

The University of Kansas Law Review

PAUL WILSON: KANSAS LAWYER

*Sandra Craig McKenzie**

INTRODUCTION**

Paul E. Wilson retired from the faculty of the University of Kansas Law School in 1981 after twenty-four years of teaching. This is Paul's story, beginning with his boyhood on a farm near Quenemo, Kansas. He began his education in a one-room school and went on to earn undergraduate and graduate degrees from the University of Kansas and a law degree from Washburn University. After military service during World War II, Paul opened a small-town law practice and was elected county attorney. He moved to Topeka to pursue his interest in politics and work for the state government. Paul had just joined the office of the Attorney General when he became the advocate for Kansas in the famous school segregation case, *Brown v. Board of Education*.¹

Three years later Paul turned his talents to teaching. His academic career, which began in 1957, was marked by significant service to the bar and people of Kansas. He played a major role in revising the Kansas Criminal Code and Code of Criminal Procedure, and in creating the Kansas Court of Appeals. Paul also instituted a pro-

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** *Note on Sources*: Paul Wilson graciously made available his personal scrapbooks, which include a variety of clippings, photographs, letters and other souvenirs. References to and quotations from this material are identified in the text rather than footnoted. Readers wishing further information on sources may contact the author.

1. 347 U.S. 483 (1954).

gram in which law students provide legal services to prison inmates, one of the first such programs in the country.

When he retired, Paul told a reporter that he hoped to be remembered as a good teacher and as a friend of students. Paul has succeeded in achieving this goal. Paul is a man who believes strongly in hard work, but not at the expense of taking life too seriously. There is nothing else quite like the Paul Wilson combination of graciousness and gentle wit. Paul's reverence for the past, thirst for learning, and willingness to experiment with new ideas made him an excellent teacher. Students remember his concern for all individuals—both “winners” and “losers.” Paul's genuine respect for his students has earned him their love and respect.

I. OSAGE COUNTY ROOTS

Paul's story begins in Osage County, Kansas, where his parents had a farm about five miles outside of Quenemo. Dale E. and Clara Wilson were married in Quenemo on February 14, 1912. Their son, Paul Edwin Wilson, was born on their farm on November 2, 1913.

Paul's mother, Clara Jacobs Wilson, was born in Kansas City and moved to Quenemo in November 1909 with her parents, her sisters Kathryne and Mabel, and her brothers John E. and Frank Jacobs. Paul's maternal grandfather, John Jacobs, ran a bakery in Quenemo, and was very involved in Osage County politics. Clara Tredway Jacobs, his maternal grandmother, was a loyal member of the Presbyterian church and was active in other community affairs.

The Wilson family had a longer history in Kansas. Dale Wilson, Paul's father, was born on a farm in Osborne County, in north central Kansas, where his parents migrated from Indiana in 1883. Ten years later the Wilson family, including sons Clarence, Herbert, Garl, Glen, and Dale, and daughters Lola and Lessee, moved to the vicinity of Quenemo, where Dale spent the rest of his life. Paul's grandparents, James William Wilson and Caroline Tomson Wilson, were farmers, Presbyterians, Grangers, and Republicans.² James Wilson held numerous township and school district offices.

Dale and Clara Wilson were moderately successful farmers, raising wheat, corn, alfalfa, and livestock. Dale inherited his father's interest in local government, serving as township trustee, treasurer, and clerk. For three decades he was school board clerk at Lone Elm school in Lyndon, Kansas. Dale and Clara were both loyal Grangers and pillars of the local Evangelical United Brethren church.

2. James deviated from the paths of republicanism in 1912 to follow “Teddy” Roosevelt into the party of the Bull Moose, and again in 1922 when he supported William Allen White for governor.

Paul and his brother Morris grew up on the farm, attending Lone Elm, the school their father had attended. Lone Elm was a one-room school in which students completed grades one through eight. Paul finished his elementary school career in seven years, skipping third grade. Both Paul and Morris graduated from Quenemo High School. Although neither of his parents graduated from high school, they encouraged Paul in his pursuit of education. Bob Loyd, a long-time friend of Paul, remembers attending Grange and church meetings at the Wilsons and hearing discussions of "Paul the lawyer and how proud they were to have a lawyer in the family."³

High school photographs of Paul show a tall, serious young man with wavy brown hair. When Paul ran for the Kansas Supreme Court in 1956, an editorial in the *Overbrook Citizen* credited his years on the farm with helping form his character:

[H]e has an integrity that carries no price tag; his mind has a soundness based on a simple belief in God and the justice of God's laws; the experience that has moulded him includes a farm beginning in the years when farming was made up more of work and faith. His boyhood taught him the lesson of winning his way by hard work.

Paul's father and grandfathers, by their own examples, instilled in him a strong commitment to public service, faith in the American system of government, and a love of politics. Faith in government was an aspect of the deep religious faith held by the Wilson family. Paul's maternal grandfather, John Jacobs, was a tireless worker for the Osage County Democratic party. At his death, on November 17, 1923, an obituary reported Jacob's firmly held belief "that good citizenship comes from homes where love, sympathy, Christianity and an understanding of the principles of and duties to Republican government prevailed."

Paul himself echoed these thoughts in May 1953, when he was one of "three prominent men" to address a group of some three hundred gathered for the Fellowship Breakfast of the Topeka Council of Church Women on the topic, "Citizenship, Our Christian Concern." Newspaper accounts of the event report that Paul lamented the complacency and hypocrisy of citizens who demand the privileges of citizenship without accepting its responsibilities. He cited as examples, reports sent to the Attorney General's office of various violations of the law, which were left unsigned so that the individual would not be perceived as an informer. Government, Paul stressed, could only represent the attitudes of the people willing to participate

3. Letter from Robert W. Loyd to Paul Wilson (Nov. 6, 1981). Bob Loyd is a 1962 graduate of the University of Kansas School of Law and is presently a partner in the firm of Schleicher, Latz, Loyd, Patterson & Lacy.

in it. Paul asserted, "If we all become real Christians, citizens, instead of just Christians in name only, good citizenship will follow as a matter of course."

One of Paul's heroes is Abraham Lincoln. As a boy, Paul wanted to become a lawyer and pursue his interest in politics and government service. Inspired by Lincoln, he had thoughts of becoming Governor or perhaps United States Senator. As an adult, Paul sprinkled his writings with quotations from Lincoln. After he joined the University of Kansas faculty, Professor Wilson would sometimes distribute to his students a pamphlet titled "Abraham Lincoln's Advice to Young Lawyers." The quotations therein are a mixture of the idealistic and the practical, much like Paul's own advice:

As a peacemaker the lawyer has a superior opportunity of being a good man.

I do not state a thing and say I know it when I do not.

If you are resolutely determined to make a lawyer of yourself, the thing is half done already.

One thing constantly bear in mind. . . . Unless I am furnished with money to pay costs as the case progresses, I cannot move an inch.

Paul's interest in Lincoln matured well beyond mere youthful hero worship into that of a serious Lincoln scholar. In 1959 Paul reviewed the book *Created Equal? The Complete Lincoln-Douglas Debates of 1858*, describing it as "422 pages of sheer delight."⁴ His review indicates his continuing fascination with government and politics:

I am impressed by the apparent capacity of the audiences for understanding problems of government. This was a time when illiteracy was not uncommon among adults. There were few persons with more than rudimentary education. Yet the candidates in 1858 spoke of serious and complex problems of governments and public law. . . . [P]eople listened, for more than three hours at each session, and their expressions of approval or disapproval indicate an apparent understanding.⁵

Paul urged others to read the book, writing, "I trust by this time I have made clear the fact that I liked *Created Equal?* My fond hope is that these comments may induce some of my students or colleagues at the bar to read the book. I think they may be better Americans for the experience."⁶

Paul graduated from Quenemo High School in the spring of 1930, president of his class of eleven members. His high school teachers remembered him as a diligent, willing worker. "Steady and sincere, well worthy of your class presidency" was the comment of principal

4. Wilson, Book Review, 7 KAN. L. REV. 551 (1959).

5. *Id.* at 552.

6. *Id.* at 553.

D. E. Taylor. He was also a member of the football team, the school band, and the Boy Scouts.

Although Paul was keenly interested in continuing his education, the Depression and family finances did not permit him to begin immediately. After graduation he remained in Osage County on the family farm. Paul worked to help pay family debts and to save money to attend the University of Kansas.

Paul gives some of the credit for his savings to the United States Congress and thirty-five young pigs. Tom Rankin, a former county sheriff and neighbor of the Wilsons, had a large number of pregnant sows. When the 1933 Agricultural Adjustment Program limited hog production, Rankin's response was that no damn Democrat was going to tell him how many pigs he could raise. Rankin talked to Paul, who took some of the pregnant sows, keeping them and raising their offspring in exchange for half of the new pigs.

Paul also wrote to University of Kansas Chancellor Lindley explaining his desire to attend college and his financial difficulties. His letter was referred to Fred Ellsworth, secretary of the Alumni Association, who located a chicken farm where Paul could earn room and board. With the money from his share of the piglets and the job plucking chickens, Paul enrolled as a freshman on Mount Oread in September 1933.

The school year began with a torch ceremony in which new students pledged their loyalty to the University of Kansas. Male freshmen received caps they were expected to wear until the end of the football season. In a reminiscence written on the occasion of his retirement, Paul described his arrival in Lawrence. The style is quintessential Wilson:

My love affair with the University of Kansas began in 1933 when I ascended Mount Oread with awe in my heart and a freshman cap on my head. I had spent the first 19 years of my life on a farm near Quenemo, Kansas, and my toenails still bore traces of Marais des Cygnes mud. I suppose that those first years at K.U. were the most exciting of my life. The trip from Quenemo to Lawrence was only a few miles, but in the non-geographic sense to travel from a hardscrabble farm in Osage County to the world of books and libraries and laboratories and scholars atop Mount Oread was something like a journey to the Moon.⁷

Paul's meager finances made it easy to abide by the University's admonition that resources of more than eighty dollars per month would interfere with the real aims of college life. During his years at KU he also milked cows and cleaned rifles at the R.O.T.C. to support himself. Paul majored in political science, and made the honor roll in the College of Liberal Arts and Sciences.

7. Wilson, *Retrospective Ramblings*, 30 KAN. L. REV. 5 (1981) [hereinafter *Ramblings*].

After three years of study, Paul enrolled in the law school, where he joined the law fraternity, Phi Delta Phi, and was again elected class president. In the autumn of 1936, as Paul began the study of law, a young woman from Topeka named Harriet Eileen Stephens enrolled as a KU freshman. While Paul embarked on his law career, he also began his enduring love affair with his wife, Harriet.

Harriet Stephens was one of four children of Harrison Tyler Stephens and Senah Ramsey Stephens. Her father was an insurance agent and a prominent member of Topeka's Lowman Methodist Church. Harry Stephens was a native Kansan, born near Pleasant Hill, about six miles north of Topeka. Harriet's grandfather, Thomas White Stephens, was a Civil War veteran. Thomas and Mary Elizabeth Tyler Stephens moved to Shawnee County, Kansas in June 1867 where they raised their family of eight children. Harry Stephens followed his father's example in becoming a community leader.

Harriet was an excellent student at Topeka High School, winning prizes for Latin and her poetry. Harriet loved reading and collecting books. She later became a volunteer worker for the Friends of the Lawrence Public Library; in Paul's view, the Library never had a better friend than Harriet.

Students returned to Lawrence in the fall of 1936 discussing the Berlin Olympics, where former KU track star Glenn Cunningham won a silver medal. A heated debate raged on the campus over whether "tea dancing" should be reinstated. The Granada Theatre offered cinematic diversion from collegiate studies, including *A Day at the Races* starring the Marx Brothers, and *Love on the Run* with Joan Crawford and Clark Gable.

Alf Landon, former governor of Kansas, was the Republican candidate for President of the United States. Paul had attended a candidate's night in Lyndon, Kansas in late July 1932, hoping to hear Landon, then a gubernatorial hopeful, speak. He was disappointed, as the candidate sent regrets instead; Landon had been called away for the birth of his daughter, Nancy. Forty some years later, in 1978, Paul would serve as Douglas County chairman for Nancy Landon Kassebaum in her campaign for the United States Senate.

Paul earned high honors for his first year in law school. His law school credits completed the requirements for a bachelor's degree, which was awarded in June 1937. The program for the Sixty-fifth Annual Commencement Exercises held on June 7, 1937, with Chancellor Lindley presiding, included a definition of education by Thomas Huxley, a nineteenth century English biologist:

Education is the instruction of the intellect in the laws of nature, under which name I include not merely things and their forces, but men and their ways; and the fashioning of the affections and of the will into an earnest and loving desire to move in harmony with those laws.

The quotation speaks of a love of learning that both Paul and Harriet took with them from the University of Kansas.

A year of law school left Paul with second thoughts about becoming a lawyer. In 1935, prior to beginning law school, Paul had secured a job in the Political Science Department, assisting Professor Walter Sandelius, the acting chairman of the department. Paul helped with research as well as the preparation and grading of exams. Sandelius encouraged Paul to pursue graduate studies in political science and helped him secure a scholarship. Paul did not return to law school in the fall of 1937. Instead, he spent the academic year 1937-38 earning a master's degree in political science, for which he wrote a thesis on the legal philosophy of Justice Cardozo.⁸

Sandelius, a farm boy like Paul Wilson, spent his early years in Wakonda, South Dakota. He taught political science at KU from 1928 through 1967. Sandelius was well liked and respected as a professor of political science. Paul remembers him as the ideal college teacher. The three years Paul spent working for Sandelius were a strong force in shaping Paul's own career as a professor. Paul remembers Sandelius as "a very learned man, very considerate of his students, in my view. In every way he was a gentleman, and it may have been my admiration for him and perhaps my subconscious interest in emulating him that caused me to want to become a college teacher."⁹

Sandelius and Paul Wilson had much in common. Professors are under considerable pressure to publish, often at the expense of time spent on classroom teaching. Sandelius placed a high value on teaching, and its opportunity for interaction with students. Looking back on his career in 1984, Sandelius said, "And it would seem to me that many articles, even in scholarly journals, are concerned with data of little or no meaning; written by people who fail of depth in their own discipline. They miss out on deeper relationships."¹⁰

Paul too placed a great deal of importance on personal relationships. As a professor himself, he found "the greatest satisfaction of teaching comes from the teacher's relationship with his students."¹¹

Sandelius had interests ranging well beyond his professional area of expertise. In 1945 he helped institute a required course in western civilization, designed to help students acquire a broad base of

8. Wilson, Mr. Justice Cardozo: A Study in Jurisprudence, Masters Thesis (May 31, 1938).

9. Interview with Paul E. Wilson, Oral History Project of the Kansas University Retiree's Club (Oct. 30, 1987) (available in Spencer Research Library, University of Kansas) [hereinafter *Wilson Oral History*].

10. Interview with Walter Sandelius, Oral History Project of the Kansas University Retiree's Club (Mar. 24, 1984) (available in Spencer Research Library, University of Kansas).

11. *Ramblings, supra* note 7, at 13.

knowledge. Paul shared this intellectual curiosity. Paul was an avid reader, whose later writings indicate a familiarity with a wide variety of subjects, including Abraham Lincoln, the Civil War, Chaucer, Milton, Aristotle, and the Bible. One of the pleasures Paul looked forward to at retirement was reading until his eyes drooped.

