THE POPULIST JUDICIARY: ELECTION REFORM AND CONTESTED OFFICES

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JERRY SIMPSON once remarked: "The government is the people and we are the people." The people of whom he spoke were clearly, to the Populists, members of the People's party. Certainly Democrats, Republicans, Socialists, and others disagreed with that definition, but, for Populists, a democratic system of government could exist only if it were predicated upon the principles of the People's party. Once those principles, as reflected in the Omaha Platform, had been realized, government would function honestly and efficiently in the best interests of the commonweal.1

In order to achieve the broad goals of the party platform, the Populists hoped to destroy corporate and machine control of the political process by instituting such reforms as direct election of senators, initiative, referendum, recall, and woman suffrage. Of those reform proposals, only the Australian ballot and woman suffrage (on a most limited scale) were achieved during the life of the People's party. The cleansing of corruption from the political system meant, however, more than merely providing for increased political participation and a secret ballot. Ultimately, political reforms required the approval of the judiciary, if they were to have any possibility of lasting success.

Certainly the Populists recognized the courts were important; and, in Kansas, Nebraska, Colorado, Montana, and Washington, they endorsed eight candidates who won election to their respective state supreme courts. Those justices had occasion to rule on cases involving the Australian ballot, woman suffrage, and contested offices—issues which were crucial to the success of the party's reform program and which offered the potential for engulfing those justices in the kind of partisanship many Populists hoped to eradicate from the political system. Consequently, the response of the Populist-endorsed justices to election reforms and to cases concerning contested offices is important for understanding the difficulties the People's party encountered in changing the political process.

IN OCTOBER, 1893, Stephen H. Allen became the first Populist justice to express his opinion on an aspect of the statute providing for an Australian ballot in Kansas. The case developed when the secretary of state refused to send the certificates of nomination for the office of a district judge to the appropriate county clerks. By so doing, the secretary would prevent the candidate's name from being placed on the ballot—an action he chose to take because one of the candidates filed a petition with his office objecting to the nomination of the "miners and laboring men's party." Objections to the nomination were raised because the "miners and laboring men's party" candidate was also the Republican nominee for the same office and because the party had made no other nominations. However, the "miners and laboring men's party" candidate brought court action to compel the secretary to release the certificates.2

When the case reached the high court, Justice Allen delivered the opinion and held that the primary purposes of the Australian ballot law were to allow the voter to express his wishes free from corruption or intimidating influences and to provide "all political parties and considerable groups of electors a fair opportunity to vote for the candidates of their choice." Allen further asserted that to provide for these "eminently wise and beneficial purposes, the statute should receive the most liberal construction." The court also recognized the frequent bitterness of elections.

and the existence of well-defined political parties whose members might hold state offices. If those officers could withhold the names of opposition candidates from the ballot, a candidate might be wholly deprived of his rights under the law. A Pandora’s box of political corruption would then be opened. Justice Allen could not see that serious harm would come from printing the name of the candidate on the ballot nor did he see any reason to prevent two or more political parties from choosing the same individual to run for a political office. It did not matter, either, if a party selected only one candidate to run for office. Thus, the court ordered the release of the certificates of nomination and the Australian ballot law was allowed to stand as written.

In the election that followed, though, another issue regarding the Australian ballot arose and was also brought before the Kansas supreme court. That issue involved the counting of votes according to the procedure which the law required. The dispute concerned a contested election for the office of Leavenworth county treasurer. Enough ballots had been counted for the winner which had the cross (x) marked outside the square to change the election results. The winner argued that the secret ballot law which told how to mark ballots was only directive in nature and that if the voter’s intent was easily ascertained, the ballot should count. The court, including Justice Allen and Populist-endorsed Justice David Martin, did not agree; it held that a ballot was void if not marked exactly as the law required. The court believed a ballot ought to be “intelligently and thoughtfully” cast, and if through carelessness ballots were marked outside the square and were counted, bribery and corruption in the election process would persist. Consequently the election results were reversed.

OTHER Populist-endorsed justices who had occasion to address themselves to this matter were not as narrow in interpreting their respective secret ballot laws as the Kansas justices. For example, Justice Horace B. Buck on the Montana court ruled “election laws must be liberally construed.” If a ballot was marked in “substantial compliance” with the law and if the “intent and choice of the voter clearly appear” the ballot should be counted; “otherwise the true spirit of the ... [Australian ballot] might be violated by subordinating the essence to a mere element of detail, and substance might be sacrificed to form.”

