

McClure's Magazine
October, 1906

Ben Lindsey, The Just Judge

I "THE KIDS' COURT"

IN the County Court of Denver, one night, a boy was arraigned for larceny. The hour was late; the calendar was long, and the judge was sitting overtime. Weary of the weary work, everybody was forcing the machinery of the law to grind through at top speed the dull routine of justice. All sorts of causes went to this court, grand and petty, civil and criminal, complicated and simple. The petty larceny case was plain; it could be disposed of in no time. A theft had been committed; no doubt of that. Had the prisoner at the bar done it? The sleepy policeman had his witness on hand, and they swore out a case. There was no doubt about it; hardly any denial. The law prescribed precisely what was to be done to such "cases" and the bored judge ordered that that thing be done. That was all. In the same breath with which he pronounced sentence, the court called for the "next case" and the shift was under way, when something happened, something out of the ordinary.

A cry, an old woman's shriek, rang out from the rear of the room. There was nothing so very extraordinary about that. Our courts are held in public; and every now and then somebody makes a disturbance such as this old woman made when she rose now with that cry on her lips, and, tearing her hair and rending her garments, began to beat her head against the wall. It was the duty of the bailiff to put the person out, and that officer in this court moved to do his duty. But the man on the bench was Ben B. Lindsey, the celebrated judge of the Juvenile Court of Denver. He wasn't celebrated then; he had no juvenile court. He was only a young lawyer and politician who, for political services (some aver, falsely, for delivering a vote for a United States senatorship) had been appointed to fill out an unexpired term as county judge. Lindsey didn't want to be a judge; he had asked for the district-attorneyship. His experiences on the inside of politics had shown him that many things were wrong, and he had a private theory that the way to set the evils right was to enforce the law, as the law. But another man, Harry A. Lindsley, had a prior claim on the district-attorneyship, and Ben Lindsey had to take the judgeship or nothing. So he had taken it (January 8, 1901), and he had been administering justice as justice for several weeks when that woman cried out against his "Justice" and his "bailee" moved to uphold the decorum of his court, the dignity of the law. And the judge upheld the woman.

"I had noticed her before," he says now. "As my eye wandered during the evening it had fallen several times on her, crouched there among the back benches, and I remember I thought how like a cave-dweller she looked. I didn't connect her with the case, any case. I didn't think of her in any human relationship whatsoever. For that matter, I hadn't considered the larceny case in any human way. And there's the point: I was a judge, judging 'cases' according to the 'law' till the cave-dweller's mother-cry startled me into humanity. It was an awful cry, a terrible sight, and I was stunned. I looked at the prisoner again, but with new eyes now, and I saw the boy, an Italian boy. A thief? No. A bad boy? Perhaps, but not a lost criminal. I called him back, and I had

the old woman brought before me. Comforting and quieting her, I talked with the two together, as mother and son this time, and I found that they had a home. It made me shudder. I had been about to send that boy to a prison among criminals when he had a home and a mother to go to. And that was the law! The fact that that boy had a good home; the circumstances which led him to not steal, but 'swipe' something; the likelihood of his not doing it again, these were 'evidence' pertinent, nay vital, to his case. Yet the law did not require the production of such evidence. The law? Justice? I stopped the machinery of justice to pull that boy out of its grinders. But he was guilty; what was to be done with him? I didn't know. I said I would take care of him myself, but I didn't know what I meant to do except to visit him and his mother at their home. And I did visit them, often, and—well, we—his mother and I, with the boy helping—we saved that boy, and today he is a fine young fellow, industrious, self-respecting, and a friend of the court."

This was the beginning, the judge will tell you, of his practice of putting juvenile offenders, not in prison to be punished, but on probation to be saved. It wasn't. The judge is looking backward, and he sees things in retrospect as he has thought them out since, logically, with his mind. If you should take his word for it, you would get the impression that this first "probation case" was the beginning of his famous Juvenile Court, the most remarkable institution of the kind in all the world. And if you got that impression in just that way, you might do as the reformers some twenty-five states and a few hundred cities have done—you might lose the significance of Judge Lindsey. You might learn his methods and miss the man. You might imitate his "kids' court" and make a mistake with both the "kids" and their "Jedge," as they call him. And you certainly would do, as Denver desires to do, and limit the meaning of Judge Lindsey's life-work to the problem of the children.

Ben Lindsey's "methods" are as applicable to grown-ups as to kids. Man has a way of inventing devices to help him to be a man; a spear, an army, the Church, political parties, business. By and by the aid to his weakness comes to be a fetish with him, a burden, an end in itself, an institution. He decorates his spear, keeping a commoner weapon to hunt with. His army returns from fighting his enemies to conquer him. Priests declare the Church holy and, instead of ministering to men, make men minister to the Church. Political parties, founded to establish principles for the strengthening of the state and its citizenship, betray principles and manhood and the state for the "good of the party." Business, the mere machinery of living, has become in America the purpose of life, the end to which all other goods—honour, religion, politics, men, women and children, the very nation itself—are sacrificed. And so with the laws and the courts. Jurists and legislators note and deplore the passing of respect for the law and of faith in the courts, and they wonder why. It is largely because we laymen think we observe that legislation purporting to be for the common good is bought for the special evils; that laws enacted to help us are manipulated to our hurt; and that our courts, set up to render justice, either make a worship of the letter of the law or violate the spirit thereof to work deliberate injustice. As for the penal code, nourished by the centuries to prevent crime, it is operated as escapes for the strong criminal or as instruments of society's revenge upon the weak.

Ben Lindsey's great, new, ancient discovery is that men are what we are after, men and women; and that everything else, business and laws, politics, the church, the schools—these are not institutions, but means to those higher ends, character and right living. He began with the laws; the law he was prepared to revere. He saw that the law was capable of stupid injustices and gross wrongs; and setting humanity up on the bench beside his authority, he has reduced the law to its proper, humble function—the service of men and of the state. He has drawn the sting of punishment out of the penal code, stamped out the spirit of vengeance; he has tried to make his

court a place where the prisoners at the bar are helped to become good men and useful citizens. His greatest service has been to boys and girls, but that is only because he found in children the most helpless victims of our machine system of "businesslike justice." He has created in his Juvenile Court a new human institution, the beauty and use of which is spreading imitative "movements" all over the land. But, wonderful as his creation is, this man should not be known as the founder of another institution. That might become, like certain societies for the prevention of cruelty to animals or to children, only another "end in itself."

Judge Lindsey is a man, a brave, gentle man, who is re-introducing into life, all life, and into all the institutions which he can influence, the spirit of humanity. As he puts it in his "Problem of the Children," "these great movements for the betterment of our children are simply typical of the noblest spirit of this age, the Christ-spirit of unselfish love, of hope and joy. It has reached its acme in what were formerly the criminal courts. The old process is changed. Instead of coming to destroy, we come to rescue. Instead of coming to punish, we come to uplift. Instead of coming to hate, we come to love."

