A Study of the Forces Leading to the Adoption of Prohibition in Utah in 1917

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A STUDY OF THE FORCES LEADING TO THE ADOPTION OF PROHIBITION IN UTAH IN 1917

A Thesis Submitted to
The Department of History of
BRIGHAM YOUNG UNIVERSITY

In Partial Fulfillment of the Requirements for the Degree of
MASTER OF SCIENCE

by

BRUCE T. DYER
ACKNOWLEDGMENTS

The writing of this thesis could not have been accomplished without the help and encouragement of many people. To name all of them would be an impossible task; it is, therefore, with a feeling of deep humility that the writer acknowledges the help and inspiration given to him.

To his mother he is particularly grateful; only by her long-suffering patience and love did this work come to fruition. Karen Curtis gave the smile and encouragement when the spirits were lowest and a kind word needed the most. To Dr. R. Kent Fielding of the history department of Brigham Young University and chairman of the thesis committee the writer cannot begin to express the appreciation felt. The other committee member, Dr. Stewart L. Grow of the political science department, was always ready with a helping hand when it was needed.

There are but few men living who were intimately connected with the prohibition issue in Utah. The writer has been extremely fortunate in meeting two of these men and having access to their funds of information. One, Bishop
John M. Whitaker of Salt Lake City, was first president of the Utah Prohibition League, first president of the Utah Federation of Prohibition and Betterment Leagues, and was also active in the Utah Anti-Saloon League. In the early 1900's, Bishop Whitaker was called by the First Presidency of the Church of Jesus Christ of Latter-day Saints to lead the fight for the Church for prohibition in Utah. Although he has passed his ninety-fifth birthday, Bishop Whitaker is the possessor of an alert and keen mind in addition to a remarkable set of journals in which meticulous records were kept through the years.

The other person connected with the times and issues interviewed by the writer was Joseph Eckersley, also of Salt Lake City. Mr. Eckersley served in the Utah State Senate during the 1915 session and was on the Senate committee considering the prohibition measures at that time. He was also a stake president of the Mormon Church in Wayne County, Utah.

Valuable to this work was the doctoral dissertation of Dr. Milton R. Merrill, presently at the Utah State University; Dr. Merrill's dissertation was on Reed Smoot, Mormon Apostle and United States senator, who was one of the key figures in the prohibition struggle. Dr. Merrill had access to the voluminous but uncollected Reed Smoot papers.
Two other sources of information that must be acknowledged are the Archives of the State of Utah and the library and records of the Historian's Office of the Latter-day Saints Church. In the first instance, the aid given by Dr. Frank Cooley was invaluable, and in the Church Historian's Office the entire staff went out of their way to render whatever aid was asked. There have been a few short articles in periodicals that have been helpful in collecting background material on the period covered in the thesis, but nothing approaching a definitive work. The research for this work has been based, in the main, on contemporary newspapers and on the journals of Bishop John M. Whitaker, to whom much thanks is given.
## TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>ACKNOWLEDGEMENTS</th>
<th>111</th>
</tr>
</thead>
<tbody>
<tr>
<td>INTRODUCTION</td>
<td>1</td>
</tr>
</tbody>
</table>

**Chapter**

I. **THE OPENING STAGES, 1908.**
- Early Political Action
- Early Mormon Action
- April General Conference
- The Big Switch
- Enter William Spry
- October General Conference

II. **YEAR OF THE FIRST VETO, 1909.**
- Action in the Legislature
- The Cannon Bill in the Senate
- Smoot Again
- The Badger Bill

III. **THE QUIET YEARS**
- 1910
- 1911
- 1912-1913
- 1914

IV. **YEAR OF GREAT EXPECTATIONS.**
- The Birth of the Wootton Bill
- The Wootton Bill in the Senate
- The Wootton Bill in the House
- Final Passage in the Senate
<table>
<thead>
<tr>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>V. YEAR OF THE SECOND VETO, 1915</td>
<td>88</td>
</tr>
<tr>
<td>The Case of the Elusive Governor</td>
<td></td>
</tr>
<tr>
<td>Events Leading to the Veto of the Wootton Bill</td>
<td></td>
</tr>
<tr>
<td>Governor Spry: Saint or Sinner</td>
<td></td>
</tr>
<tr>
<td>VI. PROHIBITION COMES TO UTAH, 1916-1917</td>
<td>108</td>
</tr>
<tr>
<td>The Mormon Church—Again</td>
<td></td>
</tr>
<tr>
<td>Utah's Political Revolution</td>
<td></td>
</tr>
<tr>
<td>The Adoption of Prohibition, 1917</td>
<td></td>
</tr>
<tr>
<td>Addendum</td>
<td></td>
</tr>
<tr>
<td>APPENDIX I</td>
<td>126</td>
</tr>
<tr>
<td>BIBLIOGRAPHY</td>
<td>131</td>
</tr>
</tbody>
</table>
INTRODUCTION

The purpose of this work is to present a study of those forces leading to the adoption of state-wide prohibition in Utah, beginning with the legislative election campaign of 1908 and culminating with the adoption of the Young Bill calling for state-wide prohibition by the 1917 Utah legislature. There had been attempts prior to 1908 to align Utah with the states having prohibitory legislation, but these early efforts were not successful and the main movement that led to eventual success began in the later year.

The campaign for prohibition in Utah is of particular interest since Utah is a Mormon state. In 1908-1917 some eighty percent of the state's population belonged to that Church. One of the cardinal principles of the Latter-day Saint faith is the Word of Wisdom which, among other things, proscribes the use of alcoholic beverages. How is it then, that the state thus so evidently at the political disposal of a church so oriented should so long delay its adoption of state-wide prohibition?

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1The Doctrine and Covenants of the Church of Jesus Christ of Latter-day Saints (Salt Lake City: L.D.S. Church, 1921), p. 154.
It is significant too, that by the time Utah adopted prohibition forty-two states had preceded her and the lines of national action were long since drawn and techniques of action in a high state of development. The National Prohibition party had been carrying on a continuous campaign for prohibition in the state, and press releases from party headquarters in Chicago claimed that Utah was one of six states in the country that had no prohibition law. The national party worked through the local and state branches of the Prohibition League of America, and was the author of many news releases and feature articles to the local press.

Early in 1903 a representative of the Anti-Saloon League of America was sent to Utah and through the efforts of the national organization a state organization was effected. The Anti-Saloon League conducted its campaign for prohibition on both national and state levels through three departments within its organization; the departments of agitation, legislation and law enforcement. The first named department had close to 500 men working under its direction.

2 Deseret Evening News as quoted in "Journal History of the Latter-day Saints Church" (Salt Lake City: L.D.S. Church Historian, Nov. 11, 1907), p. 1. (Hereafter known as "Journal History").

in all parts of the United States, including the one sent to Utah. In the words of the Reverend Louis T. Fuller, a representative of the Utah League, the workers in the agitation department "are printing and circulating tons of literature, and are working frantically day and night. The men are preachers, lawyers, teachers, judges and even governors of states." From the date of its arrival in Utah, the Anti-Saloon League took a vigorous part in the campaign for statewide prohibition, and the claim of the Reverend Fuller that all types of individuals were working in the campaigns is born out when it is noted that Heber J. Grant, a member of the Quorum of Twelve Apostles of the Mormon Church, was national trustee in Utah for the Anti-Saloon League.

The Women's Christian Temperance Union was quite active in Utah during the period under discussion. Under the direction of its state president, Mrs. E. E. Shepard, the W.C.T.U. held many prohibition meetings throughout the state. As a rule these meetings were held in Latter-day Saint chapels and were well attended by Mormons and non-Mormons.

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It was not uncommon to find ministers from the various faiths present at the meetings and taking an active part as speakers for prohibition. 6

Opposition to state-wide prohibition in Utah was manifested, in the main, through propaganda releases to the press, with the Saloon Keepers' Association of Chicago being a center for the dissemination of the articles to the newspapers. Typical of the stories released from Chicago was the one claiming that states having prohibition had more drunkenness than states where the sale of liquor was legal. 7 The opposition would also claim that certain large pressure groups, such as the German-American Alliance, were strongly opposed to legislation favoring prohibition pending in national and state legislative bodies. 8 After vetoing the 1909 Badger prohibition measure, Governor William Spry of Utah received a telegram from Adolphus Busch, owner of a large St. Louis brewery, warmly congratulating him on his

7 Salt Lake Herald as quoted in "Journal History" (Feb. 4, 1908), p. 1.
8 Salt Lake Tribune as quoted in "Journal History" (Jan. 18, 1908), p. 1.
veto of the bill. This would certainly indicate that the national brewing interests were numbered among the anti-prohibition forces in Utah, along with national and state unions.

Politically speaking, Utah was a Republican state, with its congressional delegation from 1904 through 1916 being solidly from the Republican party. The Democratic party victory of 1912 in the presidential election was not reflected in Utah, with the voters of the state returning Republican Representative Howell to Washington D.C. in that year. The attitudes of the two major parties on the prohibition issue were reflected in the platforms of the state parties in Utah; it was not until 1916 that the Republican party policy called for prohibition on a national scale, and it was not until that year that the Republican machine in Utah declared for state-wide prohibition, a reversal over its earlier stand for local option. During the years under discussion the Democratic party generally favored a prohibition law on a national level, with the Utah Democrats taking the same stand regarding the state. Before 1912 the Republicans

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9 William Spry, Personal Correspondence (Archives of the State of Utah; SE-1, 18-21, 1908-1912; letter from Fred Kiesal to Governor William Spry, Ogdon, Utah, April 1, 1909).
were said to have brought prosperity to the country on an unprecedented scale, while by 1916 the Democrats were being hailed as the party that had kept the nation out of war; these issues brought much support to the ranks of the parties in the national, state and local elections during the years under discussion.

In a sense, Utah was a unique battleground for wet and dry forces. The resolution of the question did not involve simply a conflict of ideas before a democratic audience ready to cast their vote, but personal fortune and reputation were at stake, and above all was the weighing of the effect of direct church action on the entire issue and how this church action would affect the future of Mormonism in the state and nation.
CHAPTER I

THE OPENING STAGES, 1908

Preliminary lines in the battle for prohibition in Utah had been drawn by those forces favoring state-wide prohibition and those opposing it and their organization had become set by the spring of 1908. The campaign to bring prohibition to the state involved the temperance organizations and the churches of Utah on one hand, and the so-called liquor interests on the other. The liquor interests would include saloon owners and barkeepers and distributors and brewery owners.