In June 1938 Paul resumed his legal studies. His interest in law had been rekindled when he obtained a job working for the Kansas Legislative Council in Topeka. To finish his legal studies while continuing to work at the Legislative Council, Paul transferred to Washburn University in Topeka. Paul completed his studies at Washburn in December 1939 and earned his LL.B. degree, graduating *cum laude*. Many years later, Washburn retroactively awarded the more prestigious juris doctor degree to former graduates. Paul felt no need to trade in his diploma for a fancier model. He explained in 1981, "I like the LL.B. It was my entree to the legal profession and has been my basic professional credential for more than 40 years. To exchange it for a more lustrous degree would be like trading Harriet for a more glamorous female (if that were possible)."¹²

II. COLONEL WILSON

Although the months following Paul's graduation from Washburn Law School were shadowed by the emerging World War, they were bright with romance for Paul and Harriet. Paul was sworn in as a member of the Kansas Bar on Valentine's Day, February 14, 1940. He continued to work in Topeka for the Research Department of the Kansas Legislative Council for a year and then spent several months in Chicago as a claims adjuster for Aetna Insurance Company. Harriet graduated from KU in 1940 and was elected to Phi Beta Kappa. During the 1940-41 academic year, while Paul was in Chicago, Harriet was an assistant instructor in English at the University of Kansas.

Paul and Harriet were married on Wednesday morning, June 18, 1941, at her parents' home in Topeka. Harriet's dress was a fashionable shade known as "copen blue," accented by a corsage of gardenias. Dr. Edwin Price conducted the ceremony, which was attended by both sets of parents, Dale and Clara Wilson and Harry and Senah Stephens, as well as Paul's seventy-three year old grandmother, Clara Jacobs, and his brother Morris. Harriet's brother, Paul Stephens; her sisters, Bonnie Jean (Stephens) Mix and Lois (Stephens) Sayler; and Clyde Sayler and Max Trenholm also witnessed the ceremony. Harriet's uncle, Dr. Frank Stephens, and his wife, Louise, came from Columbia, Missouri, where Frank was a professor of history at the University of Missouri.

12. *Ramblings, supra* note 7, at 7.

The newlyweds lived in Chicago for a short time, but found that they preferred Kansas to urban life. When Paul learned of an opportunity to practice law in Ashland, he and Harriet gladly returned to Kansas, where Paul opened his first law office. Ashland, the county seat of Clark County in southwestern Kansas, had a population at the time of about 1200. It was founded in the 1880s at the intersection of two great cattle trails. While perhaps not as notorious in its early days as nearby Dodge City, Ashland was nonetheless attractive to Paul for its role in the Old West.

Paul is a long-time member of the Kansas and Kaw Valley Corral of Westerners, and confesses a fondness for the novels of Louis L'Amour. As a lawyer, he was particularly interested in the role of law in America's westward expansion. He disputes the popular image of the western frontier as lawless, stating, "As I view it, the overriding theme of frontier history, recurring at every stage of the westward movement, is the effort to supplant violence with civility, to replace social chaos with order based on law."¹³

Paul became interested in Michael W. Sutton, an attorney who practiced in Dodge City during its heyday as a cattle town:

When Dodge City burgeoned with frontier personalities, Mike Sutton was one of them. He knew them all, grocers and gunfighters, pastors and prostitutes. His friends and foes, professional, political and social, included such greats as Bat, Ed and Jim Masterson, Charlie Bassett, Wyatt Earp, Luke Short, Mysterious Dave Mather, Dave Rudabaugh, Dutch Henry Born, Bill Tilghman, Tom Nixon, Dog Kelley,¹⁴ Chalk Beeson, Ham Bell and the Cheyenne survivors of the last Indian raid in Kansas. Living well into this century, he was recognized as a vigorous and skillful advocate, an influential public official and political leader, orator, raconteur, and one of the less temperate members of the Kansas Temperance Union.¹⁵

Sutton served as Ford County Attorney and was one of the best known men in Kansas when he died in 1918. "Why is the name of Bat Masterson a household word and the name of Mike Sutton all but forgotten?"¹⁶ Paul wondered. Paul published *Reflections on Mike Sutton* in the *Kansas Bar Association Journal* as a tribute to Sutton and to the role of law and lawyers in the American West.

The romance of the West and Paul's romance with Harriet were interrupted by greetings from the President, a summons to military service. Paul entered the United States Army on August 16, 1942.

13. Wilson, *Reflections on Mike Sutton*, 45 J. KAN. B.A. 271 (1976) [hereinafter *Mike Sutton*].

14. James H. "Dog" Kelley was the leader of a political group that included Mike Sutton. Students will remember the Dodge City saloon keeper from Professor Wilson's final examinations in Criminal Law.

15. *Mike Sutton*, *supra* note 13, at 272 (footnote added).

16. *Id.* at 271.

Harriet moved to Topeka with their daughter Betsy (Elizabeth Dale Wilson), who was born on April 14, 1942.

Records from Camp Robinson, Arkansas where Paul reported for basic training indicate that he was six feet, one inch tall and weighed 206 pounds—3 pounds over the allowable maximum for officer training. A waiver for full military service was granted in spite of the extra weight.

In a scrapbook of his wartime service, Paul saved a receipt made out to Mrs. Paul Wilson. The receipt is from the Alamo Plaza Courts Motel (boasting a Beautyrest Mattress on Every Bed) in Little Rock, Arkansas dated November 23, 1942. His comment: "Might have been used to prove my only AWOL had I been caught."

After basic training Paul was sent to infantry Officer Candidate School ("OCS") at Fort Benning, Georgia. He graduated from OCS March 10, 1943 and received his commission as a second lieutenant assigned to the Fourth Engineer Amphibian Brigade at Camp Edwards, Massachusetts and later at Camp Gordon Johnston in Florida. A booklet commemorating the first anniversary of the Brigade describes its mission as "that of transporting an Infantry Division from a friendly near shore to a hostile far shore and maintaining it there," a mission similar to that of a law professor.

In March 1944 Paul received his orders to go overseas. Harriet and Betsy, who spent time in Massachusetts and Florida as camp followers, now returned to Kansas. On Paul's last leave home he and Harriet bought a home in Lyndon, Kansas. Harriet and Betsy settled into their new home to wait out the war.

Paul meanwhile arrived in the South Pacific, crossing the equator on May 9, 1944. He participated in campaigns in the Solomon and Admiralty Islands and in Papua, New Guinea. The Amphibian Brigade was busy building roads in the New Guinea jungle and sleeping in hammocks, described by Paul as "devised by someone who never had to sleep in one."

A letter to Harriet's family written from New Guinea May 31, 1944, reveals a touch of homesickness. "I find that one's appreciation of letters from home increases in proportion to one's distance from home. And New Guinea is a long way from Kansas." Paul was eager for news about Harriet and Betsy; he had not yet learned that his second daughter, Mary Paulette (Polly) Wilson, had been born on May 24, 1944.

The Allied Forces moved north up the coast of New Guinea, taking Wadke on May 17, 1944. Paul's brigade went from Oro Bay, New Guinea to Wadke to prepare for D Day, June 6, 1944. As the Allied Forces landed on the coast of Normandy, Paul landed on Morotai, an island in the Moluccas. Paul moved on to the Philip-

piners, arriving in Lingayen Gulf in January 1945 and later assisted with the clean up of Manila.

The sights of Manila that Paul recorded in photographs included scorched skeletons of trees stabbing at the sky above piles of rubble and crumbling dormitories on the University of Sahto Tomas campus. Paul also saved a photograph of a Japanese soldier's body, his limbs bent at unaccustomed angles, flesh dried on his skull like a mummy's, to which he added the epitaph: "A sacrifice to Hirohito."

Although Paul's patriotism and faith in government are consistent with military service, he has a gentle streak that makes it difficult to imagine him engaged in combat. Paul's official "Separation Qualification Record" summarizes his military career, noting the following responsibilities over a thirty-three month period:

[C]ommanded headquarter platoon in a shore company of boat and shore regiment. Unit strength of 48 enlisted men and 2 officers. Was responsible for administration, discipline, and training of unit. Performed as reconnaissance officer while unit was employed in amphibious operations. Coordinated activities of platoon and acted as second in command of company.

Years after the war, among the books lining the walls of Paul's office at the law school, were works by the poet Robert Service. These lines from Service's poem, "Raw Recruit," suggest another view of his wartime experiences:

They said to me: "Thou shalt not kill,"
 And well I understood.
 "Thy brother's blood thou shalt not spill,"
 They spake, and it was good.
 And then I could not understand,
 Yet had to do their will;
 Cold steel they put into my hand,
 Saying: "Go forth and kill."

. . .

"What's wrong in Peace in War is right,"
 So I will do their will,
 And bear me bravely in the fight,
 And kill and kill and kill.
 Yet as I brave the battle test
 With dripping sword in hand,
 Proving my equal with the best . . .
*Christ, help me understand!*¹⁷

November 1945 found Paul in Fort Logan, Colorado on his way home. Paul's safe return from Japan was good news for Harriet, who had lost her brother, also named Paul, four months earlier. Ensign

17. R. Service, *Raw Recruit*, in *SONGS FOR MY SUPPER* (1953).

Paul Ramsey Stephens had been in the South Pacific only two months when his plane went down on July 28, 1945 in the Inland Sea of Japan. The handsome twenty-five year old bomber pilot was declared dead in the crash.

By January 1946 Captain Paul Wilson was back in Lyndon with Harriet and their daughters. Betsy was now three and a half, and Polly was a toddler of eighteen months who met her daddy for the first time. Prompted by patriotism, Paul remained in the Army Reserve, committing himself to a routine of weekly reserve unit meetings and an annual two-week summer tour of duty. After twenty-six years in the Judge Advocate General's Corps, Paul attained the rank of colonel, a title he admired as a boy in the books of John Fox, Jr.

The military provided a continuing influence on Paul's life. He was a member of the American Legion, and later wrote articles on military law. His military connections proved useful in his activity with the American Bar Association's Council on Criminal Justice and with the establishment of the Kansas Defender Project at the University of Kansas School of Law.

III. PAUL WILSON, ESQUIRE

Paul resumed civilian life in Lyndon, Kansas and began his private law practice in a second floor walk-up office located in the Blum Building. His stationery bore the following simple letter head:

Paul E. Wilson
Lawyer
Lyndon, Kansas

Rent was twenty dollars a month and Paul did his own typing. He also built his own bookcases to hold a set of Kansas Reports purchased for 150 dollars from the estate of R. G. Hepworth, a Burlingame lawyer. The single volume of the Kansas Statutes (price fifteen dollars) with its biennial supplements (five dollars each) and a set of *American Jurisprudence* obtained for twenty-five dollars down, with payments of ten dollars a month, rounded out his library.

Following the footsteps of father and grandfather, Paul made his first bid for public office, running for the post of Osage County Attorney in the general election held November 5, 1946. Running unopposed, his certain victory at the polls meant moving his office to the Osage County courthouse, a handsome edifice built in a style known as modern (classical) eclecticism, occupying the center of a block on the edge of Lyndon's business district.

In 1981 the Kansas Historical Society published *Legacies: Kansas' Older County Courthouses*. Paul wrote the introduction, in which he reminisced about the dedication of the Osage County courthouse

on April 27, 1923. Paul, age nine, and his family participated along with a multitude of citizens, lodges, school districts, patriotic societies, and other civic clubs:

The multi-phased celebration featured a mile-long parade; a barbecue at which one and one half hives, a barrel of pickles and thousands of buns were consumed; group reunions; boxing matches; courthouse tours; and oratory. . . . In the evening there was a free outdoor movie for which we stayed with the result that we got home too late to do the evening milking. But it was a special event—the dedication of a courthouse.¹⁸

His description of the courthouse reveals the pleasure and pride he must have felt in his new location:

The interior walls and ceilings are of plaster with corridors finished with marble wainscot, terrazzo floors, and ornamental plaster cornices. Stairs and bannisters are of marble. Both the facade and the interior reflect the stability and dignity that are appropriate to a place where the important business of county government is conducted.¹⁹

The county attorney's duties consisted of prosecuting criminal cases, many of which involved alcoholic beverages before Kansas repealed Prohibition in November 1948. The county attorney also advised county officials on legal matters. The position of county attorney was not a full-time job, so Paul continued to maintain his private practice. Paul enjoyed the relationship with his clients, noting, "My clients were real people with real or fancied problems. I did what I could for them and they paid me what they could."²⁰

Paul describes his practice in Lyndon as varied but hardly lucrative. One client's problem involved two eight frame patent bee hives and some honey bees. Paul filed suit against the defendant, Taylor Blossom, asking for return of the bees, bee hives, and thirty-five dollars in damages.

On another occasion a woman walked ten miles from Osage City in the Kansas heat to register the familiar complaint that her husband Robert spent all of their welfare checks on beer. She said that she had been praying, talking to the Lord every evening about the problem. Paul, thinking perhaps he had a way out, asked the woman what the Lord told her. Her reply was "He told me to come to you." Paul drove the woman home, spoke with Robert, and did not hear from her again.

One highlight of Paul's first term as county attorney occurred in March of 1948. Paul was involved in a bitter fight that developed

18. KANSAS STATE HISTORICAL SOCIETY, LEGACIES: KANSAS' OLDER COUNTY COURTHOUSES (1981).

19. *Id.* at 2.

20. *Ramblings*, *supra* note 7, at 14.

in Osage County over the proposed incorporation of Overbrook. The controversy culminated in a hearing on March 1, 1948. County Attorney Wilson missed the hearing; he was in Emporia with Harriet that day for the birth of their third daughter, Eileen Stephens Wilson. Thus, a family joke has been that Eileen and Overbrook are twins.

While in Lyndon, Paul was a member of the Lyndon Rotary Club, the Masonic Lodge, and the American Legion. He also put his interest in Kansas history to work as a director of the Kansas State Historical Society, a relationship that has continued for forty years.²¹

Although Paul was re-elected county attorney in November 1948, he did not finish his second term. Lyndon was not the ideal location to pursue a career in politics, and Paul had his sights set on higher office. He resigned in September 1949 to become general counsel of the State Department of Social Welfare (now the Department of Social and Rehabilitation Services). The new position meant a move to Topeka, where the family bought a home at 2202 Maryland in the Highland Park area, just outside of Topeka.

The Department of Social Welfare was responsible for managing five state mental hospitals located at Topeka, Osawatomie, Larned, Winfield, and Parsons. Paul's tenure as general counsel included a three-week stint as interim superintendent of the State Training Hospital for the Mentally Retarded, located in Winfield. When the superintendent of the hospital was removed for misconduct, the Governor asked Paul to serve as acting superintendent. Paul accepted the appointment to which he had not aspired.

The Winfield Hospital had 1400 to 1500 patients, several hundred staff members, and few treatment programs. Almost forty years later, the memories of his first night at the Winfield Hospital were still vivid. Paul spent a restless night alone on the third floor of the administration building, with a thunderstorm raging outside. On other evenings, patients ran away about sundown, resulting in late night calls from the sheriffs and police seeking to return them to the hospital. The superintendent got little sleep.

Paul's later move to the University of Kansas as a law professor echoes a previous connection between the law school and the Winfield Hospital. Early in its history, in 1894, the fledgling University of Kansas Law School lost its quarters in the North College Building to make room for the State Asylum for Idiot and Imbecile Youth (now the Winfield State Hospital and Training Center). After construction of the new law school building, Green Hall, in 1978, Paul

21. In October 1988 Paul became second vice president of the Kansas State Historical Society, a step to becoming president in October 1990. His move to Taos in 1977 (see pt. X) prevented him from achieving this office earlier.

began an annual tradition of taking law students to the steps of Old Green Hall where he fondly recounted the school's history, including its pre-emption by the "idiots."

Most of Paul's duties during his two years with the Department of Social Welfare involved unravelling the legal issues incident to hospitalizing the mentally ill:

The questions were myriad and the problems were acute. But the answers were often obscure or altogether wanting in the published sources of the law. This condition inevitably produced impatience and a diminished respect for the law on the part of those who were charged with ministering to immediate human problems.²²

Although Paul had moved from the intimacy of county government to the larger scale of state government, he had not lost sight of individuals who must live with the results of law and government.

