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The Honorable Jeff King
Senate Vice President & Chair, Senate Judiciary Committee
Room 341-E
Kansas State Capitol
300 SW 10th St.
Topeka, KS 66612

VIA EMAIL: Jeff.King@senate.ks.gov

RE: *January 28, 2016 Testimony Concerning Separation of Powers and the Judiciary*

Dear Senator King and Members of the Judiciary Committee,

Thank you for extending your invitation to testify concerning separation of powers as it relates to the judiciary and the role this foundational concept plays in maintaining our freedoms and democracy.

Separation of powers and the judiciary—or judicial independence, as it is often termed—“refers to the need for courts that are fair and impartial when reviewing cases and rendering decisions, . . . [which] requires freedom from outside influence or political intimidation.”¹ As recognized by President Ronald Reagan, and scores upon scores of our nation’s most preeminent leaders, “[t]he independence of the courts from improper political influence is a sacred principle. . . . It must always be guarded.”²

This cornerstone of our free society—judicial independence—has been the bedrock of Kansas’ republican form of government since the state’s founding.³ Indeed, separation of powers is one of the most important political principles upon which our entire nation was founded. As Thomas Paine, one of the great writers of the Revolutionary War era, observed: “No country can be called free which is governed by an absolute power; and it matters not whether it be an absolute royal power or an absolute legislative power, as

¹ Michael Wolff, Chief Justice of Missouri, *State of the Judiciary Address*, THE MISSOURI BAR JOURNAL, Vol. 62, No. 2 (March-April 2006).

² Bernard Weinrub, Reagan Says He’ll Use Vacancies To Discourage Judicial Activism, NEW YORK TIMES pg. A29 (Oct. 22, 1985), available at <http://www.nytimes.com/1985/10/22/world/reagan-says-he-ll-use-vacancies-to-discourage-judicial-activism.html>.

³ See *In re Sims, Petitioner*, 54 Kan. 1, 37 Pac. 135 (1894).

the consequences will be the same to the people.”⁴ George Washington forcefully advocated this same commitment to separation of powers in his famous Farewell Address. “Liberty itself will find in such a Government, with powers properly distributed and adjusted, its surest Guardian.”⁵

President Reagan, Thomas Paine, and President Washington’s message to us today is clear. The independence of the judiciary is not maintained for the benefit of the judges. It is for us – free citizens of a democratic republic governed under rule of law – for whom the courts stand open as fair and impartial tribunals.

In the remainder of this letter, I outline first the importance of judicial independence to run-of-the-mill disputes. I next turn to the fundamental role that judicial review of statutes for constitutionality has played in our free and democratic government. Third, I address how in but the last decade the judicial power of constitutional review has preserved our rights to bear arms, speak freely and remain faithful to our religion. Fourth, I note that amendment, not destruction of the independent courts, is the proper path in face of perceived erroneous Kansas constitutional rulings. I end with a discussion of what a well-functioning separation-of-powers system looks like under Kansas law.

The Vast Majority of the Time the Kansas Courts Act as Essential Implementers of Legislative Policy

To some, it may appear that over the past few years the Kansas courts and the Legislature are constantly at odds on every issue. From this erroneous perspective, judicial independence could be misunderstood to mean that a judge is free to do as he or she sees fit in any situation. Nothing could be further from the truth, however. Indeed, the overwhelming bulk of the disputes resolved by our Kansas courts never reach the headlines, which distorts a true understanding of what our courts are all about. Some perspective, therefore, on the workload of our Kansas courts is helpful on this point.

Kansas judges handled approximately 1,600 cases per judge in FY2015.⁶ Or to look at it another way, there were about 392,000 judicial cases filed in FY2015 across the state of Kansas.⁷ Nearly 42% of these suits were traffic violations, e.g. speeding, running stop signs and the like. Just about another 25% of cases filed in FY2015 were

⁴ Thomas Paine, *Four Letters on Interesting Subjects* 18-24, in THE FOUNDERS’ CONSTITUTION VOLUME 1, Chapter 17, Document 19 (The Univ. of Chicago Press), available at <http://press-pubs.uchicago.edu/founders/documents/v1ch17s19.html>.

⁵ George Washington, *Farewell Address*, Sept. 19, 1796, in W. B. Allen, ed., *GEORGE WASHINGTON: A COLLECTION* (Liberty Fund 1988), pgs. 512-17.

