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***Ben Lindsey, The "Just" Judge***

III. BATTLES WITH "BAD" MEN

Early in the history of Denver's Juvenile Court, a boy was arraigned for stealing lumber and sand from a contractor. The contractor was indignant; he "wanted to know whether Judge Lindsey was going to coddle that kid or protect the property of the citizens of Denver from thieves." The judge said he would take the case under advisement. He did. He took the case "for a walk and a talk."

Once out of that stiff old, stuffy old court room, the tears dried up, and the two got acquainted. "What did you want the lumber for, kid?" the judge asked.

"We were building a shack in my back yard, and we needed more boards than we had."

The judge used to build shacks, and he and the kid discussed the different kinds you could build. The judge bragged about some he'd put up. But he never used sand in a shack.

"What did you swipe the sand for?" he asked.

"Well," said the kid, "girls can't build shacks. They can keep house in 'em after they're built, but my sister and the other fellers' sisters, they wanted something to do till the shack was done. So while we was gettin' the boards, we seen the sand, and we swiped a little pile for the girls to play in."

And coming into the back yard, the kid showed the judge the shack and the sand-pile—abandoned now. All work was suspended, pending a decision in their case. The kid wanted to know what the court was going to do to him. The judge said he'd take the case under advisement, and he did. He took a walk down to the contractor, and he told said complainant all about the shack and the sand, and the contractor furnished all the lumber and sand necessary to finish the job in that back yard. As for the children, they "cut out" all "swiping."

The judge kept the case under advisement, however. He kept on walking around in back yards, and talking with young "thieves" and "builders." He saw many signs of energy and enterprise, and nothing to do; nothing good. Everywhere was private; nowhere to play. Everything was property to steal. The grown-ups had "hogged" everything, and children had nowhere to play and nothing to play with.

The judge set about organizing a juvenile association of grown-ups to furnish materials for young builders to build with; playgrounds to build on; water to swim in; jobs in the beet fields for vacation kids that had to work, and mountain trips for the rest. In brief, the judge's Juvenile Association for the Protection and Betterment of Children, which he is trying to make a national organization, originated out of his discovery that society had forgotten to provide children with opportunities for good.

But society provided opportunities for evil. Denver offered plenty of these, and the children knew them all. "I was amazed to hear what children knew," the judge says. "I talked to

them, and I walked with and among them; I visited back alleys at night, hung around cheap theatres, visited the tenderloin and the slums. Standing in the shadow just outside of saloons, I saw children come with pitchers in their hands, sent there for beer by their parents, and while they waited, I heard men tell obscene stories. The children listened, boys and little girls. I talked with the boys, and I found that they understood everything that was vile. You see, I was trying to get at the causes of criminality in children, in children whom I found responsive to the noblest sentiments of honor and fair dealing. Well, I thought I saw what the causes were: the problem is one of environment; manifold opportunity for evil and none for good; and then, back of this, certain social and economic conditions. What could I do to relieve these conditions? I asked myself that again and again. My court could correct the evil done, some of it, but how could I prevent the evil from being done?"

Perfectly simple and logical, all this. The judge had no answer ready, but he attacked the worst condition, one that stirred him to his depths. He found that the Denver saloons had wine-rooms, and that not only boys, but girls, were allowed in them and ruined. The law forbade these places to women, but the law wasn't enforced. Why? Everybody knows, in a general way, why. Denver is a typical American city government, and Lindsey, a former member of the Democratic state Executive Committee, knew, in a general way, the reason for a "liberal" excise policy. It helped business. When cowboys and miners and other visitors came to town, they wanted to have a good time, and it was good for all business to help them spend their money. But the judge saw that however good for business it might be to neglect to enforce the wine-room law, it was bad for the children; and he put that view of it before the Police Board. He knew well the president, Frank Adams, and the members of the board. Frank is a Democrat, like Ben, so Ben urged Frank to enforce the law in the interest of the children. The judge also addressed the chief of police. The chief couldn't do anything but refer the letters to the board, which wouldn't or, at any rate, didn't, do anything. The judge then proceeded in his own way to compel the board to enforce this law.

Colorado is a great place for injunctions. The "interests" there use the courts very much as in other states they use legislatures and governors. The brewers own the saloons, and brewing is an interest. It "contributes" to both parties. The brewers and the dive interests got out a writ enjoining the Police Board from enforcing the law. Judge Lindsey says the Police Board got out the writ against itself, and there was some ground for this suspicion. In the first place, the attorney for the brewers was the Democratic state chairman. In the second place, Frank Adams, who is a member of the Adams family, famous in Colorado politics, was the "iceman" in Denver. There were other icemen, but the saloons generally bought of him. So he may have been doing his customers a favor, on the side. But certainly the brewers were interested, for they warned Lindsey that if he went on making trouble for them, they would defeat him for reelection. No matter about that, however. Judge Peter L. Palmer, of whom it has been said that he would "enjoin the birds of the air from flying and the fishes of the sea from swimming," held that since, under the constitution of Colorado, women had the same rights as men, the law forbidding them the wine-rooms was unconstitutional. Wherefore he enjoined the Police Board, and the Police Board obeyed his order. Judge Lindsey didn't. He fined a dive-keeper in the face of it, and the Supreme Court of the United States upheld his ruling.

It takes time to go through the courts, however, and while the case was pending on appeal, girls were being haled into the Juvenile Court as "incorrigible"; and they did look "bad." But the evidence showed that they had been made bad in wine-rooms.

“And I found that these wine-rooms were ‘protected’ by the police,” the judge says. “I tried time and again, with Frank Adams and with the other commissioners and with the chief of police to get the wine-room keepers arrested, and in vain. Children they would bring in, the boys and girls, but no adults. I investigated further. I called on the Humane Society, and the secretary, Mr. E. K. Whitehead, told me of the most horrible details. He also had complained in vain to the police. Then I went out and I saw some of these things. I saw sixteen boys gambling in one place, and when I reported it to the police man on the corner, he insulted me. I wrote about this and about the wine-room to the chief and to the commissioner. No answer.

“One Sunday I went to visit one of my probationers, and I found him cursing his mother vilely, with an amazing command of oaths. Looking about, I saw that it was partly a house of assignation, partly a home for the very poor, and all the children were masters of men’s language. Looking further, I saw, ten feet from the door of this house, the rear entrance to a wine-room wide open, though it was a Sunday morning. I went to the mistress of the house of assignation, and she, hardened though she was, told me that this wine-room had supplied more than one bad place with inmates. Only a week before, she said, she saw two girls halt at that wine-room door. One was afraid to go in. The other was urging her, and while they were talking three men came out, seized the reluctant girl, and dragged her in. The next day the woman heard groans and sobs across the way, and she went to see what was the matter. She found the girls in the cellar, naked and drunk!

