

2023 SENATE STATE AND LOCAL GOVERNMENT

SB 2235

2023 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee
Room JW216, State Capitol

SB 2235
1/19/2023

Relating to recognizing Juneteenth and Native American Heritage Day as holidays.

2:30 PM **Chairman Roers** opened the hearing. Present: **Chairman Roers, Vice Chairman Barta, Senator Cleary, Senator Estenson, Senator J Lee, and Senator Braunberger.**

Discussion Topics:

- Integrated celebrations

Senator Braunberger, District 10, bill sponsor, testified in support #14844

2:35 PM **Andrew Alexius Varvel**, citizen of Bismarck, ND, testified neutral. #14575

Senator Lee moved a **DO NOT PASS.**

Senator Estenson seconded the motion.

Senators	Vote
Senator Kristin Roers	Y
Senator Jeff Barta	Y
Senator Ryan Braunberger	N
Senator Sean Cleary	Y
Senator Judy Estenson	Y
Senator Judy Lee	Y

VOTE: YES 5 NO 1 Absent 0

Motion **PASSED**

Senator Barta will carry the bill.

2:45 PM **Chairman Roers** closed the hearing.

Pam Dever, Committee Clerk

REPORT OF STANDING COMMITTEE

SB 2235: State and Local Government Committee (Sen. K. Roers, Chairman) recommends **DO NOT PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2235 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.

TESTIMONY

SB 2235

Senate State & Local Government Committee

Senate Bill 2235

Andrew Alexis Varvel

Written Testimony

Room 216

North Dakota State Capitol

January 19, 2023

2:00PM

Madame Chairman Roers and Members of the Committee:

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

This testimony is neutral on SB 2235. What is most important is not whether this particular piece of legislation passes or not, but rather that the question of state holidays ought to be taken as a whole rather than take a piecemeal approach.

Right now, another holiday bill, HB 1173, Right-To-Life Day on January 22, is sailing through the House. This comes very soon after Martin Luther King Jr. Day.

At this rate, our holiday calendar will eventually get cluttered with days that appeal to narrow slices of our society, yet have little relevance for most people.

As a rule, we should consider three criteria concerning state holidays. Is it meaningful? It is unifying? Is it relevant to North Dakota, and how?

We should try to avoid creating segregated holidays. We should try to make sure that our holidays unify rather than divide. I know – easier said than done.

So, I think the Legislature should pass a study resolution to make recommendations on what should be on North Dakota's holiday calendar. The Legislature ought to decide how many holidays our state should observe, and then decide what those holidays should be. It should not the other way around.

Thank you, and I welcome questions from the committee.

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Commentary on Holidays

New Year's Day is the first day on the common calendar. And yes, by common calendar, I am talking about the Christian Gregorian calendar which has become adopted by many non-Christian societies, perhaps as a nod to western political hegemony. If we used the Jewish calendar, the Persian calendar, or the Chinese calendar, New Year's Day would be celebrated on a date other than January 1.

The Fourth of July is nationally recognized to signify the Declaration of Independence of the United States of America from the British Crown. Making it a state holiday signifies that North Dakota is part of the United States.

Good Friday and Christmas are popular and meaningful holidays. They are also emphatically Christian holidays. This may not be a problem for the time being, but I could easily imagine that members of other religions might eventually feel excluded by these traditions in our increasingly secularized society.

I have always felt uneasy about a holiday that honors any one man – and it's always a man, isn't it? That man could be George Washington or Martin Luther King, Jr. Each man, in his own way, is divisive. In each case, I fear that it is not the fallible human beings that we celebrate, but their statuary. That their legacies of bravery get drowned in a flood of kitsch. Perhaps the only thing more divisive than celebrating them would be not celebrating them.

Some southern states celebrate both Martin Luther King Jr. Day and the Confederacy. Texas has Confederate Heroes Day after the day honoring Martin Luther King Jr. Alabama celebrates Martin Luther King Jr. and Robert E. Lee on the same day. These are classic segregated holidays that divide more than they unite.

We could be celebrating Mattie Grinnell. She was part of Martin Luther King Jr.'s Poor People's Campaign of 1968, and she contributed to the Mandan Dictionary that would be published by Robert Hollow two years later.

We could be celebrating Bryhild Haugland, who served for over a century in the North Dakota House of Representatives, is in the Roughrider Hall of Fame, and has a room – once called the Dakota Room – named after her.

Memorial Day commemorates the war dead from the Civil War. Veterans Day commemorates the war dead from World War I. Each day is often considered to be a day to celebrate the war dead from other wars as well. The functions of each of these days effectively duplicate each other.

Thanksgiving is yet another Civil War holiday. The present iteration dates from the Civil War. Yes, there were harvest festivals in colonial times, and I'm sure that most of us are aware of the backdated mythology that surrounds Thanksgiving.