Early Political Action

At this time it would be well to consider the Utah political scene as it affected the prohibition issue. Prior to the active campaign that began in the spring of 1908, neither the Democrats nor the Republicans had made a point of prohibition as a major political issue. By 1908, however, the desire for a prohibition law had become so pronounced among the voters of Utah that both parties took a more active and awakening interest in prohibitive legislation, even
though this interest was not enough to make prohibition play a major role in the fall election campaign of that year. It was not until the election of 1910 that the two parties were actually committed at the same time on the question of state-wide prohibition versus local option in Utah.

The affairs of the Republican party in the state on any issue during the years under discussion cannot be separated from those of Reed Smoot, leader of the GOP in Utah by virtue of his dual role as United States Senator and Mormon Apostle. The activities of this interesting individual prior to 1908, during the period when he was first elected to the Senate and the ensuing investigation of his fitness to occupy his senatorial seat unfortunately cannot be covered in this study. Suffice it to say that by 1908, Smoot was the dominant figure in Utah politics and exercised a tremendous influence in the state.

Smoot's political machine was called many things by its opponents, but the name by which it was most commonly known was the "Federal Bunch." The inhabitants of Provo, the Senator's home town, referred to the local Republican machine as the "Drugstore Bunch" or the "Drugstore Gang"; it

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1Salt Lake Herald, op. cit. (Jan. 29, 1909), p. 3.
was in Provo that Smoot owned a large retail drug firm.\textsuperscript{2} As the means of publicising its standards and purposes, the state machine had the \textit{Intermountain Republican}, a newspaper published in Salt Lake City and controlled by Senator Smoot.

During the spring of 1908, the \textit{Intermountain Republican} was devoting a large space on its front page to anti-liquor propaganda. Each morning in large black letters the square was headed "Shall Utah Have Prohibition."\textsuperscript{3} Within the box were run the opinions of those who favored either state-wide prohibition or, at the very least, a strong form of local option. An analysis of the contents of the front page feature and of the papers' editorials would show that the \textit{Intermountain Republican}, its policies dictated by the Republican party and Reed Smoot, was an advocate of prohibitory legislation for Utah through the spring months of 1908.

\textbf{Early Mormon Action}

When the Mormon Church actually entered the list of those actively engaged in the fight for prohibition is not known; it was certainly the contention of some that the

\textsuperscript{2}Interview with A. Will Jones, long-time resident of Provo, Utah, March 25, 1958.

\textsuperscript{3}Wolfe, \textit{op. cit.}, p. 19.
Church never did enter the campaign. It is evident from the testimony of John M. Whitaker that the leaders of the Church entered the prohibition activities earlier than 1908, although the Church campaign was not perhaps as vigorously vocal and active as it was at a later date. In a diary entry made by Whitaker on January 10, 1909, is found the following:

"I had been asked by President Francis M. Lyman representing the church to take charge of the matter of getting prohibition in Utah and had worked for it for years." At that time and for a number of years following, Francis M. Lyman was President of the Quorum of Twelve Apostles, one of the presiding bodies of the Mormon Church.

Whitaker stated that although he had not been personally called by the First Presidency of the Latter-day Saints Church and had not been set apart to the position, it had been termed an official call when relayed to him by the First Presidency through President Lyman, and had taken place prior to 1908 by several years.

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5 Interview with John M. Whitaker, first president of the Utah Prohibition League, Salt Lake City, Feb. 28, 1958.
Many leading Mormons, notably Heber J. Grant, a member of the Quorum of Twelve Apostles, and Charles Nibley, Presiding Bishop of the Mormon Church, were convinced by 1908 that prohibition was right and were still more convinced that Utah, the Mormon State, must by all means adopt prohibition.

It was the activities of Grant that brought forth the most virulent attacks from the *Salt Lake Tribune*, which newspaper carried the bulk of the anti-prohibition articles appearing in the local press. Upon one occasion Grant had spoken before a meeting of the L.D.S. Salt Lake Stake Conference on March 16 and had declared, "I thank God that no man who deals in or anyway handles liquor can be in good standing in the Church of Jesus Christ of Latter-day Saints, and that the benefits of those in such good standing cannot accrue to such liquor dealers."

In reporting the meeting the *Tribune* writer took great delight in pointing out that the Church-owned Zion's Cooperative Mercantile Institute, popularly known as ZCMI, was one of the most extensive liquor dealers in the state. Also, that the drugstore owned by the Senator-Apostle from

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Utah, Reed Smoot, carried on an extensive liquor traffic in Provo. He further pointed out that the territorial legislature on February 12, 1851, had passed a bill providing for and regulating the sale of alcoholic beverages, and had empowered Brigham Young to grant licenses to persons to manufacture liquor. Naturally, said the Tribune reporter to emphatically refute Grant's assertion, this legislature was controlled by and made up entirely of Mormons.7

April General Conference

It was during the months of March and April that a number of non-Mormons on the side of prohibition made the charge that Utah could have prohibition as soon as the general authorities of the Mormon Church desired it. Typical of the comments was the one by the Reverend W. M. Padden of Salt Lake City's First Presbyterian Church, who said, "The first presidency of the Mormon Church and the twelve apostles control the situation. They can evict the saloons from the Mormon counties of this state within eighteen months, if they set out to do so. When they do set out to do this, they can count on a lot of us to help them, where the Mormons are the minority."8

7Salt Lake Tribune, Mar. 17, 1908.
8Intermountain Republican, op. cit. (Mar. 18, 1908), p. 2.
The voice of those supporting the liquor interests was also heard with the allegation by *Goodwin's Weekly*, a Salt Lake City publication, that the Mormon Church was insincere; that it had supported liquor for forty years, and that the people would back prohibition if the Church authorities called for it. The *Tribune* added more fuel to the fire with the oft-repeated charge that Reed Smoot's drugstore in Provo made him much money from liquor sold to Mormons.

No pronouncement was forthcoming at the April General Conference of the Mormon Church favoring a state-wide prohibition law, and this was seized upon by anti-Mormons and anti-prohibitionists to show that the Church was not honest and sincere when it claimed to be for prohibition. The statement of President Joseph F. Smith during one conference session was pointed out as being proof of the charge, the claim being that the Church leaders multiplied words to make it appear that they were for all-out prohibition when in reality all they desired was a watered-down temperance measure. President Smith had said:

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9 *Goodwin's Weekly* as quoted in "Journal History" (Mar. 28, 1908), p. 4.

10 *Salt Lake Tribune*, Apr. 4, 1908.
We believe in strict temperance; I sincerely hope that every Latter-day Saint will cooperate with the temperance movement spreading over the land; I and my brethren at least, are in harmony with the movement; we want nothing drastic, nothing that would be illiberal or oppressive, but we do think that the people ought to have their choice as to whether they will permit or have in their midst drunkeness, rioting, and murder, or whether they will have peace.

One of the more bitter attacks on the Mormon position appeared in the Tribune following the close of the April Conference:

The expressions on temperance by those who spoke on that subject were the expressions of a bunch of hypocrites who started distilleries all over Utah in the early days. Church leaders have never stood against great looseness, in fact, they have always fostered and suffered it; even now, the church drug-store is reputed to do a far greater liquor business than any other concern in Utah.

What, then, is the object of this humbug pretense of zeal for temperance? Plainly to have the benefit of what the leaders consider a popular movement. But, deeper and far more searching than this, their purpose is to draw away public attention if possible, from their own criminality, lechery, adulteries, treason, and avarice, to the assumed faults of others. They have been on the grill for a number of years for their faithlessness, their lawlessness, their extortions, their adulteries, their shameless impostures; and now they want the coals to be transferred for awhile, so that somebody else may be grilled, and they help to do it.

The whole scheme is as plain as a pikestaff. But it is not plainer than their impossible record.

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on this question. A set of blatant impostures, false pretenders, blasphemers, liars, robbers, and adulterers they are, from the beginning even to now; and they will succeed at this time even less than they have in the past, in pulling the wool over the eyes of an observing public.\textsuperscript{12}

It is interesting to note that some of the Mormon leaders gave unintended support to charges against the Church stand on prohibition through their own public utterances. In a speech at Springville, Utah, in early April, Heber J. Grant stated that Latter-day Saints had spent as much money in breaking the Word of Wisdom annually as they spent in the payment of tithes. He declared that if the Mormons would keep the Word of Wisdom it would solve the prohibition question in Utah.\textsuperscript{13}

The Big Switch

In writing about Reed Smoot and his activities during the 1908 prohibition campaign, Dr. Milton R. Merrill of Utah State University suggests that the Smoot machine was acutely aware of the prohibition question during the spring and summer of that year and had decided that it would not be wise for the 1909 Utah legislature to enact a state-wide prohibition law. Evidence indicates that this decision was

\textsuperscript{12}Salt Lake Tribune, Apr. 6, 1908.

\textsuperscript{13}Intermountain Republican, op.cit. (Apr. 6, 1908), p. 6.
reached at the approximate time of the Latter-day Saint April conference. The argument that prevailed was that the establishment of prohibition would be a drastic attack on gentile business interests. It was thought the gentiles would resent the legislative enactment of any principle which related too closely to Mormon doctrine, and that prohibitory legislation sponsored and supported by the party headed by Apostle Reed Smoot would destroy all of the progress that had been made in convincing the gentiles that Smoot was strictly a Republican in his senatorial role and not acting as a Mormon Apostle. Dr. Merrill states that even though Smoot may not have originated the plan to defeat prohibition, he was aware of it and accepted it.  

In support of the above contention concerning Smoot is a letter written to him in May of 1908 by Fred J. Kiesel, a gentile and prominent Republican who was also a major wholesaler of liquor in Ogden, Utah. In addition to advising him that the Intermountain Republican and other journals were stressing the prohibition issues, he gave this advice to Smoot:

\[\text{\textsuperscript{14}}\text{Merrill, op. cit., p. 19.}\]
From a political point of view I am sure this would be a blunder...nor would it advance your aspirations...I would suggest that your party should not commit itself in their platform until they do so nationally, but rather recommend a waiting attitude...All we ask of you then is to keep down the present agitation in Utah and await developments.15

It was evidently during this period that Senator Smoot decided on the policy that he, the party and the Intermountain Republican would follow regarding state-wide prohibition in Utah. He would be for local option because that was what the Republican National Committee had declared as their official policy,16 and he would also declare for local option because he strongly felt that prohibition could not be enforced at that time in Utah.17

On June 21, 1908, the Intermountain Republican reflected this change in policy on the part of its owner and the state Republican leaders when the space on the front page normally devoted to the prohibition issue was filled with a cut of a new printing press which the paper said would soon be installed at a cost of $20,000. Thereafter the paper

15Ibid., p. 19.

16Whitaker interview, op. cit.

