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Ben Lindsey, The Just Judge

II. WHAT MAKES "BAD" CHILDREN BAD

If you care to take the measure of Christian civilization in the United States today, reflect for a moment frankly upon the meaning of this fact: There is opposition to Judge Lindsey. That men like Heney and LaFollette, Everett Colby, and (even) Mark Fagan should have to fight for the right to do right, is significant enough of the power of evil among us; but Ben Lindsey! This man is so just and so gentle; his purposes are so pure, his work is so beautiful, so successful, and you would think so harmless, that no one would expect to see any man's hand raised against the judge of the Juvenile Court of Denver. Callous souls might show indifference, but why opposition? And such opposition?

The two bosses of the two political parties conspired together once to keep Judge Lindsey off the bench. At another time, some men tempted him to disgrace with a woman! Legislation is proposed (and has been passed) to divide his court and thus limit his power as a judge to serve the children of his county. Physically delicate, the only rest this overworked man takes is when he travels, as he does, thousands of miles to tell people what wonders "justice with love" has done for the "bad kids" of Denver. This time-off he justifies on the ground that his lectures further the cause of the children elsewhere, and bring in money to carry on his plans for his own "court gang" at home; and he spends thus all he makes from these lectures, and out of the \$4,600 which the county pays him, he retains some other judge to fill his place while he is away. I ask the thousands of men and women who have heard Judge Lindsey tell his stories of boys and girls, to consider what it means, that powerful men in Colorado have drawn a bill that shall "put a stop to this little whipper-snapper's running around all over the country lecturing." This is hate. And the other attacks upon him and his work show a deeper-seated opposition. Why?

There's a reason. There are two reasons. One is that Judge Lindsey does not confine himself to saving the children that are "lost in crime"; he began early to inquire into the causes of juvenile crime. He asked what made bad children bad. That led him to a study of the conditions of child-life; that led him to the conclusion that the typical environment of an average Christian community was such that even little children could not be good; and that led this man to attack those conditions. In other words, Judge Lindsey has sought not merely to cure but to prevent the evils of child-life.

"Don't tear down all the time," men shout at reformers. "What we want is reconstructive work." It was Lindsey's "reconstructive work" that threatened to "hurt business."

There we have one all-sufficient reason why he has to fight; but there's a second: Ben Lindsey does not limit his labors to the cause of the children. He is celebrated for his juvenile system, and in Denver you hear that he is "a philanthropist, and if he would stick to his philanthropic work, he might go on forever." That's a lie. But, as I said, this man should not be known only as the founder of the Juvenile Court; he is doing a man's work for men. The "kids'

judge” of Denver was elected as the county judge of Denver, and as such he dealt out justice to bad men as well as to bad boys, and when by accident one day he discovered evidence of graft in his court, Judge Lindsey forced the grafters to trial and to conviction.

Ben Lindsey does his duty, his whole duty as a man, as a citizen, and as a public official, and that’s what makes him a menace to Things As They Are in Colorado and in the United States. Like Heney, and LaFollette, and Colby, and (even) Mark Fagan, Ben Lindsey is up against the System, and, therefore, like them and like every honest man you hear of in this land, the just judge has to fight.

A large part of the opposition to Judge Lindsey, especially at first, was honest. It was ignorant, but sincere and natural. For, you understand, Lindsey’s methods are applied Christianity. Without thinking much about it he was putting into practice in actual life, and, of all places, in the criminal courts, the doctrine of faith, hope, and charity. In a Christian community this was revolutionary and, “as it was in the beginning” caused a great rumpus. The Bar was shocked. When the judge, searching the juvenile mind for causes of juvenile crime, saw fear of the law and hate of the court in the eyes of the little prisoners and, looking about him, realized that there was reason for this dread, we have seen how he threw off authority, came down off the bench, subordinated the machinery of justice to the good of the boy, and for routine and vengeance substituted sympathy and help. He took the boys’ view of boys’ “mistakes,” and when he sent a “feller” to the reform school at Golden, it was only upon his own confession and for his own good. The boys understood, but the lawyers wagged their heads; the lawyers, I mean, who regard the law as a sacred institution. When they saw a judge who was “a lawyer, and a good lawyer,” sweeping aside technicalities and ignoring “good practice” to get at the real, human interest of the prisoner at the bar, they were deeply pained. But the judge, who understands men as well as he does boys, understood this feeling, and he was patient to explain, and, since this was an honest opposition, he overcame it. He tells the story:

“I sent a boy to the Industrial School on the charge of ‘needing correction for his own good.’ The boy had made a clean breast of it to me, and we had such a perfect understanding, that boy and I, that he had taken his commitment papers and gone off by himself to Golden. Then appeared counsel employed by his parents, declaring that he had been dealt with without due process of law, no jury trial, etc., etc. He (the lawyer) said he would apply for a writ of habeas corpus. I assured him I could make no objection, but that the boy had been guilty of two or three offences constituting technical burglary, so that while he might be released for the purpose of obtaining due process of law, this process would not only make the boy a burglar and a thief, but would return him, so branded by the records, to the place whence he might be brought upon the habeas corpus writ.

