

Turn-of-the-Century Denver: An Invitation to Reform

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Denver entered the second decade of the twentieth century in the vanguard of the national Progressive movement. A host of reformers had joined after 1900 in a series of desperate efforts to wrest political control from party stalwarts. By 1910, these efforts had been largely successful.¹ The city had undergone an extensive overhaul, in which commission government and the instruments of direct legislation were substituted for an archaic bicameral structure and machine rule.

Virtually every avenue to reform was explored. Those who traced city problems to state interference sponsored a constitutional amendment providing for home rule. Proclaimed effective December 2, 1902, the Rush Amendment was followed by a charter convention that drafted articles establishing a unicameral city council, whose ten members were to be elected at large for four-year terms. Initiative, recall, and referendum measures were adopted also, and franchises were to require the approval of taxpayers.² This charter was defeated in a close, bitter contest, and a second convention produced a document devoid of significant reforms. The bicameral council was reinstated, its power still hopelessly diffused.

Rooted in the hope that the judiciary would remain free from the taint of machine politics, an Honest Elections League sought the purification of voting processes in a long but fruitless campaign of litigation.³ Failure led, in 1906, to the formation of

¹ *Rocky Mountain News* (Denver), November 9, 1910; Roland L. DeLorme, "The Shaping of a Progressive: Edward P. Costigan and Urban Reform in Denver, 1910-1911" (unpublished Ph.D. dissertation, University of Colorado, 1965), *passim*.

² *Denver Republican*, December 2, 1902; "Real Home Rule in Denver," *Outlook*, LXXV (September 12, 1903), 97.

³ "How Independent Jurists Show Up Supreme Court," Newspaper Enterprise Association release, n.d., copy in Edward P. Costigan Papers, Western Historical Collections, University of Colorado Library, Boulder. Hereafter referred to as Costigan Papers.

the Independents, who fought a brief skirmish, seeking to liberate the state's court system from partisan control.⁴

All the while, just below the surface of Colorado politics, the elements of full-fledged insurgency were coalescing. A State Voters' League was organized in 1905 to provide citizens with more complete information about prospective office-holders. The League's short life was marked by the endorsement of a Denver reform ticket. The indefatigable Judge Ben Lindsey rallied the forces of reform about himself in a noisy but unsuccessful bid for the governorship in an independent race in 1906.⁵

Both major parties sprouted reform wings. The Democratic party, distrusted for its Populist heresies by corporation spokesmen, was captured by reform forces under the leadership of John F. Shafroth and Thomas Patterson.⁶ Progressive Republicans found their party's stalwart faction too firmly entrenched. Despite some desertions during the silver crusade of the 1890's, the Colorado GOP remained the only major party protecting conservative interests from the reform onslaught. Thus it became, by default, the corporations' natural ally. By 1910, most of the insurgents had left the Republican party. That same year witnessed the victory in Denver's municipal elections of a third party dedicated to reform.⁷

Once in power, the reformers moved quickly to accomplish Denver's political rehabilitation. Commission government, civil service reform, a headless ballot, and measures for the regulation of the city's franchised corporations headed the list of sweeping changes that were imitated at the state level. By the end of 1912, Colorado had implemented the initiative and referendum, stringent new election laws, municipal home rule, measures for the recall of judicial officers and decisions, commission regulation of the state's railroads and industries, and two eight-hour laws.⁸ Governor Shafroth could list fifteen major reforms enacted in his two terms, and Denver's reform administration claimed at least a temporary defeat of "Big Mitt" politics.⁹

⁴ Edward P. Costigan to James Temple, August 9, 1906, *ibid.*; *Rocky Mountain News* (Denver), August 17, 1906.

⁵ DeLorme, "Shaping of a Progressive," pp. 163-80.

⁶ Lloyd K. Musselman, "Governor John F. Shafroth and the Colorado Progressives: Their Fight for Direct Legislation, 1909-1910" (unpublished Master's thesis, University of Denver, 1961), pp. 20-23; Mary F. Adams, "Thomas M. Patterson: Some Aspects of His Political Career" (unpublished Master's thesis, University of Colorado, 1933), p. 167.

⁷ Musselman, "Governor John F. Shafroth," p. 130.

⁸ *Ibid.*

⁹ *Ibid.*; see also E. Kimbark MacCall, "Progressive Legislation in Colorado, 1907-1917" (unpublished Master's thesis, University of Colorado, 1949), p. 169 *et passim*.



It was a victory of startling proportions, for turn-of-the-century Denver had been notable chiefly for the "low tone" of its political practices.¹⁰ "Firmly in the grip of boodlers, bribe takers, [and] petty politicians," as one author has recently described it, the city "entered the twentieth century stewing in a vat of malodorous municipal and corporate corruption."¹¹

Such conditions were related directly to rapid growth. Confronted by the needs of a modern urban complex, Denver sought to cope with them through a municipal structure better suited to early nineteenth-century needs. Expanding population and industry meant that a widening spectrum of duties and services were needed which the city found impossible to provide. Like other American cities, Denver struggled futilely with the undesirable accompaniments of growing size and wealth. In the process, politicians and business leaders carelessly squandered her resources.¹²

Contentment with mere growth as a measure of progress was ill-advised in Denver's case.¹³ The Queen City had stood

¹⁰ Harold Underwood Faulkner, *The Quest for Social Justice, 1898-1914* ("A History of American Life" Vol. XI; New York: Macmillan Co., 1931), p. 92; William H. Tolman, *Municipal Reform Movements in the United States* (New York: Fleming H. Revell Co., 1895), pp. 30-31.

¹¹ Robert L. Perkin, *The First Hundred Years: An Informal History of Denver and the Rocky Mountain News* (Garden City: Doubleday and Co., Inc., 1959), pp. 407-08.

¹² Delos F. Wilcox, *Great Cities in America: Their Problems and Their Government* (New York: Macmillan Co., 1910), p. 7.

directly in the path of the tidal wave of immigration and population movements that inundated the West in the post-Civil War era. Between 1870 and 1880, the city's population leaped from 4,759 to 35,629.¹⁴ In the ten years before 1890, it rose another 242 per cent.¹⁵ Increasing density and housing shortages posed new problems for city administrators. Such complications were intensified by nativist resentment of incoming aliens.¹⁶

The infusion of new life was attended by all the contrasts of the boom-town atmosphere. Denver sprawled haphazardly in all directions, "a city of broad streets and squalid slums; of dives and churches, of *nouveaux riches* and of college men."¹⁷ Visitors to Denver found public restraint dwindling and noted a sense of freedom from conventional standards of morality. The raw environment and comparative newness of the population severely strained church ties. Newcomers had to make their own choices of faith and conduct.¹⁸

Without the power of moral suasion, church spokesmen tended to object only feebly to violations of convention. Ordinances that banned Sunday sale of liquor and prohibited the presence of minors in the city's many saloons apparently lacked public support. Clergymen were placated by scattered raids; local officials winked at the liquor trade and ignored the fulminations of prohibition advocates.¹⁹

A similar state of mind existed in regard to local gambling. In more than one hundred "policy shops," where five-cent tickets were spun in a number wheel and the winners posted on a large blackboard, "diamond studded gamblers sat behind their gratings, raking in the earnings of motley crowds."²⁰ One gambling syndicate cleared over \$100,000 a year.²¹ When the public temper required it, the district attorney or police commissioner

promised closings, but gambling flourished with few interruptions.²² Violators who were brought to court were seldom convicted; judges and juries found it difficult to prosecute otherwise reputable property owners who leased buildings for such illegal purposes.²³

From its beginnings as a roaring camp on the frontier, Denver had had its share of prostitution, and by 1900 row upon row of disorderly houses were fixtures in the poorer areas of the city.²⁴ Residents were probably not surprised to learn that United States immigration agents had traced Parisian white slaves to Denver.²⁵

Whatever the moralists' fears, the city's financial future appeared promising. The external signs of industrial development were obvious and impressive. Production of Denver's manufactures had increased ten-fold from 1870 to 1880 and five times more in the following decade.²⁶ No reversal of the trend was apparent in the new century. Denver citizens became increasingly self-conscious about their city's industrial interests, foreseeing a marketing position competitive with eastern manufacturing centers.²⁷ The transportation facilities necessary for such competition seemed at hand. Construction of new railroads within the state reached 4,300 miles by 1890, almost triple that of 1880.²⁸ Such figures lent support to a false optimism, though, for the financial condition of the city government was far less favorable.

Unable to find sources of revenue flexible enough to expand with the multiplying wants of the metropolis, Denver resorted to deficit spending after 1887.²⁹ The debt rose rapidly until, in 1900, it reached \$200,000.³⁰ Various schemes to meet financial obligations proved ineffectual. One mayor toyed with the idea of paying the debt with current funds in order to re-establish credit.³¹ An attempt to sell almost \$5,000,000 in municipal bonds had to be given up for lack of bids.³²

¹³ *Rocky Mountain News* (Denver), January 2, 1900.

¹⁴ U.S., Department of the Interior, Census Office, *Compendium of the Tenth Census: 1880*, I, 452.

¹⁵ Clyde L. King, *The History of the Government of Denver with Special Reference to Its Relations with Public Service Corporations* (Denver: Fisher Book Co., 1911), p. 100.

¹⁶ *Statistical Abstract of the United States: 1910* (Washington: Government Printing Office, 1910), pp. 48, 50, 53-59. See also Conrad Taeuber and Irene Taeuber, *The Changing Population of the United States* (New York: John Wiley and Sons, Inc., 1958), pp. 62-63, 65-66.

¹⁷ Ernest H. Abbott, "Religious Life in America—Colorado," *Outlook*, LXXII (October 11, 1902), 366.

¹⁸ *Ibid.*, 365.

¹⁹ *Rocky Mountain News* (Denver), January 17, 1906; February 21, 1906; *Denver Post*, July 27, 1901; Frances A. Huber, "The Progressive Career of Ben B. Lindsey, 1900-1920" (unpublished Ph.D. dissertation, University of Michigan, 1963), pp. 50-51, 54.

²⁰ *Rocky Mountain News* (Denver), February 23, 1900.

²¹ *Ibid.*, February 16, 1900; February 23, 1900; Benjamin B. Lindsey and Rube Borough, *The Dangerous Life* (New York: Horace Liveright, Inc., 1931), pp. 79-80.

²² *Rocky Mountain News* (Denver), February 22, 1900; February 24, 1900; *Denver Express*, May 20, 1907; *Denver Post*, January 27, 1906.

²³ *Rocky Mountain News* (Denver), February 16, 1900.

²⁴ Perkin, *First Hundred Years*, pp. 416-17.

²⁵ Abbott, "Religious Life in America—Colorado," p. 367; *Denver Times*, November 25, 1904.

²⁶ George Creel, *Rebel at Large: Recollections of Fifty Crowded Years* (New York: G. P. Putnam's Sons, 1947), p. 96.

²⁷ King, *History of the Government of Denver*, pp. 162-63, 165.

²⁸ *Ibid.*, 98.

²⁹ *Ibid.*, 165.

³⁰ *Rocky Mountain News* (Denver), January 18, 1900.

³¹ *Ibid.*, February 4, 1900.

³² *Ibid.*, February 24, 1900.

As the situation worsened, there were suggestions for a concerted drive to collect back taxes. This had the effect of reminding the public of the long and fruitless struggle that had been waged, in and out of court, to collect levies on public utilities franchises.³³ The *Rocky Mountain News* complained that because the city was in financial distress all citizens bore a growing tax burden, but the administration would "squirm and wriggle disgracefully to avoid insisting upon a fair annual sum" from the franchised corporations.³⁴

Suits instituted by the city to recover delinquent taxes on franchises and obtain explicit legal sanction for continued levies failed of either objective.³⁵ One local jurist, Frank T. Johnson, who held that the franchises were taxable, was quickly overruled by District Court Judge Peter Palmer, who accepted the water company's view that franchises had no assessable value.³⁶ Palmer insisted that even if the law were interpreted to allow such taxation, it failed to specify the exact means for its collection. His decision thwarted city efforts in this direction.³⁷

The public service corporations figured in another approach to solving Denver's indebtedness. A policy of demanding remuneration to the city in return for franchise grants was urged by some. As old franchises expired and broader terms were sought, the city came under increasing pressure to require regular payments from grantees. One newspaper launched a campaign to require payment of at least five per cent of the gross profits of the electrical franchise to the city, urging that the mayor oppose any other terms.³⁸ For a time, at least, this argument seemed to sway the mayor, who assured his constituents that he would "certainly not sign any ordinance giving a franchise to a lighting company without what I consider an adequate return to the city."³⁹

His stand drew much support. It was pointed out that a large portion of the municipal debt would not have existed had the franchise holders kept agreements with the city concerning damages incurred in the extension and servicing of their facilities. The tramway company, for example, owed the city \$102,000 for paving work resulting from the laying of rails in new sections

of Denver.⁴⁰ Many hoped that new franchises would include statutory provisions for payments to Denver. Such hopes were illusory.⁴¹ The mayor bowed before intense political pressure. Opponents of the corporations later claimed that the established franchise holders blocked the inclusion of revenue provisions.⁴² Distinguished public figures warned against "blackmailing" the public service companies, and a former governor even maintained that the previous franchises were precedents and that the city had surrendered authority to exact large payments.⁴³

The argument was irrelevant, for the administration lacked the singleness of purpose needed to pursue the case. The very growth that promised so much had robbed Denver of effective government. An unwieldy bicameral council was inadequate for the management of an enlarged domain. The council was slow in accepting new responsibilities thrust upon the city.⁴⁴ The two-chamber system institutionalized delay and confusion on the municipal level. As deadlocks, friction, and uncertainty undermined the prestige of a council seat, councilmen declined in quality. Some resembled nothing more than petty larcenists.⁴⁵ The public chafed at government inefficiency, and the few officials who sought a way through the structured sluggishness often stumbled headlong into unlawful activities.⁴⁶

Denver's government was a model of impotency. Disorganization was exploited by a cynical bureaucracy; looting of the public monies went noticed but uncorrected. Graft and vote fraud were common features of the administration.⁴⁷ One interested spectator wrote a Denver acquaintance:

We may see things in a different light but I venture to say that you are not at all proud of political methods in the city of Denver. It is all very well for you people to fill your own bastille

³³ *Ibid.*, January 19, 1900.

³⁴ *Ibid.*, January 7, 1900.

³⁵ *Ibid.*, January 19, 1900.

³⁶ *Denver Times*, August 18, 1900.

³⁷ *Rocky Mountain News* (Denver), February 14, 1900; August 16, 1900.

³⁸ *Ibid.*, January 4, 1900; March 3, 1900.

³⁹ *Ibid.*, January 5, 1900.

⁴⁰ *Ibid.*, March 2, 1900.

⁴¹ *Ibid.*, January 3, 1900.

⁴² *Ibid.*, January 4, 1900.

⁴³ *Ibid.*, March 3, 1900; March 6, 1900.

⁴⁴ King, *History of the Government of Denver*, p. 191; Huber, "Progressive Career of Ben B. Lindsey," pp. 49-50; William B. Munro, *The Government of American Cities* (New York: Macmillan Co., 1920), pp. 183-84.

⁴⁵ Munro, *Government of American Cities*, pp. 183-88; *Rocky Mountain News* (Denver), January 5, 1900; January 26, 1900; *Denver Times*, May 16, 1906; J. A. Fairlie, "American Municipal Councils," *Political Science Quarterly*, XIX (January, 1904), 234-51.

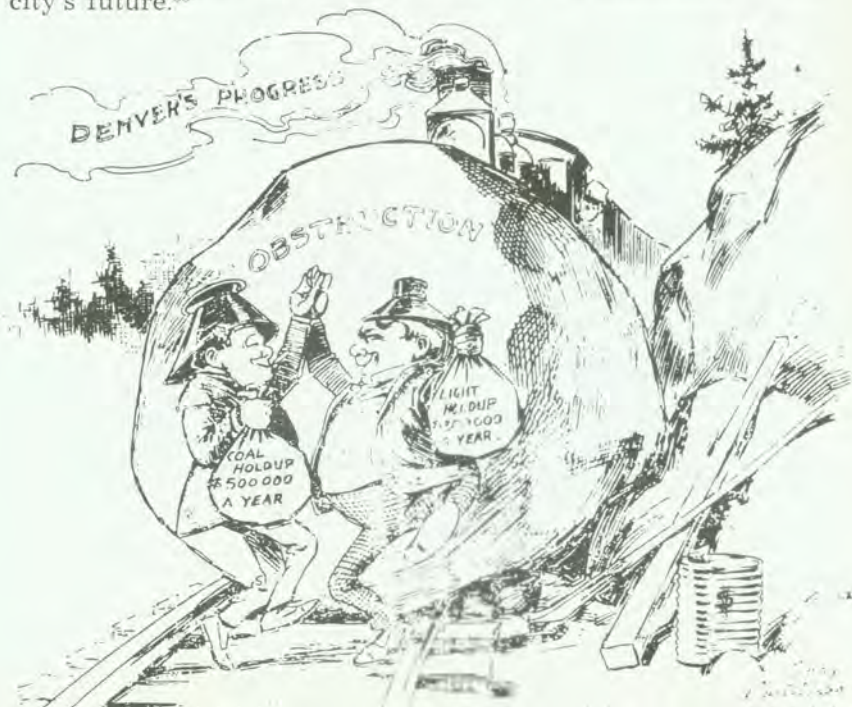
⁴⁶ Munro, *Government of American Cities*, pp. 183-84; *Rocky Mountain News* (Denver), February 10, 1900; *Denver Republican*, December 4, 1902; December 7, 1902.

⁴⁷ "Information Gathered from Various Sources" (unpublished manuscript, n.d.), Costigan Papers; Dr. J. D. Eggleston to Honest Elections League, n.d. *ibid.*; Benjamin B. Lindsey and Harvey J. O'Higgins, *The Beast* (New York: Doubleday, Page & Co., 1910), pp. 11-12, 113-32, 158-60; King, *History of the Government of Denver*, p. 158.

with politicians but we of Archuleta County having, heretofore, voted the straight Republican ticket, feel that we should have some rights and would ask that you do not monopolize all the accommodations in Cañon City.⁴⁸

Beset by malfeasance and mismanagement, Denver's difficulties continued to mount.⁴⁹ Industry's fluid condition quickened the already noticeable population mobility. In concert with a weak, antiquated council, a court system full of unresolved rivalries, and a poorly adjusted election system, the influx of "floaters" further undermined municipal administration. As elsewhere in the United States, the necessity of forward motion in Denver "put a premium on quick, short-range improvisation and on action without regard for considered rules—a situation ideal for the development of the city boss and informal government."⁵⁰

This was illustrated in the handling of public services. According to the *Rocky Mountain News*, Denver had "treated its franchises as a spendthrift treats a fortune"; they had been "lavished right and left, without regard for the future, to whomsoever asked for them from purchasable city councils."⁵¹ Urban expansion demanded a corresponding growth of transportation, water, gas, and electrical services. So pressing seemed the need that franchises were granted indiscriminately.⁵² Effective controls and regulation were surrendered voluntarily. Franchise seekers were viewed often as public benefactors whose investments in utilities corporations were votes of confidence in the city's future.⁵³



The gas franchise, given to James Archer in 1869, remained fully in effect for fifty years without provision for payment of any kind to the city. There were no regulatory clauses to prevent unwarranted extensions of service, nor were there reservations as to future rates or the quality of services.⁵⁴ Of course, it was not long before franchise holders recognized that the city's requirements promised great profits and that monopolies could be won with the cheerful acquiescence of local government. Control of the city council ensured an unusually secure investment.⁵⁵

Competition between rival concerns was hardly a mitigating factor. The history of Denver's public service corporations reveals that multiple utilities were not self-regulating in the fixing of rates and securing of proper services.⁵⁶ Competition had been a part of the early scene, to be sure, but it led in time to monopolization, not to improvement of services.⁵⁷ By 1900, consolidation had become the rule; even a new light and power franchise provided only temporary relief from arbitrary charges.

The Denver Gas and Electric Company was the target of widespread criticism. Annual profits of \$200,000 were termed excessive by critics.⁵⁸ Although the estimated cost of producing and distributing natural gas was forty-three cents per 1,000 cubic feet and for coal gas thirty-seven cents, the company charged householders \$1.50 for natural gas and \$1.35 for the coal derivative.⁵⁹ The same firm's monopoly on electricity also was subject to attack. "The Denver light trust," one newspaper charged, was "an unmitigated hog."⁶⁰ Costs to consumers had "grown enormously, and the quality of service is much inferior to what it was before. . . . With the exception of very few cities, Denver is taxed higher for gas and electric lighting than any other city in the country."⁶¹

⁴⁸ H. A. Rogers to Edward P. Costigan, January 18, 1905, Costigan Papers.