IV. ASSISTANT ATTORNEY GENERAL

The next phase of Paul's career began December 4, 1951, when he became one of four assistants to Attorney General Harold R. Fatzer, at an annual salary of 5500 dollars. A year later he was promoted to First Assistant Attorney General, with a raise in salary to 6000 dollars. Paul served for five and one-half years, first under Attorney General Harold Fatzer, and later under his successor, John Anderson. A newspaper editorial in Osage County lauded Paul's appointment: "The Wilson family is well known and well liked in this area and congratulations will be unanimous."

These were busy years, as Paul continued to be active in civic affairs. He taught Sunday school at the First Methodist Church, organized programs for the all-male Saturday Night Literary Club, served as chairman of the Red Cross and as an officer in the PTA. In 1954 Major Paul Wilson was awarded the Armed Forces Reserve Medal for ten years of service in the reserves. David Ramsey Wilson was born on July 18, 1953, giving Betsy, age eleven, Polly, age nine, and Eileen, age five, a baby brother.

Paul belonged to Phi Delta Phi and Pi Sigma Alpha professional fraternities, as well as the Topeka and Kansas Bar Associations. As assistant Attorney General, Paul was a frequent speaker to police and other law enforcement groups. He also began what was to be a long history of service on projects for the American Bar Association. His first project involved a survey of police practices in Michigan, Wisconsin, and Kansas. Paul spent over a year as the Kansas In-

22. Wilson, Book Review, 10 KAN. L. REV. 628, 629 (1962) (reviewing LINDHAM & MCINTYRE, *THE MENTALLY DISABLED AND THE LAW* (1961)).

vestigative Reporter on that project, the results of which were eventually published by the American Bar Foundation.

The Attorney General's office was an exciting place to work in the early fifties. The Attorney General is the state's chief law enforcement officer, and Harold Fatzer, the Tiger from Kinsley, earned a reputation for being tough on crime. Paul's duties included writing briefs for appeals to the Kansas Supreme Court. Many of these were criminal cases, ranging from illegal turns on highways to bad checks and homicide.²³ Paul worked with Attorney General Fatzer on a widely publicized campaign to rid the state of loan sharks, who were charging as much as 600 percent interest on personal loans through a variety of schemes.²⁴

The Attorney General is also charged with responsibility to challenge and defend the constitutionality of legislative actions. Paul participated in a series of cases arising from a dispute over water rights between the cities of Wichita, Newton, and McPherson. Nine attorneys were involved in the suits challenging the constitutionality of the Kansas Water Act of 1945. The cases were heard by a three-judge federal district court in Wichita. The controversy generated intense public interest, and was eventually settled when the city of Wichita built a new reservoir.

Paul was also involved in a suit over the legislature's attempt to abolish the state movie censor board (called the State Board of Review) and in a challenge to the Urban Renewal Act. In July 1955 Paul was in charge of raids on the Wichita Elks Lodge and Moose Lodge that resulted in the seizure of twenty-two slot machines. A state legislator complained that the Attorney General's office was "burning witches at Salem." In another strike at organized gambling, Paul "swooped down on 113 locations" in search of pinball machines.

His work as assistant Attorney General brought Paul into contact with county attorneys from across the state, including Robert Dole, the Russell county attorney and future Kansas Senator. Fred Six,²⁵ who joined the Attorney General's office in February 1957, also remembers Paul acting in an unofficial capacity as a "dean of county attorneys," drawing on his own experience as Osage county attorney.

Paul's most public performance as assistant Attorney General was

23. Paul's name appears on the briefs of forty cases decided by the Kansas Supreme Court during the years 1954 through 1956. Twenty-four of these were criminal cases.

24. See Wilson, *Loan Shark Fight in Kansas*, 8 PERS. FIN. & L. Q. REP. 9 (1953); Wilson, *Kansas Deals with Loan Evils: Supreme Court Upholds Decision Enjoining Brokerage Schemes*, 8 PERS. FIN. & L. Q. REP. 74 (1954).

25. Fred Six, a friend and admirer of Paul Wilson since 1957, practiced law in Lawrence for many years before his appointments to the Kansas Court of Appeals in 1987 and to the Kansas Supreme Court in 1988.

in connection with the case of *Brown v. Board of Education*.²⁶ Paul's role was to represent the state of Kansas in the famous lawsuit brought by parents of Topeka schoolchildren challenging racially segregated schools. Similar suits had been brought in South Carolina, Virginia, Delaware, and the District of Columbia under the aegis of the NAACP Legal Defense Fund. When the suits were appealed to the United States Supreme Court, they were consolidated for hearing and argument with the Kansas case, which had been the first to reach the high court.

Although Kansas had been admitted to the Union in 1861 as a free state, Kansans held many of the "Jim Crow" attitudes common in other states. Kansas law had authorized racially segregated schools since 1879. When Paul lived in Topeka before World War II, movie theaters relegated blacks to a special section in the balcony, if they were admitted at all. Racially mixed swimming was prohibited. Restaurants frequently displayed signs saying "Coloreds and Mexicans served in sacks only." When asked "Why Kansas?" should become the site for the battle over segregated schools, Paul responded "Why not Kansas?"²⁷

In *Brown*, a group of black parents challenged the power of the Topeka Board of Education to maintain a system of racially segregated elementary schools. Kansas was unique among the defendants in the school desegregation cases because segregation in Kansas was permissive, not mandatory. The Board had jurisdiction over twenty-two schools. Eighteen schools were attended only by white students, and only four schools were provided for black students. The black plaintiffs claimed that this arrangement violated their right to the equal protection of the laws as guaranteed by the fourteenth amendment.

The case was filed in Topeka and tried before a three-judge federal district court in 1951. The Topeka Board of Education was the principal defendant. Because the action challenged the constitutionality of a state statute, the law permitting the Board to maintain separate schools, the State of Kansas was given notice and an opportunity to intervene. The Attorney General filed an answer denying the unconstitutionality of the statute and made a pro forma appearance at the trial.

The Board of Education prevailed in the trial court, largely because the court found that Topeka's black schools provided educational facilities equal to those available in white schools, measured by ob-

26. 347 U.S. 483 (1954).

27. Wilson, *Brown v. Board of Education Revisited*, 12 KAN. L. REV. 507, 514 (1964) [hereinafter *Brown Revisited*]; Wilson, *Speech on Brown v. Board of Education*, 30 KAN. L. REV. 15, 17 (1981) [hereinafter *Speech on Brown*].

jective criteria such as teachers' qualifications and quality of buildings and equipment.²⁸ The black plaintiffs took a direct appeal to the United States Supreme Court. The case was docketed and set for argument at the beginning of the October 1952 term.

When Paul first joined the Attorney General's Office in December 1951, he had been given the *Brown* file to work on. Anticipating a Supreme Court appearance, Paul filed papers to permit him to argue in front of the nation's highest court. He also tackled the question of what to wear. Court rules prescribed black morning coat and gray striped trousers or a dark business suit as appropriate dress for an appearance before the Court. Paul remembers:

I was so recently out of Osage County, Kansas, that I suppose it is understandable that my wardrobe did not include garb of that kind. . . . I had a tan gabardine, I had a black and white, known as a pepper-and-salt tweed, I had some sport jackets and some miscellaneous pants, but nothing that would fit the rule.²⁹

Paul put a double-breasted dark blue serge suit on layaway for five dollars at the Palace Clothing Company in anticipation of his Supreme Court appearance.

The spring 1952 elections brought new, antisegregation voices to the Topeka School Board. The newly elected Board declined to participate in the appeal to the Supreme Court, leaving the State of Kansas to defend segregated schools. Harold Fatzer, the Attorney General for Kansas was not enthusiastic about the prospect. Fatzer reportedly was eyeing the 1954 Kansas gubernatorial race, and wanted to preserve his support in the black community. Fatzer said it was the Board's lawsuit, and it was up to the Board of Education to defend it. As a result, Paul moved on to other matters, and his blue suit stayed on layaway.

The school segregation cases were set for oral argument on Tuesday, December 9, 1952, with the Kansas case leading off. The attorneys in the South Carolina, Virginia, and Delaware cases were anxious that Kansas not begin the arguments by defaulting. On November 24, 1952, the United States Supreme Court took the unusual step of sending a formal request that the state of Kansas participate in oral argument in *Brown v. Board of Education*.³⁰ A few days later, as the Thanksgiving weekend approached, assistant Attorney General

28. The policy of racial segregation had previously been condoned by the Supreme Court, which had approved "separate but equal" facilities for blacks and whites. Black schools in South Carolina, Virginia, Delaware, and the District of Columbia were both separate and vastly inferior.

29. *Speech on Brown*, *supra* note 27, at 20.

30. 344 U.S. 141 (1952).

Paul Wilson was officially advised to handle the case. Paul had about ten days in which to research and write his brief and have it printed in time to take with him when he boarded the train for Washington, D.C. on December 6, 1952.

On his arrival in Washington, Paul met with the other lawyers in the cases, including John W. Davis, who represented South Carolina, and Thurgood Marshall, special counsel to the NAACP Legal Defense Fund, who opposed Davis. Davis, a seventy-nine year old senior partner in the Wall Street law firm of Davis, Polk, Wardwell, Sunderland and Kiendl, made his first argument before the Supreme Court in 1902. In 1924 Davis was the Democratic candidate for President of the United States. When *Brown* was re-argued in December 1953, Davis had made 140 appearances before the Supreme Court—more than any other attorney, living or dead. Thurgood Marshall, who later achieved a place on the Supreme Court bench, also had an impressive record. *Time* magazine observed that “Marshall generally has a running headstart on opposing lawyers in civil rights cases; the law he made yesterday is today’s precedent.”³¹ Paul found both Davis and Marshall to be gracious, agreeable men. John Davis moved Paul’s admission to the bar the following day.³²

Paul Wilson had a fair amount of courtroom experience, but none of it in an appellate court. In fact, one reason he joined the Attorney General’s staff was to gain appellate experience. The courtroom was packed with spectators on December 9, 1952, when Paul, wearing his new double-breasted dark blue suit, appeared before the United States Supreme Court to make his first ever oral argument in an appellate court. Richard Kluger, in his carefully researched book *Simple Justice*,³³ says that Paul prepared a concise, direct, clearly competent brief and delivered a perfectly able argument. Under the circumstances, this is high praise.

In June 1953 the Supreme Court, in another unusual move, requested additional oral argument.³⁴ The attorneys were asked to address five specific questions about the ratification of the fourteenth amendment and its effect on racially segregated public schools. The Attorney General for Virginia coordinated efforts to collect infor-

31. *The Supreme Court, The Fading Line*, TIME, Dec. 21, 1953, at 19.

32. Paul had already made arrangements with Kansas Senator Andrew Schoeppel’s office to perform this service. When Mr. Davis offered, he accepted thinking “To hell with Andy Schoeppel.” *Ramblings*, *supra* note 7, at 23.

33. R. KLUGER, *SIMPLE JUSTICE* 548 (1976). Kluger describes Wilson as a “hayseed” by Eastern standards. Paul was also a Methodist, a combination celebrated in a recent work on the twentieth-century image of Kansas. R. BADER, *HAYSEEDS, MORALIZERS AND METHODISTS* (1988).

34. *Brown v. Board of Education*, 347 U.S. 483 (1954).

mation from the thirty-six states that comprised the United States when Congress ratified the fourteenth amendment.³⁵

The second round of arguments took place in December 1953. Paul again journeyed to Washington, this time a seasoned veteran, with his argument carefully prepared. On September 3, 1953, the Topeka Board of Education had adopted a resolution announcing its intention to desegregate the Topeka schools as rapidly as practicable. Paul spent most of his second oral argument answering questions from Justice Frankfurter about whether this meant that the Kansas case was moot. Although he did not get to use the speech he prepared, he has kept it in his files in case it should prove useful.

The Supreme Court finally announced its decision in *Brown* on May 17, 1954, ending racially segregated schools with its proclamation that racially segregated schools are inherently unequal. The Court ordered desegregation of public education to begin "with all deliberate speed." Alabama Governor Herman Talmadge angrily convened a state education commission charged with ensuring "continued and permanent segregation." In contrast, the *Brown* decision caused little stir in Topeka, which had already begun desegregation nine months earlier.

Few lawyers have the opportunity to argue before the Supreme Court. Fewer still are associated with a case as widely known as *Brown*. Although Paul's legal career continued for almost thirty years after *Brown*, he is still associated with the losing side in *Brown*. Paul has given countless interviews and talks on the subject, sometimes wearing his double-breasted blue serge suit. Although others may not have been able to do so, Paul was able to put the case into perspective:

Frequently, I have been introduced at meetings as the lawyer who was on the wrong side of *Brown v. Board of Education*, and people look at me as though I must be some kind of a racist. My response is that I'm not a racist, I am a lawyer, and in our society a lawyer's role is a useful and honorable one. We choose to decide issues of this kind in an adversary process, and before wise decisions can be made by courts, the courts must

35. In 1975 Paul collaborated with Bernard Reams to publish *Segregation and the 14th Amendment in the States: A Survey of State Segregation Laws 1865-1953*. The book is a state by state compilation of information concerning the fourteenth amendment and its relationship to racial segregation in public education; an outgrowth of the second round of arguments in *Brown*. The editors noted that the issues surrounding segregation continued to be litigated. "Although *Brown v. Board of Education* is now a matter of history, the problems on which it focused continue to vex America. . . . Hence, this compilation may be useful to both the historian of the law and the practicing lawyer." *Id.* at vii. Paul dedicated the book to:

BETSY, POLLY, EILEEN AND DAVID
Who Share Their Father's Interest
and Excitement in
Their Country and Its Institutions

be fully informed. . . . The Kansas position was not a frivolous one. It was supported by precedent, by tradition, by history, and the values in our culture. I think I probably said all that could be said for the State of Kansas. I said it as well as I could say it, and in doing that, I think I performed a service to the Court and to the State of Kansas.³⁶

Paul's view of the role of the lawyer is consistent with his patriotism and faith in the American system of government. Robert L. Carter, attorney for the Kansas plaintiffs, in a letter to Paul, confirmed that Paul's performance in *Brown* was useful and honorable, and a service to the Court:

We are certain that your refusal to approach this question other than in a purely lawyer-like examination of constitutional power, unfreighted with emotion and demagoguery, helped to embolden the court to make its courageous and statesmanlike declaration of May 17. However poorly stated, this is meant as a tribute to your honesty and integrity as a member of the Bar and an official of the State of Kansas.³⁷

V. CANDIDATE WILSON

Paul's boss for most of his years as an assistant Attorney General was Harold R. Fatzner. Paul had a lot in common with Dick Fatzner. Both men were from small towns and had been county attorneys and General Counsel for the State Board of Social Welfare. Fatzner was an assistant Attorney General in 1949 when he was appointed Attorney General by Governor Frank Carlson. He succeeded Edward F. Arn who was tapped to fill a vacancy on the Kansas Supreme Court. Dick Fatzner served as Attorney General until March 1, 1956, when he was appointed to the Kansas Supreme Court by Governor Fred Hall. John Anderson, Jr. followed Fatzner as Attorney General, serving until 1961. Both Anderson and Arn later became governor of Kansas.

First Assistant Attorney General Paul Wilson, like Arn and Fatzner, had his eye on the Kansas Supreme Court. In March 1956 he announced his candidacy as a Republican for Position Six, along with L. F. Cushenberry, State Representative from Oberlin; Langdon L. Morgan, District Judge from Hugoton; Alfred G. Schroeder, District Judge from Newton; and Salina lawyer William Morris. Editorial writers supported Paul's candidacy in somewhat florid prose. The *Overbrook Citizen* proclaimed, "No court decision by Paul Wilson will ever be blurred by fuzzy left wing dogma for he holds no brief with what can be recognized today as the egghead revolt against the traditional glory of American freedom." Another paper urged citizens to "cast your ballot for Paul E. Wilson. You will be voting for a

36. *Speech on Brown*, *supra* note 27, at 24.