“The case,” says the judge, “was never brought.” Lawyers still lift their brows at Judge Lindsey’s “loose practice,” but though he has dealt with more than five thousand children’s cases, the question of due process has been raised but once since—at home. A Boston judge demurred not long ago. Lindsey lectured there, teaching his doctrine that the boy is more important than the law, and that where justice, blindfolded, made criminals of “bad” boys, justice with love saved them to the state. “God forgive the people who brought that man here!” exclaimed the Boston judge. And the next time a young criminal was brought before him he “showed how to deal with such cases.” The boy had thrown a snowball at a man, and the Boston judge sent the prisoner to jail for thirty days “on the evidence.” But Lindsey’s doctrine had taken hold of the public mind; the newspapers investigated the case very much as Lindsey would have done, and on the facts Boston public opinion reversed the Boston judge. He had made a mistake.

He was right, in a way, this law-worshipping judge; it wouldn't do to let men like him exercise their human feelings. But Boston was right, too; such men shouldn't be allowed to deal with the children of men. Even blind justice isn't revenge.

The penal instinct is strong in man, and Denver felt, for a long while, as this pagan judge felt. Grave fears were expressed everywhere of Lindsey's "leniency," as men called his Christianity, for, of course, no one recognized it for what it was. "What the little devils want is a good licking," said the grown-ups, "or the jail."

"No," the judge replied, "all they lack is a fair show and understanding." And he gave the boys and girls a "show and understanding" and they showed that they understood. He had to fight the doubts of their elders, but he believes in fighting. "The world needs fighting men," he teaches. "Every good, great man was a fighter." So he enlisted the children in his fight for a "decent town of decent kids" by telling them how he was called foolish for putting faith in "bad kids." But also he teaches that "a good example and loving service -- these are the weapons of peace." And this, likewise, the kids understood. The difficulty was to make their elders understand, but he was patient, and the children helped him.

A city official of high degree, exasperated by the outrageous depredations of a "gang up his way," called on the judge once to send to prison three of the boys that were under arrest.

"Born criminals, that's what they are," said the official, and some of their acts were "burglaries."

The judge talked with the boys. He got them to bring in the others, and among them was the son of the official of high degree!

"Your son isn't a born criminal," said the judge, "and neither are the others."

He sent none of the boys to prison. The judge taught them some elementary lessons about crime and, putting them on their honour, let them go "on probation." Their "crimes" ceased. The judge says his service in the Juvenile Court has taught him many things about children, but the information he has gained there about parents he characterizes as "amazing." He ranks fool fathers and incompetent mothers among the first causes of the troubles of children, and if you add vicious and negligent parents you have nine-tenths of all his children's "cases" accounted for. "Children don't rebel at authority," he says, "only at ignorant authority," and there is where many parents fail. "Every father and mother ought to know more about their own children than anyone else. Perhaps, in most cases, they do, but it is amazing how often they don't. And the reason they don't is that they haven't enough love for children to understand them, and not enough character to hold their respect. Their children lie to them, and it is the parents' fault. I recall hardly a single case in the thousands I have dealt with when we did not get the truth from the child; yet in hundreds of these cases the children had lied to the parents. Why? They were afraid of their parents; they were not understood at home."

The reference here is not to the parents of the poor "bad kids"; they also have their faults, and the judge has had his troubles with them. But the poor have in poverty an excuse for neglect, and where one parent is vicious, the other is pathetically glad, usually, of help such as Judge Lindsey gave. The poor are "down on" the Society for the Prevention of Cruelty to Children, of New York; but for Judge Lindsey, of Denver, they will fight even at the polls. He won over the poor easily enough.

His hardest honest battles were with the well-to-do father who "had no time to fuss with his boy," except now and then to "lick him," and the vain and frivolous mother who "just knew that her nice little boy" or her "nicer" little girl "wouldn't do such things." Now, the judge finds that all children are pretty much alike at bottom; they all are "nice," but the Old Harry who is in

their parents is in the kids, too; and the judge doesn't mind. The judge has a sneaking, human prejudice against "little prigs"; he rather favours husky lads and mischievous little girls who, if they can do wrong, can do right with equal energy. But the "nice" parents are forever making prigs and snobs of their children or proving to them their elderly asininity.

"I remember a gentleman," the judge relates, "who was most violent in his complaints to me about boys in a certain (fashionable) district who swiped ice-cream and other good things to eat from back-porches, and he declared he had forbidden his boy to go with the suspects. He was the surprised dad of one, the worst of the gang. I had to find it out for him. He should have known it himself. He was too busy downtown all day, and at night too busy denouncing his neighbors' children. He is busier now studying his own son.

"The mother of a very well-to-do family once swept into my chambers, highly indignant that I had sent to the school for her boy who had been, with others, complained against for a serious offence. I had preferred not to send an officer to arrest him. 'I would have you to understand,' she excitedly declared, 'that my boy is no thief; he never did anything wrong in his life.' She knew it because she heard her boy say his prayers every night at her knee. And she knew how he came to be so falsely accused. For she said: 'I know Mrs. A. across the street has been lying about Frank. She is a mean, contemptible old thing. She told Mrs. B. that he did so and so, and I know it is a lie, because Frankie told me so.'