“My God!” the judge exclaimed, “where was the policeman all this time?”

“Oh!” she said, “he knew all about it. He was in there, too, drinking with them!”

“It would be hard for me to repeat,” the judge says, “all the things I saw and heard that harrowed my very soul. But they were the causes, this crime and vice and this police partnership, of many of the woes and troubles that come into my court.” What could he do? The judge knew that besides the “ice” and the brewers’ contributions, there were other powers back of all these conditions. The railroads ruled the state, the railroads and the mine-owners and the American Smelting Company. Under them, in Denver, and for them, were all the public utility companies which, having grants of privileges, rewarded the people of the city and state by corrupting their government. “It’s necessary,” they say. Now the corrupt business interests that ruled Denver and Colorado ruled partly by ballot-box stuffing, and it was the dive-keepers, thieves, loafers, all the hangers-on of vice and crime who did the stuffing. Lindsey, who long had known this, realized now that he had nowhere to turn to appeal for some little consideration of the children of his town, except to the people of his town.

He invited the Police Board to visit the Children’s Court on Saturday morning, May 24, 1902. He also invited reporters. Frank Adams didn’t come, but the other commissioners did, and the bailiff gave them seats in the jury-box. There the children could see them, and they could see the children, and there were some two hundred children on hand that morning: two hundred “bad” boys who knew all about everything, including that Police Board. When they were all ready, Judge Lindsey entered and took his place on the bench. He looked over his gang of kids, and then he spoke to those officials, typical American officials.

“I have asked you gentlemen to come here and look at these boys,” he said. “There are also girls in this city who report on Fridays,” he added. The commissioners looked at the boys, and the judge went on to say that while these children were brought there as delinquents, it was not alone the children who were delinquent. “Parents, in many cases, and adults who violate the law, and particularly police officials who refuse to enforce the law, they are more responsible than the children,” he said.

He illustrated: "It became the duty of this court recently to send a young girl to the Industrial School. She was not depraved or vicious; she was capable of being a good, pure woman with any kind of favorable environment. But she was subject to temptations. What were these temptations? The wine-rooms; not one, but many. She was induced to enter such places. You knowingly permitted them to run in violation of the law. Yet the child is punished and disgraced. You and the dive-keeper, the real culprits, you go scot-free."

The judge—from the bench, mind you—said this to those commissioners. Then he spoke of a young man who had lost his life in the same place where this girl was ruined. He told the rooming-house woman's story, and he described also her terror lest the police should learn that she had informed on the dive-keepers! Then he described what he knew of gambling by boys.

"I have seen a pitiful, gray-haired old lady, bent with years, her face dimmed with tears, pleading in this court to recover all she had on earth, lost by a son in a gambling hell tolerated by you. And here in broad daylight those who conduct the place come, and they tell of the open game of this young man and the loss of that money, and this they do with the prosecuting officer passing in and out. . . . It is nonsense to talk about these things not being known to your Board. It only subjects you to contempt and ridicule."

Frank Adams had been appealing to the judge in the name of "business" and "the party" not to "rip up" the liquor question. The judge answered that appeal now with another:

"Flesh and blood, body and soul, the future of little children is so sacred," he said, "that it is a monstrous sacrilege to permit any other consideration to interfere . . . . I know it is unusual to speak thus publicly, but all things usual have been done, and something unusual is justifiable. I therefore beg of you in this public manner, in the presence of these children, for their benefit, that you earnestly and diligently war upon these places. . . . I assure you that you will have then the good will and respect which are denied you now. That is worth more than all the vaunted boastings of all the devil's agents in this town. It is to these that you are catering now, and until you break the spell they have over you, you will be storing up misery, hell, and damnation for the present and future generations."

It was a terrible arraignment, there before those children, whose eyes bored into those officials. There was silence for a moment; then one commissioner, Charles F. Wilson, rose to answer. He said the board had closed the place where the judge had seen the boys gambling. The two hundred boys looked at the judge; he hesitated. Didn't he know about that? Some of the boys did, and one of them sprang to his rescue. Leo Batson, twelve years old, rose, and pointing his finger at Commissioner Wilson, he said:

"Yes, you closed it up, but you opened it up again, like you generally do. It was open inside of a week. And it's open now, 'cause I seen boys in there myself."

There was silence when Leo sat down. The boys looked at the commissioner. He was still a moment, then he went on without answering the boy. He referred to Peter L. Palmer's injunction. It was the judge's turn.

"The issuance of that injunction was without sense or precedent," said Judge Lindsey. "And it didn't tie your hands. You could have brought your cases to my court. In this tribunal you will find the whole power of the court on the side of the law."

The newspapers all turned "yellow" with this story, and that settled the matter for the time being. The tip was passed that the police couldn't "stand for wine-rooms where young girls went for a while."

The judge went on walking and talking with the children, and he listened, too, and the things they suffered kept his feelings aroused, while their wisdom “put him wise.” It was appalling, what these children knew.

“Huh, business men! They steal, too!” said a cynical little thief one day when the judge held out to him the prospect of growing up to be a “respected business man,” if only he would stop stealing. “Don’t the street railway swipe franchises? And the gas company and them, don’t they steal ’em? Guess I can read. And my boss, that’s kicking to have me sent to jail, don’t he sell cheap jewelry for eighteen carat fine?”

In this and similar cases the judge had to reach down below the teachings of the world of business to the nobility born in the “born thief” to save him. “It’s mean to cheat and steal,” he said, and it was the success of this appeal that convinced Ben Lindsey that human nature was good enough to go to war for.

Of course, he didn’t realize at first what he was warring against. Brought up in a perfectly conventional way, his notions of life and economics were perfectly commonplace; but when men came to him and in the name of “business,” “the party,” and “property” besought him not to fight so hard for the children, he began to see that the enemy of men, as of children, was not men, but things. Once he and a police captain had a dispute in chambers over the custody of some boys arrested for stealing bicycles. The police wanted to hold the boys. Why? The judge couldn’t make out till the officers said something about the owners of the wheels wanting to “get back their property.”

“Oh,” said the judge, “I see the difference between you and me: you want to recover the property, while I want to recover the boys.”

The judge recovered both.

A cotton mill was set up in Colorado. That was a new industry, and the men who established it were applauded for their “enterprise, which could not but benefit the whole state.” To compete with the South, however, this mill had to employ child labor. The kids’ judge heard that they were importing large families and setting the little children to work. Colorado had a child-labour law, and the judge went to the mill to see if the law was being violated. It was, and the conditions were pitiful.