17Interview with Preston Nibley, Assistant Historian of the L.D.S. Church, Salt Lake City, March 13, 1958.
ceased to publish any word favorable to prohibition.\footnote{Wolfe, op. cit., p. 19.} It did not take long for opponents of the "Federal Bunch" to claim that the money to be spent for the presses represented part of the sum collected from the liquor interests in the deal whereby the Republican party would cease to push for prohibition.

The \textit{Salt Lake Tribune} ran a story on June 29 purporting to expose the details of the sell-out by the Republicans to the liquor men. The supposed deal took place at a meeting in Salt Lake City attended by party leaders and brewery and saloon men. Included in the package deal was the specified amount of money to be paid to the Republican treasury in exchange for the promise that no prohibition laws would be adopted at the next session of the legislature, which was to take place in the first months of 1909. The GOP would place a plank favoring local option in their platform solely to catch the votes of those who believed in prohibition and temperance.\footnote{Salt Lake Tribune as quoted in "Journal History" (June 30, 1908), p. 14.}

\textbf{Enter William Spry}

The Republican support of the advocates of local
option in Utah culminated in the state convention of the party after the events of the spring and summer. John C. Cutler, the contemporary governor of the state, had declared for re-election on June 22; Cutler was a prominent Mormon and businessman, a close friend of Senator Smoot, and otherwise associated with him. His record as governor had not been brilliant but it had been fair, and having had but one term as governor he had every reason to expect renomination at the Republican State Convention. But some time previous to the convention Governor Cutler had spoken before a large congregation of Mormons in the Salt Lake Tabernacle in favor of prohibition, thereby alienating the political support of Senator Smoot and losing the party bid for governor. At the State Convention everyone was surprised to find that Cutler was not to be nominated and that William Spry, another member of the "Federal Bunch", gained the nomination. 20

As a result of the convention, the Republicans presented to the voters in November a new candidate for the governor's office and a platform unpledged to any change in the existing liquor regulations whereby the liquor traffic

20 Wolfe, op. cit., p. 19.
was carried on under legal sanctions. Spry, with the back-
ing of the Republican machine and the personal endorsement
of Senator Smoot, swept into office as a result of the
November elections.

October General Conference

With the approach of October and the semi-annual
general conference of the Church of Jesus Christ of Latter-
day Saints, interest in what the Church would say and do
about state-wide prohibition in light of their failure to
declare forcibly for prohibition in the preceding April
conference was a prime topic of conversation. The defection
of a Mormon Apostle to the ranks of the local option forces
also caused speculation to be rife concerning what stand
would be taken by the church leaders.

The Tribune analyzed what would likely be forth-
coming at the conference in the following manner: the
Saints would be counseled by the Church leaders how to vote
in the coming election, but this advice would not come open-
ly from the speakers rostrum. The word would go forth from
the brethren in a quiet manner that the members had better
vote the way they should, which was the way the brethren

On the opening day of the conference, President Joseph F. Smith declared himself to be in favor of the temperance movement then sweeping the state and went on to say,

We endorse every movement in favor of temperance... People who will not live according to the doctrines and disciplines of the Church should be cut loose, that they may not contaminate those who are keeping God's commandments.\footnote{Deseret Evening News, op. cit. (Oct. 4, 1908), p. 5.}

In the afternoon session of the same day Heber J. Grant moved that the following resolution, presented by him, be adopted by the conference assembled:

Believing in the words and teachings of President Joseph F. Smith as set forth this morning on the subject of temperance, it is proposed therefore that all officers and members of the Church of Jesus Christ of Latter-day Saints will do all in their power that can properly be done, with lawmakers generally, to have such laws enacted by our legislators soon to be elected as may be necessary to close saloons, otherwise decrease the sale of liquor, and enact what is known as the "Sunday Law".\footnote{Salt Lake Tribune, Jun. 30, 1908.}
Every speaker in each session of the October conference spoke in favor of prohibition and temperance, and so strongly did their words impress the populace that the *Salt Lake Herald* echoed what must have been the feelings of most of the people when it said, "...the resolutions of Sunday pledge the church to unqualified prohibition for the entire state..."26

There were those, however, who claimed that the Church leaders had again evaded the issue, that what President Smith had really called for was simply temperance on the part of the Saints. Accounts in the contemporary newspapers and periodicals, however, seem to indicate that there was no doubt in the minds of the majority of the population as to the stand of the Mormon Church on the prohibition issue following the October conference.

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CHAPTER II

YEAR OF THE FIRST VETO, 1909

Before the legislature convened in January, and by this act became the ground for an extremely bitter political fight, there was action taking place outside that particular arena. John M. Whitaker, chairman of a Prohibition League Committee, tells of a questionnaire-survey sent out by his committee asking all candidates in both parties their views on prohibition and local option.1 While Whitaker does not record the results of the survey, which took place before the November election, the Deseret Evening News of January 2, 1909, does detail certain of the findings. Of all the legislators queried, those not favoring outright prohibition were either for local option or for strict enforcement of existing legislation.2

The Anti-Saloon League at this time seemed to bear the brunt of the fight for prohibition. The headquarters for the state organization were in the Salt Lake YMCA, and

1"Whitaker diary," op. cit., p. 591.
from this center the League campaign was run. By this time
the announced objective of the organization had changed from
one of local option to state-wide prohibition. Heber J.
Grant, who was national trustee for the Anti-Saloon League
in Utah, stated that the Utah department was working for
prohibition and would be satisfied with nothing short of it;
they would not be content to settle for local option.3

In the opening days of January the League sent out
a letter to citizens of the state asking their support in
seeking prohibition. Along with the letters went copies of
the resolution adopted at the October conference of the
Latter-day Saints Church, and a petition to the state legis­
lature to be signed by the voters of the state who desired a
state law providing for prohibition.4

Regarding the October resolution, there was still
some question as to how far it had gone in committing the
Mormon Church and its leaders to prohibition. Critics were
quick to point out that neither President Smith or Apostle
Grant had actually mentioned prohibition; all they had called
for was temperance on the part of the Saints.5 The Salt

3Ibid. (Jan. 6, 1909), p. 5.
5Wolfe, op. cit., p. 10.
Lake Tribune, hardly a spokesman for the Mormon point of view, was emphatic in an editorial of January 17, 1909, that the Church was not for prohibition, and went on to say that in the conference statements of the previous October that not only was prohibition not mentioned but that local option also failed to be stressed. Furthermore, said the editorial, all the October resolution did was call for a closure of the saloons on Sunday and a decrease in the sale of liquor, and that certainly was not prohibition. 6

In two successive issues, on the 8th and 9th of January, the Deseret Evening News ran articles that seemingly clarified the Church position. Francis M. Lyman and George Albert Smith, both members of the Quorum of the Twelve, were quoted as saying that the resolution meant prohibition by all means. The News, an official publication of the Mormon Church, stated editorially that the voting at the conference was an official declaration by the Church in support of the Anti-Saloon League in its effort to secure prohibition. 7

The Reverend Louis T. Fuller had declared in a statement printed in the News that, "The Mormon people can't afford not to vote for prohibition...The churches of Salt

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Lake City will stand by the resolution of the October conference. There seemed to be no doubt in the mind of this Protestant minister as to how the Mormons stood.

The supposed deal between the liquor interests and the Republican party leaders again gained the attention of the press and was recounted to the reading public by a reporter for the *Salt Lake Herald*. The writer of the article alleged that the *Intermountain Republican* front page boxes were dropped in exchange for the votes the liquor men could deliver to them, in addition to a sum of money. The accusations of a deal between the controlling faction of the GOP in Utah and the liquor interests would echo again and again during the campaign and would rise to haunt the Republicans, much to their discomfort.

Councilman J. J. Stewart of the Salt Lake City Council stated on the floor of that body on January 11 that he had been informed that the liquor interests had bribed for favorable legislation. "Furthermore," he said, "I am told that there was raised and paid over by the liquor interests of this city, for this purpose, $5,000, and I have every reason to believe that it is true, and I expect that the

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action of the legislature when legislation on this matter is reached, will show the charge to be true so far as circumstantial evidence of that kind can show anything." It is recorded that not one of the city councilmen rose to refute the charge made by Stewart, although there were members of the Republican party among them. 10

The Tribune re-entered the fray with the oft-repeated charge that the heaviest liquor dealer in the area had been and still was the ZCMI, with the president of the Mormon Church its president and a large stockholder. The paper went on to say that the Church aimed at prohibition in Ogden and Salt Lake City because its men were defeated for election in those places, and nothing would be done in Provo because of the Reed Smoot drugstore interests there. 11

At this time there was evidently some dispute as to whether the Republican legislators were bound to vote for a prohibition law when they met in formal session. The Herald of January 10 held that the Republican legislators were in no way bound to vote for prohibition, but the Democrats had adopted a prohibition plank and had tried to make it an issue

11 Salt Lake Telegram as quoted in "Journal History" (Jan. 11, 1909), p. 4.
in the last campaign. Nearly eight years after this date, Governor William Spry stated that he had run for office in 1908 on a platform absolutely unpledged to a change in the liquor laws, and that the members of the legislature were elected on the same premise of not changing the laws on liquor. All of the men in the legislature, forty-five in the House and eighteen in the Senate, were members of the Republican party that had run on the "no change" platform. Two dissenting voices to the above observation are found in the statements of Joseph Eckersley, later a senator from Wayne County, and John M. Whitaker, early advocate of prohibition in Utah. Eckersley said that the great majority of senators and representatives were elected to office on the premise that they would vote for a prohibition measure. Whitaker was positive in his declaration that the majority of the voters were for prohibition and had elected their legislators in the belief that they would give them prohibition. The evidence would indicate that the Republican

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14 *Salt Lake Tribune*, Jan. 12, 1909.
15 Interview with Joseph Eckersley, May 22, 1958.
legislature in 1909 was not officially bound to enact a prohibitory measure, but the members were certainly bound as individuals to give Utah a prohibition law of some sort that year.

**Action in the Legislature**

The proponents of prohibitive legislation were extremely disappointed when Governor Spry made no mention of the issue in his first message to the legislature on January 13. Of the Salt Lake newspapers, the Intermountain Republican was the only one that did not make mention of this omission, while congratulating Spry on a very fine message. This was a case of the organization newspaper congratulating the organization governor on a piece of good work.

