

Richard Ross: Today is April 21, 2025. I'm speaking to you from the Kansas Supreme Court conference room located in the Judicial Center, which is directly south of the Capitol building. It's my pleasure today to interview Justice Evelyn Wilson of the Kansas Supreme Court. My name is Richard Ross. For thirty-nine years, I was the Reporter of Decisions for the Kansas Supreme Court and the Court of Appeals, a Constitutional Office, working for the Justices. I retired in 2016.

Unfortunately, I did not work with Justice Wilson during my tenure. She took office in 2020, and I have known her for many years in the legal profession in the Topeka community. I just never had the pleasure of working directly with her.

Documenting today's interview is our videographer extraordinaire, David Heinemann, and I really use that word intentionally. David is an attorney, a lobbyist, a former president pro tem at the Kansas House of Representatives; but he has videotaped more than 140 of these oral history interviews, which I think is extraordinary. So, thank you, David.

Humanities Kansas is a not-for-profit corporation that sponsors the Oral History Project, and it collects oral histories of Kansans who are intimately involved in the shaping and implementing of public policy in this state. It does cover all three branches of government, but in the Kansas Judicial Branch, the oral history is known as Kansas Courts and The Rule of Law.

At this time, I'd like to give a brief biography of Justice Wilson to introduce an incredibly rich background of her work that ultimately resulted in her being selected to the Kansas Supreme Court. Justice Wilson was born in Smith Center, Kansas, which is in north-central Kansas basically, pretty close to the Nebraska border. She was the third child of four in her family. Her parents were farmers. They raised cattle and hogs and crops.

I believe Justice Wilson enjoyed living in that rural community and made lots of friends. She told me when she grew up there, of course, the population was small, but she had excellent teachers from grade school through high school, and she graduated as a valedictorian from Smith Center High School. She was born with dislocated hips, and the doctors didn't discover that initially, but they figured it out when she was trying to learn how to walk. So, she had major surgery and was in a full-body cast. I like the story that she told me that her father built her a cart with wheels so she could go around the farmyard to go to places without having to use her feet because obviously they were in this cast.

She was not able to participate in sports because of that. The surgery wasn't completely successful, and she found a new niche, which apparently was a great niche, in music and in forensics.

Evelyn Wilson: Right.

RR: And I know you have a beautiful singing voice.

EW: Thank you.

RR: You've performed at the Kansas Bar Association Bar Show, and everyone thinks you were just a riot with your presentation there. But also you were very good with the piano, and played the oboe, and were in the high school band. So, music was and is still an important part of your life.

EW: Yes.

RR: You attended Bethany College in Lindsborg, Kansas, and you graduated magna cum laude with a degree in business with an economics emphasis.

EW: Right.

RR: And then you attended Washburn University School of Law, and you graduated with Dean's Honors from the law school.

EW: Yes.

RR: And you went to Oberlin after law school, which I did look this one up, it's far northwest Kansas.

EW: Yes.

RR: And you practiced in a two-person law firm there for seven years.

EW: Yes.

RR: When you're practicing in a rural community, you have to know all kinds—you get everything that's thrown at you.

EW: Yes.

RR: There are not too many attorneys there, so you have to cover everything, a great learning experience.

EW: Yes, excellent.

RR: But after seven years, then you moved to Topeka and you went to a major Topeka law firm, and were a civil litigator with many areas of expertise.

EW: Yes.

RR: And you eventually became managing partner of that law firm, which in particular for a woman was not an easy thing to do, not a well-known opportunity, but I know that that firm really respected you, and that would not have happened.

Governor Kathleen Sebelius appointed you as a District Court Judge in Shawnee County. And I will get to this a little later as to what made you decide to move in that direction, but it certainly has been a great trajectory for your legal profession. After she appointed you, you became the Chief Judge of the Shawnee County District Court, and then in the end of 2019, Governor Laura Kelly selected you from three candidates from the Supreme Court Nominating Commission to be the new Justice to replace Justice Lee Johnson, who had retired from the court.

EW: Yes.

RR: And that is what you're doing now. You were sworn in January 20th, I believe, of 2020.

EW: 24th, I think.

RR: Yes, I couldn't read my note. I didn't look at my note.

EW: That's okay. I wouldn't ordinarily correct you, but I thought this is an oral history. So, I suppose you should.

