

TESTIMONY OF MICHAEL KEBEDE, Esq.

**Testimony in Favor of a Rule Permitting Remote Participation in
Legislative Hearings by Residents of Correctional Facilities**

RIGHT TO KNOW ADVISORY COMMITTEE

December 3, 2021

Senator Carney, Representative Harnett, and members of the Right to Know Advisory Committee, greetings. My name is Michael Kebede, and I am 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.

The right to participate in the lawmaking process is a key pillar of our democratic system. The ACLU strongly recommends that this committee propose a bill that would allow incarcerated persons to participate remotely in legislative hearings. The consequence would be the enhancement of the first amendment rights of incarcerated people, whose rights to read, write, speak, practice their religion, and communicate with the outside world are often curtailed far beyond what is necessary for institutional security. Not only are these activities central to the ability of prisoners to retain their humanity, but they also contribute to the flow of information between prisons and the outside world and thus provide a vital form of oversight of these closed institutions.

Advocates for victims and survivors raise very important objections to the extension of remote participation into carceral settings. Namely, testimony by people who have traumatized victims and survivors in the past might re-traumatize those same victims and survivors during legislative hearings, and might entirely dissuade victims and survivors from taking part in the legislative process. These points are valid, but the proposed solution of banning prisoners from speaking in the legislative process is too far-reaching. Instead of the solution of a blanket ban on participation from prison, a committee rule of procedure can just as well help protect victims and survivors from re-traumatization. It is entirely within the power of committee chairs to restrict testimony from carceral settings to a designated time-period, and to warn all

participants when testimony from carceral settings is forthcoming. Committee chairs could also allow victims and survivors to speak first, before testimony from carceral settings. Such a rule would allow victims and survivors to simply leave the room or turn off their zoom screens during the portion of testimony that could be re-traumatizing. The same rule would protect the constitutional right of the governed to petition their government.

Thank you for your time and attention.