can look at some titties, get a hard-on, look at some dude's funky dick, get another hard-on. You gonna tell me that for real. ...Dog taking a dump: hard-on. Wendy's double cheeseburger: hard-on. Computer virus that destroy all your shit: hard-on. ...Big-ass hard-on for that shit. ...You wanna get with that girl, with the big-ass titties? ...You walk up to her, say, Girl, you might not a known this about me, but I'm a trisexual. ...Girl's like, what the fuck? ...You like, Yeah, trisexual. ...Then you drop the bomb, you're like: trisexual, girl. Cuz I'ma try to have sex with you. ...Try-sexual.
273	The jocks started asking me when I was going to do a gay porn.

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Profanity	Count
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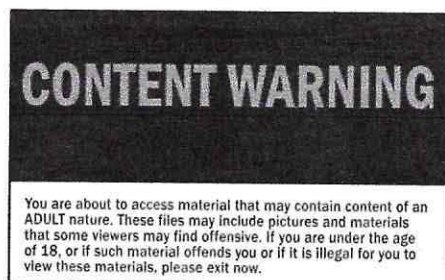
Young Adult

By Ellen Hopkins

ISBN: 978-1-4169-5005-9

Summary of Concerns:

This book contains explicit sexual activities including sexual assault and child molestation; violence including self-harm and suicidal ideations; profanity and derogatory terms; and drug and alcohol abuse.



4 /5

Not For Minors
BookLooks Review Rating

Page	Content
8	<p>There's Daddy who comes home every day, dives straight into a tall amber bottle, falls into a stonewalled well of silence, a place where he can tread the suffocating loneliness.</p>
19	<p>Except for the egg/sperm thing. Would he fall on his knees in front of me, if I were more like Mom and less like him? Would he come, begging, to me, too, let me stay, if he realized I want to love him the way Mom used to?</p>
26	<p>He likes what I give him. I like what he gives me, too, and I'm mostly talking about the bud. I pick up my pace because right under his front seat I know there's a fat, stinky joint with my name on it.</p> <p>...Of course, he expects compensation, and after smoking a big ol' doobie, I'm generally willing to cooperate.</p> <p>Life has gotten better- or at least more bearable- since I was introduced to my good friend, marijuana. You couldn't have a more decent friend. I love everything about it.</p> <p>I love the way it smells- good green bud, anyway, and that's the only kind Mick gets. I guess his brother knows a Humboldt grower. Okay, the post smells a lot like skunk juice. But somehow, there's a difference. A good one.</p> <p>I love the way the thick smoke tastes, curling across my tongue, snaking down my throat. I love holding it in. Coughing it out. I love head rushes, the creeping warmth that follows.</p> <p>And I love the distant place it takes me to. Everything feels right there. Mellow. Easy. Stress-free. I even love the munchies, the perfect excuse for devouring a pint of Haagen-Dazs. Of course, afterward I have to go stick my finger down my throat. Don't dare get fat. Daddy would not like that.</p>
28	<p>Mick and marijuana await me. I'm ready to pay Mick's going rate for the pot. (And I'm not talking money.) Some people would balk at the price tag.</p> <p>You might think, because of the things I've seen Daddy do, I'd be disgusted by sex. No way. I like how it feels physically, yes. Kisses, hot and prickly as August. Hands, tan and rough against my soft white skin. And the last, extreme punctuation.</p> <p>But getting off myself isn't the best part. I do everything in my power to make sure and that puts me indisputably in control. (He thinks otherwise, and I let him.) It's the only time I am in control. And I like how that feel most of all.</p>
41	<p>Then I kissed him. Hard. Wet. Sharp stabs of tongue. My fingers drifted in between his thighs, finding exactly what they expected. Madison gave a little gasp. "Oh," I said. "Sorry, didn't mean to offend you." I laughed. Mick joined me, then said. That's my cue. See ya, Mad.</p>
42	<p>He reached across the seat, grabbed hold of my arm. Pulled. When I resisted, he yanked harder. Hard enough to hurt. Hard enough to leave purple bruises. Someone smart would have screamed. Someone sane would have waited for a stop sign, thrown themselves free. Someone whole would have said no.</p> <p>Get the fuck over here and don't give me shit.</p> <p>I did as instructed. Worse, I liked that he told me what to do. It meant he cared, really cared. Right? Whatever. "Did you score some bud?" I asked, more to change the subject than anything.</p> <p>Under the seat. Twist one up, okay? We headed out Happy Canyon Road, only horses and cattle to mind our business. We could have gone home- no one there-</p>

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	<p>but I was still too made for sex. You know you want me. You'd take slimy seconds. Gross. "Yeah, right. Like your pimply butt is such a turn-on." It isn't too pimply, and it's kind of a turn-on, but that was beside the point. His hand brushed my left nipple. You love it. "Not while wondering who you're thinking about, Madison or me." I took a deep drag, held it. Took another without passing the joint, exhaling giant smoke puffs right in his face. Bogart. Pass that fucking thing over here. So I did, and once we were totally buzzed he pulled off onto a dirt ranch road, parked. No maid out here. Just birds and squirrels. Defenses lowered by excellent bud, I said okay to a quickie. Totally in control.</p>
57	<p>The bitter perfume of bourbon smacks me as I stumble in. It makes me thirsty. It's late, but never too late for one last shot. I tiptoe past Daddy's snoring, ease the Wild Turkey from the table. Can't really blame him for choosing redemption in a bottle. Two bottles, actually. One holds 750 ml of amber liquid. The other is small enough to fit in a pocket. Daddy has been sentenced to pain abatement a la OxyContin. The accident was eight years ago and his doctor keeps refilling, like he doesn't know about Daddy's dance with the devil. Like I care Truth is, I borrow a little Oxy every now and then too. Not often, though. It's expensive. Daddy would miss it, even if his dimwit doctor didn't. I have to admit it's tempting. It makes me feel like how you feel when you fall in a dream. Only you don't wake up. You just keep falling deeper and deeper into the darkest recesses of sleep. Especially when you help it out with a nip or two of Wild Turkey. Of course, I have to be very careful not to do it when Daddy's not trapped in the snare of sleep too. Wouldn't do to be lying there unaware if he came crawling to me. No, I'd want to be totally ready. But it won't be tonight. Fifth of whiskey beneath my arm, I slip noiselessly into the kitchen, pour two fingers, replace the bottle. Then I slither into Daddy's bathroom, help myself to a small green pill. Just one. Just enough for a free fall totally without a parachute.</p>
60	<p>I chance a sip of Turkey. Have to wet my tongue before letting the Oxy dissolve. Slowly. Nasty. Another sip. Jet fuel, hot and acrid against my taste buds. Another time, another place, I'd let myself cough. Not now. Not here. ...I lie flat, give myself up to the Oxy/Turkey merry-go-round. Eyes closed, I star the tumble. Round. Round. Down. Down. Outside, the wind rouses suddenly.</p>
62	<p>I'm frozen solid in place just like I was that night, the first time Daddy came. A night Kaeleigh can't (or won't) remember. But I do. It was a year or so after the accident. Kaeleigh and I were nine, give or take. Mom had gone in for another round of surgery. She was already lost to us. Lost. Long gone. ...Daddy smelled of Wild Turkey. Each night, we knew, he drank more and more. That night, he had drunk just enough. Kaeleigh, girl.</p>

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	<p>His voice was a soft hiss. Are you awake? Talk to me. Daddy ish-is-sh-so lonely. I'd never heard him sound like that. Like a stranger. A drunk, slurring stranger. Where was my daddy?</p> <p>Kaeleigh, all sweetness, wanted to comfort Daddy, who drew her onto his lap. Stroked her hair. Kissed her gently on the forehead. Cheeks. Eyes. Finally, on her lips, but not nasty or mean or with tongue or anything but misplaced love. Love meant for Mom.</p> <p>He just held her, kissed her. Breathed Wild Turkey all over her until they both fell asleep, woven together.</p>
64	<p>That one innocent joining was only the beginning, but neither realized it that night. And all I could do was linger in a dark corner, sharp jabs of envy tearing my eyes.</p>
65	<p>I guess I could have offered descriptions o Daddy's "privates" (his word), the way he wears his scars.</p> <p>...Instead, I stood by and watched father love turn to LUST.</p>
66	<p>I fell asleep, thinking about Daddy kissing Kaeleigh, craving his kiss, understanding its significance.</p>
80	<p>No doubt he'll be watching the sway of Kaeleigh's hips, craving her. And a drink. Not sure which one he craves more. But tonight he'll have to play the good (sober) husband and devoted father.</p>
82	<p>I can't imagine her actually getting close enough to someone- anyone- to invite them into her bed, let alone her pants.</p>
90	<p>I eat when I'm sad. I eat when I'm lonely. I eat when I hurt so much inside, it's either eat or find an easy way to die. The only time I can't eat to total contentment is when Daddy's around. No daughter or mine will wear double-digit clothes, he said once, and meant it.</p>
91	<p>What she doesn't look like is a girl, all narrow hips, straight waist, and teacup breasts. And if I have my way, I won't either.</p>
96	<p>We empty our glasses. Mom opens another bottle, pour for us both. I'm getting drunk with my mother, and neither of us can think of a thing to say.</p>
97	<p>In the living room, the TV is on, but Daddy has drunk himself into oblivion.</p>
98	<p>Out, where I should be. Where any self-respecting sixteen-year-old should be on Friday night. Out, getting drunk with friends or, better yet, a really fine guy, instead of tying one on at home with my marble-hearted mother, no less.</p>
99	<p>Sneaking out, getting drunk, getting high. What better way to spend Friday night? Especially after too many hours stuck at home listening to Mom's political bullshit. ...I plan to do a lot in the way of self-medication. Funny term for getting screwed up to the point of passing out. I need to be that messed up to get to sleep at all tonight. I'm totally wound.</p>
100	<p>Great place for a kegger, too. And that's our destination. Mick drives like a maniac, which would be all right except I really, really want to get high, and smoking dope and speeding don't exactly go hand in hand.</p> <p>..."If you slow down a little, I'll roll a nice big joint. And after we smoke it, just maybe I'll mess around with your nice big joint too." Okay, so it isn't eloquent, but</p>