“These imported people were practically slaves,” he says. “They had come out under contracts, and the children, unschooled, toiled at the machines first to liberate their parents, then to support them.”

The judge warned the milling company, but that did no good, so he had criminal proceedings instituted, and not only against the superintendent, but against the higher officers also.

This is not the custom in the United States, and the president of the mill, who was also one of the big men in the Colorado Fuel & Iron Company, called on the judge to explain that he was a respectable citizen. The judge suggested that it wasn’t proper to try to influence a judge in a pending case, but the president “didn’t want to do anything improper”; all he wanted was to remind the judge that a conviction in the case would make him (the president) a criminal. “And I am no criminal,” he said. The judge replied that he was if he broke the law. But the president didn’t break the law. If the law was broken, it was by his superintendent, and it was all right to fine his superintendent. But the president was a gentleman and a “big man.”

“I’d rather fine you than your superintendent,” said the judge. “He is only your agent, and, as you intimate, you wouldn’t mind if he were punished. So I’ll punish you as I warned you; I told you that if he persisted in violating the law for you, I’d hold you responsible.”

“But, judge,” he said, “if you are going to keep up this fight, we will close the mill!” And he proceeded to tell what a great industry it was; how many people it gave employment; how much good it was doing to the city (he meant the business) of Denver; and how much money had been invested in it by himself and other capitalists.

“His point of view,” the judge says, “was perfectly plain. Money was sacred, men were of no account. If business went well, children could go to—well, let us say, to work. And he blamed me, not the law, not the state; he had no fear of these. I, personally, with my queer regard for men and women and children—I was a menace to business.”

“I warn you right now,” he said to the judge, “that if this thing keeps up, we will shut down the mill, and you will have to share the consequences.” And Judge Lindsey replied: “We are here to protect the children and to enforce the law, and all I regret is that the penalty isn’t imprisonment instead of a fine, so that I could be sure of preventing you from employing young children.”

And the Judge persisted, and the mill was closed down. Other causes contributed, but Lindsey never shirked his “share of the responsibility.”

What is more, Judge Lindsey had the child-labor law made stricter. He can put “money” in prison now if it hurts children. He had to fight business and politics and the police to do it, but he did it; he and the kids and the men and women of Denver.

We have seen that the judge set out to correct the evils of child life under the laws as they stood. He had been making notes, however, of legislation he wanted, all the while he was walking and talking and trying cases. For example, the Juvenile Court existed by the courtesy of the district attorney, who was a machine man; Lindsey gave himself the legal right to demand all children’s cases. He had exercised discretion; he gave himself explicit authority to exercise discretion. He had found adults at fault for the criminality of children; he drew a paragraph making parents, employers, businessmen, and all other grown-ups amenable to the criminal law for neglect, abuse, or temptation of children. This is his now famous “contributory delinquency law against adults.” Needing probation officers, he authorized the appointment of them, and since the police and the sheriff and the district attorney were all tied up with the liquor and other business interests, he gave his probation officers certain police powers. The child-labor law was only one item in the legislation Judge Lindsey went after.

The judge’s bills were most important legislation, and to put them through he had to proceed most carefully. He began in the convention, by taking a hand in the nomination of legislators. His enemies fought him there, and they beat his man, but he came up on good terms with the others. They introduced his bills and started them through the mill, very quietly. Hardly any notice was taken of them. Apparently the lobbyists didn’t do their work well, for the interests were amazed after it was all over to see in the new laws “What Lindsey had been up to.” An officer in one of the telegraph companies said the “interests” would never have let either the child labor or the adult delinquency bill pass if they had known of them. The judge had learned that the messenger service was a degrading influence for boys; they were sent to all sorts of vile places, saw all sorts of vile things, and caught respectable citizens in predicaments the knowledge of which made the boys cynical and vicious. So he advised, and he still advises, both boys and parents against the messenger service. But he wished also to have a club to hold over the companies; wherefore he had drawn into one of his bills a clause including officers of telegraph companies under the “adult delinquency law.” The companies, suspecting the judge, twice sent a lawyer to the capital to see “Lindsey’s bill,” and he saw one bill, an inoffensive one, never the other. He didn’t know there was another. It was the other that “hurt our business,” he said. Thus

beaten, the companies never dared to move for a repeal; they surrendered, and, calling on the judge, came to an understanding with him about what they might and might not do with boys.

There was a fight on these bills, however. It is known among the good citizens and bad kids of Denver as "the fight against the jail." After moving along regularly through the Senate, the judge noticed that his bills suddenly stuck in the House. "What was the matter?" the judge inquired. The clerk couldn't explain. One evening a reporter called at the judge's house.

"Judge," he said, "Frank Adams is fighting your bills. His brother Billy, you know, is a power in the legislature. They don't dare come out in the open and fight you, but they are telling it around that you are crazy on the children subject, and that the boys fill you up with lies!"

"What had I better do?" the Judge asked.

"Stir 'em up," said the reporter. "Give me an interview and tell all about the jail."

"That's grandstand playing," the judge said, smiling.

"It's appealing to public opinion," said the reporter, "and that's against the rule of graft, but what do you care? You aren't a grafter."

The judge made out a statement, but it was too mild. The reporter rejected it, and with the facts the judge told him and what he and all police reporters knew, Harry Wilber (for that was the reporter's name) did what newspaper men love to do when they get the chance: he wrote the truth, and he wrote it to kill. United States Senator Patterson's paper, the *Rocky Mountain News*, printed the interview in red, and it was sensational. The judge says it gave him a sensation himself. But it was true, so he "stood for it." Frank Adams answered it with a denial. The boys were liars, he said, and as for Judge Lindsey, he was crazy.

"I knew then," says the judge, "that I was up against it. I must make good. So I wrote to the Police Board offering to hold an inquiry. They were willing, they answered, but not then. I wanted it then, and I ordered it for two o'clock the next day in my courtroom. And lest the Board, recalling the last time they met the boys, might not come, I invited also the governor, the mayor, the district attorney, other officials, fifteen ministers and rabbis, and others. I didn't expect many to come, but they all accepted, even Governor Peabody, all but Frank Adams and the police commissioners. The board sent a dummy to represent it."

It was Saturday morning when the judge got his acceptances, and he had to hurry. Calling in a friendly deputy sheriff, he asked him to get ten witnesses named on a list he had made of boys who had been in the jails. "I must have them by two o'clock," the judge said. The officer declared it impossible. He should have had two days' notice. The judge was in despair, but he ran over his list till he came to the name "Mickey."

