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THE MAINE SENATE
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Testimony of Senator Craig V. Hickman in Support of
LD 1675, An Act To Amend Certain Provisions of Maine's Drug Laws
Before the Joint Standing Committee on Criminal Justice and Public Safety

Friday, May 14, 2021

Good afternoon, Senator Deschambault, Representative Warren and distinguished colleagues of the Joint Standing Committee on Criminal Justice and Public Safety. I am Senator Craig Hickman. I represent Senate District 14, 11 towns in Southern Kennebec County including my home town of Winthrop. I ZOOM before you today as the lead cosponsor in support of **LD 1675, An Act To Amend Certain Provisions of Maine's Drug Laws.**

In the words of the inimitable Nobel Laureate, the late, great Toni Morrison, the first African American woman to receive a Nobel Prize, further contextualized by writer Maria Popova in the blog "Brain Pickings":

"Language can never "pin down" slavery, genocide, war. Nor should it yearn for the arrogance to be able to do so. Its force, its felicity is in its reach toward the ineffable.

"Be it grand or slender, burrowing, blasting, or refusing to sanctify; whether it laughs out loud or is a cry without an alphabet, the choice word, the chosen silence, unmolested language surges toward knowledge, not its destruction."

In a sentiment that calls to mind James Baldwin's memorable meditation on language and life — "it is experience which shapes a language; and it is language which controls an experience," he wrote — Morrison adds:

"Word-work is sublime ... because it is generative; it makes meaning that secures our difference, our human difference — the way in which we are like no other life.

Labor and Housing Committee, Chair * Veterans and Legal Affairs Committee * Citizen Trade Policy Commission, Chair
Equity Subcommittee, Maine Climate Council * Senate Committee on Conduct and Ethics

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“We die. That may be the meaning of life. But we *do* language. That may be the measure of our lives.”

So, what, Madam Chairs and members of the committee, you ask, does this erudite literary analysis have to do with this bill?

Well. Never mind that both Toni Morrison and James Baldwin, my favorite writers, thinkers and artists, worshipped language as religion – Baldwin even wrote a book in 1979 entitled, *If Black English Isn't a Language, Then Tell Me, What Is?* – besides all of that—: language is the law. The law is the language that governs us. To wit:

The English language is our stock in trade. It is the currency of our laws. It is the medium of our public discourse. We *do* language. It is, for better or worse, our lingua franca. This bill, LD 1675, would restore integrity, honesty and clarity to our drug laws. This bill will curb a government that has gotten too comfortable playing fast and loose with the English language, a government that redefines ordinary words to strip freedom from ordinary people.

LD 1675, would do two simple things: give the words “furnish” and “traffic” their dictionary definitions. It beggars belief that under current law, the mere “possession” of two grams of heroin or fentanyl is legal evidence that a person is trafficking or furnishing these things.

Let me say that again. To possess, to hold, to have something, under the language of the laws of our state, is to traffic that thing. It is to furnish that thing.

Think about that. Our laws have given an ordinary word, “traffic,” an extraordinary meaning. An untenable meaning. Ask any Mainer on the street, or in your congregation, or at Town Meeting: does the word “possession” mean the same as the word “distribution”? Is the word “possess” really no different from the word “sell”? What do you think they would say? I believe we all know: they would say No. They would be as baffled as I was when I discovered this perversion of language in the Maine Revised Statutes.

In George Orwell's *1984*, we see the dangers of these types of perversions. That prescient novel is set in a fictional dystopian country named Oceania. There is one political party in Oceania, and it is called the Party with a capital “P”. The Party has a Ministry of Truth, which decides what is true and what is false. Citizens of Oceania know only what the Party wants them to know. The Party's slogan is “WAR IS PEACE; FREEDOM IS SLAVERY; IGNORANCE IS STRENGTH.”

For some of the members of our own Republic, but increasingly for all of us, as far as drugs are concerned, war is peace, freedom is slavery, and ignorance is strength. The failed Drug War was

initially waged against Black people and Black communities. It was waged by Republicans and it was waged by Democrats. The party that prosecuted the Drug War, for all intents and purposes, was our very own Party with a capital "P." It is to this failed, disastrous and heinous war, waged by a government on its own people, that we owe the perversion of the English language in our statutory scheme. A perversion this bill seeks to reverse.

The Drug War initially threatened the freedom and dignity of Black people and Black communities across the nation, but now threatens us all. The devastating pandemic took the lives of hundreds of Mainers last year, but the drug overdose crisis took more. That is because the government has been criminalizing people for harming themselves, for committing crimes without victims. One method of this criminalization is to give meanings to words that would shock and befuddle every ordinary person.

Government will continue to run amok unless we are vigilant. And here, government has run amok. If, as the Nobel Laureate told us, language can never pin down slavery, genocide, war, then we must not allow the government to turn the language we use every day into chains that imprison the people. You possess therefore you traffic? You possess therefore you furnish? Everybody knows that's not true.

You have the power to stop that perversion. This bill will rein in a government that has grown too comfortable twisting the English language to shackle the people. We *do* language. So, let's do this language right. For the sake of our liberties, for the sake of our freedoms, which we all hold dear, I urge you to restore integrity to the language of our drug laws and vote unanimously Ought to Pass on LD 1675.