"I had never heard of Mrs. A. before," the judge says; "I had got at the truth from the boys themselves, and Frank had told me all about his part in it. Indeed, we had just finished our talk, and Frank was in the next room waiting for the typewriter to copy a note I had dictated to ask his father not to lick the boy. Frank feared his father, and I knew that the licking would be, not to correct the boy, but to sate the anger of the parent and salve his wounded pride. Children know, and I know, and you know how many a licking is as selfish as that. Well, as the mother ended her tirade, the boy came back with the letter to be signed. His face fell when he saw his mother. 'Now, Frank,' I said, 'tell your mother what you have told me.' He did. She sank into a chair with a frightened little sigh: 'Well, who would have believed it?' Another mother, in an exactly similar situation, after nearly fainting away, suddenly arose and, with the image of Mrs. A. plainly in her mind, persuaded her little Frankie to repudiate his confession and stick to the lie. Her little Frankie didn't turn out as well, but the one I saved from a 'lickin' has been a princely little fellow ever since this, his first real lesson."

Experiences like these would make an ordinary man feel like "licking" Frankie's busy father and humiliating his silly mother, and Judge Lindsey has some very healthy, human feelings about such things, as he shows by the way he writes of them. The man has humor and heat, but also he has charity and infinite patience. He was as gentle with those parents as he was with their children. Having discovered early that many parents thought less of their children than of what their neighbours might say, the judge provided privacy. We have seen him calling up boys in his Probation Court by schools, and addressing them by their first or "nick" names. This he does to spare not only the pride of the boy, but the vanity of his father and mother. And so he abolished criminal records in the Juvenile Court, not only to save a boy from growing up with a rogue's name to burden him, but to shield his family from "disgrace."

But the best example of his practice of privacy and consideration for both parents and children is his method of dealing with girls. He himself seldom speaks of this part of his work, and the reason is that he finds it is a sex-problem. Some women, who themselves are students of delinquent children and who admire Lindsey's service with boys, say that he errs with girls.

“Little girls steal, lie, and do all the other things that boys do,” they say. “The police don’t arrest them as often, but the problem of the girls is as various and as complex as that of the boys.” However that may be, Lindsey finds the sex-problem big enough to alarm him; and he says his observations are borne out by men who know in other cities.

In brief, it is another case of parental ignorance and Anglo-Saxon prudery. Parents do not like to tell their children the essential, natural facts of sex; they think their children too innocent. The result is that their children learn them at school or at play from other people’s children, “bad” boys and “forward” girls, who impart all this knowledge in the very vilest form. And the judge, probing into the doings of boys and girls brought before him for other things, discovered that these lessons had taken a practical turn; that in certain schools, where the thing got started, it had spread to include, in one case fifteen, in another nearly all the little girls in the school. What did he do about it?

First, he got the truth. Girls lie more readily and more obstinately than boys, but he persuaded them to tell all about it. And this he accomplished by affecting no horror of the subject. He treated it naturally. He didn’t take the course the world would have taken, and especially the women’s world—he didn’t make the poor little girl feel that she was lost forever and ever. As with boys, he called it “all a mistake,” and a mistake that could be retrieved. Having the truth, he called in the mother. It is a fact for mothers to ponder that no children wanted mamma and papa to know; they would get no such candor and no such sympathetic understanding at home as they got from their judge. But the judge insisted, and after an hour with the child, he often had to spend hours with the mother to prepare her to be motherly. She was horror-stricken; she thought of the disgrace; of what Mrs. A. would say. But the judge had foreseen all that. He had other women calling on him the same day, other mothers and unmarried women. The shocked mother’s good name was shielded, and she and her daughter were brought together. For once, no lies, no vanities, no hypocrisies, and no false modesty stood between them, and therefore there was no lack of a perfect understanding. In one case the judge was so stirred by the extent to which the schools had been cursed by this evil that he called a “meeting of mothers.” No one knew what it was for; mothers not involved were invited with those that were in trouble; school teachers and other women; some of the “best” women in town. There, all together, the women of Denver were informed, warned, and instructed in private. It was beautifully done. No names were mentioned, of course, not even the name of the school, and no breath of the purpose of that meeting ever leaked out.

The head of one of the public utility companies once marked Lindsey for defeat, and one of his executive staff remonstrated.

“Oh, no,” he said, “not Lindsey.”

“What!” exclaimed the magnate. “You, too? Everywhere I turn it is, ‘Oh, no, not Lindsey.’ My wife is for Lindsey, my mother is for Lindsey, my sisters are for Lindsey. And now you are for Lindsey. What is it that makes everybody and everything fight for this judge?” Everybody doesn’t fight for Judge Lindsey; only those are for him who know how he has conspired with them in secret to help their little boy or their little girl. But these are legion. Poor and rich, “everybody” has knowledge of private calls made by this man; of hours, days, weeks spent on the case of somebody’s bad little boy whom they have seen afterward being “good” to “show ’em that th’ jedge is dead right in bankin’ on th’ honour of a kid.” Opposition? That of the parents of Denver melted like one of Denver’s summer snows.

