

Ms. Maggie Oakland
Valley City, ND
58072

March 13, 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 House Bill 1205. I urge you to please support this bill.

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.

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 I understand there are other examples of such media currently in circulation both within and outside North Dakota libraries, the example that has come to my attention is a book entitled "Let's Talk About It" by Erika Moen and Matthew Nolan. This paperback is available for sale via numerous vendors for between five and twenty dollars per copy. Three copies of it have also been made available for browsing and/ or check-out by patrons of any age at my local public library in Valley City, ND. I note that the bill at hand does not indicate an attempt to legislate a prohibition of this book and others like it from the general public marketplace, which would amount to government censorship, but simply intends to curtail unrestricted youth access by removing these books from the shelves of public libraries, in light of the unjustified reluctance of our public libraries to apply appropriate discernment and remove the books themselves.

The Moen/ Nolan book specifically addresses a teen audience, is written to be engaging and entertaining, and is full of highly graphic cartoon images and 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 teen 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. As others have noted, the book similarly 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 inherent in encouraging

youth to seek out novel sexual experiences. Adolescents at age thirteen or fifteen don't have the physical neural networks to be able to consent to sexual activity in the same 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 they are facts that do not change to keep up with changing times or a changing culture.

Empirical research on the effects of sexually explicit material on minors is limited because, unsurprisingly, it is 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 sexually explicit material (Bekele et al., 2011; Bogale & Seme, 2014; Brown & L'Engle, 2009; Hald et al., 2013; 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 both sexual aggression (Brown and L'Engle, 2009) and sexual victimization (Bekele, Van Aken, & Dubas, 2011). At least one study has examined the effects of sexually explicit comic books in particular, along with a variety of other sexually explicit media, and has shown statistically significant associations between the use of these materials by young people entering early adolescence and early sexual debut, unsafe sexual practices, and multiple sexual partners (Lin et al., 2020).

Mental health professionals can tell you it is unwise to enable unrestricted access to a book like "Let's Talk About it," for children as well as for many adolescents. At this point in time, numerous public libraries in our State are either unaware of the risks, or are choosing to ignore the risks, of promoting sexually explicit materials and facilitating direct access to the same for youth. In light of the deliberate inaction of these institutions, whose purpose is to serve the public, legislative action has become necessary and appropriate.

While I fully support HB 1205 for the reasons stated above, I have also noted that my local public library has indicated confusion over the proposed laws HB 1205 and/ or SB 2360 and has publicly suggested that this legislation may be construed to apply to a wide variety of texts and media including the Bible, drawing books, the Art of Walt Disney, and the Diary of Anne Frank. Although the language of HB 1205 appears quite clear to me in targeting sexually explicit material that is reasonably construed as being harmful to youth, these concerns raised by the proposed law's opposition indicate that there may still be a need for further clarification in regard to what the bill prohibits and what it doesn't. For this reason, I would encourage the committee to review the bill carefully and to amend it if needed, to eliminate ambiguity.

Thank you for your time, attention, and service.

Sincerely,

M.A. Oakland, LPCC, NCG

Maggie Oakland

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