37. *Brown Revisited*, *supra* note 27, at 523-24; *Speech on Brown*, *supra* note 27, at 25.

clean, honest, wholesome American Kansan." Paul himself made the more modest promise to "do my utmost to conduct the office with fairness, honor and dignity," hoping that his service as assistant Attorney General had "earned me the right to aspire to this high honor."

Fatzer was also a candidate that spring, running for election to the Supreme Court seat to which he had been appointed. The July 1956 issue of the *Kansas Beverage Journal*, a publication of the Alcoholic Beverage Industry, wryly endorsed both Paul Wilson and Dick Fatzer as "two good friends of this industry."

When an avid supporter put up campaign posters on telephone poles in Girard, Kansas, violating a local ordinance, Paul personally removed them. The Topeka newspaper praised his example as one for all candidates to follow. Robert Dole, the Russell county attorney, also supported Paul, tacking up posters in his home county.

In spite of his support in the press, Paul lost the primary election to Alfred Schroeder, who went on to capture the seat on the Court. He expressed his disappointment about the experience in a description of Abraham Lincoln's defeat in his 1858 bid for the United States Senate:

Thus, Douglas returned to the Senate. Lincoln returned to the mundane affairs of his Springfield law office. On Saturday, November 6, four days after the election, he represented a defendant in the Sangamon Circuit Court. He settled the case by permitting judgment to be entered against his client for \$23 and costs. On Monday, Nov. 8, he appeared for the plaintiffs in two damage suits, taking judgments for \$1,000 and \$205.88 respectively. . . . Thus ever the country lawyer returns from an unhappy excursion into politics.³⁸

Dick Fatzer had more luck with the electoral process. He retained his seat on the Supreme Court, becoming Chief Justice in 1971. Chief Justice Fatzer was an activist who instituted several reforms in the Kansas judicial system. He drew upon the talents of his former first assistant Paul Wilson, then a University of Kansas Law Professor. Dick Fatzer retired from the court in 1977 and was succeeded as Chief Justice by Alfred Schroeder, the man who defeated Paul in the 1956 election.

Paul had another brush with the Kansas Supreme Court in December 1956. Fred Hall, who appointed Fatzer to the Court, was a controversial governor whose 1956 bid for re-election was unsuccessful. Hall's political mentor was William Smith, Chief Justice of the Kansas Supreme Court. As the end of Hall's term as governor approached, Smith's health was failing. Smith told Hall that he was going to resign from the court, and wanted his successor to be Langdon Morgan

38. *Book Review, supra* note 4, at 553.

or Bob Kaul (district judges from Hugoton and Wamego respectively) or Paul Wilson. Governor Hall reportedly said "I think Paul Wilson would make a good judge, but I need a job." Hall resigned the governorship and Hall's successor appointed him to Smith's seat on the court on January 3, 1957.³⁹

Newspaper reports from 1961 indicate that Paul was suggested for a federal district judgeship by U.S. Representative Robert F. Ellsworth. Paul had been active in Ellsworth's 1960 campaign for the House. Although the judicial appointment did not materialize, Paul was appointed a federal magistrate in 1969 as part of a pilot program to replace the use of commissioners with magistrates. The appointment was part time, and primarily involved issuing search and arrest warrants, arraignments, setting bond, and appointment of counsel. His term lasted four years, after which the position was abolished.

Paul's final excursion as a candidate came in 1980, when he appeared on the ballot in the Kansas presidential primary as the running mate for John B. Anderson and his National Unity Campaign. Many Kansans proudly wore T shirts with Paul's picture over the legend "Paul Wilson for Vice-President" and in much smaller print, "John Anderson for President." Paul's candidacy was also advertised in Potsdam, New York where Betsy Wilson Marshall and her family sported "Wilson for Vice-President" shirts. The shirts were adopted as the official garb of the first-year KU law students who began studies in May 1980.

Paul withdrew from the ticket when former governor Lucey of Wisconsin became Anderson's national running mate. Paul reported that running for Vice President is fun when one knows he will not be elected.

Although he abandoned his interest in becoming a candidate, Paul retained his interest in the political process, remaining active in the Republican party. In 1974 Paul and Harriet helped Bob Bennett launch his campaign to become governor of Kansas, hosting a coffee at their home. Paul has followed with particular interest the career of Robert Dole as he moved from Russell County Attorney to the United States Senate.

After Paul's unsuccessful 1956 venture into politics, he relinquished his dreams of following Abe Lincoln's footsteps to the United States Senate. Although Paul was disappointed by the loss, it taught him that he had little aptitude for politics, that he did not want to say and do the things necessary to be elected to public office. Harriet takes a more positive note, calling the defeat "the best thing that

39. Bob Kaul was appointed to the Kansas Supreme Court in 1965. Langdon Morgan continued to serve as a district judge.

ever happened," because Paul's loss set the stage for their return to Lawrence and the University of Kansas.

VI. PROFESSOR WILSON

In the spring of 1957 Major Carl Slough approached Paul with an offer to join the faculty at the University of Kansas School of Law. The appointment process was quite informal, consisting of a lunch with Dean Slough and a meeting with Chancellor Franklin Murphy. Paul recalled, "I never prepared a resume; I offered no credentials other than those that were obvious; I had no letters of recommendation. I was just invited to consider a job and I decided to take it."⁴⁰ Paul accepted an appointment as an associate professor of law, with an annual salary of 7500 dollars.

In August 1957 the Wilson family settled into a new home at 1656 Illinois in Lawrence. Harriet was asked to teach again in the English Department at KU. Betsy, age fifteen, and Polly, age thirteen, prepared for new schools as well as a new school year. Eileen, age nine, and David, age four, were probably unimpressed with Paul's new title. Paul's campaign flyers from the previous spring described David as "only slightly spoiled," and note that Eileen preferred paper dolls to politics.

One of Paul's most charming qualities is his modest, unassuming nature. In his *Retrospective Ramblings* he confesses to having felt himself an "imposter in Academe," lacking credentials from an elite academic institution such as Harvard, Yale, or Michigan. He was uncomfortable with the title Professor, as he explains in this anecdote about his first trip to Kansas City as a young boy. After delivering a truck load of hogs:

I was looking for the Kansas City School of Law (now part of the University of Missouri at Kansas City) but my attention was diverted by the pictures in the foyer of a place called the Gillis Burlesque. It was probably tawdry and without taste or elegance, but I don't remember those aspects. Since no one who knew me was watching, I stopped by for the noon performance. As the female performers cavorted on the stage in various degrees of nudity, their bumps and gyrations were attuned to the rhythm of a three-piece band—drums, horn, and piano. Between acts, the pianist, who was leader of the group, frequently sipped from a flask that I took to contain spiritous beverage. Throughout the show, members of the cast referred and deferred to him as "Professor". Years later when I began to be called Professor I often recalled that alcoholic pianist at the Gillis Burlesque who enjoyed a similar dignity. It has helped me with my perspective of myself.⁴¹

40. *Wilson Oral History*, *supra* note 9, at 20.

41. *Ramblings*, *supra* note 7, at 8.

Paul and Harriet cherished memories of their student days on Mount Oread and had dreamed of someday retiring to Lawrence. The invitation to join the faculty offered them what Paul has called an accelerated passage to Nirvana. This university Paul and Harriet returned to in 1957 had grown tremendously in the twenty years since their student days on the Hill. Enrollment at KU tripled between 1939 and 1960. The *Kansas Alumni Magazine*, in its back to school issue for 1957 described the campus as "straining at the seams."

The law school occupied Green Hall,⁴² its home since 1905. Green Hall is an elegant and stately structure situated in the center of the campus on Jayhawk Boulevard. Daniel Chester French created the statue of former Dean James W. Green that stands in front of the building. Paul Wilson, an expert on the lore of Uncle Jimmy Green, describes the former dean:

Whether Uncle Jimmy was or was not a distinguished scholar, a great teacher, or an effective administrator is probably not very important sixty years after his death. His impact upon his students and others with whom he worked was derived from his unique qualities as a person, as a human being who understood and shared the fortunes and misfortunes of other human beings. His legacy to the law school is not a record of scholarship but a record of humaneness and a law teacher's overriding commitment to his students. There have been many scholars in the law school since 1878, but there has been only one Uncle Jimmy.⁴³

Paul was forty-three years old when he first stepped into a classroom in Green Hall in the fall semester of 1957. He had a rich variety of experience as a lawyer, but little experience as a teacher. As a practicing lawyer Paul had valued most the relationship between attorney and client, which he felt was the essence of advocacy. Moving to the academic world, it was natural for Paul, like Uncle Jimmy, to find his greatest satisfaction in the relationship between student and teacher.

An office in Green Hall was a delight for Paul. He loved the building and its location at the heart of the campus. Law students with time to spare between classes could adjourn to the Kansas Memorial Union for coffee, or sit on the steps of Green Hall and observe the flow of collegiate traffic. Topics of discussion in the autumn of 1957 included the launching of the satellite Sputnik by the Soviet Union in October. While prospects for the football team were bleak, basketball fans could look forward to the return of star player Wilt Chamberlain.

42. The law school was expanding too. A new music and drama building (now Murphy Hall) opened in the fall of 1957. This allowed the law school to occupy the basement of Green Hall, which had formerly housed music and drama programs.

43. Wilson, *Centennial Footnotes*, 27 KAN. L. REV. (No. 2) vii, xiv (1979).

November brought the annual Thanksgiving Turkey Shoot, in which a paper turkey was suspended on a line between Green Hall and Uncle Jimmy's statue. Pedestrians (usually female) were selected to shoot the turkey with cork guns and were rewarded for their efforts with candy kisses.

Paul was one of three new faculty members at the law school in August of 1957. Paul, Bill Kelly, and Jim Logan joined seven veterans: Dean M.C. Slough, Assistant Dean Dan Hopson, Jr., James Barclay Smith, Les Tupy, Bill Scott, Charlie Oldfather, and Earl Shurtz. Former Dean Fred Moreau was in Iran on a Fulbright Fellowship at the time. Jim Logan, a fellow newcomer, remembers, "We considered this the beginning of a new era at the law school. The school had a new dean, and hiring three professors at once was an unusual event."⁴⁴

The expansion followed a 1955 American Bar Association inspection that praised the school in spite of a shortage of faculty members. New faculty members meant changes in the curriculum as new courses were added. There were changes in the admission requirements as well. Beginning in 1957 law students were required to have a baccalaureate degree. Professor Paul Wilson had begun his law studies in Green Hall in 1936 after just three years of undergraduate school.

The law school student body numbered about 150 in 1957; fifty-three "senior laws" were honored at the Law Day Banquet held April 24, 1958. Classes were small, and by midsemester Paul knew the names of all of his students, as well as their hometowns, children, and wives (or girlfriends). The student body remained predominantly male well into the 1970s. A 1966 volume of the *Kansas Law Review* is dedicated to James Barclay Smith remembering "his deep and considerate personal interest in his students, 'his boys.'"⁴⁵

The University defines a professor's job duties to include three components: teaching classes; research and scholarship; and service to the University, to the community, and (in the case of a law professor) to the legal profession. Paul immediately plunged into all three areas with enthusiasm.

During his first semester Paul taught Damages, Appellate Practice and a seminar titled Criminal Law and Public Order (shortened to CLAPO by the students). An article on constitutional and administrative law, and a book review by Paul Wilson appear in the 1957 volume of the *Kansas Law Review*.⁴⁶ Paul's service included

44. Logan, *In Tribute to William A. Kelly*, 32 KAN. L. REV. 283, 283 (1984).

45. *Dedication*, 14 KAN. L. REV. (NO. 4) vi (1966).

46. Wilson, *Constitutional and Administrative Law*, 6 KAN. L. REV. 140 (1957); Wilson, *Book Review*, 6 KAN. L. REV. 513 (1957).

sponsoring the 1957-58 Moot Court Team at the law school, and participation in a workshop at Kansas State University, to which he contributed an article on legal considerations of watershed management.

Professor Wilson quickly established himself in the field of criminal law, regularly teaching courses in criminal law, criminal procedure, and evidence. Paul was able to draw on his practical experience, and he found his subjects delightful. In choosing to concentrate in criminal law, Paul was keenly aware of the difficulties he would encounter. He wrote in 1961:

The apparent public indifference to the state of the criminal law and its practice has its counterpart in the attitude of the bar. Causes that are both economic and social have driven the leaders of the legal profession away from the criminal courts. The criminal practice, as a major activity, is commonly regarded as appropriate only to the lower stratum of the profession. Most of the leaders of the bar, persons who influence the development of the law, have little understanding or interest in the criminal law. Few law teachers seek the opportunity to teach students in this area. Seldom does an ambitious law student deliberately plan a practice in criminal cases.⁴⁷

Paul persevered, supported by his belief that law is the foundation of civilized society, and in particular “that the criminal law is the principal instrument of social discipline, that it is the basic assurance of order in the community, and that at the same time it provides framework for the assertion of the most drastic powers of government against the individual.”⁴⁸ In spite of the negative image of criminal law, Paul was able to communicate his interest in its importance to his students, inspiring some with the desire to practice criminal law. One student wrote, “You were a good teacher and friend, and I’ll always blame (and thank) you for getting my interest in criminal law sparked. I don’t make a lot of money but I have a lot of fun.”⁴⁹

Paul’s popularity as a teacher can be attributed to his command of the subject as well as his concern for his students. The mythical Professor Kingsfield⁵⁰ embodies the perception of the successful law professor as an arrogant, intimidating dictator. Paul’s view was quite the opposite, noting that “law and lawyers are basic elements of civilized society and rudeness has no place in civilized behavior. Moreover, I have a view that the study of law ought to be a pleasant

47. Wilson, *Criminal Law and Procedure*, 10 KAN. L. REV. 171, 172 (1961).

48. Wilson, *Criminal Law and Procedure*, 12 KAN. L. REV. 179, 179 (1963).

49. Letter from Steven L. Opat, J.D. University of Kansas, December 1973, (May 1981). Mr. Opat liked criminal law enough to become Geary County Attorney. In 1986 he received the first Prosecutor of the Year Award from the Kansas County and District Attorney’s Association.

50. Professor Kingsfield was created by John Jay Osborne in his novel *The Paper Chase*. He is most often remembered as he was portrayed by John Houseman in the movie and popular television series by the same name.

and satisfying experience and that it is part of the law professor's job to make it so."⁵¹ Paul was the favorite professor of many students, who found his style refreshing. His approach was much appreciated by his students, regardless of the grade they received.

George Blackwood, Jr., a 1965 graduate who was a co-author with Paul on his biennial survey of Criminal Law and Procedure for the *Kansas Law Review*, paid Paul this tribute:

It is difficult for me to elaborate much on the "hows" and "whys" you were so significant to me. . . . The best answer I have is that you were always the perfect gentleman, yet were absolutely sincere in your interest in law students, and you were never too busy to respond thoughtfully to even the most inane inquiry.⁵²

During those first few years at KU, Paul established the pattern for his career as a law professor. He was a popular teacher, an able scholar, and a tireless servant. By the time he was promoted from associate professor to "full" professor in 1962, his scholarship record included eight articles and three book reviews in law journals. He also found time to write for the *Trail Guide*, published by the Kansas City Corral of Westerners.

Paul put his knowledge of Kansas history to work in a tribute to the Kansas Statehood Centennial in 1961. Volume 10 of the *Kansas Law Review* contains his piece *A Survey in Retrospect: A Letter of Elliott Banks*.⁵³ Banks was a lawyer in Lawrence who wrote a letter in 1862 to his friend Hutchings, in New York, urging Hutchings to move to Lawrence to practice law. Banks gives a lively description of the Lawrence bar in 1862. Paul added his own colorful footnotes, identifying the lawyers Banks discusses, and offering further glimpses of their careers.