Two of the papers, the Telegram and the Tribune, suggested that the governor did not include prohibition in his initial message for the very obvious reason that he had been a party to the agreement between the liquor men and the Republican party. The Tribune declared, "Governor Spry undoubtedly left out all mention of the liquor legislation

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18 *Salt Lake Telegram, op. cit. (Jan. 15, 1909), p. 4.*
because he understood that the agreement to let the liquor men alone was for value received, that no destructive liquor legislation is to be enacted at the present session of the legislature."\textsuperscript{19}

While these charges were being published, the Cannon Bill, a stringent state-wide prohibition measure, was introduced in the House immediately after that body convened and almost before it was organized.\textsuperscript{20} The bill was said to be a compilation of the best features of the prohibition bills in Georgia, Alabama and Iowa.\textsuperscript{21}

There did not appear to be much doubt that this bill would pass the House and while the debate and discussion on the Cannon measure became stormy and acrimonious at times, it received an affirmative vote of thirty-nine as against four opposed when it came up for vote on February 11.\textsuperscript{22} It was during debate on the bill that Representative McMillan, a Mormon bishop and a member of the Utah House, made the following statement in regards to the position of the Mormon

\begin{footnotes}
\item[19] Salt Lake Tribune, Jan. 15, 1909.
\item[20] Merrill, \textit{op. cit.}, p. 19.
\item[22] Intermountain Republican, \textit{op. cit.} (Feb. 11, 1909), p. 4.
\end{footnotes}
hierarchy to prohibition. Said McMillan, "You members should
know that the Mormon Church is not back of this prohibition
question. It is some of the lesser lights who have impregnated
this House with the feeling that the Church demands
prohibition."23

Outside the legislative chambers enthusiasm for pro-
hibition ran high. An account of one typical day, January
16, would show that 12,197 signatures had been received in
the legislature to date on petitions seeking prohibition;
the Utah Federation of Labor would not commit itself one way
or another on matters concerning prohibition but would
support whatever the legislature passed; and the Deseret
Evening News offered space in its pages to anyone desiring
to defend liquor but had no takers.24

Friction was produced when the Republican members of
the state legislature met in caucus to select their nominee
for United States senator. Reed Smoot was chosen to succeed
himself but only after a hard fight in which prohibition was
the paramount issue. Representative Cannon, the sponsor of
the Cannon prohibition bill, in a heated oration declared
that he had heard that Smoot was a party to a deal whereby

24 Ibid. (Jan. 16, 1909), p. 3.
the Republican party of Salt Lake County was the recipient of the support of the breweries and the saloon interests in return for a pledge that no legislation inimical to the liquor interests would be passed during the current session. Cannon demanded to know whether or not the charge was true and asked Smoot to come out and declare himself. Smoot's friends in the caucus did not commit themselves in any manner.25

As the Salt Lake Herald so succinctly put it, "Smoot was endorsed and prohibition defeated by the same vote... the campaign pledge to the brewers will be carried out even though all the churches in the state united in a demand for the legislation."26

The Salt Lake Telegram threw a few quick barbs at the Mormon Church on January 18 with the charge that the Church was for prohibition because they were out of power, a charge that had been made earlier, and because of this loss of power they intended to smash Salt Lake City. The intended smashing would be accomplished in the following ways:

1. By shutting off revenues now being obtained from licenses.

2. By stopping half the visitors to this city and the money they would spend; for people with

money will not stop in a city where they cannot, if they want it, have a glass of wine at dinner.

3. **Prohibition would mean the closing of between 300 and 400 stores.**

4. **Prohibition would mean no Newhouse Hotel, no $250,000 exchange and probably the postponement of the building of the new Commercial Club building.**

5. **Prohibition would mean a drop in the value of real estate of twenty-five per cent in a year. This would occur because so many attractive places of business would be left empty with no new tenants to fill them.**

6. **Prohibition would mean the leaving of the city of some thousands of skilled workers for there would be nothing for them to do.**

7. **Prohibition would mean the curtailment of city work, and the stopping of the building of 1,000 private homes.**

It was during this period that B. F. Grant, a brother of Apostle Grant and a prohibitionist in his own right, wrote a letter to the editor of the *Deseret Evening News* concerning the *Intermountain Republican* and its position on prohibition. The proponents of the Cannon Bill evidently thought it wise to keep the "deal" in the public eye. Grant claimed that $35,000 was raised by the saloon interests to fight prohibition, and while not saying where the money went, pointed out these facts:

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1. The Intermountain Republican made a feature of box articles favoring prohibition.

2. The paper needed a new press and the party organization needed funds.

3. The brewers wished to defeat prohibition and raised a fund for that purpose.

4. The Intermountain Republican installed a new press at the expense of several thousands.

5. The Intermountain Republican prohibition boxes were discontinued with the installation of the new press.

Grant made another point when he queried as to why members of the "Federal Bunch" were passing the information that any bill for prohibition passed by the present legislature would be vetoed by the governor. There was no defense forthcoming from any source.

The Gardner Bill, sponsored by the controlling element in the Republican party, was introduced in the Senate by Henry Gardner, the Senate president, on January 31. As opposed to the Cannon measure which called for state-wide prohibition, the machine bill provided for strict regulation and state control of the saloons. From this time on, the Intermountain Republican advocated the Gardner Bill as being

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the best possible answer to the liquor evil.

Being president of the Senate put Gardner in a particularly powerful position. All legislation introduced in the Senate was referred to committee by him, and he used this power to refer all temperance bills to the Committee on Manufactures and Commerce, headed by Rudolph Kuchler, an avowed foe of prohibition. 30

The Cannon Bill in the Senate

As soon as the Cannon Bill passed the House on February 11, the avalanche struck, and most of the avalanche was directed toward Reed Smoot. That which had gone on before when he was accused of engineering the deal with the liquor interests must have seemed like child's play to the Senator. Friends of long standing denounced him; fellow apostles called him to repentance. 31

With Smoot too busy in the nation's capitol to come home, his lieutenants reported to him from Utah that terrific pressure was being put on every Mormon to support prohibition. One report stated that "even some of those in on the agreement shifted and are going crazy." This would go far to


31 Merrill, op. cit., p. 19.
prove the charges made by those who alleged that a deal had been made between the Republican leaders and the Utah liquor men. Governor Spry was reported to have made the observation that he had no idea people could be so cruel, that burning at the stake would be in order in six months if the fanaticism kept growing.  

A preliminary survey made by the Deseret Evening News showed that the opposition forces had nine sure votes out of twelve necessary to kill the Cannon Bill, with only three senators definitely saying they would vote for it. With three men not polled and three not committed, there was tremendous pressure brought to bear by both sides on the undecided and undeclared senators.

One item that was passed around as common gossip was the so-called reason for the House passing the Cannon Bill in the first place. The explanation was given that it was to live up to the petitions that came in from the Anti-Saloon League campaign; more than 75,000 signatures favoring prohibition had been received by the legislature on the petitions. The reports of the day had it that the representa-
atives knew the Senate would vote against the bill, and in any event Governor Spry would have to veto the bill to live up to the agreement made with the saloon people.\textsuperscript{35}

There was a great struggle between the two apostles, Smoot and Grant, over Smoot's attempts to garner the three votes lacking to insure defeat of the Cannon Bill when it came up for consideration. Smoot's lieutenants led the machine fight, and Heber J. Grant was at the helm of the prohibition lobbying in the Senate. C. A. Glazier, Smoot's nephew, wrote of the fight to get the twelve senatorial votes necessary to kill the bill. Saying that it required unlimited time and energy, he described a "furious fight being waged by the boys clear along the line from the governor on down." He wrote that the Smoot forces would get promises one day only to have Grant take them away the next.\textsuperscript{36}

On the 20th of February the Cannon Bill was reported out of the Committee on Manufactures and Commerce with an adverse recommendation. The vote was taken the same day and the measure designed to bring state-wide prohibition to Utah was defeated by a twelve to six vote.\textsuperscript{37} The Gardner Bill,

\textsuperscript{36}\textit{Merrill, op. cit.}, p. 20.
\textsuperscript{37}\textit{Intermountain Republican, op. cit.} (Feb. 20, 1909), p. 7.
offered in the first place as an attempt to head off the Cannon Bill, was never seriously considered after this time and died a natural death without leaving committee.

**Smoot Again**

Activities of Reed Smoot and those associated with him serve to illustrate the ambivalence of the leaders of the Mormon Church on the prohibition issue, as well as helping to explain certain actions that took place in the Utah Senate and in Salt Lake City during January and February in connection with the prohibition fight. Smoot’s espousal of local option was done in the face of the overwhelming desire on the part of his constituents, who were for the most part members of the Mormon Church, for a prohibitory law. The excellent work of Dr. Milton R. Merrill includes some revealing information regarding Smoot’s relationship with President Joseph F. Smith and the prohibition issue. Three paragraphs from Dr. Merrill’s work follow:

It is inconceivable that Smoot would have taken the position he did without prior consultation with President Smith. The apostle never did anything of great importance, particularly anything that had a church relationship, without informing the President. He wrote two strong letters to the President defending his position and placing himself as always at the command of the leader. In his January letter he stated that the spectacle of the church activity in politics was not regarded with favor in Washington. "It is stated that the church intends to make every
Mormon senator vote for prohibition.‖ He added that prohibition could wait until it became a political and party issue, not just a church issue.

President Smith's answer to Smoot insisted that the church was not in the prohibition fight, that he was taking no part in it. The other apostles were acting on their own responsibility. He admitted some were unduly zealous, but again this was individual temperament and personal conviction and not church policy. Smoot must be patient and understanding with his more rabid brethren.

This answer was entirely satisfactory to Smoot. The boys at home, however, were desperate. Callister, Anderson and Hull considered themselves Mormon missionaries in the political field, working on Smoot's direction. After six weeks of the prohibition fight they began to wonder whether the apostle and the church were not pursuing divergent paths. They regarded Nibley as the prime mover in the prohibition fight, operating behind the scenes, with Grant and Morris up front. They knew Nibley was exceedingly friendly with Joseph F. Smith. Their position both in this world and the next seemed precarious. They had to know. All signed a letter to President Smith, declared their loyalty, their temperance, and their belief that they were operating in harmony with his wishes. They did not minimize the abuse they were taking, they named names, they demanded a declaration from the only real authority they recognized--they would not disobey Joseph F. Smith. The president replied immediately with exactly the same kind of letter he had written to Smoot. He recognized their loyalty, the church was not in the fight and "speaking to my friends as a friend 'possess your souls in patience'." Following this admonition the President departed immediately for the more salubrious surroundings of Honolulu. He needed a rest, and the Hawaiian Saints needed his ministration.38

38Merrill, op. cit., pp. 22-23.
The statement from Merrill would explain to a great extent two articles that appeared in Salt Lake newspapers in the month of February. On the 17th, the Tribune told of a group of men starting a whispering campaign that the Church authorities were against prohibition. The men were not identified, but the story appeared two days after Callister and Anderson heard from President Smith.39

The Telegram of the 23rd reported that Smoot had written letters to Grant, Nibley and Apostle Hyrum Smith on the subject of prohibition, and that since receiving the letters the three men were not active in the campaign for prohibition in the state legislature. The letter to Grant was reported to have told him to play in his own back yard and to stay out of Republican politics; rough language from one apostle to another.40

The Badger Bill

While letters and telegrams were flying between Washington D. C. and Salt Lake City, Senator Smoot sent one wire to his former secretary and now state senator, Carl Badger. Badger, a key man in the Senate, was told to vote

40Salt Lake Telegram, op. cit. (Feb. 18, 1909), p. 5.
against the Cannon Bill and to "give us strict regulation and local option." \textsuperscript{41}

A short time after this wire reached Badger and before the final Cannon vote was taken, two Salt Lake papers ran stories suggesting another bill on prohibition was in the legislative works. One story had the Committee on Manufactures and Commerce, the same committee considering the Cannon measure, readying a bill to take the place of that bill when it was defeated. \textsuperscript{42} This particular rumor began on February 13, exactly one week before the House passed the bill, and some two weeks after Badger had received the Smoot order.

