

March 13, 2020

Via Email: c/o [REDACTED]

RE: COVID-19 Response Planning

Dear Governor Kelly,

As Kansas manages the presence of COVID-19 within its borders, we hope that you will consider the ACLU of Kansas as a resource in your work to develop and implement a response plan that protects the health, safety, and civil liberties of all Kansans.

We recognize that during a disease outbreak individual rights may give way to the greater good. At the same time, we ask that the use of measures that deprive individuals of their liberty be scientifically supported and proportional, and that due process rights, including the right to challenge any quarantine, are maintained.

As you may know, earlier this month a group of over 800 public health experts and organizations signed a public letter warning that widespread transmission of Covid-19 within the United States is “inevitable.”¹ This letter includes recommendations to federal, state, and local leaders on achieving a fair and effective response to the coronavirus outbreak. Below, we summarize key recommendations most relevant to Kansas.

People in prisons are highly vulnerable to outbreaks of contagious illnesses. They are housed in close quarters and are often in poor health. We urge the active engagement of the prison administration to educate those in custody and those on staff, implement screening and testing procedures, establish treatment and housing plans as needed, and craft additional precautions for the most vulnerable among the incarcerated population.

COVID-19 does not distinguish between who is undocumented and who is not, and those in immigrant communities may be fearful that seeking medical help could expose them to being detained by ICE. Declaring health care facilities to be “immigration enforcement-free zones” would help alleviate this fear.

¹ Gregg S. Gonsalves, et al., *Achieving a Fair and Effective COVID-19 Response: An Open Letter to Vice-President Mike Pence, and Other Federal, State and Local Leaders from Public Health and Legal Experts in the United States*, Mar. 2, 2020, available at https://law.yale.edu/sites/default/files/area/center/ghjp/documents/final_covid-19_letter_from_public_health_and_legal_experts.pdf.



Kansas

PO Box 917
Mission, KS 66201
(913) 490-4100
aclukansas.org

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While the use of a mandatory quarantine may be justified if it is scientifically supported and proportional, public health experts note that voluntary isolation measures are more effective than coercive measures.²



Finally, we note with appreciation your efforts thus far to ensure timely, transparent public statements about COVID-19 in our state. Continued public statements that are accurate, non-politicized, and based in science are key to maintaining public trust and cooperation in public officials.

We are available to discuss your COVID-19 response planning as the situation evolves, and to help ensure a response plan that protects the health, safety, and civil liberties of all.

Thank you for your time and consideration.

With best regards,

A handwritten signature in black ink, appearing to read "Nadine F. Johnson". The signature is fluid and cursive, with a large loop at the end.

Nadine F. Johnson
Executive Director

² Aledort, J.E., Lurie, N., Wasserman, J., Bozzette, S.A. Non-pharmaceutical public health interventions for pandemic influenza: an evaluation of the evidence base. *BMC Public Health* 2007; 7(1): 208–209.