Although the frontier law practice Banks describes was much simpler than that of 1961, Paul appreciated the many similarities. He commented, "Here is evidence of the nature of the American phenomenon called the practice of law—a process in continuous ferment, concerned with the problem of the moment, emphasizing immediate advantage, yet a process whose basic characteristic is stability and whose objectives remain constant."⁵⁴ Paul's remarks also offer evidence of humility: "Banks' colleagues in 1862 included men who were distinguished leaders, both in their profession and in affairs of state. . . . A cen-

51. *Ramblings*, *supra* note 7, at 10-11.

52. Letter from George D. Blackwood, Jr., J.D. 1965 University of Kansas, to Paul Wilson (Nov. 3, 1981). Blackwood was also a student editor of the *American Criminal Law Quarterly* and is currently practicing with Linde, Thomson, Langworthy, Kohn & Van Dyke.

53. Wilson, *A Survey in Retrospect: A Letter of Elliott Banks*, 10 KAN. L. REV. 123 (1961).

54. *Id.* at 132.

ture later, they are hardly remembered in this community where they were known best. . . . *Sic transit gloria mundi.*"⁵⁵

Paul's writings on substantive areas of law offer other glimpses of the author. He is honest, once writing, "The research conducted in the preparation of this survey has been considerably less than exciting."⁵⁶ He is also sometimes impatient: "The jurors apparently failed to understand, as do many lawyers and judges, the precise meaning of the word 'culpable.' Therefore, they did what students often fail to do—they consulted the dictionary."⁵⁷ There are also moments of humor:

During the survey period, the state's hangman, idle for nearly a decade, dispatched five persons, all of whom had been convicted of first degree murder. Which circumstance calls to mind Mr. Martin Dooley's remark to his friend Hennessey: "I don't believe in capital punishment, Hinmissy, but 'twill niver be abolished while th' people injye it so much."⁵⁸

Paul's choice of subject matter reflects his practical approach to scholarship. There is no precise definition of the sort of research and publication expected of a professor of law. The nature of what is published in law journals has changed since 1957, with increasing emphasis on theoretical critiques of what the law ought to be. Paul knew first hand that such articles were of little use to the lawyer engaged in general practice in Lyndon, Kansas. He chose topics likely to be useful to a large number of practicing lawyers such as the insanity defense in criminal cases,⁵⁹ and the emerging use of breath tests to measure alcohol consumption by motorists.⁶⁰ In an article on specification of errors on appeal, Paul sympathized with litigants whose appeals are dismissed for technical reasons, rather than on the merits of the case:

Few experiences are more devastating to the prestige of the courts than the result of an appealed case determined on the basis of a technical and usually inadvertent omission in the preparation of the record. . . . After such an experience, even the reasonable litigant, and his family and friends, may entertain serious misgivings about the efficacy of the law as an instrument for the accomplishment of substantial justice. Quite likely he will conclude with Dickens' Mr. Bumble, "If the law supposes that, the law is an ass, an idiot."⁶¹

55. *Id.*

56. Wilson, *supra* note 47, at 171.

57. Wilson, *supra* note 48, at 193.

58. Wilson, *Criminal Law and Procedure*, 14 KAN. L. REV. 221, 222-23 (1965).

59. Slough & Wilson, *Mental Capacity to Stand Trial*, 21 U. PITT. L. REV. 593 (1960).

60. *Alcohol and the Motorist: Practical and Legal Problems of Chemical Testing*, 44 MINN. L. REV. 673 (1960) (updated version appears as *Legal By-Products of Chemical Testing for Intoxication*, 11 CLEV.-MARSHALL L. REV. 1 (1962)).

61. Wilson, *Assignments of Error in Appellate Practice*, 9 KAN. L. REV. 165, 165-66 (1960).

A further example of his inclination to do practical scholarship is the handbook for law enforcement officers, *Basic Rules of Arrest, Search and Seizure: A Manual for Kansas Peace Officers*, he published in 1961 and updated in 1964.

Paul's service record is staggering. For the academic year 1962-63 alone Paul reported his membership on three law school committees (including the chairmanship of one); three University-wide committees (chairing two of those); one Association of American Law Schools committee; and two committees of the Kansas Bar Association, including the Criminal Law Section, which he had founded. He participated in a continuing education program sponsored by the Wyandotte County Bar Association, made seven other speeches, and gave three radio interviews.

Paul's service was not limited to the University and legal profession. During 1962-63 he was also a director of the Kansas State Historical Society, president of the Douglas County Historical Society, a member of the City of Lawrence Planning Commission, and acting secretary of the Kansas Board of Regents. Paul was also a member of the Governor's Commission on the Revision of the Kansas Constitution, serving with his former mentor, Professor Walter Sandelius, who chaired the commission. In its report to governor John Anderson, Jr. the Commission recommended three major constitutional amendments. One of these, enlarging the legislature's authority to classify property for assessment and taxation and to exempt household goods from taxation, was adopted by the voters of Kansas in the November 1964 general election.

On the national level, during 1962-63 Paul was the Kansas reporter for an American Bar Association Special Committee on Defense of Indigent Accused.⁶² This project involved a thorough survey of practices in all fifty states regarding means for providing counsel to indigent persons accused of crimes, using questionnaires, personal interviews, and research in court records. Paul surveyed judges, prosecutors, and defense counsel across the state, making personal visits to Brown, Butler, Edwards, Labette, Leavenworth, Sedgwick, Shawnee, and Wyandotte counties.⁶³

In 1963, while the study was underway, the Supreme Court issued its decision in *Gideon v. Wainwright*,⁶⁴ recognizing a defendant's right

62. Results of the study were published in *DEFENSE OF THE POOR IN CRIMINAL CASES IN AMERICAN STATE COURTS*, (L. Silverstein ed. 1965). Paul's work appears as the chapter on Kansas in volume 2, p. 251.

63. Many of the county attorneys he surveyed complained of inadequate funding for their offices. As a former county attorney, he could readily sympathize with the suggestion that county attorneys should be paid enough to allow them to refrain from private practice.

64. 372 U.S. 335 (1963). See also A. LEWIS, *GIDEON'S TRUMPET* (1964).

to counsel in criminal proceedings in state court. The ultimate result of *Gideon* and the ABA study was the Aid to Indigent Defendants Act, adopted by the Kansas Legislature in 1969.⁶⁵ Paul was the principal draftsman for this legislation, which was part of a larger project to revise the entire Kansas criminal code.

Gideon v. Wainwright set off an explosion in the field of criminal law as the United States Supreme Court under the guidance of Chief Justice Earl Warren, handed down a series of opinions from 1963 to 1965 that revolutionized law enforcement and criminal procedure. Paul had made a highly successful transition from the courtroom to the classroom. He was more than ready for the excitement of the Warren Court's reforms.

VII. TALL PAUL

As the University of Kansas Law School entered the sixties, the content of Paul's courses, especially criminal procedure, was entering a period of dramatic change. The law school curriculum has undergone a series of changes as well, but criminal law and criminal procedure have endured as required courses in the first year curriculum. As a teacher of a required course, Paul became acquainted with virtually all of the law students. Inevitably, he acquired a variety of nicknames. One of these, "Tall Paul"⁶⁶ appropriately describes not only Paul's physical stature, but also Paul's growing reputation as an expert in his field of criminal law and procedure.

In 1962, as James K. Logan began his active service as dean, the University of Kansas Law School began a unique joint venture with the Law and Psychiatry Division of the Menninger Foundation, located in Topeka. The law school faculty most directly involved were Paul Wilson and Dan Hopson, Jr., whose expertise was in family law. Criminal law and family law were areas of interest to psychiatrists and psychologists as well as lawyers. Doctors from Menninger's lectured in Paul's evidence, criminal law, and public order classes at the law school. Paul travelled to Topeka to teach a seminar on criminology for psychiatrists and later spent a semester as a visiting professor in the Menninger School of Psychiatry.

Paul's experiences at the Menninger Foundation reminded him of his private practice in Lyndon. He noted the similarity between problems treated at the Menninger Foundation and the problems brought to him during his days as county attorney. The main difference be-

65. *Proposed Act to Provide Counsel for Indigent Persons Charged with Crime*, 40 KAN. JUD. COUNCIL BULL. 183 (1966).

66. Students may also remember an earlier nickname, "The Big Orange."

tween the two groups appeared to be money (often in the form of insurance) with which to obtain help.

Recognition that medical and legal dimensions of criminal and domestic problems could overlap was a big step for doctors and lawyers in 1962, however logical and unremarkable it may seem today. The cooperation between the two professions that occurred at the University of Kansas Law School and the Menninger Foundation was indeed remarkable at the time. It is typical of Paul Wilson's receptive attitude toward new ideas that he was part of this venture.

Recognition of Paul's expertise and his penchant for service to the bar earned him a major role in the revision of the Kansas Criminal Code. Much of the Kansas Criminal Code had remained unchanged since its adoption by the Territorial Legislature of 1855. The Kansas statutes included laws that had clearly outlived their usefulness such as sections prohibiting public exhibitions of reptile eating and imposing penalties for failure to provide cuspidors in railroad smoking cars. In his 1961 *Survey of Criminal Law and Procedure* Paul called for revision of the state's criminal law: "Logic suggests that in order to provide an adequate standard for social conduct in a dynamic society the criminal law must display a dynamic quality."⁶⁷

Due at least in part to his efforts, the 1963 Kansas Legislature appropriated funds to the Judicial Council for a revision of the Kansas Criminal Code. An Advisory Committee on Criminal Law Revision, chaired by Judge Doyle E. White of Arkansas City, was chosen.⁶⁸ Professor Paul Wilson was selected for the role of reporter for the Committee. As reporter, he served as the chief draftsman for the Committee's recommendations. The Judicial Council Advisory Committee on Criminal Law Revision began its work in September 1963, meeting monthly for four and one-half years.

The revision process was lengthy and thorough. The Committee's task was to examine all provisions of the existing statutes dealing with criminal law or procedure in light of four objectives: simplification, consolidation, modernization, and reorganization. The Committee prepared a 130-page report on the substantive provisions of the criminal code.⁶⁹ The report condensed and reorganized 650 sections from the old criminal code into 224 sections. The Committee

67. Wilson, *supra* note 47, at 171.

68. Junction City attorney Lee Hornbaker was also appointed to the Advisory Committee. Hornbaker had been Paul's classmate at the Washburn Law School, graduating with Paul in December 1939. Other members of the committee included William Ferguson, former Attorney General; J. Richard Foth, later Chief Judge of the Kansas Court of Appeals; A. K. Stavely, former district judge; former Senator Charles Forsyth, and other leaders of the criminal bar.

69. *Proposed Kansas Criminal Code*, 42 KAN. JUD. COUNCIL BULL. (Special Report) 11 (1968).

produced a companion report of another ninety pages, addressing procedural aspects of criminal law.⁷⁰ Paul described his task as reporter:

The draft originated with the reporter, who examined each section of the existing law together with relevant judicial opinions. Similar statutes in other states were reviewed, particularly those of states which have recently revised their criminal codes. With this material before him, the reporter drafted a suggested revision of each statute which he supported by comments and materials from cases, statutes, and other authorities. These suggestions were submitted to the Advisory Committee which undertook an intensive scrutiny of each proposal. Each section was then redrafted by the reporter with the new draft reflecting the views of the Advisory Committee to which it was again submitted. This process was often repeated several times. Indeed, it is a safe estimate that few sections in the proposal have undergone fewer than three drafts, and in some instances, sections have been drafted as many as six times before final approval.⁷¹

The Advisory Committee's recommendations were further reviewed by the Judicial Council and returned for redrafting if necessary.

The Judicial Council ultimately recommended to the Kansas Legislature a revised Criminal Code, and a revised Code of Criminal Procedure. Paul testified before the Kansas Legislature on behalf of the revised codes. The new Criminal Code, adopted by the Legislature in 1969, became effective July 1, 1970. The new Code of Criminal Procedure was adopted in 1970 and also became effective on July 1, 1970. Paul's work did not stop here, as he quickly became involved in writing articles and giving speeches explaining the new laws.

Dean Jim Logan, in his annual report for 1962-63 predicted that the University of Kansas Law School would achieve national prominence in the fields of criminal law and family law. His reasons included the cooperative relationship with the Menninger Foundation, the revisions of the Criminal Code (just beginning in 1963) and family law then in progress, and "the presence on the law faculty of two aggressive and brilliant men, Professors Hopson and Wilson, who have made family law and criminal law respectively, their major fields."⁷²

True to Dean Logan's prediction, the next years brought Paul national recognition in the field of criminal law through the American Bar Association's Criminal Law Section. In 1964 he began six years of service on the Section's governing council. In 1963 he became co-editor, along with Brigadier General Kenneth Hodson, of the one-year-old *American Criminal Law Quarterly*, the official publication

70. *Proposed Kansas Code of Criminal Procedure*, 43 KAN. JUD. COUNCIL BULL. 11 (1969).

71. Wilson, *New Bottles for Old Wine: Criminal Law Revision in Kansas*, 16 KAN. L. REV. 585, 589 (1968).

72. Logan, *Law School Dean's Report*, 12 KAN. L. REV. 1, 12 (1963).

of the ABA Criminal Law Section. At the time it was the only American legal periodical devoted exclusively to criminal law.

Paul did his share of the editing from his Green Hall office, employing a series of law students as assistant editors. Issues of the *American Criminal Law Quarterly* were printed in Lawrence by Allen Press for distribution to the ABA Criminal Law Section's 2500 members.

Paul edited the *American Criminal Law Quarterly* between 1963 and 1970. His efforts to attract distinguished authors were immediately successful; the second issue Paul edited contained articles by Supreme Court Justice William Brennan, FBI Director J. Edgar Hoover, and a book review by the well-known law professor Yale Kamisar. The format for the *American Criminal Law Quarterly* under Paul Wilson reflected Paul's views that scholarship should be useful to as many people as possible. The issues he edited contained short articles by lawyers and law professors, reprints of speeches, digests of articles in other publications, and unpublished opinions of interest to the readership, which included lawyers, law teachers, sociologists, and penologists.⁷³

In his last issue, Paul's *Terminal Reflections* summarized his term as editor:

Seven years of effort have contributed to the composition and distribution of 28 issues of the *Quarterly* containing nearly 1600 printed pages. During the period our circulation has been increased by more than 100 per cent. Our contributors have represented a spectrum of professional achievement extending from law students to the Chief Justice of the United States. Their subjects have ranged from the facial expression of judges to the death penalty and its execution. Many of their contributions have been distinguished. None, in my view, has been trivial.⁷⁴

Although Paul had grown weary of the demands of publication, it is clear that he enjoyed his duties:

I suppose that a lawyer can aspire to no more favorable position than one that affords the opportunity to be of service to his profession. I have been so favored during the past seven years. I am truly grateful. . . . I don't know what happens to old editors. I suspect that, like old soldiers, they just fade away. But on my way out I want simply to say, "It has been great fun."⁷⁵

73. When Paul resigned his duties in 1970, the *American Criminal Law Quarterly* was moved to the Georgetown Law School, under the supervision of Professor Sam Dash. Paul describes Dash as a very ambitious individual, who would later serve as attorney to Sam Ervin during the Watergate hearings. At Georgetown the *Quarterly* was renamed the *American Criminal Law Review* and quickly changed its format to that of the traditional student-edited law review containing long articles by law professors.

74. Wilson, *Terminal Reflections*, 8 AM. CRIM. L.Q. 275, 275 (1970).

75. *Id.* at 276.

In 1964 Paul Wilson left Kansas for the excitement of New York City. Paul had been awarded a sabbatical leave, and was invited to New York University Law School to act as assistant director of the Institute for Judicial Administration. Paul and Harriet moved into an apartment in Hayden Hall, located on Washington Square opposite NYU.

Eileen, age 16, and David, age 11, accompanied their parents to New York City where Eileen attended a private school run by the Society of Friends, and David attended public school for the 1964-65 academic year. After graduating from Lawrence High School in 1960, Betsy enrolled at KU and married a sophomore classmate in January 1962. Polly graduated from Lawrence High School in 1962 and was studying nursing at St. Luke's Hospital in Kansas City.

