

KANSAS

The geographic area that is now Kansas witnessed a number of political jurisdictional changes prior to its establishment as a distinct territory in 1854,¹ that epitomized the fissure between North and South that led ultimately to the Civil War in 1861, the year Kansas entered the Union.²

Controversy dogged the court in the 1920s as well. Under the Act of February 25, 1919,³ if a judge becomes disabled and unable to discharge satisfactorily the obligations of the office (yet chooses to remain on the bench), then Congress can create a temporary position to help the court dispose of its caseload.⁴ The first vacancy to occur in either position will not be filled. In an ironic twist, Judge John Pollock used the legislation to his advantage. He was the sole Kansas judge and came under intense pressure from newspapers due to a large backlog of cases. Being seventy years old, he actually petitioned President Coolidge to certify him as disabled due to the infirmities of age so the court could get a second judge. Such was the genesis of KS.ST.02, to which Judge McDermott was appointed.⁵ Upon Pollock's death in 1937, the ongoing line was effectively transferred to KS.ST.02. Another temporary position was authorized in 1945 (KS.ST.03),⁶ with the provision that the first vacancy occurring on either KS.ST.02 or KS.ST.03 would go unfilled. This happened in 1946 when Judge Helvering died while in office, thereby ending the succession line of KS.ST.02.

KS.ST.06 also was created as a temporary position in 1966, but was converted to permanent in 1970.⁷ KS.ST.08, likewise created as a temporary judgeship, was renewed (but not converted to permanent) five years later.⁸

¹Act of May 30, 1854, 10 STAT. 277.

²Act of January 29, 1861, 12 STAT. 128. For details see the Honorable George Templar, The Federal Judiciary of Kansas, *The Kansas Historical Quarterly* 37 (1971):1-14; Honorable George Templar, Joan Templar Smith, and Ted M. Templar, Kansas: The Territorial and District Courts, in Honorable James K. Logan (ed.), *The Federal Courts of the Tenth Circuit: A History* (Denver: U.S. Court of Appeals for the Tenth Circuit, 1992).

³40 STAT. 29.

⁴The president was responsible for certifying a disability until the Act of September 2, 1957 (71 STAT. 586), which transferred that duty to the circuit judicial councils.

⁵See Emily Field Van Tassel, with Beverly Hudson Wirtz and Peter Wonders, *Why Judges Resign: Judicial Service 1789 to 1992* (Washington: Federal Judicial Center History Office, 1993), p. 43.

⁶Act of October 16, 1945, 59 STAT. 545.

⁷Act of June 2, 1970, 84 STAT. 294.

⁸Acts of December 1, 1990, 104 STAT. 5089, and November 28, 1995, 109 STAT. 635. The Act of October 6, 1997 (111 STAT. 1173) set the period after which vacancies on this court would not be filled to ten years from the confirmation of the judge, namely, Judge Belot.

Originally a member of the Eighth Circuit, Kansas was transferred to the new Tenth in 1929.⁹ It remains a single-district state, and has five regular and one temporary district court positions.

Statutory History		
<i>Seat</i>	<i>Legislation</i>	<i>Authority</i>
KS.ST.01	Act of January 29, 1861	12 STAT. 128
KS.ST.02	Act of February 25, 1919	40 STAT. 29
KS.ST.03	Act of October 16, 1945	59 STAT. 545
KS.ST.04	Act of August 3, 1949	63 STAT. 493
KS.ST.05	Act of May 19, 1961	75 STAT. 80
KS.ST.06	Act of March 18, 1966	80 STAT. 78
KS.ST.07	Act of October 20, 1978	92 STAT. 1629
KS.ST.08	Act of December 1, 1990	104 STAT. 5089

Seat Histories					
<i>Position #</i>	<i>Name</i>	<i>Date of Confirmation</i>	<i>Date of Departure</i>	<i>Reason</i>	<i>Party</i>
KS.ST.01.01	Williams, Archibald	March 12, 1861	September 21, 1863	Deceased	Republican
KS.ST.01.02	Delahay, Mark W.	March 15, 1864 ¹⁰	March 3, 1873	Resigned ¹¹	Republican
KS.ST.01.03	Foster, Cassius Gaius	March 10, 1874	January 6, 1899	Resigned	Republican
KS.ST.01.04	Hook, William Cather	January 31, 1899	November 17, 1903	Elevated to Eighth Circuit	Republican

⁹Act of February 28, 1929, 45 STAT. 1346.

¹⁰Recess appointment, October 6, 1863.

¹¹Delahay was impeached. Although he was not convicted, he resigned shortly thereafter.

KS.ST.01.05	Pollock, John Calvin	December 1, 1903	January 24, 1937	Deceased	Republican
KS.ST.02.01	McDermott, George Thomas	January 16, 1928	April 30, 1929	Elevated to Tenth Circuit	Republican
KS.ST.02.02	Hopkins, Richard Joseph	December 19, 1929	August 28, 1943	Deceased	Republican
KS.ST.02.03	Helvering, Guy Tresillian	September 28, 1943	July 4, 1946	Deceased	Democrat
KS.ST.03.01	Mellott, Arthur Johnson	November 29, 1945	December 29, 1957	Deceased	Democrat
KS.ST.03.02	Stanley, Arthur J., Jr.	July 3, 1958	April 1, 1971	Retired	Republican
KS.ST.03.03	O'Connor, Earl E.	October 28, 1971	March 1, 1992	Retired	Republican
KS.ST.03.04	Vratil, Kathryn H. ¹²	October 8, 1992	Active	Active	Republican
KS.ST.04.01	Hill, Delmas Carl	March 8, 1950 ¹³	September 21, 1961	Elevated to Tenth Circuit	Democrat
KS.ST.04.02	Brown, Wesley Ernest	April 2, 1962	September 1, 1979	Retired	Democrat
KS.ST.04.03	Kelly, Patrick F.	May 21, 1980	June 6, 1995	Retired	Democrat
KS.ST.04.04	Marten, John Thomas	January 2, 1996	Active	Active	Democrat
KS.ST.05.01	Templar, Henry George	April 11, 1962	November 1, 1974	Retired	Republican

¹²First female district judge appointed from Kansas.

¹³Recess appointment, October 21, 1949.

KS.ST.05.02	Rogers, Richard D.	July 31, 1975	January 1, 1989	Retired	Republican
KS.ST.05.03	VanBebber, G. Thomas	November 21, 1989	December 31, 2000	Retired	Republican
KS.ST.05.04	Robinson, Julie A. ¹⁴	December 11, 2001	Active	Active	Independent
KS.ST.06.01	Theis, Frank G.	March 2, 1967	July 31, 1981	Retired	Democrat
KS.ST.06.02	Crow, Sam A.	December 9, 1981	November 15, 1996	Retired	Republican
KS.ST.06.03	Murguia, Carlos ¹⁵	September 8, 1999	Active	Active	Democrat
KS.ST.07.01	Saffels, Dale Emerson	October 31, 1979	November 16, 1990	Retired	Democrat
KS.ST.07.02	Lungstrum, John W.	October 31, 1991	Active	Active	Republican
KS.ST.08.01	Belot, Monti L., III	November 21, 1991	Active	Active	Republican

¹⁴First African American district judge appointed from Kansas.

¹⁵First Hispanic district judge appointed from Kansas.