All the opposition to faith in mischievous boys soon disappeared, but there remained the fear of this treatment for “really bad” boys. The police represented the old policy of vengeance

and prison. When the judge received official permission to deal with all juvenile cases, and they saw what his treatment was faith and hope and love, they snorted. The town snorted with them, and when the police held back its “criminals born,” public opinion backed the police. But the judge is a politician, too; he knows the game, and he went after the police. How? He might have exercised his authority, and he has done that since, in his fights with the dishonest opposition of the police. But this was honest opposition, this that came first. It was nothing but the natural conservatism of human nature, and he was patient with it. He reasoned with the police. He “showed them.” He got the bad boys to help him “show ’em,” just as the “nice” boys had helped him show the “good” people up on the hill. Judge Lindsey came down off the bench to go into the jails and bring into his court the “criminals born”; and he brought them there, and there he gave to them also trust, encouragement, and service, and, like the good boys, the bad ones gave him back faith for faith, hope for hope, and for his love, their loyalty, and his greatest triumph.

That is what most of the admirers of Judge Lindsey call his practice of trusting young “criminals” to go alone to Golden. Other triumphs of his seem to me to be greater, but certainly the sight of “a convict” and a boy convict at that, receiving his commitment papers from the judge and passing through the streets, taking train and changing cars to get to Golden, and there delivering himself up—this is indeed a spectacle to see. And it is a common spectacle in Denver. Judge Lindsey hardly ever sends an officer with a boy now, and out of the hundreds he has trusted, only three have failed him. One of these I saw. He was “Eddie,” the boy I told about in the first part of this story, who was hysterical, and the judge had doubts about him; indeed, he put him privately in charge of a “tough kid” who was going also to the school, and it was the tough kid who reported by telephone from the station where they changed cars, that “Eddie can’t seem to make it, judge. He don’t say he won’t, but he cries, and I guess he ain’t strong enough.”

Another of the three failures was a boy who was started twice, and when the judge reproached him for his weakness, suggested a way to beat himself. “Try me by another road, judge,” he said. “This road goes right by my old stamping ground, and when I see th’ gang playin’ ’round, I can’t help it. I just have to drop off th’ car.” The judge gave him tickets over another route, and that night received word that the boy had “made it.” Well, this practice of the judge was begun on an impulse in this first, honest conflict with the police. They had caught two “dangerous young criminals,” boys with records for serious crimes and jail breaking, and the judge, having found them in the cells, talked with them. One night the judge telephoned to the warden to send over two of the boys. An officer brought one. “I think,” the judge says, “that the warden’s idea was that it was dangerous to send two at one time without handcuffs on them, and the police knew it offended me to have them come into my court or my chambers with young fellows handcuffed.”

When the officer came in with the boy, he spoke in an undertone to the judge, warning him that the prisoner was the “worst in the bunch,” and that every time he had brought him to that room, the boy had eyed the window with the fire-escape.

“Better let me stay here,” said the officer. The judge said he would take his chances. “All right,” said the officer, and he smiled, “but we shall have to hold you responsible. You know what it has cost the county to catch this prisoner.” The judge knew, and he promised to give a written order of court, if necessary, and the officer left. It was ten o’clock at night, dark and cold. The boy, sixteen years old, was strong, and his face was not very prepossessing. The judge is built like a flower, but he had worked hard on this boy, and he believed in his “method.” So when the door closed behind the officer, he went straight up to the boy.

“Henry,” he said, “the officer who brought you here says you had your eye on the fire-escape, and that you are looking for a chance to ‘skip.’ He said he wouldn’t be responsible for

your return to jail if I made him leave you alone in this room with me. He said that you'd be down that fire-escape quicker'n a wink. Now, I don't believe it. I believe in you, Henry, and I hope you believe in me."

With that, the judge went to the window and, throwing it up as high as it would go, he said:

"There, Henry, there's the fire-escape and the night and two hours the best of it, for I'll promise, if you decide to 'duck,' not to report to the warden till twelve o'clock. Now, then, if you think you are not worth saving, not worth helping if all the hours I have spent with you in jail are to go for nothing, you 'scoot,' I'll not interfere. I leave it to you. I can't save a fellow, you know, not by myself; I can only help a fellow to save himself, if he wants to. If he doesn't want to, and I can't convince him that he ought to want to, then I do not see much hope. So, go or stay, as you wish, Henry."

"Do you mean that, judge?" the boy asked, and the judge thinks his impulse was to go.

"You know what I mean," he answered, and for a moment the two looked at each other.

"Then," says the judge, "I thought I saw a peculiar shadow cross his face, and I believed he understood. I went back to my table and sat down. I must confess it was an anxious moment for me. I wasn't sure that I had made on that boy the impression I hoped to make. He looked so hard. And he wavered there. I hardly dared to look at him. I thought of the ridicule of the police, of the failure and what it would mean: the defeat of the policy I was coming to believe in. And there that boy hung, swinging, actually swinging. Well, he had a certain peculiar swinging gait, and when he made a lurch for that window, my heart rose in my throat. His hand went up in the air, and I thought he was gone. But no—the hand that went up seized the window and brought it down with a slam and a bang. Then the boy came and sat down at my table. 'judge,' he said in a very simple, almost boyish way, 'I'll stay with you. I never had nobody talk to me like you. I'll do anything you say for me to do.' "

So they talked. The judge told the boy he might have to go to Buena Vista (the penitentiary), and they discussed that. And they discussed crime and the police, till it was time for Henry to go back to the jail. And then—the judge sent him back alone, and he went back alone, and he took voluntarily his place behind the bars!