⁴⁹ Huber, "Progressive Career of Ben B. Lindsey," p. 73.

⁵⁰ Richard Hofstadter, *The Age of Reform: From Bryan to F.D.R.* (New York: Alfred A. Knopf, 1955), p. 175. See also Delos F. Wilcox, *Municipal Franchises* (Rochester: Gervase Press, 1910), I, 9.

⁵¹ *Rocky Mountain News* (Denver), January 5, 1900.

⁵² King, *History of the Government of Denver*, pp. 79, 131; Hofstadter, *Age of Reform*, pp. 173-75; Russell B. Nye, *Midwestern Progressive Politics: A Historical Study of Its Origins and Development, 1870-1958* (Lansing: Michigan State University Press, 1959), pp. 173-74.

⁵³ King, *History of the Government of Denver*, p. 79; Wilcox, *Municipal Franchises*, I, 2-7.

⁵⁴ King, *History of the Government of Denver*, p. 80.

⁵⁵ *Ibid.*, 130-57.

⁵⁶ *Ibid.*, 157.

⁵⁷ *Ibid.*

⁵⁸ *Rocky Mountain News* (Denver), January 4, 1900.

⁵⁹ *Ibid.*

⁶⁰ *Ibid.*, January 2, 1900.

⁶¹ *Ibid.*, January 4, 1900.

Acting on a report by City Electrician Eugene Y. Sayer that actual production costs were indeed far below rates charged, and existing facilities could be duplicated for \$2,000,000, the *Rocky Mountain News* spearheaded a drive for a new, separate electrical service.⁶² This spirited endeavor, as it turned out, was open to a charge of self-interest. Although its editorial page carried the banner "Public Utilities Must Belong to the Public," the paper's owner, Thomas Patterson, was a leading figure in a company bidding for the new franchise, the so-called Denver City Light and Power Company, an offshoot of his Denver, Boulder, and Northern Railroad.⁶³

Despite this blemish the campaign mobilized public opinion in favor of another franchise. The price of pipe precluded competition with the gas works, but several light and power companies, in addition to Patterson's, submitted lighting proposals.⁶⁴ Denver had been paying \$120.00 a year per arc lamp for public lighting, while private residences were assessed fifteen cents per kilowatt hour for incandescent lighting. The successful bidder, the LaCombe Company, lit the streets for \$90.00 for each lamp and furnished electricity to private homes for five cents per kilowatt hour.⁶⁵ The prospect of lower rates delighted the general public.

Unfortunately, the result was a vicious rate war between the two firms. The older company staged a series of holding actions in court and slashed its residential rate to two and one-half cents per unit. The LaCombe Company, unable to withstand the shock of continued operation at a loss, succumbed after five years.⁶⁶ Having forced its competition out of business, the Denver Gas and Electric Company declared bankruptcy. The receiver persuaded an understanding court to cancel all contracts to which the company had agreed at the low rates. On May 15, 1906, the reorganized firm secured from the city council a new twenty-year monopoly for the sale of gas and electricity.⁶⁷

The other public service corporations also were vulnerable to charges of extralegal manipulations. The Denver Union Water

Company's franchise included a loosely-worded clause providing for a periodic readjustment of rates corresponding to assessments in three cities where municipal ownership was in effect. Yet when Denver requested a revision, the company blandly announced that it was impossible to arrive at the average rate used in the designated communities, since different units of measurement were employed. Protracted litigation yielded only slight concessions.⁶⁸

The Denver City Tramway Company's monopoly over public transportation was complete by 1900. It was guided shrewdly to a position of omnipotence by William Gray Evans, whose personal and corporate gains, in faithful adherence to the gospel of wealth, benefited Denver University and other educational institutions.⁶⁹ The streetcar company's reputation profited little from Evans' altruism, however, and faced increasingly hostile criticism. Organized groups of aroused citizens in the Highlands, along Welton Street, and on the South Side complained bitterly and lobbied against what they termed inexcusably shoddy service.⁷⁰

Unnecessary speed, reckless drivers, and neglected equipment were blamed for an accident toll that damaged the company's good will. The press carried daily headlines that were solemn reminders of the cruel side of urban transit at the turn of the century: "Old Man Killed by Tramway"; "20 Hurt in Tramway Collision"; "Aged Doctor Tramway Victim"; "Tram-



⁶² *Ibid.*; January 16, 1900.

⁶³ *Ibid.*, January 1, 1900; January 10, 1900; January 27, 1900; February 1, 1900; February 3-4, 1900; February 9, 1900.

⁶⁴ *Ibid.*, January 10, 1900.

⁶⁵ *Ibid.*, January 31, 1900; February 11, 1900. The LaCombe franchise is found in Charles W. Varnum and J. Frank Adams (comps.), *Franchises and Special Privileges of the City and County of Denver* (Denver: Smith Brooks Press, 1907), pp. 112-72; Wilcox, *Municipal Franchises*, I, 143.

⁶⁶ Wilcox, *Municipal Franchises*, I, 143; Walter G. Gooldy, "Denver—Home Rule," *Annals, American Academy of Political and Social Science*, XXI (May, 1903), 485-87.

⁶⁷ Perkin, *First Hundred Years*, pp. 408-09; Wilcox, *Municipal Franchises*, I, 144, 186-88.

way Overcrowding Causes Accident."⁷¹ Like the farmers whose hatred for the railroads was further inflamed by the reckless handling of trains, Denver citizens saw carelessness as additional evidence of the transit company's inhumanity.

Another complaint was that the Tramway, as well as other franchised utilities, meddled too much in politics. The streetcar company always mustered an ample majority on crucial votes in the city council.⁷² Franchise ordinances were framed contrary to expert advice. Councilmen met furtively in early morning sessions to approve requests for extended service areas and rate increases.⁷³ The company, according to critics, issued bogus real estate tax receipts to hired voters. It was alleged that on one occasion seven hundred empty lots were purchased temporarily and used for fraudulent voting in a franchise election.⁷⁴

Reform advocates insisted that corporate activities posed a threat to the representative character of the city government. Special favors inevitably produced the worst aspects of modern pressure politics. The power and money of special interests turned democratic processes into a "turmoil of injustice, of subsidized treason and anarchy."⁷⁵ Lincoln Steffens, veteran analyst of municipal corruption, concluded that conditions in Denver and the state in general were "extraordinary," and that those in control were "unusual and audacious men."⁷⁶ The Colorado reform figure, Edward P. Costigan, believed that "machine politics in our state at this time . . . are such as to discourage any man from entering political life."⁷⁷

According to one crusader, the political scene resembled an untamed jungle, where honest men were threatened with extinction.⁷⁸ As vicious in their tactics as beasts of prey, corporate interests dominated government in order to obtain new favors. Thus, boss control was said to emanate ultimately from "respectable" businesses, whose vast financial resources sustained the

morale of machine men and bribed willing officials into subservience.⁷⁹

Steffens was convinced that most of the corporation leaders were self-righteous frauds—the real directors of municipal corruption.⁸⁰ Big businessmen had banded together to milk riches from special privileges. They stood ready to apply any pressure to corrupt the sources of civil authority.⁸¹ "Don't you know," taunted Steffens, "that back of the political corruption, and supporting it, is business corruption?"⁸² The people's rights had been supplanted by the dictates of corporate-financed machines.⁸³

Denver reformers imagined that vice, corruption, graft, election fraud, and the machinations of politicians of every rank were woven together inextricably in a conscious, corporation-centered conspiracy. Big business, they maintained, had a powerful grip on Denver: "The tramway company, the water company, the telephone company, the coal companies, the smelters, all operating as a unit, controlled both parties and named both tickets in every election."⁸⁴ The obstacles to reform seemed insurmountable. One reformer complained to an acquaintance that those opposed to "bossism" confronted a situation in which droves of city politicians acted on orders of the corporations, which, in turn, were in league with a syndicate of gamblers.⁸⁵

From the lowest stratum of ward heelers to the bosses, and beyond, to corporation executives, according to reformers, there existed a discernible web of control and collusion.⁸⁶ Candidates for public office were named by the same men who "determined intrastate freight rates, the price of coal and fuel, banking rates and privileges, the cost of Denver's every public service, whether water, gas, light, or street railroad service, and the price that should be paid for a ballot."⁸⁷ Judge Lindsey charged that Ed Chase, the gambling czar, took orders from the chief political strategist for the corporations, William G. Evans.⁸⁸

⁶⁸ Varnum and Adams (comps.), *Franchises*, pp. 679-81.

⁶⁹ Allen D. Breck, *William Gray Evans, 1855-1924: Portrait of a Western Executive* (University of Denver, Department of History Series, "The West in American History," No. 4; Denver: University of Denver, distributed by Alan Swallow, 1964), pp. 123-28.

⁷⁰ *Denver Express*, May 7, 1907; May 15, 1907; *Denver Times*, August 3, 1905.

⁷¹ *Denver Post*, January 7, 1900; January 10, 1900; *Denver Times*, June 20, 1906; *Denver Express*, May 1, 1907; May 31, 1907; June 1, 1907.

⁷² *Rocky Mountain News* (Denver), January 7, 1900; *Denver Republican*, November 8, 1902.

⁷³ *Denver Republican*, November 8, 1902; *Denver Times*, May 17, 1906.

⁷⁴ *Denver Times*, June 1, 1906; June 4, 1906.

⁷⁵ Lindsey and O'Higgins, *The Beast*, p. 185.

⁷⁶ Edward P. Costigan to Benjamin B. Lindsey, November 5, 1907, Costigan Papers.

⁷⁷ Edward P. Costigan to Merle E. Vincent, January 20, 1907, *ibid*.

⁷⁸ Lindsey and O'Higgins, *The Beast*, p. 3.

⁷⁹ Hofstadter, *Age of Reform*, p. 183; John T. Salter, *Boss Rule: Portraits in City Politics* (New York: McGraw-Hill Book Co., Inc., 1935), pp. 45-50.

⁸⁰ Lincoln Steffens, *The Shame of the Cities* (New York: McClure, Phillips & Co., 1904), p. 3.

⁸¹ Wilcox, *Great Cities*, p. 10.

⁸² Lincoln Steffens to William C. Bobbs, in Ella Winter and Granville Hicks (eds.), *The Letters of Lincoln Steffens* (New York: Harcourt, Brace and Co., 1938), I, 207-08.

⁸³ Boyde C. Gurley to James Causey, October 21, 1906, Costigan Papers.

⁸⁴ Creel, *Rebel at Large*, p. 96.

⁸⁵ James Causey to Walter L. Fisher, December 9, 1905, Costigan Papers.

⁸⁶ Nye, *Midwestern Progressive Politics*, p. 174.

⁸⁷ King, *History of the Government of Denver*, p. 172.

⁸⁸ Lindsey and O'Higgins, *The Beast*, p. 184.

One member of this supposed financial-political directorate reportedly admitted to Lindsey that "Mr. Evans represents our interests in politics, and of course, you understand politics with us is a matter of business."⁸⁹ According to critics, Evans dominated not only the Denver Republican organization, but the state party as well.⁹⁰ In their eyes, he was the manager of the "System" through which the great corporations governed Colorado.⁹¹

Reformers pictured four other well-known financiers as sharing ultimate power: E. B. Field, director of the telephone company; Walter S. Cheesman, long-time owner of the water company; Daniel Sullivan, Denver Gas and Electric Company's comptroller; and David H. Moffat, railroad and mining entrepreneur, founder of the First National Bank, and chief stockholder in Denver's streetcar franchise.⁹² They were thought to supervise the offices of district attorney, sheriff, and county commissioners as a Republican sphere of influence in the county.⁹³

Under the shrewd leadership of Mayor Robert W. Speer, the Democrats controlled the Fire and Police Board and, through it, Denver's gambling dens and houses of prostitution.⁹⁴ Also part of the alleged "System" were three newspapers, two fraternal orders, four district court jurists, and six judges of the state supreme court. Special grafts, such as ice, cigars, stone, laundry, insurance, and street cleaning, were assigned to favored individuals, according to reformers. Even the Denver Bar Association was implicated.⁹⁵

Seemingly, every important public official and agency was attached to the corporations. Every level of life, public and

⁸⁹ *Ibid.*, 190-91.

⁹⁰ *Denver Express*, May 31, 1907; Robert G. Athearn, *Rebel of the Rockies: A History of the Denver and Rio Grande Western Railroad* (New Haven: Yale University Press, 1962), p. 261; "Colorado's Civic Conscience Is Benumbed or Enthrallled," Newspaper Enterprise Association release, August 2, 1906, Costigan Papers.

⁹¹ See the intricate and enlightening chart, "The System," an unsigned manuscript in the Costigan Papers. Handwriting specimens point to George P. Winters, attorney and investigator for the State Voters League, as the author.

⁹² *Ibid.*; Lindsey and Borough, *The Dangerous Life*, p. 7; King, *History of the Government of Denver*, pp. 99, 159, 210; *Smith v. Lindsey and O'Higgins*, No. 47923 (1910), Division 1, District Court, City and County of Denver.

⁹³ "The System."

⁹⁴ *Ibid.*; Lindsey and O'Higgins, *The Beast*, p. 56; *Smith v. Lindsey and O'Higgins*; Huber, "Progressive Career of Ben B. Lindsey," p. 36.

⁹⁵ "The System."

⁹⁶ Dayton D. McKean, *Party and Pressure Politics* (Boston: Houghton Mifflin Co., 1949), pp. 273-74.

⁹⁷ Samuel P. Hays, "The Politics of Reform in Municipal Government in the Progressive Era," *Pacific Northwest Quarterly*, LV (October, 1964), 157-58.

⁹⁸ Faulkner, *Quest for Social Justice*, p. 92.

private, was thought to be infected with corruption.⁹⁶ Reformers envisioned themselves as tiny fragments of purity in the midst of a threatening sea. They denounced the identification of the *status quo* in Denver as representative of progress. But they were a minority. They stood apart from the drift of popular sentiment in the first years of the new century. To the more complacent majority they were "knockers."⁹⁷

Isolated and numerically weak at first, the reformers still were justifiably alarmed. Whatever the truth of their allegations of a corporate conspiracy, there was ample evidence of an urban crisis in Denver. The citizenry winked at corruption and inefficiency so long as such practices had little apparent effect on Denver's prosperity and growth. By 1900, the wholesale waste of the city's resources no longer could be ignored. Prodded by disclosures of corruption and reform leaders' urgent pleas, the electorate did not miss the possible connection between machine politics and degenerating urban conditions. Municipal helplessness in the face of population growth, an outmoded tax structure, and administrative inefficiency combined with a long reign of misrule to make Denver ripe for reform.

At a time when the breakdown of urban government extended from "the older, thickly populated immigrant cities on the Eastern seaboard" to the "newer frontier cities of the West," political conditions in Denver were among the worst in the nation.⁹⁸ Despite signs of impressive growth and economic development, the city undoubtedly needed reforming. The purge, when it came, was long overdue. It was left to Denver's reformers, such as Ben Lindsey, Edward Costigan, James Causey, and Josephine Roche, to expose and seek to destroy machine rule in those years. The results of their labor, while incomplete and even temporary, equaled the best efforts of urban reformers throughout the United States.

The Citizens' Party proved highly effective. It united independents, Republican insurgents, and reform Democrats in a coalition that supported a sustained campaign for urban reform. It served as an example, training ground, and power base for similar alignments at the state level. Denver's pressing needs lent reform a momentum that overcame a tradition of disunity. It offered an invitation to reform that helped ignite the Colorado Progressive crusade.

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The Election of 1904: An Attempt at Reform

By J. RICHARD SNYDER

It is unusual to find major reform movements closely following one another in American history. But, because of their separate origins and different sources of leadership, Populism and progressivism produced nearly a full generation of social ferment. Returning prosperity and William McKinley's defeat of William Jennings Bryan killed the Populist movement in 1896-97. Shortly thereafter, however, another era of innovation arose. It was predominately a middle-class movement, led by citizens whose community status was unquestionably respectable but who had been eclipsed as political leaders by the professional politician and the economic groups he represented.

Progressivism's deep moral fervor had nationwide impact, producing an enduring protest against the evils accompanying uncontrolled economic growth and urban development. Revelations of corrupt urban politics, business ties to state and local political offices, and the general subversion of democracy and economic opportunity manifested the need for reform, and its goals—clean government, regulation of corporations, greater democracy, and social justice—demanded efforts which kept reformers busy for nearly two decades.

By 1904, the movement was well under way. The pages of *McClure's* and *Everybody's* exposed nationwide political corruption, while agitation against corporative monopolies marked the new era in such states as Wisconsin, New Jersey, and Oregon and in the cities of San Francisco, Toledo, and Cleveland.

So too had the Centennial State become a target for the Progressives. Corporations such as the American Smelting and Refining Company, the Colorado Fuel and Iron Company, and the Denver and Rio Grande and the Colorado and Southern Railroads, along with the Mine Owners' Association, exerted

an extraordinary influence in the state government. Such concerns were firmly entrenched and were under the control of businessmen who "fought some powers, quieted others, and made friends with the rest" to stay in enterprise.¹ Often, in the name of business enterprise, political intrigue undermined the governmental structure.

The elections of 1904 brought one of the earliest reform battles in Colorado. The various vested interests sought to sustain their city and state administrations against the newly-emerging Progressive forces seeking to reform them. Though these initial encounters ended in defeat for the Progressives, they proved to be a turning point in Colorado politics, for they marked the limited appearance of Progressive ideas.

The Progressive philosophy was at first weakly voiced by a few persistent individuals who for the most part went unheeded. Disgusted with the political maneuvering practiced by both parties, some would later sever their traditional party ties to form the core of the Progressive party in Colorado. But in 1904 there seemed to be hope that the parties themselves could be reformed to eliminate the most flagrant violations of just government, and it was within the parties themselves that the voices of protest were first heard.

The earliest efforts of the state-wide Progressive movement were centered in Colorado's capital city and largest urban community, Denver. Accelerated growth of the 1880's² and 1890's with consequent demands for local improvements and services were met without arrangements for public regulation. For example, the city neither provided for time limits on licenses nor reserved the right to modify their terms in the future.³ By 1904, the utilities exercised great political influence in their efforts to keep advantageous contracts. On public questions affecting their interests, they, and several large corporations, cooperated to influence government through both major political parties.⁴

¹ Allen duPont Breck, *William Gray Evans, 1855-1924: Portrait of a Western Executive* (University of Denver, Department of History Series, "The West in American History," No. 4; Denver: University of Denver, distributed by Alan Swallow, 1964), p. 132.

² The greatest rate of increase actually occurred during the decade ending in 1890, when the population rose from 35,629 to 106,713. U.S., Department of the Interior, Census Office, *Eleventh Census of the United States, 1890: Population*, I, 77.

³ Clyde L. King, *The History of the Government of Denver with Special Reference to Its Relations with Public Service Corporations* (Denver: Fisher Book Co., 1911), pp. 157-58.

⁴ *Ibid.*, 292.

Paul Thieman, *Denver Post* editorial writer, argued that Denver's corruption was worse than any other city's in the United States, and he filled an entire page describing the source of the trouble. Realizing that Denver was an especially sad spectacle, since in other urban areas, "when the facts broke into the open, the courts . . . did not refuse to try the boodlers," Thieman cited Robert La Follette's experiences in Wisconsin to encourage reform sentiment.⁵ The path toward democracy for Denver lay in the organization of responsible citizens who would seek fair primaries and honest elections regardless of their party affiliations.⁶

An attempt had been made in Denver as early as 1902 when an amendment to the state constitution gave the capital city home rule and allowed it to regulate its local utilities. Yet the promise of this reform proved, in reality, to have a limited effect. As stipulated in the amendment, a city charter was drawn up and submitted to the people in the fall of 1903. The Tramway, in order to protect its freight-carrying privileges, which the charter sought to restrict, had linked itself with a group of election managers the newspapers dubbed "savages," who proceeded to stuff ballot boxes, intimidate voters, and harass election watchers.⁷ The various utilities headed by the Denver Tramway thereby successfully blocked approval of the charter at the polls.⁸ When in March, 1904, it was finally approved by the voters, it had been stripped of its articles restricting freight-



carrying privileges. Such Progressive measures as the initiative and referendum (for which the document did make provision), proved to be responsive to the same special influences they had been originated to correct.⁹

The charter called for elections in May to fill the new offices. Robert W. Speer, a Democrat, and John Springer, a Progressive Republican, ran for the office of mayor. The Tramway, anxious to maintain political influence and to protect its franchise, backed Speer; the savages were likewise instructed to support the Democratic nominee. Alarmed Republicans asked Governor James H. Peabody to use the militia to insure an honest election,¹⁰ but he refused after reportedly securing a promise for support from both William G. Evans and Speer in the fall gubernatorial contest.¹¹

The election that followed swept Speer into office. The Republicans, however, quickly contested it, filing charges in Judge Ben Lindsey's county court. The Democrats were accused of practicing fraud, and the court was asked to investigate the ballot boxes.¹² Lindsey, who was interested in reforming local government, was amenable, but the state supreme court ruled that the matter was outside the court's jurisdiction.¹³ Ultimately Springer was forced to acquiesce in the Republican party's decision to drop the contest, a move purportedly prompted by the Tramway's willingness to assume part of the party's campaign expenses.¹⁴ In this confrontation reform forces proved to be too weak to initiate the changes they had sought.