Although the word "sabbatical" derives from Sabbath and sometimes connotes a time of rest, Paul's year at NYU was hardly a vacation. Paul's responsibilities during his sabbatical included teaching a course in criminal procedure at the NYU Law School each semester and working for the Institute. During this time Paul continued his duties as editor of the *American Criminal Law Quarterly*, and made monthly trips to Kansas to meet with the Advisory Committee that was revising the Kansas Criminal Code.

The Institute's title declares its obvious concern with the administration of the court system. Project Effective Justice, a program for judicial education run by the Institute, was in the vanguard of judicial education. One of Paul's responsibilities at the Institute was to prepare an analysis of Project Effective Justice. His report was published in 1964, one of "an astonishing four monographs"⁷⁶ he prepared during his sabbatical. He also produced a study of judicial administration, including facilities for judicial education in all fifty states as well as a calendar status study for state trial courts. Both of these reports were published in 1965. In addition to these efforts, he found time to co-author an article on judicial administration⁷⁷ for the 1964 volume of NYU's *Annual Survey of American Law*, working with Fannie Klein, another assistant director of the Institute. The Wilson-Klein piece appears next to articles by some of the most respected law professors in the country at the time: Robert Leflar, Guy Maxfield, Robert McKay, and Hiram Lesar.

Paul's major project while at NYU increased his contacts with the ABA. Two sections of the American Bar Association, the Section

76. University of Kansas School of Law Dean Michael J. Davis used this phrase in *Dedication*, 30 KAN. L. REV. 1, 2 (1981). Because deans are seldom astonished, this is evidence that Paul's scholarly output exceeded university norms.

77. Klein & Wilson, *Judicial Administration*, 1964 ANN. SURV. AM. L. 653 (1964).

on Criminal Justice and the Section on Judicial Administration, conceived a project to prepare standards for the administration of criminal justice. After a pilot study in the spring of 1964, grants of 250,000 dollars each were obtained from the American Bar Endowment, the Avalon Foundation and the Vincent Astor Foundation. The Institute for Judicial Administration agreed to provide staff for the project. Paul described the project's intent to produce not model or uniform rules, but standards that ought to be respected among all civilized people in the administration of criminal justice.

Such an ambitious project required, or at least was encumbered with, an elaborate structure. American Bar Association President Lewis Powell chose Warren Burger, a judge of the United States Court of Appeals for the District of Columbia, to oversee the project.⁷⁸ The work was carried out by seven advisory committees, each assigned to a particular subject area: police function, pretrial proceedings, criminal trial, fair trial and free press, prosecution and defense functions, trial judge functions, and sentencing and review. Each Advisory Committee had ten to eleven members who were prominent lawyers, federal and state judges, law school deans and professors, and law enforcement officials.

The staff of the Institute for Judicial Administration worked with the seven advisory committees. Paul's official title was Associate Project Director. He had been asked to be the Director, but declined because he was unable to make the requested three year commitment to the project. These things always take about twice as long as you expect, Paul observed. As predicted, Richard Green, the original Project Director continued in that capacity for seven years. The Committee in charge of the project was formally disbanded in 1973, after adopting and publishing seventeen volumes of standards.

As Associate Project Director Paul worked with the advisory committees. He prepared a working outline for the project, and a bibliography, in addition to a two hundred page monograph explaining the project. The drafting process used in the project was similar to that used in the revision of the Kansas Criminal Code. A reporter, or draftsman, prepared each proposed standard plus commentary and explanatory materials for review by the appropriate advisory committee. Each standard was revised until it was satisfactory to the advisory committee.⁷⁹

78. Burger served as chairman until he was appointed Chief Justice of the Supreme Court.

79. Standards recommended by an advisory committee were then submitted to the committee overseeing the project and circulated to some 12,000 recipients for comments. After revision and amendment, standards were sent to the ABA Sections on Criminal Law and Judicial Administration, and from there to the ABA Board of Governors and House of Delegates for final approval.

Paul assisted the advisory committees with formulating the standards during his sabbatical year and returned to the Institute of Judicial Administration during the summer of 1966. He then became involved with the ABA's effort to have the standards become law in the various states.

The standards that finally emerged from the project were intended to be used as guidelines by the states. In many instances standards represented a distillation of the best practices actually in use in various states. The project's backers hoped that their standards would make a real difference in the administration of criminal justice, and not just gather dust on library shelves. Retired Supreme Court Justice Tom Clark agreed in 1968 to head a national committee to implement the standards.

The Implementation Committee approached its work carefully, hiring a full-time director and working with a coordinator in each of the fifty states. The Implementation Committee launched a nationwide education campaign to encourage and facilitate adoption of the standards, holding its first program at Jackson Lake Lodge, Wyoming in July 1969 in conjunction with the annual Tenth Circuit Judicial Conference. Newly appointed Chief Justice Warren Burger was the keynote speaker. Appearing on the program with him was Paul Wilson, now a Distinguished Professor at the University of Kansas School of Law.

Approximately ninety percent of the standards dealt with criminal procedure matters and the other ten percent related to substantive criminal law. In many states, rules of procedure are adopted by the court system; in others, the legislature must approve rules of court. The standards as promulgated were not in the form necessary for court rules.⁸⁰ To facilitate adoption by court rule in states where it would be appropriate, the Implementation Committee decided to draft a set of pattern rules that could be readily modified as necessary by a state. Paul Wilson was chosen for this important task.

The drafting process presented another opportunity for a sabbatical leave, this time to Tucson, Arizona in 1972. Paul's *Pattern Rules of Court and Code Provisions* were published in April 1975. Demand for the *Pattern Rules* was great and Paul prepared a revised edition within a year. The chairman of the ABA Section on Criminal Justice stated in the Preface to the revised edition, which appeared in March 1976:

The fact that a second edition of this book was needed within a year of the first is a tribute both to its author, Paul E. Wilson, Kane Professor

80. See the symposium articles contained in 12 AM. CRIM. L. REV. 251-377 (1974), including Paul's article *Implementation by Court Rule of the Criminal Justice Standards*, 12 AM. CRIM. L. Q. 323 (1974). The symposium is continued in 12 AM. CRIM. L. REV. 415-500 (1975).

of Law, University of Kansas, and to the soundness of the material upon which it is based, the American Bar Association Standards for Criminal Justice.⁸¹

The revised edition was 320 pages in length. Paul would be among the last people to judge the quality of a book by its length, but it does give some indication of the effort involved on his part.

Somewhat ironically, the Revised Kansas Criminal Code was adopted in 1970, when the implementation of the ABA minimum standards was just beginning. Although Paul played an important role in both, the projects were independent. He explains, "Inasmuch as the Kansas drafting proceeded independently of and parallel with the development of the minimum standards recommendations, the Kansas statutes were necessarily drawn without reference to the recommendations of the minimum standards committees."⁸² While many of the concepts in the minimum standards appeared in the Kansas Code, there were also many deviations. Paul noted, "The mandate to the Kansas Judicial Council was to prepare suggested legislation to be enacted by the Kansas legislature. Thus the drafting committee generally refrained from advancing proposals for which legislative support could not realistically be anticipated."⁸³

Tall Paul more than fulfilled Dean Logan's prophecy of national prominence as a criminal law expert. His law reform work is reflective of his conviction that law is an honorable profession, the means to social order. Although Paul, looking back in 1988, thinks he was too optimistic about the likelihood of significant change in the system of corrections, both Kansas and the country are richer today for his efforts.

VIII. INMATE 00006

Paul's sabbatical year at NYU also marked the beginning of one of his most enduring contributions to the University of Kansas School of Law, a clinic in which law students provide legal assistance to prisoners. The Kansas Defender Project was the first program of its kind in the country. When Paul retired in 1981, the Project was renamed in his honor.

Paul's interest in the infant field of clinical education for law students predated his sabbatical. The University of Kansas School of Law had established a Juvenile Clinic in the mid fifties, under

81. P. WILSON, *PATTERN RULES OF COURT AND CODE PROVISIONS*, vi (rev. ed. 1976).

82. Wilson, *Foreward*, 18 KAN. L. REV. 713 (1970). Paul also worked on KAN. JUD. COUNCIL, *COMPARATIVE ANALYSIS OF AMERICAN BAR ASSOCIATION STANDARDS FOR CRIMINAL JUSTICE WITH KANSAS LAWS, RULES AND LEGAL PRACTICE* (1972 & Supp. 1974).

83. Wilson, *supra* note 82, at 714.

the leadership of Professor Dan Hopson, Jr. Hopson and Paul were both participants in programs of the Menninger Foundation's Law and Psychiatry Division. Both men shared an interest in exploring new ideas about legal education; the Juvenile Clinic was one of the first clinical programs at an American law school. Paul lost a good friend and colleague when Hopson left KU for Indiana in 1966.

Paul approached the National Legal Aid Association about establishing a legal aid type clinic at KU, but was advised that it would not be feasible in an area with a population of less than 100,000. As a criminal lawyer, Paul recognized in the prison population an ideal potential client base: nonmobile individuals with many legal problems and few resources to pay for legal services. During the spring of 1965, Paul contacted the warden of the Kansas State Penitentiary at Lansing, asking about the possibility of a law school clinic to aid inmates. The warden greeted the idea with something less than enthusiasm, promising only to consider the request.

The Kansas Defender Project might never have been born if Paul had not taken his sabbatical at the NYU Institute for Judicial Administration. In April 1965, while waiting for an answer from the Lansing warden, Paul met Harvard Law Professor James Vorenberg. Vorenberg had taken a leave from Harvard to become director of the Justice Department's Office of Criminal Justice under Attorney General Robert F. Kennedy. Vorenberg's office was interested in establishing a pilot program for law students to offer legal counseling services to inmates at a federal penitentiary. The University of Kansas School of Law, just a forty-five minute drive from the federal penitentiary at Leavenworth, was an ideal candidate.

Further meetings between Wilson, Vorenberg, and Eugene Barkin, legal advisor to the director of the United States Bureau of Prisons resulted in the outlines of a nine month trial program. The project got off the ground with a grant of 3800 dollars from the Metzenbaum Human Relations Fund, located in Cleveland, Ohio.⁸⁴

Before students could actually begin talking to inmates and providing legal services, there was much work to do. Eugene Barkin was instrumental in obtaining cooperation from the warden of the federal penitentiary at Leavenworth. Paul spent considerable time and energy contacting the judges of the district courts who had jurisdiction over the inmates at Leavenworth. He also explained the program to the

84. Cleveland was also significant to Paul as the home of Dollree Mapp, whose arrest on May 23, 1957 for "the petty but sordid crime of possessing lewd and lascivious books and pictures in violation of an Ohio statute" resulted in the landmark decision *Mapp v. Ohio*, 367 U.S. 643 (1961), discussed by Paul in Wilson, *Perspectives of Mapp v. Ohio*, 11 KAN. L. REV. 423 (1963).

United States District Attorney and representatives of the Kansas Bar Association and various local bar associations. One problem clinics must address is competition with practicing lawyers. This turned out to be nonexistent with respect to prisoners; those who had funds preferred private attorneys to the clinic students.

Paul recruited twelve KU law students, including ten members of the *Kansas Law Review*, to enroll in the fledgling clinic in the fall semester of 1965. After some delays, the program got underway in mid-November when Professor Wilson and his students along with Eugene Barkin traveled to the Leavenworth Penitentiary for a meeting with the warden and his staff. Applications for assistance were made available to the Leavenworth prison population about the fifteenth of November 1965. Fifty applications were completed by the end of November. By the end of the pilot period on July 31, 1966, the Defender Project had received a total of 159 applications, with a backlog of some 55 requests still pending. The backlog continues to this day, a testament to the Project's popularity and its usefulness to the inmates.

The Project included in its first year goals:

1. To identify and assist those inmates with substantial legal problems;
2. To discourage frivolous and unsubstantial litigation;
3. To augment the normal institutional counseling services;
4. To assist inmates with the human problems arising out of their interpersonal relationships, both in and out of prison; and
5. To provide an extraordinary educational experience for law students.

Paul's primary interest was the educational opportunity for law students. Students enrolled in the Defender Project could go beyond the classroom and apply their legal skills. Working with actual clients illustrated the need for clear communication between attorney and client and helped students develop their own communication skills. Students began to see the realities of law practice and the meaning of professional responsibility in the context of real people with real problems.

Working with real clients also had its drawbacks. Many of the legal problems presented by the inmates were hopeless cases, presenting difficulties in ensuring that each student had good cases to work on. Communication with inmates was often difficult, and a student might spend many hours on a problem before learning that nothing could be done. The summer hiatus of the academic calendar also created problems, because the prisoners' legal problems did not vanish during summer vacation.

The program's initial year was deemed enough of a success to warrant its continuation. The Metzenbaum Fund pledged another year of support. At the request of the director of the Kansas correction system, student services were extended to Kansas penal institutions.

The Kansas State Penitentiary and the Kansas Correctional Institution for Women were both located in Lansing, about thirty miles from Lawrence and the law school. The Defender Project's major commitment was to the men's penitentiary; the women inmates seemed to have fewer legal problems. This seems fitting for in those days women students could not participate in the Defender Project because they were not allowed to enter the prisons. Only after the federal prison changed its policy did the state prison officials reluctantly agree to participation by women students.

The Metzenbaum grant covered one-tenth of Paul Wilson's salary, and provided a secretary. Paul was teaching a full load of courses (two each semester) in addition to directing the Project. He supervised the twelve to sixteen part-time students enrolled in the Defender Project each semester, and handled some of the inmates' cases personally. This required him to spend at least one full day a week at the prisons.

At the end of its second year, the Project received a grant of Ford Foundation money through the National Defender Project of the National Legal Aid and Defender Association ("NLADA"). The three year grant of over 125,000 dollars was a major recognition for the Project, the largest amount the NLADA had ever given to a law school. The Defender Project received public praise from the President of the American Bar Association. A Ford Foundation representative wrote: "I feel proud to have been even remotely associated with such marvellous accomplishments."⁸⁵

The grant money allowed for a significant expansion of the staff to include a full-time secretary, a full-time associate director and attorney, and a half-time psychiatrist—Dr. David Beale of the Menninger Foundation. Paul Wilson continued to serve as director and other faculty members became involved.

The NLADA funds lasted through May 31, 1970 and were used to provide a variety of services. An article about the Project in a December 1967 issue of the *University Daily Kansan* described four opportunities for law students under the umbrella of the Defender Project. Law students enrolled in the Project could choose to work (1) with inmates at the federal penitentiary at Leavenworth or the Kansas state prisons at Lansing; (2) with private attorneys appointed by the court to represent indigent persons accused of crimes; (3) with juvenile probation officers in Douglas County; or (4) with the Wyandotte County Legal Aid Office. Dr. David Beale, the staff psychiatrist, and psychologists from the Menninger Foundation provided instruction to law students on interviewing and counseling techniques.

85. Logan, *Law School Dean's Report*, 16 KAN. L. REV. 3 (1967).

After four years as Project Director, Paul began to tire of the burdens of supervising students, administration of the clinic, and travel to the prisons, in addition to his other courses and university duties. He was anxious to focus his considerable energies and intellectual curiosity on other things. Paul passed the reins of director to Professor Keith Meyer at the end of the 1968-69 academic year. The pilot program he began in 1965 was clearly a success. By 1971 over half of the country's law schools had prison assistance programs, many of them modeled on the Kansas Defender Project established by Paul Wilson.

Paul's interest in the Project did not cease. It was largely through Paul's efforts and contacts that the next funding crisis was solved. As the NLADA/Ford Foundation grant ran out in 1970, the University could not make good its promise to take over funding the Defender Project. The director of the National Defender Project was Major General Charles Decker, a native of Oskaloosa, Kansas.⁸⁶ Decker was instrumental in channeling the earlier 125,000 dollar grant to the Kansas Defender Project. Decker put together a consortium, including Kansas, Minnesota, and Georgia, and obtained a Law Enforcement Administration Assistance ("LEAA") grant to provide legal assistance to prison inmates in the consortium states. The LEAA funds kept the Defender Project going for several more years, although funding has been a continual problem.