The Washington court expressed a similar position when Justice James B. Reavis, who also had been endorsed by the People’s party, sat on its bench. The court ruled that under the Australian ballot procedure “a person accustomed more to the plow or the plane than to the pen would almost certainly be confused when he was ushered into a dark booth with this ticket, with its multifarious provisions ... spread out before him.” Even a businessman, the court believed, would have “grave misgivings as to the correctness of his vote when he [left] the booth” at a general election. The marking of a name was the “essential thing” whether the cross was in the appropriate box or merely next to it. Only ballots on which it was impossible to determine a voter’s choice were void; the important thing under the Australian ballot procedure was to determine the “intention” of the voter and give it effect.

The Nebraska justices also disagreed with the Kansas court regarding the manner in which ballots were marked. Populist-endorsed Justices John J. Sullivan and Silas A. Holcomb concurred with the opinion of the court which held that when a ballot was marked plainly enough to determine the voter’s intention, it was not void. They did not believe that the object of the Australian election procedure was the obstruction of the expression of the voter’s will. Rather, it was to promote the elective franchise by preventing “intimidation and corruption” at the polls. Legislation providing for an Australian ballot, the court reasoned, was “remedial in ... nature” and was to be “liberally construed” for the purification of the election process. Indeed, the Nebraska court believed that if ballots were rejected for being improperly marked, the determination of elections could succumb to fraud, and election

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3. ibid., p. 332.
Because political reforms required the approval of the judiciary if they were to have any lasting success, Populists recognized that courts were important and endorsed eight candidates who won election to the state supreme courts in Kansas, Nebraska, Colorado, Montana, and Washington. Frank H. Doster, David Martin, and Stephen Haley Allen were Populist-endorsed justices on the Kansas supreme court when the court ruled on cases involving the Australian ballot, woman suffrage, and contested offices in the 1890’s.

Frank H. Doster
(1847-1933)

David Martin
(1839-1901)

Stephen Haley Allen
(1847-1931)
boards could "without danger of observation . . . admit trivial deviations from prescribed rules whenever it should suit their purposes . . . to defeat the elections." Under such circumstances the voter would have as little influence at the polls as black voters in the South—a situation which would result in defeat of the reforms the law intended.

Populist-endorsed Justice Luther M. Goddard on the Colorado bench also agreed with the court when it asserted "All statutes which tend to limit the voter in the exercise of his right should be liberally construed in his favor." The Colorado court believed the purpose of the Australian ballot was to obtain "honest expression of the voters on all questions submitted to them." Moreover, the details of the act should not overshadow its purpose. Thus, if a ballot was "substantially marked" as the law required and if the intent of the voter was ascertained, the ballot was good.

Although the People's party was divided over the issue of woman suffrage, it was another goal in election reform. This was a volatile concern to Populists because it was closely identified with prohibition. The middle-of-the-road Populists or nonfusionists were more likely to support woman suffrage than the moderates who advocated fusion with Democrats. Certainly, if fusion was to succeed in turning Republicans out of office, Populists could not alienate Democrats and ethnic groups. Unfortunately, fusionists generally believed that if women were allowed the vote, they would support prohibition at the expense of everything else. This fear seemed justified to those individuals who preferred liquor and fusion, to prohibition and Republicans, in part because Mary Elizabeth Lease and other reformers argued that men had turned control of the government over to drunken politicians. One suffragette asserted, "With manhood suffrage, we spend for drink six times as much as we do for education . . ." and that liquor was "the nurse of pauperism and crime . . ." without a doubt "Men drink and women suffer." Evidently, American society needed woman suffrage to correct its evils.

Advocates of woman suffrage also encouraged the extension of the franchise to females because they were capable of exercising it wisely. Without hesitation, Mary A. Livermore, an advocate of woman suffrage, proclaimed that women were eminently capable of voting responsibly since the average female of the day exceeded the average male in intelligence, morality, refinement, and diligence. The superiority of women over men, she argued, could be easily seen at the penitentiaries and reformatories where there were five times as many men as women. In addition, Mary Elizabeth Lease reasoned that "all governments derive their powers from the consent of the governed" and since women were governed, they deserved a voice in the governmental process on election day. She thought women could do a better job of running governmental affairs than men or at least could not make "a more complete failure than the men [had] made.