Disappointed but undaunted, they prepared for the November elections. The *Denver Post* lent its editorial voice to the movement and outlined state-wide Progressive hopes. For example, it advocated the formation of a Citizen's Law and Order

⁵ *Denver Post*, September 16, 1904; October 7, 1904.

⁶ *Ibid.*, October 28, 1904.

⁷ Juvenile Court Judge Benjamin B. Lindsey and Denver lawyer and reformer Edward P. Costigan were among those who witnessed firsthand the tactics used. Lindsey later recalled that one of the savages had boasted to him: "What chance have the people got against Boss Evans and the crowd he represents when fellows like me that they employ is good for 500 votes in precinct after precinct, when fellows like you are only good for one vote?" (Benjamin B. Lindsey, "The Rule of Plutocracy in Colorado," pp. 15-16, Pamphlet File, State Historical Society of Colorado Library). The experiences of Edward P. Costigan, as a member of the League for Honest Elections and as a poll watcher in the May balloting, convinced him that Denver's political framework needed drastic changes (Colin B. Goodykoontz [ed.], *Papers of Edward P. Costigan Relating to the Progressive Movement in Colorado, 1902-1917* [Boulder: University of Colorado, 1941], pp. 4, 42).

⁸ Breck, *William Gray Evans*, p. 129.

⁹ King, *History of the Government of Denver*, p. 236.

¹⁰ *Denver Post*, September 16, 1904.

League. Such an organization would reflect the interest of both parties and would create a force which could work for the good of the state as well as the city.¹⁵ Farther to the south, the *Pueblo Chieftain* also lamented Colorado's problems and joined in echoing Judge Lindsey's assertion that the "highest political, civil, and moral law" was that which called on a man in public life to "best serve his party by best serving his people."¹⁶ The paper went on to express confidence that "Colorado's voters can choose for themselves what sort of government they desire."¹⁷

In 1904, however, such free choice was somewhat questionable, and many citizens began to realize that elections were becoming meaningless. Repelled by the political intrigues which were being exposed, some of the malcontents began to swell the ranks of Democratic opposition.¹⁸ By fall, corporate interests, represented largely by the Republican party, began to realize that they could maintain their political influence only by securing Governor Peabody's re-election, preserving a Republican majority in the Senate, and, through these measures, maintaining a sympathetic supreme court.

Peabody quickly received corporative campaign support,¹⁹ but he was in political trouble due principally to his handling of the Cripple Creek strike which had grown out of a general turn-of-the-century conflict between labor and management. When in 1902 the Republican-dominated legislature had failed to pass a measure favorable to the miners and smelter workers, the Cripple Creek workers, led by the Western Federation of Miners, went on strike.²⁰

The dispute evolved into violence, and Governor Peabody responded by establishing martial law and calling out the militia. Many doubted the constitutionality of this action, in part because the Mine Owners' Association was reportedly paying the cost of maintaining the troops.²¹ But Lieutenant T. E. McClelland, one



Vermont native James H. Peabody was serving as mayor of Canon City when he was elected governor of Colorado in 1902.

of the officers sent to the troubled district, expressed few doubts about the issue. "We aren't going by the constitution," he asserted.²²

Lieutenant McClelland was mistaken. The state supreme court upheld Peabody's action, reasoning that "all necessary means [should] be employed to suppress insurrection" and that the governor was the officer responsible for determining when an uprising existed.²³ Teller County officials protested the entry of troops and asserted that the civil law was functioning.²⁴ It was to no avail. Though business interests applauded the action as that of a responsible public official,²⁵ Peabody realized that it had provoked a wave of controversy, and he was thus anxious to receive public endorsement at the polls.

The polls also offered the Republicans an opportunity to continue their senate majority. They would go into the election of 1904 with a holdover edge of eleven to seven, leaving seventeen seats to be filled. While they were well aware of a general dissatisfaction with the senate, they felt it imperative to maintain their control of that branch of the legislature.

The need for friendly executive and legislative offices was best reflected in the judiciary, where an amendment to the constitution was called for to enlarge the highest state court from three to seven members. Two of the additional four members would come automatically from the circuit court of

¹¹ *Ibid.*

¹² Lindsey, "Rule of Plutoeracy in Colorado," p. 23.

¹³ *Ibid.*

¹⁴ *Denver Post*, September 6, 1904.

¹⁵ *Ibid.*, September 11, 1904.

¹⁶ *Pueblo Chieftain*, October 9, 1904.

¹⁷ *Ibid.*, October 23, 1904.

¹⁸ George E. Bardwell and Harry Seligson, *Organized Labor and Political Action in Colorado: 1900-1960* (Denver: University of Denver, College of Business Administration, 1959), p. 35.

¹⁹ George G. Suggs, Jr., "Colorado Conservatives versus Organized Labor: A Study of the Peabody Administration" (unpublished Ph.D. dissertation, University of Colorado, 1964), p. 600.

²⁰ Charles Emil Strangeland, "Preliminaries to the Labor War in Colorado," *Political Science Quarterly*, XXIII (March, 1908), 12.

²¹ Benjamin M. Rastall, *The Labor History of the Cripple Creek District: A Study in Industrial Evolution*, No. 198, *Bulletin of the University of Wisconsin*

("Economic and Political Series," Vol. III, No. 1; Madison: University of Wisconsin, 1908), p. 99.

²² Ray Stannard Baker, "The Reign of Lawlessness in Colorado," *McClure's*, XXVI (May, 1904), 43.

²³ *In Re Moyer*, 35 Colo. 167 (1904).

²⁴ Rastall, *Labor History of the Cripple Creek District*, p. 95.

²⁵ Suggs, "Colorado Conservatives versus Organized Labor," p. 588.

²⁶ Lindsey, "Rule of Plutoeracy in Colorado," p. 47.

appeals, which was to be abolished. The other two, however, would be nominated by the governor and confirmed by the senate.

To the uninitiated, perhaps, the powers of the supreme court were too subtle to be noticed. But, in fact, they were extremely effective in the management of elections, and thereby, the maintenance of established policies. The court had the power to sustain the right of the state canvassing board to review the election returns of county boards. It could employ injunctions to curtail the activities of the savages or to appoint poll watchers. Additionally, it was due to hand down a decision on procedures employed in the election of the Denver city and county officials. This could void the election, allowing the Republicans another chance at gaining control of such important county positions as tax assessor and treasurer, through which it was possible to pad voter registrations to insure extension of corporative franchises.²⁶ Should that fail, the court could strike down the amendment which called for voter approval in the extension of franchises. The possibilities were many and too potent to be ignored.

These were the stakes, the offices which could lend a sympathetic ear to corporative and vested interests, and the maintenance of all depended greatly on the continuance of each. Thus Governor Peabody, in return for financial backing, agreed to nominate Luthor M. Goddard and George W. Bailey to fill the new court positions.²⁷ At the same time, a reminder went out to Mayor Speer that his support had been promised in the state elections.²⁸

The fall contest promised to be interesting, if only because of the tactics to be employed to insure Republican control of state offices. It also produced evidence of Progressive protest. At the Denver meeting of the Republican convention in early September, John Springer lashed out at the corporate interests and charged the existence of a political alliance between William Evans and Mayor Speer.²⁹ The Pueblo delegation, supporting Springer's disclosures, condemned Peabody's action in Cripple Creek and advocated a reform campaign.³⁰ But the Republicans were not stampeded. They renominated Governor Peabody,

promised support for an eight-hour law, and advocated expansion of the supreme court. While they condemned the Western Federation of Miners, they recognized the right of both labor and capital to combine into associations to seek economic goals, provided neither broke the law.³¹ Jesse McDonald, a conservative, secured the nomination for lieutenant governor.

It was left to the Democrats to express more extensive reform ideas. Though their platform included certain portions of the Republican program as well as measures reflecting lingering Populist sentiment,³² a growing Progressive faction was becoming deeply concerned about the increasing corruption in state and municipal offices. Advocating the initiative and referendum, anti-usury laws, the establishment of a state bank examiner, and an eight-hour day for miners,³³ the Progressives were led by such men as Judge Ben Lindsey, Edward P. Costigan, and John Shafroth, whose personal experiences made them well aware of the need for change, and by Alva Adams, the Democratic candidate for governor, whose campaign centered about the slogan, "citizens must vote if they are to win over the money interests."³⁴

These Progressive measures were combined with a general Democratic opposition to the manner in which Peabody had handled the Cripple Creek problem. Hence, reform issues were voiced under such slogans as "Peabody, Pandemonium, and Poverty," when Republicans offered the alternative "Peabody, Peace, and Prosperity."³⁵ Republican claims that a vote for Peabody would help crush the lawless Federation of Miners were likewise countered with Democratic promises that Peabody's defeat would demolish the Mine Owners' Association.³⁶ Thus, the Democratic platform condemned Republicans for failing to pass labor legislation and criticized Governor Peabody's policy in the Cripple Creek strike.³⁷ As fall approached, Democratic hopes rose. Public hostility toward the governor, coupled with newspaper agitation for reform, pointed toward a Democratic triumph.

Worried Republican leaders turned to the supreme court. Particularly suspicious about possible voting irregularities in

²⁷ 35 Colo., 285.

²⁸ Lindsey, "Rule of Plutocracy in Colorado," p. 24.

²⁹ *Denver Post*, September 15, 1904.

³⁰ *Ibid.*

³¹ *Ibid.*, September 14, 1904.

³² Leah M. Bird, "Minor Political Parties in Colorado," *The Colorado Magazine*, XIX (November, 1942), 210.

³³ *Denver Post*, September 22, 1904.

³⁴ *Ibid.*, September 21, 1904.

³⁵ *Ibid.*, September 11, 1904.

³⁶ *Ibid.*

³⁷ *Ibid.*, September 22, 1904.

Denver, they sought an injunction providing for court-selected poll watchers in all voting areas.³⁸ The justices agreed, stating that government was not bound to wait for commission of a crime before acting.³⁹ This reversed an earlier decision,⁴⁰ which had held that the courts were without jurisdiction to enjoin a threatened crime.⁴¹ Newspapers applauded this latest ruling, believing that at last the voter's wishes would not be nullified through fraud.⁴² The Democrats were not so sure. When they asked for similar protection in Pueblo and Las Animas and Huerfano Counties, the court refused to act until it was too late to get the "watchers" to the polls.⁴³

Despite their best efforts, the Republicans lost control of the state's government. Alva Adams won a ten-thousand-vote majority over Governor Peabody, the Democrats gained control of the Senate by a margin of nineteen to fifteen, and the amendment expanding the supreme court was ratified, paying the way for Democratic appointments to the bench. Frantic over their expulsion from power, Republicans now chose a course of action unique in Colorado politics. Using their influence with the supreme court, they secured a ruling condemning the savages for stuffing ballot boxes in Denver. The court then eliminated all votes in five different precincts, electing two Republican senators and six Republican representatives who had previously been defeated.⁴⁴ The action also cut into Adams' victory margin.⁴⁵

Alva Adams had twice
served as governor
(1887-89 and 1897-99)
prior to the election
of 1904.



The court went on to find that further fraud had been committed in Boulder and Las Animas Counties, and it directed the election of Republican senatorial candidates from those districts. Again, Adams' margin was reduced. The justices then turned their attention to Denver once more, throwing out votes in five more precincts and allowing Republicans to gain the county offices of treasurer, assessor, and sheriff.⁴⁶

Despite its sweeping action the court did not evict Alva Adams from his new office. His inauguration was scheduled for January 10, 1905, and it was clear that unless some new agreements were reached, business candidates for the court's two new positions would not be selected.

Relief came from the governor. After reportedly securing pledges from the utilities and representatives of some of the large corporations to help him protest Adams' election, Peabody sent in the names of Luthor Goddard and George W. Bailey to the now Republican-dominated senate on January 7, 1905.⁴⁷ Two days later their appointments were confirmed and the following day Alva Adams was sworn into office.

Business representatives, anxious to maintain Republican control of the statehouse, then tried to convince the state legislators that Adams had been fraudulently elected and that Peabody should be declared the rightful officeholder. This proved to be an impossible task. Eventually a compromise was reached in the house and senate. The legislature declared Adams' victory without effect, due to voting irregularities, and installed James Peabody as governor on March 16, 1905, with the provision that he would resign within twenty-four hours, allowing Jesse McDonald to become governor.⁴⁸

The procedure was unusual, but the practice of evading the will of the people was not, in Colorado or elsewhere. It was the kind of practice which produced political progressivism, and events in Colorado during 1904-05 can only be viewed as a blow to the reform movement mounted during the campaign. As the

³⁸ Goodykoontz (ed.), *Papers of Edward P. Costigan*, p. 42.

³⁹ 35 Colo. 237.

⁴⁰ *L'Abbe v. the District Court*, 26 Colo. 386 (1899).

⁴¹ 35 Colo. 237.

⁴² Mary F. Adams, "Thomas Patterson, Some Aspects of His Political Career" (unpublished Master's thesis, University of Colorado, 1933), p. 121.

⁴³ 35 Colo. 296.

⁴⁴ *Ibid.*, 303.

⁴⁵ *Ibid.*

⁴⁶ *Ibid.*

⁴⁷ *Ibid.*, 326-29.

⁴⁸ Goodykoontz (ed.), *Papers of Edward P. Costigan*, p. 45; 35 Colo. 331.

Boulder *News* impatiently questioned: "Will the time ever come when there will be more profit and honor in political defeat than in a dishonest, corrupt victory. Trickery and boodling are at a premium. Why should this be thus?"⁴⁹ Broken by his defeat Alva Adams murmured, "If the people can endure it, I can," and went home.⁵⁰

The people endured it, but with predictable results. In June, 1905, the supreme court declared unconstitutional that portion of the Denver city charter providing for simultaneous election of city and county officials. Republicans who had been elected in November assumed office and helped the Denver Tramway secure a twenty-year extension of its franchise in 1906.⁵¹

Labor suffered, too. Republicans passed an eight-hour law, but it applied to only twenty per cent of the miners, a far smaller group than the Democrats had wanted to protect.⁵² Ideas such as the initiative and referendum were dropped altogether and did not become part of the state's law until later in the decade.

The Democratic party was not dominated by Progressives or their ideas in 1904. It too was subject to business influences, particularly in Denver, but there were many men within it, such as Ben Lindsey, who supported a new reform movement. What was significant was the appearance of Progressive ideas and Progressive leadership in both Colorado parties. In the fall of 1904, reformers could have secured their program only through a Democratic victory. But their apparent success was undercut by the very forces the Progressives were seeking to control.

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⁴⁹ *Boulder News*, December 1, 1904.

⁵⁰ *Denver Post*, March 17, 1905.

⁵¹ Goodykoontz (ed.), *Papers of Edward P. Costigan*, pp. 23-25.

⁵² E. Kimbark MacCall, "Progressive Legislation in Colorado, 1907-1917" (unpublished Master's thesis, University of Colorado, 1949), p. 17.

Colorado's Progressive Senators and Representatives

By ROBERT EARL SMITH

During the Progressive era, reform legislation at the federal level owed much of its spirit and its sponsorship to legislators representing western sections of the United States. However, in validating loyalty to basically non-urban reform at the national level, voting patterns in the West can be linked to those identified in the South in a recent study.¹ A survey of the voting record of Colorado legislators, who represented a western state that had been sharply influenced by the Populists and by William Jennings Bryan, demonstrates that this key state of the agrarian West formed a significant portion of the support for reform legislation.

The Colorado legislators had migrated to the Rockies from all sections of the United States and they appear to have been well educated; they were mostly lawyers, newspapermen, teachers, miners, and ranchers. They were converts to the interests and problems of the West, a stand which drew scornful references from eastern newspapers about the "sagebrush senators."² Some of the names are familiar ones: Henry Moore Teller, "defender of the West" and of silver, whose belief that money and credit should be managed as a public utility led to his dramatic shift to the Democrats following two decades of service to the Republican Party; Thomas M. "Pat" Patterson, crusading editor of the *Rocky Mountain News*; and Edward T. Taylor, defender of Western Slope water rights, author of forty state laws, and prime mover in securing Rocky Mountain

¹ It has been pointed out that by 1907 southern Democrats were overcoming their traditional aversion to federal regulation where matters of importance to their constituents were concerned (Anne Firor Scott, "A Progressive Wind from the South, 1906-1913," *Journal of Southern History*, XXIX [February, 1963], 53-70). In addition, most of Colorado's leadership was middle class, in the tradition exposed by George Mowry in his studies of Progressive leadership; they were intellectuals, not the workingmen.

² A New York newspaper pointedly informed its readers that Senator Henry Moore Teller represented only the equivalent of a New York county, so he had better "be still and listen." Elmer Ellis, *Henry Moore Teller, Defender of the West* (Caldwell, Ida.: The Caxton Printers, Ltd., 1941), p. 221.

National Park. Other leaders included John Shafroth, who as governor fought for Progressive legislation at the state level; lawyer John Martin, once a member of a railroad construction crew, who battled for decades in the cause of labor; and Simon Guggenheim, Colorado's link to the famous mining dynasty. Less well-known were Senators Charles J. Hughes, Jr., and Charles S. Thomas, and Representatives Robert Bonyng, Franklin Brooks, Atterson Rucker, George Kindel, Harry Seldomridge, Edward Keating, Benjamin Hilliard, Charles Timberlake, Warren Haggott, H. M. Hogg, and George Cook. To what extent did these men take the lead in Progressive legislation at the national level, and to what extent did they support it with their votes?

On political reform issues, Senators Teller and Patterson fought repeatedly for federal legislation to prevent corporations from underwriting campaign expenses for favored candidates.³ When such a measure finally passed in 1910, Senators Hughes and Guggenheim sat in the Senate. Guggenheim voted for the measure, but Hughes opposed it because he wanted a public accounting to be performed both before and after elections. Hughes shared this view with Senator Albert Beveridge of Indiana, who said the Progressives were for the bill as far as it went, but if it were to be really effective it also should include the listing of committee funds.⁴

When Arizona petitioned for statehood in 1910 with a constitution allowing for recall of judges, Senator Hughes joined Nebraska's George Norris in a vain protest against President William Howard Taft's attempt to deny Arizona's right to determine its own constitutional provisions.⁵ Disappointed Progressives watched Congress draw up a bill acceptable to the President. Colorado Representative John Martin hurled the last gesture of defiance as he underlined the deep political implications of the struggle, warning that "the fight is on to popularize this government and render it more responsive to the people. . . ." Martin then urged Arizona to defy Congress and the President after becoming a state, which she did by writing the recall provision back into the state constitution.⁶

³ *Congressional Record*, 59th Cong., 1st Sess., Vol. XL, Pt. 2 (January 15, 1906), 1067; *ibid.*, Index to Vol. XL (1905-06), 98; *ibid.*, 60th Cong., 1st Sess., Vol. XLII, Pt. 8 (May 28, 1908), 7108; *ibid.*, Pt. 7 (May 22, 1908), 6763.

⁴ *ibid.*, 61st Cong., 2d Sess., Vol. XLV, Pt. 8 (June 22, 1910), 8753; *ibid.* (June 25, 1910), 9086.

⁵ *ibid.*, Pt. 7 (June 6, 1910), 7458; *ibid.*, Pt. 8 (June 16, 1910), 8235.

⁶ *ibid.*, 62d Cong., 1st Sess., Vol. XLVII, Pt. 5 (August 19, 1911), 4219-20. See also Rufus Kay Wyllis, *Arizona: The History of a Frontier State* (Phoenix: Hobson & Herr, 1950), p. 312.