In 1985 the Defender Project celebrated its twentieth birthday. Vicissitudes of funding have caused modifications in the number of students enrolled and the opportunities offered. Students in the 1980s provide legal services to inmates at the federal penitentiary at Leavenworth and the Kansas state prisons at Lansing. Other portions of the original Defender Project have been taken over by other institutions or dropped. Paul's 1976 assessment of the value of the Project applies in 1988 as well:

Aside from the educational benefits to the student and the service to inmates who have substantial legal arguments, the Project provides an opportunity for communication between two people who might otherwise not have met. There are over two thousand prisoners at the Leavenworth penitentiary, yet on a given day only a few receive visits from family and friends. In many instances, the Defender Project student is the only visitor to call for a particular inmate. Accordingly, the human significance of a single visit by a student who is concerned should not be underestimated. Although many of these people have to be told that they have no legal claim and it is unclear how this affects the inmate's prison life, many of them have appreciated the personal interest the student has shown. And,

86. Gen. Decker, an old friend of Paul's, had been Judge Advocate General of the Army before resigning to become director of the National Defender Project.

perhaps one of the Project's real rewards is the receipt of a Christmas card from an inmate the student was not able to help.⁸⁷

Paul's interest in the plight of prisoners did not stop when he ceased his formal duties with the Kansas Defender Project. On July 8, 1970 Paul took advantage of a unique opportunity to become a Convict-for-a-Day, Inmate 00006, at the Nevada State Prison, Carson City, Nevada. Paul was in Reno as a faculty member for a graduate course in sentencing and corrections conducted by the National College for State Trial Judges. Inmates from the Nevada State Prison acted as consultants to the course, which was a critical examination of imprisonment, the basic American correctional technique. Paul and twenty-two of the participating judges elected to become voluntary convicts for twenty-four hours when the prison officials agreed to the experiment.

One of the other "convicts" was Judge E. Newton Vickers of Topeka. At a press conference after their "release" Judge Vickers, who spent the night in solitary confinement, told reporters: "The state of Nevada would do a great service today to get two bulldozers out there and tear the damn thing to the ground."⁸⁸ These comments did not sit well with the prison's warden. Although the Judicial College has continued its functions in Reno, the voluntary incarceration experiment was not repeated.

Paul described his experience at the prison. He was required to strip so that his body could be searched for concealed weapons and narcotics. The next step was a shower and fumigation. Paul appears to have approached the experience with an open mind. He found the shower delightful. "The water was pleasantly tepid and the supply of soap was abundant. The towel was crisp and clean." Even knowing that he would be there only overnight, the intake process affected him. After the shower, naked and alone, as he waited for his prison issue clothing he experienced "the utter alienation and depersonalization that occurs at this stage in the process we call justice."

Once the intake process was completed, Paul was issued bedding and shown to his dormitory. He noted the many similarities between prison and military life. Living quarters for inmates consisted of rows of metal bunks and lockers housed in barracks-like buildings. Cafeteria-style meals were dished up from large vats onto metal trays. Paul found the food palatable and plentiful, if a bit heavy.

87. Wilson & Meyer, *Legal Education in the Jailhouse: An Appraisal*, 2 NEW ENG. J. ON PRISON L. 99, 138 (1976).

88. Paul described his experience in print. The account was published in several places. Quotes in the text are from Wilson, *My Night in Prison*, 2 KANSAS CITY TOWN SQUIRE 20 (1970). Another version appears as Wilson, *Voluntary Convict: A Square's Night Behind Bars*, 212 NATION 200 (1971).

After his meal, Paul met some of his fellow inmates. Through the efficient operation of the prison grapevine, the inmates were fully informed of the identity, place of residence, and other information about the volunteer prisoners. One inmate offered to sell Paul a wallet for his son, apparently aware that David Wilson's birthday was just ten days away. Tony, a regular reader of the *American Criminal Law Quarterly*, wanted to show Paul the prison's law library and to talk about the Defender Project at the University of Kansas School of Law.

Paul discussed biographies of great criminal defense lawyers with Joe, a forty-five year-old Italian spending his last night in prison before his release on parole. Joe's friends predicted he would be back, having been in prison too often to "turn square." Pete, a young man of Indian heritage spoke with Paul about the Indian occupation of Alcatraz.⁸⁹ Don, a former football player and Ph.D. candidate in psychology discussed his trial for the murder of his wife. He said he felt he was the only person in the courtroom who understood that his life was at stake. Don objected to the rigidity of prison discipline; he had been punished by prison guards for lying quietly on his back outside during a snowstorm.

In spite of a comfortable bed, Paul spent a sleepless night. He had seen no evidence of physical mistreatment of the prisoners, who were provided adequate food, clothing, and shelter. The Nevada State Prison appeared to be a good one, as prisons go.

Its vice lies not in its brutality but in its dehumanization. A man, created in the image of God, becomes a number. He is stripped of all symbols of status and individuality. He is subjected to the most rigid regimentation. He is deprived of the opportunity to work, to live, and to engage in most kinds of meaningful human activity. Despised by his community and often abandoned by his family and friends, he has only time—time for brooding and bitterness. Yet we piously hope that in three, five or 10 years he will emerge from this setting prepared to become a useful member of society. And when it becomes clear that he has failed to learn what we have failed to teach, we send him back to prison and a new cycle begins.

Paul had become a friend of Jim Bennett, who was director of the United States Bureau of Prisons for twenty-one years. Bennett wrote what Paul termed a "remarkable book" about his experience with prisons called *I Chose Prison*. In it, Bennett says, "I believe there is a treasure in the heart of every man if we can find it—if

89. This was of interest to Paul as well, who had written to the *Lawrence Journal-World* when Alcatraz was occupied by Indians who held a Thanksgiving Day ceremony on the island in 1969:

Although I do not admit to being a curmudgeon, the fact is that I frequently disapprove of happenings reported in the current news. However, I must confess my particular pleasure at reading of the recent seizure and occupation of Alcatraz by elements of the Sioux Nation and their allies. Alcatraz, for more than a generation a symbol of man's inhumanity to man, has become a rallying point for those who dream impossible dreams of justice and romance. I wish publicly to salute the Sioux.

we can help him find it. I believe this is the true way to fight crime.”⁹⁰ Paul remembered these thoughts during his own night in prison: “in the Nevada State Prison, as in its counterparts everywhere, the treasure in the hearts of men lies untapped and unsought.”

The ultimate accolade for a law professor is to be cited in an opinion by the United States Supreme Court. The Kansas Defender Project was cited by Justice William O. Douglas in his concurring opinion in *Johnson v. Avery*.⁹¹ The case involved a Tennessee inmate who was disciplined for violating prison regulations by assisting another inmate with preparing legal documents. The Sixth Circuit upheld the regulation, noting that the “jail-house lawyer” poses problems for prison discipline and that his work can be a burden to the court system. The Supreme Court reversed, stressing the right of the indigent inmate to have access to the courts. William O. Douglas wrote a concurring opinion, elaborating on various ways to solve the problem of legal representation for indigent prisoners. The Kansas Defender Project, Douglas noted with approval had proved beneficial to inmates, students, staff, and the courts.

During his brief stay at the Nevada State Prison, Paul met a highly sophisticated jail-house-lawyer named Barry, who had five felony convictions. Barry discussed with Paul his fascination with the law. Paul noted the poignancy of Barry’s plight in an institution that was supposed to rehabilitate him for life in society, observing “Possibly for the first time in his life, Barry is engaged in an activity which is useful to others and which is satisfying to him. Perhaps, as a jail-house lawyer he has found his role in life. But the career is one that can only be pursued in prison.” As a felon, Barry could never be admitted to the bar. Paul wondered if some way could be found to use Barry’s legal talents and help him avoid a sixth conviction.

When Paul retired in 1981 his colleagues at the Law School honored him by renaming the Kansas Defender Project after its founder. The Paul E. Wilson Kansas Defender Project continues as a monument to Paul’s concern for justice and his commitment to legal education. In the fall of 1987, Project students assisted with deportation hearings being held for Cuban prisoners detained at Leavenworth. The Cubans, most of whom spoke no English, had been moved to Leavenworth as a result of riots in other prisons. Activities like these are an appropriate tribute to Paul’s concern for the dignity and liberty of all individuals.

IX. DISTINGUISHED PROFESSOR

In 1966 the Kane family of Bartlesville, Oklahoma, announced a

90. J. BENNETT, I CHOSE PRISON 229 (1970).

91. 393 U.S. 483, 495 (1969).

gift to the University of Kansas School of Law creating the Kane Professorship, the first distinguished professorship for a University of Kansas law professor. Being named to a "chair" is a significant recognition by one's colleagues, indeed there is no higher honor for a university professor. In addition to the numerous intangible benefits, a chair carries monetary rewards as well. In the summer of 1968 Chancellor W. Clark Wescoe formally announced that Paul E. Wilson had been selected to be the first recipient of the Kane Professorship, giving him the new title John H. and John M. Kane Professor of Law.

With Wilsonian modesty and humor, Paul says that his selection followed unsuccessful efforts to attract a nationally-known scholar such as Archibald Cox or Erwin Griswold, "Eventually, they got around to me." Jim Logan informed Paul of his nomination in the restroom of Old Green Hall. From that humble beginning, he says, he achieved his status as distinguished professor.

If Paul was second choice, he nonetheless set a standard that would be hard to follow. The 1968 Kansas Legislature had just adopted the new criminal code that represented four and one-half years of Paul's work as principal draftsman. He was actively involved as director of the Kansas Defender Project, which had just completed its third year and was expanding with the help of the 125,000 dollar Ford Foundation/NLADA grant. Paul was finishing his fifth year as co-editor of the *American Criminal Law Quarterly* and had just been elected to a three-year term as assistant secretary to the governing council of the ABA's Criminal Law Section.

Recognition of Paul's professional stature came from other sources as well. In 1966 he was elected to membership in the American Law Institute ("ALI"), a national organization of scholars concerned with law reform. Membership in the ALI is limited to one-fourth of one percent of the members of the bar in each state. Paul was the only elected member from Kansas for several years. In 1975 he received a similar honor when he was elected a Fellow of the American Bar Foundation, another organization of lawyers concerned with research and law reform. Like the ALI, membership in the Fellows is limited to a fraction of one percent of the members of the bar in a state.

Being selected for membership in both of these elite groups is a significant honor. Paul was equally proud of his recognition in 1976 by a more humble organization. He counts his election to the Leavenworth County Bar Association's Order of the Smiling Bull as one of his most cherished honors. "I prize the recognition because it reflects the respect and admiration of a group of my peers for whom I have respect and affection."⁹²

92. *Ramblings, supra* note 7, at 14. The plaque hangs in his office next to his license to practice before the United States Supreme Court.

The accomplishments that made him an ideal choice for the Kane Professorship were not accompanied by arrogance or pomposity. Newspaper accounts of his selection as distinguished professor describe Paul as "a soft-spoken man, graying and rounded, conjuring up a mental image not unlike those kindly town marshalls of Western films." The articles also noted Paul's love for his native Kansas, and his concern for preserving her history. In addition to writing and speaking about the Kansas Criminal Code revisions, the Defender Project, and other legal topics, Paul still found time to be a director of the State Historical Society. He made speeches to local groups, such as the Leavenworth County Historical Society, and was also involved in efforts to preserve Oakridge, the former home of governor Charles Robinson.

In typical Wilson fashion, Paul translated his interest in Kansas history into practical form. In 1971 he began to teach a seminar in Historic Preservation Law, the first of its kind in the country. Substantively, the seminar dealt with federal and state laws governing preservation of historic structures, including the National Historic Preservation Act of 1966. Students enrolled in the seminar researched and wrote papers on historic structures. For Paul, the seminar was truly a labor of love.

Paul hoped that the seminar would impart to students a heightened interest in the lessons of history, in addition to factual information about historic preservation. For some students, Paul's reverence for old buildings was contagious. Wint Winter, Jr.⁹³ went on to organize the restoration of the one-room Winter family schoolhouse, built in rural Douglas County in 1870. Another student was inspired to collect a book of Kansas folklore. One graduate of the Historic Preservation Seminar wrote to Paul when he retired, "After doing my Preservation paper I truly believe old buildings do indeed have hearts—and I plan to help 'gladden' a few of them."⁹⁴ Paul himself has been cited for distinguished service to historic preservation by both state and local organizations.

One of Paul's favorite buildings was Old Green Hall, home of the University of Kansas School of Law. He has described its considerable charms as follows:

The classrooms had windows through which we could watch the coming of spring and the beauty of autumn on the hill. When the windows were open scholarship often yielded to the aroma of lilacs, and the happy sounds

93. Wint Winter, Jr., currently a Kansas State Senator, is a 1978 graduate of the University of Kansas School of Law.

94. Letter from Elizabeth Harlenske, J.D. University of Kansas 1981 (May 6, 1981). Ms. Harlenske is presently an assistant city attorney in Wichita.

of student laughter, as well as to the roar and exhaust fumes of passing buses and sorties of wasps that nestled beneath the cornices.⁹⁵

As the law school enrollment skyrocketed in the early 1970s, Green Hall became increasingly crowded. Dean Martin Dickinson, Jr. launched a campaign for a new structure, to be located on Fifteenth Street just north of Naismith Drive. A formal ground breaking ceremony for the new law school building was held on May 6, 1975.

Construction of the new building took two years. The first classes were held in "New Green Hall" in the fall of 1977. Thirty-five hundred people, including former President Gerald Ford, Governor Robert Bennett, Chancellor Archie Dykes, and Dean Martin B. Dickinson, Jr. and other dignitaries attended the formal dedication ceremonies held on February 21, 1978.

Once all the books and students were moved into the new building, it was expected that the statue of Uncle Jimmy Green would be moved down Mount Oread to "New Green Hall." Old Green and the statue of Uncle Jimmy were placed on the National Register of Historic Places in 1974. State approval was required before the statue could be moved. Efforts to negotiate with the bureaucracy and obtain permission were eventually abandoned. Uncle Jimmy stayed with the old law school, and the concrete pad that was to be his new home on Fifteenth Street remained empty.

Some found the saga of the Jimmy Green statue ironic, because Paul drafted the statute⁹⁶ that prevented moving Uncle Jimmy to the new building. The statue of Jimmy Green had become symbolic of the law school and many students and alumni thought it belonged with the new building. Although Paul also missed the statue, he appreciated the statue as part of Old Green Hall and its heritage.

It was difficult for Paul to leave an old friend. On the last day of classes in May 1978 Paul began what became an annual walk to Old Green Hall. Carrying Jimmy Green's silver-headed walking stick, every May Paul leads a pilgrimage of law students up the hill to Old Green, to admire the building and listen to tales from its history. Paul felt that old buildings have hearts and souls and Old Green surely missed the law students that had filled her classrooms and rested on her front steps since 1905.

Paul included in his annual history of the law school the story of Kate Stephens, daughter of Judge Nelson Timothy Stephens. Kate was an outspoken and independent woman who was a classics professor at KU for several years before being fired for insubordina-

95. *Ramblings, supra* note 7, at 8.

96. At the request of the Kansas State Historical society Paul drafted legislation that became the Kansas Historic Preservation Act, KAN. STAT. ANN. §§ 75-2715 to -2725 (1984).

tion. She later devoted much of her energy to writing and obtaining the credit she felt was due her father for his role in founding the University of Kansas School of Law, recognition that had been usurped by Jimmy Green. Kate fought bitterly and unsuccessfully to have the building named Stephens Hall. After the construction of "New Green Hall" Paul Wilson suggested that the old building be rechristened Stephens Hall after Judge Stephens. Instead, University officials selected the name Lippincott Hall. Paul notes ironically that Joshua Lippincott, a Methodist clergyman, was the chancellor who fired Kate Stephens.