RR: I'm going to give you an opportunity to correct me.

EW: I'm sorry.

RR: I could spend at least an hour describing all of the professional accomplishments that you've had, all of the recognition, all of the rewards. It's quite significant, and I know a lot of people in this state highly respect the work that you do. But that's not the point of why we're here. We're here to hear from you and to hear what your judicial philosophy is and to hear how you see how the judicial branch should remain independent from the other two branches of government. So, this is an opportunity for you to correct anything that I said that's incorrect or to add anything at this time.

EW: I guess what I would just add is that I didn't know any women lawyers. I didn't know really very many lawyers when I was growing up. We were a strong farming community. And yet my dad kind of passed over me for my sisters to my younger brother in the farming because of my hip problems.

So, when I was in junior high, I read a book about the Salem Witch Trials. I was so offended by what happened to this woman. She was smart. She was a good person. She helped with her community. She loved her family, and someone just didn't like her and so simply accused her of being a witch. I thought that was so unjust. I thought, "Boy, I wish I had been there so that I could do something about that and stand up for her and protect her." I mean, who does that? Lawyers do that. That was the first time I thought maybe it would be great to be a lawyer so I could be that protector and represent people.

My mother desperately wanted me to be a professional musician, and I'd had piano lessons since I was five. I took voice lessons. But one night at dinner, and we always had dinner together, my mother and I were talking about going to Bethany and what I would major in. We spoke mostly

of probably majoring in music. And my father, who was quieter, just spoke up and said, “Whatever happened to being a lawyer?” And honestly, that was the first time I thought, “Wow, he really thinks I can, and if my father thinks I can do it, then maybe I can.”

So that became my ultimate goal. I majored in business at Bethany. I like music. I’ve always been around music, and I’ve always enjoyed music, but I quickly decided that I didn’t want to be around music eight hours a day or more, teaching it or even performing it.

So, I majored in business in case I didn’t get into law school. I thought that would be useful. But I did get into law school.

RR: Yes, you did.

EW: So, I was able to—

RR: You excelled in law school.

EW: Thank you. That’s the only thing I would say is that my father who I respected so much really in that one moment powerfully changed the trajectory of my future. So, I tell people that story because I think it’s so important for people to understand the importance of being a mentor. I have been very fortunate in my family and in my career, but I think it’s important that I remember all the people that lowered the ladder down to help me climb up that ladder and the importance of people who have succeeded to make sure that they don’t pull it up after them, to keep that ladder lowered and to help others coming up as a mentor when you can, if you can.

RR: That’s a wonderful discussion of that. What a great moment to realize what your father did. And he had no idea that that was going to be such an important moment, but he spoke up, and it changed you.

EW: He did.

RR: That’s a great story. The Kansas Constitution states the Supreme Court justices have a six-year term, and then they’re put on the ballot for a public vote to retain or not retain them on the court for another term. You’re in the middle of a term. You’re not ending the term, but you have indicated to the governor and to the public that you will be retiring on July 4th of this year.

EW: Yes.

RR: And there is a reason for that. I’d like for you to address that, explain how you came to that conclusion.

EW: Earlier this year, I was told by two neurologists that I have ALS, amyotrophic lateral sclerosis, better known as Lou Gehrig’s disease. It is progressive. It is incurable, and it is eventually terminal. So, life happens. Plans change. I have the type of ALS that allows me to keep my cognitive abilities. So, it doesn’t affect my mind, my brain, but it does affect my hands

and arms, eventually my feet and legs, and then my ability to talk, my ability to swallow, and then finally my ability to breathe.

So, I am in a position that requires the highest level of performance, expertise, knowledge, and all the ability that I have acquired over the course of my life and my career, and I am not going to be able to perform that at a speed and at a level that suits me.

EW: Anyone who takes this position needs to understand how difficult the job is and also the mantle of responsibility that you have always at all times, during working hours, during evening, weekends, at night, I wake up, and I think about cases. I think about that responsibility.

When I was a District Judge, I understood that I needed to do the best I could in following the law, applying the law to whatever evidence someone might present at a hearing or a trial, but I always knew in the back of my mind that if I made a mistake, and we're all human—all humans make mistakes—that there was an appellate court that could fix them. They could look at it. They could look at the issues that are raised where they said, "Judge Wilson in the Trial Court did this wrong, and you need to look at this and correct it and send it back."