That the man has this more general significance is shown by the gradual, apparently accidental way in which he developed his "methods" and his court. He didn't think them out with his mind. That isn't the way big, human things are done in this big, human world of ours; they are felt out with the heart. The man Lindsey had heart, and the cave-dweller's cry reached it, and when the judge felt her agony, he found himself. That was all. His judgment in this case was but the beginning of Judge Lindsey's practice of putting heart into his business. He didn't know what probation was when he said he'd take care himself of the cave-dweller's boy. We have seen that he hadn't thought of being a judge, and the idea of a Juvenile Court hadn't dawned upon him. It took other cases to "set him thinking." The other cases came.

One day a "burglary" appeared on his calendar. The judge says he looked around curiously for the burglars. He saw none till the case was called. Then three boys were haled whimpering before him, three ordinary, healthy American boys, from twelve to sixteen. What had they burglarized? A pigeon-loft. A pigeon-loft! Yes, Your Honor, they broke into a pigeon-loft and were caught red-handed stealing pigeons. That was burglary; there was no doubt about the crime. What was to be done with the burglars? They were to be sent to the reformatory, of course; the law prescribed the penalty. The judge shook his head, "No."

He didn't say so in court then, but he tells now how he was recalling the time when he, as a boy, went robbing a pigeon-loft. He didn't actually commit "burglary," but he would have if he hadn't lost his nerve. He was "scared"; the other kids had told him so, and it was true. And they left him, in contempt and ashamed, while they robbed the coop. So he wasn't an ex-convict, not because he was a good boy, no; nor because he was "smaller than them," though that was a plea set up in the gang in his behalf. He wasn't a burglar, like these boys before him now, simply because he didn't have as much "sand" as they had. Was he going to punish them as burglars, "send them up" for crime, to live among criminals? No.

But the complainant had a view to present. A worried, old, persecuted man, he told how boys were forever stealing his pigeons; how he had "laid for them" again and again; how they generally escaped; and how, finally, after many failures, he had caught these three. He wanted them punished; he begged to have them "sent to jail." There was something familiar in the appearance of the poor old pigeon fancier, and the judge questioned him: where he lived; where his barn was; just where the pigeon-loft was; what his name was; whether he had a nickname. The old man answered, peevishly, but fully enough for the judge to learn what he wanted to know. This was the very man, his were the pigeons, his loft was the same old loft which he, the

judge, and his gang had burglarized years ago. And now the law expected him, a judge, to send to prison these boys who were no worse than he was; nay, who were better, for they had the “sand” he lacked! If he, the judge, had been sent up for burglary he might not have become county judge, and if he didn’t send up these boys as burglars, they might become county judges, or since they had more “sand” something better.

But there was the law; what about that? The boys had committed a crime; what was the judge to do with them? He didn’t know; he would have to “think it over.” And, he thought it over. He went back to first principles. What did the complainant really want? Only to have his property protected. And what was the law against burglary for? To protect property by preventing burglary. Wasn’t there any other way to achieve these common ends except by punishing these boys as burglars? And if he put them in prison might not other boys go on robbing the pigeon-loft? The judge says it is “out of the mouths of babes” that he has learned wisdom. He took the prisoners into his chamber, and he talked with them. Now, the judge’s talks with boys and girls are regarded with superstition by some people; he gets such wonderful results—the truth, for example. Children who lie to their parents, their teachers, and the police, tell him everything. The police started a story that Judge Lindsey is a “hypnotist,” and others speak wisely of his “method.” His “method” is very simple; he employed it before he knew it was a “method,” with his Italian “thief” and his first trio of “burglars.” Friendship is the key. Judge Lindsey talks to boys as one boy talks to another.

His personal appearance helps him. The “Jedge” is a short, slight, boyish-looking young man, open-faced, direct, sincere, and he lays off the ermine, figuratively speaking, very readily; indeed, he hardly ever puts it on now, even on the bench. In chambers he comes right down to earth, using boy-talk, including slang. For this he has been criticized by good people who think of English as an institution, to be kept pure. The judge answers that he has something else in mind than the purity of the language. He has found “after four years’ experience that the judicious use of a few of these slang terms not only does not hurt the boy, but actually helps him, and wins his confidence” and, since the boys are what he is after, he declares he will “continue to talk to the boys to a certain extent much the same as they talk with one another.” As a matter of fact, it is an instinct with the judge, a part of his simple naturalness and his native desire to understand others, which prompts him to say “fellers”; “ah, say, kids, let’s cut it out.” When he called in his burglars, it was no judge that asked them if they belonged to a gang. It was no fatherly elder, wisely pretending to a superior sort of interest in the habits and customs of their “crowd,” and the limits of their range or habitat. It was “one feller askin’ th’ other fellers, on the level now, all about swipin’ pigeons.” The reason he, the judge, and his gang robbed the coop was to get a certain variety of fan-tail pigeons which the old man wouldn’t sell, and he understood it when the boys explained that what they were after, really, was to get back some of their pigeons which had joined the old man’s bigger flock. Also, however, the boys understood the judge when he reflected that it wasn’t right to go and “rob back” your pigeon; that it annoyed the old man, wronged him, and hurt the boys. Maybe the old man was grouchy, but, gee, the coop was his, and “swiping” wasn’t “square.” It was sneaky, it was weak to steal. So he proposed to stop this “weakness” of this gang; not only of the three that had been caught, but of the whole gang.

Now, the judge teaches respect for grown-up law by himself invariably showing great respect for “kid law.” It is against the law of Boyville to “snitch” (tattle). So he wouldn’t let them tell him who the other “burglars” were. “But, say, fellers,” he said, “you bring in the other kids,

and we'll talk it over, and we'll see if we can't agree to cut out stealing altogether, and especially to stop swiping pigeons off the old man."

That was fair, and it was human. They went away, and they got the gang. And the gang entered into a deal with the "Jedge"; "sure they did." Who wouldn't? And do you think they would go back on a judge like that? Sure they wouldn't, and they wouldn't let any other feller go back on him either; not much; not if they could prevent it; and they thought they could. And they did, as they reported from time to time.

It was this case, which, coming home so personally to him, set the judge thinking. "It seemed to me," he says, "that we were not proceeding just right in such cases. I didn't know anything about it, but it looked wrong to charge these boys with burglary. It was unnecessary under the law, too; the school law of 1899 permitted children to be brought to the County Court as 'juvenile disorderly persons.' And here they were being arraigned as thieves and burglars. We were dealing with the thing the child did, not with the child; and the child was what should concern us. I don't blame anybody in particular. I had been at fault myself. A good many children were brought into my court, and I had been following the thoughtless routine. The fact is, I was pretty free in sending boys to the Industrial School at Golden till these special cases awoke my special interest. Then I began to consider the situation generally. I found that there was no system about juvenile cases. Some were sent to the District Court, others to the Justice Courts, others to mine. We all were 'trying' the boys for the 'crimes' they had committed, finding many of them guilty and sending them away. It was absurd; it was criminal, really. The thing a child had stolen was treated as of more importance than the child. This was carrying the idea of property to an extreme. It was time to get back to the idea of men and women, the men and women of tomorrow, and obviously some system of character-building was needed in the court. Fortunately, there were laws in existence under which juvenile offenders could be brought into court as 'dependent', 'neglected' or 'delinquent' children, and these laws were enough as they stood for the starting of a Juvenile Court. We hoped to get other laws later; but those that we had would enable us to treat the children, rather than the children's crimes."