The bill presented in committee by Senator Badger had not yet come to the Senate floor, but enough was known about the contents to know that it called for a special election to be held in 1910 to determine whether or not the people wanted prohibition. \textsuperscript{43} Badger was optimistic about the bill's chances of passage, even though the legislature would adjourn in less than two weeks.

On March 8, Senator Gardner announced in the Senate

\textsuperscript{41}Merrill, \textit{op. cit.}, p. 21.


\textsuperscript{43}Ibid. (Mar. 4, 1909), p. 6.
that Governor Spry had asked for a joint session of the legislature for the next morning for the purpose of delivering a talk on prohibition. The governor had further requested that Senate Bill 148, the Badger measure, not be considered until after his speech to the combined Houses. When Spry did appear the next morning he told the combined meeting that he wanted them to pass a bill containing provisions for local option and strict enforcement, and indicated that he was ready to sign such a bill.

The Badger Bill was then passed by the Senate with a unanimous vote four days later on March 12. Unanimous voting should not be taken to indicate that debate on the floor of the Senate was harmonious. On the same day that the governor appeared before the combined houses, Senator Badger made an impassioned speech in which he denounced the Mormon Church for its attempt to control the legislature, and castigated the Deseret Evening News for the same reason. He said that nothing could be further from the truth that the Mormon people had always wanted prohibition; they had control

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44 Ibid. (Mar. 8, 1909), p. 5.
of the state for sixty years and never got it.\textsuperscript{47} In considering this outburst, it should be remembered that Badger was once Smoot's secretary and was also a Mormon in good standing.

Consideration of the Badger Bill in the House was rapid, and it passed that body in an amended form by a vote of thirty-three to ten on March 17. The amended bill was sent back to the Senate, and on March 20 was given the final stamp of legislative approval. Both houses adjourned that same day at 11:30 p.m.\textsuperscript{48}

Considering, among other factors, that the governor had called for a prohibition bill containing local option, which the Badger measure did; that the bill had comparatively smooth passage through House and Senate; that the bills' author was so close to Senator Smoot, who allegedly had hand-picked the governor, it is somewhat more than surprising to realize that Governor Spry did veto the Badger Bill on March 23. The reasons given by the governor in his veto message were that under laws already in force the local authorities

\textsuperscript{47}Salt Lake Herald, op. cit. (Mar. 9, 1909), p. 8.

had the power to prohibits thus making the law unnecessary. It was further claimed by Governor Spry that certain parts of the bill were unconstitutional*, but this was an argument that could be debated on both sides for months with neither side winning,^9

Comment on the governor's veto of the prohibition measure brought forth a varied reaction from the opposing sides. Pred Kiesal, one of the staunch Smoot supporters in Utah, wrote a letter to Spry informing him that a "Milwaukee friend" had requested a copy of the veto message of the Badger Bill. Kiesal included in his letter a telegram from Adolphus Busch, a wealthy brewer of St, Louis * which said* "A rousing hurrah for Governor Spry, an illustrious American citizen, a protector of personal freedom, a man who has presidential timber and who has our best wishes for his welfare. God bless him."^50

A letter from E. W. Robinson, Speaker of the House, to Governor Spry gives strong indication that the Badger Bill was somewhat of a surprise measure and that the Smoot officials in the House had never expected It to get that far. There is a hint that perhaps the bill was never meant to get

^9ibid. (Mar. 23, 1909), P* 1*

^1Spry correspondence, op. cit.; letter from Pred Kiesal to William Spry, Ogden, Utah, April 1, 1909,
out of the Senate, and that those senators who had combined
to defeat the earlier Cannon measure had gone against the
wishes of Senator Smoot in sending the Badger legislation
to the House. Robinson's letter complained that,

\[\text{We had no idea that the Badger bill would reach you but when the Senate took the arbitrary stand that it was our next move, and that they would not act and gave out the idea that if there was any blame to be attached to nonacting on the liquor question it would be the fault of the House we had nothing to do but amend the bill enough to send it to the Senate and accede to their demands.}\]

It should have been no surprise to anyone, said an
editorial in the Herald following Spry's veto of the Badger
measure, that the governor did not have to give any reasons
for his veto of the bill! it was obvious to anyone that the
governor vetoed the bill because of the liquor Interests.
The letter from Kiesal to Spry would have been taken as
proof-positive by the Herald that their accusation was based
on fact.

The Deseret Evening Hews gave mild Mormon hierarchy
support to the veto by Spry when, in reporting the action it
reiterated the reason given by the governor that local
authorities already had the power to prohibit and that parts

IM^jUj letter from Ex W. Robinson to William Spry, Salt Lake City, March 27, 1909.

of the bill were unconstitutional*"

With the close of the 1909 legislative session, certain conclusions can be drawn from the events that transpired during the year just ended* It is virtually impossible to reconcile the material--from Merrill with the October resolution'! which resolution supposedly committed the Mormon Church to the prohibition fight* It would indicate that the Church was influenced by political considerations and that Reed Smoot carried much weight in advising the Mormon leaders on matters of the world* It is felt that the voters in Utah were in favor of some type of prohibition law being enacted by the legislators, but for reasons not given publicity pressure was brought to bear and the desired laws were not passed* The balance of the year after the close of the legislative session was occupied by issues of local interest, with the state-wide fight for prohibition coming to a temporary slow-down.

53peseret Evening Hews, op, cit* (Mar* 23, 1909)*
CHAPTER III

THE QUIET YEARS* 1910*191^

1910

After the hectic 1909’ legislative session that had seen the defeat of the Canoon Bill calling for statewide prohibition and the vetoing by the governor of the Badger prohibition measurej the activities for and against prohibition in 1910 were calm and mild—by comparison* Activities of the Latter-day Saint Church were minor* with the focal point for the year being the campaigning between the Democratic and Republican parties and the various local option elections held throughout the state*

Many communities in the state exercised their right to the already existing local option laws* and as a result a number of areas outside of Salt Lake City and Ogden went dry* Among the cities that began to prohibit the selling of alcoholic beverages was Provo* the home of Senator Reed Smootj with the—Deseret Evening Hews reporting that Provo had become so dry that liquor wasn't even being sold in the
drugstores with or without a physician's prescription. It is to be presumed that the drugstore belonging to Senator Smoot was among those ending its sales of liquor.

Other towns and communities that exercised their right to close the saloons and stop the liquor traffic included Lehi, Pleasant Grove, Clunnslon, American Fork, Spanish Fork and Orangeville. The last named community located in Emery County had found an effective means of closing the local saloons; the city council raised the annual liquor license to $1,200 which was more than the traffic could bear in that small Mormon town.

Provo and Logan, the two largest centers of population after St. George, had both elected to go dry. Reports from those cities had shown that since prohibition had been in effect that there had been a great falling off in the number of arrests for drunkenness. Statistics listed for Provo three months after the saloons had been voted out purport to show the effectiveness of prohibition in that place as opposed to the previous year when there was no prohibitory law in force. In the first three months of 1909 there had been a total of twenty-eight plain
drunks; in 1910 there were seven in the like period and three of those came from Salt Lake City.

It was in a Mormon stake conference at Logan that Heber J. Grant made one of the few 'Statements concerning the Mormon Church and prohibition that was of sufficient interest to be reported in the newspapers. The conference was held before the convening of the state conventions of the political parties, and Grant urged the Saints in attendance to vote only for those m&n who favored prohibition, regardless of their party affiliation. Reports concerning the seeming ambivalence and indecisiveness of President Joseph P. Smith on whether he was for local option or outright prohibition had evidently reached into the northern sector of Utah and were persisting too long to suit the leadership of the Church because Apostle Grant found it necessary to remind the assembled Saints that such reports against their President were groundless and that President Smith was for prohibition heart and soul. Although President Smith was placed on record as favoring prohibition at this stake conference of Latter-day Saints, there is no record that he, or any of the Church authorities, spoke in

\textit{\textsuperscript{\textcopyright MdU (Mar 25 1910), p. 2.}}

\textit{\textsuperscript{\textcopyright bich (Jul 31 1910), p. 3}}
favor of prohibition at the October general conference of
the Church. This was in view of the fact that elections
for the 1911 Utah legislative session were to be held less
than one month later.

The state conventions of the Democratic and Republi-
can parties were held in the fall, and the meetings of both
parties produced platforms calling for some type of prohib­
itory legislation. Local delegations had come to the Demo-
cratic convention with instructions to place a plank in the
party platform calling for state-wide prohibition, and the
political gathering responded with the desired plank. This
same convention saw A. O. Smoot, the father of Utah's
senior Republican senator but a strong Democrat in his own
right, call upon the Democrats to adopt a prohibition plank
that would call for the submission of a local option bill to
the vote of the people,. Even though of different political
parties, father and son though along the same lines as far
prohibition was concerned.

The Republicans responded to the challenge by stand-
ing on their previous record and placing in their platform

^Salt Lake Tribune and Deseret Evening News, issues
from Oct. 3 through Oct. 8, 1910*

°Deseret Evening News, op. cit, (Sep, 15, 1910),
P* 7* ~ ~ ~ ' ~ ~ ' ~ ~'
a local option plank*/ the Deseret Evening News commented on the fact that both major parties had said they would do something about the liquor problem in their conventions just concluded, -and in view of this the News believed that the state' could expect something substantial to be done.

in the coming legislature*/

A most interesting speech by Brigham H* Roberts, a staunch Democrat and frequent personal foe of Senator Reed Smoot closed out the activities for the year 1910. The address was delivered in November in the Salt Lake Theater after both party conventions had been held* Roberts re- viewed the charges that the Republicans had raised a campaign fund before the 1909 legislators had met from among, the saloon interests and that Reed Smoot had said the charges were false* Roberts then brought forth the fact that the charges concerning the deal had originated with Republicans, among whom were Representatives Ashton and J. J* Cannon from the Utah House, and Senators Wilson and Thompson from the State Senate* Thompson three times had made

?Wolfe, op* cit., p* 4*

Deseret Evening News, op* cit. (Oct* 19, 1910)
charged against the Republican leaders.9

Roberts then quoted from a speech delivered on the floor of the Utah "House of Representatives on March 9, 1909* by Representative Cannon:!