⁶ See Statistical History of Case Filings by Judicial District, Kansas Average Caseload Per Judge, available at <http://web.kscourts.org/stats/15/10year/2015%20District%20Judges%20Only.pdf>.

⁷ See Statistical History of Case Filings by Judicial District, Statewide Summary, available at <http://web.kscourts.org/stats/15/10year/2015%20Statewide.pdf>.

Chapter 61 Limited Actions, which are small-claims-court disputes. Another 10% were run-of-the-mill family-law matters such as divorces, alimony, child custody, etc. Non-traffic-related criminal cases—convictions and sentencing of crimes running the gamut from misdemeanor property crimes to felonies such as rape—comprise an additional 9% of the Kansas courts' caseload. Yet another 9% of the caseload from last year fell within lesser jurisdictions, such as municipal courts and the like, these are typically city-ordinance-violation complaints (noise violations and that type of thing). Finally, approximately 4% of cases filed in FY2015 were "civil" matters such as breach of contract suits, property claims and the like. Of course, each of these suits are of great importance to the parties involved; but of these near 392,000 cases filed last year, less than a handful of those suits made any ripples in the state-wide headlines last year.

This lack of newsworthiness is not surprising given that, in the vast majority of these 392,000 cases, the primary legal task for Kansas courts is merely to interpret statutory language. That is to say, in the overwhelming set of Kansas cases, the job for our Kansas courts is to apply the Kansas Legislature's directives as set out by statute. Indeed, when faced with this task, the Kansas courts universally hold that "[t]he most fundamental rule of statutory construction, [which is the term lawyers use for interpreting statutes,] is that the intent of the legislature governs."⁸ What this means is that when acting within constitutional bounds, the Kansas courts have always acknowledged that the Kansas Legislature reigns supreme in the making of Kansas law.⁹

Nevertheless, the independence of the judiciary remains crucial in these hundreds of thousands of run-of-the-mill cases. If citizens fear that the outcome of, say, their disputes over ownership of 300 acres of prime farm land hinges upon who has more political pull in the county or the state, then citizens will seek other, possibly more violent, avenues than the courts to solve their differences. Simply put, our free and democratic society would crumble, if these 392,000 annual disputes were not peacefully and orderly resolved under law.

The peaceful and orderly administration of this multitude of conflicts demands a system of dispute resolution that is fair, impartial and just and that is perceived to be so by the citizenry. This is the case because every citizen who has his day in court must feel fairly treated — win or lose. Only courts that are insulated from outside intimidation and pressure can fairly administer justice and be perceived to be doing so by our fellow Kansans. As such, our family lives, our commercial transactions, our physical safety and our ability to pursue happiness is deeply rooted in the existence of independent courts. It is no surprise, then, that the leading economic studies find a strong causal link between economic growth and the existence of an independent

⁸ *Bergstrom v. Spears Manufacturing Co.*, 289 Kan. 605, 607, 214 P.3d 676 (2009).

⁹ See *In re Davis*, 58 Kan. 368, 49 P. 160, 162-63 (1897) (recognizing "the supremacy of the legislature unless restricted by express constitutional provision . . . in making laws, supremacy in the exercise of legislative functions.").

judiciary that stands ready to resolve these many and various quarrels of our everyday personal and professional lives.¹⁰ Any attack upon the institution of independent courts sacrifices all these benefits.

Our History, Tradition and Law Compel the Conclusion that an Independent Judiciary Must Be Able to Strike Statutes in Order to Protect Constitutional Rights

In highlighting the Kansas courts' role in fairly deciding these thousands upon thousands of everyday statutory disputes, I do not mean to sweep the very small number of high-profile constitutional cases, in which the Kansas courts have struck down acts of the Kansas Legislature, under the rug. Quite to the contrary. As Chief Justice William Rehnquist, appointed to that post by President Reagan, recognized: "[A]n independent judiciary with the authority to declare laws passed by . . . [the legislature] unconstitutional . . . is one of the crown jewels of our system of government today."¹¹ In the throes of our fights here in Kansas concerning great issues of the day, one might question Chief Justice Rehnquist's view that judicial independence remains a crown jewel of our system of government. Reflecting upon our history, however, helps us understand the continuing importance, today, of the ability of an independent judiciary to find acts of the legislature unconstitutional.