During the years of the agrarian revolt Kansas women did achieve the right to vote in local elections, but Mary Elizabeth Lease called that limited victory "the pitiful crumb of municipal suffrage." When the law was tested before the state supreme court, Justice Allen joined his colleagues in giving the statute a very narrow interpretation. The case arose when a justice of the peace refused to give up his office after being defeated in an election on the grounds that women had voted in the election. He charged that since women could vote only for city or school officers or school bonds, their votes cast in favor of his opponent were void because the justice of the peace was a township official. The number of ballots women cast in this incident were easily determined because ballot boxes were separate for males and females, and officials entered the votes onto a tally sheet so they could be distinguished according to sex. When the case reached the state supreme court, a unanimous bench ruled

that a justice of the peace was not strictly a municipal officer since his jurisdiction extended into the surrounding township and therefore women could not vote for that office. The Populist judge on the bench thus helped limit women's participation in the political process.  

The partisan issue of resolving contested offices also came before the Kansas and Colorado supreme courts. The first occasion in which a Populist justice on the Kansas court responded to a contested election came in February, 1893, and involved the determination of the legal house of representatives. That difficult task stemmed from the opening day of the legislative session—January 10, 1893. At that time the Republican members refused to recognize the Populist secretary of state who attempted to act as temporary presiding officer in order to facilitate the organization of the house. They refused because the secretary's list of duly certified members of the legislature did not include the Republicans whose seats the People's party had contested. As a result, both the Populists and Republicans organized their own houses; the Republicans rallied around George L. Douglass while the Populists chose J. M. Dunsmore for speaker of the house. The "legislative war" that followed lasted 31 days and included at least one fist fight when the Republicans ousted the Populists from the hall. The militia was called out, a Gatling gun (without a firing pin) was placed on the statehouse grounds, and several hundred Republican sympathizers were deputized. All in all neither house conducted much state business under those circumstances or during the few remaining days of the legislative session that followed resolution of the problem.  

Both sides finally agreed to submit the dispute to the state supreme court in February and even though Jerry Simpson had recommended impeachment of the justices if they ruled in favor of the Republicans, the majority upheld the legitimacy of the Douglass house. Justice Allen, who disagreed with the decision, wrote


An issue of contested offices that came before the Kansas supreme court came out of the "legislative war" that started in January, 1893, when Populists and Republicans, struggling for control of the house of representatives, organized their own houses. Republicans rallied around George Douglass and the Populists chose John M. Dunsmore for speaker of the house. Dunsmore's Populists locked their opponents out of the hall, and Republicans led by Douglass broke in the doors with a sledge. The "war" lasted 31 days. Finally in February both sides agreed to submit the dispute to the state supreme court and the majority on the court upheld the Douglass house. The Kansas political battle attracted national attention—the illustration at left is from the cover of Leslie's Weekly, March 2, 1893.
a lengthy dissenting opinion which supported Frank Doster, the Populists’ counsel before the court. Allen charged that allowing the courts to determine the real house of representatives would violate the constitution; it held that “each house shall establish its own rules.” He believed it was not the duty of the court to decide every question that was presented to it. Only judicial questions were the proper subjects for the court’s deliberation. To Allen, the court should have nothing to do with matters of policy or the determination of questions concerning the expression of the popular will. Indeed, to permit such deliberations would cast the court into partisan politics and threaten the democratic system of government. Furthermore, Justice Allen contended that since the governor had recognized the Dunsmore house, as had the Populist-controlled senate, the state printer, the official state paper, the auditor, and the treasurer, it was the de facto house and was entitled to discharge the duties of a legally constituted house of representatives. Allen, then, reprimanded his colleagues by asserting “court procedure should always be calm and deliberate and should never be based on political passions.”


