

Kansas Families for Education

Demanding Excellent Education for All Children

**Testimony – Opposition to Constitutional Amendment limiting Judicial Independence
Joint Judiciary Committee
June 15th, 2016**

Thank you, to the Chairman and to this committee for giving me the opportunity to speak. My name is Brian Koon, and I am the legislative liaison for Kansas Families for Education, and we stand opposed to the proposed Amendment to the State Constitution which would limit judicial independence.

Kansas Families for Education opposes this measure on grounds that it is a direct threat to the checks and balances set down by James Madison and our other forefathers at the birth of this nation. The founders sought to prevent power from being concentrated in one branch of government, unlike the Monarchy we had so recently rebelled from. The goal of having three branches was to create a stable and fair government where no branch would reign supreme over the others. In other words, our forefathers lived through an unstable, unbalanced, and unfair system, and had overthrown that yoke; they chose to make a new government that would respond to the will of The People.

In this country, we use court orders for many things. Sometimes court orders are used to compel deadbeat dads to pay the child support that is their duty to pay – even if they do not like the ruling, or do not wish to pay, or believe it is not the duty of a parent to pay. None of that matters, because they are ordered by the court to pay, and court orders are the remedy courts have at their disposal to obtain compliance. Garnishing wages from deadbeat dads is one way to obtain compliance to a court order; shutting down unconstitutional school funding is another. This is the tool courts have to compel people to do things they, by definition, don't wish to do, but are mandated by law or the constitution.

Under a system proposed by this amendment in which Judicial independence has been limited, the court is essentially irrelevant in preventing the unconstitutional underfunding of public education, and the Legislative branch may fund public education just as little as it sees fit. How much does this Legislature propose for that expenditure if this amendment were to pass? One dollar for each student? No money at all? Both levels of funding, and any level of funding at all, will be legal levels of funding under a system where there is no requirement to satisfy a court's demand for fair and adequate funding. Will we look back at the year 2016 as the last days of public education funding – or the highest level of funding for the next hundred years?

These are the questions the voters of Kansas are asking, but I have one more: if the Legislature and Governor believe so strongly that Article 6 of our Constitution is unwise, why not write an amendment to strike that language instead of using this backdoor attack to virtually do the same thing? Do you lack the courage to try it, or the votes to pass such an overt attack on Public

Education? I theorize that this committee would rather attack judges, who are largely prevented from making political statements and therefore from responding to political attacks, than to try to convince the people of this state that the best Public Education for their children is none at all.

Kansas Families for Education wholeheartedly supports the independence of the Kansas Supreme Court and its defense of the Constitutional right of Kansas school children to receive an adequate and equitable education for which the State provides suitable financing, as specified in Article 6 of the Kansas Constitution.

To conclude, on behalf of public school students, their parents, and deeply concerned voters all across this state, I urge each of you not to support a Constitutional Amendment limiting the power of the Kansas Supreme Court.

Thank you for your time and consideration.