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	it works. He slows to right around the speed limit as I fumble under the seat, searching for his stash. This slow enough for you? ...Finally, pay dirt. I reach into the baggie, extract a big bud.
101	He reaches for my left boob.
102	"Give me your lighter." Delectable smoke fills the cab. ..."Shut the fuck up." I take a giant hit of pot.
103	Needless to say I don't feel much like messing around with Mick's "nice big joint," not even after killing off the nice big joint wrapped in a rolling paper. Maybe after a beer or ten. And hey, lucky me, looks like the beer's flowing up here on Figueroa Mountain.
105	He looks me up and down like he's shopping. I see. Any plans to come together tonight? "Nope." I part my lips bravely. "Not with him, anyway." He nods his head, stands. How's that beer? Need a refill? I shrug. "Sure. Don't suppose you happen to have anything stronger on you, though?" ...He reaches into his jeans pocket, digging for treasure. Maybe I'll dig in there later myself. Meanwhile, I'll content myself with the giant fatty he lights. The pot is the same as (or very similar to) Mick's. "So..." I cough out a big hit. "You and Mick share a connection, huh?" ...He draws in a long, deep lungful. I move a little closer, like I can't quite reach the joint. "Since we're sharing a hooter, can we, like, share names?"
108	He reaches across the short distance between us, pulls me right into him, kisses me with unexpected hunger. In the time it takes me to react to that, decide whether or not to invite more, he already has my top button unbuttoned. His hands want to go under the fabric, insist on it, in fact. I should say no. Need to say no. "W-wait," I try, but no little bit of me wants to stop and Ty intuits all of that. He doesn't stop, and I don't try to make him. And it isn't long before I throw every ounce of caution to the nonexistent wind. With only a fleeting thought of Mick, I give in to this insane desire to know this not-quite-stranger in the most intimate way. And so, I sacrifice my inner child, give myself away.
114	Memory strikes suddenly chokes me. Strangles me. It was dark in my room. Very dark. Someone had closed the curtain. I was small. Maybe nine. Mommy wasn't home. But Daddy was. He lurched through my door. That scared me. But why? He'd never hurt me before. Only touched me lovingly. Like any Daddy. ...Don't be afraid, little flower. It's only me.
121	Maybe that's why I got so ballsy, had sex with Ty where I knew Mick could find us. ...Anyway, most of Mick's brains reside in the general area of his groin. One thing for sure, sex will never be about love with Mick. I don't love him, and he definitely doesn't love me. Still, he semi-fills a gaping black hole inside me. That place wants love, maybe even needs love, but love is something I'm pretty sure doesn't exist.

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122	Besides the easy sex thing, there's still the pot. I know they say marijuana isn't addictive, not like speed or heroin, which claw into you and won't let go. Pot is more of a sweet talker, and I'm all over that sexy voice. I went Saturday without it, but by yesterday afternoon, I was getting antsy.
123	Yeah, well, I could have screwed her Friday night too. I didn't, even though she wanted to.
126	Pinstripes, actually, on dark trousers, snug at the waist and across his hips, before falling loosely down over his thighs. And just as my disgusting brain gloms onto a sick image of what those thighs look like, his voice descends.
150	<p>Someone had closed the curtain. Kaeleigh was scared. I tried to tell her not to worry, but just then, Daddy burst through the door.</p> <p>I closed my eyes tight, made myself no more than a shadow. Something about him was different. I didn't want that something to find me.</p> <p>I cracked my eyes just a slit as he sat on Kaeleigh's bed, pulled her into his lap. He smelled of Brut and Wild Turkey. His peculiar potpourri.</p> <p>I love you so much, my little flower. Daddy needs something from my girl, my sweet rose. Will you give it to me?</p> <p>I wanted to be his little flower, would have given my Daddy anything. What did he want from Kaeleigh? She laid her head on his chest. "What?"</p> <p>I want you to see something, something that proves how much I love you. This is only for you, Kaeleigh girl.</p> <p>He lifted her gently, sat her down on the bed beside him. Then he opened the snaps on the fly of his flannel pajamas.</p> <p>It stood up, stiff as a stalagmite. See how much Daddy loves you? Show me you love me, too. Touch it. He closed her hand around it.</p> <p>I know it sounds bad, but I wanted to touch it too. I didn't know what it meant, only that it made Daddy happy. I wanted to make him happy too.</p> <p>That's right. That's right. His voice rocked in rhythm with his body. Oh, yes, my Kaeleigh loves me. My little flower...</p> <p>...when Daddy finished, he burrowed his face into Kaeleigh's hair and wept. Confused at his tears, and at the sticky stuff icing her hands, still Kaeleigh pleaded, "Don't cry, Daddy. What's the matter? Didn't I love you good enough?"</p> <p>...Yes, you loved me good enough. So very good! But it's our secret, okay? Because if anyone knew how much you love me, they'd be jealous. Now Kaeleigh was really confused. "Can I tell Mama our secret?"</p> <p>No! Especially not Mama. She'd get mad because she doesn't love me like you. She might even go away. You don't want that, do you?</p> <p>She thought it over. Again and again. But she finally agreed, "I won't tell." Daddy pulled her against him. Good. That's very good. It's okay to have secrets between Daddy and his girl. Just remember. No one likes a tattletale. Especially not Daddy.</p>
158	Weird. I always thought cutters were sick. Sicker than me, even. But with a single swipe I understand why they do it. Why they like it, even though they hate it. I let the water runs over the cut, ratchet it hotter, watch the blood slow, stutter, almost halt. I like the way the exposed flesh looks, all pinkish white. It looks new, although I know that isn't right.

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167	It takes all my willpower not to flinch, not to bloat his anger. His fingers catch my cheeks, pinch until my mouth opens. I'll decide what is or isn't trouble. You just follow orders. Understand? Drool dripping from my open mouth, all I can do is nod.
175	Once again we engage in easy sex, hardly a word exchanged between us. We are so not about conversation, and only body-to-body communication.
179	I noticed a definite odor of marijuana in your vehicle. Have you been smoking pot this afternoon?
184	I guess I'm pretty good at sex, but I don't think because the world needs more (even better) sex.
202	I do know a few other people who might have some bud. ...He gave me his number, for the next time you find your mouth watering for a red hot lollipop...
208	He pulls out a baggie, a quarter of some crumbly brown substance. When he cracks the bag, the perfume that escapes smells like heaven. Opiated hash. Ever tried it? I shake my head no, but Ty is quick to remedy that, filling a small pipe bowl with a miniature ball of opium-laced hashish. He takes the first toke, and now heaven's on fire, and smoking. Still holding his hit, Ty cautions around it, Little tokes, now. Don't want to cough this stuff out. Hold it as long as you can. Slowly inhale a taste sweeter than any before. Greedy me wants more, but I remember his warning.
210	Drinking. Smoking. Feeling the creep of the poppy, all along my spine, skull to tailbone. I know the high is mostly hash, not so different from regular cannabis (though even tastier). But the opium topper provides a whole new set of rushes. Body rushes, like little shivers. Head rushes, like turning in circles, round and round, don't fall down. Shall we move the party into the bedroom? Ty reaches over, kisses me. Hard. Harder. ...His teeth rake my bottom lip, move down over my chin, down my neck. Not too hard. Not really. But hard enough. Should I have warn garlic and a silver cross? I laugh out loud at the thought, and I realize how fucked up I am. ...He picks me up, carries me into his bedroom, half throws me onto the bed. When he starts to undress me, I burst into a new fit of giggles. My jeans are so tight, he can't wiggle me out of them. "Want some help, my macho vampire?" I shed everything and he does too, but before we do another thing, he asks, How 'bout another bowl? Something to take you real, real low. He leers like a scary circus clown. Low as a girl can go. True to his word he drops me real, real low. I'm floating on a poppy sea. Naked. Mellow. But a sudden wind rouses the breaks and low tide builds to major swells. Ty kisses me, all fang, pure vampire. "Hey. Take it easy." But somehow my body responds to the pain. And Ty responds to that, clamping one hand around both my wrists, pulling them over my head and pinning me helpless. It is then I notice the nylon cord, one end tied tight to the headboard.

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	<p>Ty's voice is almost a snarl. This is one of my favorite games. He wraps the rope around my wrists, knots it tightly. Escape-proof. I shake my head. "Don't." But he does. Should I scream? Would anyone hear? Would anyone care? The obvious answer softens my plea. "Please?" Haven't you played this game before? I guess I'll have to teach you the rules. The proper response would be, "Please, sir." Say it. My heart yells, "No fucking way." But my brain, the part that understands my daddy, makes me acquiesce. "Please, sir." He flips me onto my belly, yanks my legs apart. I don't have to see the restraints to know they're there. The ankle knots do not surprise me. I am helpless. Exposed. And, strangely, somehow I feel at home this way. Say it, he demands, like I should know he means, Please, sir. Punish me. Deliberate, controlled, he punishes me. I whisper into the pillow, "I understand." I understand why Kaeleigh like the feel of slicing her flesh, releasing bottled-up hurt. Leather snaps against my skin, and I remain still as stagnant water, afraid I might not play by his rules. This is a new game, and the sick thing is, I see quickly that I like it, might ask to play it again. The pain is fuzzy at the edges, blurring toward pleasure. Maybe it's the hash, the gentle arms of opium. And now new leather- human, Ty- falls softly over the heated welts, a soothing balm of sweat-beaded skin. But then heightened pain, forced inside me, stuffed inside me. Seared, branded, likely marked, a moan escapes me and Ty surges. After, knots loosened, a rub of cool eucalyptus oil persuades me I do want to play again. Soon.</p>
228	<p>They're about the same as straight sex and gay sex- some similarities, but different in ways that really count.</p>
232	<p>I slip into Daddy's bathroom, and this time when I "borrow" his Oxy, it's not for me. Okay, one is for me. The other three are for Daddy. I can't slip all three into a single drink or he'd taste it for sure. This will be a seduction. One I know he can't refuse. He finally roars in, and I've already mixed him a highball, long on Turkey, short on Oxy. That will change as the evening progresses. He gives me a look but takes the drink anyway. Thanks. I need this. ...I hand Daddy the Oxy-tainted highball glass as Kaeleigh answers, I didn't mean to be late, Daddy.</p>
235	<p>I watch the two of them stuff their faces, fix Daddy one last drink. Between the rich food, stiff Turkey, and three Oxycontin, he'll be fast asleep in a few minutes. Most of the evening's drama behind us, I slip off to the bathroom. Kaeleigh's disgusting food binge made me want to purge. It's more than a habit. It's a need. Experts even call it a disease. However you classify it, though, it's not about body image. At least not for me. For me, it's all about maintaining a modicum of control, especially when everything goes completely ape-shit.</p>
236	<p>But I do like the cool of the porcelain on my face, the solid of tile beneath my butt. Most of all, I like my belly emptied, even temporarily, of food. Of fat. Of pain.</p>
237	<p>Now that I've evacuated my stomach, I can swallow the Oxy I borrowed for myself. Pop the pill, chase it with whiskey, crawl into bed. Pray such seduction brings dreamless sleep. Seems to take a long time for the sleep aid to kick in.</p>

