

Vol. 15, No. 7, Pg. 1165

Philip S. Van Cise

by Edwin P. Van Cise

[Please see hardcopy for image]

Edwin P. Van Cise is the son of Philip S. Van Cise and a judge on the Colorado Court of Appeals.

Fellow lawyers called Philip S. Van Cise "Colonel" because of his army service in World War I and his rank in the military reserve. Most old-timers on the Denver scene think of him in connection with the smashing of the "million dollar bunco ring," the bitter fight against the Ku Klux Klan, or his defense of the Rocky Mountain News in the libel case brought by The Denver Post publisher Frederick G. Bonfils. Others associate him with the revising of the old code pleading into the newer rules of civil procedure and with initiating the campaign to take judges out of politics. However viewed, he occupies a prominent place in the history of Colorado and of the Colorado bar.

Philip Van Cise was born in the pioneer town of Deadwood, Dakota Territory (now South Dakota), in 1884. His father was Edwin Van Cise, a well-known lawyer who had come to Deadwood from Iowa in the 1870s during the Wild Bill Hickock-Calamity Jane era. Before that, Edwin had been a country school teacher and newspaper reporter in Iowa, served as an infantry officer in the Union army during the Civil War, and read law in the office and became a partner of his former regimental commander. Philip's mother was a Missourian of Scotch-Irish descent whose brother had been killed fighting for the Confederacy.

Philip had many stories about his childhood experiences. When he was twelve years old, his father bought the first bathtub in town. It was made of copper and brought by an ox team from St. Joseph, Missouri, and installed in the house after a town parade in honor of the tub. That tub still exists and hangs on the wall of a restored saloon in downtown Deadwood.

The last Indian "war," a roundup of Sioux from their reservation to let the white miners in, was fought a few miles from his home. After the roundup the Indian families were camped on the edge of town and the white boys, including Philip, traded kitchen utensils with the Indian boys for tomahawks and bows and arrows.

By 1900, except for the Homestake in nearby Lead, most of the mines in the Black Hills area were closing and the law practice was also dwindling. Therefore, at the age of 60, Edwin moved his family to Denver at a time when Denver had 125,000 people and

three automobiles. He formed a law partnership with Frank L. Grant, with offices in the Equitable Building.

Philip attended and graduated from East High School in 1903. He obtained a B.A. from the University of Colorado in 1907 and an LL.B. in 1909. He earned his way through school by serving as house manager of his Delta Tau Delta fraternity, as Boulder reporter for the Rocky Mountain News and by working in the mines in the summer. He found time to participate in school activities including dramatics, debating, reporting sports for the student newspaper, managing a soccer team and, in law school, joining Phi Delta Phi.

Upon graduation from law school, Philip went into private practice in his father's firm, Van Cise and Grant. He helped organize and was a charter member of the Law Club of Denver. Also, he became active in the Masons and Knight Templars.

He was one of the organizers and became the commanding officer of an all-college man company ("Company K") in the Colorado National Guard, formed in 1910. That unit was called out in October 1913 and served in the Ludlow area during the bitter strike in the southern Colorado coal fields. Van Cise was known by the strikers as "the captain with the beard," which he wore to avoid misidentification.

Company K was relieved and sent home in March 1914 and another unit, dubbed "Troop A" under Lieutenant E.K. Linderfelt, moved in. In mid-April there was a battle between the militia and the miners, resulting in the "Ludlow Massacre." Then Van Cise and Company K returned to the area.

Van Cise and Sara Reeves, a piano teacher and accompanist and the daughter of a pioneer Highlands and north Denver realtor, Biddle Reeves, were married April 25, 1914. Before the reception, Van Cise had to return to the Ludlow area as one of a three-man board to investigate the massacre. Despite pressure for a "whitewash," the board, consisting of Major Edward J. Boughton (Guard judge advocate), Captain William C. Danks and Captain Van Cise, turned in a detailed factual report and recommended a general court-martial for all National Guard personnel who were present or who were in command of any units that participated in the Ludlow battle.