Judge Lindsey went to District Attorney Lindsley with the request that all children's cases be brought to his court; and that they be accused there of delinquency instead of the particular crimes for which they were arrested. The district attorney was willing. Lindsey's request was regarded as "queer" but nobody wanted the bother of these "kids" cases, so the judge was permitted to found his "kids' court." And he founded it, and it is the "kids' court," their very own. It is run in the interest of the "bad" boys and girls, and therefore of the state, and the children needed the court, and so did the state.

While the judge was "thinking," the question arose in his mind: "What sort of a place is the Industrial School where I have been sending boys so freely?" He went to Golden to see. Nobody up there remembered ever having been visited before by a judge on the bench, and this judge saw boys with the ball and chain on them. He began a quiet reform of the reformatory. Then he asked himself what kind of places the jails were. One Sunday evening he visited the city jail.

"It was a dirty, filthy place," he says. "The plaster was off the walls, which were crawling with vermin." He went over to the county jail. The conditions were much the same, but what stirred up the judge's "thoughts" to the bottom of his heart was the sight of boys in the same cells with men and women "of the vilest type." A little further inquiry showed him that these children were allowed to associate freely with grown criminals. Locked up with them in the county jail,

they visited the men in the bull-pen down in the city jail. The boys liked to listen to the “great criminals,” and the great criminals liked to brag to the boys. It was a school of crime. The men told the boys how they “beat the police” and, filling them with criminal ideals, taught them how to commit “great” crimes.

“I found that in the five years before I went on the bench, 2,136 Denver boys had been in these jails for periods varying from a few hours to thirty days, and,” the judge adds in his mild way, “I was satisfied the influence was not good. But that was typical. This was being done all over the country, and it is now in many places. Every boy who makes a mistake or, if you will, every child that shows any tendency to crime is sent to a school where crime is taught. Is it any wonder that juvenile crime is on the increase?”

And the judge found that juvenile crime was on the increase generally in the United States. He engaged the services of a clipping bureau, and he quotes, in his “Problem of the Children,” some of the results: “Five Thousand Boys Arrested Last Year” (in one city); “4,000 out of 16,000 Arrests Last Year Were Boys Under Twenty” (in a city of less than 150,000); “Bandits Caught Mere Boys” (a frequent head line); “Over Half the Murderers Last Year Were Boys”; “ Boy Burglars Getting Common”; “Thieving Increasing Among Children”; “Desperate Boy Bandits Captured” (aged twelve, thirteen, and fifteen). And he cites the Van Wormer boys of New York; the Biddies of Pennsylvania; the car-barn murderers of Illinois; the Collinses of Missouri; the boy murderers of Nebraska; the Youngblood murderers of Denver; the boy train-wreckers of the West, and the reform-school boy murderers of California. The phrase “mere boys” indicated that the news editors regarded juvenile crime as exceptional and remarkable; it isn’t. Three-quarters of the crimes committed in the United States, the judge says, are done by boys under twenty-three!

“And why not?” he asks. “The children of parents who die or fail in their duty are taken by the state and sent for their schooling into the streets or jails where they pick up false ideals and criminal arts. With few exceptions, all these boy criminals named above, whom society has sent to the slaughterhouse to be killed, had been sent to jail in their teens by society for other crimes. And most of them were first imprisoned as little children.”

In other words, our criminal court system does not prevent, it fosters crime. Our “businesslike” procedure of heartless, thoughtless “justice” makes criminals. What should the state do? The judge says that when the state gets hold of a “bad” child, it takes the place of the parent, and like a good parent, it should try to mould that child into a good citizen. He gives an illustration in his “Problem of the Children.”

“We recall the case (and it is one of hundreds),” the judge says there, “of a young man who had been in the criminal courts at the age of thirteen. At twenty he shot down a policeman who was heroically doing his duty. Suppose that at the age of thirteen that boy had been studied, helped, looked after, and carefully handled; would that policeman be maimed for life, or dead, a young wife and child a charge on the community, and a strong, robust young man a charge on the state for life? Perhaps not, and even so we could have felt better about it, and in the sight of God less accountable. Was the state responsible? Yes, even more than the boy, for he was in jail in the plastic stage. The state had him in time, and it did nothing—not even try. The state treated him as a man, this boy. . . Strange that if his money or property were involved he could control none of it; he would need a guardian in that case. A boy’s property is important. But his morals—the boy, the man in embryo, the citizen to be—needed no guardian. This boy needed no help. He needed punishment. He needed retribution, and so as a boy he got what men got, that which is often barbarous even for men. I have seen them, eleven to fifteen years of age, in the

same bullpen with men and women, with chains about their waists and limbs. And I have seen them crowded together in idleness, in filthy rooms where suggestiveness fills the mind with all things vile and lewd. Such has been too often the first step taken by the great state in the correction of the child.”

Judge Lindsey founded his Juvenile Court to correct and save to the state the children who were caught up in the meshes of the criminal law, and his first step was the correction of himself and of the court. Having to start with only the idea, which was really little more than a sentiment, that the welfare of the child prisoner was the chief consideration, he had to institute proceedings to meet the needs of the child. What were those needs? The judge didn't know, and he had no theory; he had to find out for himself. How did he go about finding out? Very simply, very naturally. He asked the child.

One of the first, most obvious observations he made was that children came into court with either tears or defiance in their eyes. They hated the policeman, and they feared the judge, and since the “cop” and the court were the personification of justice and the state, these young citizens were being reared in the spirit of dread and hatred of law and authority. This was all wrong, and yet it was perfectly natural.

“The criminal court for child-offenders,” writes the judge, “is based on the doctrine of fear, degradation, and punishment. It was, and is, absurd. The Juvenile Court was founded on the principle of love. We assumed that the child had committed, not a crime, but a mistake, and that he deserved correction, not punishment. Of course, there is firmness and justice, for without these there would be danger in leniency. But there is no justice without love.”

The judge drove out fear from his court, and hate and brutality; for awe, he substituted confidence and affection. How did he do this? By coming down off the bench to the boy. Since the boy was the center of interest, the judge subordinated his own “dignity” and the whole machinery of the court and even the “stolen property,” to win back the prisoner at the bar. The good of the boy, obviously paramount in the mind of the court, was made paramount in the mind of the boy, who was led to feel that everybody cared about him, that everything done was done for him in his interest. “Of course,” he says, “the law is important, but the vital thing is the relationship established with the child. The case from the boy's standpoint must be understood.” Each case, the judge means. He seeks to get for himself a personal, sympathetic understanding of each separate case. There are no hard and fast rules. No fixed routine will do the work. The judge didn't turn away hate, quiet fear, and dry tears by any “methods.” When a child is brought weeping or scowling before him, Ben Lindsey is dragged off that bench by his heartstrings, and when he sits on a stool beside the boy in trouble, or goes for a walk with him, or takes him home to dinner or “out to the show,” this is no art thought out by a wise man. This is nothing but a good man putting into his work what he wants to get out of it “faith, hope, and love.”

