

House Industry, Business, and Labor Committee

House Bill 1368

Andrew Alexis Varvel

Written Testimony

North Dakota State Capitol

Room 327C

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Chairman Louser and Members of the Committee:

My name is Andrew Alexis Varvel. I live in Bismarck, District 47.

I oppose House Bill 1368. I understand the intentions behind this bill. And I largely agree with those intentions. I get it. I don't like the BDS movement either.

One problem I have with this bill is that I don't think North Dakota should be making its own foreign policy. The United States and the State of Israel share many common values, and Israel's role as a front line state against our common foes should never be forgotten. That said, North Dakota should keep ideological commitments in our public contracting to a minimum. We should not be enforcing loyalty tests onto corporations.

It would send the wrong message for the State of North Dakota to care more about boycotts against the State of Israel than about boycotts against North Dakota itself.

Indeed, such a policy would play straight into the hands of the worst enemies of the State of Israel. It would be a propaganda coup for Jew haters throughout the world, and their often repeated claim that Americans care more about the interests of the State of Israel than their own interests. So, it would be not only in our own interests but also in the long term interests of the State of Israel for us to focus on North Dakota.

The State of California has levied economic sanctions on the State of North Dakota, specifically a ban on state-funded travel by its state employees to North Dakota. This is an economic sanction aimed at North Dakota's tourism sector. It also prevents university professors in California's state-funded universities from visiting North Dakota for academic conferences – and as such, that boycott undermines academic freedom.

Whatever I think of North Dakota's laws, I am outraged that the State of California is casting judgment on our state. North Dakota decriminalized homosexuality before California did. California's very first bond issue was to raise funds to exterminate Indians. Yet that state, with its deep legacy of genocide, casts judgment on us!

Rather than ban North Dakota state employees from visiting California, I think it would be make more sense for North Dakota to levy asymmetrical counter-sanctions on any state which levies sanctions on our state. Rather than ban North Dakota state employees from visiting California, I propose the following alternatives:

1. Create a travel fund for state employees – particularly university professors – from any sanctioning state to visit North Dakota.
2. Prohibit the State Investment Board from investing in corporations either registered in the sanctioning state or administratively headquartered in the sanctioning state.
3. Prohibit the State of North Dakota from entering into contracts with corporations either registered in the sanctioning state or administratively headquartered in the sanctioning state.
4. Prohibit the export of electricity from North Dakota to the sanctioning state.

Although none of these retaliatory actions will accomplish much if the State of North Dakota acts alone against a state with the biggest economy in the United States, these policies would create a strong bite on the California economy if they are levied in concert with dozens of other states – particularly in the American West.

They can follow our lead. And I think they very well may, if we move forward.

California cannot function without electricity imported from other states. And when the State of California levied sanctions on North Dakota to punish our economy for defying its ideological litmus test, I think it crossed the Rubicon of violating the spirit – if not the letter – of the Interstate Commerce Clause of our Constitution. The point of these counter-sanctions is not to cripple California's economy, but rather to remind it to deal with other states as equals rather than as subjects. The State of California not only has no cause to impose economic sanctions on North Dakota, but it is a blatant insult against our state's sovereignty. If California stops its sanctions, we should stop ours.

Thank you, and I welcome questions from the committee.

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