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	...The gathering haze does not conceal memories of another night. Kaeleigh was ten.
238	<p>Daddy had been back to Kaeleigh for "lollipop licking" (my term) a few times. She had a vague notion that it was "wrong," but she wasn't sure why, and didn't know who to ask. They'd probably just be jealous.</p> <p>That warm summer night, she slept in a thin white nightie, nothing more, nothing at all under. The moon, full, shimmered against the tan of her exposed skin, and her hair whispered over the pillow like a pale waterfall.</p> <p>As usual, the smell of Wild Turkey preceded Daddy. In the bright moonlight, you could see Kaeleigh cringe in shallow sleep. Daddy crept thought the door, to the side of the bed, stood looking down for a very long time before stirring her with a volley of kisses. Cheeks. Forehead. Lips. Oh, little girl. Do you know how beautiful you are? No one was ever as lovely as you, not even your mother when she was a child. I can't believe you're mine.</p> <p>Kaeleigh roused at his words, came into the moment, secure in the aura of Daddy's love. She tried to sit up, but Daddy pushed her gently back down against the mattress. Stay just like that for Daddy. I want to teach you something new. He lifted her nightgown, rolled it up over her belly, coaxed her Thoroughbred legs apart. She squirmed, a paltry protest.</p> <p>Don't move! Daddy's scarlet face underlined his command. I thought he might smack her.</p> <p>But as quickly as his anger flared, it dissipated, smoke. Don't be afraid. This won't hurt. You'll like it. I promise. He kissed the length of her torso, down to the small, naked V.</p> <p>It was only his mouth that night. He didn't even ask her to touch him, prove how much she loved him. Afterward, she worried. Didn't he want her love anymore? What had she done wrong? And yet, he had taught her something new. Something awful.</p> <p>Worse, something wonderful. Something every girl should know the joy of, though, of course, she shouldn't learn it from Daddy.</p> <p>At ten, it isn't exactly easy to separate good touch from bad touch, proper love from improper love, doting daddy from perv.</p>
245	Mom sat on an overstuffed sofa, vacant-eyed, silently sipping vodka on the rocks. Daddy gulped whiskey, and might have passed out quickly except...
259	More drugs. More men. More sex. Do you think there's really such a thing as "enough"?
260	"Let's sneak on outta here and do the dirty."
262	You'll like what I've got. I assume he's talking weed. It's been a couple of days and the truth is, I'm so wanting a buzz. I could call Ty, ask for a bit steeper high (low?). Oh yeah, how low can we go? Loaded question.
265	Truth is, more than missing Mick, I miss catching a lunchtime buzz. I wish I could just buy a personal stash, keep it around.
267	Thought you kind of liked the play. Was I wrong? He reaches up, strokes my cheek gently. No encore? Rough play, he means and I really did like it because I'm sicker than he is.

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	<p>..."An encore would be nice." I smile. "Maybe nice is not the right word, though." Nice works. So how about it? When can we get together again? He winds his fingers into my hair. Tugs gently, brings my face right down against his. Opens his mouth. We are tongue on tongue.</p>
270	<p>I triple promise I'll give him a call. Straight up, I will, because one guy will never be enough for the likes of me. Truth is, I can't believe one anything (guy, girl, whatever you happen to be into) could be enough for anyone.</p>
271	<p>I jump up into the Avalanche, scoot almost into his lap, give him an over-the-top kiss, hoping he doesn't taste guilt. Whatever he tastes, he likes it, wants another dose. I stop his tongue (not to mention his hands) with a single word. "No."</p>
272	<p>He starts to turn south but I stop him, with a hand on a spot too high on his thigh to qualify as "thigh." "Let's go to my house. It's empty." ...So Mich and I will smoke up and make out in my bedroom.</p>
280	<p>Desire strikes like a cobra sinks its fangs between my legs, injects its venom. The heady creep wanders from groin to belly. I lift Ian's hands, urge them against the throb beneath my blouse. "Touch me. Please?" He want to, does, and I love his skin on mine. And then he moans, Oh, Kaeleigh... And suddenly a different snake strikes, with lightening ferocity. Not cobra, but python, threading itself around me, squeezing. Hissing, Oh, Kaeleigh. Oh yes, that's right, little flower.</p>
288	<p>I lean forward slightly, notice his eyes fall to what almost passes as cleavage, with a good Victoria's Secret push-up bra helping out. ...The entire time, my legs rest gently between his, knees touching the inside of his, and despite my "lunch" with Mick today, I'm starting to feel incredibly, um...aroused.</p>
301	<p>It's not like the two of them do much screwing, at least not with each other.</p>
305	<p>Now I feel the need for liquid fun. Tucked away in a low cabinet is my parent's liquor stash. ...The Chopin vodka, stashed in th freezer, is a different song, and I'm so ready to drink that slushy tune. I'll never sleep without it. ...I don't really like the taste of vodka, bt they say you can't smell it on the breath.</p>
315	<p>Open my skin. Right ankle. Left ankle. White flesh. Red polka dots. Ha! that's funny. Ouch. Stings. Behind right knee. Left knee. Oops. A little deep. Blood pumps. Check it out. Thump. Thump. Oh my God. Can I stop it? Who really cares? The drain runs red.</p>
319	<p>(Doing the dirty.) Shot one: missionary, Daddy on top. Shot two: doggie-style, Daddy on top. Shot three: can't even say it, let alone dwell on the picture, but Daddy's on top. (Always on top.)</p>
320	<p>Wonder who was on TOP when they did have sex. Sex, sex, sex I have really got to stop thinking about it so damn much, you know?</p>

Page	Content
	<p>Daddy and Hannah; Daddy and Mom; Daddy and Kaeleigh; Daddy and whoever; Mom and Daddy; Mom and whoever; Lawler and whoever; Mick and whoever; Ty...</p> <p>Sex, sex, sex. I have really got to stop wanting to have it, and mor and more of it. Clumsy sex (Mick); choreographed sex (Ty); imagined sex (Lawler, assorted others).</p> <p>I've been half thought about experimenting with a girl or two. Variety is the spice of life.</p> <p>Sex, sex, sex. And what goes with that? Drugs, more drugs, and alcohol, of course.</p>
332	<p>No Mick, no bud. No Ty, no better buzz, and he's much more difficult to manipulate. Dopeless sex? That could not feel good. Could it?</p>
336	<p>I'm kind of liking this blood thing. Fetish? Fixation? Not quite an obsession yet, but I can see it growing into that. Drip. Drip.</p> <p>Steady. Slow. Drip-drip. Quicker yet. Drip-drip-drip. Drip-drip-drip.</p> <p>Drip.</p> <p>Drip.</p> <p>Drip.</p> <p>I'd probably just let myself drip, but I did promise to show up at work and help out with the Halloween decorations.</p>
388	<p>Oxy dessert, to chase his Wild Turkey main course.</p>
393	<p>Kaeleigh was used to Daddy's visits, but that night she, too, felt something different in the air. Rage. Lust. Sorrow. Perversion. All mingled in Daddy's sweat. There was nothing gentle about how he threw back the covers. Already naked, he pushed Kaeleigh roughly to one side, flopped beside her.</p> <p>I could tell she was afraid. This wasn't her Daddy. This was a demon, his evil hard and sharp as steel blade, ready to slice into her. It did.</p> <p>His attack was brutal, bloody, wordless except for vicious Shut the fuck up at her pitiful scream, a plea to please, please no, Daddy, no. It hurts. Oh!</p> <p>I cowered, sick at the sight, but unable to divorce myself from the horror. I felt Kaeleigh's pain. And when Daddy was done and she cried, I cried too.</p>
402	<p>Safe in the far stall I wait for the bell to ring, picking at a scab or two. The one on my ankle is recent. I open it wide, encourage the flow. It's like milking venom from my veins. Wonder how long it would take to bleed out completely.</p>
407	<p>And, are- don't get mad- are you cutting?</p>
415	<p>"This should cover what I smoked. Please take me home now."</p> <p>Don't want your money. His zipper opens, and what escapes is eager. Then he pushes my head down. Haven't you missed me?</p> <p>I could just do it. Get it over with. Pretend it never happened. But I don't think so. It has to be my idea or not at all.</p> <p>"No, Mick. Goddammit, I said no!"</p> <p>But he's all over me and I may not have a choice. He outweighs me by a hundred pounds and he's got me pinned against the door. His fingers, clumsy, work at my own zipper. I try to push him off.</p> <p>What's wrong? You know you want to.</p> <p>"No. I really don't." But I can't stop his mouth from covering mine, leaving a wet</p>

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	<p>trail of sobber all over my face. One hand tugs my shirt over my head, the other is inside my bra, twisting, pinching. I could just get it over with. See? Your nipples don't lie. You like it. He's too worked up to manage tight jeans, so he leans up over me, demanding I do him with my mouth. I could bite. But he'd probably kick my ass and finish his business anyway. I've never seen this side of Mick. Or maybe I have and ignored it. I can barely breathe, and the teeth of his zipper are biting into my chin. Atta girl. You can't say no to... Daddy. Daddy? Kaeleigh would just give in. The thought of her wide-eyed surrender gives me a sudden idea. But I have to play things right. First I go limp, pretend to acquiesce. I even give him a taste of what he wants. "Stop for a minute. You're hurting me." He hesitates, looks down into my eyes, which have teared up quite nicely. He draws back ever so slightly. I did down, beyond fear, fine Raeanne again. "If we're going to do this, you don't get to have all the fun. And can we pretty please take another hit first?"</p>
418	<p>I reach down, grab his tray, complete with maybe a half ounce of great bud. Pricey bud. I'm betting on greed. "Hang on. I need some light." I open the door wide, and send the tray sailing like a pot-covered Frisbee.</p>
421	<p>CONGRESSWOMAN'S DAUGHTER ARRESTED for theft of would-be rapist's truck. Says they were smoking pot after curfew when things got out of hand.</p>
441	<p>I'm celebrating pretty good right now, on two Oxy and enough bubbly to give me hiccups for days.</p>
447	<p>The Bad Thing About Puking Regularly is how you come to rely on it. Hungover? Go puke. Feel a bit fat? Go puke. Confused? Go puke. Frightened? Go puke. Entire world falling apart? Hurry up and go puke. All of the above? Puke. Puke. Puke. Puke. And puke some more. Totally Puked Out esophagus acid-etched, I'm ready to face the day. Not.</p>
459	<p>I am your little girl. I am not your girlfriend. I am not your whore. I am not my fucking mother! But he is on top of me and my shout is silenced. He is inside of me and my scream stays there too. He is finished. And I don't cry out, but I do cry a bucket of silent tears. He slithers away and at last, I quietly sob no no no no no.</p>