Kate Stephens's will created a trust to benefit the University in various ways, including the Judge Stephens Lectureship of the School of Law. The first Stephens Lecture was delivered in 1946 and subsequent lectures have followed as Kate directed twice every seven years. Kate also decreed that the lecture be preceded by some mention of her father and his accomplishments. Paul Wilson, the law school's unofficial historian, performed this task for several of the Stephens Lectures.⁹⁷

Paul did not rest on his laurels after being named to the Kane Professorship. In 1969 he traveled to Washington, D.C. to testify before the United States Senate Judiciary Subcommittee on Constitutional Rights, which was holding hearings on amendments to the Bail Reform Act of 1966. Paul summarized his testimony:

I take the position that money bail, as the exclusive criterion of pre-trial release, is an inadequate and irrational standard. To the extent that bail imposes a burden upon persons whose appearance for trial can be assured by other, less onerous means, it places too high a price upon justice. To the extent that money bail permits the release of dangerous persons, whose propensities to commit other violent crimes can be demonstrated, it affords the community an insufficient measure of protection.⁹⁸

Continuing his loyal service to the State of Kansas, Paul was named to the Governor's Committee on Criminal Administration in 1970, and in 1974 was appointed to a Citizens Advisory Board on Corrections. From 1975 to 1980 Paul was on the Board of Directors of Legal Services to Prisoners, a nonprofit corporation formed to administer LEAA funds for the Kansas Defender Project and clinical programs at the Washburn Law School.

In 1973 Dick Fatzer, Chief Justice of the Kansas Supreme Court, appointed an advisory committee to study the Kansas court system and make recommendations for its improvement. Edward Arn, former

97. See Wilson, *The Judge Stephens Lectureship of the School of Law of the University of Kansas*, 31 KAN. L. REV. 511 (1983).

98. Wilson, *New Approaches to Pre-Trial Detention*, 39 J. KAN. B.A. 13 (1970).

Attorney General, Governor and Supreme Court Justice, headed the nineteen member committee. Working with the NYU Institute for Judicial Administration, the committee produced recommendations on the administration, organization, and financing of the district courts. The committee also addressed the selection, compensation, and retirement of judges.

Almost half of the committee's 250 page report was devoted to a chapter on appellate review and procedure, written by Paul Wilson, consultant to the committee.⁹⁹ Paul's report traced the history of appellate review in Kansas, from the days of the territorial courts organized in 1854. In 1973 appellate review of district court decisions was handled by the seven justices and two commissioners of the Kansas Supreme Court. Paul found that the caseload was such that after filing a notice of appeal, an appellant could expect to wait on the average between fourteen to twenty-three months for an opinion from the Supreme Court. To relieve these delays and improve the efficiency, availability, and quality of appellate justice, Paul's report recommended creating an intermediate Court of Appeals.

In 1988 the Court of Appeals is a well established, highly regarded branch of the Kansas judicial system. In 1974, when the committee's report was published, a Court of Appeals was a much more controversial proposal. Lawyers received the idea with mixed feelings, apprehensive that another level of review might only add to the expense, delay, and uncertainty of appeal. The committee was by no means certain that the legislature would be receptive to the idea.

Chief Justice Fatzer was an enthusiastic shepherd for his court reform program, which began with an amendment to revise the judicial article of the Kansas Constitution. With Fatzer's strong support, the amendment was adopted by the voters of Kansas in 1972. The next step in Fatzer's program was the appointment of the Kansas Judicial Study Advisory Committee. As a result of Chief Justice Fatzer's tireless efforts, the 1975 legislature passed a bill creating a Court of Appeals. Paul Wilson worked with the office of the Revisor of Statutes to draft the legislation.

The Kansas Court of Appeals has been an important branch of the judicial system in Kansas, so important in fact that it was expanded in 1987 by creating two new judgeships. Paul takes special pride in the educational background of three of the eight judges on the Court of Appeals: Mary Beck Briscoe, Jerry Elliott, and Edward Larson are former students. It was a well-deserved tribute when the Kansas Bar Association conferred its Distinguished Service Award

99. REPORT OF THE KANSAS JUDICIAL STUDY ADVISORY COMMITTEE, RECOMMENDATIONS FOR IMPROVING THE KANSAS JUDICIAL SYSTEM, *Chap. II Appellate Review and Procedure* (1974) reprinted in 13 WASHBURN L.J. 307 (1974).

on Paul in 1987 for “continuous long standing service on behalf of the Association, the profession and the public.”

Paul’s legacy of scholarship and service are easy to document. The third responsibility of a professor, teaching, is more difficult to quantify. Paul’s success is best attested to by his students, who have written, “When I am sifting through a difficult case, I am often guided by your pragmatism and your sense of fairness,”¹⁰⁰ and “You taught and challenged us, and set a high example for us.”¹⁰¹ Terry Wuester, a 1966 graduate who is now a law professor himself remembers, “I started law school in 1963—twenty-five years ago this year—and as I look back over those years Professor Wilson stands out as a humble giant who knew both the law and humanity.”¹⁰²

No story about Paul as a classroom teacher would be complete without Frank Zappa. Zappa is a rock musician whose band, The Mothers of Invention, was particularly popular during the late 1960s and early 1970s. Paul remembers finding the name Frank Zappa on a seating chart for his advanced criminal procedure class. “The name was vaguely familiar. I thought that perhaps I had known his father, or met him at a social event.”¹⁰³ Mr. Zappa never responded to questions in class, nor did his name appear on the official class roster. Paul checked the University and city directories, and was informed of Mr. Zappa’s identity after confronting the class.

Paul had grown fond of Frank, and left his name on the seating chart, addressing questions to him when his students’ attention seemed to wander. Frank made regular appearances on seating charts in Professor Wilson’s classes after that time. Although they never met, Frank has sent Paul birthday and get-well cards and endorsed his candidacy for the Vice Presidency. In spite of his fondness for Zappa, Paul says he finds Zappa’s music traumatic.

X. PAUL WILSON, KANSAN

Taos is magic. White sunlight and lavender shadows, air sparkling like champagne, high plateaus reaching to a distant blue haze, the pungent odor of sagebrush, mountains hovering like benevolent gods. . . .¹⁰⁴

100. Letter from Shelley Hickman Clark (May 1, 1981). The author, a 1976 graduate of the University of Kansas School of Law, was a pardon attorney for Governor Carlin at the time. She is now in practice with Hendrix & Clark in Ottawa, Kansas.

101. Letter from J. Richard Smith, J.D. 1962, University of Kansas (Nov. 11, 1981). Smith was president of the class of 1962 and is currently vice president and general counsel of United Telephone System, Midwest Group.

102. Letter from Terry Wuester, Professor of Law, Victoria University, Canada. J.D. 1966 University of Kansas (July 13, 1988). Professor Wuester was a participant in the Defender Project’s first year.

103. *Ramblings*, *supra* note 7, at 10.

104. *Taos*, *NEW MEXICO MAGAZINE’S ENCHANTED TRAILS* 230 (1980).

The objectivity of this description from a New Mexico travel guide is undoubtedly suspect, but it accurately reflects the fascination Taos held for Paul and Harriet Wilson. Frequent visits to the northern New Mexico village left them enchanted by its mystery and romance. A favorite haunt for two such enthusiastic readers and book collectors was the Taos Book Shop.

When the opportunity presented itself in 1975, Paul and Harriet became co-owners of the Taos Book Shop and in 1977 purchased a home in Taos. Paul took a leave of absence from KU in the fall of 1977 to experiment with retirement and the life of a bookstore owner. As Paul said later, fantasies that become reality are often disappointing; the experiment was unsuccessful.

The historian Carl Becker first captured the emotional attachment of Kansans to their state with his classic story of school girls exclaiming on their return home, "Dear old Kansas."¹⁰⁵ In Taos, Paul discovered the depth of his own Kansas roots:

As I witnessed the beauty of autumn in Taos, I learned a great deal about myself. I learned that it was a little late in life for me to learn shopkeeping with its plethora of pedestrian details. I discovered that I do not like to sell books. For me, books are for having, not selling. . . . The Indians say that the sacred peaks of Taos mountain, at whose foot we lived, are sources of wisdom and understanding. Perhaps it was the mountain that taught me how much I love Kansas, its University, its people, its soil and its ways. Taos, with all its charm and excitement, is not my home. I'm a Kansan.¹⁰⁶

Being a Kansan means more to Paul than the simple fact of his birth in Osage County. In 1982 Paul wrote about his friend, the late Kansas Supreme Court Justice John Fontron, praising him as a gentleman and a Kansan, "to be a true Kansan requires more than mere presence in the state. In my view, a Kansan is one who loves his state and exhibits the qualities of dignity, decency, and honor."¹⁰⁷ Paul Wilson is a true Kansan.

Paul returned to Kansas, the University of Kansas School of Law and full-time teaching for four more years. Paul resumed the courses in criminal law and procedure he had taught for twenty years. His Taos experience added a new dimension to his knowledge of criminal law. He entertained classes with his account of a robbery that occurred at the Taos Book Shop during his proprietorship.

Although it would be entirely understandable for someone of Paul's accomplishments to slow down a bit as he approached retirement, Paul continued to take on new challenges. In 1979 he began to teach

105. K. DAVIS, *KANSAS* 3 (1976) (quoting Carl L. Becker's interpretative essay "Kansas").

106. *Ramblings*, *supra* note 7, at 12.

107. Wilson, *Dedication: John F. Fontron, 1903-1982*, 31 *KAN. L. REV.* 1, 2 (1982).

a course in Indian law, a subject offered at many western law schools, but never before at KU. His interest in Indian law was partially an outgrowth of his passion for historic preservation.

An Indian Law Forum in the 1974 *Kansas Law Review* included an article in which Paul discusses the story of Blue Lake, located in New Mexico's Carson National Forest.¹⁰⁸ Blue Lake is sacred to the Indians of Taos Pueblo as the source of life, an ancestral dwelling place, and the retreat of souls after death. Forest Service management of Blue Lake, including such acts as stocking the lake and constructing cabins and outhouses for non-Pueblo visitors, conflicted sharply with Blue Lake's religious significance to the Taos Indians. Paul compares these acts to vandalism of a church. Historic preservation laws, he argued, needed to respect and preserve cultural values as well as tangible objects.

In 1981, Paul announced that he would formally retire at the end of the calendar year, setting off a variety of activities in his honor. The festivities began at the end of the spring semester 1981. On April 2, 1981 the Kansas House of Representatives adopted House Resolution 6059, honoring Professor Paul E. Wilson. Paul's favorite tribute occurred on May 1, 1981, which Governor Carlin proclaimed Professor Paul E. Wilson Day. The text of the Governor's proclamation was reproduced as a full page display in the *University Daily Kansan* under the caption "To Professor Paul E. Wilson With the Love and Respect of His Students." The display is bordered with the signatures of law students. May 1, 1981 was also the last day of class for the semester, and thus the occasion of the fourth annual trek to Old Green Hall. Paul's old friend Frank Zappa signed the *Kansan* ad and he is rumored to have been present for the walk to Old Green.

May also brought Commencement, and the traditional procession of faculty and students in academic regalia down Mount Oread to the stadium. Paul Wilson, Grand Marshal of the University, carried the mace, symbol of the University of Kansas, at the head of the 1981 Commencement procession, as he had for twelve years. With Paul's retirement, Dean Michael J. Davis commented that KU would never find "a successor [Marshal] quite as Grand."¹⁰⁹

A retirement dinner was held by the University community on November 13, 1981, at the Kansas Memorial Union. Paul's colleagues, former students, and friends gathered to pay tribute to this scholarly gentleman and his gracious wife. Paul was presented with a plaque

108. Wilson & Zingg, *What is America's Heritage? Historic Preservation and American Indian Culture*, 22 KAN. L. REV. 413 (1974).

109. Davis, *supra* note 76, at 3. Paul also presided as Grand Marshall at the installation ceremonies for chancellors Lawrence Chalmers and Archie Dykes.

that was later installed outside the offices of the Kansas Defender Project, renaming the Project in his honor.

An informal celebration occurred in Green Hall in December on the occasion of Paul's last class. Volume 30 of the *Kansas Law Review* was dedicated to Paul. The Fall 1981 issue contained a tribute by Dean Michael J. Davis, the text of Paul's *Brown v. Board of Education* speech delivered May 1, 1981, and Paul's own delightful reminiscences titled *Retrospective Ramblings*.

For Paul and Harriet, there has clearly been "life after retirement." Paul has pursued his interests in government, western lore, Kansas history, and numerous others. He confessed to his long-time colleague Bill Kelly, who interviewed him in October 1987 for the KU Retiree's Club Oral History Project that he has not read a serious law book since he retired.

The year 1982 marked the one hundredth anniversary of the Kansas Bar Association ("KBA"), for which the KBA commissioned a centennial history, *Requisite Learning and Good Moral Character*. Paul contributed a chapter titled "The Early Years: the Bench and Bar before 1882," relating the history of lawyers during territorial days and in the early years of Kansas statehood prior to the establishment of the KBA. This was a topic he had been interested in for some time.

The first lawyer to be admitted to practice in the Kansas Territory, according to Paul, was John Adams Halderman. Paul had done considerable research on Halderman and "Haldermania" over the years. He gave a talk on Mr. Halderman for the Leavenworth County Historical Society in 1966. On December 10, 1983, he gave a more formal presentation at the first annual dinner of the Kansas Fellows of the American Bar Foundation, which was later published in the *Kansas Bar Journal* as "John Adams Halderman: Our Eldest Brother."¹¹⁰

After retirement, Paul and Harriet have enjoyed the freedom to travel, making several river trips on the stately Delta Queen. They have visited Civil War battlefields, an activity they have long enjoyed. Harriet's paternal grandfather, Thomas White Stephens was a sergeant with Company K of the Twentieth Indiana Regiment of Volunteers during the Civil War. Thomas kept a diary of his military service, which included battles at Fredericksburg, Chancellorsville, and Gettysburg. His diaries cover the period from July 15, 1861, through his return to his home at Valparaiso, Indiana, on August 3, 1864. The diaries were in the possession of Harriet's uncle, Dr. Frank F. Stephens, who had them transcribed by his secretary prior to his death in 1966. Frank sent the copies to his siblings, nieces, and nephews, so that his father's experience could be shared.

110. Wilson, *John Adams Halderman: Our Eldest Brother*, 54 J. KAN. B.A. 84 (1985).

Paul and Harriet edited the diaries for publication, working from the transcriptions Frank supplied. They researched the travels of the Twentieth Infantry Volunteers, and prepared introductory material, photographs, and 208 explanatory footnotes. Their efforts have been reproduced and bound for distribution to family members, a valuable legacy for their four children and seven grandchildren.

Retirement for Paul and Harriet has meant the ability to visit their children who are scattered across the country. Betsy, who has three sons, Greg (a KU student), Nicholas, and Andrew, recently moved back to Lawrence. Polly married Ron Orbin in 1970. They now live in Powell, Wyoming with their two children Sarah and Patrick. Ron is a doctor with a practice in Powell.

Eileen and her husband Steve Unruh also have two children, Jeremy and Allison. They live in Newton, Kansas where Steve is a social worker. Eileen recently completed her bachelor of arts degree in psychology from Kansas Wesleyan, earning academic honors. David, the youngest, was a Latin teacher at Lawrence High for several years. He recently married and lives in Montana on the Northern Cheyenne Reservation. David is an administrator at Dull Knife College, and his wife, Carol Ward, is finishing the field work to complete her doctorate.

Retirement has been a pleasant time for Paul, in spite of some periods of illness. It seems appropriate to end this story with Paul's description of retirement as "living the way that I think my Creator intended me to live."

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