Colorado and the Nation 1900-1920																				
PRESIDENT	T. ROOSEVELT (R)								W. H. TAFT (R)				W. WILSON (D)							
YEAR	'01	'02	'03	'04	'05	'06	'07	'08	'09	'10	'11	'12	'13	'14	'15	'16	'17	'18	'19	'20
U. S. SENATE	R	R	R	R	R	R	R	R	R	R	R	R	D	D	D	D	D	D	R	R
U. S. HOUSE	R	R	R	R	R	R	R	R	R	R	D	D	D	D	D	D	D	R	R	R
COLORADO SENATORS																				
H. M. Teller (R-D)																				
T. M. Patterson (D)																				
S. Guggenheim (R)																				
C. J. Hughes, Jr. (D)																				
J. F. Shafroth (D)																				
C. S. Thomas (D)																				
COLORADO REPRESENTATIVES																				
F. E. Brooks (R) At large																				
R. W. Bonyng (R) First District																				
H. M. Hogg (R) Second District																				
G. W. Cook (R) At large																				
W. A. Haggott (R) Second District																				
E. T. Taylor (D) At Large—Fourth District																				
A. W. Rucker (D) First District																				
J. A. Martin (D) Second District																				
E. Keating (D) At Large—Third District																				
G. J. Kindel (D) First District																				
H. H. Seldomridge (D) Second District																				
B. C. Hilliard (D) First District																				
C. B. Timberlake (R) Second District																				

⁷ In contact of insurgent Republican-Democratic coalition.

⁸ Died in office.

Two major strides toward political democracy during the Progressive era involved direct election of senators and woman suffrage. Senator Guggenheim, the sole Colorado senator at the time of passage,⁷ voted for the measure leading to direct election.⁸ In the House, all three of Colorado's congressmen, Atterson Rucker, John Martin, and Edward Taylor, supported the proposal.⁹

Colorado's congressmen fought for woman suffrage with an avalanche of debates and resolutions through the years. Congressman John Shafroth advocated it as early as the Fifty-eighth Congress, numbering among his close correspondents Susan B. Anthony.¹⁰ Atterson Rucker was active in support of the issue in 1911 and Representative Taylor called the denial of vote a relic of "primitive barbarity" and a "brutal usurpation of power" as he reminded the House that Senator Patterson had worked for forty years in behalf of woman suffrage.¹¹

Other political reform issues supported by Colorado representatives included early attempts to abolish lame-duck sessions of Congress and energetic assaults on the filibuster.¹² In 1915 Senator Charles Thomas called conservative oratory "drivel, not discussion," and suggested: "The people have been paying at the rate of a thousand dollars an hour for the hot air supplied by distinguished members of this body, a price which I think is entirely out of all proportion to the value of the product."¹³

Attorney Charles Spalding Thomas had been governor of Colorado during the years 1899-1901.



On the basis of these purely political reforms it is difficult to ascertain the degree to which the actions of the Colorado legislators merely reflected party loyalty. However, further insight can be gained by considering their views on trusts, the favorite target of Progressive reformers. President Theodore Roosevelt challenged the right of great corporations to set their own prices and to maintain the secrecy of their books. By 1906 the railroads appeared ready to surrender; the Hepburn Act, which reinforced the Interstate Commerce Commission to provide for more effective railroad regulation, was rapidly passed by the House of Representatives. However, in the Senate several amendments compromised the effectiveness of the House version; after three conferences the measure was enacted, but with 153 members of the lower chamber expressing their displeasure by abstaining.¹⁴

Where did Colorado legislators stand on such issues? Senator Patterson suspected the railroad's integrity on everything. In 1902 he opposed efforts to amend a railroad safety law on the grounds that the measure would create a loophole through which the roads could and would avoid responsibility.¹⁵ In 1905 Patterson introduced a bill to increase the powers of the Interstate Commerce Commission to insure the railroads' compliance with safety measures. He urged that government inspectors be given the right to ride on trains because he feared that merely questioning train hands would not be effective; the employee might lose his job for consorting with the inspector.¹⁶

Patterson was among the first to advocate seriously the idea of a commerce court to speed up consideration of regulatory cases arising under the 1887 act.¹⁷ During discussion of the Hepburn Act in 1906 Patterson condemned the complimentary

⁷ Charles S. Thomas had not yet replaced the deceased Charles J. Hughes in the second Senate seat.

⁸ *Congressional Record*, 62d Cong., 2d Sess., Vol. XLVIII, Pt. 5 (April 23, 1912), 5172.

⁹ *Ibid.*, Pt. 7 (May 13, 1912), 6367.

¹⁰ James H. Baker and LeRoy R. Hafen (eds.), *History of Colorado* (Denver: Linderman Co., Inc., 1927), V, 436.

¹¹ *Congressional Record*, 58th Cong., 2d Sess., Vol. XXXVIII, Pt. 1 (December 18, 1903), 393; *ibid.*, 62d Cong., 1st Sess., Vol. XLVII, Pt. 1 (April 4, 1911), 691; *ibid.*, 62d Cong., 3d Sess., Vol. XLIX, Pt. 5 (March 1, 1913), 4472; *ibid.*, 62d Cong., 2d Sess., Vol. XLVIII, Pt. 12 (April 24, 1912), A-191.

¹² *Ibid.*, 61st Cong., 2d Sess., Vol. XLV, Pt. 6 (May 16, 1910), 6366.

¹³ *Ibid.*, 63d Cong., 3d Sess., Vol. LII, Pt. 4 (February 19, 1915), 4094.

¹⁴ John Morton Blum, *The Republican Roosevelt* (Cambridge, Mass.: Harvard University Press, 1954), p. 97; *Congressional Record*, 59th Cong., 1st Sess., Vol. XL, Pt. 10 (June 29, 1906), 9655.

¹⁵ *Congressional Record*, 57th Cong., 1st Sess., Vol. XXXV, Pt. 7 (June 24, 1902), 7300-01.

¹⁶ *Ibid.*, 58th Cong., 3d Sess., Vol. XXXIX, Pt. 2 (February 3, 1905), 1817.

¹⁷ *Ibid.*, 59th Cong., 1st Sess., Vol. XL, Pt. 5 (March 21, 1906), 4081.

railroad pass as a device to influence politicians. He was also critical of omissions in the Hepburn Act that allowed railroads to own, mine, and sell coal in competition with other shippers. In addition, he sought higher commissioners' salaries in order to keep the best men for the jobs in government service.¹⁸ Because of his radical position, Patterson had an interesting record of abstentions on Progressive legislation; he was not as disposed as Roosevelt (or even Senator Robert M. La Follette) to take "half a loaf." By 1907 he was demanding government ownership of the roads as the only real solution.¹⁹ In contrast to Patterson's extreme position, Senator Teller's views appeared fairly moderate. Nevertheless, Teller gave strong and consistent support to Progressive measures in the actual voting. During his career, Teller had become increasingly alarmed over the dangers, real and potential, of corporate power. He believed that the Sherman Act could be effective if properly enforced.²⁰ By 1905 his support of government regulation led him to submit a resolution authorizing construction of a public railroad to be used as a "yardstick" by which to regulate interstate commerce. He consistently supported La Follette's proposals seeking to improve what were, in the Progressive view, inadequate measures. These measures ranged from a proposal to evaluate railroad property to a plan for an investigation of the Interstate Commerce Commission with authority to determine the conditions under which the long- and short-haul freight principle should be applied.²¹ Although they lost their battles, La Follette and Teller nevertheless joined sixty-nine of their colleagues in voting for passage of the amended Hepburn Act in 1906. The unhappy Patterson abstained.²²

Henry M. Teller

Thomas M. Patterson



In the House, Franklin E. Brooks of Colorado Springs approved of President Roosevelt's philosophies, and while admitting that the Hepburn Act was not perfect, he endorsed the measure. Herschel Hogg of Telluride took both parties to task for arguing about authorship of the act when it was most imperative to get it passed. When the final compromise version was returned, Robert Bonyne voted for its passage, but both Hogg and Brooks showed their displeasure by joining the abstainers.²³

During the Taft Administration the three House Republicans, Bonyne, Brooks, and Hogg, were replaced by Democrats Martin, Rucker, and Taylor. In 1909 Teller left the Senate, and his seat was filled by Charles J. Hughes, Jr., a Democrat who served until his death in 1911. In one of the few opportunities we have to examine his position, Hughes indicated reform tendencies in support of the income tax.²⁴

The Mann-Elkins Act of 1910 proposed a special commerce court whose main function would be to hear appeals from ICC decisions. The Progressives, who had urged such a court at one time, were having second thoughts. They were not opposed to the broad powers of review to be granted to such a body, but they feared that the Sherman Act would be set aside, thereby allowing certain types of railroad mergers. Out of a morass of over two hundred amendments by the Senate came a bill which rejected most of the Progressive requests because of an administration deal with the Democrats.²⁵ Hughes objected to the difficulty of harmonizing decisions of the commerce court with those rendered by the supreme court. It was clear that he feared that the railroads would escape from antitrust restrictions. Concluding that the late E. H. Harriman had believed

¹⁸ Patterson stated: "The trouble about free transportation is that it is wholly at the will of the transportation companies. Like kissing, it goes by favor; and the trouble is that those who receive the favors as a rule are those who do not need it and are hardly deserving of it." *Ibid.*, Pt. 8 (June 7, 1906), 7991.

¹⁹ *Ibid.*, 59th Cong., 2d Sess., Vol. XLI, Pt. 3 (February 12, 1907), 2743.

²⁰ *Ibid.*, 56th Cong., 1st Sess., Vol. XXXIII, Pt. 6 (May 1, 1900), 4907.

²¹ *Ibid.*, 58th Cong., 3d Sess., Vol. XXXIX, Pt. 1 (January 6, 1905), 512. Teller's "yardstick" proposal appears as a forerunner of Franklin D. Roosevelt's belief in a need for public competition with private operations. The Tennessee Valley Authority was partly designed to furnish a yardstick by which costs and rates of private companies might be measured. Rexford G. Tugwell, *The Democratic Roosevelt* (New York: Doubleday and Co., 1957), p. 287; *Congressional Record*, 59th Cong., 1st Sess., Vol. XL, Pt. 7 (May 10, 1906), 6628, 6774.

²² *Congressional Record*, 59th Cong., 1st Sess., Vol. XL, Pt. 8 (May 18, 1906), 7083.

²³ *Ibid.*, Pt. 10 (February 8, 1906), 19; *ibid.*, Pt. 3 (February 3, 1906), 2028; *ibid.*, Pt. 10 (June 23, 1906), 9084.

²⁴ *Ibid.*, 61st Cong., 1st Sess., Vol. XLIV, Pt. 4 (July 2, 1910), 4041.

²⁵ George Mowry, *The Era of Theodore Roosevelt* (New York: Harper, 1958), p. 260.

that all that stood in the way of his amassing control of all the great lines in the country was the exemption of transportation from the terms of the Sherman Act, Hughes charged that the tycoon would have been delighted with the proposed legislation.²⁶ Hughes voted against both the original and conference versions of the Mann-Elkins Act, claiming that the wording was too vague to be effective. Even Senator Guggenheim joined such Progressives as Senator La Follette in supporting the original measure, although he did not vote in the final count.²⁷

In the House all three Colorado congressmen joined George Norris in an effort to eliminate the commerce court; they feared that it would become a way of bypassing the Sherman Act. When these efforts failed, Taylor and Martin voted against the proposal which eventually reached the Senate; Rucker contented himself by answering "present," although he later claimed: "It is a notorious fact that I am unalterably opposed to any species of monopoly. . . ." When the bill was returned from conference, the House adopted it by voice vote.²⁸

While some historians feel that the Mann-Elkins Act marked a real advance in railroad regulation, many Progressives were disappointed at the time. Atterson Rucker remained cynical about the reforms of the Taft Administration. "The American Beef Trust, of course, is now disorganized," Rucker stated in 1912, "and what 'disorganization' means I think we will finally . . . understand does not mean anything."²⁹ John Martin, whose district included the city of Pueblo, home of the powerful Colorado Fuel and Iron Company, repeatedly called for an inquiry into the existence of a smelter trust. After losing a struggle on behalf of labor for anti-injunction measures, he proposed stronger antitrust legislation. Both Martin and Rucker introduced measures, subsequently killed in committee, which called for investigations of "inattention to the public need" by communication monopolies.³⁰

When Woodrow Wilson took office, the Colorado delegation consisted of Senators Charles Thomas and John Shafroth, Repre-

sentative Edward Taylor and three newcomers, Representatives George Kindel of Denver, Harry Seldomridge of Colorado Springs, and Edward Keating of Pueblo; all six were Democrats.

Taylor and Kindel were critical of the lack of positive action toward corporate abuses by the Interstate Commerce Commission, and they suggested that if any more power were necessary, it should be given to the commission. In addition, Kindel was indignant over government failure to solve freight inequities;



Representative George J. Kindel and friends.

in 1913 he introduced two bills to investigate the alleged dissolution of the Union Pacific merger with the Southern Pacific Railroad. Both bills died in committee.³¹

Progressives in Congress, however, were divided as to the best method of restoring competition. Most Democrats subscribed to the Wilson Administration's original concept of an interpretative amendment to the Sherman Act and the closing of loopholes encouraged by the supreme court's "rule of reason" decisions. Progressive Republicans and some Democrats, contending that the attempt to legislate for all problems would be prohibitive, endorsed Roosevelt's "New Nationalism," which called for a powerful trade commission with broad authority to

²⁶ *Congressional Record*, 61st Cong., 2d Sess., Vol. XLV, Pt. 5 (April 26, 1910), 5391.

²⁷ *Ibid.*, Pt. 8 (June 17, 1910), 8391.

²⁸ *Ibid.*, Pt. 6 (May 10, 1910), 6031; *ibid.*, 62d Cong., 3d Sess., Vol. XLIX, Pt. 2 (January 10, 1913), 1374; *ibid.*, 61st Cong., 2d Sess., Vol. XLV, Pt. 8 (June 18, 1910), 8485.

²⁹ *Ibid.*, 62d Cong., 2d Sess., Vol. XLVIII, Pt. 10 (August 1, 1912), 10028.

³⁰ *Ibid.*, Pt. 3 (March 9, 1912), 3094; *ibid.*, Pt. 7 (May 14, 1912), 6452; *ibid.*, Pt. 11 (August 19, 1912), 11328; *ibid.*, 61st Cong., 3d Sess., Vol. XLVI, Pt. 2 (January 26, 1911), 1520.

³¹ *Ibid.*, 63d Cong., 1st Sess., Vol. L, Pt. 7 (October 2, 1913), A-384.

suppress unfair competition. However, when the economic recession of 1913 and 1914 caused President Wilson to lose his original enthusiasm for definitive legislation, administration proposals were softened to afford a "permanent accommodation" with business.³² Two outstanding examples were the Clayton Act and the Federal Trade Commission Act.

The Clayton Act listed unfair practices but failed to free labor from the threat of injunction.³³ Another measure called for an interstate trade commission to replace the old bureau of corporations; the new commission, as Wilson saw it, would be a counselor and friend to business, not an arbiter of disputes. Progressives were particularly unhappy over the plan for a weak interstate trade commission.³⁴ As Wilson vacillated, gradually drifting to the New Nationalism concept, he abandoned strenuous efforts in behalf of the Clayton Bill, which was subsequently weakened by a multitude of Senate-inspired provisions. Moreover, the new FTC was rendered ineffectual by a series of weak or business-oriented appointments.³⁵

The Colorado delegation watched with mixed emotions as the weakened legislation emerged. In the House, Harry Seldomridge spoke in behalf of a strong version of the Clayton Act. Sounding like an echo of ex-Senator Patterson, Seldomridge vowed to join in support of a measure providing for the federal incorporation of railroads. His eventual vote for the amended version indicated that although he was not satisfied, he felt that even a modified version deserved his support.³⁶

Senator Thomas' fear of the supreme court's conservatism accounted for his reaction to the Clayton Bill. He was for it, in principle, but he protested that it was unclear and still not effective enough, and he predicted adverse supreme court decisions. He proposed to make the act cover court actions pending at the time of passage; acceptance of his suggestion marked a victory for the Progressives.³⁷

Thomas further advocated government seizure of the railroads as soon as valuation had been completed. Such a move,

³² Arthur S. Link, *Woodrow Wilson and the Progressive Era, 1910-1917* (New York: Harper, 1954), p. 67.

³³ Supreme Court cases after 1921 sanctioned the continued use of injunctions to curb violations of antitrust legislation by labor organizations, holding that no new principle was introduced by the provisions of the Clayton Act. Carl Brent Swisher, *American Constitutional Government* (New York: Houghton Mifflin Co., 1943), pp. 808, 809.

³⁴ Link, *Woodrow Wilson and the Progressive Era*, p. 67.

³⁵ *Ibid.*, 72, 74.

³⁶ *Congressional Record*, 63d Cong., 2d Sess., Vol. LI, Pt. 10 (June 4, 1914), 9821.

³⁷ *Ibid.*, Pt. 15 (August 20, 1914), 14021.

while not ideal, said Thomas, was the only solution to the transportation problem. However, late in the Clayton discussions Thomas gave evidence that he was wavering in support of *any* antitrust legislation on the grounds that it would, through court interpretation, lead to the legalization of so-called "good trusts." He seemed to be favoring the strong commission approach.³⁸

When the Clayton Act came to a vote in the Senate, Shafroth again voted "yea" and Thomas withheld his vote.³⁹ In the House, Taylor, Kindel, Keating, and Seldomridge all supported the original House version, but the first three were so upset by the Senate dilutions that they joined 124 legislators who refused to approve the conference report. Supported by Seldomridge, the act passed on October 8, 1914.⁴⁰

Meanwhile, the Colorado delegation was constant in its support of the creation of the Federal Trade Commission. All four representatives voted in favor of the original House proposal and participated in the voice vote on the conference compromise.⁴¹ In the Senate, Shafroth voted for the commission, but Thomas, disliking the phrasing of the provision allowing the commission's research to be made public, voted "nay." On the final vote on the conference report, Shafroth again voted



John F. Shafroth had served both as a U.S. Representative and as governor of Colorado prior to his years in the Senate.

affirmatively and Thomas was paired with Elihu Root of New York, although he announced that if he were at liberty, he would vote "yea."⁴² Over-all, the Colorado congressmen compiled a record on antitrust legislation heavily weighted in support of various reforms widely characterized as Progressive.

Twice during the Progressive era Colorado commanded national attention as a center of labor turmoil. In 1903 a series of mining strikes around Cripple Creek caused Governor James H. Peabody to wire President Roosevelt for aid. Roosevelt replied that assistance could be sent only if an insurrection against state authority were involved; after an investigation no federal troops were sent.⁴³ However, Senator Patterson seized the occasion to move for an inquiry into the causes and handling of the labor troubles in Colorado. He implied that such action was needed to check highhanded tactics being used by mine owners and state officials, and he presented petitions from labor organizations requesting rapid investigation. In Colorado, Patterson charged, the writ of *habeas corpus* was suspended, strikers were confined to bull pens created by military authorities, and the right of trial was denied; one military proclamation by state officials declared that unemployed persons were vagabonds to be expelled from the country.⁴⁴

On other measures Patterson consistently supported Senator La Follette's Hours of Service Act designed to protect railroad passengers from accidents caused by weary employees. Both Patterson and Teller helped to pass the measure over the protests of such conservatives as Joseph B. Foraker, Henry Cabot Lodge, and Porter J. McCumber.⁴⁵ Patterson, supported by Senator Beveridge, forced rewording of the bill, and when La Follette became ill, it was Patterson to whom he turned as his spokesman for the final draft. Franklin E. Brooks, Herschel Hogg, and Robert Bonyngue sat in the House at this time and helped to pass the bill unanimously.⁴⁶ Regarded by many of its supporters as essentially a public service measure, the Hours of Service Act was viewed by both Patterson and Teller as pri-

marily a labor measure to prevent the railroads from working their men too many hours.⁴⁷ However militant Patterson might appear to be, the outstanding champion of labor was Representative John Martin. He repeatedly called for and supported legislation for the eight-hour day, the exemption of labor from the injunction, workmen's compensation, and compulsory mediation and arbitration of all labor disputes.⁴⁸

During the Wilson Administration the labor views of the Colorado delegation were most clearly revealed in their reaction to a second major mining strike in 1913 and 1914. The primary target of the strikes was the Colorado Fuel and Iron Company, controlled by the Rockefeller interests. The miners struck for improved working conditions and union recognition, goals that eventually won the approval of a United States House investigating committee. Governor Elias M. Ammons summoned the state militia to control incidents of violence, but under pressure from the operators, he shifted from his original neutral stand to one of support for the owners. A pitched battle between the state militia and the strikers occurred on April 20, 1914, at Ludlow. In the aftermath of the fire which swept through the tent colony it was found that several women and children had died, and the incident gained national prominence as the "Ludlow Massacre." President Wilson, urged by Governor Ammons and Colorado congressmen, replaced the state troops with federal soldiers. However, Wilson was determined that the strike would not be defeated by the presence of United States troops.⁴⁹

Were the Colorado legislators embarrassed, angered, or apologetic? Both Shafroth and Thomas minimized the publicity, posing as moderates trying to see justice on both sides. Thomas sympathized with those whose property had been destroyed but condemned the use of the state military power in behalf of the owners.⁵⁰ Emotions were less restrained in the House. Seldomridge deplored the "high handed nature" of Colorado authorities in the performance of their duties. He said that because of inefficient leadership the state now had a "defunct" treasury which had forced Governor Elias Ammons to "make some ar-

⁴² *Ibid.* (September 14, 1914), 15100; *ibid.*, Pt. 13 (August 5, 1914), 13308.