Mickey was a street boy. He had been in jail often, and the last time was only a month or so before. After he got out, he and the boys in with him had called on the judge to complain. They stated their case. They were running through the street when one of them knocked over a sign to which some shoes were attached. The man in the store rushed out and sent the policeman after the boys. They had stolen his shoes, he said, and the policeman arrested them. The boys hadn't taken a shoe, and absolutely the only evidence against them was the fact that one of the boys needed shoes! His feet had come through his old ones. They were thrown into cells among criminals, bums, and drunks, then put all together in one cell next to drunken women of the street. During the evening one of them broke a window, and when the jailer came and cursed and kicked them about, they wouldn't tell who had done it. In a rage, the man knocked down one of them and, when the rest scattered and ran, pursued, and bowled them over with his great keys. They were detained a week and then released without a hearing.

The judge had the boys examined by a physician, who found evidences enough that they had been beaten. But the judge went down to the jail, and he learned the truth there from his regular sources of information. Satisfied of the justice of their complaint, the judge went with the boys to lodge a protest with the Police Board. The commissioner refused to believe the boys' stories. It was this case, and many, many cases like it that had convinced Judge Lindsey that the jails were not only schools where older criminals, male and female, taught boys crime and vice, but places where the police practiced brutal injustices which made the boys hate the police, dread the law, and despise everything that we mean by "civilized society." It was the experiences of boys like Mickey and his gang which had prompted the Judge to write the bill which had been held up, the bill providing a detention school and forbidding juvenile offenders to be held in jail at all.

"This was Mickey's fight that I was making," the judge says, as he tells the story, "and I knew I could count on the little chap. I asked the officer if he could get me Mickey. He said he could, and I begged him to go and tell the boy I needed help."

In a few moments Mickey burst breathlessly into the judge's chamber.

"What's the matter, Judge?" he asked.

"Mickey," the judge said, "I'm in trouble, and you've got to help me. I helped you. I went down and I made a fight for you fellows. Didn't I?"

"That's what you did," said Mickey. "Betcher life you did."

"Well, now you've got to stay with me." And he told Mickey what he wanted—all the kids he could find that had been in jail. "The officer can't get them; says there isn't time enough. Can you?"

"Can I? Well, you watch me! Don't you worry about the kids, judge! Gimme a wheel, and I'll get kids, kids to burn!"

The judge went out, and he and Mickey borrowed a wheel. It didn't fit, but Mickey hopped on and went spinning down the street.

"It was a relief to me to see him go," the judge says, "but my worry wasn't over. The invited officials began to arrive before Mickey returned. At ten minutes before two, when the governor appeared, there was not a kid in sight. The entire company had assembled in my chambers before I saw sign of any witnesses, and I was troubled. It was painful. I knew I could count on Mickey, and the kids generally, but suppose he couldn't find them!"

But Mickey found them. Just at two there was a murmur outside. It grew into a hubbub which, as it came down the hall, developed into an alarm. The judge's guests were startled, and even the judge wasn't sure. It sounded like a mob, and up the stairs it rattled, then down the upper hall toward his chamber. As it approached, the judge knew. He flung open the doors, and there were thirty or forty boys, with Mickey radiant at their head.

"Here's the kids, Judge. Got more'n I thought I would."

"Bully for you, Mickey!" said the judge. "You've saved the day."

"I told ye I'd stay wit' ye, Judge."

The judge took the "mob" into a side room. There he told them what was up. They were to tell the truth about the jails. "The police say you have lied to me," he said. "If you have, I ask you now to tell the truth. But tell it. Tell it as you tell one another. Tell it in your own words. They may be bad words, but these gentlemen want to know the truth. So tell them all. Tell them what you see, the dirty things; tell them what the older prisoners say, and what they do to you."

He put Mickey in charge. "Pick out your best witnesses, Mickey," he instructed him, "and send them in one by one." And Mickey began to sort his witnesses. As the judge left the



room, he heard Mickey say, with a shove, "You get back there, Skinny, you've only been in five or six times. Fatty Felix has been in twenty-three times and—"

Mickey led in his witnesses, one by one, Fatty Felix, Teddy Healy, Teddy Mack, and the rest, till the governor and the ministers cried "enough!"

Those boys told what was what. They told of lessons in crime by older criminals; stories they had heard there of injustices by judges and of cruelties by the police. They showed up the world as the criminals see it and as those criminals showed it to the boys. And they also related scenes of vice and foulness too revolting to repeat. And those boys made that company of grown-ups believe them, too. Once or twice the police representative interrupted, but, as the judge says, "Teddy Healy's answer, direct, awful, and yet innocently delivered, made the matter ten times worse." The officials dropped all thought of cross-examination. Once a minister asked Mickey about the visits of the clergy to the jail.

"Never saw one," said Mickey. Then he remembered. "Oh, yes, seen the Salvation Army there once, but they sang 'Praise God from Whom All Blessings Flow,' and we'd heard that before, and besides, there didn't seem to be no blessings flowing our way."

It was the officials' turn to smile, and the ministers, they also ceased to cross-examine. The boys were left to talk, watched by Mickey and frankly guided by the judge. It went on for an hour or two, then a preacher rose.

"My God," he said, "this has gone far enough! It is too, too horrible!" And, as he left, Governor Peabody got up.

"Gentlemen," he said, "I never in my life heard or knew of so much rot, corruption, and vileness as I have learned this day from these babes—almost—and I want to say that nothing in my administration will be so important to me as signing Judge Lindsey's bills, I don't care to read those bills. If he says they are designed to correct these conditions, I am satisfied. And," turning to the representative of Frank Adams, he added, "if Judge Lindsey is crazy, I want my name written right under his as one of the crazy people. And as to those boys lying, any one who says they have been lying today must be himself a liar."

With that the meeting broke up. The judge went back to the boys, and he thanked them and Mickey. He was careful to explain again what it was all about. "Skill in handling marble is as nothing to skill in handling men," he quotes, and he wished to be sure that no false impressions were left in these boys' minds. "I am fighting for a decent place to keep kids that are too weak to be on the level," he said. "The jails are not decent; and Mickey, you boys have beaten the jail today, you and all the good kids in Denver. Go out and tell them so, for it is their victory."

That was true. It was a victory. The pulpits rang with the story the next day. The men and women of Denver heard, and so did the grafters, and the grafters felt the effect in public opinion. Lindsey's bills came up from the bottom and were passed and signed and made part of the laws of Colorado within a week. And now other states are copying them.