It would appear that Native American Heritage Day is a patch on Thanksgiving, or more accurately, a patch on the political mythology surrounding Thanksgiving. I think it would make more sense to simply move Thanksgiving to Halloween, since they are basically the same harvest festival anyway. And harvest festivals under various names go back into antiquity. Besides, Halloween is becoming increasingly indigenized as an Indian holiday with its masquerade powwows.

If North Dakota were serious about a holiday that is meaningful, unifying, and relevant to our history, we would be commemorating the Battle of the Little Big Horn, also known as the Greasy Grass River (Pheží Slá Wakpá). This holiday on June 25 is already on the Lakota calendar. This battle involves not only the Lakota and their allies, Arikara scouts, and obviously the Seventh Cavalry. Mark Kellogg, was a reporter for the *Bismarck Tribune* and for the *Associated Press*. If Bismarck decides to rename Custer Park, I hope that it will get renamed for Mark Kellogg.

One thing I have liked about North Dakota is how we don't celebrate Columbus Day. It should be neither a state nor a federal holiday under any label. Although I realize that Columbus Day was originally a concession in 1891 to Italian Americans in reaction to a major lynching of Italians in New Orleans, it became an emblem of white supremacist triumphalism. That, in turn, led Indians to rename it "First Nations Day". To me, that would be like putting lipstick on a pig. Or more fittingly, putting a feathered headdress on it – like the one on President Coolidge.

In the United States, Labor Day is celebrated on the first Monday in September. Many other countries celebrate this day on May 1, but it would be controversial if either the United States or North Dakota changed it to the international norm.

Juneteenth is now a state holiday. I would have felt better about it if the day recognized the federal emancipation of slaves in Dakota Territory as of June 19, 1862. (And yes, slavery existed in fur trade forts – often illegally.) “Juneteenth” focuses on events in Texas. What is more, it is a historically segregated holiday.

According to the June 1951 issue of Ebony magazine, getting into fights has a long tradition on “Juneteenth”. According to the Wichita Eagle Beacon (6-15-1982, page 3Z), Juneteenth is about putting black pride on parade. During the 1970's, Juneteenth had been renamed “Black Heritage Day” (Amarillo Globe-Times, 6-18-1976, page 21; Williamson County Sun, 6-16-1977, page 21). According to the Port Arthur News (6-14-1979, page 14), Houston state representative “Al Edwards, author of the legislation proclaiming Juneteenth as a state holiday, said that now was a time for Blacks and other Texans to take pride in the Black culture and 'eat watermelon and not be ashamed of it.'”

I eat watermelon. It's food, and it's delicious. Yet, eating watermelon doesn't make me black. Although there were once noxious anti-black stereotypes centered on eating watermelon, I don't see eating watermelon as emblematic of black culture any more or less than my own culture.

“Juneteenth” has a heritage of such utter segregation that non-blacks have good reason to worry that they will get denounced for “cultural appropriation” if they celebrate it. There would be good reason to strike Juneteenth off the calendar of holidays if people had a valid fear getting bitterly denounced for “cultural appropriation” for practicing customs outside of what they grew up with.

The principal argument that supporters of “Juneteenth” made during last session is the “bandwagon effect” – that “everybody else is doing it”. How authoritarian! Is North Dakota allowed to be different anymore? No other state has a state bank, a state mill and elevator, or the Mandan language. Does this mean we should get rid of them because we need to imitate everyone else? I say no!

I strongly support celebrating the end of slavery. The question should when – and how the State of North Dakota can do this in a manner which recognizes slavery in North Dakota's own past, acknowledges previous North Dakota celebration of Emancipation, and promotes the idea of an integrated holiday.

There are other days that have historically been celebrated as Emancipation Day. The oldest celebrations were for British Emancipation Day on August 1, which was celebrated in the United States before, during, and after the Civil War. And its celebrations were often integrated. In 1924, Emancipation Day was celebrated at Rice Lake, Ward County, North Dakota as an integrated holiday on August 3.

September 11 should be commemorated as Resistance Day, not only to celebrate the heroism of Flight 93 in 2001, but also to celebrate the Christiana Resistance of 1851. On that day, slave catchers came face to face against a local black militia.

We should consider possible days in the calendar that celebrate something specific or special about North Dakota. North Dakotans should not feel required to march in lockstep with what other states are doing. We can be ourselves.

MODEL LANGUAGE FOR A STUDY RESOLUTION ON HOLIDAYS

“During the 2023-24 interim, the Legislative Management shall consider studying the feasibility and desirability of amending North Dakota Century Code Chapter 1-03, for the purpose of deciding on how many days should be on the state holiday calendar, and then ensuring that state holidays are broadly meaningful, socially unifying, and relevant to the heritage of North Dakota. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-ninth legislative assembly.”



