

Senator Rafferty, Representative Brennan, Members of the Committee on Education and Cultural Affairs:

My name is Roberta Manter and I live in Fayette. Please vote LD 1186 "Ought to Pass."

Various Education organizations are testifying that the Constitution is already covered; however, the fact that this bill was presented and that so many people from all across the state have written in to support it is strong evidence that whatever is being taught, it's not sufficient. We look around us and see that a huge portion of our citizenry doesn't know their Constitutional rights. In fact, we see that naturalized citizens are more familiar with our Constitution than most of those who were born here. Why are we being successful in teaching it to immigrants, many of whom are not even fluent in English, yet we are not being successful in teaching it to those who are citizens by birth?

It is also being argued that this bill would require coming up with new curriculum, at great expense. Why reinvent the wheel? Clearly, there must be a course that's already being used to teach the Constitution to immigrants. Could that be used, either as is or modified, so as not to have to start over from scratch? There are also various excellent course materials already made available by foundations that promote Constitutional studies.

As citizens of the United States, we all need to be familiar with the US Constitution, as it is the supreme law of the land. People today seem to forget that the US Constitution, Amendment 14, Section 1, states:

"No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

Consider what would happen if every citizen grew up really understanding and applying this one provision. There would be no need for special laws to protect Blacks, Latinos, Asian Americans, Native Americans, LGBTQ citizens, or any other special group, because NO person is to be deprived the equal protection of the laws. This is what we mean by teaching the Constitution - not simply teaching *about* it, but making sure students appreciate how important it is, how it should be applied to their every day life, and how essential it is to see that no one tries to take from them the freedoms it guarantees.

We also forget that the US Constitution, Article 5, specifies the ONLY method by which the US Constitution can be amended. Yet there are those in power in our government who believe they have the power to pass laws, regulations, and proclamations that clearly violate the First or Second Amendments, or Amendment 14, section 1, or others, without going through the proper procedure for amending the Constitution. If our citizenry knew their Constitution, this would not be possible. Yet few citizens object. (And if you find yourself thinking that this is exactly why this bill must not pass, shame on you! You do not deserve to be a legislator if you fail to abide by your oath to uphold the Constitution.)

If we remembered even just the few Constitutional clauses mentioned above, much of the legislation that's proposed could immediately be dismissed as proposing a law that conflicts with

the US Constitution. Other legislation could be discarded because it protects a right already protected by the Constitution. The fact that such bills are even proposed in the first place - and then often passed into law - is evidence that we are not sufficiently familiar with the Constitution.

As citizens of Maine, we also need to be familiar with our own State Constitution, as it provides some protections beyond those guaranteed by the US Constitution. For example, the US Constitution provides that private property cannot be taken for public use without just compensation (5<sup>th</sup> Amendment) nor without due process (14<sup>th</sup> Amendment.) But the Maine Constitution also says private property cannot be taken unless the public exigencies require it (ME Constitution Article 1, section 21.)

Yet I could give you several examples of Maine laws which violate the US *and* Maine Constitutions. (Dearest to my heart are 23 MRSA 3021, 3026-A, and 3028, which create a class of roads called “public easements” - roads which the public can use freely at the expense of the private landowners who are forced to keep them in repair for the public’s use without due process or just compensation and where there is no compelling public need..)

The 1<sup>st</sup> Amendment to the US Constitution prohibits Congress from establishing a state religion, AND guarantees citizens the free exercise of religion. Article 1, Section 3 of the Maine Constitution further assures that citizens shall not be restrained in their religious professions or sentiments, so long as they do not disturb the peace or obstruct others in their worship. Yet many Christians hesitate to profess their faith for fear they will be accused of somehow violating the “Separation of Church and State,” which, by the way, is a phrase that does not appear in either Constitution. If it were not for these provisions, we would not have the freedoms that all religions enjoy in our country.

I could go on and on - but the bottom line is that our Constitutional freedoms are all too easily lost if we don’t have a citizenry that knows it well enough to stand up for it. Please vote LD 1186 “Ought to Pass.”