Reformers, whose notion of reform consists in "getting a law passed," are often amazed to find that their good law does no good. The reason is that neither public opinion nor public officials enforce the new laws. Lindsey had waited for his legislation till he had the support of public opinion, and then he enforced his new laws; he, and the boys and girls, and public opinion.

They were effective laws. They gave the judge control of the whole children's case. He proceeded gently to the enforcement of his power. He had written into the laws full authority to exercise his discretion, with adults as with children, and he did this because he meant to be

human and charitable to men as he had been to children. It had worked with the children; he would try it on their elders. So he was firm but not unkind.

When the police brought in a boy for getting drunk, the judge asked for the man who sold the boy the liquor, and the police had to fetch the man. Sometimes the judge fined him; sometimes he imprisoned him; sometimes he suspended sentence. For he talked to the men as he did to the boys, and if he found that they hadn't thought of the evil they did by carelessly serving boys and girls with tobacco and liquor, the judge explained it to these saloon-keepers. And if he thought they were impressed, he put them also "on probation." That gave him a hold on them, which prevented crime and vice. For the judge knew what was going on. He had thousands of eyes. The boys and girls watched for him. When the judge had got his legislation, he told the children that the new laws were their laws, enacted for them and by them; for Mickey and his "gang of jailbirds" who carried the day, represented the children of Denver. The children, therefore, must obey these laws and help enforce them. He broadened the doctrine of "snitching on the square." It was mean to spy; it was wrong under the law to "get a man to break the law and then peach on him." No child was to be "smart" and hunt for evil. But when a man sold cigarettes and liquor to children, that man was "making kids bad" and for a pitifully small profit, too. Wherefore, the thing for a kid to do was, first, to warn the man, then, if he didn't "cut it out," to tell the judge.

This was a very delicate part of the judge's policy, and many a man will shake his head over it. We all despise spying. But boys despise it more than men, and I know no better way to prove that the judge made it clear and right than by stating that the boys of Denver, the "big fellers," approved the doctrine and practiced it. Take the Battle-Axe gang of Globeville, for example. Globeville is a suburb of Denver, and the Battle-Axes were the toughest "fellers" over there. Their leaders were three brothers, known as the Cahoots—"Big Cahoot," "Middle Cahoot," and "Little Cahoot." The whole gang frequented dives, drank, smoked, chewed (they were named after their favorite brand of plug tobacco); they did everything that men did, and other things besides. The judge got hold of this gang, in the usual way; one or two were arrested, won over, and persuaded to bring in the rest. They all came, and were interested in the game of correction. The good they could do, the judge told them, was to help enforce the laws of the kids' court. They did it, too. They had trouble at first. One day Big Cahoot went to a saloon where some of the little fellers in his gang had bought tobacco. He told the man about the law and asked him not to sell to any Battle-Axes. The saloon-keeper, taken aback, became angry, and started for the boy. Big Cahoot wasn't afraid. He stood his ground; there was a fight, and the young tough was kicked out into the street. But he told the judge, and the judge sent the man to jail for fifteen days. After that it was easier for the boys, who are still reporting to the judge that the law is respected "over in Globeville" and that "the Battle-Axes are doin' all right."

One curious development of this policy was that many of the liquor dealers, having been made to understand what all this meant to the children, came to like the judge and to help him to carry out his policy. The Baker case will illustrate.

One day a girl was brought in. She told her story; it was a wine-room story, and the judge had the wine-room keeper, Baker, arrested. He tried him in the Juvenile Court, and sent him up for sixty days.

"The girl I kept on probation," he says, "and I was talking to her one day—the day before Christmas—when I was told that a boy, Paul Baker, wanted to see me. Putting the girl in a side room, I had the boy in. He was a handsome, wholesome little fellow, and he came up to my table, halting, but with a frank look on his face.

“ ‘Judge,’ he said, ‘you put my papa in jail, but everybody says that you like boys and do all you can to help a boy. So I came to ask you to let my father come home for Christmas.’”

He began to cry, and the Judge spoke.

“Yes, I like boys,” he said, “and I like men, too. Do you think I dislike your father? Not a bit! I was sorry to put him in jail. And did it never occur to you that it wasn’t I that put him in jail? It was the law. And the law is right. Do you know what your father did?”

The boy knew. “Well, I like little girls as well as I like boys, and you know that wine-rooms are bad places for little girls. This little girl and her mother, they are suffering just as you and your father are suffering; all because he broke the law.” The judge sent for the girl, and he introduced the two children. He drew the girl on to tell what “trouble” the violation of the law had caused her and her mother. The judge explained why she should not hate, but be sorry for the man, since he was only thoughtless, as she was, and was in trouble, too.

“Here is his son, Paul, who has come to ask that his father may be allowed to come home for Christmas to see his family. His mother suffers as yours does; his sister has wept as you have wept. It is all, all trouble, and no one is worse than another. Now, what shall I do about letting Mr. Baker go home for Christmas?”

“Let him go,” the girl said, and she and the boy joined in the plea. The judge consented.

When Paul brought in his father to see the judge, on the day after Christmas, the judge sent the boy out of the room, then, he praised the son to the father. It was a pity, he said, to bring up that boy in such a business.

“Judge,” the man said, “you are right. I’ve been thinking it all over in jail, and I’ve made up my mind to get rid of this business and go back to the mountains where I came from.”

The judge did not send Baker back to jail; he suspended sentence, as his law authorized him to do, and the man did sell out and go back to the mountains. Now, when they come to town, he and his boy always call on the judge, their “best friend.”

“You see,” the judge says, “Baker wasn’t a bad man. He did a bad thing, and that bad thing made a little girl bad. But what made him do the bad thing? To make his business good; to increase his profits. But there was the law and the power of the state to compel him to restrict his enterprise within limits where it wouldn’t hurt anybody else. That’s where the System broke down; that’s where it breaks down all the time. Why?”

Baker told him why. He said that he broke the law because the bosses told him he might. He contributed to their campaign funds, paid blackmail, and furnished “stuffers” to vote, so they told him he was “protected.” “Then you came along, judge, and you sent me up. I don’t blame you. I blamed them, and I went to them for their protection. They said they couldn’t handle you. They said they didn’t mean I could break juvenile laws, but they didn’t tell me that. I paid them, and they couldn’t deliver the goods. That’s why I blame them.”

Baker blamed the bosses, and so did the other saloon-keepers. So did the people of Denver; most of us blame the political bosses. The judge himself blamed them for a long while, and he ought to have known better. One of his first political services was to help Governor Thomas destroy the power of Boss Thomas J. Mahoney, famous in Denver politics. And they did destroy Mahoney’s power. But that made no difference. Only the man was down and out; the boss lived. Who was the boss of the political boss? For whom was blackmail collected from the saloon-keepers in return for which they were permitted to break the law, sell liquor to boys, and keep wine-rooms where girls might be ruined? The parties? For whom did the parties work? The parties worked for the big business interests of Denver and Colorado, as the judge found out.