⁴³ *Ibid.*, Pt. 16 (October 5, 1914), 16170.

⁴⁴ *Ibid.* (October 8, 1914), 16344.

⁴⁵ *Ibid.*, Pt. 10 (June 5, 1914), 9909; *ibid.*, Pt. 15 (September 10, 1914), 14943.

⁴⁶ *Ibid.*, Pt. 13 (August 5, 1914), 13319; *ibid.*, Pt. 15 (September 2, 1914), 14609.

⁴⁷ Edward Berman, *Labor Disputes and the President of the United States* (New York: Columbia University Press, 1924), pp. 61, 62.

⁴⁸ *Congressional Record*, 58th Cong., 2d Sess., Vol. XXXVIII, Pt. 1 (January 13, 1904), 694.

⁴⁹ *Ibid.*, 59th Cong., 2d Sess., Vol. XLI, Pt. 1 (January 10, 1907), 391.

⁵⁰ *Ibid.*, 825; *ibid.*, Pt. 5 (March 4, 1907), 4636.

⁴⁷ *Ibid.*, Pt. 1 (January 9, 1907), 824, 879.

⁴⁸ *Ibid.*, 61st Cong., 3d Sess., Vol. XLVI, Pt. 1 (January 6, 1911), 2187; *ibid.*, 62d Cong., 2d Sess., Vol. XLVIII, Pt. 7 (May 14, 1912), 6453, 6454.

⁴⁹ Samuel Yellen, *American Labor Struggles* (New York: Harcourt, Brace & Co., 1936), pp. 205-50; U.S., Congress, House, *Report on the Colorado Strike Investigation Made Under House Resolution 387*, H. Doc. 1630, 63d Cong., 3d Sess., 1914, *passim*.

⁵⁰ *Congressional Record*, 63d Cong., 2d Sess., Vol. LI, Pt. 9 (May 20, 1914), 8368; *ibid.*, Pt. 10 (June 12, 1914), 14020-23.

rangement with banking and moneyed interests in order to meet the expenses of supporting the militia; thus the state militia had become employed agents of the operators.⁵¹ Representative Edward Keating agreed with Seldomridge, accusing Rockefeller of owning every public official in the mining area. President Wilson's action in sending federal troops pleased Keating, Seldomridge, and Thomas; as Keating stated, if by federal aid "we succeed in solving our problems we shall forget the humiliation. . . ."⁵²

The Adamson Act, which was to prove important for its precedent of wage-fixing and for the extension of federal authority over labor disputes in time of emergency, drew solid support from Thomas and Keating. Thomas repeatedly suggested that the railroad industry should have been considered a public utility, and that the founding fathers had made a mistake in delegating the transportation industry to private hands.⁵³ Moreover, climaxed by Keating's co-sponsorship of the Keating-Owen Act in 1916, which called for exclusion of child-made products from interstate commerce, Colorado legislators took the lead on the reform issue of child labor.⁵⁴

The conclusions of this study are modified by certain limitations. One involves the determination of the Progressive viewpoint on some issues. When reform legislation was not radical enough to command the support of Senator Patterson, is it justifiable to regard him as "anti-Progressive"? Then, too, did some liberal statements and votes reflect personal conviction or party loyalty? Despite such hazards, however, it is possible to draw some conclusions. On a political continuum containing four points from "radical" through "progressive" and "moderate" to "conservative," Thomas Patterson leads a small contingent of radicals at the extreme left. On occasion his stubborn adherence to principle caused him to consider even Robert M. La Follette too willing to compromise.

On the basis of his performance, it seems likely that Charles Hughes, had he lived, might have compiled a record comparable to that of Patterson. Congressman John Martin and his successor, Edward Keating, stand midway between the radical and progressive points. Their militant championing of organized labor was extreme, and it is not surprising to find, years later, that

Martin was at home in the New Deal Congress or that Keating edited a labor newspaper for over three decades. However, because their enthusiasm rarely caused them to abandon support of compromise measures, they are best located to the left of the Progressives rather than with the radicals.

More to the center of the progressive designation are consistent supporters of reform measures: Robert Bonyne, Herschel Hogg, and Franklin Brooks followed the lead of Roosevelt. On limited one-term evidence, Representatives Warren Haggott and George Cook also belong here. Representative Edward Taylor was a quiet figure who could be counted on for a Progressive vote. It is tempting to place Representatives Atterson Rucker and Harry Seldomridge a half-step left with Martin, but Rucker was rarely aggressive except in the fight for woman suffrage, and Seldomridge confined most of his activity to the defense of labor and seemed willing to compromise.

The reform spirit of both Charles Thomas and John Shafroth was tempered by a fear of federal encroachment on state prerogatives, and in this alarm they followed the tradition of Henry M. Teller. Even Senator Guggenheim, the only clear-cut conservative, frequently supported modified reform measures. Representative George Kindel is difficult to place. On the one hand he urged investigations of rebates and the steel trust, but he then supported Rockefeller during the coal dispute. If his stand on labor is overlooked he could be placed with the Progressives, but perhaps his true feelings were exposed during the Ludlow debates. It is also possible that he is simply an example of the complications involved in defining a Progressive.

Individually, the Colorado congressmen ranged from radical to conservative, but collectively they were sympathetic to the major goals of progressivism. More importantly, they were consistent in elevating many of the goals of an earlier agrarian uprising to the level of national concern and in helping to write specific legislation into the history of the reform movement. Those who speak of "urban-oriented" reform might do well to consider whether the backbone of national reform legislation during the Progressive era was composed more of the vertebrae of the West and South than of the East.

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⁵¹ *Ibid.*, Pt. 7 (April 22, 1914), 7082.

⁵² *Ibid.*, Pt. 8 (April 29, 1914), 7451-52.

⁵³ *Ibid.*, 64th Cong., 1st Sess., Vol. LIII, Pt. 15 (August 30, 1916), 13403.

⁵⁴ *Ibid.*, Pt. 14 (January 26, 1916), A-22, 2021; *ibid.*, Pt. 12 (February 2, 1916), 2035; *ibid.* (August 8, 1916), 12313; *ibid.*, Pt. 13 (August 19, 1916), 12917-18.

Municipal Reform in Denver: The Defeat of Mayor Speer

By J. PAUL MITCHELL

During the first years of the twentieth century, Denver experienced a domestic upheaval directed against the governing *status quo*. For its rapid growth and development into the entrepôt for the central Rocky Mountain region, the city was heavily indebted to the promotional efforts of its pioneer capitalists: real estate speculators and developers, bankers, merchants, mining magnates, utility and railroad promoters. These entrepreneurs parlayed their leadership and investments into economic and political domination; sporadic threats to their hegemony had been quieted effectively by recitations of the indispensability and magnitude of their contributions to Denver's very existence. By the end of the nineteenth century, however, the city's continued expansion was assured; once the promotional phase had closed, gratitude toward men and corporations grown rich by exploiting the city's dependence gave way to the feeling expressed by a prominent minister: "There is truth in the statement that they have made the city, but far more in the statement that the city has made them."¹ As accumulated resentment against established leaders became vocal, a flood of migrants boosted Denver's population during the first decade of the new century from 133,859 to 213,381, an increase of nearly sixty per cent.² These newcomers were not beholden to the pioneers and hence they provided a receptive audience for persistent, vehement reform opposition.

Reformers were convinced that immorality had become entrenched in high places when Robert W. Speer, a professional politician who had built a smoothly-functioning Democratic



This photograph of Robert W. Speer was probably taken during the mayor's tour of European cities in 1911.

machine, was elected mayor under the city's new home-rule charter in 1904. For the next nine years, Speer was the catalyst in the polarization of Denver's politics. Even his enemies recognized his administrative abilities, and the boosters of Denver almost worshipped him for his program of public improvements: streets, sewers, sidewalks, trees, parks, city beautification, a civic center, an auditorium, public baths, and more. Speer was keenly attuned, perhaps even more than the reformers, to the needs and possibilities of a twentieth-century city, and he was a boss with a deep sense of civic patriotism. But he was a boss: his henchmen manipulated elections through a wide range of tactics, he maintained close ties with the corporations, especially the public utilities, and his law enforcement agents cooperated with gambling, saloon, and prostitution interests. Since to the reformers he was public immorality incarnate, they were obsessed with the need to remove him and to restore civic morality by transferring the reins of government to their own hands.

In their attempts to overthrow Speer, the reformers mounted an incessant moral crusade through their militant press. They gradually recruited a following and reduced Speer's machine strength until in 1910 they were able to defeat the Denver Union Water Company's referendum bid for a new franchise. Elated by this triumph, they next turned their energies toward securing the commission form of government for Denver.

¹ Rev. Henry W. Pinkham, in the *Highland Chief* (Denver), April 28, 1912.

² U.S., Department of Commerce, Bureau of the Census, *Thirteenth Census of the United States, 1910: Population*, 80.

As early as 1907, local newspapers had praised commission government, and in 1909 a committee of the Chamber of Commerce had studied the advisability of its local installation.³ Glowing reports emanating from cities which had adopted the change helped it become the current American municipal fad, and local boosters had no wish to seem out of date.⁴ While many Denverites believed that commission government would provide a businesslike structure for the efficient conduct of public affairs, Denver's reformers had several idiosyncratic motives for seeking a new charter. Even though they repeated the standard explanations that commission government would centralize power and responsibility, local reformers actually intended to break up the concentration of power so obviously lodged in the office of Mayor Speer.⁵ Moreover, the issue could enhance their political power and its nonpartisan campaigning and balloting features would help nullify Speer's hold on party machinery.⁶ Most elementary, the commission form would abolish Speer's office.

Of course, Robert Speer, his machine, and his powerful backers opposed the adoption of a form of government that would abolish his position and open the door for his enemies. The mayor was not merely looking out for his own job; as an administrator he sincerely believed the system would be inimical to efficient municipal government. When he returned from two months in Europe in 1911 (on a tour for American mayors sponsored by the Boston Chamber of Commerce), he reported that "there is no such thing as a commission form of municipal government abroad. Yet they appear to be the best governed cities, if they are to be judged by the results secured." Terming commission government "a backward step," he declared his firm conviction that it would be a failure in Denver.⁷

Other Denverites took sides in the debate according to their commitments for or against the *status quo*. Since dominant

business leaders were ardent champions of the Speer administration, they rejected the proposed change.⁸ A special committee of the Chamber of Commerce to examine commission government was evenly divided: those members who were veteran reformers deeply committed against Mayor Speer favored adopting the form, while those either uncommitted or associated with the established powers voted against the change. When the committee reported, Chamber members at large put that influential organization on record as opposed to the commission form.⁹ Numerous labor leaders who enjoyed cordial relations with Speer used the Labor Economic League as a vehicle for a separate study, outside the structure of the Denver Trades and Labor Assembly, thereby forestalling any possibility that Denver's faction-ridden trades unions might unite in support of the change.¹⁰ Staunch Old Guard Republicans viewed the entire local movement as a thinly-veiled power play by Pattersonite Democrats to recruit insurgent Republicans, establish local supremacy, thence to seize control of the state and send free-trade Democrats to the United States Senate.¹¹

Amid heated public debate in the fall of 1911, a central group of veteran reformers¹² formed the Non-Partisan Charter League to coordinate the effort to achieve commission government which several reform organizations had already inaugurated. The Non-Partisan Charter League met an enthusiastic response and within two weeks had secured approximately twenty thousand signatures for its petition seeking a special charter amendment election during January or February, 1912.¹³ After certification by the election commission, the petition was passed on

⁸ Cf. James Weinstein, "Organized Business and the City Commission and Manager Movements," *Journal of Southern History*, XXVIII (May, 1962), 166-82, and Samuel P. Hays, "The Politics of Reform in Municipal Government in the Progressive Era," *Pacific Northwest Quarterly*, LV (October, 1964), 157-69.

⁹ Chamber of Commerce Minutes, February 17, 1911; February 25, 1911; March 11, 1911; March 25, 1911; April 4, 1911; April 18, 1911; May 9, 1911; May 23, 1911; May 31, 1911; October 26, 1911; November 6, 1911; "Two Reports, made by the special committee of the Denver Chamber of Commerce, one in favor of and one against the Commission Form of Government," September 30, 1911, copy in Costigan Papers.

¹⁰ *Rocky Mountain News* (Denver), November 13, 1911; *Denver Express*, November 17, 1911; *United Labor Bulletin*, June 29, 1911; September 7, 1911; November 2, 1911; November 9, 1911; November 30, 1911.

¹¹ *Denver Republican*, September 24, 1911.

¹² Chief among them were Thomas M. Patterson, Benjamin B. Lindsey, E. P. Costigan, John A. Rush, John Gabriel, George Creel, C. S. Thomas, James Randolph Walker, and William H. Malone.

¹³ *Denver Express*, November 7, 1911; *Denver Post*, November 9, 1911; *Rocky Mountain News* (Denver), November 29, 1911; William H. Malone to Benjamin Lindsey, November 7, 1911 Benjamin B. Lindsey Papers, Manuscript Division, Library of Congress, Washington, D. C. Hereafter referred to as Lindsey Papers.

³ See, for example, *Rocky Mountain News* (Denver), April 16, 1907; May 14, 1909; August 10, 1909; November 24, 1909; *Denver Republican*, April 21, 1908; March 9, 1909; May 13, 1909; November 24, 1909; *Denver Express*, February 22, 1908.

⁴ Frank L. Bartlett, "Annual Report of the President to the Denver Chamber of Commerce," January 26, 1911, Minutes of the Denver Chamber of Commerce, Records of the Denver Chamber of Commerce, Denver. Hereafter referred to as Chamber of Commerce Minutes.

⁵ *Denver Express*, May 27, 1911.

⁶ George Creel, *Rebel at Large: Recollections of Fifty Crowded Years* (New York: G. P. Putnam's Sons, 1947), p. 97.

⁷ *Denver Post*, August 25, 1911; August 27, 1911; Lincoln Steffens to J. S. Temple, November 15, 1911, Edward P. Costigan Papers, Western Historical Collections, University of Colorado Library, Boulder. Hereafter referred to as Costigan Papers.

to the city council. But serious doubts were expressed in many quarters as to the legality of changing Denver's entire government by a single charter amendment,¹⁴ so the special joint committee to which the petitions had been referred sought legal advice from City Attorney Harry A. Lindsley. Citing his opinion that the one amendment legally should be presented to the voters under eleven separate headings, the Board of Aldermen refused to call for a special election which would likely produce excessive litigation and confusion. Commission government's friends loudly protested that the Aldermen had exceeded their authority and had disobeyed the expressed will of the people as represented in the petitions. When the Board of Supervisors met, its members unanimously passed an ordinance calling for a special election. The resulting deadlock infuriated reformers.¹⁵ The administration had flagrantly refused to heed a referendum petition.

Reform leaders proclaimed that Mayor Speer's obstructions to commission government could not withstand the assaults of righteous citizens, and they worked to keep Denverites stirred up to fever pitch. When the school board refused permission to use schoolhouses for neighborhood commission government meetings on the grounds that they were political in nature, they proclaimed that the battle lines had been drawn: "the People," armed with zeal, versus "the Interests" and their "slush fund."¹⁶ But while reformers searched for a new strategy, thoughts of a special election were suddenly pushed into the background. On December 14, Mayor Speer detonated an explosion that rocked the city and profoundly affected the course of Denver's reform movement: he made a martyr of the most rapidly rising local politician, Henry J. Arnold.

Henry J. Arnold had come to Colorado at the age of twenty-three because of poor health. After ten years of real estate promotion in Durango, he moved to Denver, where he sold real estate and insurance. The Speer Democrats nominated him for county assessor in 1910 and carried him into his first elective



Henry J. Arnold, who became mayor of Denver in 1912.

office, where he proved to be anything but an appropriately inconspicuous, docile politician. Publicly and pointedly, Assessor Arnold declared that he intended to conduct the affairs of his office solely on a business basis, recognizing no master save the taxpaying public. He further avowed: "As I have no further ambition to gratify I shall be the servant of all the people and each taxpayer, be he large or be he small, shall receive the same treatment. I shall not be a candidate for re-election or for any other office."¹⁷

Arnold soon used his office to burst into the headlines. In a startling speech to the Real Estate Exchange, he announced that the assessing system in the city and county was "rotten from core to circumference": it discriminated in favor of downtown property, public service corporations, and wealthy citizens at the expense of the small home owner.¹⁸ This public accusation, based on the perfect formula for becoming a champion of the people, struck a responsive nerve. Most Denverites lived in

¹⁴ "Resolution Adopted by the Executive Directors of the Denver Chamber of Commerce," December 4, 1911, Chamber of Commerce Minutes; *Denver Municipal Facts*, December 9, 1911.

¹⁵ *Denver Municipal Facts*, December 16, 1911; *Denver Post*, December 6-12, 1911; *Denver Express*, December 13, 1911; E. P. Costigan to Thorndike Deland, December 7, 1911, Costigan Papers.

¹⁶ *Denver Post*, December 10-12, 1911; *Rocky Mountain News* (Denver), December 8-11, 1911; *Denver Express*, December 8-9, 1911; open letter, James Randolph Walker to "Mr. Citizen," in the *Denver Post*, December 7, 1911; resolution of the Direct Legislation League, in the *Rocky Mountain News* (Denver), December 12, 1911.

¹⁷ *Denver Post*, December 22, 1910.

¹⁸ *Ibid.*, March 15, 1911.

houses, usually their own, rather than in tenements,¹⁹ and so they were particularly sensitive to the direct impact of property taxes. By reducing home assessments generally, Arnold became known as "the friend of the small home-owner."²⁰ He also achieved a reputation for businesslike efficiency and equitable treatment by assessing downtown property under the Somers unit system, the latest scientific method of valuation.²¹

In the course of implementing his entire formula, Henry Arnold made the right enemies. Cast in the role of David, he began his giant hunt by raising substantially the property valuation of such wealthy men as Simon Guggenheim and William G. Evans.²² He also aimed his sling unerringly at the highly unpopular Denver Union Water Company, the Denver Gas and Electric Company, and twenty-four local banks.²³ When he fruitlessly battled the State Equalization Board for Denver's equitable share of state taxes paid by the railroads and the telephone company, his press led the public to believe he was actually attacking those hated corporations.²⁴ His reputation as Denver's foe of enfranchised privilege received a tremendous boost during a highly visible clash with the Denver Tramway Company over its increased assessment. Rather than submit the dispute to adjudication, as his opponents offered, the assessor sought a trial before the bar of public opinion, where his press agents, especially the *Denver Post*, which had been building him up for several months, could play on the prejudices of a sympathetic audience. Arnold's political popularity skyrocketed. This "new baby in the reform household," as the *Republican* disdainfully labeled him, had thrown aside the machine which had elected him and, in the manner of a new convert, was hitting the devil harder than the veterans and basking in the limelight.²⁵

Intimations that Denver's "sinister and insidious political influences" were plotting against Arnold strengthened his popular image, with municipal elections less than a year away.²⁶

¹⁹ *Thirteenth Census, 1910: Population*, 231.

²⁰ *South Denver Eye and Bulletin*, November 18, 1911.

²¹ *Denver Post*, May 29, 1911; "Cleveland's Method of Tax Assessment," *American City*, III (December, 1910), 292.

²² *Denver Post*, May 29, 1911; *Denver Express*, May 20, 1911; *Highland Chief* (Denver), October 21, 1911.

²³ *Denver Post*, May 29, 1911; July 14, 1911; August 26, 1911.

²⁴ *Ibid.*, June 13-15, 1911; August 25, 1911; *Denver Republican*, June 11, 1911; June 13-14, 1911; June 21, 1911; *Denver Express*, June 28, 1911; August 25, 1911. That the system of tax distribution, not the railroads, was at fault is clearly outlined in *Denver Municipal Facts*, December 10, 1910.

²⁵ *Denver Post*, September 30, 1911; October 4, 1911; *Denver Republican*, October 14, 1911; October 21, 1911; October 24, 1911; October 26, 1911; Board of County Commissioners of the City and County of Denver to the Denver Chamber of Commerce, October 17, 1911, *Chamber of Commerce Minutes*.