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466	I want to know joyous sex. ...I want sex laced with love, and not warped parental love, but the honest kind. I want sex that makes me feel right, not like some freak, some inbred monstrosity. I'm no, am I?
467	Sex feels great with him, too. I guess it might be nice for sex to feel right, like the person you're with might even love you.
471	More drugs. Better drugs. Maybe it's time to graduate from pot, hash, and pills to something stronger. That opiated stuff was great. Wonder what heroin is like. I hear it drops you way down, where pain can't find you. Any Drugs would be good right this moment. Heroin. Cocaine. Maybe ecstasy. Not too sure about psychedelics. They say acid and 'shrooms make you look inside your own head, help you learn about yourself.
472	Not love to us, I'd still like to see Ty. It's been a long week with nothing to smoke.
473	Share a doob? ...A shitload of bud.
476	I'm not even drunk, not stoned, not buzzed on pills. Perfectly straight, still I'm reeling.
481	I know how to swim, have practiced the dead man's float for years, but it's frightening how much I just want to drown in this undertow of booze and pills. I drank a lot tonight, ingested an incomprehensible amount of painkillers, some borrowed from Daddy, the rest pilfered from old Sam, who seems to be suffering a lot from his arthritis. His nightstand is a pharmacy. I doubt he even noticed I lifted a handful of Percodans.
486	My lungs fill with water. Silt. Mud. Now it hurts to breathe. So I won't. I'll settle deep into darkness. And I won't say good-bye.
487	Oh my God. Her face is blue. ...I lean over the side of my bed, jet a big stream of opiate-laced Wild Turkey.
488	What did you take, Kaeleigh? Tell? Don't tell? Who cares? "Percodan." No need to mention Daddy's Oxycontin. The Wild Turkey, they can smell. Hannah sighs. How many? Her voice, sugared, irritates me now. If heaven's host sounds like her multiplied, I'll stay home. "N-not sure. A dozen?"
490	A dozen painkillers, washed down with whiskey. That wasn't an accidental overdose, Ray.
501	...extract eighty bucks from my private stash, pop a single Oxy to steady my nerves,...
503	I swallow one more pill for good measure, steel up courage.
506	Charlotte shared most of her time with a whiskey bottle, and so devoted little to your father or me.
507	I found your father, on a swing with a young girl, about his age. They were naked, playing with each other. Miranda was directing them, and her boyfriend was

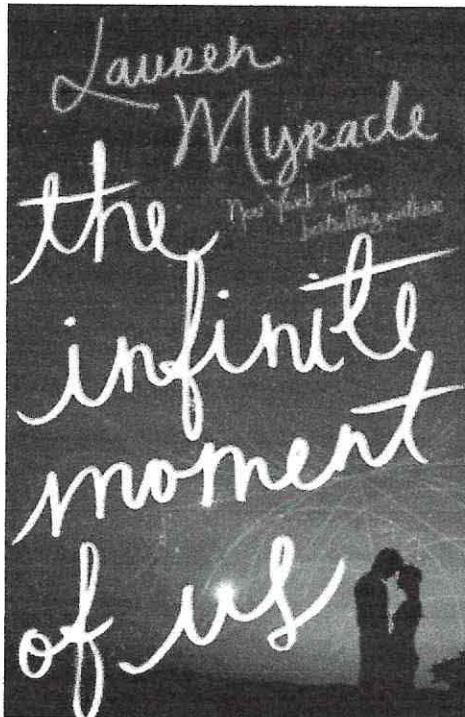
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	<p>taking pictures. ...Your father gained his manhood, if you could call it that, at the age of ten. His photographs appeared in magazines, for the pleasure of pedophiles.</p>
516	<p>He comes back with a party in a box. You want to get buzzed, right? I nod and next thing I know, we're smoking black African bud. It's not really black, but it's definitely purple, the buds big around my fist. And it tastes like absolute heaven. Almost immediately, my eyes grow heavy and my tongue thick. "Incredible," I manage, sounding more like "incredible." ...The other part tells the first to shut up, quit trying to fuck my high.</p>
517	<p>How far will you go with me? He kisses my mouth. My throat. Will you let me draw blood? He bites my neck, and a moan escapes my mouth, unbidden. How high will you let me take you? For once, I want to relinquish control. For once, I want to completely let go. "You decide." His grin is pure evil. That's my girl. He yanks my blouse over my head, spills me from my bra. He kisses, bites. I'm already lost, but hungry for more. He pulls me to my feet, hands all over me...</p>
519	<p>I'm right here, and I'm...too fucking stoned to deal with this now.</p>
520	<p>Too much fucking good bud.</p>
523	<p>They tell me it's withdrawal from OxyContin.</p>
530	<p>I told her, "Where Daddy touched me." She looked and her face grew red.</p>
536	<p>Speaking of drugs, I could use a big fatty right about now. How will I ever score after I get out of here? And which one of me is the loadie, anyway? I'm sure getting high isn't good for my "condition," but how can I not, if I have to go home?</p>
537	<p>Fuck that. All he did was have sex with Mom. Probably just one time. ...That, I'm pretty sure, I got from you. "That, and a great sex education." Sex is disgusting.</p>
542	<p>Turns out the electrolyte imbalance is real, the result of not only puking from Oxy withdrawal, but also the binge-and-purge cycle that my alter and I seem to have shared. ..."You eat. I'll throw it up. You'd be a regular oinker if not for me." ..."...And I need to get high." ...Drug abuse. Alcohol. Bulimia... "Don't forget that lovely bit about shaving until you slice yourself open." And that's the easy stuff. Promiscuity. ...And the granddaddy of all- fucking Daddy. "More accurately, letting Daddy fuck you and keeping it to yourself." Even if I tell her every bit of it, there's no guarantee she can fix me. Suicide sounds better and better. "Yeah, but you'd have to get it right. Or maybe, just leave that to me."</p>
544	<p>What do I have to live for? Can't think of a single thing.</p>



Page	Content
552	And when he couldn't give me the life I was used to, I fell into addictions. Whiskey. Cigarettes. And, to fight my depression, Prozac.
553	Alcoholism is not a pretty things, and I was an ugly alcoholic. I moved in with a string of men.
555	I was drunk but not too drunk to take in what was going on. Your mother was gone, and your father was washing you. Only the way he was washing you was all wrong. He was touching you in a sexual way. Kaeleigh. I confronted him, but he just laughed in my face.
556	Instead I drank even more to forget. I drank until one day I looked in the mirror and saw death.
563	But I have to admit, I've smoked a little bud. Not that much. I'd probably do more, but it's expensive. And now it's cash-and-carry. I still use food for comfort. I still purge when I get too comfortable. And once in a while, when memory intrudes, I still enjoy a good, deep shave.
564	When I do those things when I use or purge or cut, I'm still not myself.

Profanity	Count
Ass	12
Bitch	9
Faggot	1
Fuck	36
Piss	8
Prick	1
Shit	17

THE INFINITE MOMENT OF US



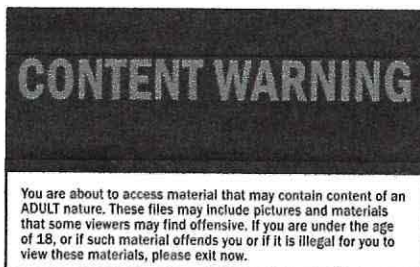
Summary of Concerns:

This book contains sexually explicit excerpts and profanity.

Young Adult

By Lauren Myracle

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4 / 5

Not For Minors
BookLooks Review Rating



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28	When she shifted, the hem of her skirt rode up, revealing a finger's width of her skin. He wanted very much to look down her shirt...
60	"It'd take a crowbar to pry that girl's legs apart," ...
62	<p>It brought up memories of his mother, his biological mother. She was young when she'd had him. Young and scared and desperate. Two jobs but never enough money, and certainly none for child care.</p> <p>"I expect you to be quiet and behave," Charlie heard her telling him, and he pictured a skinny little kid- him- being pried off the faceless woman's leg and pushed firmly into a cramped garage. Maybe she said it once more before yanking down the garage door, staring hard at her three-year-old son. "Stay here and be quiet for Mommy."</p> <p>Garage doors are heavy, and they could be closed with some amount of speed, but surely Charlie could have ducked beneath it and tried to get to her. He hadn't. "Stay," his mother had said, and like a good dog- or if not a good dog, a dog who'd learned about cause and effect- he'd obeyed.</p> <p>He was in there for a long time, day after day. August, in Atlanta, was brutal. He must have cried out eventually, or hit his small fist against the door, because they found him, didn't they? A neighbor discovered that it was a "who" and not a "what" making such a racket in the garage behind the apartment units...</p>
65	She seemed so angry, and yet she reached over, grabbed his hand, and shoved it under her shirt.
65	"Sure, Pamela, only, after she gave you your coffee, she gave me a blow job behind the workshop..."
123	Once, he ran his finger over the swell of her lower lip, and she surprised him by parting her lips and capturing his finger between her top and bottom teeth. She sucked on him, circling the tip of his finger with her tongue, and he got hard.
124	He wanted to have sex with Wren. God, he wanted to, and he hoped she eventually would, too.
130	<p>"Mmm," she said, and she arched her back. In some ways they'd moved fast physically, which Charlie was 100 percent fine with, although there were certain things they hadn't done that he wished they would.</p> <p>...but she hadn't yet to touch his dick, for example.</p> <p>...He kissed her for real, and she looped her arms around his neck and her legs around his hips.</p> <p>..."God, you drive me crazy," he said. He kissed her neck. Ran his hand over the curve of her breast, and then down along her side. Down farther, pulling her close. She was wearing a skirt today, and he found the hem and slipped his hand underneath. Her thigh, her ass. Silk panties with soft lace around the edges. He ran his finger below the lace, and Wren made a small sound. Wren tried to be quiet when they were together like this.</p> <p>...His cock strained against his jeans. He pulled back slightly and used his forearm to push her legs apart. He slid his hand beneath her panties again and found the spot he was looking for- heat and wetness and skin softer than any sild or lace- and slipped two fingers inside her.</p>

