

TESTIMONY OF MICHAEL KEBEDE, ESQ.

LD 78 – Ought To Pass

RESOLUTION, Proposing an Amendment to Article X of the Constitution of Maine Regarding the Publication of Maine Indian Treaty Obligations

Joint Standing Committee on Judiciary

March 7, 2023

Senator Carney, Representative Moonen, and distinguished members of the Joint Standing Committee on Judiciary, 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. On behalf of our members, I urge you to support LD 78, legislation that would ensure that whoever reads the Maine constitution reads the full constitution, without omission, and knows the full scope of the state's treaty obligations to Wabanaki nations.

In 1876, the Maine Constitution was amended “to remove from printed copies of that Constitution, but not from the Constitution itself, the original language directing Maine to assume ‘the duties and obligations of this Commonwealth, towards the Indians within said District of Maine.’”¹ Researchers have been unable to find a clear record explaining the reasons behind the constitutional commission's recommendation.² However, some have suggested that Frederick Pike, a Calais politician who served on the commission, spearheaded the omission recommendation to enjoy a personal financial benefit from Maine dishonoring its treaty obligations to Wabanaki nations.³ Whatever the reasons, the redaction does not help heal Maine's fraught relationship with Wabanaki nations.

Constitutions are not just documents that set out rights and duties. They are also expressions of the collective will, and of a polity's identity. This bill gives Maine a chance to be more honest, more forthcoming about its duties. Healing evades those who hide the truth. If Maine is to right the wrongs that structure its relationship

¹ Judson Esty-Kendall* and Rachel T. Hampson, *Research Report on the 1876 Removal of Article X, Section 5 from Printed Copies of the Maine Constitution* at 1, Jan. 11, 2021, Maine-Indian Tribal State Commission, *available at* mitsc.org/library/research-report-on-the-1876-removal-of-article-10-section-5-from-printed-copies-of-the-maine-constitution-2021.

² *Id.* at 12-13.

³ *Id.* at 13-14.

with Wabanaki nations, then it must, at the very least, tell the truth in its most important legal document.

We urge you to vote *ought to pass*.