To understand the case of Ben Lindsey, it is necessary to study it as he advises us to study the cases of boys from the boys' standpoint. He tells in one of his articles how a young fellow of twenty, who was under sentence for murder, regarded the old criminal court. This boy had been arrested at the age of twelve for stealing a razor to whittle a stick. “It was this way,” he explained to Lindsey. “The guy on the high bench, with the whiskers, says, ‘What's the boy done, officer?’ And the cop says, says he, ‘He's a bad kid, Your Honor, and broke into a store and stole a razor.’ And the guy on the high bench says, ‘Ten dollars or ten days.’ Time, three minutes; one round of a prize-fight.”

In Judge Lindsey's court, in the beginning, when boys still came there with sorrow and gnashing of teeth, they saw no “guy with whiskers, on a high bench” asking the “cop” questions.

They saw a clean-cut young man come into court, go up to the first boy to be “tried” and ask: “What’s the matter, my boy? You been making a mistake? Well, lots of fellers make mistakes. That’s nothing. I’ve made mistakes myself, worse’n yours, I guess.” Then turning to the policeman, he asks: “What is it, officer?” The policeman tells about the crime, say theft. “Stealing isn’t right,” says the judge, and he appeals to the boys in the court room, “Is it, fellers?” Putting his hand on the boy’s shoulder, he gives him a shove back and a pull forward. “It’s weak to swipe things.” That hurts. Boys learn in the street that it’s smart and brave to steal, and the only evil thing about it is getting caught. Lots of men take this view, too, but judge Lindsey sets up another standard. “I know how it is,” he says. “It’s a temptation. It’s a chance to get something easy, something you want; or something you can sell to get something you want. Wanted to go to the show, maybe. Well, it takes a pretty strong feller to down the desire to take the chance and see the show. But it’s wrong to swipe things. ’Tain’t fair; ’tain’t brave; it’s just mean, and it hurts the feller that steals. Makes him steal again, and by and by he is caught and sent up a thief. Now you ain’t a thief, and you don’t want to be. Do you? But you were too weak to resist the temptation, so you were caught. Ought to cut it out. Not because you were caught. That isn’t the reason a feller oughtn’t to steal. It’s because it’s mean and sneaky, and no feller wants to be mean and sneaky. He wants to be on the square.

“But what are you crying for? You’ve been crying ever since I began to talk to you. Afraid of being punished? Pshaw, a feller ought to stand up and take his medicine; but we don’t punish boys. We just try to help ’em get strong and be square. Even when we send fellers to Golden, it isn’t for punishment; it’s only to help a kid that’s weak to get strong enough to control himself. So we aren’t going to punish you. I believe you can control yourself without going to Golden. We’ll see. But first off, a kid ought to be strong enough and sufficiently on the square to tell the truth about himself. Ought to tell not only about this time, when you’re caught, but all the other times, too. You wait, and after court we’ll go back in chambers and we’ll have it all out, just us two.”

This is rather reassuring, isn’t it? It proved so to the children who sat waiting their turn at the first sessions of the Juvenile Court. There was no terrorism in it, no trace of hardness, there were no awful forms. The children felt the difference. “The judge, he gives a feller a show,” said one boy to me. And as they saw the proceedings in court, so the children heard about the scenes in chambers. These were the best of all, best for the kids and best for the judge. There is where Lindsey saw into the hearts of children, and where they saw into his. “Never let a child get away with a lie on his soul,” the judge says. “A clean breast is half the battle.” Children are wonderful liars, but the judge thinks he can tell when they are lying and they admit that he has an instinct for the truth. One foundation for their respect for him is that with all his kindness he isn’t sentimental, and he isn’t “easy.” “You can’t fool the judge,” the boys say, and the police tell, as an illustration, the story of a “tough kid” on whom all the judge’s appeals seemed to fail. He “lied straight,” and since the judge will not help (try) a boy who will not tell the truth, he told the officer to take the boy away. On the way back to jail, the boy changed his mind. He asked to be taken again before the judge. “You’re right, judge,” he said, “and you’re game, too. I lied to you, I lied like a horse thief, and I couldn’t fool you a little bit. You’ve beat me, judge, and I’ll tell you th’ truth.” And he did.

The judge in chambers reasons with the boy that while it is wrong to “snitch” on other fellows, it is all right to “snitch” on yourself. The boys understand this. It is made clear to them that there is no punishment, only “help for a feller if he needs it,” and among the most interesting

experiences that the judge has to tell, are the discussions he has with boys as to whether they “need to go to Golden.”

There’s a little, old, young, big man, called “Major” whom I saw in command of the battalion at Golden. He is somewhere between twelve and sixteen, but with an old, old face; very tiny of stature, but very tall in dignity. He never smiles, so sober and sensible is he. But he had what the kids and their judge know as the “movin’-about fever.” The Major had come honestly by it. He had no home, and he wanted none, for he could range all over the West, from Chicago up into Idaho and down into New Mexico, and always, everywhere, he was known for his pompous dignity to hoboes, cowboys, miners—to all men as “the Major.” The judge gave him trial after trial, and it was no use; the time always came when the Major had to “move on.” If they must move, the judge lets boys go, but he expects them to call on him to say good-bye and be pledged to write to him regularly and not to steal. Well, once when the fever was coming upon the Major, he called on the judge. The judge urged the Major to down the temptation. The Major tried, but he couldn’t; he confessed that he was too “weak” to resist. Then the judge suggested Golden; they would help him there, all right, to stay. The Major received the suggestion thoughtfully. He raised objections which the judge answered, but they separated without a decision, and the judge says that for a week or two he and the Major weighed ponderously the mighty question, till in the end the Major agreed that perhaps he’d better go up to Golden and be helped to cure that moving-about attack and thus learn to “stay put.” That’s how the Major came to go to Golden, and that’s how he won the rank and title which the “movin’-about” world had given him as a “little shaver.” And that’s the spirit in which the judge in chambers persuades boys to “snitch up” on themselves and look upon the reformatory as a help. As they begin to tell him things bit by bit, he expresses no horror, only understanding; he sympathizes with a feller. If a kid describes how he saw an easy chance to steal and not get caught, the judge exclaims: “Gee, that was a chance. That’s certain. But ’tain’t square, Hank.” “Mistake” after “mistake” is confessed, “weakness” after “weakness”; no crimes, you understand, for the kid and the judge, they see things through the kid’s eyes, with all the mitigating circumstances. And so they come to discuss the question whether the kid can “cut it out.” The judge is sure the boy can, surer than the boy, but then, it’s up to the boy, because the boy has to do the hard work of resisting. The judge can “only help; th’ feller has to do the business himself.” “Interest is everything in a boy’s life,” the judge says sagely. “If you want his loyalty, excite his interest.” Well, the game of correction is interesting, especially when you are the center of the game. It’s one of the most interesting games “a feller” ever played, and the judge has a fascinating way of playing it. Having done something wrong, you try to do something that’s right, positively right. This is the judge’s great doctrine. He calls it “overcoming evil with good.” There’s nothing “sissy-boy” about it. You have done an evil thing; you are not, therefore, bad, only so much weakened. So you go and do a good thing. This not only balances the evil; it “strengthens a feller.”

