

TESTIMONY OF MICHAEL KEBEDE, ESQ.

Ought to Pass – LD 2210

**An Act to Establish a Civil Rights Unit and a Civil Rights Review Panel Within
the Office of the Attorney General and Require Ongoing Enhanced Civil Rights
Training for Civil Rights Officers**

Joint Standing Committee on Judiciary

February 21, 2024

Senator Carney, Representative Moonen and members of the Joint Standing Committee on Judiciary, good afternoon. My name is Michael Kebede and I am the policy counsel for the American Civil Liberties Union of Maine, a statewide organization committed to advancing and preserving civil liberties guaranteed by the Maine and U.S. Constitutions through advocacy, education, and litigation. On behalf of our members, we support LD 2210 because it would help ensure that Maine people enjoy their constitutional rights.

The ACLU was founded to ensure the promises of the Constitution and Bill of Rights extend to all people in the United States, particularly those who have been historically denied its protections and liberties. In our first year, over a century ago, we fought governmental harassment and deportation of immigrants whose activism put them at odds with the authorities. At the Supreme Court in 1939, we won the right for unions to organize. We stood almost alone in 1942 when we denounced our government's round-up and internment in concentration camps of more than 110,000 Japanese Americans.

Throughout the last century, government lawyers have similarly engaged in legal advocacy for the protection and advancement of the rights of ordinary people. For example, in 1970, federal lawyers successfully sued the state of Washington to enforce Indigenous water rights. *See United States v. Washington*, 384 F. Supp. 312 (1974). In November 2012, Department of Justice lawyers reached the largest criminal resolution in U.S. history with British Petroleum, which pleaded guilty to a range of crimes and obstruction of Congress. BP was sentenced to pay \$4 billion in penalties. These and other such victories were made possible

by the government's willingness to establish and fund offices to enforce civil rights. Unfortunately, Maine's system for investigating and remedying civil rights violations is inadequate. This bill would help fix that.

Among several things, this bill would establish a civil rights unit in the Attorney General's office. The unit would receive and investigate complaints related to possible violations of the Maine Civil Rights Act and initiate civil actions under the Maine Civil Rights Act. It would also coordinate with other people and organizations already advancing civil rights in Maine, as well as engage in public education and outreach on civil rights issues related to hate and bias. Last, it would provide recommendations for protecting civil rights. All law enforcement agencies, municipal governments, and state departments and agencies would be required to fully cooperate with the unit, make written reports of civil rights violations, and provide relevant file information as requested. The protections that the unit would provide are long overdue.

While we support LD 2210, we have some concerns about Section 2. It would establish a Civil Rights Review Panel. The panel has thirteen members, six of whom are members of law enforcement.¹ Given that the panel is charged with reviewing and making findings about complaints made against law enforcement, coupled with the history of Maine law enforcement disproportionately arresting, charging, and convicting people of color, we question whether the current composition is adequate to meet the bill's aims.² Additionally, the panel's workload could be significant. It would benefit from staffing to ensure panel members, who will not be compensated for this work, are able to perform the tasks assigned them in the legislation.

We urge you to vote *ought to pass*.

¹ The Commissioner of the Department of Public Safety, director of investigations for the Office of the Attorney General, a criminal prosecutor, the Criminal Justice Academy Director, a municipal police chief, and a county sheriff.

² *A Tale of Two Countries Racially Targeted Arrests in the Era of Marijuana Reform*, ACLU, July 1, 2020, at 68, https://www.aclu.org/sites/default/files/field_document/tale_of_two_countries_racially_targeted_arrests_in_the_era_of_marijuana_reform_revised_7.1.20_0.pdf (finding that Black people in Maine were four times more likely than white people to be arrested for cannabis possession in 2018)