So, always in the back of my mind, I knew that that could happen if I made a mistake. At the Supreme Court level, as far as Kansas law is concerned and interpreted, the Kansas Constitution and Kansas law, we're last. So, if we get it wrong, it is very, very—it is difficult to fix it. So, I felt like we need to get it right. I mean, we're last.

That's just part of it. Part of the job is the opinions that we consider, the cases we consider, and the opinions that we give our legal conclusions on. We also administer all of the courts in the state of Kansas. When the pandemic hit, we didn't even know about Zoom really or how to work remotely, and every court in the state had to be able to work remotely. So, all of those things operate at the same time always, and they're in my mind.

When this diagnosis happened, I thought, "How long can I perform at a level that is required for this position every single day?" I have never looked for something to do in this job.

RR: I'm sure that's true. I know that's true.

EW: So, at some point, I need to step aside because there is somebody else that I can pass the baton to who will perform this job. It is my hope, as diligently and try as hard as I have, to do what the law requires in each case with each issue that comes before us. So, I'm going to step aside and let somebody else do that.

RR: It's hard to respond to that. You're very brave. You're very wise because you—and I've learned this in doing some research for this interview—you always think of the big picture, and you're not thinking of you in the role. You're thinking of what this role means.

EW: Oh, yes.

RR: And you just described that.

EW: Oh, yes.

RR: Very succinctly.

EW: This role is so incredibly important, and whoever wants this position needs to understand it's a job application. All of the experiences that I've had in my lifetime as a member of a wonderful family, as a trial judge, as a teacher of the law, as a Supreme Court Justice who grades the papers of the trial judges so to speak. Every single experience, and what I've learned from those experiences is what I have to use to be able to perform this position at that highest level that it demands.

My application for Supreme Court Justice was over an inch thick. And because it's a job application, every one of the commissioners was provided information that they asked of me, which included my high school transcript, my college transcript, my law school transcript. They wanted phone numbers of lawyers that had been on the other side of cases who would, of course, if they don't like me, if they think I acted unfairly, if I was sneaky, if I was late, if I didn't follow the law, if I tried to bootleg evidence that really wasn't qualified to be considered-- those are the people that would tell the commission members these things.

I provided phone numbers of judges I appeared before. Was I rude? Was I respectful? Did I appear on time? Did I know the law? Did I quote the law incorrectly?

RR: I think you were safe in all of those, but I understand what you're saying.

EW: Those are the questions.

RR: You're talking about the questions.

EW: And if you ever do something that makes people think you're not qualified, well, all they have to do is tell them in a phone call that "She wasn't honorable." So, I tried to be and I think probably since I got the position that I got some good reviews.

But they wanted information about teachers, writing samples. They wanted to know what classes I took, what awards I received, what classes I taught, and all of that. They wanted to know my financial information. I had to give them my Social Security number and give them access to my bank accounts and people I'd worked with. There's so much information that is simply handed to those people who investigate anyone who applies for the job.

RR: That we can be assured that they're doing a very thorough analysis.

EW: Well, that's their job.

RR: That's their job.

EW: Nobody knows what a lawyer is supposed to do as well as another lawyer. They went through law school. And over the years, you acquire a reputation. I can't tell you what my reputation is. A reputation is not something you can earn in a day or a week or even a year unless it's a bad one. You can get a bad one.

RR: You can change it very quickly.

EW: Yes. You can get a bad one in a second, but a good one takes a long time. I hope that I have earned a good reputation because I don't think anything is more important than a lawyer's integrity or a judge's integrity. You have to start there. You have to be willing to make very, very difficult decisions even if it's going to be unpopular, or it's going to make people mad.

This is how we resolve disputes in our country. If you think you've been wronged or if you think a crime has been committed, you resolve them in the courts. So, I hope that people understand that even though I'm human and I make mistakes, I really tried to get it right every time.

RR: Thank you for that. We've talked before this interview about how difficult it is and most people don't realize until—I'm not even sure anyone would realize until you're actually in the position, the difficulty of realizing you're the person of last resort. Your court is the last resort. Try as you might, you may not get it right either, but you're trying to get it right, and you just described how you go about that.

