



LATE TESTIMONY

Committee: Committee on Housing
Hearing Date/Time: Tuesday, March 27, 2012, 11:40 a.m.
Place: Room 325
Re: Testimony of the ACLU of Hawaii in Strong Opposition to H.C.R. 175/
H.R. 135, Relating to Public Housing

Dear Chair Cabanilla and Members of the Committee on Housing:

The American Civil Liberties Union of Hawaii writes in strong opposition to H.C.R. 175/H.R. 135.

Drug testing public housing tenants and applicants as a condition of eligibility is a policy that is scientifically, fiscally, and constitutionally unsound. At a time when increasing numbers of Americans are struggling financially and relying on public assistance, implementing mean-spirited and ineffectual mandatory drug testing policies is both unconscionable and unconstitutional.

Most recently, in a 37-page opinion, a U.S. District Court Judge halted enforcement of Florida's new law mandating drug tests for all applicants for the state's Temporary Assistance for Needy Families program.¹ The judge ruled that compelled drug testing is a search under the 4th Amendment, and that individuals retain a right of privacy against such intrusive, suspicionless searches by the state, even when applying for temporary assistance.² In short, any such similar imposition of drug testing in Hawaii would be subject to legal challenge by the ACLU of Hawaii and found to be unconstitutional. Thus, we respectfully ask this Committee to defer this measure.

The mission of the ACLU of Hawaii is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawaii fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawaii is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawaii has been serving Hawaii for over 40 years.

Sincerely,

¹ *Lebron v. Wilkins*, No. 6:11-cv-01473-Orl-35DAB (Oct. 24, 2011). Available at <http://www.aclufl.org/pdfs/2011-10-24-ACLUtanfOrder.pdf>.

² *Id.*

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Rep. Cabanilla, Chair, HSG Committee
and Members Thereof
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