It "worked," this "method" did, so the judge adopted it as a method. It would strengthen the boys. He told the police that he proposed thereafter to trust all prisoners to go alone to Golden. The police laughed. It is said that they passed the word to put up a job on the judge. At any rate, the next boy for Golden was Billy B., a chronic little runaway, and with the two policemen who brought him in came two reporters. The officers excused their double patrol by pointing to a brand-new shine-box which Billy carried as evidence that he meant to "skip." That kid had given them a two-weeks' chase, they said, and they weren't taking any chances on him. The judge might, they implied, but there were the two reporters to bear witness that, if Billy skipped, it was no fault of the police. As a matter of fact, one of the reporters told the judge that the papers had been "tipped off to send them out and get a good story on the judge."

When the case was called, everybody was laughing in his sleeve, everybody but the judge and Billy B. The judge was anxious, and the boy was sobbing in a corner with his shine-box hugged to his breast. Billy was only twelve years old. He had no father, and his mother was a washerwoman. He had learned early to tramp. The judge had worked with him, but when the "movin'-about fever" got hold of Billy, Billy had to move. And he had the fever now. He admitted it to the judge, and when the judge said he must go to Golden, the little fellow burst into tears. He had visions of stone walls and iron bars, with a policeman standing over him with a club

all the rest of his days. That is what prison means to boys, and Golden was prison to Billy. So he dropped on his knees and begged the judge not to send him away, promising pitifully “never to do it again.” Billy was simply afraid.

“Billy,” said the judge, “you are crying because you are scared. What are you scared of? Me? Why should you be afraid of me? Haven’t I given you a square deal? Haven’t I given you every chance I could, helped you every way to be a good boy at home?”

“Yes,” Billy sobbed, “but—”

“You can’t be a good boy at home. You don’t get a fair chance at home. You want to move on all the time, and by and by you’ll just be a ‘vag.’ Now, you don’t want to grow up to be a bum; do you? No, you want a chance to learn a trade and be a man.”

The judge explained at length that Golden wasn’t a reformatory or a prison. It was only a school, a good industrial school, where a poor kid that hadn’t a chance at home could learn a trade. “Why,” said the judge, “I’ve been there. I like to go there. And I tell you everybody up there just loves a kid that tries to do his best, and they help him. Nobody hates a kid at Golden. No, siree.”

By and by, the tears ceased to flow. The judge described the school, its shops, its military organization, its baseball nines, and then, as the judge relates, “when fear vanished, and interest began, I appealed to the boy’s nobility, to his honour, pride, his loyalty to me.” Judge Lindsey seized for this purpose the very preparations the police had made for their “joke on the judge.” He introduced Billy to the reporters.

“What do you think the cops have told these reporters, Billy?” he said. “They have told them that that fool judge was going to trust little Billy B. to go to the industrial school all by himself, and that they were going to have the laugh on the judge because they knew Billy better than the judge did. They say they know you’ll never go, and they are saying what a fine joke it will be to have the reporters write a story tomorrow telling how the judge trusted Billy, and Billy threw the judge down, ditched his papers, and ran away. And, gee whiz, it would be tough if I did get thrown down. But I’m not scared. I believe in you, and I’m going to trust you. I am going to give you these, your commitment papers, and your railroad ticket, and we’ll see whether you stay with me or stay with the police. I want these reporters to tell just what happens, so it’ll be up to you, Billy, to go to Golden or skip.”

As the judge proceeded, Billy’s head began to go up in the air. By and by he pushed the cold tears out of his eyes, and when the judge ceased to speak, those eyes were blazing.

“Judge,” he said, “you know John Handing, don’t you?”

The judge hesitated.

“You know, judge; the kid th’ fellers call Fatty Felix.”

“Yes, yes,” said the judge.

“Well,” said Billy, “he’s my chum, Fatty is. Now, here’s my shine-box. You give that to Fatty, and you gimme them papers. I’ll show ’em. You trust me, and I’ll stay wit ye, judge, and we’ll fool ’em, all right.”

And off went Billy B., twelve years old, out of the courtroom, down through the streets the streets he loved to the car; then over three railroads to the little town of Golden where, asking his way, he climbed the long, lonely hill road to the industrial school just to show a doubting world that “it” works.

Was the world convinced? No. The grown-ups marvelled, and even the boys sneered. The judge “fixed” the boys. He heard that they called Billy B. a “chump” up at Golden, so he went up there, and he told the story in a speech which made Billy B.’s face shine like his old shine-box.

That speech, repeated again and again, at Golden and in Denver and all over the state, has made it an honour to go alone to Golden: a test of pluck, loyalty, and self-control. And, on the other hand, to “ditch your papers and run” is a disgrace in Boyville now. A boy called on the judge one day with an offer from the gang to “lick” any kid that ditched his papers or in any other way went back on the judge, and the judge had some difficulty in explaining why that wasn’t “square.”