Van Cise resigned from the Guard in October 1914. In April 1917, after was was declared, he joined the army and served overseas in the 1st and 81st Infantry Divisions. He left active service in late 1919, entered the reserves and commanded the 411th Infantry Regiment-Reserve until his retirement from the military in 1942.

He was one of the organizers and charter members of the Marcellus Chiles Post of the American Legion, later merged into the present Leyden-Chiles-Wickersham Post No. 1. The Legion, with Van Cise playing a prominent role, helped keep law and order during the sometimes violent Denver Tramway strike in 1920. This role contributed to his campaign slogan, "A Fighting Man for a Fighting Job," when he ran for district attorney that year.

Shortly after announcing his candidacy, Van Cise was visited by a prominent Denverite, Lou Blonger. Blonger expressed his pleasure that a young war veteran was running and, knowing that campaign money was tight, offered \$25,000 cash to help out--- and volunteered that "there was plenty more where that came from." Although money was tight, the offer was refused. Without this help and against considerable opposition from within the party and from outside sources, Van Cise was elected and took office in January 1921.

At that time the job paid \$5,000 a year, but some of his predecessors had made as much as a quarter of a million in pre-World War I dollars per four-year term. Van Cise was broke when he took office and was broke when he left four years later; but the city will never be the same.

When he took office in 1921, Denver was a "wide-open town" for gambling, prostitution and confidence games. Van Cise was obsessed with the somewhat unpopular idea that laws were made to be enforced regardless of the identity of the offender. He staffed his office with young deputies with similar views including, among others, Kenneth W. Robinson, Fred Sanborn, Roy Samson, Bernard O. Gates, Andrew J. Reynolds, Lewis D. Mowry and, later, O. Otto Moore and Foster and Carl Cline.

With their help and assisted by some law enforcement officers and many public-spirited private citizens, most of the gambling establishments were raided and closed down (every firehouse in town received billiard tables, chairs, card tables and cards enough to last them for years); cribs and assignation houses were closed and padlocked (regardless of how distinguished the building owners or clients were); a volume of illicit liquor and drugs was confiscated and destroyed; and the gang of confidence men headed by Blonger was smashed.(fn1) Some of these activities relocated in the suburbs, but Denver was on its way to becoming a "clean" city.

Van Cise frequently said that open or organized crime cannot exist unless area police, sheriffs and prosecutors are incredibly stupid, are taking orders from crooked superiors or are being paid. That is still true today.

During his term in office, the Ku Klux Klan became active and threatened to control the city and state both politically and economically. At its height it controlled the governor's office, much of the state legislature, city hall, numerous judges and other public officials. Van Cise took an active stand in opposition and instituted an intensive investigation. This resulted in attempts to kidnap and emasculate him and in threats against his life and his family.

In Denver, a Klan judge appointed an all-Klan grand jury and barred the district attorney from its sessions. That jury commenced indicting persons who would not cooperate with or were unfriendly to the Klan. It took the Supreme Court, on petition by Van Cise, to stop this.(fn2) The Klan burned a cross on Van Cise's front lawn, to the delight of his eight-year-old daughter and seven-year-old son but to the terror of his wife and the neighborhood.

In September 1924, before the primary election, a meeting was held in the city auditorium to support the anti-Klan candidate for U.S. Senator and to oppose the Klan candidate, with Van Cise as the principal speaker. The Klan packed the hall hours before the time for the meeting, and Klan police and firemen were in charge of "order." No one was able to speak or be heard for hours because of boos, yelling and foot-stamping. The next day some of the papers ran the prepared speeches and the story of the meeting. The anti-Klan candidate won, and this was the beginning of the end for the Klan.

Upon the expiration of his term of office, Van Cise and his brilliant former assistant, Kenneth W. Robinson, formed a law partnership with offices in the Earnest and Cranmer Building. Kenneth's father, J.E. Robinson, was also in the firm and later Robert D. Charlton became a partner. Associates at various times included Fred E. Neef, Robert Theobald, Arthur W. Krauss, Albert T. Frantz, Robert Swanson, William B. Miller and Edwin P. Van Cise. Most of their practice was trying cases, many of which were referred by other law firms.