Prior to the Revolutionary War, our nation was governed by whims of one man. This man, the all powerful King of Great Britain, embodied all the great powers of government at once. He wrote and enforced the law; and he judged the cases as well. This was tyranny. It was the Founders' experience living under the King's tyrannical rule that led to Declaration of Independence and our armed struggle to establish our free republic.

Of all the evils listed in the Declaration of Independence, none was worse than the Colonial judges' complete dependence upon the King. As Thomas Jefferson penned, "[King George III] has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary powers. He has made Judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries."¹² Although judges in England had life tenure protections and other hallmarks of judicial independence since at least 1700, colonial judges were under the direct political and financial thumb of the King. It is no surprise, then, that these judges universally ruled against the American colonists and in favor of the King and his agents in case after case.

¹⁰ See Daniel Klerman & Paul Mahoney, *The Value of Judicial Independence*, 7 AMERICAN LAW & ECONOMICS REVIEW 1 (2005).

¹¹ William Rehnquist, Remarks of the Chief Justice Delivered at American University's Washington College of Law (Apr. 9, 1996), available at <http://www.lectlaw.com/files/jud38.htm>

¹² Declaration of Independence (July 4, 1776).

Having experienced life under a system where judges bowed to political pressure, instead of standing up for the rights of the People under law, the Founders were determined not to repeat that mistake. As such, James Madison, our fourth president and the leading author of the federal Constitution, stressed the importance of separation of powers. "An elective despotism was not the government we fought for; but one in which the powers of government should be so divided and balanced among the several bodies of magistracy as that no one could transcend their legal limits without being effectually checked and restrained by the others."¹³ Alexander Hamilton, another important drafter at the Constitutional Convention and member of President Washington's cabinet, highlighted that in our constitutional republic "the legislative authority [is limited by the Constitution and that] [I]mitations of this kind can be preserved in practice no other way than through the . . . courts . . . , whose duty it must be to declare all acts contrary to . . . the Constitution void. Without this, all the reservations of particular rights or privileges would amount to nothing."¹⁴

This commitment to separation of powers and judicial independence was the guiding light of the early years of the American republic. Upon leaving office, President Washington reminded the nation to guard against the "love of power and [its] proneness to abuse [when] it . . . predominates in the human heart" and warned all of the citizens of the "necessity of reciprocal checks of political power, by dividing and distributing it into different depositories and constituting each the guardian ... against invasions by the others." "To preserve," this system of checks and balances, our first president concluded, "must be as necessary as to institute them."¹⁵

We see the Founding generations' commitment to judicial independence, and specifically a commitment to the courts' duty to strike unconstitutional legislation, in the celebrated case of *Marbury v. Madison*.¹⁶ Here Chief Justice John Marshall found the written nature of our constitution key. There would be no point of having a written Constitution, he concluded, if the courts could just ignore it. "To what purpose are powers limited, and to what purpose is that limitation committed to writing, if these limits may, at any time, be passed by those intended to be restrained?"¹⁷ He went on to reason:

It is emphatically the province and duty of the Judicial Department to say what the law is. . . . So, if a [statute] be in opposition to the Constitution . . . so that the Court must either decide that case conformably to the [statute], disregarding the Constitution, or conformably to the Constitution, disregarding the [statute], the Court must determine which of these conflicting rules governs the case. This is of

¹³ James Madison, *Federalist No. 58*, in *THE FEDERALIST PAPERS*, ed. Clinton Rossiter (New American Library 1961).

¹⁴ Alexander Hamilton, *Federalist No. 78*, in *THE FEDERALIST PAPERS*, ed. Clinton Rossiter (New American Library 1961).

¹⁵ George Washington, *Farewell Address*, *supra* note 5.

¹⁶ 5 U.S. 137 (1803).

¹⁷ *Id.* at 176.

the very essence of judicial duty. . . . [In such cases, because the] Constitution is superior to any ordinary act of the Legislature, the Constitution, and not such ordinary act, must govern the case to which they both apply. . . . [To decide otherwise] would subvert the very foundation of all written constitutions.¹⁸

All this is to say, the very point of having a written constitution, as we do in Kansas and at the federal level, is to create a duty in the judiciary to strike legislative and executive action that contradicts the terms of the written constitution that was established by the People. Judicial independence and the power to find legislation unconstitutional, then, was not designed for the aggrandizement of the judges but for the protection of the People's rights.