Wonderful ? Yes, it’s wonderful, if you don’t see what “it” is, and Denver didn’t at least, official Denver didn’t. The judge saw that he had to “win out” with what the world calls “young criminals born,” so he watched for a chance; and the chance came. “One morning,” he says, “the newspapers reported the capture of Lee Martin and Jack Heimel, two notorious boy burglars known as ‘The Eel’ and ‘Tatters.’ They were the leaders of the River-Front Gang of sneak thieves, pickpockets, burglars, etc., and they had done time in the reform school and jails in Colorado and elsewhere. The newspapers, having told all about them and their crimes, went on to say that these criminals had amply qualified for a long term, and they should therefore be tried in the criminal court, not before the new-fangled, grandmotherly juvenile department. Here was my chance and a challenge.

“I visited the jail. The boys were in separate cells, handcuffed to their benches. They had just come out of the sweat-box where the police had been bullying and threatening them for hours in an effort to make them tell on the other members of the gang, and they were bruised and battered. Tatters looked more like a pirate than the fifteen-year-old grammar school boy he was. A picture of uncleanliness, he scowled at me out of sullen black eyes, and the sinister effect was increased by the livid bruises on his swarthy face. I talked with him, but could get nothing out of him. His lips were padlocked, for he was plainly suspicious of me.

“Lee Martin presented a very different appearance. He was slight, fair, and scrupulously neat, despite the unutterable prison filth. About him was an air of childish innocence hard to reconcile with his established reputation as the most expert and reckless boy criminal within a thousand miles. There was something peculiarly winning about him. I have never met so interesting a boy, or one so full of vital, human experiences learned in the hard school of life. He had gentle, blue eyes, just now glaring with hate. It was an expression I was to see in them often during the next few months, for hatred and revenge were then the dominant emotions of his life.

“As I stepped across the cell, he drew himself up with an odd touch of dignified pride peculiar to him. He was only a little boy, hunted and run to earth like a wolf, cuffed and kicked and flung into a dark cell prior to being railroaded through the court to the reformatory, but he was staunch and ‘game’ still to his comrades. ‘I ain’t no snitch,’ he flung out before I had said a dozen words.

“ ‘Good for you’ I told him. ‘There’s always good in a fellow that won’t snitch on his chums.’

“He looked at me, greatly surprised but still suspicious. He asked me who I was. I told him. ‘Are they going to try me in your court?’ he asked. I answered that he would probably be tried in the criminal court. ‘They’ll send me up, all right,’ he said with conviction. ‘Would you?’ he demanded. ‘I’d give you a square deal,’ I told him. He sneered in my face.”

Not a very promising beginning, was it ? The judge did not give up. He called again on the boys, and again and again. He told them the truth. He told them he was laboring to have them tried in his court, and why. He talked about his court, and what it meant; how it was opposed, and why. He had no secrets; he kept nothing back. He discussed crime, his view of it, the police view of it, the world’s. He didn’t know who was right. “Gradually their suspicion of me

disappeared,” the judge says. “They came to regard me and my court as engaged in a fight for them against the hated police.” The judge let them think that. It was true. He explained how it was true, how “the police were not to blame,” not the policemen. They were reared in a school that taught them that it was their duty to fight crime with crime, craft with craft, violence with force, and maybe that was the only way. Certainly, “fellers” like Tatters and the Eel made it hard for the police. Hadn’t the boys added to the work of the “cops,” and to their worries?

They had indeed. The judge laid down the kid law, which was the criminal law, about “snitching”; how snitching on the other fellow was wrong, but snitching on yourself was all right, if you believed what you told was to be used to help you. This they understood, and as their confidence grew, they began to snitch on themselves.

They told the judge their stories, and they were amazing stories of crime and of hate. “The Eel especially hated anything in the nature of legal machinery with a bitterness that amazed me,” the judge says, “till I had heard his story.” And then the judge tells the Eel’s story. His father was foreman in a machine-shop, honest enough, but brutal to the boy, who loved his mother, who loved, but was too weak to help, her son. He “bummed” the streets day and night, dodging his father, who cuffed and cursed him whenever their paths crossed. Lee ran away, and to keep himself became a sneak thief. Before he was ten, he had “bummed” his way from Chicago to Denver and become a “pretty slick thief.” Arrested now and then, and railroaded by the law, he was patted on the back in the jails by hardened criminals who taught him to pick pockets. Caught at this, he learned burglary from burglars in the jail and, at the age of twelve, nearly killed himself trying to blow a safe. The “Bull-pen” had shown him how, but he put the powder in the wrong place. He was full of courage. An experienced “hobo,” he travelled twenty-five thousand miles in one year on brake-beams till, tiring of that, he learned to sneak into Pullmans and hide and sleep in a vacant upper berth. Once he was awakened by an exclamation from the porter: “Good Lawd, they’s a kid in heah!” The Eel tells the rest: “I flew th’ coop when the coon guy went to tell th’ conductor. That ditched me in a town they call Reno, Nevada. ’Course, I was broke. I touched a guy for a half and bought me a cane and some chewing-gum. I walked into a bank and up to th’ guy in th’ monkey cage. I says I wanted work, and when he went to see de head guy, I rammed th’ gum in de end of my cane, shoved it through the cage, and swiped a twenty that stuck to th’ gum. Then I hiked out on th’ express that night.”

Where did the boy learn that trick? In jail. That’s where the state taught him his trade, and, when he had learned a new crime, he could break out and try it. Twice he had broken jail, cleverly, boldly. Once when an officer, Roberts, tried to recapture him, Lee smashed a lantern in the man’s face and then led him a chase through a backyard where clotheslines hung in the dark. Caught under the chin by a line, the officer turned a “flip-flop” and the boy got away; not unscathed, however; the officer fired several shots at him, and one hit the boy in the hand.

