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THE PUBLIC, ITS STAKE IN JUDICIAL SELECTION

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Perhaps I can best emphasize the stake of the public in judicial selection by telling you something about conditions under the old judicial selection system in Missouri which led its citizens to become aroused and desire a change, what they did about the situation, and how our new system has functioned in the sixteen years since its adoption; and while I do not intend to go into the details of the Missouri Court Plan, I will emphasize some of its features in relating how it has worked, and at the same time give you a few of my comments about the shortcomings of the partisan elective system generally.

At the outset, I wish to emphasize that I do not contend the Missouri Plan is perfect, as no plan of judicial selection is perfect; but I do maintain that our Plan is a *vast improvement* over our former system. Nor do I contend that the evils under our old partisan elective method were any more pronounced under Republicans than they were under Democrats. In addition, it is not my intention to infer that we did not have *some* very excellent judges under our former system, but these good judges reached the bench not on account of that system, but in spite of it. No doubt the same situation is true in Colorado and in other states.

Sometimes things have to get worse before they get better. Dissatisfaction with the Missouri political system of selecting judges became progressively more pronounced in the 1930's and various lawyers then began to realize the futility of presenting programs that had only the backing of lawyers; and, thereupon, at the instigation of the Missouri Bar Association, there was formed a statewide organization consisting of both laymen and lawyers, under the title of Missouri Institute for the Administration of Justice. The M.I.A.J., as we have learned to call it, represented all groups and segments of people from all parts of the state. It set out upon a long range program for the improvement of the administration of justice, the most important item on its agenda being to change our mode of selecting judges.

Here are a few things which impressed upon the citizens of Missouri the need for a change in our method of judicial selection:

Under our old system no man aspiring to the bench could be at all sure of his tenure in office. He gave up his practice and, even if he made a good judge, he could not control national or state landslides, and if he happened to run for re-election on the wrong party ticket, out he would go, irrespective of his ability or fine record; or he would sometimes be "knifed" in the primary by his own political party, if any of his judicial pronouncements displeased the political bosses, and then he would have to start rebuilding his law practice, usually entailing financial loss. Hence, many of our well-qualified lawyers could not be blamed for refusing to run for a judgeship under such conditions. Under our former method of selecting judges a candidate or judge seeking re-election, whether he liked it or not, had to engage in a political campaign for an office which, in the words of Thomas Jefferson, "should be absolutely independent of politics."

It is a misnomer to say that the people elect judges in our large cities under the party elective system. In actual practice these judges are nominated and elected by a few persons holding the balance of political power, and many of the judges elected in our large metropolitan districts are not chosen so much on their qualifications, but upon their ability to appeal to the greatest number of people and often through the tricks and trading deals of the practical politician. As was stated in a report of the Special Committee on Judicial Selection and Tenure of the A.B.A.:

> "In such a contest *(direct judicial primary)* a shallow fellow of good appearance, glib tongue and affable manner has quite as good a chance of success as a John Marshall."

In other words, under the old procedure, our judicial elections, particularly in the primary, even absent the power of the political machines, at most amounted to a popularity contest with the people usually knowing nothing about the judicial qualifications of the men they were voting for as judges.

Do not misunderstand me by thinking that I am against the political system for electing men to offices that have to do with policy making, but under our system of jurisprudence, what on earth do Courts have to do with policy making? A judge in the performance of his duties is not responsible for making party poli-

cies nor for carrying them out. Policy making is purely a function of the legislative and executive branches of our government. In other words, if we want to change the social policy of our State we ought to elect a legislature to do it, to represent our political opinion. During the campaign for the adoption of the Missouri Court Plan, the Kansas City Star editorialized on this point as follows:

> "After all, what possible argument can be made for keeping the courts in politics?
>
> "No patronage is involved in a court selection. The only way a judge can do anything for his political party is through favors that would violate his oath as a judge. A man who fails in his high duty as judge can only disgrace his party.
>
> "The strong feeling that the courts must be above special interest is older than Magna Carta. Every man must be equal before the bar of justice or our whole system of justice is open to suspicion. Upon that profound sense of justice the English-speaking people have built their conceptions of human rights. And it is worth fighting for.
>
> "As a hangover from the free and easy days of American politics Missouri still chooses its judges in partisan elections. This state still subjects a judge to the muck of political campaigns. A judge is expected to rise above personal demands but he must still consider where he will find his votes in the next election. As a result many highly qualified lawyers refuse to seek judicial posts. Men elected in partisan city campaigns can usually expect to hear from the bosses, large or small, who have blocks of votes at their disposal. Obviously more than average nerve is required."