Now then, a good thing a feller can usually do right away is to go out and bring in some other kids that are “swipin’ things.” You mustn’t tell the judge who the other fellers are. That would be snitching. But it’s all right to get the other fellers to come in and “snitch up” on themselves just as you have “snitched up” on yourself. That gets them into the game; helps them and, since the more fellers there are in on it, the easier it is for you; it helps you.

One of the early cases in the Juvenile Court was that of seven boys brought before him by a policeman who had caught them wiring up signal-boxes, hopping cars, stoning motormen and conductors, and otherwise interfering with the traffic of the street railway. The boys were either

tearful or sullen, and they denied the testimony of the officer and his witnesses. The judge took them into his chambers. There he cleared away all ideas of punishment, and got down to the truth. The judge could see that it was fun, but also he could see that what was fun for the boys was trouble for the conductors and motor-men; it made life hard for them, delayed them, and got them home late. The boys hadn't thought before of these railroad men as human beings, only as "fair game" as "fellers what'd give you a chase if you held 'em up." So the judge gave the boys a good view of the men's side of the fun, then he said:

"'Tain't fair, is it, fellers?"

"No, sir."

"Well, what do you say to cuttin' it out?"

They agreed. But there was more for these boys to do than simply to quit themselves. There was an evil deed done to be overcome with good. There was the gang.

"Will you fellers bring in the rest of the gang tomorrow?"

"Sure they would."

But they didn't. The seven turned up the next day without their "crowd." "The other fellers was askeared to come," they reported.

"Well, what are you going to do?" the judge asked the seven.

They believed that if the judge would write a letter to the gang, they would come.

"A warrant," said the judge, seizing the chance to take the terror out of another instrument of the law. "I'll write you out a warrant, and you shall serve it on the gang. But what'll I write?"

One little fellow spoke up. "You begin it," he said; "begin by saying, 'No kid has snitched, but if you'll come, the judge'll give you a square deal.'"

This showed what the matter was, and it brought home to the judge the force of his own feeling against snitching.

The judge began the "warrant" as the little fellow suggested, and thus he ended it, too. The boys took it, and evidently they served it, for the next day the gang came pouring into the court, fifty-two kids. There was a talk, straight talk, like that which he gave the seven. Only the judge put more faith into it. He was going to see if they couldn't get along out where that gang lived without any policemen. The peace of the neighborhood was to be left to the gang, but the gang had to play fair, and give him a square deal.

"For," said the judge, making a personal appeal to their honour, "I have told the company that I would be responsible for their having no more trouble. The company don't trust you kids; and they say I'll be fooled. They said you'd go back on me. But I said you wouldn't, and I say now that you won't. So I'm depending on you fellers; and I don't believe you'll throw me down. What do you say?"

"We'll stay wit' you, Jedge," they shouted. And they didn't throw the judge down. They organized, then and there, a Kid Citizens' League, and the League played square with the judge.

It will be noticed that Lindsey made effective use in this case of the "gang" which the police and all prematurely old reformers seek only to "break up." The "kids' jedge" never thought of breaking up such organizations. His sense is for essentials, instinctively, and there's nothing wrong about gangs as such. They are as natural as organizations of men. The only trouble with gangs is that they absorb all the loyalty of the members, turning them from and often against the home, the law, and the state. But that happens in grown-ups' gangs, too. Railroad and other corporations are gangs which, in the interest of their "business," corrupt the state. Churches are "gangs" whose members submit to evils because, if they fought them, the

church might be hurt. So with universities, and newspapers, and all kinds of business organizations. Tammany Hall is only a gang which, absorbing the loyalty of its members, turns it, for the good of the gang, against the welfare of the city. Judge Lindsey simply taught the members of his kid gang what many gangs of grown-ups have to learn, that they are citizens also, and he turned the loyalty of the Kid Citizens' League back to the city, using the honour of the gang as his lever.

Another similar case came up when two boys were brought in by a policeman from the Union Station. The policeman said they belonged to a gang the members of which stoned him wherever they saw him. Why? Well, he was trying to keep them out of the station and off the grass around the station. What were the boys doing at the station and on the station lawn? They explained, and they explained with many manifestations of hate for the cop. They were there to sell papers. It was their place of business, and everybody had acknowledged it—not only all the other newsboys, but everybody else till, one day, some other bigger boys with red caps appeared there selling papers and things. Then “this cop chased us off.” Why? Why had the cop suddenly interfered with their business? It was his turn to explain, and he explained that the railroad company, having come to realize that the trade in newspapers at the station was profitable, had decided to take a share in it. The concession was let to a man who employed the boys with red caps. The man wanted a monopoly. So the policeman had received orders to drive off the other boys. He had obeyed. No explanation was given to the boys; no notice. They suddenly found themselves deprived of their means of livelihood, and resenting it, blamed the cop and stoned him.

Thus it was all a misunderstanding, not a “crime” at all, and the judge undertook to clear it up to the satisfaction of all concerned. Having explained it to the two boys under arrest, he enlisted their services in behalf of the court to bring in the others who were “in it” but had not been caught. The policeman, knowing how hard it had been to catch two, was scornful of the judge’s confidence of getting the rest, but he was invited to be present at the hour appointed for the “round up,” and he was not a little chagrined when his two prisoners returned with twenty-four other kids. The judge lined up the gang on one side of the room, the policeman and his friends on the other. This was the Juvenile Court in session; let the judge describe what happened:

“I proceeded to explain why it was that the owners of the station had a right to grant ‘concessions’ to the man who employed the boys with the red caps to sell papers and carry baggage to the exclusion of all others; why, if the company demanded it, they had a right to protection for their lawn; how all of this was justified by the law, which secured the right of every man in the enjoyment of his property; how it was not the officer’s doings, but the law that required him to perform his duty; how, therefore, they had no real grievance against the policeman—rather their sympathies should be with him. After the sympathetic admission by both the officer and the court that if it were our station and grounds all boys could play on the grass and sell papers there, there was gained for the policeman sympathy and loyalty. As ‘little citizens’ interested in a ‘decent town of decent kids’ they agreed not only to ‘keep off’ and ‘keep out’ themselves, but to keep other boys out; and everyone agreed ‘on the square’ that he would give any kid there leave to ‘snitch’ to me, if any boy broke his word and was not square. Thus harmony was established between their world and ours, and we all pulled together one way.”

