



SENATE JUDICIARY

Exhibit No. 2
Date 3-30-07
Bill No. HB 781

American Civil Liberties Union
of Montana
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March 30, 2007
Testimony HB 781

Chairman Laslovich and Members of the Committee,

My name is Cathy Day, Public Policy Director of the American Civil Liberties Union of Montana – a membership based organization of 2,500 Montana households dedicated to defending the Constitution and the Bill of Rights.

I rise today in support of HB 781. Racial profiling" refers to the discriminatory practice by law enforcement officials of targeting individuals for suspicion of crime based on the individual's race, ethnicity, religion or national origin. Examples of racial profiling are the use of race to determine which drivers to stop for minor traffic violations (commonly referred to as "driving while black or brown"), or the use of race to determine which pedestrians to search for illegal contraband.

The ACLU opposes all racial, religious and ethnic profiling. As we have argued repeatedly in litigation, legislative advocacy and public statements over the years, racial profiling is in every instance inconsistent with this country's core principals of equality and fairness. Law enforcement based on general characteristics such as race, religion and national origin, rather than on the observation of an individual's behavior, is an inefficient and ineffective strategy for ensuring public safety.

In October of 2005, a comprehensive report was released by the Montana People's Action and the Northwest Federation of Community Organizations about alleged unequal treatment in the Billings Police Department. The report concluded that there existed documented differences between the way in which persons of different economic and ethnic background were treated – this reality was reported after officers in the department had undergone mandated "diversity training" which was later found to be inadequate.

If these types of problems exist in one of our largest urban areas, which has access to multiple resources, it stands to reason that the disparities in treatment may also exist across our state. Representative Windy Boy's bill strengthens existing law and provides an additional means for determining the presence or frequency of racial profiling in the Montana law enforcement community.

One friendly suggestion that we might offer the sponsor of the bill is a concern about the definition of minority that appears on page 4, line 23 of the bill. This list is limited to four categories and does not include persons from other ethnicities, such as those in the Middle East. We would suggest amending this section to be inclusive of other minorities.

In conclusion, any discrimination based on ethnicity or country of origin is wrong and in conflict with the basic tenants upon which this country was founded. Montana should do everything in its power to institute mechanisms to identify where such discrimination might exist and to insure that it does not unjustly influence the imposition of criminal penalties.

We urge a DO PASS on HB 781.