You hear in Denver that “the trouble with Ben Lindsey is that he ‘butts into’ everything.” He does and he must. His critics mean that Judge Lindsey might solve the problem of the children, if, for their sake, he would not interfere with other evils. Many good men and women adopt that policy. Temperance reformers, to get their prohibition laws through, trade votes with the railroads; and charities and churches, colleges and all sorts of benevolent and reform groups, to say nothing of businesses, professions, and interests generally. We, all of us, are standing in with Evil, in the hope of destroying the particular little evils against which we are fighting. Lindsey won’t. This is the institutional idea; this is the fallacy which makes men sacrifice civilization, for no less is at stake for their church, their party, or their grocery store. If Lindsey should make this common, almost universal mistake he might build up his Juvenile Court, they tell him, into a national, yes, an international institution, and send his name reverberating down through the ages. But Ben Lindsey won’t do it; and he won’t because he sees that he can’t.

He can’t for two reasons. One, as he soon learned, is that the problem of the children isn’t a separate problem. Ben Lindsey discovered that bad children are made bad by the conditions which men create. And he went after some of those conditions, and when it was found that his legislation gave him power over adults that hurt children, as well as over the children, the leading citizens of Denver were incensed. Why? His authority over saloon and other vice interests loosened the hold the machines had over the vicious elements of society, and menaced the election frauds on which the business and political system of the state was built. And Lindsey saw, and he was told (though not in these words) that the big men of his state would prefer to see children hurt than business. So they fought him, and when he beat them, as we have seen, with the help of the men, women, and children of the city, they declared that he “had too much work to do” and that therefore they would take away from his court jurisdiction over adults who contributed to the delinquency of children. In other words, they are indeed willing to let him do what he can for the kids after the harm is done, but he must not undermine the vice of the city, however much it may injure youth, the foundation of “prosperity.”

Thus the first reason why he can’t let all the other evils go to correct the one he is after, was his discovery that our apparently separate evils are all tied up together; they are all one evil; they are a System, as he calls it, of Evil.

The second reason is that Lindsey is so constituted that he must attack any wrong with which he comes in personal contact. We have seen how, accidentally, the county judge drifted into the case of the children. That was characteristic. When he was a young lawyer he was beaten in a damage suit against the street railway by a “fixed” jury. Inquiring into the matter, he learned that jury-fixing was a common practice, and he attacked that practice. He drew a bill to enable a majority of jurors to render a verdict. The company offered his firm an annual retainer, but Lindsey declared that it was a bribe and refused it. “This was my first sight of the grand System,” he says, “but I didn’t recognize it as such. I’ve learned since that this is the way the interests get their first hold on promising or troublesome young lawyers.” Lindsey put his bill through. Challenged as unconstitutional, it was first upheld, then thrown out by the Supreme Court of Colorado; “which gave me my first sight of the Supreme Court as a part of the System,” he says.

His practice developed along probate lines, and he found the laws obscure and unfair. He revised them, and his revision, enacted, has been highly praised by the law journals. Indeed, his knowledge of probate law was one of the justifications for putting so young a man on the county bench. Lindsey is the author of the present election laws of his state. Everybody was complaining of the old laws, but nothing was done about them till Lindsey went to work and got them changed. I could go on for a page with practical reforms taken up by this man, all of them

suggested by his accidental, personal contact with evils, and all having nothing to do with children. If Judge Lindsey had never heard of the problem of the children he would have been known as a man doing a man's work for men.

But the incident in his career which will show this best is his exposure of the county commissioners. That also was begun by accident.

At the close of the Juvenile Court one Saturday afternoon, the judge picked up idly from the clerk's desk a paper, which, as he talked, he glanced at. "To 1,000 sheets paper, \$280." It was a bill, and the price interested the Judge. He asked the clerk about it. The clerk hadn't seen the bill. He "guessed" it was there by mistake; bills didn't come to him; "must have been meant for the clerk of the county board." Lindsey sent the clerk to "see Mr. Smith, of the Smith-Brooks Publishing Company (which furnished the paper), and ask if the bill was correct." The clerk brought the answer that his (Smith's) "damned boy had taken the bill to the wrong place, and the price was none of our business." The judge sent to the county clerk for other bills charged to the county court.

"I was amazed at the charges," he says. "Six letter files at \$6 apiece; these cost me personally twenty-eight and thirty cents apiece. Paper which was charged for at the rate of \$48 a thousand I could get for \$6. I spent the night on those bills, and the next (Sunday) morning I took expert advice. I found that the county was paying several hundred percent too much for all supplies to my court." As with the children and as with the Police Board, the judge wished to give the county commissioners a hearing, so he wrote them a letter containing the facts. "I thought probably they didn't know about these overcharges. I didn't want to misjudge them, and I wanted to examine into the situation with them privately and personally. I believe if they had come up with the truth, I'd have been satisfied if they had promised to cut it out."

The judge received no reply to his letter. He sent another, and still no response; that is to say, none that was direct. There was an indirect response, however, which interested the judge profoundly. Both the police and the county boards of Denver were bi-partisan, but the fighting line in the politics of the city was a machine, not a party line, and the police and the county boards were at odds. The county board had appointed Lindsey a judge. When he went after the police board, Frank Adams, the president, unable to believe in honesty and sincerity, had looked around for an explanation of "Lindsey's enmity" to him; and the theory he fixed upon was that Lindsey, out of gratitude to the county board for his job, was "hurting the party" to help Frank Bishop, the president of the county board, who was a candidate for the nomination for governor of Colorado. So now, when Ben "got after Frank Bishop's board," he puzzled Frank Adams and all the other men in Denver who, to account for the conduct of others, read their own souls.

"What does Ben mean? Is he an ingrate? You go ask him what the hell he means." This was said by Commissioner Watts to the judge's clerk, whom the board had also "given his job." Cass Harrington called; the attorney to the county board, this man had resigned to be "of counsel" to the Colorado Fuel & Iron Company. Others called, many prominent men. "This stealing," the judge says, "had friends, political and business friends, and they were powerful men, all of them." He saw that he would also need friends, so the judge paid some visits. He called on some other judges; he told them the facts, and he asked them to move with him for an investigation. They wouldn't.

