



TESTIMONY OF MICHAEL KEBEDE, ESQ.

LD 265 – Ought to Pass

**An Act to Prohibit the Maine National Guard from Combat
Deployment Absent an Act of the United States Congress**

Joint Standing Committee on Veterans and Legal Affairs
February 12, 2025

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Senator Hickman, Representative Supica, and members of the Joint Standing Committee on Veterans and Legal Affairs, greetings. My name is Michael Kebede, and I am Policy Director 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 265 because it would help prevent the erosion of civil liberties during an unconstitutional declaration of war.

If enacted, this bill would prohibit the release of state military forces into active-duty combat in a foreign nation absent an official declaration of war or official action for an enumerated constitutional purpose passed by the United States Congress. It would also allow the Governor to deploy the state military forces for civil missions within the United States or the territories of the United States.

The decision to initiate war inevitably sanctions violations of civil liberties that are not permitted in peacetime. Historically, wars have fostered a domestic atmosphere hostile to civil liberties—especially First Amendment rights—that results in their infringement without constitutional justification or means for effective redress.

No process for initiating war can fully protect civil liberties from the threats posed by war. But, in recognition of the gravity of war, Article 1, Section 8 of the Constitution vests the power to initiate war exclusively in Congress - the branch of the federal government most capable of providing the American people with a full and open debate before committing them to war. The President's Article 2 war powers, unlike Congress's power to declare war, are fundamentally defensive; they exist to enable a rapid response to an invasion, not to order an affirmative attack or invasion. To assure that war's threats to civil liberties are risked only after the most responsible and accountable official deliberation, the constitutionally-placed authority of Congress to commit our nation to war must not be transgressed by the Executive Branch.

This bill would help ensure that Maine's troops are never deployed in an unconstitutional war. We urge you to vote *ought to pass*.