Back in the 1930's one of our St. Louis Circuit judges interceded for a notorious gangster with a long list of convictions and aided in getting him paroled from a penitentiary in a nearby state. A short time after his release this gangster was caught redhanded when he set off a bomb in a small town near St. Louis.

Another judge signed bail bonds in blank and allowed them to be used indiscriminately, at least where the "proper party" intervened, for getting people out on bond.

One political lawyer, who wielded tremendous influence with the majority of the Committeemen of the Republican Party, used to brag to his clients that he elected the Circuit judges in St. Louis and—from some of the things that occurred—I believe he was truthful in his statements.

Perhaps one of the most glaring instances of judicial incompetency under our former system concerns the story of Judge Padberg who stepped literally from the pharmacy to the bench. While employed as a pharmacist at a St. Louis hospital he was admitted to the bar in 1927. After his admission to the bar he retained his job at the hospital and worked there almost nine hours a day, six days a week and did some work at nights. He had been at the hospital 10 years when he decided to run for Circuit Judge. The records of the Circuit Clerk's office show that in the 8 years from his admission to the bar (1927) to January 1, 1935, when he took office as a judge he was listed as being the filing attorney in only 9 suits—eight for divorce and one for annulment. He became a judge, though, despite his lack of qualifications and despite his almost complete rejection by the Bar Association judicial poll (he received in this bar poll 42 votes compared to 527 for the Democrat leading the ticket) simply because he was slated by the then local political boss of his party who put him over in the Primary, and in the ensuing election where most people voted a straight ticket on account of national issues he was easily elected—it was a Democratic year. Judge Padberg's record on the bench was really a travesty on justice. He threw solvent companies into receivership without notice and, as the St. Louis Post-Dispatch commented, "Padberg's six years on the bench have been a humiliation to the law and to the city." He was in charge of a grand jury whose task was to investigate flagrant election frauds. As foreman of this jury there was an old-time politician who had a flock of relatives on the city payroll; among its other members were three with political connections. This grand jury not only failed to return indictments, but it declined to go through the motions of investigating the election frauds. Judge McAfee, a fellow judge, summarily discharged the grand jury, an unprecedented thing in St. Louis, and Judge McAfee subsequently resigned explaining he no longer desired to remain a judge under the then political system. Judge Mc-

Afee later became one of the most ardent advocates of the Missouri Court Plan.

The conditions I have pointed out naturally do not or did not apply to most rural districts to the same extent as they do or did in the great metropolitan centers. As a matter of fact, our old outright elective system as to local judges was usually satisfactory in most rural districts where, on account of sparcity of population, most of the voters knew the judicial candidates. Hence, the Missouri Plan was, therefore, made mandatory as to the Judges of the Missouri Supreme Court, and three Courts of Appeals, the Circuit and Probate Courts of the City of St. Louis and Jackson County (Kansas City) and the Courts of Criminal Correction in St. Louis and it was left optional as to the Circuit and Probate judges in the rest of the state.

Here, it is quite apropos to refer to a comment of Judge Henry T. Lummus (Chairman of the Judicial Administration Section of the American Bar Association, 1938-1939) who said:

> "A politician may make a good judge if he can stop being a politician after going on the bench; but it is a great handicap to good judicial work to have a system which tends to compel every judge to be a politician in order to remain a judge."

In 1938, Judge James M. Douglas, of the Missouri Supreme Court, who had previously been appointed by Governor Stark for an unexpired term, was a candidate for nomination in the Democratic primary. Judge Douglas, a thoroughly qualified jurist, had made an excellent record in office but had deeply offended the then Boss Tom Pendergast by voting against the latter's wishes in the famous fire insurance rate case. Pendergast, in his determination to punish Judge Douglas, picked his own candidate, a man with few judicial qualifications, to run against Douglas in the primary.

