Kansas Federal Public Defender

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June 5, 2020

Kansas Senators:

On Wednesday you failed to confirm our colleague Carl Folsom to the Kansas Court of Appeals. This was a terrible loss for the people of Kansas. Carl is a brilliant lawyer, a thoughtful citizen, and a compassionate, decent man. Everyone who has ever worked with Carl—either alongside him or across the aisle from him—recognizes that he would, and someday will, make a terrific judge.

But we don't write today because we disagree with the failed confirmation vote. Rather, we write to address some Senators' disparagement of Carl's work as a public defender. This work should have made Carl a prime candidate for the bench. His unique experience as a defender would have diversified the judiciary in a manner crucial to a vibrant legal system. And his broad range of legal skills would have translated readily to judicial tasks.

And yet some Senators would not have him because he proudly stands by the poor and powerless regardless of status or charge. This prejudice against extending basic constitutional rights to all is unacceptable. It is the same prejudice that underlies the police violence that our representatives should—always, but especially today—be working to end.

You, Senators, took an oath to support the state and federal constitutions. So did we. We work hard to fulfill that oath every day. We do it to preserve the rights and dignity of all persons, of all races, of all religions, of every background—just as our constitutions require. And we do it without apology. As Justice Hugo Black wrote 57 years ago, "the right of one charged with crime to counsel may not be deemed fundamental and essential to fair trials in some countries, but it is in ours."

In this historic moment, we reaffirm our oath to seek and preserve fairness and equal justice for all. We ask every member of the Kansas Senate to join us in this commitment. Let us all be public defenders.

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