

MOTION by Sen. Damon: “Accept the Minority Report.”

### Legal Presence

Thank you Madame President, ladies and gentlemen of the Senate.

I have stood before you on numerous occasions lately making speeches pleading with you to protect the likes of clams...scallops...alewives...roads...bridges.

Now I stand before you asking that you join me to protect something much more important than clams...scallops...alewives...roads or bridges. I ask that you join with me to stand up for and to protect our civil liberties and our freedoms. It is these civil liberties and freedoms that set us apart from every other country in the world. It is these very liberties and freedoms that have been granted to us by our Constitution and it is these freedoms that have been guaranteed to us by the blood of our fathers and mothers and our sisters and brothers who have given their lives so that we will live free. Their battles have been against those who would oppress us. Those wars were easier to define. The threat was clearer. The call to arms was louder. But make no mistake; our freedoms are under attack again!

Ladies and gentlemen of the Senate, we are now faced with an assault on some of our most basic rights. Rights so fundamental to our democracy that we take them for granted. Rights so important to us and so basic we proclaimed them as central to our independence when we said, “WE HOLD THESE TRUTHS TO BE SELF-EVIDENT!” Ladies and gentlemen, Life – Liberty – seeking Happiness are so integral to our being as free, independent Americans that we must NEVER, NEVER, NEVER relinquish them. And furthermore we are told in that same cherished

document, “Whenever any Form of government becomes destructive to these ends, it is the Right of the People to alter or to abolish it.” Members of the Senate, it is not only our Right --- it is our Duty to protect our Liberty and it is our moral Obligation to honor those who before us have done the same.

Today we are faced with a threat to our liberty. Our freedom is under attack. Not from foes foreign who wish to gain control over us for any host of reasons. We have vanquished them before and we will continue to do so whenever they try. No, my colleagues, we are not being threatened by any of the traditional visible enemies, instead we are now being threatened by the only enemy capable of conquering us. WE are our own worst enemy! And yet we must rely on WE to defend us from ourselves.

We are confronted by a bill that would have us submit to policies that unduly, and in my opinion unnecessarily, infringe upon our civil liberties and our individual freedoms. LD 2309 is the response offered by our Chief Executive and this Legislature to the Federal Homeland Security Administrations’ demand that Maine get back in line and comply with the so-called “Real ID” initiative. As a reminder to you, this Legislature voted last year to enact a law prohibiting our participation in this Real ID program. We said “NO” then and we should continue to say “NO” now!

You have received some details about the cost of Real ID. These figures came from the Congressional Record. You can see the estimated cost of the program is over \$14 billion. You should also note the vast majority of payment cost for this Federal program comes from the states. Maine portion exceeds \$71 million. That fact alone ought to be enough to sour you from joining the march, yet the greater cost by far is

the price we are being asked to pay by handing over our freedoms and liberties. Real ID supposedly is not the issue before us. Don't be fooled.

LD 2309 cleverly shies away from the Real ID issue though and instead repackages this bitter pill in a clever coating called, "An Act To Enhance the Security of State Credentials." Who wouldn't want to do something like that? After all, "Enhance", "Security" those sound like noble pursuits. But if that isn't enough to move you some apparently believe that perhaps you will swallow this medicine more readily if you are threatened. The Federal government now says that Maine people will not be able to board planes or enter federal buildings using their Maine driver's if we don't subscribe to the edicts presented in LD 2309. Really? Does it occur to anyone that perhaps we ought to challenge that edict? That on its face it violates our right to travel unfettered throughout our country.

And then there is the small issue that LD 2309 requires Maine to institute laws regarding legal presence that no other state in this country is required to do!

Ladies and Gentlemen of the Senate, Maine (the last state in the Union to be granted a waiver under the Federal Real ID program even though some states did not even apply for a waiver and Maine did) is being required to institute facial recognition scanning technologies, provide photographs of people applying for a driver's license to a database, participate in the Federal SAVE database, institute coterminous documents and come up with a way to determine whether a person is in this country legally --- legal presence. Did I mention that there is currently no standard acceptably applied definition of "legal presence"? According to our leading military officer, Gen. Libby, who is Director of Homeland Security for Maine, and I quote

from his testimony offered before the Joint Standing Committee on Transportation in March of this year ... {Gen. Libby's testimony}

This bill is being used and its intention is being justified by citing a need to fix Maine's lax driver's license rules. Those rules have been addressed and the fix is in this Legislature now. The changes that will require that driver's licenses will only be issued to people who are Maine residents will pass this Legislature's scrutiny before we adjourn. It is that issue that needed to be fixed and it will be fixed by another bill.. The rest of what this bill demands is punitive or unnecessary or both and ought to be rejected.

My most revered friends and colleagues, the battle is before us, the time is now, the last stand is ours to make, right here is this chamber in this tiny little state, we have become the last soldiers standing to save our Union. Aim straight, fire until your bullets have all been spent, then resist to your last breath this assault. This may very well be the single most important battle we fight together.

The last time this country faced such an assault to our Union the threat was more overt. The response was more pronounced. The result divided us but it did not defeat us. President Lincoln said it best as he stood on the battlefield at Gettysburg during our Civil War and his words remain today in the minds and hearts of all Americans, "...we here highly resolve that these dead shall not have died in vain ... and that government of the people, by the people, for the people shall not perish from the earth."

I urge you to support the pending motion and defeat LD 2309.

*[Changed to, “I urge you to defeat the pending motion” because a motion was made by Sen. Diamond to Indefinitely Postpone the motion to accept the Minority Report.]*

Thank you Madame President.

April 15, 2008