Then, the people witnessed the spectacle of a knock-down, drag-out political fight (for an office which should be completely divorced from politics) with both candidates literally stumping each of the 115 counties of the state, and with Judge Douglas devoting months of his time away from his judicial duties, at a great loss to the taxpayers. The cost of Judge Douglas' successful fight was esti-

mated at various figures between $10,000 and $25,000. Is there any wonder, therefore, that our people became disgusted with our partisan system of selecting judges and that *many eminently well-qualified lawyers would not, and could not afford to, seek judicial office under such conditions.*

The late Fred L. Williams, an eminent jurist, in a speech supporting the Missouri Court Plan, related that he was elected to a short term to the Missouri Supreme Court in 1916 because Woodrow Wilson kept us out of war, but was defeated for re-election to the bench in 1920 because Wilson did not keep us out of war.

Well, naturally our people became aroused and when they

became aroused they became united. The Missouri Legislature refused to submit for a vote of the people a Constitutional Amendment embodying the Missouri Court Plan. Our citizens then went to work in earnest under the leadership of the M.I.A.J. and really put democracy to work by getting the proposal on the ballot at the 1940 election through the initiative section of our State Constitution by obtaining approximately 100,000 signatures on petitions from all sections of the state. Here, I want to emphasize that no selfish interests were behind the Court Plan—it was adopted through the work of all factions and classes of men and women—labor, business, teachers and other professional groups, etc.,—in almost the same manner as a community as a whole supports a Community Chest or Red Cross drive.

Of course, there was some opposition to the Missouri Plan. There is, no doubt, opposition to the Colorado proposal. It is always difficult to bring people, particularly lawyers, into complete agreement on any subject. As was once said, *"If you wait for everyone to approve an idea, you will wait forever."*

This is a world of compromises and such is true of the Missouri or any other system of judicial selection. One writer described the Missouri Plan as really a compromise between the outright appointive system and the old popular elective system, adding that it retains the best features of both.

Perhaps I am getting on dangerous ground when I try to single out any one group as deserving the most credit for the successful campaign for the Missouri Court Plan, but, in my opinion, the untiring work of thousands of women of the State of Missouri was the biggest factor of all.

You will probably be amazed to learn that less than sixty days after the Amendment was proclaimed to be in effect, and before the Court Plan had even been tested, the Missouri Legislature, which had previously refused to submit the Plan for a vote of the people, passed by one vote a resolution calling for the resubmission of the question at the 1942 election. It was apparent, therefore, that the selfish politicians did not like the Plan. To me, this action proved our contention that the Plan would go a long way in taking our courts out of politics. So we had a second campaign and this time the opposition really came out in the open. Because of this fact, in some ways the second campaign was easier than the first. Our citizenry became so aroused in 1942 that the Plan was retained by almost twice the margin of votes it received at its enactment in 1940.

To clinch the fact that the citizens of Missouri like our Plan they retained it by an overwhelming vote, in our new Constitution in 1945, despite the efforts of the "Court House Ring" to take it out of the Constitution. So, the people of Missouri on three occasions, in a five-year period, approved the Plan.

The first indirect test of the Plan came a great deal sooner than most people anticipated. In 1940, at the same election at which the Court Plan was adopted, Forrest C. Donnell, a Republican, was,

on the face of official returns, elected Governor of Missouri by a majority of around 3,000 votes. His Democratic opponent contested the election, and the Legislature (which was predominated by Democrats), in apparent violation of the Missouri Constitution, refused first to seat Governor Donnell and then conduct the contest. Thereupon, the attorneys for Donnell filed in the Missouri Supreme Court a mandamus suit against the Speaker of the House of Representatives, seeking to compel him to publish the election returns seating Donnell. It so happened that all of the seven members of the Supreme Court had previously been elected as Democrats long prior to the adoption of the Missouri Plan. Nevertheless, the decision of the Court was unanimous in issuing the writ of mandamus in favor of Donnell, the Republican, against McDaniel, the Democrat. Under the old popular elective system, all of these seven members of the Court, if they sought re-election, would have first had to face the vicissitudes of a primary election and, if successful therein, then be the Democratic candidates at the ensuing general election. Under the provisions of the Court Plan, however, these judges would not have to face a primary election; and would not run as Democrats, but would, in a general election, run solely on their respective records, with no opponents, on a separate judicial ballot without party or political label, the sole issue being whether they should or should not be retained in office. Hence, when the aforesaid honest and courageous decision was rendered, these seven judges did not have to worry about party politics; *at least none of them had to make any apologies to any political leaders or committeemen.*

I state, without fear of contradiction, that thus far, in every instance but one or two, only lawyers and laymen of the highest type have been selected for the various nominating commissions, and both the public and the bar have been completely satisfied with the personnel thereof, save these several instances. *The nominating commissions are the "lifeline of the Plan." If you do not have good nominating commissions you are not apt to get good judges.* While on the subject of the nominating commissions, I also want to state, without fear of contradiction, that in every instance, with one, or possibly two, exceptions, where the appropriate nominating commission has submitted *three nominees* to the Governor *and appoint-*

ment has followed, those nominees have all been amply qualified lawyers of the caliber which would reflect credit on the judiciary. Hence, *under our experience to date, in ninety-eight percent* of the appointments, no Governor could have made a bad appointment had he been inclined to do so.