Now, some of the times the seven justices on the Supreme Court don't agree on a solution. Sometimes, people are very strong-willed in their position. Can you describe how the court resolves those kinds of conflicts and how you learned to respect each other in spite of the fact that you may not agree on something?

EW: Oh, absolutely. And the thing about being a judge is that we do things completely different from the agents of the people in the legislative branch and in the executive branch because in the judiciary, we don't just decide, "This is an interesting topic. Let's talk about this, and let's give our opinions on it." We can't do that. The only thing that we can do is a process that is done over and over and over. I know that this is a little bit of a long answer to your question.

RR: No, please, it's a good subject.

EW: I will try to bring it around. We have no power to tell people what to do unless it is in a real case that has a real dispute or controversy within that case. So, for example, I don't have the power to order you to get me a cup of coffee because that's not in a case. Richard Ross is not in a case that would have anything to do with getting me a cup of coffee. So, there has to be a case in order for me to have any power, and that case has to have—I'm paraphrasing—real people who have a dispute.

Now, there are exceptions. A corporation is considered a person in a case. But someone has to have a real dispute with somebody else. In a criminal case, the prosecutor represents the State of Kansas. That's one person, and they have accused someone of committing a crime. That's the other person. That is the real dispute.

Then at the trial, the State, the prosecutor, has to prove certain elements of a crime. Say it's first degree murder that they've charged someone with. The elements include that this defendant thought about killing someone ahead of time, that he actually intended to kill someone, and that the person—let's say he stabbed somebody—is actually dead and that this occurred within the jurisdiction within Kansas because I only have authority in Kansas.

There are two aspects to that. There is the law that is set by the legislature on the elements of murder. I know what the elements are, and I tell the jury about it. But the facts have to be proven beyond a reasonable doubt to the jury who decides the facts and whether or not it's been proven to that degree.

And then when the trial is over, let's say that person is convicted by the jury, then it comes to an appellate court. The reason it gets to an appellate court is because the legislature has said, "You get to appeal that decision to a higher court," and the defendant, because the defendant lost, thinks he didn't get a fair trial because the rules were not followed, he has to tell the appellate court which rules were not followed and why, and we look at that. We don't look at whether or not he was a nice man. We don't look at any issue that hasn't been raised by the parties unless—I mean, there are exceptions that we can raise by ourselves if we said, "Wait a minute. This didn't even happen in Kansas. There's no tie to Kansas. We don't have power."

So, all of that happens within our power to decide issues within that case. And we decide whether that person got a fair trial. But if it's not an issue in a real case, we don't talk about it.

So, now I come to your question. Sometimes the law is not crystal clear as to how it applies in a particular facts situation. So that party says, "Wait a minute. Under this law, it's not clear that I should be convicted, and therefore, I should get to go free." So, we look at that law, all seven of us, and we decide whether or not it's clear. If we decide it's clear and the facts show that this element was established under the law, then the defendant loses, and the conviction stands.

Sometimes, we disagree on those points because we usually don't get the easy questions. If it's crystal clear, then we don't see it. So, we might disagree on whether or not the law is clear, how the law should be applied in this particular fact situation. Most of the time, we agree, frankly. But sometimes we don't, and if we don't, we might agree that the judgment is correct, but the analysis was wrong. So, we concur. Or we might disagree with the result, and then we write a dissenting opinion. But, always, always, we only look at the issues in the case, the law that applies to those issues within the facts that were presented in that particular case, and we don't look at anything else. And the importance of that is that sometimes, we cannot give what most of the people would like.

RR: Exactly.

EW: Because we don't take a vote. At the end of the case, the trial judge does not look at his full courtroom and say, "Okay. Now all the evidence has been presented to the jury, and we have to decide whether this guy is guilty or innocent. So, I'd like to take a show of hands. How many of



you think that he should be found guilty? How many believe that he should be found not guilty? Okay, it looks like we have more guilty than not guilty. So, sorry, Mr. Defendant, you lose.”

We never do that, and while we might understand that, and that can be a crushing pressure, any judge worth his salt has to be able to look at that pressure and set it aside because we don’t do what’s popular. We have to protect the law. And we protect the law honestly in the way each one of us interprets that law as best we can. And trust me, every one of the justices on our court takes that job very seriously. If we have differences of opinion, well, that’s just how it is.