As the judge remarked to me, those boys did what few men would do; they gave up their business “just because it was right.” All that was necessary was to make them understand the right and their duties, and then to interest them in the “game of correction.”

The arena for the great game of correction is the Court of Probation. Held every other Saturday forenoon, it is a picturesque and a very pleasant spectacle. All the “bad” boys in town who have been caught committing mistakes or who have “snatched up” on themselves, assemble there to report. It isn’t new. Like the Juvenile Court itself, the “method” of putting children on probation did not originate with judge Lindsey. Yet he discovered it himself. As I quote him as saying above, he didn’t know about such things. When he went first to the home of the “cave-dweller” to investigate, he was performing one function of a probation officer; and when he went there again and again, he was holding a court of probation. So with the three pigeon burglars and their gang; he went to see them, but there was no method as yet. It was only as the cases grew that the judge had to ask the boys to come to see him, and then, finally, to appoint a time and place where most of the boys could meet all together with him; and that was the origin of Judge Lindsey’s Court of Probation, the institution.

But there is more than that to the story of it. The judge feels that he suffered as “a little shaver” from lack of approbation. He was born in Tennessee and his family, well-to-do southern people, were brought to trouble and to Denver by the war. His father died, and Ben had to work hard as a boy. For a long time he had three jobs: he carried newspapers in the early morning; worked all day in a lawyer’s office; and, after hours, served as janitor. Always slight of build, he was often worn out; and nobody appreciated it. He was only doing his duty, and it nearly killed him—literally. He sank under his load to the very verge of despair; and he learned the value of a kind word of sympathy and good cheer.

Many of the bad boys who came to his court were lonely little fellows. They had no home and no friends, and he found in their hearts a longing which he knew all about. He gave them the sympathetic hearing and the kind word he had wanted, and “they drank” he says, “they drank in my friendship as if they were famished.” Right there we have one secret of his “hypnotic” influence over children. The judge is proud now of the fact that he has made himself a friend of every boy in town, or, at least, of every “feller that needs a friend,” and he will tell you the philosophy and the use of his method if you care to listen. He will tell you how he learned from the gangs that the members thereof did bad things largely because some big fellow, who was bad, or some leader of their own, suggested to them evil and praised them for its accomplishment. He will reason it all out for you, now, if you wish, showing how by his method he has put himself in the place of the big fellow; made himself the fountain of praise, the source of approbation, “the feller” for whose good words kids do good things now. In short, Ben Lindsey is the actual leader of most of the gangs of Denver. And the loyalty which the boys give to him, he is giving back to the state.

All this, however, is but the unforeseen result of this kind man’s native sweetness and strength. The only definitely thought-out method is that of having the boys bring reports from the schools. “If you want a boy’s loyalty, excite his interest.” It was easy enough for the judge to excite the boy’s interest; the problem was to keep it. In the early history of the court, before the new laws, he had no probation officers to follow up his cases, and since there was too much for him to do, he bethought him of the school teachers. The judge has always been clear on the point that his Juvenile Court is merely supplementary, that the home and the school are the places where juvenile character should be molded, and that he had to do only with those children who, for some reason, were not successfully treated in the regular way. Thus he was helping the teachers, and since he needed help, he went to the teachers for it, and he got it. The school teachers of Denver have been his mainstay. All that the judge required of the teachers was a report as to how the boys in his Court of Probation were doing in deportment and studies.

“What I was after,” the judge explained, “was something for which I could praise the boy in open court. Believing in approbation as an incentive, I had to have their reports for the boy to show me, in order that I might have a basis for encouraging comment, or, if the reports were not up to the mark, for sympathy. It didn’t matter to me very much what the reports were about. Some of the teachers couldn’t see at first why they should report on the scholarship of a boy who was good at school and bad—a thief, perhaps, out of school. But you can see that these fortnightly reports were an excuse for keeping up my friendly relationship with the boy, holding his loyalty, and maintaining our common interest in the game of correction he and I were playing together. Since we had a truancy law, the teachers were in touch and thus could keep me in touch with every boy under school age in the city, and their reports were my excuse for praise or appeal.”

Judge Lindsey’s Court of Probation is thus a Court of Approbation. It serves other purposes; indeed, it is everything to the boys of Denver. It is the state, the law, and justice; it is home, school, club, and society; it is friendship, success, and the scene of triumphs; it is the place also where failure goes for help and for hope renewed. It is all that Judge Lindsey is; all that he means to the minds of the boys. For the judge’s personality makes it, his and the boys’, and they made it up out of their own needs.

The boys assemble early, two or three hundred of them, of all ages and all sorts, “small kids” and “big fellers”; well-dressed “lads” and ragged “little shavers”; burglars who have entered a store, and burglars who have “robbed back” pigeons; thieves who have stolen bicycles, and thieves who have “swiped” papers; “toughs” who have “sassed” a cop or stoned a conductor, and boys who have talked bad language to little girls, or who “hate their father,” or who have been backward at school and played hookey because the teacher doesn’t like them. It isn’t generally known, and the judge rarely tells just what a boy has done; the deed doesn’t matter, you know, only the boy, and all boys look pretty much alike to the judge and to the boys. So they all come together there, except that boys who work, and newsboys, when there’s an extra out, are excused to come at another time. But nine o’clock Saturday morning finds most of the “fellers” in their seats, looking as clean as possible, and happy.

The judge comes in and, passing the bench, which looms up empty and useless behind him, he takes his place, leaning against the clerk’s table or sitting on a camp-chair.

“Boys,” he begins, “last time I told you about Kid Dawson and some other boys who used to be with us here and who ‘made good.’ Today I’ve got a letter from the Kid. He’s in Oregon, and he’s doing well. I’ll read you what he says about himself and his new job.”

And he reads the letter, which is full of details roughly set in a general feeling of encouragement and self-confidence.

“Fine, isn’t it!” the judge says. “Kid Dawson had a mighty hard time with himself for awhile, but you can see he’s got his hand on his throttle now. Well, let’s see. The last time, I talked about snitching, didn’t? Today I’m going to talk about ‘ditching.’” And he is off on the address, with which he opens court. His topics are always interesting to boys, for he handles his subjects boy-fashion. “Snitching,” the favourite theme, deals with the difference between “snitching,” which is telling on another boy to hurt him; and “snitching on the square,” which is intended to help the other fellow. “Ditching” is another popular subject. “To ditch” a thing is to throw it away; and the judge, starting off with stories of boys who have ditched their commitment papers, proceeds to tell about others who, “like Kid Dawson out there in Oregon,” have “ditched” their bad habits and “got strong.” I heard him on Arbor Day speak on trees; how

they grew, some straight, some crooked. There's always a moral in these talks, but the judge makes it plain and blunt; he doesn't "rub it in."