²⁶ *Denver Post*, October 5, 1911.

Arnold's position was indeed rendered precarious by the state supreme court's decision that at last city and county functions should be consolidated into the City and County of Denver, in harmony with the nine-year-old Rush Amendment.²⁷ Because Arnold could not perform the duties of both city and county assessor, Mayor Speer was obliged to name a temporary assessor until the next local election in May, 1912. This same consolidation decision complicated Denver's tax picture, for although the county and its taxes would be abolished, numerous county services would still have to be performed and would devolve on the city. These circumstances rendered the charter's maximum levy of fifteen mills insufficient, particularly since Arnold's assessment reform had reduced Denver's total tax foundation. When Mayor Speer proposed to exceed the charter limit by adding a special three-mill county levy, Arnold threatened to withhold his approval of the entire tax levy for 1912.²⁸ For Speer, that was the last straw—Arnold had to be replaced.

Had Arnold and his publicity agents worked out a scheme to catapult him over the last hurdles to political pre-eminence, they could not have improved on the blundering actions of the Speer Administration during the very week that reform leaders were striving to excite popular passions over the treatment of their petitions for a commission government referendum. On Thursday night, December 14, Henry Arnold was among the prominent speakers at a commission government discussion held in the Capitol Hill mansion of Mrs. William G. Fisher. Responding to a friend's tip-off, Arnold hastily departed for the court house, where his informer had warned him that the administration was going to occupy the assessor's office by stealth in the night. Several of his deputies joined him at his office and helped block the door with chairs. Accompanied by Commissioner of Supplies George Collins and some twenty men, including several riot policemen, State Senator Hiram Hilts knocked on the door, told Arnold that Speer had just appointed him new assessor, and asked to be let in. When Arnold refused, Collins demanded possession as custodian of all county buildings. Arnold again refused, whereupon Hilts and Collins fetched a crowbar with which they broke a glass partition and gained entrance. Arnold tried to stall them, hoping that his friends would come to the rescue, but the courthouse was virtually sealed off, and eventu-

²⁷ *The People ex rel. the Attorney General v. Cassidy et al.*, 50 Colo. 503 (1911).

²⁸ *Denver Express*, October 31, 1911; December 13, 1911.

ally he had to give in, not to overt threats of bodily harm, but to the overwhelming numerical superiority of the eviction party. Arnold then calmly went home to bed.²⁹

On Friday Denver exploded. Every newspaper dramatized the story with outsized headlines and cartoons. The *Republican* declared that Arnold, urged by Thomas Patterson to "desperate defiance of Mayor Speer's authority," had nearly precipitated a riot when he "stubbornly refused" to yield his office to Hilts, but that common sense had averted any possible trouble.³⁰ The *Republican* apparently saw nothing unusual about transferring an important office in the middle of the night. The outraged *Express*, *News*, and *Post* verged on apoplexy as they shouted about "brazen anarchy" and "rabid threats" to life. The *Post* attributed guns and brute force to the intruders. The *Express* presented a highly colored history of Speer's flagrant misdeeds, and disclaimed surprise that he had gone "to the extent of using guns, desperate thugs and violence to throw Arnold from the courthouse" or that "the gang stood ready to kill" to remove obstacles in Speer's path. Saturday's front-page cartoon in the *News* pictured a desperate "Speer the Cossack" flaying with his sword, "Lawlessness," all Denver's citizenry as they fled before his thundering horse.³¹



The *News* called for all interested and outraged citizens, men, women, and children, to gather on the grounds of the State Capitol Sunday afternoon to register their protest against Speer's tactics.³² The *Post*, however, having worked too hard on its Arnold build-up to countenance rival leadership at this critical juncture, tried to discourage its readers from attending. "Let Us Not Meet Mob Law by Mob Law," it headlined.³³ In reply, George Creel of the *News* cited the people's explicit constitutional right to assemble peaceably for redress of grievances. His proposed gathering was intended "not to PROMOTE violence, but to PREVENT violence; not to EXCITE passion but to ALLAY passion." That it would be held on Sunday would not profane that holy day, for the Sabbath had the power to restrain the turbulence elicited by Speer's effrontery.³⁴

At the appointed hour people poured onto the Capitol lawns from every direction. Many were there to demonstrate a genuine indignation. Others, perhaps, were killing time on a Sunday afternoon, expecting excitement or trouble, or just stopping after the free auditorium concert. Though the day was cold and snowy, the throng listened for several hours to speeches by reform leaders, who heatedly denounced Speer and spoke of revenge through commission government. Curiosity alone could not have kept this vast assemblage, variously estimated at eight, twenty-five, and thirty thousand,³⁵ for so long in foot-stamping cold. Nor could this be rightly termed a businesslike assembly of quiet but determined stockholders in the public corporation of Denver, as the *Post* tried to describe it,³⁶ for stockholders are not apt to stand around tempting frostbite. George Creel best caught the spirit of the occasion:

Those patient thousands must be regarded as priests of the religion of democracy, the beat of their feet the organ music of a strengthened faith, and the shine of their faces the altar of a new hope.

There was Christianity in that vast gathering—the Christianity of him who cried out against "burdens too grievous to be borne" and who preached equality of justice.³⁷

²⁹ In all the welter of exaggeration, various versions of this story came to be believed. This, by Arnold himself, was skillfully underplayed and seemed fairest and calmest. *Denver Post*, December 15, 1911.

³⁰ *Denver Republican*, December 15, 1911.

³¹ *Denver Post*, December 15, 1911; *Denver Express*, December 15, 1911; *Rocky Mountain News* (Denver), December 16, 1911.

³² *Rocky Mountain News* (Denver), December 16, 1911.

³³ *Denver Post*, December 16, 1911.

³⁴ *Rocky Mountain News* (Denver), December 17, 1911.

³⁵ By the *Denver Post*, *Denver Express*, and *Rocky Mountain News* (Denver), respectively.

The convocation approved by acclamation a resolution whose language fairly blazed with outrage at "officials dead to duty, decency and honor." The people of Denver were oppressed and menaced, "burdened by the corruptions and insolences of those sworn to serve us—pillaged and defied by knavish traitors in office, and stirred to deepest anger and revolt by official anarchy." In the statement the heroism of Henry Arnold was contrasted with the venality and contempt of the administration, and it was resolved that "Mayor Speer, aldermen, and supervisors be hereby asked and ordered to resign."³⁸

This mass assembly exhibited the numerical strength and the fighting spirit of those who now looked optimistically toward Speer's overthrow. "But good Lord what a glorious time we have been having here—just fighting, scrapping all the time with a glorious blow-up . . .," Ben Lindsey wrote a week later. "Of course it gave George a chance for a great time in the News. . . ."³⁹ Lindsey's chortling report, the fiery pages of the anti-Speer press, and the course of political events in the next half-year bore witness to the fact that George Collins' crowbar had smashed more than the assessor's door; it had wrecked the last obstacle to a sweeping reform electoral victory.

Just why an otherwise astute politician had so crystallized his opposition remains a deep mystery. Plausible reasons for Speer's removal of Arnold are not lacking: his letter of dismissal cited Arnold's inordinate "desire for newspaper publicity, and to trim your sails so as to catch every breeze of discontent," as well as his opposition to a county tax levy.⁴⁰ Besides these official shortcomings, Speer had to be apprehensive of Arnold's meteoric rise and clear political threat, and he may have been honestly convinced that the best interests of Denver would be served by removing him. But since Speer had every legal right to dismiss Arnold, these explanations fail to account for the use of strong-arm tactics which would surely gratify the recalcitrant assessor's "desire for newspaper publicity." Perhaps the mayor hoped to sidetrack the commission government movement with a diversionary issue, as reformers warned. Or had he become inebriated, as reformers loudly cried, with the sense of his own power?

Although he might have overestimated his strength, he certainly was aware of the extent of anti-Speer sentiment force fed by his political enemies. Possibly he was deliberately calculating to put Arnold into the mayor's chair. Not only was Arnold a latecomer to reform ranks, but he had started with the machine and had recruited his political lieutenants from machine ranks; perhaps Speer thought that Arnold as mayor would be a disappointment to reformers and amenable to perpetuating machine power. Most likely, Arnold's forced removal was simply a blunder. Whatever the case, Speer had nominated his successor.

Litigation concerning Arnold's ouster, the tax levy, and the special commission government election forced reform leaders to postpone strategy decisions until March, when it was too late to carry out the original plan.⁴¹ They had two alternatives: they could separate their original commission government amendment into several, draft new petitions, campaign for signatures, and finally submit these amendments at the regular May election; or, abandoning commission government temporarily, they could concentrate on electing a reform ticket pledged to secure commission government as soon as possible. Warnings that they should try to take everything in one electoral battle before overconfidence, weariness, factional jealousies, and patronage disputes set in, and that a slate of newly-elected officials was likely to be "lukewarm at least in taking part in a movement that would put themselves out of office," were lost amid confusion and fear of what the supreme court might do to commission government.⁴² On the other hand, reformers saw clearly that the tenor of Denver's public opinion presaged Mayor Speer's defeat. For years his removal from office had constituted the most basic reform goal; indeed, this objective had originally provided the major impetus for the commission movement itself. Now that its realization was at hand, why allow the erstwhile means to jeopardize the end? Should they try to oust Speer and amend the charter simultaneously, there was a good chance that he might turn the election muddle to his advantage and

³⁸ *Denver Post*, December 18, 1911.

³⁹ *Rocky Mountain News* (Denver), December 18, 1911.

⁴⁰ Reprinted in *ibid.*

⁴¹ Benjamin Lindsey to Mr. and Mrs. Harvey J. O'Higgins, December 26, 1911, Lindsey Papers.

⁴² Robert W. Speer to Henry J. Arnold, December 14, 1911, reprinted in the *Denver Post*, December 15, 1911.

⁴¹ *Rocky Mountain News* (Denver), December 24, 1911; February 22, 1912; *Denver Post*, December 23, 1911; December 31, 1911; January 4, 1912; January 16, 1912; February 21, 1912; *Denver Republican*, December 26, 1911; December 18, 1911; December 20, 1911; January 4, 1912; *Denver Express*, December 16, 1911; January 4, 1912; January 6, 1912; January 16, 1912; Edwin Van Cise to Benjamin Lindsey, March 2, 1912, Lindsey Papers.

⁴² John Rush to Benjamin Lindsey, March 2, 1912; Edwin Van Cise to Benjamin Lindsey, March 2, 1912, Lindsey Papers; *Rocky Mountain News* (Denver), March 19, 1912; March 28, 1912; editorial by George Creel, March 28, 1912; *Denver Post*, February 14, 1912; February 22, 1912; *Denver Express*, February 21, 1912; *Denver Republican*, February 22, 1912.

wrest from reformers their one sure victory. Thus they prepared for the municipal elections by embracing the surest—the elimination of Speer.

The enthusiastic Citizens' party next needed a standard-bearer for its campaign to "kick the rascals out of office." There was considerable sentiment for several of its more prominent campaigners, but the newcomer, Henry Arnold, alone seemed anxious to run, able to unite the ranks of reform, and popular enough to carry the election. Disquieting rumors about his career in Durango prompted some veterans to doubt his background, ability, and integrity, while others expressed reservations about placing their faith in such a recent addition to their ranks. Yet he was unquestionably Denver's "man of the hour," and the Citizens could not deny Henry Arnold his ambition.⁴³

The prospect of imminent victory was too enticing for any reform faction to relinquish its claims. A central nominating committee of fifteen members, representing the Citizens, the Platform Democrats, and the Progressive Republicans, squabbled for a week and nearly broke up in anger several times before agreeing upon a Citizens' ticket, with Arnold at its head. Because the committee was dominated not by *arrivistes* or opportunists but by the reform giants themselves, this quarrel indicated the discrete composition of the reform movement and portended serious disunity should they ever gain power. The wrangle over spoils also served as an omen that the commission government pledge might not be implemented with alacrity.

The closed deliberations of the fifteen were themselves fair matter for comment, in view of the reformers' attacks on Speer's alleged anti-democratic government and their advocacy of direct primaries. Under heavy criticism from the *Republican*, Patterson justified such exclusiveness on the grounds that since "the Gang" was plotting to steal the Citizens' elections it was imperative that "the men and women who have fought the good fight for years gather together in solemn counsel. . . ."⁴⁴ The occasion was too critical to take chances with fully participant democracy.

⁴³ *Rocky Mountain News* (Denver), March 18, 1912; March 29, 1912; *Denver Post*, March 18, 1912; March 29, 1912; *Denver Express*, April 3, 1912; John T. Bottom to Benjamin Lindsey, March 9, 1912; Ellis Meredith to Lindsey, March 12, 1912; Benjamin Gurley to Lindsey, March 20, 1912, Lindsey Papers; Creel, *Rebel at Large*, p. 100; Edward Keating, *The Gentleman from Colorado: A Memoir* (Denver: Sage Books, 1965), pp. 109-10.

⁴⁴ *Rocky Mountain News* (Denver), April 9, 1912; April 19, 1912; April 21, 1912; April 23, 1912; *Denver Post*, April 12, 1912; *Denver Republican*, April 10, 1912; April 16, 1912; April 19-21, 1912; *Denver Express*, April 9, 1912; Benjamin Lindsey to E. W. Scripps, April 8, 1912, Lindsey Papers.

Because the nature of the political process concentrated decision-making power in the hands of a few leaders, the question was not "Shall the people follow the dictates of party bosses?" but "Which party bosses shall the people follow?" In 1912 they seemed ready to vote for a new administration.

Challenged by the formidable Arnold-Citizens' slate, Mayor Speer chose not to run. He selected his city engineer, John B. Hunter, to head the Democratic ticket, thus leaving the machine to face its sternest test with the shadow, not the substance. Speer's campaign strategy was simple: attack Arnold personally, attack the men behind him, praise the impressive Speer record of public improvements, identify John Hunter with it, and boost Denver. And, one must add, hope for a miracle. His channels for mass publicity were limited; neither *Denver Municipal Facts*, the official city publication in which he paraded his accomplishments, nor the *Denver Times*, edited and published by himself, enjoyed large circulation. With affidavits and alleged public records Speer charged that Arnold had bilked trusting investors in Durango, which he had left with unpaid debts and where his testimony on the witness stand in a murder trial had been impeached on the ground of bad character. Accused of mud-slinging, the *Times* replied: "In exposing this man's record *The Times* is performing a public service." Speer also labeled Arnold and the men who controlled the Citizens' party "wreckers" and "obstructionists," who had opposed every civic improvement



According to the caption in the News, this illustration shows Arnold "Snapped by Camera in Characteristic Poses While Nailing the Lies Circulated About Him by Speer."

during the past eight years. "The municipal fight today," he warned, "is nothing less than an organized attempt on the part of the malcontents to stop Denver's forward movement."⁴⁵

While the Democratic party had to fight with its best general cast in a merely supporting role, the local Republicans had to wage war without an army. The party had long since lost the support of the Costigan reform wing in local contests. "Progressive" Republican businessmen active in the Chamber of Commerce and the Real Estate Exchange tried desperately to free their party of its pro-corporation image by entering President O. D. Cass of the Real Estate Exchange in the primaries, on a traditional reform platform,⁴⁶ but the party leadership, firmly anchored in federal patronage, crushed this internal revolt. Having recently endorsed President Taft's bid for renomination, the Republicans selected United States Marshal Dewey Bailey, of Senator Guggenheim's organization, as mayoral candidate, thereby completing their stubborn refusal to come to terms with Denver in 1912. The *Republican* anachronistically attacked the Arnold-Citizens' slate as a decoy for Democratic tariff meddling. It also pictured Arnold as the stooge of Harry Tammen and Frederick G. Bonfils, the proprietors of the *Post*, and forecast bedlam should this pair elect their "Dark Horse of a Sinister Pedigree."⁴⁷

All of Denver knew that Henry Arnold headed the Citizens' ticket primarily on the strength of his "martyrdom," and the reformers were particularly vulnerable on that score. While Democrats and Republicans hammered at the inadequacy of such a qualification, reformers could not be overly proud of their champion, and they tried to make paramount the dramatic public pledge taken by all Citizens' candidates to secure commission government with all due haste. They also waged a virulent anti-Speer campaign and were forced to defend their hero from the enemy's "base canards"; therefore, much of the campaign consisted of a controversy over character conducted at a base level.

The election hinged on questions more fundamental than Arnold's character, however. The *Express* stated that the issue

was "simply whether the city of Denver shall be governed by the people of Denver in behalf of the whole people, or whether it shall be run by tools of the corporations who tax every enterprise for their own benefit."⁴⁸ The reformers could display two victims of the ruling powers' disregard for popular wishes; both commission government and Henry Arnold became emotional symbols around which every person with a grievance could rally. The *News* fittingly closed the campaign with a large front-page cartoon, consisting simply of two crossed crowbars over the caption "Remember the Crowbar."⁴⁹

Denverites did remember the crowbar when they marked their ballots. They turned out in record numbers to vote against the administration which had removed Arnold, had blocked commission government, had not done its part to settle the still-pending water question, had helped the gas and electric and the tramway companies get new franchises, had increased the cost of government, had manipulated elections, had failed to suppress vice, and therefore stood as the symbol for every grievance, public, political, or personal, which Denverites might harbor. Arnold's triumph was predictable, but the measure of victory was well-nigh incredible: Arnold and the Citizens' party carried every ward and swept every municipal office in tidal wave fashion.

When the Citizens' party had first entered a complete ticket in 1910, the total vote had been divided into closely balanced thirds. In 1912 Arnold garnered 57.9 per cent of the popular vote.⁵⁰ In only three of the most faithful machine-controlled wards did he fail to poll more votes than his two opponents combined, and his lowest share was 46.5 per cent, still more than enough to carry the ward. Every ward registered both relative and absolute gains for the Citizens and relative and absolute losses for the Democratic and Republican parties. Bailey's vote amounted to a mere 17.7 per cent of the total and indicated crushing Republican losses all over the city. The 16,746 votes which John Hunter received represented only 24.4 per cent of the total and underscored the steady decline of Speer's Democratic machine: this total was just 82 per cent of the number of votes cast for Democratic aldermanic candidates in 1910, when the party's percentage had been 37.4, and slightly

⁴⁵ *Denver Municipal Facts*, May 11, 1912; *Denver Times*, May 1-2, 1912; May 4, 1912; May 6, 1912; editorial, May 13, 1912.

⁴⁶ *Denver Republican*, March 22, 1912; April 14, 1912; April 16-17, 1912; April 19, 1912; *Rocky Mountain News* (Denver), April 9, 1912; *Denver Express*, March 30, 1912.

⁴⁷ *Denver Republican*, February 24, 1912; April 3, 1912; April 9, 1912; May 2, 1912.

⁴⁸ Editorial, *Denver Express*, May 9, 1912.

⁴⁹ Cartoon, *Rocky Mountain News* (Denver), May 20, 1912.

⁵⁰ Election data derived from the *Rocky Mountain News* (Denver), May 24, 1912.

more than half the 29,000 votes Speer had polled in both 1904 and 1908.

There is a four-fold explanation for the outcome of this election: the factional divisions in both old parties, the spirited personal campaign by the reformers against the machine, vigilant election watching to guard against the machine's manipulations, and demographic shifts during Speer's tenure, all of which reinforced the drive against entrenched corporation power. The Pattersonites fought the Speer machine from its very inception and by 1910 had taken considerable faithful Democrats into the Citizens' party with them. C. S. Thomas' break with Speer in 1910 was another blow to the machine. The Republicans were crippled, as the reformers were strengthened, by the defection of the Costigan faction. Many of those party faithful who did not follow Costigan out of the party were alienated by the pro-Taft standpat stance of the regular organization and shifted over to the Citizens.⁵¹

Secondly, Ben Lindsey, who polled the most votes of any candidate in the election and ran ahead of his Citizens' ticket, staged a terrific campaign in the downtown wards. Employing the same psychology that he used on his "bad boys" in juvenile court, he appealed to residents of these areas as an underdog, a victim, like themselves, of the powers that be and their "System."⁵² This approach not only allowed him to speak unmolested, an accomplishment in itself, but also drew votes for the Citizens from persons who could usually be counted on to vote with the machine.

The appearance of the Speer machine around the turn of the century had called forth an organization of Denver's more genteel citizens, the League for Honest Elections. The League carefully observed the election-day tactics of the machine and through numerous lawsuits made them a matter of public record.⁵³ Gradually, Denverites came to expect elections to be attended with swarms of volunteer poll watchers, registration watchers, and court proceedings which, combined with the

unrelenting glare of publicity from the *News* and *Express*, reduced the manipulations of Speer's workers. By 1908 perhaps as many as three thousand fraudulent votes had been eliminated; continued vigilance kept them from being resurrected and forced the machine to rely on living people for its votes.

