

Let's not go backward in justice selection

In early 1958, the Kansas court system experienced its one and only scandal. Governor Fred Hall, defeated in the Republican primary for re-election, resigned. Chief Justice William Smith resigned the same day. Lt. Gov. John McCuish became governor and immediately appointed Hall to the vacancy on the Supreme Court. All of this was pre-arranged by the three, and has been known ever since as the “triple play.”

Our legislature, and then the voters, responded in 1958, by amending our state constitution. They replaced the election system for supreme court justices. No longer would they be elected, with power in the governor to fill vacancies by appointment. Instead, a non-partisan commission would nominate three candidates, and the governor would then select one of them to fill any vacancy.

That system has worked superbly for 67 years. No scandals. Good judges. Good decisions.

But now our Republican legislative leaders want to restore the election system for justices. Their motive is clear: to eventually elect a court that will overturn the court's 2019 decision in favor of abortion rights, which the voters soundly approved in 2022, after those leaders put on the ballot a constitutional amendment to reverse that decision. The vote against the amendment was 59.16% to 40.84%.

Unhappy with that result, they are now back with a new proposed amendment, which would require election of Supreme Court justices again.

Kansas' non-partisan selection method has served as a model for the whole country. It has kept “dark money” out of the system. What we saw recently in Wisconsin, where Elon Musk put a million dollars into one candidate's campaign, cannot happen here. Electing judges inevitably runs the risk that they will, if elected, feel beholden to the causes of their contributors.

Kansans made a major improvement in 1958, and it has proven itself over and over. As a practicing attorney in Kansas for 62 years, I say let's don't go backwards.

Dick Seaton