RR: That is how it is. You have differences with your friends and your family. It happens. We don’t all think alike. And what you’re describing is you’re applying the law as the way you see the law.

EW: We have to. We have to protect the law.

RR: Would you say that when we talk about how difficult your job is, the part that is probably the most frustrating—I’m interpreting this, but partly from what we’ve talked about before is that the public doesn’t really understand or grasp that you’re not doing the public opinion. You’re doing what should be done. But it’s not just for that case. It’s for protecting the law for them, too.

EW: Right.

RR: Even though it seems unpopular at the time.

EW: Yes. A lot of times, that comes to bear with, for example, someone who has been accused of a terrible crime against a child, or it was particularly heinous, and an important part of our job is to look at the issues raised by that person who was convicted and look at each issue to make sure that law was followed. And if it wasn’t followed, nobody gets a perfect trial, but if there was a mistake, was it an important enough mistake that it affected the outcome? And if it did, then that verdict has to be set aside, no matter how horrible the crime or what we might think happened. It doesn’t matter. Everyone is entitled to a fair trial even if you’re guilty.

And the State has to prove you’re guilty, and the reason—back to your question again—the reason that’s so important is because we don’t think we’re ever going to be charged with a crime. And those of us who try to be law-abiding try to follow the law. We wouldn’t dream of murdering somebody or stealing someone else’s money or committing a crime that people might—well, any crime.

But the fact is, like that woman who was accused of being a witch back in the Salem Witch Trials, any one of us can be accused of committing a crime we did not commit. And we have to understand that the jury can’t have a dog in the fight. We can’t have our friends on the jury who would know, “Evelyn Wilson would never do that.” They have to be people who don’t know anything about the facts, know anything about me, and have no opinion about whether I’m guilty or not guilty, which is why it’s so important to step up to the call to be a juror because yes, it’s inconvenient, but someday, it might be you accused of a crime.

If I'm sitting there at a defense table and the State thinks they're going to prove that I committed a terrible crime I did not commit, my life is in the hands of a judge who is going to make sure that I have a fair trial, that the rules are followed, and that I am not convicted of that crime if the evidence doesn't show that I did it.

Even then, we hear stories that sometimes mistakes were made in the older times, especially with rape. Somebody who was a stranger is charged with rape. Before we had DNA analysis, somebody, it was very difficult to prove that. So, sometimes years later, after we had DNA analysis, some people were excluded as the person who would have committed the crime.

Even though that happened, you can't go back, but there's still a remedy. There's still within the rules of law, there is a remedy. If there is evidence that someone was innocent, then that case can be reopened, and that person can be exonerated and released from prison.

So, the law is very orderly in how it is carried out. We look at the laws that apply, and we look, at least I've tried to, and I think that most judges take their role very, very seriously, and they look at that person on trial. Our law says, our Supreme Law of the State of Kansas and the United States says that someone is presumed innocent unless they are proven to be guilty. And we look at those persons, every single one in every single case, as if they are. And did the State prove beyond a reasonable doubt that person was guilty?

We don't step in the shoes of the jury, but we look at the evidence to make sure that there's enough that a reasonable jury could be convinced that that person was guilty beyond a reasonable doubt of each element that has to be proved under the law. And if they got a fair trial, the conviction stands after looking at each issue that they raised, and if they were not convicted under the law, then we send it back.

RR: You talked about the evidence. Just to make clear, I think there is some confusion from the public, even your role. They think you are a trial court sometimes.

EW: Yes.

RR: You're getting new evidence in the case.

EW: Sure.

RR: But as you explained, you're looking at the evidence that was presented and preserved in the trial court and nothing new.

EW: Right.

RR: Nothing new. That's all you can look at.

EW: I think sometimes people don't understand what evidence is. Evidence isn't the same as information because there may be a document that one party wants the jury to consider, but if it

doesn't qualify under the rules of evidence, then the jury can't see it. Those rules have been developed over 200 years or more that they have to satisfy the rules. Generally, the rules of evidence are aimed towards making sure the information is reliable.

So, I can't just get on the stand and say something that, "Well, Gladys, my next-door neighbor said that she saw that the light was green, or that she heard from her neighbor Phyllis that the light was green, or that somebody stabbed somebody." That kind of information doesn't come in because it might be just rumors, and we've all heard of hearsay, hearsay evidence.