Our Recent History Shows Just How Essential this Power to Strike Unconstitutional Legislation Is Today

Our recent history shows, once again, that the Founders were right. We cannot rely solely upon the legislative branch to protect our rights. Or as President Madison more eloquently put this point, a "dependence on the people is, no doubt, the primary control on the government; but experience has taught mankind the necessity of auxiliary precautions."¹⁹ Consider these recent examples where we — the People — needed an independent judiciary to strike down legislative acts to protect our rights:

- In 2001, the District of Columbia's legislature passed an act, which was overwhelmingly popular among the voters in the District, banning all handguns.²⁰ Despite the popularity of this act among D.C. voters, and the passage of it by the D.C. legislature, the independent courts were there to exercise their duty of reviewing the law to ensure it comported with the Second Amendment. And this is precisely what the courts did, striking this D.C. statute as a violation of the People's right to bear arms.²¹
- In 2005, the Governor Sebelius administration attempted to condemn property as abandoned without first ensuring that all the creditors of the prior owner of the property were paid. Our independent Kansas judiciary was there to protect the creditor and find the Sebelius administration's conduct an unconstitutional violation of the People's right to due process of law.²²
- Similarly, the Governor Sebelius administration attempted retroactively to apply the 2003 amendments to K.S.A. 79-213(k) to a taxpayer and thus take back a tax

¹⁸ Id. at 177-78.

¹⁹ James Madison, *Federalist No. 51*, in *THE FEDERALIST PAPERS*, ed. Clinton Rossiter (New American Library 1961).

²⁰ See D.C. Code §§ 7-2501.01(12), 7-2502.01(a), 7-2502.02(a)(4) (2001).

²¹ See *D.C. v. Heller*, 554 U.S. 570 (2008).

²² See *State ex rel. Six v. Mike W. Graham & Associates, LLC*, 42 Kan. App. 2d 1030, 1033, 220 P.3d 1105, 1108 (2009).

refund already given. Again our independent Kansas courts stood ready to rule that such conduct deprived the taxpayer, and thus all of the People, of property in violation of the United States and Kansas constitutions.²³

- In 2008, relying upon the Bipartisan Campaign Reform Act of 2002's changes to the Federal Election Campaign Act, the federal government attempted to suppress the release of a documentary critical of then-Senator Hillary Clinton. Despite the fact that the federal statute in question enjoyed both Republican and Democratic-party support, the independent courts struck down the act as a violation of the People's right to freedom of speech.²⁴
- Just two years ago, President Obama sought to appoint a person to the National Labor Relations Board without Senate approval. Once again the independent courts were there to strike this action as violation of the separation of powers that protects the liberty of the People.²⁵
- The Affordable Care Act, as passed by Congress and signed by the President Obama, mandated that businesses controlled tightly within a family must offer birth control coverage to all their employees — even when such coverage runs contrary to the deeply held religious beliefs of the business owners. The independent courts were there to strike that portion of the statute so as to protect the People's right to religious freedom.²⁶

As these cases, and many more that I could list for you, demonstrate, we need an independent judiciary in our state now as much as we ever have. Even if some believe the independence of the courts a barrier to the enactment of wise laws at this current moment, can these same people be sure that the next state or federal administration will not act beyond the bounds of the Constitution? None of us knows who the next governor or president will be. Just as a wise person who is currently healthy would not chase the town's only doctor out of town (because he knows that down the road he'll need that doctor's help), we should not in any way imperil the independence of the judiciary today (history teaches that we are assured of needing them down the road).

Now is time to embrace our traditional reliance upon an independent judiciary — not the time to reject it. As Chief Justice Marshall put this principle: "The Government of the United States has been emphatically termed a government of laws, and not of men."²⁷ Similarly, our Kansas Supreme Court in the first decade of our existence as a state held that attacking an independent judiciary "is subversive of the constitution, which has carefully kept separate the executive, legislative, and judicial departments of

²³ See *In re Garden City Med. Clinic, P.A.*, 36 Kan. App. 2d 114, 114, 137 P.3d 1058, 1059 (2006).

²⁴ See *Citizens United v. Fed. Election Comm'n*, 558 U.S. 310 (2010).

