

Honorable Chair and Committee Members:

My name is _____ and I am speaking on behalf of the American Civil Liberties Union of Michigan. Our organization seeks to protect and preserve the individual rights and liberties guaranteed by the Constitution and laws of the United States.

We at ACLU of Michigan ask you to oppose House Bill 4006, which compels wireless carriers to provide cell phone or tablet locations upon the request of law enforcement without requiring a warrant. House Bill 4006 infringes on the citizen's right to privacy, inadequately understands man's propensity to abuse power, and fails to consider other problems that would arise if passed.

The 4th Amendment to our Constitution asserts that “the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.” Any legislation that grants broad powers to the government should be carefully crafted. In its current form, House Bill 4006 is an assault on the Bill of Rights. It requires technology companies to undermine customer trust in the name of security. It is important to consider the deeper, more complex question of the right to privacy and location. In the digital age, how does the 4th Amendment intersect with geolocation information? The details of this bill do not ensure the protection of the individual's most basic right to privacy.

Another reason to oppose HB 4006 besides privacy rights is the statement that “Absolute power corrupts absolutely.” This maxim, first written by Sir John Dalberg-Acton, in its simplest

form is “power corrupts.” This law gives additional power to law enforcement officers and could easily be abused. The bill itself recognizes this and makes an attempt to curtail such behavior by making it a misdemeanor for officers to access location information for personal gain. One has only to do a quick search on the internet to find hundreds of examples where such measures were not sufficient deterrents. An article from November of 2016 posted by WWMT, a Michigan news channel, found more than 50 instances of law enforcement misusing databases for personal reasons. Specific examples given include an Ohio officer who stalked an ex-girlfriend, a MI officer who looked up home addresses of women he found attractive, and two officers from Miami who ran checks on a journalist after he aired unflattering stories about the department. In most cases, the officers were suspended or fired from their jobs, but no charges were ever filed. The details of this bill will not curtail the propensity to abuse power.

In conclusion, supporters of House Bill 4006 will share stories that play on your emotions, bringing forward isolated cases where wireless providers failed to give information (and lives were lost) or gave information (and lives were saved). While these stories may be touching, it is imperative that legislation NOT be passed because of emotion. Laws should be passed based solely on careful reasoning and constitutionality! Keep this in mind as you consider House Bill 4006.

Thank you for your time, and I am open to any questions the committee may have.