The following year, however, the court was unanimous in its decision to prevent Governor Lewelling from removing Mary Elizabeth Lease from her position as a trustee of the state board of charities. Since there were no charges against her and she had had no hearing prior to her release, the court maintained her removal depended on a cause being proven. Mrs. Lease was then restored to her position on the board. The next year, 1894, Mrs. Lease was again involved in a dispute over her removal from the board. This time a unanimous court ruled against her, contending that the records in the governor’s office proved that she had been appointed only to fill an unexpired term and not a complete one. The following year the court, including Justices Allen and Martin, refused to support Populist M. A. Householder’s attempt to retain his position on the same board following an investigation into his conduct in office. Nor did the court support Populist Seth W. Chase who was removed as warden of the state peniti
tiary for inefficiency, immorality, and misconduct. In the latter two cases the court ruled the governor had the constitutional authority to make removals for cause. However, the Populist bank commissioner, John W. Breidenthal, was reinstated to that position when the court
Like Lowell, Davis H. Waite, Populist governor of Colorado, 1893-1895, had a stormy term of office and was defeated for reelection. In a Denver "City Hall War" Waite called out the state militia, but before violence occurred he asked for an opinion from the state supreme court as to who was legally entitled to hold the disputed offices. The Colorado court held that Governor Waite had been wrong in calling out the militia—that the problem belonged to the courts even if delay occurred. Photograph reproduced courtesy the Denver Public Library, Western History Department.

Davis H. Waite
(1825-1901)

determined that he could not be arbitrarily replaced by a new administration.\textsuperscript{14}

Allen and Martin, however, could not agree on the removal of Populist William Rogers from the office of regent of the University of Kansas. Rogers was charged with drunkenness and with being under the frequent influence of alcohol to the extent that his conduct and example were detrimental to the best interest of the university. The investigation committee found Rogers guilty and recommended his release. When a Republican replaced him, Rogers brought court action that eventually reached the state supreme court.\textsuperscript{15}

Chief Justice Martin, speaking for the court, held that state officers could be removed from office for being in any public place while intoxicated for this was "an offense against the public morals." Public intoxication of a university regent constituted "a bad example for the students and others connected with the university." Allen dissented from the opinion of his Populist-endorsed colleague asserting that the entire procedure involving an investi-
tigation committee was improper. Justice Allen believed that if such investigations into an individual's private life were permitted, "no person in public office [could] ever be secure against the malice of enemies, or the jealousy and animosity of political rivals." Indeed, if personal misconduct or immorality could be investigated, who was "so pure and free from blemish that, when his conduct [was] viewed through the eyes of partisan political adversaries, ample cause [would] not be found for blasting his character, and dismissing him in disgrace from the public service?" If that were the case, no courageous public official who defied his enemies was safe. Furthermore, Allen contended that "To leave to a legislative committee the task of determining just where the line of excessive use [was] to be drawn . . . would be hazardous indeed where political adversaries [were] placed on trial before them." This reasoning seemed well justified because only the Republicans on the investigating committee had signed the recommendation for removal.\textsuperscript{16}

In 1899 Populist Chief Justice Frank Doster also came to the aid of Populist officeholders whom the Republican administration had dismissed. That dispute centered on the removal


\textsuperscript{15} William Rogers v. E. N. Morrill, \textit{ibid.}, p. 737.

\textsuperscript{16} \textit{ibid.}, pp. 743-744, 747, 750.
of John N. Limbocker and C. B. Hoffman, president and treasurer respectively of the regents of Kansas State Agricultural College. The Republicans charged Limbocker with drawing $15 a month from the state treasury to pay for his services in providing meals for the students at the college. They also accused Hoffman with aiding and abetting Limbocker, and alleged that both had transacted business of vital importance to the college without a quorum and for hiring teachers, fixing salaries, and making appropriations with the intent of overriding the will of the majority of the regents. Thomas E. Will, president of the college, was also charged with being a "subservient tool" of Limbocker and Hoffman and with having doctored the college records so they would appear as though everything had been accomplished legally. 17

When the dispute reached the court, the Republican majority upheld the charges against Limbocker and Hoffman, but Doster dissented arguing that the charges could not be included under the heading of "corruption, venality, inefficiency, misconduct, immorality, or inattention to duties." Moreover, the charges were trivial and were made solely for the outing of those officers in order to gain "political control of the educational institutions of the state" rather than for the advancement of the interests of the college. Such actions only invited retaliation once the Populists regained control of state government. However, Doster asserted that when the Populists did return to power, he would never give countenance to such practices on the part of the People's party. And, nothing would deter him from attacking this type of "causeless, wicked and despicable" partisan political activity. 18

