

# State of Kansas

## Senate Chamber



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Chairwoman Huntington and Committee Members:

Good morning! My name is Tom Holland and I am the State Senator for the Kansas Senate 3rd District serving portions of Douglas and Leavenworth counties and all of Jefferson County. I am here today to ask for your support of Senate Concurrent Resolution 1617 that seeks to push back against corporate personhood and specifically reverse the U.S. Supreme Court's landmark and controversial *Citizens United* ruling.

Let's start with the basic terminology to better grasp what this resolution attempts to do. Wikipedia defines the concept of corporate personhood as "the status conferred upon corporations exclusively under the law of the United States, which allows corporations to have rights and responsibilities similar to those of a natural person." This naturally begs the question – which right(s) of the natural person in fact should be conferred upon corporations? And under what situations do corporations, granted certain rights enjoyed by natural persons, usurp the rights of natural persons?

Examples of corporate personhood rights developed over the years by court cases have established property rights for corporations, equal protection as it pertains to the tax code and free speech. It is the free speech rights specifically granted under the *Citizens United* ruling that I am here to address today.

The central idea of democracy is *one man – one vote*. Every person - Bill Gates, Lady Gaga, you, or me is politically equal; each person has a single vote.

Now voting is by people, not dollars. It doesn't have to be that way and hasn't always been that way. We've had property restrictions on voting; and literacy requirements, and racial and gender restrictions. Those have all been changed as we've decided that all people, all races, both sexes should have equal rights.

But what if money can vote indirectly? The problem is that the lack of control over campaign finance accomplishes indirectly what it cannot do directly. None of us are so naïve as to believe money will not have its say, but should we leave it completely unchecked? It bothers us that dollars, not people, seem to be doing the real electing. For that reason we passed laws limiting money in political campaigns.

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This is where *Citizen's United* comes in. A political action committee (PAC) with a lot of money, wanted to use the money to directly influence an election. The law said "No." The PAC sued the Federal Election Commission. The Court upheld the law, so did the Court of Appeals, but the Supreme Court threw it out.

The Supreme Court said the law violates the Constitution. It says the Constitution protects free speech, and the law limits speech. Limiting corporate money, it said, limits speech. Is money speech? If money is speech, then surely more money is louder speech. Should people with money have louder voices in the political debate?

The Supreme Court said corporations are people and have a right of expression protected by the Constitution. But is this really so? Are corporations really people, and did the men who framed our Constitution ever intend that corporations be treated like people? Are there differences between people and corporations that should affect the way we should treat them? Should corporations be treated like people, with all of the rights of people?

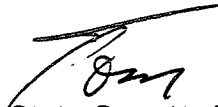
Our political rights derive from our rights as human beings, created by God. We are what we are by nature. We are born into families, and will die. Democracies are made of human beings. The idea of democracy is that free people seek happiness and fulfillment. The Constitution permits people to be forced to do what the law requires. People can be drafted, summoned to serve on juries, and punished for failing to obey. People can suffer punishment in prison or even a sentence of death. People need the freedom to learn, and to think. To do this we have to speak. We can't vote without speaking. Only people can vote. We protect speech to protect freedom. Logically, and necessarily speech is tied to being human; a *Human Being*.

***Citizens United*** is wrong because it confuses people with corporations and speech with money. Speech is an expression of the people, while money is an expression of corporations. It is speech and people that the First Amendment is concerned with, not money and corporations.

***Citizens United*** says regulation of money impacts speech, and violates the 1<sup>st</sup> Amendment. I do not believe that historically this is not what the drafters meant, and it is certainly not what we as U.S. citizens mean, or want. The Supreme Court has spoken and we must obey its rulings. But the Court must obey the Constitution, if the Constitution does not clearly enough say what we as the people mean, then we need to change the constitution so that it does.

Justice Stevens, whose dissenting opinion was joined by Justices Breyer, Ginsburg and Sotomayor, argued that the ***Citizens United*** ruling "threatens to undermine the integrity of elected institutions across the Nation. The path it has taken to reach its outcome will, I fear, do damage to this institution." Justice Stevens later concluded his dissent with the following: "At bottom, the Court's opinion is thus a rejection of the common sense of the American people, who have recognized a need to prevent corporations from undermining self government since the founding, and who have fought against the distinctive corrupting potential of corporate electioneering since the days of Theodore Roosevelt. It is a strange time to repudiate that common sense. While American democracy is imperfect, few outside the majority of this Court would have thought its flaws included a dearth of corporate money in politics."

Amending the U.S. Constitution is the only way to begin returning our inalienable rights to those the constitution was intended to protect – we the people.

A handwritten signature in black ink, appearing to read "Tom Holland", with a stylized flourish above the name.

State Senator Tom Holland

3<sup>rd</sup> District