The evidence is supposed to be that person on the stand, "I saw, heard, smelled," whatever it is that is asked of them to give information. And if somebody else did it, somebody else saw or heard it or smelled it or whatever the important information is, it's not likely to get in unless it satisfies an exception to the hearsay rule. I think there's something like eighty-four exceptions. I can't remember exactly, but it's around eighty exceptions to that.

RR: Behind us are Kansas Reports. These are the vehicles that you look at for precedents. They represent the actual written opinions and decisions of the Supreme Court, and you rely on past opinions for your decisions. Can you describe why you do that or what that means?

EW: Sure. The Supreme Law of the Land of Kansas, of course, is the Kansas Constitution. Beneath that law are statutes that are passed by our agents. The people's agents are the members of the legislature and the governor, those people that we elect to do the people's will. I think some people don't really grasp that the Constitution is the Supreme Law of the State of Kansas because it is passed by the people themselves, direct democratic vote. The people themselves voted on that. So, that's why it is. It's the law that trumps all other laws in Kansas.

But beneath that are the laws that are passed by our agents, which are statutes. So, the legislature has the job of establishing policy—what the people of Kansas want. And once they do that, they pass the statute and then it goes to the executive branch. If the executive branch agrees, they'll sign it. If they disagree, then they can veto it. And then it goes to the legislature again to decide whether or not they want to try to override the veto. And if it passes through that process, then it becomes a statute that people have to follow.

The job of the judiciary is to interpret the law. So when we have a case that questions what a statute means, then we interpret the statute as applied to the facts of the case and the issues that are raised. Now, when we interpret that law, we write an opinion. Our interpretation gives the law a connotation that may affect future cases, future fact situations. And our interpretation of the law of the statutes and the Constitution remains that way unless or until if it's a statute and we interpret a statute, the legislature can change it, and that becomes the new law we interpret.

So, our interpretation goes into those gold books. And we have an internal policy because the law is better if it has stability and predictability. So, those opinions that interpret the law are called the Common Law. Our interpretations remain that way unless we have a very, very good reason to change it.

And that occurs until either the legislature changes it or we look at the doctrine of what we call “stare decisis,” which is that we don’t change how we interpret the law lightly. And we don’t change it just because somebody else is sitting in Justice Wilson’s position. There are reasons that we might change our interpretation of the law, but they are very serious. They are that we think from the beginning our interpretation was wrong, and it would cause more good than harm to change it. So, if we don’t think that it has been wrong from the beginning and we don’t think that more good than harm would come from change, we leave it, even if we disagree with it.

RR: That’s a great explanation. Thank you for that. We are about at the end of our conversation. It’s been a great conversation. You’ve been delightful. But I give you this opportunity to say anything else that you’d like to say before we conclude.

EW: Well, I guess what I would say is that it’s—the founders of our country were absolutely brilliant in how they designed how our government was supposed to work. And if we follow that design, it can go on ad infinitum, working extraordinarily well. And when they designed this government, it was very unusual. Most of the countries at that time were monarchies, and they had kings who could decide whatever they wanted to about just about everything. They were the ones who set the laws. They were the ones who enforced the laws, and they were the ones who judged what the laws would be, and how they would be interpreted, and whether or not someone had violated the law. They did everything.

So, when our Constitutional Convention got together and decided what our government should be, a bit of stop/start at first. The Articles of Confederacy weren’t working very well because the states weren’t working very well together. But then they got together again, and they talked about it. They were all extremely intelligent, very well read, very experienced.

And when they were done, as Benjamin Franklin left the Constitutional Convention the last time, he was walking away, and a woman shouted at him, “What kind of a government did you give us?” And Mr. Franklin turned around and said this, “A republic, if you can keep it.” And that republic has three branches of government—the legislative branch, the executive branch, and the judicial branch.

And each branch was designed to be completely separate. It’s not like a soup, where you throw in peas and carrots and potatoes, and they get all mushed together, and sometimes you can identify which is which, and sometimes it’s just part of the same bite. It was designed to be more like a braid. Those three branches are to be kept completely separate as much as possible. So, there is always a remedy. There is always a method to make the law better, to change the law, if you work within the process that was designed by those people.