"Why, judge," said one of them, "you have your hands full now. You are doing more than two or three men can do. You oughtn't to want to know about this. I don't. That would make me responsible, and I don't want to have anything to do with it. Go to the district attorney. . . . Well, then, that means that you know what politics is in this town. My advice to you is, let the whole

thing alone.” This from a judge! And other officials took the same view or a similar view: “You can’t do anything”; or “The county board appointed you; I believe in sticking by your friends”; or “It will ruin you, judge”; or “It will spoil your work for the children.”

The judge went on investigating, and the evidence he discovered and the things his “friends” told him to stop him, showed him that this county graft was well known, and that it was but a small part of a system of graft. For example, business men were in on the deals; each commissioner had merchants for graft-partners. And besides, the county board was a board of tax revision; it had remitted the taxes of public service corporations, and it could “hurt” or “help” property-holders generally. But the judge got help. Some of the early commissioners “snitched” to the judge; they didn’t snitch like the boys, “on the square”—they “squealed” to save themselves, and the others squealed on the squealers to get even. Oh, he got the facts! He appointed a committee to investigate, and the committee reported the facts to the judge.

A concerted effort was made to have the judge suppress his report. Many respectable friends of the grafters went to the front for graft. They pretended to represent “business,” the “party,” “the fair fame of Denver,” etc. They used the names of United States Senators Patterson and Teller. They were panic-stricken. As for the judge, he was awed at the show of influence. “And,” he says, “I was really in doubt lest I might be doing a great harm to accomplish a little good.” But he was reassured. He sounded the United States senators, and both Mr. Patterson and Mr. Teller sent back word to “go ahead and show up the grafters regardless of party.” That was the first encouragement the judge got. Finally, three of the county commissioners called, and their pleadings decided him. They also prayed in the name of “the party,” the “credit of business,” Denver, gratitude, their families; but there was no word about stopping the stealing! The judge published the report in the Democratic newspaper, the *News*.

The county board had to act; and it began with an investigation of its own—a farce, of course. “One thing I learned from it, however,” the judge says, “and that was that many men of business are cowards. The same experts who had told me that the commissioners were thieves, went on the stand and perjured themselves. And their perjury was all in vain. District-attorney Lindsley had to act. Lindsley is the man who got his office when Lindsey wanted it, and the judge urged him now to do what he, himself, had thought of doing: use the power of the public prosecutor to prosecute public criminals and clean up the city. Lindsley wouldn’t; he was in the gang, and other gangsters said he didn’t dare. He proposed that the judge meet with a committee of the party leaders and discuss what should be done. The judge refused. And the newspapers made demands. So Lindsley had to make a show of action. He called on the judge and talked about doing his duty. He has a peculiar whine, Lindsley has, and in that whining way he protested to the judge that while he didn’t believe the commissioners could be convicted, he would do his duty. Judge Lindsey happened to go down to the Democratic Club right after this talk, and he found Lindsley there drinking with one of the accused commissioners. And the information that this district attorney drew was under a statute which limited the penalty to \$300 fine and removal from office.

The newspapers, principally Senator Patterson’s, forced this case to trial. District-attorney Lindsley refused to appear in it himself; he appointed a deputy, George Allan Smith, who, the Judge says, was faithful. (And evidently he was, for he was forced to resign after the trial.) No local judge cared to sit on the case, so a judge of the Pueblo district (controlled by the Colorado Fuel & Iron Company) was called in. For the grafters appeared Charles J. Hughes, a leading attorney for the corrupt corporations of Colorado (since elected a United States senator). The story of the trial is a story of “jury work,” stolen papers, conspiracies and plots, and an

attempt to brand Judge Lindsey as “an ingrate” (to the System), a “reformer” and a “grand-stand player.” (How they do hate to have a man serve and appeal to the people!) Nobody expected anything but a verdict of acquittal, and then Judge Lindsey was to have been put on trial.

But the jury convicted those grafters. How it happened I couldn't learn. Somebody blundered, I heard. The jurors apologized; the district attorney apologized; the very judge apologized. Judge Voorheis delivered from the bench to those prisoners at the bar a speech which was eulogistic of them. He spoke of their standing and usefulness as Christian gentlemen and good citizens. He said they were victims of an evil System. He regretted that he had to impose any punishment, but he must; so he gave the smallest penalty provided by the law: “Ten dollars and costs!”

The learned judge was right: there is a System, and the penalties that System imposed upon Judge Lindsey were not light. His sentence was destruction. Knowing that money couldn't prostitute him, women were tried. The janitor of the County Court House wouldn't clean Lindsey's court-room and so neglected his closet that the Board of Health had to interfere. He was cut on the street by other officials and, to avoid hearing himself called insulting names, had to stay away from his club. His party council allowed the convicted county commissioners to name their successors and to reject from the platform a plank declaring for honesty in office.

This persecution continued for a year or two and, it must be confessed, the judge was aggravating. He not only refused to surrender; he went right on fearlessly supporting in public every good reform measure and movement that anybody proposed. For example, a convention, called for by the so-called Rush Amendment to the state constitution, drew for Denver a good, new, home-rule charter. The big business interests “had to” beat it, however, because it gave the people a vote on all franchise grants and permitted municipal ownership. The only way to beat it was to have the ballot-boxes stuffed. Yet, when some inexperienced young men organized a League for Honest Elections, this county judge came down off the bench to help the league. And, as usual, his speech was no mere perfunctory address on the sacredness of the ballot-box; he named names, and he named not merely the despised agents who did the dirty work; Judge Lindsey called the roll of the officials who employed and protected the ballot-box stuffers ! The people, already aroused, became so inflamed that finally their rulers had to elect a pretty good charter themselves.

Do you see the situation? Do you see Ben Lindsey doing his duty, all of it, not only as a judge of children, but as County judge, and not only as a judge on the bench, but as a man on the bench and off it? and fighting all the while for his life; cheerfully, without malice, but without fear? Paul Thieman in the *Denver Post* once called Ben Lindsey “the first citizen of Colorado,” and declared that, not the mines and the mills, not the railroads, the farms, and the banks, but Ben Lindsey's work was “the greatest thing the state has produced.” And from the point of view of the history of man, this is true. It looks absurd from a shop window, but Paul Thieman was seeing things through the eyes of a little boy he mentions, who, sitting silent one day watching the judge deal out justice, suddenly rushed up and kissed him on the cheek. “I love you!” the child said.