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	<p>"Oh," Wren said. She was breathing hard. Charlie drew away from her kiss, but kept on with his fingers, watching her. Her eyes were closed. Her lips were parted. She lifted her hips...</p>
132	<p>..."When he was a baby, his father punched him in the gut." ...A baby. Who punched a baby?</p>
135	<p>Did Wren want to have sex with Charlie? Definitely. ...Tessa had had sex for the first time when she was sixteen, and since then she'd had sex with two other boyfriends before P.G. And, yes, Tessa and P.G. were now having sex ("And it is sooooo good," Tessa raved), which brought Tessa's count up to four. That was a lot of sex, Wren thought. "Have you at least touched his dick yet?" ..."Oh my God, Wren. That poor guy must have the worst case of blue balls ever."</p>
136	<p>"Yes, I want to have sex with Charlie..."</p>
141	<p>"Want to jump his bones?" Wren smiled. Yes, that. Yes, yes, yes.</p>
146	<p>She let her fingers trail up and down her body. Tessa was still in the shower- Wren would hear the water turn off when Tessa was done- and Wren was a little tipsy. She closed her eyes and touched her breasts. She pulled down the collar of her shirt and gazed at the swell of them. She touched herself beneath her bra. Her nipples hardened. She thought of Charlie, and she crossed her feet at the ankles and rolled onto her side. God, she wanted him. She groaned, embarrassed and aroused...</p>
149	<p>"Yes, I want to...have sex. With you. Or make love to you. With you. Whatever." ...I want to have sex with you. ..."Do you...want me to send you a picture?" She heard Charlie inhale. He stumbled over his words. "You mean of...of you?" "Yeah," she whispered. She unbuttoned her light summer blouse. Blue, like periwinkles. "Can your ghetto phone receive pictures?" "Yes," he said without hesitation. She glanced at the door that led to the bathroom. It was closed, and the shower was still on. ...She let her blouse fall open. Her bra was one of her prettier ones... The fabric was sheer, and her nipples- still hard- were clearly visible. ...She pulled down the cup of her bra on one side. She cupped her breast with her hand, lifting it higher, and- quick, do it now, or you never will- used her other hand to tap the shutter button on her phone.</p>
153	<p>"Did you have table sex, or is she too afraid to get dirty?" Ah, shit. ...Charlie and Starrla had had table sex- or a table fuck; with Starrla it was always "fucking"- in Chris's shop one Saturday afternoon long, long ago. Starrla had been on top. ...They'd had sex on this sofa, too. More than once. ..."Banged her yet. Your pretty, perfect girlfriend."</p>

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158	<p>And then...her unbuttoned blouse. Her bra, pushed to the side. All breasts were not equal, Charlie thought. He didn't think about Starrla's breast, or his hand on it, because Starrla wasn't Wren.</p> <p>Looking at the picture Wren sent, and knowing she had sent it to please him, made him crazy with love and longing.</p> <p>...I want to make love to you.</p>
179	<p>...shitty day.</p> <p>As for sex. Well. They were fourteen the first time they "fucked," and afterward, Charlie tried to tell her how pretty she was.</p>
181	<p>But things happened, and he did have sex with her, or she had sex with him. Ten sweaty minutes later, it was over.</p>
202	<p>...she paused to admire herself in her full-length mirror, wearing nothing but her new lingerie. She turned to one side and then the other. She tried to see herself the way Charlie would see her, and it excited her.</p> <p>...Heat spread up her body. Her nipples hardened, and her breathing changed, and when she imagined not just his eyes on her, but his hands, his mouth, she grew suddenly and undeniably wet.</p>
205	<p>A drop of water landed on Wren's thigh, below the hem of her soft, clingy sundress, and Charlie ducked and licked the coldness off. Something wonderful and private fluttered inside her.</p> <p>..."...you should take off your dress."</p> <p>Wren's pulse quickened. "You want me to take off my dress?"</p> <p>"I do."</p> <p>She breathed, or tried to. Her body tingled. She rose to her knees, took the bottom of her sundress in her hands, and pulled it over her head.</p> <p>The night air made the hairs on the back of her neck stand up. The night air also made her nipples hard, or maybe it was the way Charlie was looking at her.</p> <p>"You are beautiful," he said. He brought her champagne glass to her mouth, and she took a sip. Then he moved the glass down her body, charting a course between her breasts and over her tummy.</p> <p>"Is it cold?" he asked.</p> <p>She nodded.</p> <p>He lifted the glass back to her breast, pressing the coldest part to her nipple. He watched her face.</p> <p>...Charlie fanned his hands over the back of her panties. "God, I love your ass," he murmured.</p> <p>She was both thrilled and mortified. She was on her knees, and he was behind her, and when she shifted to move back beside him, he didn't let her. Instead, he ran his hand over and under her panties.</p> <p>...Charlie pulled her back to him, and she turned toward him. They were both on their knees, and he put one hand at the base of her neck and kissed her while his other hand skimmed the side of her body and the curve of her hip.</p> <p>...He leaned back, and she helped pull his shirt over his head.</p> <p>...He trailed his fingers down the strap of her new French bra. He reached the lace and lightly skimmed it. With both hands, he scooped up her breasts, running his thumbs over the swell of them and making her nipples even harder. They poked</p>



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	<p>visibly through the sheer fabric- Wren glanced down and saw- and Charlie said, "Leaves?"</p> <p>Wren's mind was foggy. Then she said, "Leaves. Yes. On my bra. Do you like?"</p> <p>He dipped his fingers under the lace, sliding the fabric of the bra off her breast and anchoring it beneath, so that it pushed her flesh higher. He did the same to the other breast. "I like this better," he murmured, bowing his head and sucking first one nipple and then the other.</p> <p>Wren couldn't think. It was all sense and touch and heat and shivers. Oh my God, she thought, and she moved beneath his touch, following his hands with her body.</p> <p>He fiddled with her bra. It took him a moment to work the clasp, and she smiled as she kissed him.</p> <p>She was wet.</p> <p>She was scared, but she wanted him inside her.</p> <p>Her fingers found his jeans. She undid the button and pulled down the zipper, drawing away to check his expression.</p> <p>"Baby," he murmured.</p> <p>"Can we...?" She pushed down on the waist of his jeans, not sure how to get them off him. Why had she never gotten his pants off him before? She'd wanted to, but she'd been shy, but now- aggh. Why wasn't there a guidebook for this stuff?</p> <p>He helped, and in the moonlight, she drew in her breath. Boxer briefs. Black and tight. Muscular thighs, so different from her softness.</p> <p>And in the front. Erect and long beneath his boxers. His dick. Tessa had taught her to call it that, dick and not penis, because penis was a silly word. And this, the solid length of Charlie's dick, of Charlie...</p> <p>She'd wanted to touch him there many times, but she'd been scared. She was still scared. Her heart pounded, and she hooked her thumbs beneath the band at the top of his boxers- but no. They wouldn't...they were stuck, caught by the tip of his dick. She bit her lip and used her fingers to pull the waistband up and over him. She tugged them to his knees and didn't know what to do next.</p> <p>But okay. Wow. She bent and took him in her mouth before she realized what she was doing. And then...</p> <p>Really wow, and really strange. Not bad, but really, really strange.</p> <p>He moaned, and Wren moved up and down. Her hair swung. She was doing this, and part of her couldn't believe it, but part of her could, especially since he clearly liked it.</p> <p>"God, baby," Charlie told her, his breath hitching. "But...hold on..."</p> <p>He gently pushed her shoulders. When her mouth left his dick, he made a sound. He fumbled with his boxers, less graceful and more urgent than he'd been with his jeans. He got them all the way off, and Wren's eyes widened at the sight of this beautiful boy- her boy, her Charlie- naked and hard in front of her.</p> <p>He lay her down. He slipped her panties off, and he kissed her toes. He kissed her shins, her knees, her thighs, and when she lifted her hips, he stretched his body over hers and eased his finger, maybe two, inside her. With his thumb, he rubbed other places.</p> <p>Wren lifted her hips higher. She pressed against him and found his mouth with hers. His dick was hard against her but not yet in her.</p>

Page	Content
	<p>...With his knee, he spread her legs. She gasped. She clung to his shoulders... ...Warmth between her legs. Pressure. Slippery, hard, soft- but it didn't go in, or it didn't feel as if it did. "Charlie? I don't-" He pushed harder, and she widened her legs. She didn't know what she was doing, but she was willing to try. Charlie did something with his fingers- she wasn't sure what- and her body acted on its own. She arched her spine and pressed the back of her head into the blanket. She smelled the earth, and she smelled Charlie, who thrust into her. She cried out at a sudden sharp pain, and Charlie stilled. "Are you okay?" he asked, bearing his weight on his forearms. "I'm fine," she said, wanting to be. But ow. ...She took him by his hips and pulled him back inside her. Okay, better. Yes. It no longer hurt. She nudged him out a little with a rock of her own hips. In, out. In, out. It worked, it made sense, it felt really, really- They're rhythm fell off, and their hips kind of bumped, and again, Wren couldn't get it back. ...He positioned himself on one hip and slipped almost all the way out of her. She missed him. ...She grasped his hips, and he thrust harder. Faster. She moved with him, and oh my God, yes. So silky. Salt from his neck. She nibbled and licked and kissed, and small sounds came from her, and she found that if she twined her legs around his, she could raise her hips even higher. Charlie groaned. In and out, together, and she loved this boy. She was doing it. She was having sex with Charlie, making love to Charlie, and everything inside her expanded and connected. ...Charlie called out her name, and he stopped thrusting, but he stayed inside her, his muscles taut. "Oh, baby," he said, panting. ...Only, no. Not yet. She moved beneath him, needing more- and more and more. Desire welled inside her. Desire and pleasure, until she felt crazy with it. She grabbed his hips and pulled, and he thrust again and kissed her roughly. ...He circled her nipple with his tongue before sucking and tugging. "Charlie. God, Charlie..." He switched to her other breast, and everything- Her muscles tightened, and she turned her head to the side as she rose one last time to meet him. The she let go. ...Charlie pulled out of her, slowly, and lay beside her.</p>
214	<p>They had sex every chance they got. ...They'd done it on an enormous pool float shaped like a dolphin, which Wren was still lying on. She laughed. "Can I be your bunny, honey?" "Absolutely," Charlie said, tossing Wren her bikini top and scanning the floor for his swim trunks. ..."But I think you're more like that dolphin: slippery when wet."</p>