²⁵ See *N.L.R.B. v. Noel Canning*, 573 U.S. —, 134 S. Ct. 2550 (2014).

²⁶ See *Burwell v. Hobby Lobby*, 573 U.S. —, 134 S. Ct. 2751 (2014).

²⁷ *Marbury*, 5 U.S. at 163.

the government, 'to the end that this may be a government of laws, and not of men.'"²⁸ Our Kansas Supreme Court as early as 1894 further recognized that "[n]othing is more firmly fixed in the governmental systems of all English-speaking countries than the division of powers between the three great departments of government—the executive, legislative, and judicial."²⁹

Indeed, if it were not for the independent courts, all our cherished constitutional freedoms would be put at risk. As recounted by Chief Justice John Roberts, "President Ronald Reagan used to speak of the Soviet constitution, and he noted that it purported to grant wonderful rights of all sorts to people. But those rights were empty promises, because that system did not have an independent judiciary to uphold the rule of law and enforce those rights. We do, because of the wisdom of our founders and the sacrifices of our heroes over the generations to make their vision a reality."³⁰

Our System of Independent Courts, While Not Perfect, Remains the Envy of the World

Prime Minister Winston Churchill famously quipped, "It has been said that democracy is the worst form of government except all the others that have been tried."³¹ What he meant was, democracy is a human endeavor. It is, therefore, not perfect. But it is better than any of the alternatives. We would all choose democracy, with all its headaches and difficulties, over a dictatorship.

Much the same can be said of independent courts with the power to strike statutes as unconstitutional. I make no claim that the Kansas or federal courts have never erred, at least from my perspective, in applying constitutional law. I know full well that you on this committee have passionate views on this topic as well. But perfection cannot be the right measure for any human institution—including our independent Kansas courts. The question must be, over the course of our history and looking toward an uncertain future, are our rights and liberties better protected with an independent judiciary? The answer to this question can only be "yes."

If this legislative house, or the People themselves, are assured that the courts have erred in the protection of their rights, their reaction should not be to tear down the independent courts as an institution. Instead, I recommend the sage advice of President Washington. "If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way, which the constitution designates. But let there be no change by usurpation [of the independent courts]; [it] is the customary weapon by which free governments

²⁸ *State Auditor v. Atchison, T. & S. F. R. Co.*, 6 Kan. 500, 505 (1870); see also *State v. Johnson*, 61 Kan. 803, 60 P. 1068, 1072 (1900).

²⁹ *In re Sims*, 54 Kan. 1, 37 P. 135, 135 (1894).

³⁰ John Roberts, Opening Statement for his Senate Confirmation Hearing (Hearing, Sept. 12, 2005), available at <http://www.cnn.com/2005/POLITICS/09/12/roberts.statement/>.

³¹ Winston Churchill, Speech in the Parliament of the United Kingdom (1947).

are destroyed.”³² The People need not kowtow to Kansas constitutional law that they as a whole believe was announced in error. Yet they must not reject the rule of law either. Amendment of our state constitution, not attack upon the independent judiciary, is the proper course in such circumstances.

An Independent Judiciary is One that is Subject to Checks and Balances

In this final portion of my written testimony, I examine how best to effectuate the doctrine of separation of powers under Kansas law.

Separation of powers, as the name implies, requires that each branch of government stay out of the other branch’s core functions. There are some who believe that the separation of powers is best obtained by building easy to spot, high walls between the three powers of government. There is much to be said in favor of the idea that good fences make good neighbors. Indeed, the United States Supreme Court has often held as much. “It is [thus] essential to the successful working of this system that the persons intrusted [sic] with power in any one of these branches shall not be permitted to encroach upon the powers confided to the others, but that each shall by the law of its creation be limited to the exercise of the powers appropriate to its own department and no other.”³³ Similarly, our Kansas Supreme Court, dating back over 100 years, has “jealously [and strictly] . . . guarded and upheld this principle of the separation of sovereign powers.”³⁴

This push to have bright and clear lines of demarcation between the judiciary and legislative branches of government must not, however, be confused to mean that the three branches of government must never interact. It is essential to remember that the Founders created one government with three parts — not three separate governments.