In 1946, Van Cise and his son Edwin set up a separate partnership. This arrangement continued until Philip's semi-retirement in 1958, when he became "of counsel" in his son's firm.

Van Cise's forte was preparation. He was an early advocate and user of discovery procedures. His often-expressed theory was, "Get the facts, and the law will take care of itself." One court reporter's favorite story was about a case in which one document was produced which Van Cise had not seen before trial.

Like many other lawyers of his generation, when he took a case he sold himself on the merits of the cause to the point where it was very difficult for him to settle. Sometimes his son had to work through the back door with younger lawyers in the opposing firm to accomplish what the prideful seniors were unable to do.

One case tried by Philip that stands out from all the others is the 1932 case brought by The Denver Post publisher Frederick G. Bonfils against the Rocky Mountain News. Bonfils claimed that "the good reputation which he had always enjoyed in Denver, and Colorado, and in every state in the Union" had been damaged by a News article. This opened the door to an exposure of Bonfils' entire past history, much of which was, to put it mildly, unsavory.

At Van Cise's request, the News assigned two reporters, Wally Reef and Gene Cervi, full time to get the local stories, and the Scripps-Howard chain dug up the details from other parts of the country. To the delight of the community, much of this information was printed in the News and in national magazines.

A much-weakened Bonfils died in 1933 before the completion of his deposition, and the case died with him. The Bonfils family blamed Van Cise for his death and put him and his family on the Post blacklist so that the Van Cise name would never appear in that paper.

The blacklisting continued until Palmer Hoyt was hired as editor and publisher in the late forties. One of his conditions for accepting the job was elimination of the blacklist. Helen Bonfils agreed and graciously invited all of the numerous persons on that list to the reception for Hoyt. A few years later, Van Cise and his son were retained to defend the Post in all of its libel cases, and the News obtained other counsel.

Although during his active practice he worked on his cases until late at night and almost every weekend, he still found time to devote to his hobbies of stamp collecting, fishing, hiking, camping and playing with his children and grandchildren. He spent countless hours on other causes. He was active in his First Universalist Church. For many years he was chairman of the Delta Tau Delta fraternity's house finance and building committee, and he served as a national officer of that organization. In the late thirties and early forties, he chaired the Supreme Court Rules Committee which devoted countless hours to revising the Colorado Rules of Civil Procedure to conform to the then newly enacted federal Rules. He served as president of the Denver Bar Association from 1941 to 1942.

In the eighteen-month period before the United States' entry into World War II, Van Cise organized a voluntary unit of reservists and other concerned citizens so they could receive some training before going on active army duty. When war was declared and he was told he was too old to serve again, he worked actively on civil defense and scrap metal drives---even turning in his old World War I trophies to help the cause.

After the war, in the late forties and early fifties, he chaired a bar committee to formulate a plan for taking judges out of politics. This laid the groundwork for the later adoption of the present merit system for selection of judges.

Among the honors received by Van Cise are the army Distinguished Service Medal for World War I service, membership in the Distinguished Service Chapter of Delta Tau Delta, the Gold Medal from the University of Colorado for distinguished service to the state, honorary membership in the Denver Police Protective Association and, most prized of all, the first Colorado Bar Association Award of Merit, presented in 1949.

By his uncompromising stands for what he believed was right, he was disliked by many but admired by most. At his death in 1969, at the age of eighty-five, he left this part of the world a little better for his having been here.

NOTES

Footnotes:

1. For details on much of this, see, Van Cise, *Fighting the Underworld* (Houghton Mifflin Co., 1936).

2. *People ex rel. District Attorney v. District Court*, 75 Colo. 412, 225 P. 829 (1924).

(c) 1986 The Colorado Lawyer and Colorado Bar Association. All Rights Reserved.

All material from The Colorado Lawyer publication provided via this World Wide Web server is copyrighted or protected by license and is covered by the disclaimers accessible at <http://www.cobar.org/tcl/disclaimer.cfm?year=2005>.