

Written Testimony

August 12, 2021

To the members of The House Committee on Redistricting and the Senate Committee on Redistricting:

I am submitting my written testimony to you to express my concern that the citizens of Wyandotte County, Kansas, will be unfairly targeted in this redistricting process.

“There is no right more basic in our democracy than the right to participate in electing our political leaders.”

These are the words of Chief Justice John Roberts in *McCutchen v. Federal Election Commission* in 2014. The Supreme Court has also noted that voting itself is the ultimate form of “speech by citizens on matters of public concern,” from *Lane v. Franks*, 2014.

Voting is at the very heart of the First Amendment protection, and any attempt to separate Wyandotte and Johnson Counties (or portions therein) from each other for the purpose of partisan gerrymandering is an attack on our First Amendment rights.

This committee should not discriminate against Kansas citizens such as myself based upon our past political views to determine the outcomes of a political election. Kansas is prohibited from regulating my political speech “when the specific motivating ideology or the opinion or perspective of the speaker is the rationale for the restriction,” *Rosenberger v. Rector & Visitors of the Univ. of Va.*, 1995.

However, this has not prevented elected officials in Kansas from considering such actions in the past:

- In January 2012, then United States Representative Lynn Jenkins was photographed holding a map that showed a proposed congressional district map splitting Wyandotte County from the third congressional district and placing it in the first congressional district.¹
- In March 2012, the “Eisenhower” map was a deliberate effort by Kansas House Speaker Mike O’Neal to create a ‘Big First / KCK’ map.²
- In October 2020, then Kansas State Senator Susan Wagle said, “During redistricting, I need to give [Renee Erickson] some more Republican neighborhoods in order to make sure she stays elected... So redistricting is right around the corner, and if Governor Kelly can veto a Republican bill that gives us four Republican congressmen, that takes out Sharice Davids up in the third, we can do that. I guarantee you, we can draw four Republican congressional maps, but we can’t do it unless we have a two-thirds majority in the Senate and House.”³

¹ [Lawrence Journal World: U.S. Rep. Jenkins looking over congressional redistricting map](#)

² [Mike Mahoney: Flip, Flop, Flip. Kansas Lawmakers Kill ‘Big First/KCK’ Plan. Revive It, Then Approve It](#)

³ [Kansas Reflector: Senate President Susan Wagle embraces gerrymandering to benefit GOP in Kansas](#)

While those attempts by the Kansas House Committee to partisan gerrymander Wyandotte County into western Kansas ultimately failed, it is not lost on the residents of Wyandotte County that since electing Congresswoman Sharice Davids to represent them in the third congressional district, the Kansas House and Senate committees are now combined in a rushed process that limits public participation.

I grew up in Johnson County, and now reside in Wyandotte County. These two counties are neighbors and share a mutual interest in promoting their shared economy, transportation, health, environment, and values. Removing all or parts of one from the other would not only be a violation of our First Amendment rights, it would also undermine the very fabric of our community.

Our shared regional prosperity depends on having a congressional representative that understands those interests and supports them in a unified way, no matter their political persuasion. Gerrymandering the third congressional district will send a false message to our elected officials about their obligations, and how they should favor one group over another. If your committee draws congressional district boundaries to favor one political party over another, your actions harm our community and devalue the votes - and therefore the free speech - of those citizens impacted more than others.

I ask that this committee fulfill their solemn duty to draw congressional maps that use the "least restrictive means of achieving a compelling state interest," *McCullen v. Coakley*, 2014. To do otherwise - including any attempt to split the third congressional district for partisan gerrymandering - is an attack on the First Amendment and invites the Kansas State Supreme Court to apply strict scrutiny.

The First Amendment forbids discrimination based upon political views, as it is antithetical to democratic self-governance: "Premised on mistrust of governmental power, the First Amendment stands against attempts to disfavor certain subjects or viewpoints," *Citizens United*. A partisan gerrymander that divides the third congressional district will no longer see its elected representative "have an immediate dependence on, and an intimate sympathy with, the people," *James Madison, The Federalist No. 52*.

This committee should recognize the will of the people and not engage in partisan gerrymandering.

Sincerely,

A handwritten signature in black ink, appearing to read 'MK', with a long horizontal flourish extending to the right.

Matthew Kleinmann
Kansas City, Kansas