So, the legislature makes the law. They set the policy of the people. They are elected by the people to represent the people. And the people decide who their agent is going to be. The people decide what the policy should be, and they tell those agents what they believe is important, and if they go astray from what the people want them to do, then they vote them out and vote somebody else in.

But those agents aren't going to know what the policy is unless they're told by the people what is important to them and what they want them to do. And not just the loudest or the shouters or the people who are unhappy, but everyone. Every voter needs to pay attention and not let somebody else do that very important job so that the legislature can establish that policy and set those laws.

And then the executive branch, their job is to enforce the law. Law enforcement, cops are in the executive branch so that if the law is set, that law needs to be enforced. And if somebody is breaking the law or the law enforcement's job is to look at that and investigate that, and then ultimately accuse whoever it is that they think has broken the law.

So, the executive branch needs to be separate from setting the policy. They enforce the law and the policy. Now, the executive branch may establish regulations that clarify the law, but they cannot go outside the law that has been passed by the legislature and overseen by the Constitution.

And then the judiciary is the third branch. And we interpret the law, but only within cases. While our forefathers designed the legislative branch and the executive branch to be subject to the vote of the people, the judicial branch was not to be based on popular vote or popular decision as to what should be decided in each of these cases. The judiciary was to decide within the law that already existed whether or not the law was being followed, to protect and interpret the law.

And so within that system, if those three branches are kept separate, it's more like what you can do—there's a synergy that works with those three branches because they always are doing their job, but it always provides a check and a balance to the other branches so that wherever you are in the braid, let's say the last action that was done was that the judicial branch interpreted a statute to mean this, "It wasn't really clear what the legislature meant. We interpret that to mean they meant this." Okay, the last move was done by the judiciary.

If it's a statute, then the legislature can look at that interpretation and say, "We don't agree with that. We think you got it all wrong, judges." So, what can they do? What's their check and balance? There's always a check and balance. They change the law. They change the statute.

Okay, well, now they say, "We say the law is this," which is different from what the judges said. So, they have used their strand to trump what the judiciary said. All right. Then you go along, and that's the new law. Then that's the new law that the judges would interpret. If the legislature passes a law, they've now passed a law or they're proposed a law to change what the judiciary did.

Now the executive branch can veto that if they think the legislature got it wrong, and their strand then trumps the new proposed law. But what can the legislature do? There's always a remedy.

And the courts don't care until there's a case. That's why we can't be political. Now the governor has vetoed their proposed law. So, who did the last action? Now, the legislature can say, "Wait a minute. We think that the governor was wrong." But now they need two-thirds to override the governor. So, if they do that, then they trump what the executive branch did.

There's always a remedy. Then if somebody thinks this law is unclear who's harmed by it, they can file a case. Okay. That then triggers the judiciary to interpret the new law and whether or not someone has violated that law. And if we think the law is perfectly fine the way that it is, then we don't do anything, and the judiciary does not trump. The braid remains how it is.

There is always, always a remedy if somebody is unhappy with the situation with the braid as it is. And yet you always have the braid, and you always see three separate strands who have that synergy working together. It's not a soup. It's not a mush, and the republic works when those three strands are kept as separate as possible.

All three branches have pressures. No one is ever going to be able to make everyone happy.

RR: Absolutely not.

EW: But I think it's so important, and what I want every one of us to understand is that we all have a job to do, and that job is so important. If we're a voter, we just can't let that job be less than critically important. And whatever it is that we are to examine or vote on, we need to give it our best so that we can keep the republic that Benjamin Franklin and Thomas Jefferson and George Washington and all of those brilliant people designed because the Supreme Law is the people's law, not a king. As long as we protect the republic, that will remain the case. And if we don't protect the republic, it might not be.

RR: Thank you, Justice Wilson. That was quite a lesson in history and responsibility, and you covered all three branches of government, but you also covered what an individual's responsibility is, and it all works together in that braid that you discussed. Thank you very much.

That concludes our conversation. You can go to the Kansas State Library. You can go to the Kansas Historical Foundation, or you can go to the [website](#), and you will find this presentation. It's a very valuable source, not only for today's interview, but for all the others that are part of this oral history project of Humanities Kansas. Thank you very much.

EW: You're welcome. Thank you.

[End of File]