The resolution of contested offices also came before the Colorado court but not before the state militia had been called out complete with cannon. Bloodshed was narrowly averted. This situation resulted from a disagreement between Populist Gov. Davis H. Waite and several of his appointees to the Fire and Police Board for the city of Denver. Governor Waite was necessarily involved with the appoint-ements to the board because in 1891 the Denver citizens had forced a bill through the state legislature which supposedly removed the board from partisan politics by placing the governor rather than the electorate in charge of selecting board members. Removal of the commissioners could come only for other than partisan reasons, and the governor had the responsibility of making such removals if the situation warranted. Governor Waite, then, was in charge of the state administration and the most important branches of the Denver municipal government. Waite's job was compounded because Denver in the early 1890's was the central attraction for railroad men, ranch hands, and miners who wanted a place to spend their paychecks and celebrate a few days' rest from their labors. Naturally gambling flourished in spite of state and city laws to the contrary. Gambling within the city limits was not stopped because, in the words of Police Commissioner R. W. Speer, "public sentiment was not strong enough to do away with it." The business community believed gambling was good for trade as it drew potential customers into the city and kept money in circulation. 19

Within this setting spoilsmen sought appointments to the Denver Fire and Police Board for past political support and exerted a good deal of pressure on the governor regarding the appointments to those offices. Waite, however, ignored the pressure and made the three appointments as he saw fit. Trouble arose when charges were made against a police officer for accepting bribes from gambling houses for guaranteeing police protection to those establishments. Because of that incident the newspapers charged the board with involvement and Waite viewed the attack as one which might bring discredit to his administration. Although he was opposed to spoils politics, he declared "when a party is charged with the responsibility of conducting a government or a department it should have members of its own party in charge." As a result, two commissioners were dismissed, not for impropriety on their part but because they had lost the confidence of the public—confidence which "the good of the Populist party in Colorado

18. Ibid., pp. 279, 283-291.
and of the state administration require. . . .” The commissioners, however, charged they were removed for “purely political” reasons and brought court action to preserve their positions. When their case reached the state supreme court, Justice Goddard joined with the other members of the bench in upholding their removal. The court found that Waite had acted wholly within the law in removing the commissioners and ruled that it was “the duty of the courts to uphold the executive power as it has been conferred by the legislature.” 20

The Republican party in Colorado was delighted with the entire episode because it brought what they termed Populist incompetency into public view. Little did they realize the issue was far from settled for not long after Waite made new appointments to the board he again removed two of the commissioners—this time for malfeasance in office, for “knowingly sending special policemen to the gambling houses of Denver for the protection of said houses by the city police.” Instead of closing houses, police officers assessed those establishments for the privilege of being left alone. The police department raided and closed the houses that refused to pay. Waite believed “the practical effect of such policy must be to protect the gambler in his unlawful occupation.” 21

Again the commissioners contested their removal and argued that such police practices serve to significantly restrict and control gambling in order to pave the way for “eventual suppression” of it in Denver. In the meantime the police kept minors out of gambling houses, enforced closing hours, and kept order. The commissioners also alleged their removal was strictly partisan because they had refused to allow Waite to dictate appointments of Populists to vacancies in their departments and thereby allow the People’s party to control city hall totally. The commissioners refused to vacate their offices which loyal subordinates quickly turned into armed camps. The governor responded by calling out several companies of the state militia to surround city hall and requested additional aid from federal troops at Fort Logan. Fortunately, before violence occurred in the “City Hall War,” Waite called for an opinion from the state supreme court as to who was legally entitled to hold the disputed offices. 22

Justice Goddard responded for the bench, hoping the court’s opinion would “allay popular excitement and avert rioting and bloodshed.” Goddard could see the occasion would not be “solemn” were it not for the dangers of force, military and otherwise. But the court did believe Governor Waite had been wrong in calling out the militia to enforce his order of removal, for he had acted “beyond any expressed or implied duty or power imposed or conferred upon him by constitution or state.” Goddard further held that “wrong doing [by officeholders] affords no justification for calling out the militia to forcibly eject them.” Instead, the problem belonged to the courts—even if delay occurred—for “Reasonable delay . . . [was] the price we pay in order to secure the protection and vindication of personal and property rights under a government like ours. . . . If delay were used as an excuse to justify the ‘summary exercise of arbitrary power’ either civil or military, then ‘despotism or anarchy’ would replace justice in the governmental process.” 25

Judicial determination was, then, the proper procedure for solving such disputes. As a result, the case was first put before the district court but reached the high court shortly thereafter. This time Justice Goddard concurred with the court’s opinion which reasserted that the governor had been wrong in calling out the militia to enforce his directive. But the court ruled it could not go behind the directive and consider his motives in order to determine whether or not he had made the removals from partisan considerations. In short, the limitations prohibiting removals for political reasons were not effective “except as they may operate upon the conscience of the executive, and so restrain and control his official conduct.” The two commissioners accepted the decision and gave up their offices. The administration then charged the employees who had supported the