The obligations of my oath of office and my conscience compel me to speak. What I shall say is with malice to none but in the spirit of the solemnity of that oath. Mr. Speaker, I charge that before this legislature met, before its members were elected, a bargain was made by which legislation for the liquor question was sold. I charge no member of the legislative body with being a party to the bargain. I believe that few even knew of its existence. Moreover, it is my solemn conviction that the hopelessness of carrying out the demand of the people of this state for prohibition is due to the efforts of strong influences to carry out the requirements of that bargain.

Roberts remarks ended by quoting Nephi Mortis who had stated that he, Morris, would have no difficulty in proving that a deal had been made between the liquor men and the Republican leaders. Then Roberts stated that he personally felt that Reed Smoot was capable of all that had been charged against him and the "Federal Bunch" in connection with the liquor deal,

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Salt Lake Tribune, Nov. 5, 1910,.

9Ibid.

Ibid.
With the opening of the 1911 legislative session in January, a rush of prohibition bills flooded the House and Senate. The Democrats had declared for outright prohibition and the Republicans were of the opinion that they had to pass some type of liquor legislation to fulfill their campaign promises. The Herald-Republican, acting in its capacity as the Republican party newspaper with its policies dictated by Senator Smooth suggested that it was conceivable that the party-dominated legislature would leave the liquor question alone. The paper also intimated that it would be suicidal for the Republicans not to pass some type of bill as promised by them.\footnote{\textit{Herald-Republican} as quoted in "Journal History," (Jan. 19, 1911), p. 13.} That failure to do so would put the Democrats in power. In visualising the bill that should be passed by the legislators, the Herald-Republican said that it should include sale of liquor in the incorporated cities and towns of the state unless the people voted no; and that the sale of liquor in every county in the state outside incorporated cities and towns would be prohibited unless the people voted yes.\footnote{\textit{Herald-Republican} as quoted in "Journal History," (Jan. 19, 1911), p. 13.}

The Utah Independent reported a decision of the Utah Supreme Court shortly after the opening of the legislative session that bolstered the chances of a local option law.
being passed. The article referred to a decision by the state court that under the present statutes, county commissioners and city councils had the right to refuse a license for the sale of liquor to any person when they so desired. With this decision before them, the legislature could claim that any local option law passed by them would have the backing of the courts.

By January 24, six or seven liquor bills had been introduced in the Senate and were being considered by the Committee on Manufactures and Commerce. It was the announced intention of the committee to accept no more temperance legislation, but to combine all of the present bills under consideration and make one good bill that could be presented to both houses. A select legislative committee consisting of three senators and two representatives was set up on February 1 when attempts to frame a prohibition bill by an earlier committee had ended in failure. This special committee came into existence the same day a telegram was received by P. C. Loofbourow, state chairman of the Republican party, from the Utah congressional delegation.

*^Utah Independent as quoted in "Journal History" (Jan. 19* 1911), p. 5.
calling upon the state legislators to fulfill their promises to give the people a local option law#

The telegram from Smooth Sutherland and Howell was all' that was needed by the hesitant legislature. The special committee was able to draft a bill that was acceptable to both houses. Governor Spry and Reed Smooth and by March 18 Utah had a new local option law hailed by the governor as one of the best such laws in the country. The Republicans claimed that the bill made the state dry but certain units that wanted liquor would be able to be wet by a vote of the people. In comparing the bill passed by the 1911 legislators with the Badger Bill vetoed by Governor Spry in 1909 little difference can be seen in the major provisions of the two measures. By 1916 however those controlling the Republican party had decided that some type of prohibitory law should be passed with the foregoing results.

One of the provisions of the bill called for an election to be held June 27 to determine which communities desired to go dry and which ones wanted to be wet. The Mormon Church conducted a vigorous campaign before the

^Deseret Evening-Hews* op» cit. (Feb*4,1911), p* !•

^Ibid» (Jul. 20, 1916), p* 4»
election day* with Church leaders urging the Saints to vote for prohibition as early as the April conference* In the days following the conference, such members of the Quorum of the Twelve as Francis M# Lyman* Heber J, Grant and David 0* McKay exhorted their brethren to vote dry in the coming election* Anthon H# Lund* a counsellor to Joseph F* Smith in the First Presidency, advised the members of the Church to vote for prohibition* And at a conference of the Granite Stake of the Church held on June 3* President Smith himself powerfully implored the people to vote for prohibition on June 27* 17

The authorities of the Church away from Salt Lake City also conducted campaigns in favor of prohibition* In Provo, the presidency of the Brigham Young University joined with the local bishops of wards and presidencies of stakes in combining efforts to work for the Prohibition Campaign Committees* 18 The campaigning in the local wards would take the form of personal contact by the unit leaders in urging

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17 Wolft, op* cit., p. 12.

18 Letter from J. M. Jensen, Secretary of the Prohibition Campaign Committee in Provo to J. B. Keeler, President of the L.D.S. Utah Stake, Provo, U$ah, May 22, 1911. (A copy of the letter is in the Brigham Young University Library).
their members to support the movement for dry legislation.* The more influential *men* of the Church and community would direct their efforts toward speaking in the various ward meetings and at stake conferences where large numbers of the Saints would be present.*

That the efforts of the Church leaders were effective is attested to by a letter, from Governor Spry to Senator Snoot written on June 2. The letter warned the Senator that the Church was driving fast for prohibition and that this would have a tendency to alienate certain support from the Republican party because of the fact that they feel they are not getting the treatment which they feel they are entitled to.*

When the election had been held and the results were in the prohibitionists claimed the victory because the total vote was in their favor – 397,766 for the drys and 317,77 for the wets.* But it was recognized by the state-wide prohibition advocates that Utah would not be in the dry column until Salt Lake City and Ggden* containing one third of the population of the state* joined the rest of the state in

*^Merrill* op. cit. p. 27*

voting for the abolition of liquor.\textsuperscript{21} Thus, the claimed victory of the prohibition forces was, in reality, a hollow one.\ Other results of the June 27 election showed that the vote in Salt Lake City was 14,008 to 9,327 in favor of liquor.\ Along with Salt Lake, the only areas going wet were Ogden and a score of mining camps and railroad towns.\ There had been 336 saloons, in Utah, but the local option election did away with 101 of them.\ Of the 235 saloons remaining, 141 were in the capitol city of Salt Lake, 32 were in Ogden, and the other 62 were scattered about the state in 21 small towns and camps.\textsuperscript{22}

Many Latter-day Saints of the period in which this work is written have often expressed a sense of bewilderment and concern as to why the Hotel Utah in Salt Lake City,\ owned by the Mormon Church, caters to gentile interests in the matter of beverages sold in the Hotel.\ A conference speech by President Joseph $\textsuperscript{2}$ Smith on October 8, 1911\ answered much the same question that was asked at that time by members of the Mormon faith.\ The speech was cited by his opponents as proof that he was not sincere despite his protestations that he advocated prohibition.\ Said President

\textsuperscript{21}\textit{Wolfe, op. cit., p. 8.}

Smith during the conference sessions

We have helped to build one of the most magnificent hotels that exist on the continent of America, or on the old continent either.*

* Me are. not responsible for the character of the men who come here and are entertained at the hotel. We did not make or form their character, neither are we responsible for their conduct. Men who come here in this city from the world are generally men of the worlds men accustomed to the habits of the world. Now I hoped and I prayed and I voted and did all I could in the hope that the good people of this city would vote it dry so that we would not be compelled to allow a saloon or bar to be operated in the Hotel Utah. If you had voted it dry we would not have had any bar there. It would not have been necessary because the people that come here would have to put up with the law and with the conditions of this city but it went wet and therefore the people that visit us want something to wet up with once in a while and unless it is provided for them they will go somewhere else. and instead of being and viewing the beauties of Zlon they will go where they will see everything that is not beautiful and be associated with that which is not good; instead of being where they can see the best side of everything.'

Now we do not want for Latter-day Saints to go off and condemn Joseph F. Smith or Alithon H* Lund or John Henry Smith, or anyone else because there is a bar in the Hotel Utah. We do not go there and drink. We invite you to keep out of the bar and not go there and drink. You don't have to there-fore we advise you on general principles to abstain and keep the Word of Wisdom both in the Hotel Utah and your own homes and wherever you travel.*^3

The remarks by President Smith on this occasion were said by his critics to be a direct argument not only against

eradicating the saloon from the Hotel Utah but against prohibition in general in Utah. If not having a saloon in the Hotel Utah would prevent men from coming to Salt Lake City, prohibition in the state would also prevent them from coming to Utah and cause them to go elsewhere. The Mormon Church, concluded the critics of President Smith, would lose too much in a financial way if Salt Lake City were to go dry under a state-wide prohibition law.

Evidently the controls established on liquor by the local option votes satisfied the demands for prohibition for a time, for the years of 1912 and 1913 were extremely quiet with no great agitation over the liquor question. Various temperance groups, such as the Women's Christian Temperance Union, the Civic Betterment Leagues and the Prohibition Leagues, were carrying on campaigns of education. In the main, these campaigns were in communities that were having local option elections in response to petitions asking for them. The prohibitionists soon undertook plans for absolute elimination of liquor when, in 1913, efforts were made by the various prohibition forces in Utah to close ranks and

\(^2\) M4*, p* 29*
combine in their attempts to secure prohibitory legislation. At the annual Women's Christian Temperance Union convention in September 1913, the prediction was made that Utah would have prohibition by 1915. It was also stated at the convention that the combined prohibition forces would attempt to control the primaries and conventions of the political parties in an effort to have them declare for prohibition in their platforms.

In its convention of 1912, the Republican party unequivocally endorsed the local option law adopted by the 1911 legislature as the proper means of handling the liquor traffic and Governor Spry went before the voters on such a platform. The fact that Spry was able to gain the nomination in a bid to retain the governor's chair is evidence that Smoot and the Republican party considered his record to have been safe during the four previous years on the prohibition issuer this was in marked contrast to the dumping of John C. Cutler in 1908 after one term as governor, when his views on prohibition were felt to be a liability. The same year the Democratic party was pledged to a state-wide prohibition law and the campaign against Spry's candidacy

^Deseret Evening News^, (Sep 25, 1913), p. 2
was run on the governor's attitude toward the liquor question. Spry was re-elected to the governor's office, and by such a margin that the Republicans, claimed the vote to be a vindication of their policies. In the legislature concerning prohibition. During the legislative session, a number of amendments to the 1911 local option law were offered, but none of them were accepted and the law stood as it had been adopted in 1911.