North Dakota Senate

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COMMITTEES:

Judiciary
State and Local Government

01/19/2023

Madam Chair and members of the State and Local Government committee. My name is Ryan Braunberger Senator from District 10 Fargo. I stand here this afternoon to present Senate Bill 2235 to add Juneteenth & Native American Heritage Day as state holidays. As our Governor stated in the budget address a few weeks ago people have a choice on where to live. People will look at all aspects of the job including wages and benefit packages including paid holidays.

Currently twenty-four (24) states and the District of Columbia offer Juneteenth as a holiday and twenty-five (25) states including Minnesota and Iowa observe the day after Thanksgiving (Native American Heritage Day) as a paid holiday. Furthermore, the Bureau of Labor Statistics reports that 39% of private sector and 69% of public sector employees get the date after Thanksgiving off.

Adding these days to the list of State holidays will improve North Dakota's ability to attract and retain employees in the state.

Thank you, members of the committee I will stand for any questions.

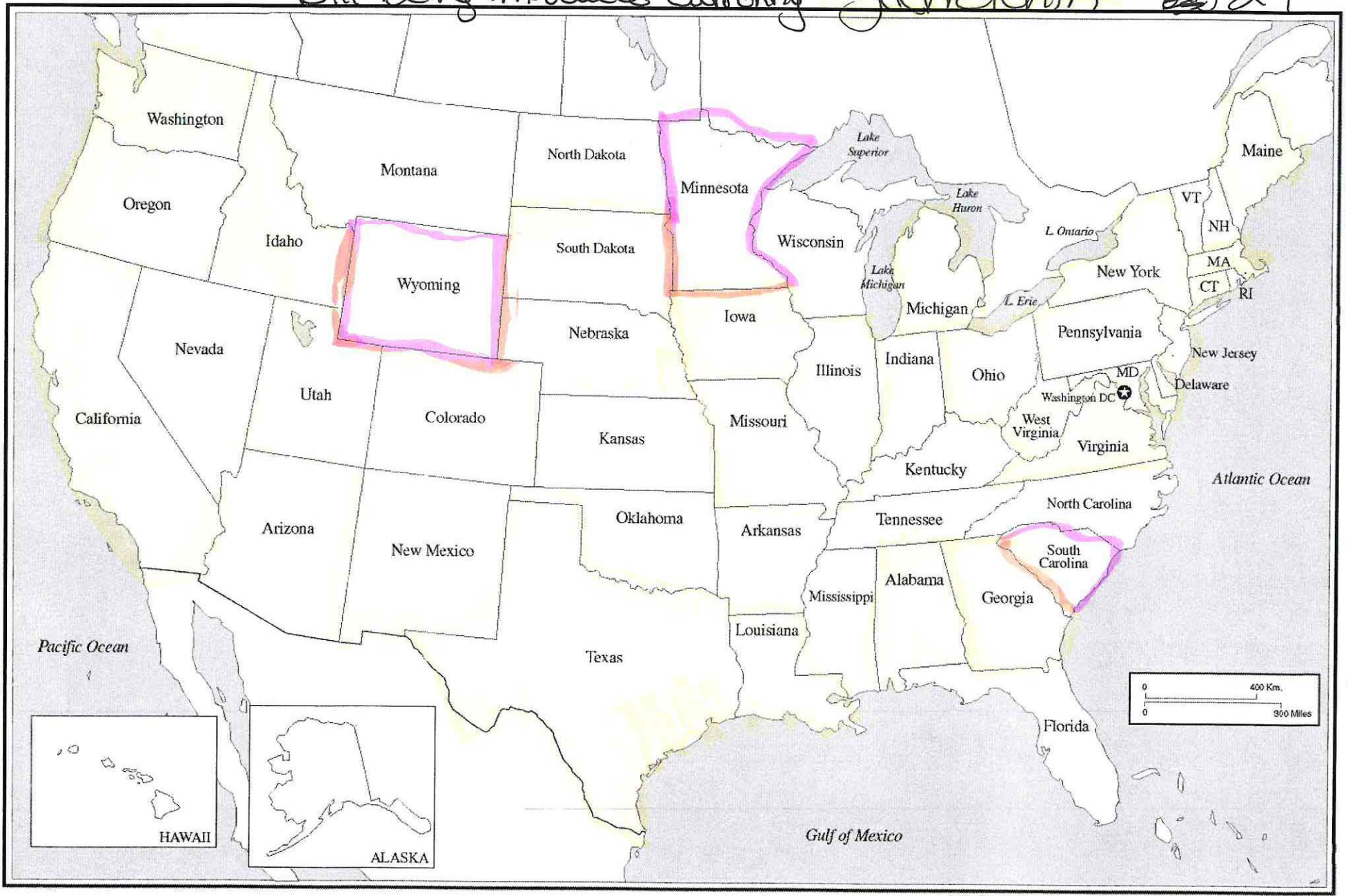
Ryan Braunberger,
District 10 State Senator.

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Working with STATE CAPITALS
Bill being introduced currently

June 29th

About 29



DAY AFTER Thanksgiving About ~~Nov~~ 28

STATE CAPITALS