This reliance had become a more serious problem in 1912 than it had been in 1904, because of the machine's inexorable enemy, namely, population shifts. Of the 59.4 per cent decennial population increase, only 18.7 per cent occurred in the machine-controlled wards; of the five most thoroughly machine-dominated wards two had fewer residents in 1910 than in 1900 and the other three had only minimal increases. Speer's machine thus had to operate from a shrinking power base; unless new grass-roots organizations could be set up in the residential wards, whose growth rate the past decade had been 83.5 per cent, his power was ended. In 1912, the most effective organizations in these areas belonged to the enthusiastic Citizens. In the weeks before the election, Citizens'-Arnold Headquarters coordinated evening meetings in homes, scheduling successive appearances by several of their major leaders at each one, so that each spokesman could present his views to three or four such gatherings a night. And Henry Arnold appeared in homes and rented halls all over the city, but especially in the residential areas.⁵⁴ This type of personal campaign, not that of the machine, attracted newcomers. Moreover, Denver's population was still fairly fragmented in isolated neighborhoods; perhaps the only instruments of city-wide communication universally available were the daily newspapers. Since the important papers were reform-oriented, and since many residents were comparatively recent arrivals, it is probable that numerous voters in 1912 had never heard anything but damnation of Speer and the corporations. The residential wards went overwhelmingly for Arnold and the Citizens' slate.

Reformers proclaimed this landslide the greatest popular victory in the history of city politics. Randolph Walker said that the people had taken back their own government, the *Express* called it a "new declaration of independence" by a long-suffering people, and Ben Lindsey wrote: "I do not believe in the history of municipal politics any big business bunch of city pillagers were ever so completely kicked out of politics

⁵¹ See the *Highland Chief* (Denver), January through May, 1912.

⁵² Benjamin Lindsey to E. W. Scripps, May 28, 1912; Lindsey to Erman J. Ridgway, May 28, 1912, Lindsey Papers.

⁵³ Irving Hale to W. H. Bryant, president; James H. Causey, secretary; and Lucius W. Hoyt, attorney, League for Honest Elections, May 18, 1904; F. P. Van Kuren to Irving Hale, January 8, 1905; Hale to Van Kuren, January 11, 1905; Irving Hale Papers, Western History Department, Denver Public Library, Denver; Roland L. DeLorme, "The Shaping of a Progressive: Edward P. Costigan and Urban Reform in Denver, 1900-1911" (unpublished Ph.D. dissertation, University of Colorado, 1963), pp. 135-48.

⁵⁴ J. S. Temple to Benjamin Lindsey, May 10, 1912; May 13, 1912, Lindsey Papers; *Highland Chief* (Denver), May 4, 1912; May 11, 1912; May 18, 1912.

at any election."⁵⁵ Despite the complaints of Denver's major labor paper that the election was merely a fight between "some of the rich men of the city,"⁵⁶ even bitter opponents of the reformers conceded that the election constituted "the greatest testimonial perhaps ever given to a citizen of Denver," made possible by the overwhelming "demand of the people for a new deal."⁵⁷ The cry of "corporation domination" and "civic immorality," the popular conviction that only the Citizens' party was free of these sinister influences, plus the voters' ability to behold two spectacular victims, commission government and Henry Arnold, produced an overwhelming repudiation of Denver's political *status quo* in May, 1912.

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⁵⁵ *Denver Express*, May 22, 1912; editorial, May 22, 1912; Benjamin Lindsey to E. W. Scripps, May 28, 1912, Lindsey Papers.

⁵⁶ *United Labor Bulletin*, May 2, 1912; May 23, 1912.

⁵⁷ *South Denver Eye and Bulletin*, May 25, 1912.

The Colorado Progressive Republican Split of 1912

By CHARLES J. BAYARD

Colorado's political parties fragmented several times about the turn of the century. During the height of the free silver crisis of 1896, both major parties split. Shortly thereafter most Silver Republicans returned to the fold, despite President William McKinley's stand against free silver. The restoration of order had been completed by 1901 when Theodore Roosevelt challenged Mark Hanna for national leadership. At that time Colorado's political leaders again faced a factional fight. But Roosevelt was an astute politician; he eased Hanna's followers out and constructed a new political combination which survived for a decade. By 1911, however, signs of a major Republican split had reappeared. One group, led by Edward P. Costigan, assumed leadership of the urban protest and ultimately supported Roosevelt's drive to return to the White House. The other group was also Progressive but had mainly a small-city and rural following.¹

Wealthy Colorado Springs businessman Philip Bathell Stewart, long-time friend of Theodore Roosevelt, became the leader of the out-state Progressives. He favored Roosevelt's cause and candidacy, but not at the cost of the destruction of an established and powerful political mechanism, the Republican party. He was not an opportunistic compromiser, as the regular Republican newspapers of the state belatedly charged well after he had made his progressivism clear in speeches and press releases. Before Roosevelt clarified his position, Stewart reasoned that progressivism must take over the party's leadership, renovate it

¹ Documents reflecting this period may be found in Colin B. Goodykoontz (ed.), *Papers of Edward P. Costigan Relating to the Progressive Movement in Colorado, 1902-1917* (Boulder: University of Colorado, 1941), pp. 143-246. See also C. Warren Vander Hill, "Colorado Progressives and the Bull Moose Campaign," *The Colorado Magazine*, XLIII (Spring, 1966), 93-113.

at the state level, and force national politics to build on a foundation of state organizations.

Costigan, like Roosevelt, moved rapidly from dissenting Republicanism, to Progressive Republicanism, to Bull Moose sentiments. These changes were not decisive, clear-cut moves; valuable months slipped by during which Costigan was not sure what Roosevelt's tactics were. To add to his difficulties several distracting crises occurred, such as Senator Robert La Follette's collapse in early 1912 and William Howard Taft's decision to maintain control of the party at all costs.² As a consequence, Colorado Progressive Republicans frequently had to change their plans. It was often difficult for them to coordinate their activities within the state and with the national movement. In the meantime, their prospective supporters were not given adequate warning that they would be forced to make the difficult decision between Roosevelt and the party which they had supported for some time. To some Republicans the question became whether or not immediate Progressive success in 1912 was feasible.

By the beginning of 1912, the deadline to organize a new third party had probably passed. At least, it was too late to be effective in the sense of electing state and national representatives to implement the policies and concrete planks proposed by Colorado Bull Moosers. The reluctance of the typical voter to change party affiliation had to be dispelled through a publicity campaign which required more than simply informing the public of the Progressive platform. Had that been all that was necessary, Colorado Progressives might have been hopeful. They were articulate, thoughtful men. Newspapers throughout the state had carried their press releases and news stories for almost two years prior to the election in November, 1912. But the traditional rural-urban differences, public confidence in potential candidates, confusion over the recently altered nominating techniques, and popular mistrust of innovation required time to resolve. Colorado Progressives lacked time, and they compounded that liability by indecision.

² "T. R. to Give Statement in Week, Says Costigan," *Rocky Mountain News* (Denver), February 17, 1912, in Goodykoontz (ed.), *Papers of Edward P. Costigan*, pp. 184-85 et passim. Of the many excellent monographs of the Progressive movement, standard accounts used for background were George F. Mowry, *Theodore Roosevelt and the Progressive Movement* (Madison, Wis.: University of Wisconsin Press, 1946) and Henry F. Pringle, *Theodore Roosevelt, A Biography* (New York: Harcourt, Brace and Co., 1931). A most valuable book which presents a penetrating analysis of Theodore Roosevelt is John M. Blum, *The Republican Roosevelt* (Cambridge, Mass.: Harvard University Press, 1954).

The Progressive movement in Colorado, as across the nation, involved the split within the Republican party. Judge Ben Lindsey, a Democrat, was a major figure in the state's Progressive leadership, but the other major figures were Republicans such as Costigan and Stewart. More and more openly they charged that legislation reflected the wishes of privileged interests, and their actions became increasingly rebellious as the first decade of the twentieth century closed. Progressivism was bred in charges of corporation primacy in state politics from the county assembly to the nominating convention, and sprouted because of the virtual failure of the Republicans in the state and congressional elections of 1910. Dissatisfaction, which had taken the form of sporadic public outbursts and caustic private letters, gave way to dissension and a sense of urgency to save the party and the people.³ The dissension bore fruit in articulate protest; urgency led to confusion, indecision, and immediate failure.

On January 16, 1911, two months after the 1910 election, one element of the Republican party met in Denver to lay the foundation of what became the Progressive party. Conferees came from fifteen counties, primarily from the Denver area, the Western Slope, and the south-central portion of the state (El Paso County). The three hundred delegates unanimously adopted a number of resolutions and organized a permanent framework. They swore that there would be no compromise with machine politics and promised opposition to corporation control of politics, solidarity behind Progressive candidates, and absolute subscription to Progressive ideals. The state executive committee, nominated by a general committee of representatives from each county, was composed of Stewart and Costigan; Karl Bickel, a publisher from Mesa; James S. Temple, a strong supporter of Costigan from Denver; Ira M. DeLong, a University of Colorado mathematics professor and Costigan's friend; editor R. M. McClintock of the *Pueblo Leader*; and Merle D. Vincent, who supported the ideas and tactics of Stewart.⁴

The planks endorsed and publicized by this meeting endured the crises which arose during the next year and a half; but the organizational solidarity disappeared by the time the Republican

³ Goodykoontz (ed.), *Papers of Edward P. Costigan*, pp. 143-50; *Colorado Springs Gazette*, January 6, 1912.

⁴ "Open Letter to Republican Members of Colorado Legislature," *Rocky Mountain News* (Denver), January 17, 1911, in Goodykoontz (ed.), *Papers of Edward P. Costigan*, pp. 151-54; *Rocky Mountain News* (Denver), January 17, 1911.

convention met in 1912. Fragmentation of the Progressives did not occur over issues or ideals, however. The Denver conference provided for the possibility of Roosevelt assuming the leadership of La Follette's Progressive following. By unanimous agreement the conference members agreed to support either national leader, depending upon which one headed the ticket. Implied in this resolution was the assumption that no split would occur. La Follette or Roosevelt had to lead the Progressive wing to victory at the Republican national convention in the summer of 1912. During the early months of that year, however, some observers began to doubt that either La Follette or Roosevelt would be nominated for the presidency by the Republican party.⁵ The choice then became one of trying to enact Progressive ideals on the state and national level either through the strength of a new party or through a revitalized older party, preferably the Republican party.

Over this choice the Colorado Progressives split. The Costigan forces chose to create a new party and the Stewart wing, as the *Ouray Herald* reported, tried to alter "the party of Lincoln, McKinley, T.R. and La Follette."⁶ For various reasons, Stewart and Costigan chose to fight for right and practicality according to their own ethical standards. The result was a mutually defeating split within the protesting wing of the Republican party, and the way was left open for the Democratic party to consolidate Progressive ideals in its platform.

The personalities of the two major figures in this split conditioned their decisions to follow separate paths. Costigan had lived in Denver most of his life. His father had been a judge, a



Edward P. Costigan
later served as an
attorney for the United
Mine Workers during
litigation stemming
from the coal strikes
of 1913-14.

lawyer, and had been active in mining, so the son had been exposed to these significant environmental influences. Rather typical of Progressives, he turned to the profession of law. By the early twentieth century he was an active participant in public service and was becoming particularly critical of distortion of politics by corporation interests. By 1910 Costigan had helped organize the State Voters' League with Judge Lindsey, Temple, and other Progressive Denverites. The urban Progressive group had begun its open attack on the inequities of the protective tariff, Joe Cannon's extraordinary powers in the United States House of Representatives, and the exploitation of the people. Questioning the sincerity of President Taft's leadership, Costigan enlisted in La Follette's cause.⁷

In partial comparison with the high-minded, persevering Costigan, Philip Stewart came from the same type of background as Theodore Roosevelt. Phil Stewart's parents both represented long lines of politicians. His father had been governor of Vermont for a number of years and his grandfather had served in the Senate with Daniel Webster. His mother was a niece of Governor Horatio Seymour of New York. He had visited Colorado briefly in 1884 and had returned to live after his graduation from Yale in 1887. Contemporary journalistic accounts typified him as a man interested in civic affairs.⁸ By the turn of the twentieth century Phil Stewart was moving into politics primarily because of his humanitarian instincts and because of his blossoming friendship with Theodore Roosevelt.

The origins of the Roosevelt-Stewart friendship are unknown, but the relationship, which may have begun with the President's hunting expeditions in Colorado, soon broadened into the field of politics.⁹ Letters which had started "My dear Mr. Stewart:" in 1900 became "Dear Phil:" by 1905.¹⁰ In letters to other correspondents, the President praised Phil Stewart with typical Rooseveltian references to his Americanism, moral and physical strength, virtue, and highmindedness. In 1901 Roosevelt visited the Stewarts in Colorado Springs and invited Stewart to

⁵ *Public Ownership of Government: Collected Papers of Edward P. Costigan* (New York: The Vanguard Press, 1940), p. vii.

⁶ *Ouray Herald*, January 19, 1911.

⁷ Goodykoontz (ed.), *Papers of Edward P. Costigan*, p. 3.

⁸ *Colorado Springs Gazette*, June 9, 1912.

⁹ William Allen White, *Autobiography* (New York: The Macmillan Co., 1946), p. 330; Agnes Wright Spring, "Theodore Roosevelt in Colorado," *The Colorado Magazine*, XXXV (October, 1958), 241-65.

¹⁰ Charles J. Bayard, "Theodore Roosevelt and Colorado Politics: The Roosevelt-Stewart Alliance," *The Colorado Magazine*, XLII (Fall, 1965), 311-25.

come to the White House and inform him about Colorado politics. With reference to the latter, Roosevelt wrote: "I must depend largely upon your judgement."¹¹ Essentially, the President did not like Archie M. Stevenson, was in doubt about Mark Hanna's man, Edward O. Wolcott, and hated Henry Teller. Stewart did in fact make several visits to the White House where he rode with the President and played tennis with young Quentin.¹²

Stewart's advice was sought (and followed) regarding nominations and even the removal of several Wolcott men from federal office. He rapidly became the top Roosevelt advisor in the state until the Wolcott and Stewart forces met head-on in the legislature over the election of a senator. Stewart ultimately decided to support Teller. Roosevelt expressed his regrets over the public clash between Republicans in a letter to Stewart, although he also wrote happily about the prospects of a hunting trip in the near future. In 1904 labor troubles developed in Colorado and again Stewart seemed to be on the wrong side; he supported Governor James H. Peabody and Roosevelt did not. Nonetheless, at the end of 1906 Roosevelt offered him the nomination as commissioner of the General Land Office. From the general tone and decreasing frequency of the correspondence between the two, however, apparently the Roosevelt-Stewart friendship cooled as the Progressive movement formed.¹³

Through most of 1911 Colorado Progressives marked time. Senator La Follette was deeply committed to the third party idea, but whether Roosevelt's dedication to progressivism was more intense than his party loyalty was not yet known. Stewart remained quiet, apparently sharing his friend's indecision. By the autumn of 1911 Edward Costigan was despairing of working for progress through the Republican party. Previously, in mid-summer at Montrose, the Progressives had again convened and issued a declaration of principles which, they were convinced, the Republican party had to adopt in order to serve and survive.

¹¹ Theodore Roosevelt to Philip B. Stewart, September 26, 1901, in Elting E. Morison and John M. Blum (eds.), *The Letters of Theodore Roosevelt* (Cambridge, Mass.: Harvard University Press, 1951-54), III, 151.

¹² Theodore Roosevelt to Henry Cabot Lodge, Jr., October 19, 1901, *ibid.*, 179; Roosevelt to Theodore Roosevelt, Jr., October 19, 1901, *ibid.*; Roosevelt to Philip B. Stewart, October 25, 1901, *ibid.*, 182 *et seq.*

¹³ Bayard, "Theodore Roosevelt and Colorado Politics," pp. 311-26. Roosevelt's correspondence with Stewart was not voluminous, but it did include a significant number of informative letters. For examples demonstrating the friendship between the two men as related to the political situation in Colorado, see Roosevelt to Stewart, November 4, 1901, in Morison and Blum (eds.), *Letters of Theodore Roosevelt*, III, 187; Roosevelt to Stewart, December 5, 1901, *ibid.*, 204-05; Roosevelt to Stewart, November 23, 1903, *ibid.*, 655-56; Roosevelt to Stewart, December 22, 1906, *ibid.*, V, 533-34.

In late September the controlling faction of the party in Denver formed the Taft Republican Club, an act interpreted by Costigan as a repudiation of the Montrose Progressive principles. President Taft visited Denver a week later and held an interview with Costigan, which was sufficiently vague to satisfy him that he was not the appropriate presidential candidate.¹⁴ The *Rocky Mountain News* reported Costigan felt that "in the eyes of the progressives President Taft is a reactionary and a non-combatant. We will only support an aggressive and progressive leader." He was convinced that La Follette's aggressiveness and platform were as hopeful and real as Taft's lack of vigor was condemning, justifying his conversion on the grounds that he had to subordinate personality to principle.¹⁵

Costigan's shift to La Follette, and therefore to the third party idea, was not accomplished overnight. He was basically a Republican. Even during the period of transition he proclaimed his support of the "last Republican National platform" and also demanded "the absolute divorce of the state and local Republican machine from their railroad and public utility alliances."¹⁶ In a letter to W. L. Houser, La Follette's representative in Washington, D. C., he sought assurances that the Wisconsin senator was unalterably committed to the race; Houser's reply was mostly gratifying.¹⁷ Costigan began to organize La Follette clubs and to consider the implications of the senator's candidacy to Colorado politics.¹⁸

Warnings of the Progressive movement's change of leadership arrived in Denver in early January, 1912. The Roosevelt boom was under way and had only to sweep La Follette out of its path. J. S. Temple, Costigan's fellow rebel, received a letter from Gifford Pinchot written on January 12. Pinchot thanked Temple for the information forwarded on the political prospects in Colorado and outlined the tactics for accelerating the Roosevelt bandwagon. He urged that each electoral unit send either La Follette or Roosevelt delegates to the Republican national convention in June. The delegates, however, had to agree to support whichever man emerged victorious. Pinchot noted the dangers of Progressives disagreeing, but he optimistically pre-

¹⁴ D. C. Burns and E. P. Costigan to President William Howard Taft, October 2, 1911, in Goodykoontz (ed.), *Papers of Edward P. Costigan*, pp. 170-71.

¹⁵ *Rocky Mountain News* (Denver), October 5, 1911.

¹⁶ "Circular Letter to Republican Editors," October 6, 1911, in Goodykoontz (ed.), *Papers of Edward P. Costigan*, p. 174.

¹⁷ Costigan to W. L. Houser, November 1, 1911, *ibid.*, 177-78.

¹⁸ Costigan to E. W. Dye, November 8, 1911, *ibid.*, 178-79; Costigan to W. L. Houser, December 27, 1911, *ibid.*, 179.

Robert M. La Follette had been a U.S. Representative and governor of Wisconsin prior to serving in the Senate.



dicted a victory for either La Follette or Roosevelt.¹⁹ Costigan was once more in a difficult position. At least superficially in his letters he reiterated his support of La Follette. Yet by February 1, the day before La Follette's collapse at the Philadelphia publisher's banquet, Costigan had written to Progressive party headquarters in Washington that Coloradans strongly favored Roosevelt and that he personally was sure of Progressive success against Taft in primaries.²⁰

Costigan was in a dilemma when La Follette collapsed on February 2. He did what he thought was best under the existing conditions by hurrying east to confer with Roosevelt, La Follette supporter Gilson Gardner, and others to determine the seriousness of the Wisconsin senator's incapacity. As Costigan wrote immediately after his trip, and several times later, the senator was definitely out of the running, although he hoped to influence the platform of the Republican convention.²¹

So far as Denver Progressives were concerned, then, they had abandoned the Republican party during the last month or two of 1911, bolted to La Follette's Progressive Party, and by mid-February of 1912 were gathered behind Roosevelt to win party control at the Chicago convention, which had been Stewart's strategy from the beginning. Clearly the nomination and the election were shaping up as campaigns to organize popular

support to overthrow machine politics. While Costigan switched camps, always reluctantly, Phil Stewart consistently followed his original course of action. According to his views the recently approved Colorado primary had to be employed as widely as possible in the state, the power and prestige of the Republican party had to be diverted to progressivism through legal conquest, and Progressives had to assume that Roosevelt would complete his conversion to the cause.