As I want to be absolutely fair in telling you how our Plan has worked, I will point out an occurrence which some people have seized upon as a criticism of our new system. Our legislature in August, 1953 created three new circuit judgeships for Jackson County; and the Governor until February, 1956, refrained from making the appointments from the nominees submitted to him and requested the nominating commission to submit other names, but the commission refused to do so on the ground that it was not compelled to under the Constitution. The Missouri Supreme Court ruled on July 23, 1954 that a nominating commission is not required to reconsider or withdraw any nominations even if a Governor so requests, but that a commission may voluntarily revise panel nominations, for cause, before the Governor has acted thereon. In any event, to end the stalemate in the Jackson County situation, the Sixteenth Circuit Nominating Commission in 1956 submitted to the Governor slightly reshuffled versions of its three original panels and Governor Donnelly, a Democrat, then appointed two Republicans and one Democrat to the three new divisions of the Jackson County Circuit Court.

Judge Nick T. Cave, Chairman of the Nominating Commission which was involved in the aforesaid dispute with the Governor, had this to say about the matter in a letter he wrote in 1954, viz:

> "It seems unfortunate that this one controversy, in fourteen years, between a commission and the governor, should be pointed out as proof positive that the Missouri Plan is a failure. One dispute does not justify the destruction of a plan which has worked so well in all other vacancies. This is evidenced by the fact that since the present controversy arose, three vacancies have been filled by the governor on the appellate courts, and two on the circuit courts. Three of those vacancies were filled by the appoint-

ment of a Republican, although our governor is a Democrat."

The *nominative and appointive features* of the Plan have been invoked on thirty-eight occasions. With the possible exception of two appointees (whose selections were criticized by some solely because of lack of experience, and not on any other grounds) both the Bar and the public have highly commended these judicial appointments, all the appointees, excepting the two just mentioned, being unquestionably well qualified for the judiciary; and one of these appointees has since developed into a very fine judge, while the other, who was appointed a little over a month ago, has not had sufficient time to have his qualifications thoroughly tested.

Some of the critics of the Plan have complained, however, that the Governors, wherever possible, have followed party lines in making the appointments. While this has been true in the majority of instances, on one occasion a Democratic Governor had no opportunity to follow party lines as all three nominees were Republicans. In any event, this criticism has pretty well faded out, because our present Governor, a Democrat, in his last 13 appointments has selected 6 Republicans, whereas he could have in all 13 cases picked a Democrat.

Moreover, as I have said, in every instance save, perhaps one or possibly two, all of the nominees have been lawyers of outstanding character and ability and every judge appointed thus far, excepting maybe the one appointed a little over a month ago (who has not had an opportunity to have his qualifications fully tested), has met our objective, which is to place high type, conscientious, able and eminently qualified lawyers on the bench. *In this connection it is also important to note that under our Plan it makes no difference what a man's politics are before he goes on the bench—the point is that once he has attained the bench he is independent of politics; he is under no obligation to his party committeeman or the politicians because they did not put him there in the first instance and he is not dependent upon them, nor is it necessary for him to incur political obligations in order to remain in office.* If a judge has a good record he is assured of a long tenure in office but if his record is bad a simple and direct method is provided for removing him.

Thus, more better qualified men have been and will be attracted to a judicial career and the public is unquestionably benefited by this system.

There have been seven tests of the elective feature of the Plan, all of which have proved that the party affiliations of judicial candidates have made no difference to the voters, since these elections have sometimes gone Republican and at other times Democratic, yet all judges, *but one,* under the Plan, have been retained in office despite their varying political affiliations. The vast majority of these retained judges had bar endorsement; *and the one removed by the voters had an extremely bad record*—he was already in office when the Plan became effective and under the terms thereof was allowed

to seek retention in office, at the expiration of his term, in the same manner as a judge appointed under the Plan.

