

David M. Schauner, KNEA General Counsel testimony
Senate Commerce Committee
February 5, 2013
House Bill 2023

Dear Madam Chairman, members of the Committee,

I was born in Wichita, the son of a working class family. My father was an IBEW member for over twenty-five years and my mother worked outside of the home for much of her life. I was the first member of my family to graduate from college and I began teaching in Larned, Kansas in 1968. I have spent the past thirty-four years as an advocate for professional educators. I am saddened to find it necessary to discuss this topic which I believe to be the antithesis of what the state of Kansas stands for with respect to protecting individual liberties and constitutional rights.

Martin Luther King said “Our lives begin to end the day we remain silent about the things that matter”.

Participation in the political process is a thing that matters. The right to act collectively matters, the expression of dissenting political points of view matters. It matters that we as a democracy have decided that our political dissent is the bedrock of our continued success as a nation. When those in power decide to punish those who have publically disagreed then we are lost as a democracy. It also matters that those who hold shared values can act collectively. It matters that the nation’s founding fathers demanded the first and fifth amendments to the U.S. Constitution. It matters that those who teach our children participate in politics. It matters that all citizens be treated equally in the eyes of the law.

New Section 1 of **House Bill 2023** is unconstitutional on its face. It singles out “professional employees’ organizations” as defined in K.S.A. 72-5413 for disparate and unequal

treatment. It violates the equal protection provisions of the Fifth Amendment as well as the freedom of association guarantees of the First amendment.

House Bill 2023 is overtly and embarrassingly political payback. Kansas NEA has a long history of advocating on behalf of its members for better school funding and related topics. The 2012 elections found Kansas NEA engaged on behalf of Kansas teachers. This collective action is fundamental to American politics. The restrictions contained in **House Bill 2023** attempts to silence the collective political voice of Kansas teachers. It is suspect that the bill, if passed, becomes effective upon publication. This apparently stems from an attempt to silence the collective voice of Kansas teachers who might otherwise choose to oppose a change in the Kansas Constitution that would change the state's obligation to suitably fund public education. This enactment date also interferes with the contracts between many local Associations and their Unified School district. Many districts have a signed contract that obligates them to make payroll deduction available for professional dues including political dues. This bill as written interferes in that legal relationship.

Neither Kansas teachers nor Kansas NEA will remain silent in the face of these challenges to our democracy, to our constitutional rights and to the guarantees of the Kansas Constitution.

Every member of the legislature took an oath within the last few days to uphold the Kansas Constitution and the the United States Constitution. This proposal blatantly violates the First and Fifth amendments of the U.S. Constitution. It singles out the largest group of professional employees' in Kansas for **unequal and disparate** treatment. It attempts to silence the collective activity of 35,000 teachers in the state of Kansas.

Kansas has been a right to work State since the 1950s and no one is forced to be a member of the KNEA. Those who join are not forced to make monetary contribution to political activity. It appears that the true motive behind this bill is an attempt to silence any organization that has a divergent political view than those currently in office at the expense of the first and fifth amendments.

Martin Luther King understood that collective action was essential to our democracy. It is no less true that the right of Kansas educators to participate collectively in politics is essential to the political health of Kansas.

Now is not the time for the Kansas educators to stand quietly while those in power attempt to silence their collective voice.

I urge you to reject the proposals contained in **House Bill 2023**.