Ours is a system of checks and balances. While our Kansas courts have always insisted that core judicial power be preserved to the judiciary, even our Kansas supreme court cases that most strongly support this high-wall view recognize that “the line of division between the three powers is not marked distinctly, and it is not always easy to lay down an abstract rule defining each of the separate powers of sovereignty.”³⁵

Because we have a system of checks and balances, our courts have always noted, often in the same breath as they espouse a strict separation of powers, that they are subject to legislative checks. Hence, the “legislature . . . is at liberty to confer judicial

³² George Washington, *Farewell Address*, *supra* note 5.

³³ *Kilbourn v. Thompson*, 103 U.S. 168, 190–91 (1880).

³⁴ *State v. Johnson*, 61 Kan. 803, 60 P. 1068, 1075 (1900).

³⁵ *Id.* at 1074.

power, and to create courts inferior to the supreme court,"³⁶ to control the courts' jurisdiction to a large degree,³⁷ and the like.

Our Kansas experience is in line with what our nation's Founders' envisioned.³⁸ As President Washington instructed, separation of powers does not mean lack of all interaction between the branches. Quite the opposite is the case. "The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions by the others, has been evinced by experiments ancient and modern, some of them in our country and under our own eyes."³⁹ President Madison gives us the same message, "these departments [of government must] be so far connected and blended as to give to each a constitutional control over the others, [or else] the degree of separation [of powers] . . . , as essential to a free government, can never in practice be duly maintained."⁴⁰ The branches must work together, to regulate and check each other, in much the same way that the separate organs of the body engage in unique core functions (the pumping of blood by the heart or the taking in of oxygen by the lungs) while still working together to sustain life.

From this point of view, the examples of the Legislature's rightful regulation of the Kansas courts abound. All of the following are regulated by statute in Kansas: the rules of criminal procedure, the rules of civil procedure, the rules of evidence, the rules for personal jurisdiction, the rules for subject matter jurisdiction, the rules for limited actions, the rules for statutes of limitations, the rule capping punitive damages, and I could go on and on. These are all appropriate exercises of the Legislature's checks upon the judicial power, which do not infringe upon the independence of the courts. From this point of view, then, perhaps the best we can do in the abstract is conclude that "[o]ne department of government usurps the powers of another department [only] when it exercises coercive influence on the other."⁴¹

President Eisenhower, a great leader of our nation and a great Kansan, likely put it best. "Our system of government, in my opinion, could not exist without an independent judiciary I . . . believe that the United States respects the Supreme Court and looks to it as one of the great stabilizing influences in this country to keep us from going from one extreme to the other; and possibly in their latest series of decisions

³⁶ *In re Sims*, 54 Kan. 1, 37 P. 135, 135 (1894).

³⁷ See *C.K. & W. Rld. Co. v. Comm'rs of Chase Co.*, 42 Kan. 223, Syl. ¶ 1, 21 P. 1071 (1889).

³⁸ "As it pertains to the doctrine of separation of powers, the Kansas Constitution is almost identical to the federal Constitution. The doctrine is an inherent and integral element of the republican form of government and is expressly guaranteed to the states by the federal Constitution." *Gleason v. Samaritan Home*, 260 Kan. 970, 982, 926 P.2d 1349 (1996). We may fairly, then, look to both federal and Kansas law in setting a sound course in preserving the separation of powers in our state.

³⁹ George Washington, *Farewell Address*, *supra* note 5.

⁴⁰ James Madison, *Federalist No. 48*, in *THE FEDERALIST PAPERS*, ed. Clinton Rossiter (New American Library 1961).

⁴¹ *State, ex rel., v. Bennett*, 219 Kan. 285, 290, 547 P.2d 786 (1976).

there are some that each of us has very great trouble understanding. But, even so, I think we should not forget this: the Supreme Court is just as essential to our system of government as is the President or the Congress, and we should respect its duties and its responsibilities."⁴² Learning from President Eisenhower, an independent judiciary is best promoted by respecting that the independent Kansas courts have duties and responsibilities to perform in order to preserve the Peoples' freedoms— even if all of us do not always agree with each of their decisions.

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Especially as a member of the law faculty at the University of Kansas, which has a long tradition of serving the Kansas Legislature, I thank you for this opportunity to testify today.

Warmest Regards,
Lumen N. Mulligan
Lumen N. Mulligan

⁴² Dwight Eisenhower, The President's News Conference (June 26, 1957), available at <http://www.presidency.ucsb.edu/ws/?pid=10822>.