After the address, which is never long, the boys are called up by schools. Each boy is greeted by himself, but the judge uses only his given or nickname. "The boys from the Arapahoe Street School," he calls, and, as the group comes forward, the judge reaches out and seizing one by the shoulder, pulls him up to him, saying:

"Skinny, you've been doing fine lately; had a crackerjack report every time. I just want to see if you have kept it up. Bet you have. Let's see." He opens the report. "And you have. That's great. Shake, Skin. You're all right, you are." Skinny shines.

Pointing at another, he says: "And you, Mumps, you got only 'fair' last time. What you got this time? You promised me 'excellent' and I know you've made good." He tears open the envelope. "Sure," he says. "You've done it. Bully for you." Turning to the room, he tells "the fellers" how Mumps began playing hookey, and was so weak he simply thought he couldn't stay in school. "He blamed the teacher; said she was down on him. She wasn't at all. He was just weak, Mumps was; had no backbone at all. But look at him now. He's bracing right up. You watch Mumps. He's the 'stuff,' Mumps is. Aren't you, Mumps? Teacher likes you now all right, doesn't she? Yes. And she tells me she does. Go on now and keep it up, Mumps. I believe in you."

"Why, Eddie," the judge says, as another boy comes up crying. "What are you crying for? Haven't you made good?" "No, sir," Eddie says, weeping the harder. "Well, I told you I thought you'd better go to Golden. You don't want to go, eh? Get another job, you say? But you can't keep it, Eddie. You know you can't. Give you another chance? What's the use, Eddie? You'll lose it. The best thing for you, Eddie, is Golden. They'll help you up there, make you stick to things, just make you; and so you'll get strong."

Eddie swims in tears, and it seemed to me I'd have to give that boy "another chance," but the judge, who is called "easy," was not moved at all. His mind was on the good of that boy; not on his own feelings, nor yet on the boy's. "You see," said he to me, "he is hysterical, abnormal. The discipline of Golden is just what he needs." And he turned to the room full of boys. "Boys," he said, "I'm going to send Eddie up to Golden. He hasn't done wrong; not a thing. But he's weak. He and I have tried again and again to win out down here in the city, and he wants another trial. But I think a year or so at Golden will brace Eddie right up, and make him a strong, manly fellow. He's not going up there to be punished. That isn't what Eddie needs, and that isn't what Golden is for. Is it, fellers?"

"No, sir," the room shouted.

"It would be unjust to punish Eddie, but Eddie understands that. Don't you, Eddie?"

"Yes, sir, but" (blubbing), "Judge, I think if I only had one more show I could do all right."

"Eddie, you're wrong about that. I'm sure I'm right. I'm sure that after a year or two you'll be glad I sent you to the school And I'll be up there in a few days to see you, Eddie, myself. What's more, I know some boys up there friends of mine, that'll help you, Eddie; be friends to you. They won't want to like a kid that cries, but I'll tell 'em you need friends to strengthen you, and they'll stay with you."

All forenoon this goes on, the boys coming up in groups to be treated each one by himself. He is known to the court, well known, and the judge, his personal friend, and the officers of the court and the spectators, his fellow-clubmen, all rejoice with him, if he is "making good," and if he is doing badly, they are sorry. And in that case, he may be invited to a private

talk with the judge, a talk, mind you, which has no terrors for the boy, only comfort. They often seek such interviews voluntarily. They sneak into the judge's chambers or call at his house to "snitch up" that they are not doing well. And the boys who sit there and see this every two weeks, or hear all about it, they not only have forgotten all their old fear of the law; they go to the court now as to a friend, they and their friends. For Judge Lindsey had not been doing "kid justice to kids" very long before all Boyville knew it. The rumour spread like wildfire. The boys "snitched" on the judge, "snitched on the square"; they told one another that the county judge was all right.

The judge tells many stories to illustrate the change that followed. Once as he approached a group of boys, one of them said: "There's th' Jedge, fellers," and two kids dived down an alley. The others gathered around the judge.

"Who were those boys that ran away?" he asked. "Who? Them? Oh," came the answer, "they're kids from K. C." (Kansas City); "they ain't on to the game here."

Another time the judge was walking along the street arguing with me that stealing isn't a heinous crime in a boy, and that it shouldn't be treated with holy horror. Most boys swipe something at one time or another; and to prove his point, he halted before a "gang." "Say, kids," he said, and, as they looked up, he asked: "how many of you fellers have swiped things?"

Every boy's hand shot up in the air. The judge had proved his point, but he had proved also another thing. Those boys knew he was the judge, yet they were not afraid to tell the truth. Or, to state the situation more completely: those boys knew he was the judge and therefore they were not afraid to tell him the truth. Not all these boys had been in his court; in fact, only one or two had; but that didn't matter. All the boys of Denver know of the judge, and what they know of him is that though he represents the law and the state, he is "all right."

One afternoon, a boy of about ten years stuck his head into the door of the judge's private room.

"Is the judge in?" he asked.

"Yes," said the judge.

"Is this him?" the boy asked.

"Yes, my boy. I'm the judge."

"Well, I'm Johnny Rosenbaum, and I came down here to see you."

"Yes? I'm glad you've come, John, but what did you come for?"

"Well," he said, "Joe Rosenthal, he used to come down here, and he 'swiped' things once. And I 'swiped' something, and he said I better come down here and see you about it."

"All right, but what have you come to me about it for?"

The tears started. "Well," he said, "I came down here to tell you I'd cut it out and never do it again. And I thought I better get here before the cop did. Joe said the cop 'ud ditch a kid that swiped things, but that you'd help a feller to ditch the swipin'."

"Yes, I'll help you ditch swipin', but you're a mighty little boy; how did you find the way down here alone?"

"Oh," he said, "'most every kid I seed knew about it, and they passed me down th' line to here."

Johnny Rosenbaum was put on probation, and he began overcoming evil with good, as he proved one day in court. Sometimes the judge will turn to the boys and ask whether any feller has done that week a thing good enough to make up for an evil thing done before. Once, when he asked this question, Johnny rose and said: "Judge, some of the kids I run with was diggin' a cave, and we wanted a shovel, and they said: 'Let's go and swipe one.' So they wanted to put me

into Mr. Putnam's barn where the shovel was, through a little hole that nobody but a little kid could crawl through. And I says, 'No, I gotter report down to th' judge, and I told him that I'd cut out swipin' and when I got a chanct I'd do a good thing. Now is my chanct' I says. 'I won't swipe th' shovel,' I says, 'and you mustn't' I says to them. Now I ain't goin' to snitch on who the fellers was because they says 'All right, we won't swipe the shovel.' And I went 'round and I ast Mr. Putnam to borrow us the shovel, and he said he would. So we got the shovel on th' square. But, judge, if I hadn't done that they would have swiped the shovel, wouldn't they?"

"Yes, John," said the judge. "They would have swiped the shovel, and if you ever swiped anything in your life, you have more than made up for it by doing the right thing this time."

Another case of "making good" was that of Eli Carson. Eli told at a meeting how his news gang down in the *Post* alley were going to "swipe a box of cherries off'n Wolf Londoner's grocery store." "I says it wasn't square," said Eli, "and the other kids, they all allowed it wasn't either. Texas was th' kid that said first to swipe th' cherries; and he thought afterwards it was best not to do it. And I wanted to tell you, judge, that I had done a good thing, but Texas he didn't want me to. But by and by Texas changed his mind, and says I could tell you. So I'm not snitchin', am I?"

