

Legislative Testimony

In **Opposition** to SCR1602
House Federal and State Affairs
February 13th, 2025

Written Only

Chairman Kessler and Members of the Committee:

My name is Rashane Hamby, and I serve as the Director of Policy and Research at the American Civil Liberties Union (ACLU) of Kansas. The ACLU of Kansas is a nonpartisan, nonprofit organization with more than 35,000 supporters statewide, dedicated to preserving and strengthening the civil rights and liberties of every Kansan. I submit this testimony in strong opposition to SCR1602 for the following reasons: it undermines public safety, infringes on state authority, promotes unconstitutional practices, and fosters racism and xenophobia.

SCR1602 Undermines Public Safety

Law enforcement experts emphasize that community trust is critical to effective policing. When immigrants and their families fear that any interaction with local authorities could lead to arrest and deportation, they are less likely to report crimes, provide tips, or seek police protection. This damages overall public safety. The President's Task Force on 21st Century Policing (2015) recommended that state and local law enforcement avoid involvement in immigration enforcement to prevent such harmful consequences.

SCR1602 Infringes on State Authority

This resolution seeks to force the Governor's hand by pressuring state and local law enforcement to participate in federal immigration enforcement. The Trump administration attempted similar coercive tactics, threatening to cut off state and local governments' access to federal grants unless they complied with immigration directives. Courts have repeatedly ruled that the federal government cannot compel state and local agencies to enforce federal immigration laws, as affirmed in *Printz v. United States* (1997).

SCR1602 Promotes Unconstitutional Practices

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If enacted, SCR1602 would encourage unconstitutional searches and seizures by Kansas law enforcement, violating the Fourth Amendment. The Laken Riley Act would further enable state officials to engage in racial profiling and unlawful detentions, disproportionately impacting people of color. The Fifth and Fourteenth Amendments guarantee due process and equal protection under the law, principles that this resolution directly undermines.

SCR1602 Encourages Racism and Xenophobia

This resolution aligns with policies rooted in racial discrimination. Former President Trump has repeatedly used xenophobic rhetoric to justify harsh immigration policies, scapegoating immigrants to rally political support. Policies that target individuals based on ethnicity, language, or national origin have no place in Kansas or any just society. Kansas should reject this divisive approach and instead advocate for policies that uphold human rights and dignity.

Conclusion

For these reasons, I strongly urge you to vote no on SCR1602. This resolution does not make Kansas safer—it does the opposite. It undermines public trust in law enforcement, attempts to coerce the state into unconstitutional actions, and promotes discrimination against immigrant communities. Kansas should focus on policies that support all residents, rather than advancing an agenda rooted in fear and exclusion.

Sincerely,
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Director of Policy and Research

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References

American Civil Liberties Union. (2020). *The Trump administration's attack on sanctuary cities*. <https://www.aclu.org/issues/immigrants-rights>

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President's Task Force on 21st Century Policing. (2015). *Final report of the President's Task Force on 21st Century Policing*. U.S. Department of Justice. <https://www.ojp.gov/ncjrs/virtual-library/abstracts/final-report-presidents-task-force-21st-century-policing>

Printz v. United States, 521 U.S. 898 (1997).

U.S. Const. amend. IV.

U.S. Const. amend. V.

U.S. Const. amend. XIV.

Zadvydas v. Davis, 533 U.S. 678 (2001).