Regardless of the feeling of well-being that came to the Republicans after their triumphs in the 1913 legislature, events occurring outside the House and Senate gave them, or at least Senator Reed Smoot, cause to worry. Senator Smoot was evidently concerned with the local option election that was to take place in Provo in June. An organisation calling itself the Promotion League was circulating petitions in the spring directed at forcing an election in June for the re-establishment of the licensed saloon? In April Smoot warned C. E. Loose of Provo, one of his associates in that city, against a local option election because, "I believe if the election is had they will overwhelmingly vote for a dry city, but if there should be a wet vote

26 IMD. (Jul. 20, 1916), p. 4.
27 Ibid. (Apr. 11, 1913)* P. 1.
The question of state-wide prohibition would be immediately started and in my opinion would result in state-wide prohibition being adopted.*

Smoot voiced his opinion of prohibition as an Apostle of the Mormon Church in the weekly meeting held by the First Presidency and the Quorum of the Twelve on October 2* 1913. It is well to note that Smooths views as an Apostle and as a politician are poles apart; in the letter to Loose quoted above he declared that a local option vote should be avoided* and to the Presidng Authorities of the Latter-day Saints Church he gave another view. The Senator had discarded his role as a member of Congress to attend the general conference of the Church in Salt Lake City* In referring to the question of prohibition in the meeting, Apostle Snoot gave the State of Georgia as an example for Utah to follow* He said that the Georgia legislature had set apart a day on which the state should vote for state-wide prohibition, and he recommended that this plan be followed in Utah. It WBB Apostle Smooth opinion that if this were done, partisan politics would not be involved in the Issue and it would be the means of bringing out the strength

« W U , OP, clt., p. 27. »
of the temperance people in Utah. He believed that seventy percent of the state's population would vote for prohibition. There is nothing in the subsequent minutes of the meetings of the First Presidency and the Quorum of the Twelve to indicate if any action of an official nature was taken favoring the Senator-Apostle's views.

1914

This year like the four preceding was not productive of anything overwhelming or on a sensational basis concerning the prohibition issue. The wet forces were more active and successful in conducting their campaign aimed at controlling the coming primaries and conventions of the political parties? this was evidenced by their being able to keep prohibition planks out of the party platforms. The Deseret Evening News* in speaking of the local elections held earlier in June had chided the anti-saloon advocates for not being more active and remarked that the wets were carrying on a good campaign and were liable to attain their

\(^2\) Report of the regular weekly meeting of the First Presidency and the Quorum of the Twelve of the L.D.S. Church* held Oct. 2, 1913* as quoted in the "Journal History" (Oct. 2* 1913)* P*2.

\(^3\) Deseret Evening News* op. cit. (Oct. 5* 1914)* P*2.
objectives unless met with equal determination.

Perhaps the most important event of 191h as far as the prohibition forces were concerned was the consolidation of their ranks with the formation of the Utah Federation of Prohibition and Betterment Leagues. In October of that year, the initial meeting took place on October 5 and was held pursuant to a call signed by Heber Grant, George Startup, Levi Edgar Young and thirty-eight other representatives of prohibition organisations. The announced objective of the organisation was to obtain statewide prohibition and the enforcement of all laws for the suppression of the liquor traffic. Inasmuch as members of the several political parties were present, Democrats, Republicans, Progressives' and Socialists, it was agreed to treat prohibition as a moral and not political issue.

One resolution adopted at the first meeting was to be used against the Federation by the anti-prohibitionists at a later date. Presented by J. J. Cannon, author of the Cannon Bill of the 1909 legislature, the resolution called

\[ IM_d. \ (Jul. 2, 191^h), \ P. 1. \]

\[ \text{diaryj op., cit., p. 633.} \]

\[ ^{33} \text{IMd.} \]
for a state-wide prohibition bill to become law in 1915 only after it had first been submitted to the voters for their approval at a special election.

Officers elected at the meeting were John M. Whitaker, president; George Startup, first vice-president; Joseph H. Grant, second vice-president; and the Reverend Phillip J. treasurer.

The formation of the Utah Federation of Prohibition and Betterment Leagues was important to the forces in Utah working for state-wide prohibition because it was through its organization and efforts that the major pieces of legislation leading to the ultimate adoption of prohibition in 1917 were drafted and submitted to the state legislature.

The general conference of the Mormon Church held in April produced an interesting comment by President Joseph F. Smith concerning his personal feelings towards those Saints who were on the wayward side of the prohibition issue. Heber J. Grant had been speaking in favor of state-wide prohibition and had said that some Latter-day Saints had told him that Utah needed the saloons to help pay the taxes. Apostle

34 IbidUj p. 634.
Grant had just said, "God pity them for having their
consciences so badly seared/ when President Smith inter-
rupted him to say that such people were not Latter-day Saintsfc
but that they were "Mormons". Evidently the term held a
different connotation at that time than it does at the pres­
et date* Grant concluded his remarks by saying that he
would like to see a state-wide vote on the prohibition
issue. Reed Smoot had advocated such a method of deter­
miming the feelings of the voters on the issue to the
Quorum of the Twelve and the First Presidency at the pre­
ceding October conference, and Grant's opinion at this time
may have been a result.

On June 6, Grant further clarified the Church stand
on prohibition and temperance in an article in the American
Patriot. He referred to a signed article in the Improvement
Era, an official publication of the Latter-day Saints, by
President Joseph F. Smith, who had said,

   It is a well-known fact that Church leaders and
Latter-day Saints generally are strongly in favor
of temperance...and not only believe in voluntary
temperance but they believe in prohibition if nec­
essary* I wish to say here, once and for all, that
I am unalterably in favor of state-wide prohibition
and temperance; I care not who is opposed to it nor
whose cause is in conflict..."37

36peseret Evening News, op. clt. (Apr.4,191*0 # p. 3.
37Ibid. (Jun. 6, 1912*), P* 3#
It is the opinion of Apostle Grant that this declaration by the President of the Church of Jesus Christ of Latter-day Saints placed the Church as having taken a positive stand on the liquor question in favor of those seeking state-wide prohibition.

With the Mormon Church supposedly in such a positive position in relation to the prohibition issue, it is not surprising that sentiment throughout the state showed overwhelming favor for a prohibition measure to be enacted by the coming legislature. What is surprising was that neither party included a state-wide prohibition plank in their platforms, and the Republican and Democratic legislators went into the 1915 legislative session officially uncommitted by their parties to anything more than a local option law.

38 Ibid.
CHAPTER IV

YEAR OF GREAT EXPECTATIONS, 1915

The Birth of the Wootton Bill

The 1915 Utah legislature saw an extremely difficult and hard fight over the prohibition issue. Along with the campaigning begun the previous fall on the state level, the Utah Federation of Prohibition and Betterment Leagues extended its efforts to the national level with a telegram to the Utah congressional delegation urging them to support moves in Congress for Constitutional amendments favoring prohibition.

Early in January of 1915 the prohibition forces in Utah commenced the work of preparing bills for the legislature, having been given the pledges of a majority of those elected to the state legislative body that they would give Utah a good prohibition law. A good prohibitory law, as defined by the anti-liquor advocates, was one that would bring out-right prohibition to Utah to replace the local

2 Whltaker diary, op. cit., p. 639*
option measures that had been in effect in the state. In order to Insure a perfect bill going before the House and Senate, the Federation had a committee composed of the top lawyers in the state and members of the legislature and Federation working on the proposed measure. Carl Badger, author of the prohibition bill vetoed by Governor Spry in 1909 was mentioned as being one of those legislators working on the committee.3

While the group was at work on the proposed bill, sentiment for prohibition was on the increase throughout the state according to contemporary newspaper accounts. It was the published belief of the Deseret Evening News that the sentiment of the populace was for a law to be submitted to them for their approving vote, and they were reported to be particularly desirous that no politics be mixed with the issue. The Federation had promised just such a bill when it was organized the previous October; free of politics and submitted to the voters for their approval.*

Opposition forces were hard at work trying to kill the prohibition sentiment with the anti-prohibitionists being led by a group of men known as the Committee of Seven

3Ibid.

*Deseret Evening News, op. cit. (Jan. 9*1915)* P« !•
or simply as the Seven* Available sources indicate that this group, or committee, was working under the general direction of Senator Reed Smoot, and was headed in Utah by James H. Anderson and Ex H. Callister, both of whom were members of the "Federal Bunch." The apparent split between Smoot and Carl Badger, who was allied with the local option forces in 1909* can be explained only on the premise that Badger had come around to the view that it was time for out-right prohibition in Utah. So vigorous and unrelenting were the efforts of the Seven to stop a prohibition bill from even coming before the state legislature that after the bill had been drafted by the select committee shifts were established and the finished measure guarded in a locked room in the Hotel Utah for fear the opposition might steal it.5

The bill drafted by the Federation committee and safely kept from its enemies was ready for presentation to the legislature by January 16. State Senator John H. Wootton of Utah County was requested by John M. Whitaker, acting in his capacity as president of the Federation of Prohibition and Betterment Leagues, to present the bill in

Whitaker Interview, op. cit.

Whitaker diary, op. cit., p. 640.
the Senate, and on January 20 Senate Bill Fifty calling for state-wide prohibition was introduced in the Utah Senate. From that date on the bill was popularly known as the Wootton Bill, named for the man who had introduced it. The measure, as it was sent to the Senate, did not contain provisions to submit it to a vote of the people despite the promises of the Federation that a referendum clause would be included.'

Concerning the missing referendum clause, Whitaker reported that it was taken from the bill an hour before it was introduced at the suggestion of State Attorney-General Barnes, who advised the committee that it was doubtful if the bill would be constitutional with a referendum clause in it. 8

As introduced in the Senate by Wootton, the measure was more than 7,000 words long with the major provisions as follows:

1. Absolute state-wide prohibition to go into effect in June, 1916 without a referendum feature*

2. Purchase of alcohol for medicinal purposes permitted only on new prescription from a medical doctor.

'Deseret Evening News, op. cit. (Jan. 20, 1915) * P*3«

®Hera Id-Republican, op. cit. (Jan. 20, 1915) > p. **•
3* Purchase of alcohol permitted only on affidavit.

4* Physicians and druggists held liable to revocation of licenses for misuse of prescriptions and dispensing of alcohol.

5* No liquor advertisements of any kind allowed.

6* The injunction and abatement laws to apply any place liquor is kept illegally*

7* No property rights in liquor.

8* Internal revenue license prima facie evidence of liquor selling.

9* Search and seizure rights in bill includes residences and persons*

10* Drinking in public a misdemeanor.