Rather quickly at least one major piece of the rebels' foundation began shifting into place. In mid-February reports came out in the Colorado press concerning a Progressive strategy meeting in Chicago. Little was published about the substance of the conference. While Roosevelt's candidacy was not completely confirmed, Medill McCormick of the *Chicago Tribune*, a former La Follette supporter, opened the former President's first campaign office in Washington. Indications were that Roosevelt would serve if duty called, but that the call had to be a clear one from the people.²²

For several reasons, then, Colorado Progressives immediately launched a campaign to make the preferential primary operational. Stewart wrote F. F. Schreiber, El Paso County Republican chairman, requesting adoption of this innovation. Mesa and Delta Counties had already approved the primary; several other counties did so by the beginning of March. The primary had seemed to Progressives for a number of years to be a vital tool for making party control more responsive to public interests. Stewart agreed, while Costigan's attitude toward the primary was less apparent. Phil Stewart was publicly more active, while Costigan quietly continued his personal conversion from La Follette to Roosevelt. Contemporary newspaper accounts identified Stewart as the "chairman of the advisory committee of the Progressive Republican League of Colorado." He was trying to fuse the two state elements together into a cohesive force with popular support behind the Roosevelt Progressive Republican movement as it existed in February of 1912.²³

Stewart worked in agreement with what information was available at that time. According to the *Progressive Chicago Tribune* account of the February conference, a national committee to nominate Roosevelt began operations on February 12.

¹⁹ Gifford Pinchot to J. S. Temple, January 12, 1912, *ibid.*, 181-82.

²⁰ Costigan to Houser, February 1, 1912, *ibid.*, 183-84.

²¹ Costigan to J. C. Harper, February 22, 1912, *ibid.*, 185-87.

²² *Colorado Springs Gazette*, February 15, 1912; February 16, 1912.

²³ *Ibid.*

Instruction of delegates for Roosevelt was the strategists' primary aim, but local leaders were also to try to get uninstructed delegates elected, presumably to be converted to Roosevelt at the convention. Spokesmen via the *Tribune* confidently anticipated capitalizing on the former President's popularity most effectively by working on the county level. In the estimation of Governor R. P. Bass of New Hampshire, one spokesman of the conferees, Roosevelt's popularity was overwhelming and the governors of the states were the most capable at assessing and organizing this feeling. The report indicated that the drive to "force" Roosevelt into the presidency would be organized at the grass-roots level and coordinated with most efficiency at the state level through the governor's office. But Colorado did not have a Progressive governor in office with a functioning political apparatus in Progressive control.²⁴

On February 15, Stewart called a meeting of representatives of the Denver and the outstate Progressives. Previously, he had presented a working paper of program and strategy to Denverite James Temple, had received criticism, and then had rewritten the proposal as a basis for combining Colorado Progressives. The result of the conference was indecisive because the Denverites' course of action lacked clarity. Apparently, Roosevelt's candidacy was still conditional upon a clearer statement of popular demand that he run. Stewart reported:

I have just returned from attending a conference at Chicago called for the purpose of determining how extensive was the popular desire for Mr. Roosevelt for President, and to determine steps by which the sentiment for him might find expression if the testimony of that gathering, drawn from all over the United States, should be that he and he alone, could bring about Republican success in the fall campaign.²⁵

He reported that sample canvasses showed Roosevelt's popularity running high even in industrial areas. Urban support plus clear endorsements by eight governors from predominately rural states indicated the breadth of Roosevelt sentiment. Stewart emphasized that the former President could not refuse to respond to such a demand to rescue the Republican party from the harmful consequences of Taft control. Although the Republican state committee voted to support Taft and ignore primaries, Stewart noted none of its members predicted that Taft had a chance to carry Colorado in November. But if critics disputed

his judgment, Stewart urged that Taft's popularity be proved in primary elections. Thus the summary of his press release was that the people were for Roosevelt, minority interests controlled the Republican party machinery, and the party must be responsive to popular aspirations best identified in preferential primaries rather than in the undemocratic procedures of the past. Since those holding offices in the party did not volunteer to reform, Progressives had to act, Stewart concluded.²⁶

During the remainder of the winter and early spring of 1912 little effective organizational work was completed. The two major factions diverged. Costigan appealed for support from the readers of the Denver newspapers and also tried to strengthen his group's ties with the national Progressive leadership. He publicly revealed his belief that La Follette was too ill to be considered for the nomination and exonerated Roosevelt forces of any blame for the Senator's eclipse. He urged designation of convention candidates who supported local reform measures.²⁷ But midway through this pre-convention period, Costigan had little to show for his efforts, as he confided to Judge Ben Lindsey. The local situation, he wrote, was so muddled that he could not confidently predict that Colorado would send a friendly delegation to the Chicago convention. The preferential primary movement showed little immediate success. Some counties, he noted, made provision for the primary, others had a curious partial provision for it on a precinct level, while most made no provision at all. The state central committee opposed its adoption. In reality, Costigan felt that the Taft forces in the state held strong control over the delegation and that Colorado could not really be expected to deliver votes to Roosevelt at the June convention.²⁸ If progressivism were to succeed in 1912, it had to rely on Roosevelt's personality. Apparently, however, Roosevelt headquarters was unwilling to take the final step toward the creation of an independent third party before the convention. Costigan was forced once again to delay the mobilization of votes for the Progressive movement until the national leadership clarified its strategy. He waited for the national leadership to articulate what had so frequently been publicized as a grass-roots movement.

²⁶ *Ibid.*; *Colorado Springs Gazette*, March 4, 1912.

²⁷ "Teddy Choice of Colorado Progressives," *Rocky Mountain News* (Denver), February 28, 1912, in Goodykoontz (ed.), *Papers of Edward P. Costigan*, pp. 187-90; Costigan to W. E. Fee, March 1, 1912, *ibid.*, 190-91.

²⁸ Costigan to Ben B. Lindsey, two letters dated April 16, 1912, *ibid.*, 191-200.

²⁴ *Chicago Tribune*, February 12, 1912.

²⁵ *Rocky Mountain News* (Denver), February 15, 1912.

By late May, Stewart had increased the tempo of his activities. His tactics had been carefully planned; the news of his candidacy for the gubernatorial nomination broke in an orderly and precise fashion. He was an unquestioned Progressive Republican and his views were known in the state. His campaign secretary opened headquarters in the Gazette Building in Colorado Springs, and an extensive publicity campaign radiated from this central office, blanketing the rural areas. The *Ouray Herald*, the *North Fork Times*, the *La Junta Tribune*, the *Calhan News*, the *Hotchkiss Herald*, the *Lake City Times*, the *Ault Advertiser*, the *Victor News*, and many other papers representing the less populated regions of Colorado supported his candidacy and proclaimed his ability to win the election if nominated. A scattering of small-city newspapers from Greeley in the north to Trinidad just above the Colorado-New Mexico state line also strongly endorsed Stewart. The Denver papers were more circumspect about his candidacy. Most of them reported that he had announced, set up headquarters, and clearly stated his intention to stay in the race even if Roosevelt were nominated.²⁹

The *pro forma* statement of dedication to run proved in the long run to have deep significance to Colorado Republicans. State Progressives projected various tactics to obtain the party nomination. Costigan, who steadfastly maintained that he was a man of principle rather than one tied to a personality, became increasingly reliant on Roosevelt's coattails. Perhaps Stewart had privately concluded that the Rough Rider's chances of winning the Chicago nomination were poor. At worst, Taft's defeat might well result in party reorganization. Stewart was closer to the truth than any of his fellow Republican leaders.

During mid-May the Republican state convention designated a Taft slate of delegates to go to Chicago in June. On May 31, Denver Progressives, who had just won a victory in city elections, called a state-wide meeting to consider the possibilities of sending their own delegation to the national convention. They denied that it was a contesting delegation; it was, they maintained, a delegation "protesting" the designation of Taft delegates.³⁰ The implication was that any such delegation had only its claim of popular support to justify its existence.

Stewart faced this apparently embarrassing combination of

a Denver Progressive victory and a possible personal defeat at the state convention with what the *Colorado Springs Gazette* called a "characteristic reply. . . indicative of the straightforward campaign contemplated by him."³¹ Stewart was urged to attend the Denver meeting. Professing primary concern for the state party, he refused to participate in planning for the protesting delegation. He quickly announced that the vote of the convention did not, in his opinion, represent the feeling of Colorado Republicans, but he refused to meet with the Denver dissenters.³² With rumors circulating that Taft would not run, party regularity was honorable and was momentarily an asset. The more conservative elements of the Republican mainstream praised Stewart for not allying with the Denver faction. Most of the reasons for their praise were not stated, but conservative press reports implied that the traditional outstate hostility toward Denver was at the base of their approval.³³ The *Boulder Herald* argued that Roosevelt had demanded New Hampshire delegates instructed for Taft, who switched to the Progressive camp, to stand by their pro-Taft original instructions.³⁴ General appreciation of loyalty apparently neutralized any embarrassment Stewart may have suffered over the impractical protesting-delegation plan.

Along with the urban-rural intraparty fight which weakened the Republicans, Stewart was confronted with some mud slinging. Six years previously he had been nominated to run on the Republican ticket for the governorship. Judge W. H. Gabbert, characterized as a representative of corporate interests, ran for the Colorado Supreme Court at the same time. Stewart demanded that he withdraw from the race and when he did not, Stewart did.³⁵ A few papers during the 1912 pre-convention period revived this incident, implying that Stewart had deserted the party before when his popularity was needed. Many other observers praised him for refusing to be identified with politicians known to be under the control of privilege-seeking interests. Stewart explained his withdrawal and apparently gained more than he lost from the encounter.³⁶ More important than this earlier episode was his present loyalty to the party as shown

²⁹ *Colorado Springs Gazette*, May 31, 1912.

³⁰ *Ibid.*

³¹ *Greeley Republican*, June 1, 1912; *Longmont Call*, June 14, 1912.

³² *Boulder Herald*, May 31, 1912.

³³ Bayard, "Theodore Roosevelt and Colorado Politics," pp. 323-24.

³⁴ *Ouray Herald*, January 19, 1911; *Moffat County Courier*, May 31, 1912; *Longmont Call*, July 12, 1912.

²⁹ *Colorado Springs Gazette*, May 27, 1912; May 28, 1912. See also issues of the papers cited for the dates May 27-28.

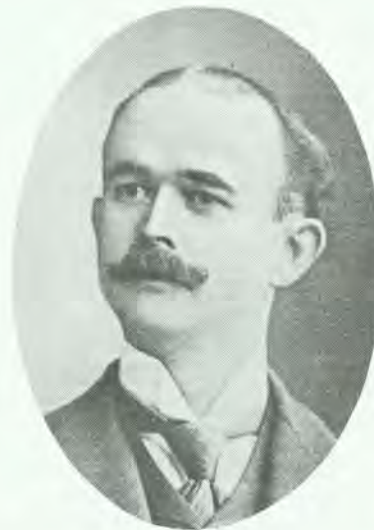
³⁰ *Colorado Springs Gazette*, May 30, 1912; *Denver Republican*, May 31, 1912.

by his refusal to join the faction which protested Taft's candidacy. Stewart was a serious contender for the gubernatorial nomination; he had only to obtain widespread Republican confidence and erode the power center of the Costiganites.

The final decision with the Denver faction had to wait until well after the Chicago convention. One conservative paper was not convinced that Stewart still did not favor Roosevelt more than the party. As late as several weeks after the national convention the *Denver Times* and the *Denver Republican* explored the possibility of his bolting the party. The *Republican* reported that a telegram from Chicago announced (or perhaps rumored) that if Theodore Roosevelt were nominated by a third party, Stewart would organize Colorado for him. Other mid-June reports also indicated that the prospective Bull Moosers of Denver still had some hopes of drawing him into their organization. Reportedly, Stewart was amenable to the proposed new American party.³⁷ Even the *Colorado Springs Gazette* doubted the feasibility of launching trial balloons about this prospect. It reported:

Mr. Stewart's determination to keep aloof from any contest of Colorado Taft delegates is a matter of common knowledge, but the new situation that has arisen is entirely different, and his attitude with regard to a new national party is not known here. He is a warm personal friend of Roosevelt, and has been active on his behalf in Colorado.³⁸

Any such debate about fusion of forces might have been the result of indecision on the part of the two factional leaders prior to the national convention. The momentary flirtation was more than likely an effort to test the other's dedication to the course of action each had selected. On June 8, ten days before the Republican national convention, Lindsey and Stewart met formally in Colorado Springs. The state-wide reports of their confrontation demonstrated that the two factions were probably incompatible by this date. Each, of course, favored more direct democracy, removal of privilege from a position of political power, and other ideas so ardently advanced by the liberals of that day. However, the two spokesmen clashed over three concrete parts of the Progressive platform. The reports of the degree of opposition vary depending upon whether the *Rocky Mountain News*, the *Colorado Springs Gazette*, or other partisan



*Benjamin Barr Lindsey,
lawyer, reformer, and
internationally recog-
nized authority on
juvenile delinquency.*

papers are relied upon. Most reports agreed that Lindsey favored the recall of judicial decisions. Stewart opposed this, reasoning that judges and decisions needed to be protected from non-legal pressures. There was reportedly some disagreement over the provision for a public utilities commission. Lindsey did not comment on or support it, depending on the account read; Stewart opposed on the grounds that the bill was faulty in construction. And, finally, they possibly agreed over the issues of the headless ballot, which was considered a vital part of progressivism.³⁹ Whether they were diametrically opposed at their meeting on June 8 or not is relatively unimportant. The press conveyed the idea that they were so opposed.

The *Colorado Springs Gazette* subsequently charged that several papers misrepresented Lindsey's position, assuring its readers that he shared Stewart's views on the headless ballot and the public utilities bill.⁴⁰ Less than a week later the *Lamar News* published an account credited to Lindsey confirming the fact that the differences were nominal only.⁴¹ The *Rocky Mountain News's* broad interpretation of the meeting, however, was probably quite near the truth. The two camps were drifting apart, it admitted publicly. The sources of split were Stewart's refusal to support the protest at the national convention, the recall of judicial decision controversy, and what the *News* re-

³⁷ *Denver Republican*, June 12, 1912; July 2, 1912; *Denver Times*, June 18, 1912.

³⁸ *Colorado Springs Gazette*, June 21, 1912.

³⁹ *Colorado Springs Gazette*, June 9, 1912; *Lamar News*, June 9, 1912; *Rocky Mountain News* (Denver), June 8, 1912.

⁴⁰ *Colorado Springs Gazette*, June 8, 1912.

⁴¹ *Lamar News*, June 13, 1912.

ported as Stewart's Republican reactionary support.⁴² Colorado's conservative press opposed the Progressives and was at that time flirting with the idea of supporting Stewart. It soon changed its endorsement and attacked Stewart vehemently. Thus the split within Progressive ranks developed over the issues of protesting Taft's nomination and the feasibility of the creation of a third party.⁴³

Stewart had long since demonstrated his impatience with the indecision originating in the Roosevelt headquarters. A clear statement of support from the former President was vital to the Costigan faction; it would have been very useful to Stewart. The days immediately preceding the national convention were filled with those matters which normally face a full-fledged candidate for office. Halsted Ritter, a young Denver Republican, announced his candidacy on what seemed a Progressive platform. Fred Shaffer, Stewart's publicist and secretary, issued denunciations claiming Ritter had recently opposed the initiative and referendum. His progressivism was challenged although his Republicanism was not. Stewart's forces also rejected the support of Thomas A. Devine of the Pueblo *Chieftain*, because the paper and the man were traditional Republicans. Stewart also continued to collect a research staff and circulate questionnaires among friends and qualified voters in an effort to evaluate the impact of Taft's influence on state politics. Essentially, Stewart was the only true Progressive Republican in the race for a major state office as Republicans began to collect in Chicago.⁴⁴

At the Republican national convention conservative Coloradoans played a vital role in the credentials committee which rejected contesting Roosevelt delegates. Colorado's protesting delegation and Phil Stewart apparently did little more than observe. However, Archie Stevenson and others voting proxies for Republic pocket boroughs of the South intensified Progressive hostility to Taft's nomination. Coloradoans were as emotionally aroused as other pro-Roosevelt or anti-Taft forces present. Costigan was convinced that the creation of a new party was necessary; as he reported, the Republican party was no longer the vehicle of reform it had been under Lincoln.⁴⁵

The anticipated split between factions within the Progressive

Republican camp became final when the observers and protestors returned from Chicago in late June. Increasingly, Stewart's name was omitted from official releases of the Denver committee. Perhaps even more significant was the fact that he no longer corresponded with Theodore Roosevelt, whereas Costigan and Lindsey did. Even the Denver papers noted this shift of Roosevelt's attention away from Stewart. Shortly after his return, Costigan announced the launching of the third party movement with the opening of offices and a convention in the process of formation. The account also noted that Costigan's choices for presidential and vice-presidential candidates were Roosevelt and Ben Lindsey. One last effort to coalesce with Stewart was made in Colorado Springs during the first days of July. Stewart steadfastly refused, on the grounds that fusion in the past had led to compromise among factions and the subversion of the people's needs to the needs of articulate groups. While Costigan waited for directions to attend the Bull Moose convention, Stewart pressed his campaign.⁴⁶

Stewart's efforts to get the Republican nomination to the governorship proved in some ways intriguing and in other ways anticlimactic. Basically, he hoped to have his followers gain control of the county assemblies. These groups were to send delegates to the state assembly. In some counties local groups were pledged to support Taft representatives. Stewart recognized that such a practice was in existence, but there was some possibility that with old ways under attack and new ways under discussion, reform could be more broadly instituted. In the meantime, the Primary Law of 1910 provided that potential nominees could get on the ballot for party designation by presenting petitions. Stewart chose to oppose the assembly's designated nominee for a vote in the September primary. If successful there, his intentions were to reorganize on the county level, urge Republicans to scratch Taft's electors in the November general election, and designate Roosevelt electors. The plan, as Costigan argued, was complex.⁴⁷ However, the prospects of a third party under Denver leadership carrying the rural vote were remote.

In the primary Stewart ran a good race against C. C. Parks,

⁴² *Rocky Mountain News* (Denver), June 9, 1912.

⁴³ For example, see the *North Fork Times* (Hotchkiss), June 14, 1912.

⁴⁴ *Ibid.*; *Colorado Springs Gazette*, May 30, 1912; *Ault Advertiser*, June 7, 1912.

⁴⁵ *Colorado Springs Gazette*, June 16, 1912; *Pueblo Chieftain*, June 30, 1912; *Rocky Mountain News* (Denver), June 25, 1912.

⁴⁶ *Denver Republican*, June 21, 1912; July 2, 1912; *Rocky Mountain News* (Denver), June 8, 1912; June 26, 1912.

⁴⁷ Costigan to Joseph M. Dixon, July 20, 1912, in Goodykoontz (ed.), *Papers of Edward P. Costigan*, pp. 209-14; *Rocky Mountain News* (Denver), July 3, 1912; July 5, 1912.

who was frequently characterized as a Simon Guggenheim liege. During the primary Stewart was ahead in the early balloting even in suburban Denver, and for several days after the election Stewart held the lead as late tallies were reported. This was accomplished despite the fact that the Costigan forces had pulled out and were busily organizing the Roosevelt Bull Moose boom in the state. Stewart lost the Republican party nomination by about twenty-five hundred of forty thousand votes. However, the vote was light, and the Democrats outpolled the Republicans by a three-to-one margin. Some analysts blamed the confusion for the outcome, while others charged that Roosevelt had attracted the popular following away from the polls. In the November general election, Democrat Elias Ammons defeated his opponents and the state supported Woodrow Wilson for the White House.⁴⁸ The Progressive party expired in Colorado several years later, as it did elsewhere.

By this sequence of errors, indecision, and turns of fortune, then, Colorado reformers failed to change the course of state politics in 1912. The Denver Progressives, buoyed by local success in May, tied themselves to the nationally popular personality, Theodore Roosevelt, who contributed little to the organizational strength of the state movement. Phil Stewart, advocating the same ideas but representing a different segment of Colorado's population, set out to use elements of direct democracy to seek election to the statehouse. He proposed to remove undesirable politicians, reorganize the party, modernize its platform, and then add his strength to the national Progressive Republican movement. The strong possibility exists, therefore, that Roosevelt contributed much to the Progressive defeat in Colorado by deciding that his presidential nomination was absolutely essential to immediate reform of politics. By late June, when Denver's Progressives returned home to create a Progressive party, Stewart was already campaigning for the gubernatorial nomination and Costigan was committed to Roosevelt's candidacy. The results were almost preordained; the Democrats swept into office and Colorado politics slipped back into old familiar patterns.

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⁴⁸ *Denver Republican*, September 11, 1912; September 12, 1912; *Colorado Springs Gazette*, September 11-15, 1912.