The test came at the elections of 1904. The judge had to run then, and he sought the office. “I had to,” he says apologetically; “my work was only just begun.” His enemies meant to defeat him. Who were his enemies? There was Frank Adams and his police board, whose co-partnership with vice and crime he had exposed and disturbed; they were still in office and powerful in his party. Then there were the county commissioners whom he had driven to trial for grafting; they controlled the county board, and the party machinery. These two groups with all their followers hated the just judge, of course, and they proposed to beat him openly for the nomination. But wiser

counsels prevailed. Other, cooler enemies, passed the word to beat him quietly. Lindsey was “popular” with the women and children, the leaders said, and women vote in Colorado. The big leaders advised caution, and the scheme was to make him decline the nomination himself. They proposed to nominate as his associate on the county bench a man who was “going to knock out all this kid business.” They expected the judge to revolt, and he did; he said he would “denounce his fellow-candidate from the stump.” This was the excuse the Democrats wanted, and they decided to drop the judge.

But a hitch occurred. There was a row in the Republican party, and the dominant state leader, to affront the Denver boss, William G. Evans, nominated Judge Lindsey on the Republican ticket. This put the Democrats in an awkward attitude. They demanded that Lindsey be loyal to his own party and decline the Republican nomination. He refused. They offered him a better associate judge, if he would run only on the Democratic ticket. But the judge knew that they meant to knife him, so he accepted their associate, but declared he would accept any and all nominations from all parties. And he did. And his party decided again not to nominate him. This was three days before the convention, but that was time enough for the judge.

He went to the people. He published an open letter in the *Denver Post*. The newsboys, all friends of the judge, cried it as news, and not only that, they sent kids as couriers to raise the gangs. Men took the letter home, and mothers turned out. But the children were before them. They poured out into the streets and, collected and organized by the newsboys, marched up and down the main streets, yelling for Lindsey. By the time the procession had reached the Democratic Club, the cries of the children had developed into a song which they sang as they marched and countermarched and halted before the club:

“Who, which, when?  
Wish we was men,  
So we could vote for our little Ben.”

And they kept it up all that night and all the next day. It was most embarrassing to the politicians. “Little sons of —!” exclaimed a leader in the club, “they are doing more than anybody else to beat us.” But the answer was that cry from the street, “Who, which, when?” All day long, everywhere, the boys kept at it. And then the mothers of the city held a mass-meeting at the Women’s Club. And then there was a mass-meeting of men, women, and children in the Opera House.

Ben Lindsey was nominated, “amid howls and curses” and on his own terms, on his own party ticket, and all other tickets, excepting only that of the Socialists. Nominated by the people, he was elected by their unanimous vote; but that didn’t settle it.

The judge believed that the election of two county judges was unconstitutional; if it was, the mayor of the city would have to choose between him and his colleague. The mayor, Robert Speer, was a Democrat and the leader of Lindsey’s party. The judge asked him whom he would choose. This Democratic mayor said he would have to consult with William G. Evans, the Republican boss, before he could answer, and he did see Mr. Evans and the answer was that there would be no choice; the spring election was legal and would stand. But if it should not be held legal, then, the mayor made plain, Judge Lindsey would not be the judge.

“That’s enough for me,” said Lindsey. “I fight.” And he went forth to fight. He went to the editors of Senator Patterson’s two papers, the *News* and the *Times*, and to the *Denver Post*. They sounded the alarm, and they kept it up, too. Paul Thieman rehearsed the whole story of the



kid's judge as a serial. The people began to be interested, but they were too late; the conventions of both parties met and adjourned without nominating the judge, and "Bill" Evans left for New York.

Mayor Speer, the Democrat, was in charge of this business for both parties, but he could not control the younger Republicans. They made such a fuss that the older leaders consented to recall the convention. It was to nominate Lindsey, of course, but this "matter of course" was so insisted upon by the System's organ, the Republican, that Lindsey became suspicious. He inquired, and he heard the night before the convention that all this talk was part of the game to keep the young Republicans away from the convention; another man was to be nominated in the judge's place.

Lindsey called up his friends among the delegates, and the young men wanted to give up. The caucus had been held; the slate was fixed; it was too late to make a fight. The judge wouldn't hear of quitting, however, so, in their desperation, one of them suggested seeing David H. Moffatt. Mr. Moffatt is the leading banker and financier of Colorado, and to go to him was to appeal over the heads of all the political bosses and the apparent business bosses to the very head of the System. Moffatt was the man to go to, but Lindsey didn't know Moffatt.

"Well, you know Walter Cheesman; go to him."

Walter Cheesman was a religious man, very rich and benevolent and an active supporter of the Humane Society and of Lindsey's Juvenile Improvement Society. So the judge knew Mr. Cheesman, but it was not because of his benevolence that those young men suggested seeing him. Walter Cheesman was president of the Denver Water Company, and therefore "had to" be part of the System which causes the corruption and the evils that, as a philanthropist, he "had to" contribute money to ameliorate.

The judge went to see the philanthropist. He told Mr. Cheesman about the plot and the caucus.

"You, Mr. Cheesman, you know," he said, "what I have done in that office. You know I have slaved and worked and fought; that it has been often a hell on earth. You know, too, that I have saved the county very much money, in many ways; that I have tried to walk straight and do right; and that I have begun for the children a work that must not stop now."

"Judge," said Mr. Cheesman, "I am sorry, and I have just been talking to Mr. Field about your case." Mr. Field? Mr. Field was the president of the Telephone Company, another privileged business. The judge was seeing the System plainly.

"Mr. Field and I discussed the case, judge," said Mr. Cheesman, "and we are very sorry, but we can do nothing. With us, politics is business and business comes first. You might as well understand it. My advice to you is to let go the judgeship, and the Children's Court. Mr. Shattock will be nominated by the Republican convention; Mr. Johnson will be nominated by the Democratic convention. That's certain. And I want to give you one bit of advice. Don't you run independent. I know what I'm talking about. You can't be elected."

So that was the situation; that was the System. The judge rose:

"I'm going to fight," he said, "and I'm going to fight till I'm licked good and hard."

He went back and he told his young men. There was no time to appeal to the voters, but it wasn't necessary. Those young men scoured the town; they filled the streets and the convention hall. The excitement was intense. Speer, the Democrat, wired to Evans, the Republican, that the Republicans were pulling away, and that if they did, the Democrats would have to quit, too. Evans wired his orders back, but Lindsey was nominated by the Republicans, and the Democrats had to nominate him. They had to nominate and run their whole county ticket over again, and (this is the funniest thing that I know in politics) the Democratic gang that had hatched this scheme to "lose

Lindsey somehow in the mix-up”—these grafters, elected in the spring and settled at their graft, were defeated in the fall! Lindsey alone was re-elected. And the Supreme Court did declare the spring election void. The gang had beaten themselves. And the people—the women, the children, the honest men of Denver—they had saved Ben Lindsey.