Page	Content
217	"Jesus, Charlie. I'm going to fuck you anyway," ...
218	Last week as Wren lay snuggled against Charlie's chest, she had asked him if sex, with her was better than sex with Starrla.
231	<p>And there was a particular spot on the innermost part of her leg- soft and pale- for Charlie only. He stroked that spot with a downward motion, and the pleasure drew heat to the most private parts of her. When her breathing quickened, he noticed, because he always noticed.</p> <p>"I love it when you squirm," he would murmur, perhaps putting his mouth to her breast. Sucking. Nibbling. Tugging.</p> <p>There had been times, afterward, when she felt embarrassed by how she twisted and turned, how she arched her spine, imploring him wordlessly to have his way with her because there was nothing she wanted more.</p>
237	<p>He touched her lower lip, then lowered his hand and cupped her breast. She gasped, and Charlie ran his thumb over her nipple. She pressed against him, and when she closed her eyes, he kissed her long and hard.</p> <p>"God, Charlie," she murmured. Her cheeks were flushed, and she put her hands on his chest.</p>
238	<p>Charlie found Wren's knee under the table. He ran his hand under her dress and up her leg, making her press her lips together, as well as her thighs. She shot him a look. He shrugged and grinned, too.</p> <p>...As Tessa loaded up everyone's plates, Charlie's hand traveled higher between Wren's thighs. Tessa sat down, and everyone dug in, chatting and laughing. Charlie stayed in the conversation, but his real interest lay elsewhere. With his hand that was under the table, he reached the lace bordering Wren's panties. Wren dropped her piece of bread. She tried to act as if nothing unusual was going on, but her hand joined his under the table. She clutched his forearm. Her fingernails dug into his skin.</p> <p>"I'm sorry, what?" she said to P.G. and P. G. repeated a plot detail of the story he was telling.</p> <p>Charlie's fingers wen to the strip of silk stretched over Wren's crotch. Wren's grip on him tightened. He looped his thumb under the top edge of Wren's panties and tugged the fabric upward and finally Wren couldn't take it anymore. She gripped Charlie's wrist and moved his hand forcibly away, relocating it to his own thigh and pressing down on it for several seconds to ensure that he'd stay put.</p> <p>"Jesus," she said under her breath, but the look she gave him thrilled him.</p> <p>"I want you," he mouthed.</p> <p>...She moved her other hand higher on Charlie's leg, and heat spread through him. She smelled sweet, and her body was soft, and she had no idea what she did to him.</p> <p>...He had a dead-on view of her breasts, which threatened to spill from her see-through bra. Damn, it was hard not to touch her.</p>
241	<p>He slid his hands to her lower back and then to her perfect ass, pulling her closer.</p> <p>...She looked slightly shocked, and then pleased. She winked and swished off, and his dick, which had begun to soften, grew stiff again. It was mind-blowing how easily, and often, she aroused him.</p>



Page	Content
244	"I knew she was stacked, but whoa. Get that dress off her, and we's talking porno."
248	"You like her tits better than mine? Okay. Do you suck them like you sucked mine? Okay, that's super. That's great. Have fun..."

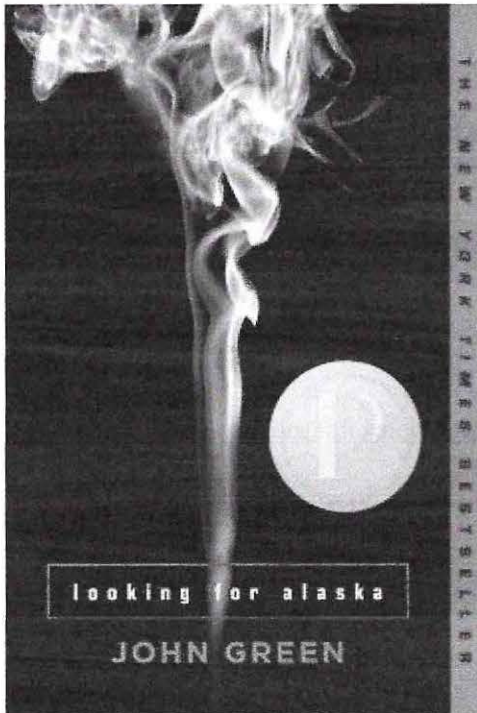
Alternate ISBN

1-41970793-0

1-41971358-2

Profanity	Count
Ass	21
Bitch	3
Dick	11
Fuck	12
Piss	3
Shit	12

LOOKING FOR ALASKA



Summary of Concerns:

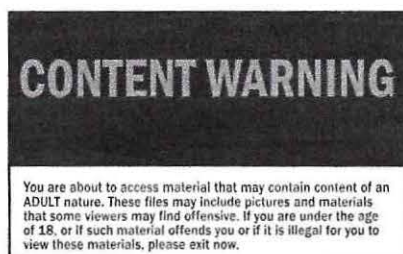
This book contains sexual nudity and sexual activities; moderate profanity use; alcohol use; and gender ideologies.

Young Adult

By John Green

ISBN: 0-525-47506-0

0-525-47506-0



3 /5

Minor Restricted
BookLooks Review Rating

Page	Content
30	"...I'm in the middle of a sentence about analogies or something and like a hawk he reaches down and he honks my boob. HONK. A much-too-firm, two- to three-second HONK. And the first thing I thought was Okay, how do I extricate this claw from my boob before it leaves permanent marks?..." "...She got her boob honked over the summer." She walked over to me with her hand extended, then made a quick move downward at the last moment and pulled down my shorts.
32	"Don't grab my boob." The Colonel gave an obligatory laugh, then asked, "Want a smoke?" I never smoked a cigarette, but when in Rome...
38	"...But there is so much to do: cigarettes to smoke, sex to have, swings to swing on..."
44	Lying naked in bed together ("genital contact" being offense #1), already drunk (#2), they were smoking a joint (#3) when the Eagle burst in on them.
45	...I spent the night surfing the Web (no porn, I swear)...
81	"He loves weed like Alaska loves sex," the Colonel said. "This is a man who once constructed a bong using only the barrel of an air rifle, a ripe pear, and an eight-by-ten glossy photograph of Anna Kournikova. Not the brightest gem in the jewelry shop, but you've got to admire is single-minded dedication to drug abuse."
90	Since we only have four layers of clothes from doing it, I took the opportunity to introduce myself.
92	"Studies show that marijuana is better for your health than those cigarettes," Hank said.
103	"...You thought she was quietly discussing precalc, when she was clearly talking about having hot sex with you..."
104	"She has great breasts,"... ..."DO NOT OBJECTIFY WOMEN'S BODIES!" Alaska shouted. Now he looked up, "Sorry. Perky breasts." "That's not any better!" "Sure it is," he said. "Great is a judgement on a woman's body. Perky is merely an observation. They are perky. I mean, Christ."
105	She jumped onto him and wrapped her legs around him (God forbid anyone ever does that to me, I thought. I'll fall over). I'd heard Alaska talk about kissing, but I'd never seen her kiss until then: As he held her by her waist, she leaned forward, her pouty lips parted, her head just slightly tilted, and enveloped his mouth with such passion that I felt I should look away but couldn't.
107	"Did I tell you that Jake is hung like a horse and a beautiful, sensual lover?"
108	"I don't know if this is the best time to tell you this," the Colonel shouted at the Beast, "but Takumi here hooked up with your girlfriend just before the game."
113	"...How will stabbing one another in the back help women to rise above patriarchal oppression?!"
128	I woke up half an hour later, when she sat down on my bed, her butt against my hip. Her underwear, her jeans, the comforter, my corduroys, and my boxers

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	<p>between us, I thought. Five layers, and yet I felt it, the nervous warmth of touching- a pale reflection of the fireworks of one mouth on another, but a reflection nonetheless.</p>
130	<p>...and scooted up to put her head in my lap. My corduroys. My boxers. Two layers. I could feel the warmth of her cheek on my thigh. There are times when it is appropriate, even preferable, to get an erection when someone's face is in close proximity to your penis. This was not one of those times. So I stopped thinking about the layers and the warmth, muted the TV, and focused on Decapitation.</p>
137	<p>"He's just happy most everyone's gone. He's probably masturbating for the first time in a month."</p>
139	<p>Her hand above my knee, the palm flat and soft against my jeans and her index finger making slow, lazy circles that crept toward the inside of my thigh, and with one layer between us, God I wanted her. ...And I steeled myself to say them as I stared up at the starriest night, convinced myself that she felt it, too, that her hand so alive and vivid against my leg was more than playful, and fuck Lara and fuck Jake because I do,...</p>
143	<p>"Don't look at my ass," she said, and so I looked at her ass, spreading out wide from her thin waist.</p>
145	<p>"...Sex is pretty fun...." ..."You're hopeless. Wanna go porn hunting?" "Huh?" "We can't love our neighbors till we know how crooked their hearts are. Don't you like porn?" she asked, smiling. "Um," I answered. The truth was that I hadn't seen much porn, but the idea of looking at porn with Alaska had a certain appeal.</p>
146	<p>I was stunned by how many people had booze. Even the Weekday Warriors, who got to go home every weekend, had beer and liquor stashed everywhere from toilet tanks to the bottoms of dirty-clothes hampers. "God, I could have ratted out anyone," Alaska said softly as she unearthed a forty-ounce bottle of Magnum malt liquor from Longwell Chase's closet. ...She stared at it, then pulled out the King James Bible, and there- a purple bottle of Maui Wowie wine cooler.</p>
146	<p>And we found plenty of porn magazines haphazardly stuffed in between mattresses and box springs. It turns out that Hank Walsten did like something other than basketball and pot: he liked Juggs. But we didn't find a movie until Room 32,...</p> <p>..."The Bitches of Madison County. Well. Ain't that just delightful." We ran with it to the TV room, closed the blinds, locked the door, and watched the movie. It opened with a woman standing on a bridge with her legs spread while a guy knelt in front of her, giving her oral sex. ...A woman crouched on her hands and knees while a guy knelt behind her. She kept saying "Give it to me" and moaning, and though her eyes, brown and blank, betrayed her lack of interest, I couldn't help but take mental notes.</p>