Some lawyers have complained that the Plan freezes the incumbents in office and that it is difficult or virtually impossible to defeat a judge running for retention in office. It cannot be denied that every advantage is with the incumbent seeking retention in office. However, unless the incumbent has fallen down on the job or proven himself unfit he should be retained in office under the spirit of the Plan. As I told you, one judge has been defeated for retention in office, which refutes the aforesaid criticism. Dean Roscoe Pound once said, "Too much talk has been given to the matter of getting less qualified judges off the bench. *The real remedy is not to put them on.*" I mentioned this because of the fact that a long range view must be taken about a proposal like the one we are discussing. To illustrate this point further, when the Plan was adopted in Missouri there were 46 incumbent judges then subject thereto (now 51 judges are under the Plan) and with the 38 appointments to date, approximately 80% of said incumbents have been replaced. To date, *no judge appointed under the Plan has* been rejected or repudiated in any election or in any Bar Association poll.

Unquestionably, the prohibition in the Plan against a judge engaging in politics has had a tendency towards the making of a more independent judiciary and non-political courts and has enabled our judges to devote their entire attention to the business of their courts. The action of Honorable Leslie A. Welch, a Republican, when he was appointed Judge of the Probate Court of Jackson County (Kansas City) in 1942, is a practical demonstration of the wisdom of this provision. In the Probate office at that time ther were twenty-one employees, seventeen of whom owed their appointments to the Democratic machine; six had been Pendergast or Shannon precinct captains. Judge Welch read the constitutional provision to these employees and told them that the Probate Court should be completely divorced from party politics; that no person would be discharged or employed by his Court because he or she was a Democrat or a Republican, but that no one could retain his position if he or she held office or was an active worker in any

political organization or party. On unsigned slips, all of the employees supported Judge Welch's view and agreed to cease their political activities.

Our judges themselves like the Plan. They no longer need fear the dangers of the primary, as the primary is abolished under the Plan; *political pressure has been taken off their backs; they are prohibited from engaging in politics and from making contributions to political groups,* and the only cost to a judge seeking retention in office is a *three cent stamp to cover the sending of a notice to the Secretary of State* announcing that he desires to be a candidate for retention in office. Under our old system, the cost of being elected a Circuit Judge in St. Louis in the 1930's ran as high as $5,000, while the salary at that time was only $8,000 per annum; the salary has since been raised to $14,000.

Now a judge can devote his entire attention to the business of his Court and does not have to fear the so-called political lawyer. I regret to state that in many instances such was not the case under the old partisan system. In addition, our judges have unquestionably asserted greater independence since the Plan became effective. This is manifested by the fact that formerly our judges, in appointing receivers, etc., usually followed party lines, making their selections from lists furnished them by their party committeemen. Now it is not at all unusual for a lawyer or layman of opposite political faith to that of the judge to receive such an appointment. Under our former system, in many cases, lawyers would be selected by litigants for their supposed, if not real, influence with a certain

judge, whereas there is no longer any necessity for litigants selecting attorneys with such a thought in mind.

We now have a truly independent judiciary in Missouri and our litigants are actually receiving a higher quality of justice, and the confidence of the people has been restored in our Courts. Our Plan has encouraged men to serve on the bench who would not submit themselves to the ordeal of campaigning for office under the old political system or who lacked the means to finance such a campaign; *and we now have more highly qualified men on the bench than we had under the old system*, and this includes most of the incumbent judges at the time of the Plan's adoption, inasmuch as they no longer have to be politicians in order to remain on the bench. Further, the administration of justice has been speeded up in Missouri. From all angles the *public*, which always has the biggest stake in the courts, *has been substantially benefited by our new system.*

I have talked so much about what I think of the Missouri Plan that perhaps you would like to know what some people outside of the State of Missouri think of it. I have a brief-case full of laudatory comments about the Missouri Plan from eminent jurists, lawyers, laymen, newspapers and writers throughout the United States and, of course, I cannot begin to give you all of them. With your leave, I will mention only a few.