To kill that policeman was one of the vows the boy had made to himself. “He tried to kill me. I was only a kid, and he tried to kill me. I’m going to kill him one of these nights.”

The judge listened to these stories, noted what they meant, and he sympathized with the boys. But that isn’t all he did. He sympathized with the law and with the policeman, too. He showed the boys just where he thought things were wrong in the law and in the courts, and the boys came to understand. It wasn’t easy to correct the teachings of the jails and the police and the home and the streets, but this man did it with those boys. He showed them, for example, how the officer, Roberts, was acting in good faith, doing his duty, and how he must have been exasperated with the Eel. And the Eel saw it. And when the judge saw that he saw it, he brought the boy and the officer together, and they are good friends now.

So with the law; the judge explained what the machinery of justice was for. It had been perverted from its true function, justice, to vengeance, but it could help a fellow, and he proved it, the judge did. He got the cases. And he got them with the consent of the police. One captain who was loudest in his protestations, said: "You can't baby Lee Martin, judge. He's been in jail thirteen times, and it hasn't done him any good."

"No," said the judge, "and if I fail, I'll still have twelve times the best of you. You've failed with him your way. It's my turn now. It has cost the city in officers' fees alone \$1,036 to make a criminal of him. Let's see what it'll cost to turn him into an honest boy."

The captain ran over a list of his crimes. The judge brought out a longer, more correct, typewritten list.

"How in the world did you get that?" the officer asked, astonished.

"They've confessed to me everything."

"How did you do it? We couldn't sweat it out of them."

"I made them see that I was their friend," the judge said, "and that I wanted to use the information for and not against them."

It was a strange, new point of view to the police, but they saw that there was something in it, so they tried the boys before the kids' judge.

The evidence was plain. Burglary was the specific charge, and the police proved it; the judge was convinced formally of what he knew (for the boys had told him all about it). What did the judge do to the boys?

He put them on probation. Yes, to the horror of the police and the town, he did by these bad boys just as he did by good boys; he gave them a "show." What was the result?

A day or two later the boys called on the judge. With them were two others, "Red" Mike and Tommy Green. The judge understood; these were members of the River-Front Gang, for whom the police were on the lookout. But nothing was said about that. "We had a general talk about crime," the judge says, "and the principles of the Juvenile Court." The judge was expectant, so were Lee and Tatters, but it was left to the newcomers to do their own snitching, and they did it. After a while, "Red" turned to Tommy. "Don't you think it's about time we were snitchin' up?" he asked. Tommy allowed that it was, and then followed what the judge calls "a snitching bee." "And," the judge adds, "I had two new probationers for my court." A week or so more; and these four called with a fifth "kid," and he, a "soft, mushy one," as the judge describes him, he also "snitched up." Another period, and the five brought in two more. That finished the "criminal" list of the River-Front Gang. "Not one of these boys had snitched on another," the judge says. "Each one had told only on himself."

All those "young criminals" were put on probation, "and," says the judge, "six out of the seven have stuck. The seventh made the pluckiest fight I ever saw before he slipped back, and I still have hopes of his ultimate success."

What does the judge mean by a plucky fight? "A plucky fight" means what the judge means by probation—the game of correction, the game of overcoming evil with good. These young criminals had not only to be good; they couldn't be good. That's too negative for husky kids, and the River-Front Gang were a husky lot. The judge says boys are bad because, while they have lots of opportunity to do wrong, they have none to do good. So, as in the case of mischievous boys, he gave these criminals opportunities to do good. There were other "fellers" starting on careers of crime. If they were allowed to go on, they would be caught, jailed, and made criminals by the police, who, though they didn't mean to be, were really criminal-manufacturers. The game was to beat the police and beat public opinion by showing the

opposition that the judge was right about kids, that “there ain’t no bad kids.” So the game was for the River-Front Gang to bring in kids that were going wrong, get them into the court gang, and thus prove by the good they all could do together that “it” worked. And “it” did work.

The loyalty of the River-Front Gang to the judge as leader of their new gang was superb. It was mistaken sometimes. Once when Jack Beime’s mother was away, he slept in a cheap boarding-house. A drunken man cried out that he had been robbed, and he accused Jack and a friend of Jack’s. The lodging-house keeper knew Jack and, of course, believed the charge, so, sending for the police, he placed himself in the door to bar the way out. Jack made a dash, hit the man behind the ear and, dropping him, leaped out and away with his chum. The police searched for them all night, but couldn’t find them. The judge found them. When he went down to court the next morning the boys were “layin’ for him.” Jack explained:

“We didn’t take th’ money, judge, but I had to hit de guy, because, you see, if de cops had ’a jugged me, me name would ’a been in the papers, and then, wouldn’t they say that this was de feller what de judge ought to ’a sent up and didn’t? And, say, wouldn’t dat ’a got you into trouble, and maybe lost you yer job?”

It developed afterward that the drunken man hadn’t lost the money at all, so Jack Heimel was cleared, and that was his last “scrape.” He got a job as a mechanic in the railroad shops and, loyal always, his last report to the judge was that he had sent East for a book on mechanical engineering. He was rising, and he feels to this day that his success means much, not only to him, but to the judge and the court gang, and the methods thereof.

