

January 16, 2013

I am Janis McMillen, 1st Vice President of the League of Women Voters of the United States and past president and a member of the LWV Kansas. I am speaking for the League of Women Voters of Kansas.

Our system of separation of powers of the three branches has been the strength of our democracy. Why is Governor Brownback urging legislators to change from the proven and very effective merit selection process for selecting judges and replacing it with the Governor's personal choice?

For over half a century, the state of Kansas has used what is known as the "merit system" for selecting Justices of the State Supreme Court. This process, which is provided for in our state Constitution, resulted from some mischief on the part of then Governor Hall, who was trying to wrangle a seat on our state's Supreme Court. And in the 1970s, the merit system was implemented for Kansas Court of Appeals judges and for judges in the majority of Kansas District Courts. Over this very long period, rarely, if ever, has a judge selected by the merit process been ousted for cause. I think it is fair to say that history bears out that when the citizens rose up to protest interference by one branch of government over another branch, democracy was preserved and citizens have since been well-served. This demonstrates the importance - going back to the founders of our country - of forming and maintaining three, co-equal but independent branches of government: executive, legislative and judicial. The reasons for this are many but remain sound today - to assure fair and reasonable laws without any one branch of government dominating or over-exercising its constitutional powers. And this "checks and balances" system has served Kansas citizens well.

As citizens, we have a right to a fair and impartial hearing when we go to court. We expect the judge hearing our case to uphold the law and the constitution and issue a ruling free of any outside influence, including that of the Governor who appointed him/her to the court. Maintaining our current merit system may best be summed up by current U.S. Supreme Court Justice Anthony Kennedy, who during a November, 2005 C-SPAN program, said "Judicial Independence for judges is to not do as they choose, but to do as they must".

Since the 1970's the League of Women Voters of Kansas has actively supported merit selection for judges of our appellate courts and for our district courts. One of the most important aspects of our current merit system is the fact that it best embodies the separation of powers among our three branches of government. Today, the League of Women Voters urges you not to pass laws that would change our current independent, transparent and fair judicial selection system, and put the impartiality of our judges at risk.

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*The League of Women Voters, a nonpartisan organization that does not endorse or oppose any candidate or political party, encourages informed and active participation in government, works to increase understanding of major public policy issues, and influences public policy through education and advocacy. Membership in the League is open to men and women of all ages.*

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