Mr. James Kerney, Jr., Editor of the Trenton, New Jersey, Times, in a speech in New York on September 19, 1951, before the section on Judicial Administration of the American Bar Association, stated in part, as follows:

> "* * * Barring a sizeable staff, it is virtually impossible to make a complete survey of press reaction to court administration and procedure, and judicial appointments and conduct. Working within these limitations, I have had the cooperation of 86 newspaper editors, representing a cross-section of American journalism. They have culled from their output over the past year such editorial comments, pro and con, as seemed to them worth noting.
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> "* * * By far the largest measure of praise has been for the Missouri Plan, which is in essence the American Bar

Association's recommended objective for judicial appointments. There is continuing active support for the adoption of the Missouri Plan in Pennsylvania, Texas, Iowa, Nebraska, Kansas and Ohio. In fact, among the 86 newspapers surveyed, only one held to the emotional appeal that it was unbelievable 'the right to vote has become so degraded that the people no longer can be trusted to choose their own judges'. For the most part advocacy of the Missouri Plan has been coupled with editorial comment urging higher pay and better retirement systems for the courts."

Since organized labor has a tremendous stake in any plan of judicial selection, it is very appropriate that I quote from the comment by Frederick W. Mansfield, an eminent lawyer who has represented labor in many cases before the Supreme Judicial Court of the State of Massachusetts. Massachusetts, as you know, has never changed its system of selecting judges by appointment by the Governor with the approval of the Governor's Council, an elected body. Mr. Mansfield stated in part:

"* * * 'As one who has had some experience in the trial of so-called labor cases, I hope I may be pardoned if I venture to say a personal word of commendation and approval of the Supreme Judicial Court of Massachusetts. In this practically new and unexplored field our Supreme Court has probably penetrated further than any other civilized tribunal. In many cases it has laid down rules of law that have been and will be invaluable to organized labor. It has been most painstaking and careful, eminently *fair, and absolutely fearless.* It has lived up to the highest, *noblest* and best traditions of Massachusetts, and no greater praise can be *accorded to it.*

" 'And surely the poorest and the humblest member of society needs just such a Court—needs a fearless judiciary. He needs able, honest, and strong judges far more than his more wealthy and more fortunate neighbor. The wealthy litigant can surround himself with eminent and high-priced counsel—the poor litigant must often be content with inferior counsel, or with none, in which case he must depend entirely upon the judge. The judiciary is the best defensive bulwark of the weak against the encroachments of the strong, the powerful and the selfish.' "

Bear in mind that under the Missouri Plan the people have the final say-so as to whether an appointee shall be confirmed or rejected.

Perhaps one of the best articles ever written, which illustrates the stake of the public in judicial selection, was one by Vera Connolly, published in the January, 1950 issue of NATION'S BUSINESS entitled *"Weak Judges Weaken Your Rights"*. The title to this article itself goes on to point out that the courts of the Nation are supposed to be symbols of justice for all adding,

"that they may not be is largely our own fault". The Connolly article quotes an interview with Judge Harold R. Medina at some length, a few excerpts therefrom being:

> "* * * 'Are there many lawyers with a big practice and a large income who would be willing, as you were, to give it all up for a district judgeship?' the writer asked. (Judge Medina gave up a $100,000 a year practice for his $15,000 judicial post.)
> " 'Yes,' he said emphatically. 'There's not a man at the bar, however distinguished his position, who would not gladly accept an appointment to the bench—provided he could do so without being under any obligation. That's the important point—*no obligation*. Any lawyer would do it, no matter if he'd been earning $400,000 a year, *if he didn't have to knuckle to anyone.*
> "It's a great honor to sit on the bench,' he added thoughtfully. 'And more men are willing to serve the public decently than you realize. *But no man wants to compromise with his principles.* * * *'
> " 'What is the remedy?' Judge Medina was asked.
> " 'Get an aroused public to demand some system of appointing judges that isn't political, that's based on merit only. *Missouri*—and many other states are studying the Missouri plan—*has done just this*—in connection with her state court system. Something similar must be worked out for our federal courts.' " (Emphasis supplied)

The average citizen has a very vital stake in judicial selection. His rights, his liberties, his safety, and even his life may depend on the impartial administration of justice by the courts.

What has been accomplished in Missouri can be attained in Colorado, *if your citizens are awakened to the need for adopting the excellent proposal for a new system of judicial selection in your State and are willing to work therefor.*

Missourians have no patent or monopoly on enterprise and perseverance. But, I warn you, your campaign will not succeed through wishful thinking alone. You have a big job ahead which can be accomplished only through prodigious and organized efforts as a whole. Votes do not count, unless they are in the ballot box on election day.