23. Ibid., pp. 503-504.
commissioners with insubordination and released them during a wholesale housecleaning of the fire, police, and excise departments. Populists filled the vacancies created, and the board announced that henceforth the laws would be "strictly enforced without fear or favor." Gambling houses were raided daily until they fled to the suburbs outside the city limits. The Populists could then proclaim that in Denver public gambling had been abolished.\(^{24}\)

A related issue came before the Kansas court which involved the 1896 Populist Presidential ticket. At the St. Louis convention the People's party selected William Jennings Bryan, the Democratic nominee, as its Presidential candidate. However, the Populists refused to endorse the Democratic Vice-Presidential candidate, Arthur Sewall, because they considered him closely tied to big business. Consequently, the convention chose Thomas Watson of Georgia for the Populist Vice-Presidential candidate. In August at the Kansas People's party convention in Abilene, Populists endorsed the Bryan-Watson ticket. Watson was displeased, though, because the Populists and Democrats had entered into an agreement whereby the People's party would name candidates for the state ticket and the Democrats would choose the Presidential electors. Watson protested that bargain because he felt that the Populists, in voting for him, would be deceived into voting for Democratic electors who would cast their ballots for the Bryan-Sewall ticket. Watson proceeded to Kansas hoping to resolve the problem. In Abilene he told a group of Populists, "You must be for me or for Sewall, there is no middle ground. I stopped the fusion of the Populists in the South, and propose to stop it in the North. You cannot afford to trade the national ticket for local spoils." When the state party refused to abide by his wishes, Watson asked the secretary of state to strike his name from the Kansas ballot. The secretary of state refused, and Watson sought court action to keep his name off the Populist ticket.\(^{25}\)

Chief Justice Martin speaking for the court ruled that electors were under no legal obliga-

\(^{24}\) The People v. Martin, ibid., p. 579; Wright, The Politics of Populism, p. 162; Fuller, "The Populist Regime in Colorado," pp. 241-244; Bessey, "The Administration of Governor Waite," p. 84.

tion to support Sewall or Watson or any other political nominee. Justice Allen agreed. Although it was true that a candidate could withdraw not less than 15 days before an election, the court doubted that Watson's letter to that effect (which the secretary of state received on October 19) was filed in due time or in the proper form to keep his name off the ballot. The court also found fault with Watson because he did not attempt to decline the national nomination or even withdraw as a candidate in Kansas. In fact, he had only declined to have his name on the official ballot in the state. As such, he did not properly withdraw according to the procedure required by the Australian ballot law, and the court directed the secretary of state to certify Watson's name to the county clerks for inclusion on the ballot.²⁶

In retrospect, then, the Populist-endorsed justices and the courts on which they served were more concerned with legal procedures and technicalities of the law than with ideology or partisan politics. Although the courts did find the Australian ballot laws beneficial to the democratic process and their creation a legitimate exercise of legislative power, they were divided over the application of specific details to the election process. The Kansas justices gave the provisions concerning the manner of marking ballots a very narrow interpretation while the other courts construed such provisions very loosely. Regardless of whether they applied strict or loose construction of the secret ballot, all were trying to facilitate honest elections free from intimidating and corrupting influences so that every man could attain equality at the polls. The Kansas court's strict interpretation of the law regarding woman suffrage is also indicative that decisions were substantially legal arguments rather than ideological pronouncements directing vast changes in the social order.

Procedure, not partisanship, was equally important to the Populist-endorsed justices regarding the determination of contested offices. In Colorado, for example, even though the court disagreed with Governor Waite's use of military force, it supported him after the proper legal formalities had been followed since he had only been exercising his constitutional authority as the state's executive. Thus, no Populist-endorsed justice was prepared to enter the game of partisan politics while serving on the bench. This is as it should have been, because even though Populists wanted members of their own party elected to the courts, it would have been gravely detrimental to the democratic process had those justices succumbed to partisan politics. Fortunately for the maintenance of judicial integrity, the judges concerned themselves with interpreting the law on sound legal principles. In this sense their intense training in the common law and their philosophical sympathies for order and procedure were beneficial to political and governmental stability. Consequently, they served as a necessary stabilizing force in a volatile area where political passions were strong and opponents were viewed as enemies.