"An experience like that," the judge said by way of comment, "goes to show that my theory is correct, that all we need is an influence for good to counteract the influence for bad of the gang. For Texas is a well-known newsboy, and had Eli not been a member of our gang, coming to court where he could tell his experiences in the presence of one hundred and fifty other boys, and be praised, why, then, Eli would have wanted to please Texas. As it is, he wants to please me and the court gang; and Texas does, too."

Another instance of faith in the court: The judge had been trying a case all day. It was a grown-up case, difficult and slow, and when the adjournment came late, at six o'clock, the judge was tired. As the courtroom cleared, however, he saw a child in a back seat. "He was so small," the judge says, "that I thought someone must have gone off and forgotten him, and I told 'Uncle John' Murrey (the bailiff) to find out whose child it was. But when Uncle John spoke to him, the little fellow got up, and I saw he was almost ten years old. I called him up to the bench, and he came, and when he reached me he dropped his head on my shoulder and began to sob.

"Judge," he said, "I'm Clifford, and my mamma don't live here, and I stay with my aunt down on Street, so I been swipin' things, I have, and I come here to 'cut it out.'" As the tears flowed more abundantly, he said he was sorry and would never do it again if the judge would "give him a show" as he had another boy he named. The judge took the little fellow back in his chambers; they had a long talk, and the boy, put on probation, reported regularly and well. "He turned out to be a splendid boy," the judge says.

But the best example the judge gives of the difference in results between the old criminal court system of vengeance and fear and the new method of friendship and service, is a story he tells of two brothers. "Both were wayward," he says. "The older was brought to the criminal court for some boyish offence in the days before the establishment of the Juvenile Court. He was flung into a filthy jail and herded with men and women, where he heard and saw vile and obscene things. He was dragged into court by an officer and put through the police court mill. He was only a little boy. He had been sinned against long before his birth. Both by heredity and environment he had been driven to lawlessness. But the state took no account of this. It had its chance to make a good man of him. He wanted bread; the state gave him a stone. It branded him a criminal, made him a criminal. It made the pressure of evil upon him inexorable. Today he is a man and in the penitentiary. "The younger brother was as wayward as the elder. Four years ago he was brought to

the Juvenile Court, defiant and frightened, just as his brother had been taken to another tribunal. The policeman told me the boy was a very Ananias, and I replied that, given the same conditions, he (the cop) would probably have been the same, and the officer went away convinced that there was no use bringing the boys to the Juvenile Court, where the judge 'did nothing to them.' The policeman would count as nothing the many hours during many weeks that I labored for that boy. He told me the truth; he convicted himself, but no stigma of conviction was put upon him, and he was not punished. He was put on probation, and encouraged to do his best. He was made to feel that the state was on his side; that the forces of the law were working for him rather than against him; that the court was his friend, his appeal when he was in trouble. And that Morris, as I will call him, did feel perfect faith in the court, the law, and the state, he proved once in an amusing way.

"One day I was trying an important will case. Millions of dollars were involved. The door opened cautiously, and Morris poked his freckled face in, piping up that he wanted to see the judge. The bailiff started to shoo him away, but I called in the boy. I ordered a recess. No doubt the distinguished counsel were shocked; certainly they looked shocked. But a live boy looms larger than a dead man's millions to me, and when this boy came into my court, unafraid, smiling, and sure of justice, I remembered the flash of fear and hatred that I once had seen on this same freckled face. So I beckoned Morris up to me, and I heard his case then and there. He was in business. He sold newspapers, and his place of business was a certain busy corner where he dealt not only with pedestrians, but with passengers on passing cars. The 'old cop,' it seemed, had let him 'hop the cars,' and all had gone well till a new cop had come there. The 'new guy,' as Morris called him, had ordered the boy off the corner. 'Thinks 'cause he's a cop he owns the whole town,' said Morris, who was losing about fifty cents a day. The case stated, I asked Morris what he would have me do.

"Evidently Morris had been reading, as well as selling, his newspapers, for he was ready with his answer.

" 'Judge,' he said, 'can't you gimme one o' them there things they call 'junctions against de fly cop?'

"I gave him one. Why not? I called for an injunction blank, and on it I wrote a note to the policeman. I told him about Morris; not much, but enough to make him understand that the boy was one of my probationers who was trying to 'make good'; that he was bringing me good reports from his teachers; and that I hoped the officer would give the boy all the leeway possible. To the boy I explained that the officer represented the law, as I did, and must be respected accordingly. Morris went away gleefully with his writ."

And the writ "worked." The judge says that the next time he saw Morris, he asked the boy about it. Morris said he had "served it all right."

" 'An' say, judge," he said, "it worked fine. De cop liked to 'a dropped dead when he read it. He tinks I got a pull wit' de court, so he wants to be my friend. And I don't know but I'll let him in." The judge spoke for the cop. He told Morris he must be a friend of the policeman, and the boy reported later that he had "let the cop in." And he had. The judge learned that they became good friends. In his comment on this incident, the judge attributes the difference between Morris and his brother to one thing: "opportunity." "The state," he says, "surrounded the boy who is in the penitentiary with everything to make him do evil; hence the state must support him now in the penitentiary. The state surrounded Morris with every influence to make him do right; hence he is growing up a good citizen who will support the state." There is a great difference there. But I want to point out another "difference," a "method" of the judge to which he does not refer in anything he ever says about the celebrated injunction case of Morris, the "bad" boy, vs.

the new cop on his corner. Recall what the judge wrote into that injunction. How did he make the policeman obey the writ which the boy served on him? The judge simply told the policeman about the boy. Having told the boy about the cop, he related enough of the history of the newsboy to get the cop interested in the boy and in the game of correction which he and the boy were playing together. In other words, Ben Lindsey, the man of heart, reached for the heart of the policeman, and since the heart is a vital spot, it is no wonder "de cop liked to 'a dropped dead,"

This, then, is Judge Lindsey's "method." It is an old method. He didn't discover it. A great religion was founded on "faith, hope, and love" once. That was long ago. The only new and interesting thing about Lindsey's experiment is that he finds that this ancient, neglected method "works" works, too, as I said at the outset, with grown-ups as well as with children, with cops as well as with kids. It has won his fight for him. Yes, he fights. The kids' judge has had to fight, and, as we shall see, he has fought. The fight isn't finished yet. The "bad" men of Colorado haven't been taught by their state and their courts to see things as the bad boys of Colorado are learning to see them. They also go to the courts for injunctions, and some of them get their writs. Ben B. Lindsey is a man with a man's fight for men on his hands, and he is the kind of man that finishes his fights. He will win with good men or he'll wait and win it with bad boys. For his bad boys will grow up some day, and they know what the state can be to a feller and that "there can be no justice without the love of man for man."