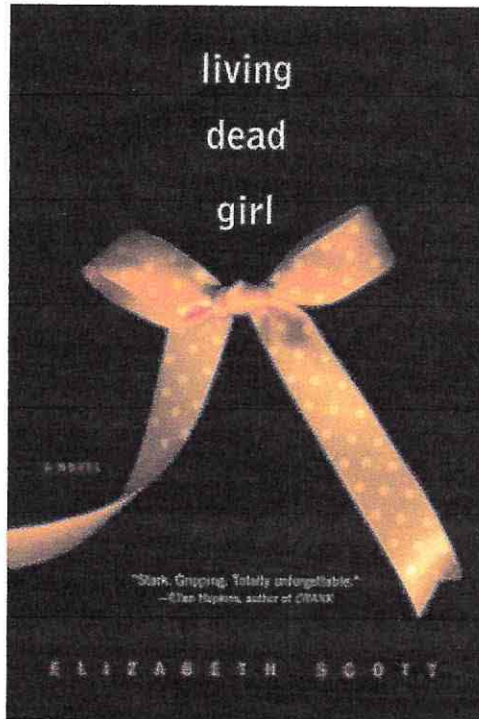
Page	Content
	<p>Hands on her shoulders, I noted. Fast, but not too fast or it's going to be over, fast. Keep your grunting to a minimum.</p> <p>As if reading my mind, she said, "God, Pudge. Never do it that hard. That would hurt. That looks like torture. And all she can do is just sit there and take it? This is not a man and a woman. It's a penis and a vagina. What's erotic about that? Where's the kissing?"</p> <p>"Given their position, I don't think they can kiss right now," I noted.</p> <p>"That's my point. Just by virtue of how they're doing it, it's objectification. He can't even see her face! This is what can happen to women, Pudge..."</p> <p>..."Look me in the eye and tell me this doesn't turn you one, Pudge."</p> <p>I couldn't. She laughed. It was fine, she said. Healthy.</p>
151	<p>"...All I remember is that she had a lot of sex."</p> <p>"I know. She's my hero," Alaska said without a trace of irony.</p>
155	<p>She said that it was sexist to leave the cooking to women, but better to have good sexist food than crappy boy-prepared food.</p>
158	<p>"COOSA LIQUORS' entire business model is built around selling cigarettes to minor alcohol to adults."</p> <p>...headed to the aforementioned Coosa Liquors.</p> <p>..."Which is great, if all you need is cigarettes. But we need booze. And they card for booze. And my ID blows. But I'll flirt my way through."</p> <p>...Alaska went in alone and walked out the door five minutes later weighed down by two paper bags filled with contraband: three cartons of cigarettes, five bottles of wine, and a fifth of vodka for the Colonel.</p>
162	<p>"Don't you know who you love, Pudge? You love the girl who makes you laugh and shows you porn and drinks wine with you. You don't love the crazy, sullen bitch."</p>
167	<p>"French, Feel, Finger, Fuck. It's like you skipped third grade," Alaska said.</p>
186	<p>I wanted to like booze more than I actually did (which is more or less the precise opposite of how I felt about Alaska). But that night, the booze felt great, as the warmth of the wine in my stomach spread through my body. I didn't like feeling stupid or out of control, but I liked the way it made everything (laughing, crying, peeing in front of your friends) easier. Why did we drink? For me, it was just fun, particularly since we were risking expulsion.</p>
188	<p>"...and neither are the countless bitches that call me lover."</p> <p>..."Oh shit did you just diss the feminine gender/I'll pummel your ass and stick you in a blender..."</p> <p>..."...objectify women and it's fuckin' on..."</p>
191	<p>"We are all going to puke if we just drink. So we'll slow it down with a drinking game. Best Day/Worst Day."</p> <p>..."...The best storyteller doesn't have to drink. Then everybody tells the story of their worst day, and the best storyteller doesn't have to drink..."</p>
204	<p>Soon we were entirely out of our sleeping bags, making out quietly. She lay on top of me, and I held her small waist in my hands. I could feel her breasts against my chest, and she moved slowly on top of me, her legs straddling me. "You feel nice," she said.</p>

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210	<p>"Have you ever gotten a blow job?"</p> <p>... "I've just never given one," she answered, her little voice dripping with seductiveness. It was so brazen. I thought I would explode. I never thought. I mean, from Alaska, hearing that stuff was one thing. But to hear her sweet little Romanian voice go so sexy all of the sudden... "No," I said. "I never have." "Think it would be fun?" DO !!?!?!?!?!?! "Um. Yeah. I mean, you don't have to." "I think I want to," she said, and we kissed a little, and then. And then with me sitting watching The Brady Bunch, watching Marcia Marcia Marcia up to her Brady antics, Lara unbuttoned my pants and pulled my boxers down a little and pulled out my penis. "Wow," she said. "What?" She looked up at me, but didn't move, her face nanometers away from my penis. "It's weird."</p> <p>"What do you mean weird?" "Just big, I guess." I could live with that kind of weird. And then she wrapped her hand around it and put it into her mouth. And waited. We were both very still. She did not move a muscle in her body, and I did not move a muscle in mine. I knew that at this point something else was supposed to happen, but I wasn't quite sure what. She stayed still. I could feel her nervous breath. For minutes . . . she lay there, stock-still with my penis in her mouth, and I sat there, waiting. And then she took it out of her mouth and looked up at me quizzically. "Should I do something?" "Um. I don't know," I said. Everything I'd learned from watching porn with Alaska suddenly exited my brain. I thought maybe she should move her head up and down, but wouldn't that choke her? So I just stayed quiet. "Should I, like, bite?" "Don't bite! I mean, I don't think. I think---I mean, that felt good. That was nice. I don't know if there's something else." "I mean, you didn't---" "Um. Maybe we should ask Alaska." So we went to her room and asked Alaska. She laughed and laughed. Sitting on her bed, she laughed until she cried. She walked into the bathroom, returned with a tube of toothpaste, and showed us. In detail. Never have I so wanted to be Crest Complete.</p> <p>Lara and I went back to her room, where she did exactly what Alaska told her to do, and I did exactly what Alaska said I would do, which was die a hundred little ecstatic deaths, my fists clenched, my body shaking. It was my first orgasm with a girl, and afterward, I was embarrassed and nervous, and so, clearly, was Lara, who finally broke the silence by asking, "So, want to do some homework?"</p>
217	<p>"Can't make out. Too drunk."</p> <p>... "Hook up with me."</p> <p>So I did.</p> <p>It was that quick. I laughed, looked nervous, and she leaned in and tilted her head to the side, and were kissing. Zero layers between us. Our tongues dancing back and forth in each other's mouth until there was no her mouth and my mouth but only our mouths intertwined. She tasted like cigarettes and Mountain Dew and wine and Chapstick. Her hand came to my face and I felt her soft fingers tracing the line of my jaw. We lay down as we kissed, she on top of me, and I began to move beneath her. I pulled away for a moment, to say, "What is going on here?" and she put one finger to her lips and we kissed again. A hand grabbed one of mine and she placed it on her stomach. I moved slowly on top of her and felt her arching her back fluidly beneath me.</p> <p>I pulled away again. "What about Lara? Jake?" Again, she sshed me. "Less tongue, more lips," she said, and I tried my best. I thought the tongue was the whole</p>

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	<p>point, but she was the expert.</p> <p>...She moved my hand from her waist to her breast, and I felt cautiously, my fingers moving slowly under her shirt but over her bra, tracing the outline of her breasts and cupping one in my hand, squeezing softly. "You're good at that," she whispered. Her lips never left mine as she spoke. We moved together, my body between her legs.</p> <p>"This is so fun," she whispered, "but I'm so sleepy. To be continued?" She kissed me for another moment, my mouth straining to stay near hers, and then she moved from beneath me, placed her head on my chest, and fell asleep instantly. We didn't have sex. We never got naked. I never touched her bare breast, and her hands never got lower than my waist.</p>
233	<p>She was warm and soft against my skin, my tongue in her mouth, and she was laughing, trying to teach me, make me better...</p>
236	<p>An hour after the Colonel left, resident stoner Hank Walsten dropped by to offer me some weed, which I graciously turned down.</p>
238	<p>I am sleeping, and Alaska flies into the room. She is naked, and intact. Her breasts, which I felt only very briefly and in the dark, are luminously full as they hung down from her body. She hovers inches above me, her breath warm and sweet against my face like a breeze passing through tall grass.</p> <p>..."I'm so naked," she says, and laughs. "How did I get so naked?"</p>
290	<p>"Is this what you told Lara in the TV room? Because, see, Pudge, they only call it a blow job."</p>
335	<p>"The way young people speak about on another's bodies says a great deal about our society. In today's world, boys are much more likely to objectify girl's bodies than the other way around. Boys will say amongst themselves that so-and-so has a nice rack, while girls will more likely say that a boy is cute, a term that describes both physical and emotional characteristics. This has the effect of turning girls into mere objects, while boys are seen by girls as whole people-</p> <p>..."You're so hot! I wish you'd shut up and take off your clothes."</p> <p>..."what we have here is a very interesting case study- a female objectifying me, a male. It's so unusual that I can only assume you're making an attempt at humor."</p> <p>..."I'm not kidding! Take off your clothes."</p>

