



OUR COURTS ARE NOT FOR SALE
VOTE NO AUGUST 4

FROM SCANDAL TO GAVEL: A KANSAS SUPREME COURT TIMELINE

THE TRIPLE PLAY SCANDAL

In the mid-1950s, Kansans still elected their Supreme Court justices in partisan statewide elections, a system that increasingly blurred the line between justice and politics. That tension exploded into full public view during what became known as the Triple Play scandal, one of the most notorious political schemes in Kansas history.

In 1956, during a pivotal election year, Republican Governor Fred Hall was running for re-election. He lost his bid and with just weeks left in his term, control of the Governor's Office was about to shift parties.

At the same time, William Smith, the Chief Justice of the Kansas Supreme Court and a longtime Republican loyalist, resigned from the bench, creating an immediate vacancy on the Court. Under normal circumstances, this vacancy would have been filled by the incoming Democratic governor.

Just 11 days before his term expired, Governor Hall resigned, elevating Lieutenant Governor John McCuish to the governorship. In the few days that he held that position, now-Governor McCuish appointed Hall to fill the vacant Supreme Court seat.

Public outrage translated into action. Kansans began pushing for a structural change to prevent such abuses in the future by proposing a constitutional amendment to remove Supreme Court selection from direct partisan elections and political appointment.

In 1958, Kansas voters overwhelmingly approved the amendment, establishing merit-based selection and retention elections for Supreme Court justices. This system, which prioritizes legal qualifications, democratic accountability, and independence, remains in place today.

The Triple Play scandal became a turning point in Kansas history. The merit selection system that emerged was a direct response to a moment when Kansans saw their judiciary used as a political bargaining chip and decided it should never happen again.

A TIMELINE OF KANSAS COURTS

1861: The Kansas Constitution established the Kansas Supreme Court, with justices elected in partisan races and vacancies filled by gubernatorial appointment.

1957: The Kansas City Times dubbed the Triple Play Scandal “A Brazen, Raw Deal for Kansas Justice.” In response, the legislature passed a constitutional amendment establishing merit-based selection for justices.

1958: Voters passed the amendment with 60% voting in favor.

1992: *Montoy v. Kansas* claimed the state violated Article 6 of the Kansas Constitution by failing to adequately fund public schools, which requires equal educational opportunity for all students.

2005: In *Montoy*, the Supreme Court ordered the legislature to increase public education funding. Lawmakers debated defying the Supreme Court’s ruling, arguing the Court overstepped its authority. The Court maintained it was fulfilling its constitutional duty, sparking a separation-of-powers conflict between the branches.

2010: The legislature made cuts to state spending in response to the recession. School districts asked the Court to reopen the Montoy case. Instead, a new case was filed, *Gannon v. State of Kansas*.

2013: Governor Brownback convinced lawmakers to end merit-based selection for the Court of Appeals, giving the Governor full control over appointments. He also sought to change the constitution to do the same for the Supreme Court but lacked the votes.

2016: In the *Gannon* case, the Kansas Supreme Court again ordered the legislature to increase funding for public education.

2022: After the United States Supreme Court returned authority to the states to regulate abortion, Kansas became the first state to vote on a ballot measure to restrict abortion rights. Voters overwhelmingly rejected the constitutional amendment.

2025: The Kansas Legislature introduced and passed Senate Concurrent Resolution (SCR) 1611, with Kansans scheduled to vote to maintain the current merit-based selection system on August 4, 2026.

FOR MORE INFORMATION:

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