The Eel had a hard time. “This boy, whom the police called a depraved criminal, has done more to discourage crime,” the judge says, “than any ten policemen in the city.” He brought in boy after boy to “snitch up,” and he helped keep his own gang straight. “Red” Mike slipped back once. Arrested for robbery, he escaped, and the police were after him. The Eel was troubled. He called on the judge, He knew where “Red” was hiding, and he knew the judge knew he knew, but the judge asked no questions. He and Lee simply talked the matter over till they agreed that it would be better for “Red” to come in and surrender than to be driven deeper into crime. And a day or two later “Red” appeared at the judge’s house, “ready,” as he said, “to take his papers and go to the reformatory.”

Lee became an unofficial officer of the court, and the judge used him freely. Once a boy stole a pocketbook from a woman in the store where he worked. The judge sent for Lee. “Something ought to be done,” the judge said, “to get that boy back in the right path.” Lee went after him. He found him in a cheap theatre, “treating a gang,” brought him voluntarily in, and today the boy is a trusted employee in that same store. Another time, Teddy Mack, a fourteen-year-old “criminal,” who was arrested for stealing a watch, sawed his way out of jail and got out of Denver. All summer the police searched, and the judge and Lee Martin often talked over the case. One day Lee said:

“I’d like to get that kid for you, judge. I’ll bet he’s down to the fair at El Paso. You send me down there, and—I won’t be a ‘snitch cop,’ but I believe I kin get him to come in.”

The judge gave Lee five dollars, and the boy went across the line to the bull-fight. There was Teddy. The two boys took in the fair together, but Lee talked “crime, and the principles of the Juvenile Court” to Teddy, and back these two came together to the “jedge.” Teddy “snitched up.” The judge gave him twenty dollars to redeem the watch he had pawned for three dollars, and when Teddy returned with the watch and the exact change, he was sent to deliver the watch to the owner and to admit that he was the thief. That settled the case, and that settled Teddy. “We

had no more trouble with Teddy Mack,” the judge says, “though he had been one of the worst boy thieves in the city.”

The boy with whom Lee Martin had the most trouble was Lee Martin. He could not settle down. The habit of “bumming,” developed in him from early childhood, was too strong, and every once in a while that “movin’-about fever” would get him. “It was like a thirst for drink,” the judge says, “and I told him that when he felt it he must come to me. Once or twice when I saw that the call of the road was too strong to be resisted, I let him take a ride as far as Colorado Springs and back.” But that didn’t always satisfy him, and he would throw up his job and “skip.” It hurt him to do this; it was regarded as disloyalty to the judge, and that was awful.

“One Sunday evening,” the judge relates, “word reached me that Lee was going to ‘fly out.’ This worried me so much that I started for his home. I found his mother in tears. The Eel was gone.

“ ‘He just couldn’t stand it any longer, judge,’ she apologized. ‘He lay on the floor there and sobbed just like he was in a high fever. “What’ll the judge think? What’ll the judge think?” he kept saying, an’,’ the woman added, ‘he told me to tell you he’d write.’

“I went home much troubled, but the promised letters reached me, one from Albuquerque, then another from El Paso, a rapid succession of them. They were like wails from a lost soul. He implored me not to think he had ‘thrown me down.’ That was the burden of them all. He was coming back, he said; he just had to get on the move for a while, but he hadn’t thrown me down. I wrote him not to steal, and he didn’t. When he came back a month later, he showed me a letter from a man he had worked for to prove it.”

There is more of the story, more triumphs, and more disappointments, and there are more stories just like it, of other gangs. For all the time the judge was devoting himself to the “River-Fronts,” he was giving himself with the same devotion to his other “cases.” And there were failures as well as successes, and the police and the cynics clung to the failures. As the judge says, however, the failures were really weak boys. “The husky kids, the kind the cops call ‘dangerous,’ they stuck with me; they showed the police that there ‘ain’t no really bad kids.’ Bad? I believe,” the judge said, smiling, and he quoted Riley:

“I believe all children’s good
Ef they’re only understood
Even bad ones, ’pears to me,
'S jes as good as they kin be!”

He smiles as he quotes, then the smile disappears, and he adds, “And that’s so of men, too.” “Yes, but,” you say, “there are criminals born?” “Yes,” he replies, “there are criminals born, and there are criminals bred, minors and majors, too. But who bears them, and what breeds them? What makes bad boys bad? What makes bad girls bad? And what makes men and women bad?”

That’s his answer, another question: one question; the fortunate, fatal question which got Ben Lindsey into his fights with the dishonest opposition of Denver, the fights which, because he won them, he and the children, and because they led him straight to the cause of crime, juvenile, and grown-up, too have made the “kids’ Jedge” of Denver one of the leaders of the great war that is going on in Colorado. The outside world couldn’t understand why the people of his state wanted the judge of the juvenile court to run for governor; nor why he was willing to take the nomination. The reason, as we shall see, was that Ben Lindsey is no mere philanthropist, but (in

the true sense of the word) a politician; no mere savior of little victims of wrong, but a man leading men to destroy the opportunities for evil-doing, and to give all the children of men a "show" to "do good."