Profanity	Count
Ass	13
Bitch	10
Fuck	24
Piss	19
Shit	29

LIVING DEAD GIRL



Young Adult

By Elizabeth Scott

ISBN: 978-1-41696060-7



4 /5

Not For Minors
BookLooks Review Rating

Page	Content
4	<p>You've pulled your skirt up to your waist, arms resting by your sides, palms up and open. Waiting.</p> <p>"Good," he says, and lies on top of you. Heavy and pushing, always pushing.</p> <p>"Good girl, Alice."</p>
20	<p>Open my eyes, see a girl, black and blue all over, dried blood along her thighs.</p> <p>"Get up and take a bath, Alice," the man in the blue shirt said, and Alice did. I did.</p> <p>That's how I was born. Naked, hairless, covered in blood like all babies.</p> <p>Named, bathed, and then taken out into the world.</p>
26	<p>"I know, silly girl. My girl," he says, and stands up, unbuckles his belt. Opens his pants. "Come over here. Give me a kiss hello."</p> <p>I get up and walk over to him. He frowns and I hunch over so I barely come up to his shoulder.</p> <p>"Alice, my baby," he says, kissing my cheek. Then he shoves me to my knees.</p> <p>When he's finished, he throws the rest of my yogurt away.</p> <p>...He drinks beer and orders a pizza and puts me on his lap...</p>
27	<p>Ray likes how smooth I am, how raw my skin is. It burns by the time he's done touching it.</p> <p>"No breakfast tomorrow," he says afterwards. "I think you might be over 100 pounds. That's not acceptable."</p> <p>At bedtime, he rumples his sheets—we have a two bedroom apartment, because we are father and daughter and he wants to take care of me, wants me to have my own room like other little girls—and then crawls into my tiny bed with me.</p> <p>...I am so hungry my head hurts with it, making me slow, and he pinches my thigh, hard.</p> <p>"Love you too," I say, but it is too late and he holds me down, breathing hard and fast.</p> <p>"Show me," he says. "Show me." So I do.</p>
28	<p>"No breakfast, remember?" he says sitting down next to me on the bed, one paternal hand on my forehead while the other gropes below. He keeps it up until he starts to sweat, little beads of moisture gathering at his temples, and then gets up.</p>
29	<p>The day I got too tall to wear the white dress with short, puffy sleeves and little tucks along the chest, he filled the kitchen sink with water and shoved my head into it.</p> <p>I was thirteen then, and when I tried to stay down after he'd held me there, lungs burning, inside of my head going dark? he hauled me out and slapped me so hard the right side of my face grew a hand-shaped bruise; jaw to" forehead. I couldn't go outside for a week.</p> <p>No one missed me.</p> <p>Two days later, when my face was still swollen hot, he came home with a lock of my mother's hair. He wouldn't tell me how he got it, even when I cried and crawled onto his lap to beg the way he likes best.</p> <p>He just said, "I decide everything. Remember that."</p>

Page	Content
33	<p>There was another Alice before me. Ray let her go when she turned 15. He drove her all the way back to where she used to live, to where she was when she was another girl, back to her before. Her body was found in a river, floating downstream just a mile from the house she grew up in. Ray used to tell me this story a lot, pulling me close and saying, "But I'll make sure that doesn't happen to you. I'll keep you safe. All you have to do is be good. Be my little girl forever. You can do that, can't you?" I am 15, and I figure soon Ray will kill me. I could run, but he would find me.</p>
36	<p>Ray makes me shower once a week, and I hate coming out of the bathroom. I hate knowing he's waiting for me, that he will rub his hands and himself all over me and whisper things. His hands used to make me cry, but now I'm used to them. ...Ray doesn't want me getting pimples or my period, and so he makes me take a pill for both every day. The one for pimples dries out my skin, and makes the sun blotch me angry red. The one to prevent my period does just that, 'and although the ads on TV say it just makes your period less painful, I never get mine. I don't ask Ray why. I only got my period once, late last year, and Ray got so angry he took out a knife and made me sit on a chair in the corner of the living room. He looked at me for a long, long time, and then tied me to the chair and left me there until the bleeding stopped. He wouldn't talk to me, wouldn't look at me. Food and water once a day, a trip to the bathroom each morning and night. One time, I stood up and blood dripped down my leg and onto the carpet and he threw up. And then he rubbed my face in it. When the bleeding stopped he made me scrub myself, the chair, the carpet all around it, and then he threw the chair out and gave me the pills. "We can work this out," he'd said, and cradled me in his arms, my legs cramping from being curled up so I'd fit on his lap. "You're my Alice. You're my little girl. You're all I'll ever want."</p>
46	<p>"You're-too tall, though," he says, frowning, and pushes my hands off his feet, dragging me up toward him. Hands on my throat. "Too tall and you want to leave me, don't you? You'd run away in a second if I let you. You wouldn't care if everyone at 623 Daisy Lane had to die for you. So selfish." "I don't want to leave," I tell him, cracking out the words as the world goes fuzzy around the edges. "I want to stay with you. ... I can't breathe, but that's not why he lets the pressure up. He lets go a little so I can nod. Because he knows I will. I am not strong; I cannot stop him or even slow him down. I can only wait until he gets so tired of me that he lets me die and moves on. "She would punish me," he says. "Hold me down and show me how all we think of is sin. How We are-all sin." He spits the last word out, like he can taste it, and then touches my hair, slides his fists under my shirt and twists the sullen rise of my right breast, the little lump that's there. "Would you be that kind of mother?" "No."</p>

Page	Content
	<p>Ray has never come out and said it, but I know from years of listening to him dream that his mother did to him what he does to me. Held him down, rubbed him raw, broke him open. In them, he cries and begs her not to touch him, that he doesn't want to go inside her, that he is a good boy, he really is.</p>
48	<p>"You aren't listening," Ray says, and his hands tighten again. "You know you're supposed to listen when I talk." He shoves me to the floor and pulls off my pants. I stare at the ceiling while he sweats and thrusts, air aching down my throat and into my lungs until he grabs my hair and says, "I know what I'm going to do. What's going to change."</p> <p>He pushes faster then, harder, and slams my head into the floor over and over until my vision is bright and fuzzy and there-are strands of my hair caught in his hand.</p> <p>I think' of the knife in the kitchen, of the bridges I've seen from the bus or on the way to church or the supermarket (Ray and I go every Saturday morning. Ray stares at little girls and I stare at the food), and feel my heart cramp.</p>
60	<p>And then Ray leaned over and whispered, "Shut up or I'll drive back to your house, not to take you home but to kill your parents and make you watch. Make you see what happens to little girls who don't listen."</p>
68	<p>Ray saw my mouth when I came back and knew. I couldn't sit down for a week afterward, and my back, from my shoulders to about my knees, was purple black, then yellow green, for ages. Both my little fingers have crooked knuckles now, and ache before it rains.</p> <p>Jake's car is expensive, smell of money underneath the ripe scent of boy. I do not take the pills Jake offers, I know nothing can take away the world. I just push him down into his seat and open his zipper.</p> <p>"The backseat's wider," he says, but I shake my head and when he tries to threaten, his hands grabbing my hair, I dig my fingers into them, right into his skin, until he moves them away.</p> <p>When I'm done, I sit up and wipe my mouth with the back of my hand. He is looking at me, glassy-eyed still, but something in my face changes, that makes his expression shift, go alarmed.</p>
73	<p>He is breathing faster now and pulls me toward him, a yank on my ankles drawing my rag-doll body in, lower half pushed against him.</p> <p>"You'll hold her," he says, and everything own is easily pushed down, away, clothes falling off me like water.</p> <p>"You'll hold her and I'll love her."</p> <p>He grins at me. "You'll like that, won't you?"</p> <p>I nod because he wants me to. I nod because I will. She will get his love and I will hold her down to take it all because then there will be none for me.</p> <p>I cannot save myself, and I do not want to save her.</p>
98	<p>Just my hand moving back and forth, not even on his skin. So easy.</p> <p>He tries to touch me afterward, hands on my chest, mouth looming toward mine. He does not push my breasts down, flattening them, but cups his haQds around them. I don't mind that, but I do not like his mouth on mine, him trying to breathe into me, the darting slick surface of his tongue. Ray kisses my forehead or my</p>

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	<p>knees or the insides of my thighs, but his mother made him kiss her good night every night and so he told me he'd protect me and never kiss me.</p>
102	<p>He pinches the stub of my left breast hard, then grabs the right and hauls me in, face changing, smile shifting into his real one, all gums and teeth. Ready to tear.</p>
139	<p>Knife, sharp pressure against my skin.</p> <p>No Ray I say no please no I never told her anything she gave me a sandwich you know how cops are they ask questions and she thinks I have no home and maybe thought I ran away and you were taking care of me— PAIN red hot on my throat. Because you do take care of me, Ray, you do, and she could probably tell you were careful and would take care of someone and wanted you to know that you could tell she liked you everyone likes you and when went to Jake I made sure he—</p> <p>He sticks the knife in my shoulder and I scream.</p> <p>Silence and then I am swaying, no words for what it's like. I thought living dead girls couldn't feel pain, thought I was emptied out but I'm not, I'm not.</p> <p>Ray please Ray I love you he's bringing her to the park tonight Annabel will be there tonight I told him (don't say his name, don't say it, that's what made my shoulder scream, blood beati in it like a heart, thump-pain-thump-pain) I would see him he hates her and wants her to go away I can tell he will be there she will be there we can get her— Knock on the door, and "Shut up," Ray hisses, grabbing my jaw and squeezing it, all the words I was going to say, my plan my stupid plan I forgot and then remembered and the food I ate and the money still in my pocket, all the words in my mouth he squeezes closed.</p>
151	<p>...if I tried to run, if I said a word.</p> <p>He said I would be sorry, that I would die, that everyone would die, and Ray always keeps his word.</p> <p>"Can you—?" I say, my head swimming as my shoulder throbs softer, duller red now, everything getting heavy, my shirt pressing down on me. Empty ghost houses all around us.</p> <p>"Can I what?"</p> <p>"Just do it now," I say. "Just kill me. Put me in a house, get the knife, the matches, and—</p> <p>He leans over and kisses my cheek. "You do what you're told," he says, and then backhands me so hard I feel something snap crack, feel some of my teeth wiggle up and around, loose.</p>
167	<p>She does, slipping little girl fast into the bushes. Ray swears, grabs my shoulder, no messing around me around, spins me in front of him like We are dancing, claw into meat, teeth into flesh, and the world roars, shaking the way the sky rattles when thunder comes. My stomach twists like it's opening from the inside, burns like lightning must, my body snapping harder than even Ray can move me.</p> <p>"You stupid bitch," Ray says, voice emptied out, my death in his eyes, and the world roars again, his fingers sinking deep inside me as his head cracks back, red blossom his right eye was, staggering forward, crashing down, taking me as he falls, skin blood bone on me, running all over me, running into me.</p> <p>"Alice," he says, and then again. "Alice?"</p> <p>Then he is silent, a dark heavy weight on top of me. Pressing me down into the</p>

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	ground. Where all things must go. Where we one day will all be. Death to make the living.