11* A prison sentence mandatory on second conviction for violation of any provisions of the act.

12* Manufacture of wine permitted for sacramental purposes. This provision would also permit the manufacture of "Dixie" wine in the southern part of the state.

13* Prosecuting attorneys to hold inquisitions in searching out violators*

When the bill was introduced there was a minor skirmish between Wootton and Senate President Mont Ferry as to which committee the bill should be referred. Wootton desired that it be sent to the Committee on Agriculture and Irrigation, of which he was a member, and Ferry ordered it

^Deseret Evening News, op, clt. (Jan.20,1915), p. 3*
sent to the Committee on Manufactures and Commerce, Wootton objected to this and called for a vote; on the subsequent roll-call vote the bill was sent to Wootton's committee by a margin of ten to eight.

As of January 24, only the one prohibition bill had been introduced in the Senate. This bore out predictions by John Whitaker on January 16 that it was not likely that other prohibition measures would be introduced because representatives of the Betterment Leagues had sought out members of the legislature who were known to be considering introducing prohibitory legislation, and their ideas had been incorporated in the Wootton Bill. Members of the Committee on Agriculture and Irrigation were reported to be in favor of the bill under discussion as it had been sent to them and were not interested in considering other prohibition measures. This boded well for the hopes of the drys.

Even though it was thought that no other prohibition measures would reach the Senate floor, the Tribune specu-

\[10\] Salt Lake Tribune, Jan. 21, 1915.

\[1\] Herald-Republican, op. cit. (Jan. 20, 1915) p. 4.

\[12\] Salt Lake Tribune, Jan. 21, 1915.
lated that less radical bills than the one being considered would be introduced before the end of the week. On January 27, Just four days after this prediction, Senator Charles Cottrell of Salt Lake City introduced a resolution calling for an amendment to the state constitution which would give state-wide prohibition to Utah. ¹³

The Cottrell resolution was rather effectively killed when it was referred to the Committee on Agriculture and Irrigation, the same committee handling the Wootton Bill. Evidently the Senate president realized that the prohibition senators could have mustered enough strength on a roll-call vote to have the resolution sent to their committee had he ruled otherwise. ¹⁴ The prohibitionists were now in full control of the legislative machinery in the Senate, with no apparent reason for the Wootton Bill to fail in passage and no likelihood that such would be the case.

The Wootton Bill in the Senate

During the time the Wootton Bill was in the Senate committee, prohibition forces were carrying on an active campaign to make sure the bill's continuing support and

¹³Ibid., Jan. 28, 1915.

¹⁴Ibid., Jan. 29, 1915*
passage through the legislature. Members of the presiding authorities of the Mormon Church were active in speaking for the measure, with Francis M. Lyman, Heber J. Grant and Joseph Merrill filling many engagements at which they publicly supported the pending legislation. John Whltaker was extremely active, lobbying in the House and Senate and urging the Church authorities to use influence where it would do the most good. *

The anti-prohibition forces were also active. On January 29* the Senate as a whole received an invitation from the combined committees representing big business in the state to attend a dinner at the Salt Lake Commercial Club the following Monday night. The big business committees had been established as a means of protesting the radical prohibitive legislation then being considered by the Senate, and had been formed only a few days before the dinner invitation was issued. As near as can be determined, the dinner given by them to the Senate was the only venture of any size undertaken by the committee.

The lead on the *Telegram* story reporting the dinner at the Commercial Club ran as followst

*Whltaker diary, op. cit., p. 640.*

Salt Lake Tribune, Jan. 29, 1915*
From the lips of some of the foremost men of Utah, acting as the mouthpieces of other citizens whose brains, brawn and capital have done so much to build the state, members of the Utah State Legislature listened to the indictments against the prohibition cause at a banquet held in the Commercial Club last evening.

The main anti-prohibition arguments culled from the words of the numerous speakers would include many that had been heard through the years: prohibition cannot be enforced; prohibition would jeopardize business; prohibition makes whiskey drunkards out of beer drinkers; and prohibition increases taxes.

One of the speakers referred to the advice given by Governor Spry when the governor had urged the legislature not to enact freak legislation. Nearly all of the speakers said the way to have prohibition in Utah was to enforce the already existing laws. The Reverend Elmer Goshen was the closing speaker, and ended his talk by urging the legislators to "let the word go out that we are not governed by peculiar men or by peculiar laws."

At a meeting of the Senate Agriculture and Irrigation Committee held to hear those opposed to the Wootton Bill, John Dern commented that the past few days had seen strife in the state brought on in the main by religious questions.

*Salt Lake Telegram, op. cit., (Feb*!, 1915)*
If prohibition was passed he was afraid it would bring strife back to Utah, Said Bern, "We are all friends now so let's stay that way."

Another point made by the wets at the meeting was that prohibition was not a campaign issue and the people had had no opportunity to pledge the men they were voting for the previous fall. The proposed legislation also denied, so ran the claim, the inherent right of the voters to voice their feelings through a referendum.

The testimony of Joseph Eckersley, a member of the 1915 Senate, would indicate that the members of that legislature had been pledged to vote for a prohibition law. He was emphatic in declaring that members of the House and Senate, or at least a great majority of them, could not have been elected in the first place if their constituents had known they would not vote for prohibition. "I went to the Senate knowing that my people knew that I knew they wanted prohibition," was his statement.

There were not too many instances of the Mormon Church leaders being attacked and criticized for their stand.
on prohibition in the first months of 1915. It seemed to be the understanding that the Mormon leaders from President Joseph F. Smith on down were behind the prohibition movement. The opinion held by Heber J. Grant on this point was especially clear.

The *Deseret Evening News* reprinted a statement from a publication of the Immanuel Baptist Church of Salt Lake City that considered the position of the Mormon Church on the prohibition issue. After saying that the Mormon people would vote for prohibition if the issue got before them, the article continued, "The Church of Jesus Christ of Latter-day Saints stands unequivocally for prohibition. It does not assume to dictate to the lawmaking body of this state how the liquor evil shall be banished from this state." The article closed by quoting from President Joseph F. Smith that he was for prohibition regardless of who opposed it or with which cause it conflicted.²¹

An interesting advertisement had been running in the *Salt Lake Tribune* for several weeks. The advertisement, sponsored by a Cincinnati business man, extolled the virtues of a certain concentrate whereby whiskey, cordials or any liquors could be made in the home at a saving of over

²¹*Deseret Evening News*, *op. cit.*, (Feb. 6, 1915)*p# 1.
fifty per cent of the dealer's prices. The claim was that the legal aapeeta had been investigated and the method was found to be perfectly legal. The advertisement rather gave the impression that the Tribune was trying to prepare its reading public for the dry days to come.

Several events combined at "this time to give notice that sentiment toward the Wootton Bill was changing from enthusiasm to hostility. On February 5* three new bills were introduced in the legislature. Organized labor swung into line against the bill with unions and labor organizations from Salt Lake City and Ogden presenting memorials and petitions protesting the enactment of state-wide prohibition to the legislature.

John Whitaker commented on the situation when he wrote in his diary, "I also note some cooling off of some members of the legislature and a number of new bills to regulate liquor have been introduced are are having a bad effect on our bill«, I am having a great pressure brought to bear on me and my eoiranittee to make some changes«.» Whitaker was very active during this period In speaking !*•*

Salt Lake Tribune, Feb* 5^ 1915*

Jtoid.
fore congregations of the Protestant churches and in working with ministers and priests of all denominations. 24

The Wootton Bill in the House

The Senate passed the Wootton Bill on February 11 after it had been reported out of committee the day before with a favorable recommendation. After debate lasting more than six hours, the bill was passed by a vote of fifteen to three and sent to the House for its consideration. **

The feeling of the Deseret Evening News at this time was voiced in an editorial which said that the News expected the lower house to vote for the Wootton Bill and then expected the governor to sign it« "The sentiment of the people of Utah is so well understood on this question that there is slight occasion for doubt as to the final outcome," was the claim of the editorial. 2b

Although the House received the Wootton measure on the day following its passage in the Senate, action in the House Committee on Manufactures and Commerce was not completed for more than two weeks* The only published reason

Whitaker diary, op. cit., p. 640.

26 Deseret Evening News, op. cit. (Feb. 12, 1915) * p. 1»
found for this delay was that the House expected to hold up action on the bill until the Senate completed work on the Shields initiative and referendum bill, which had been passed in the House and was awaiting action in the Senate. It was further said that the Democrats and Progressives in the House had promised not to pass any type of prohibition bill that did not include provisions for its submission to the people for their vote. The Progressives were so opposed to the bill that on February 24 they came out against it as a matter of party policy, making the claim that none of the legislators were pledged to state-wide prohibition.

The House committee agreed to report the Wootton Bill to the whole House but not with a recommendation for special consideration so it could be taken out of order on the floor. On February 26, fifteen days after receiving it from the Senate, the House Committee on Manufactures and Commerce sent the Wootton Bill to the House floor with a favorable recommendation.

There were three major amendments to the measure, one of which is interesting to Mormons of today. Under terms of the original bill counties in southern Utah would

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have been permitted to manufacture "Dixie" wine, which was very popular in the state's southern regions; but that privilege was now denied them.\textsuperscript{29} It is reported that in the early days of the territory that many Saints in the area in question paid part of their tithes with the home-brewed "Dixie\textsuperscript{11}" wine. Considering this, some of the jibes and criticism directed toward the Mormons by their gentile friends on the Church attitude towards prohibition may have been somewhat justified. It is interesting to note that when the bill did reach the House floor an amendment was adopted on motion from the floor to prohibit the manufacture of wine for sacramental purposes.--*

A minority report from the House committee was filed with the report of the majority and called for defeat of the bill. The drys moved to take the bill out of order and handle it as special business on the day after it came to the House floor, but the wets beat down the move and the bill was held over until the following Monday, March 1.

When the Wootton Bill did come up for voting on

\textsuperscript{29}Ibid., Feb. 26, 1915.

\textsuperscript{30}Ibid., Mar. 2, 1915.

\textsuperscript{1}Ibid., Feb. 27, 1915.
March X, it passed the House by a forty to five margin after six hours of debate. As many as seventy amendments were offered, but of these only four were accepted, one being the amendment prohibiting the manufacture of wine for sacramental purposes. When the Wootton Bill was still in the Senate, John Whitaker wrote of an interview with Father W. K. Ryan of Salt Lake City concerning the Roman Catholic view of attempts that were being made to eliminate the provision legalizing wine for sacramental uses. Father Ryan said promptly, "You can't do that, you might as well do away with the Catholic Church as to do away with fermented wine," During the debate on the House floor before the Wootton Bill was passed, Representative Christensen made the statement that he did not expect to see the measure become law; that it would either be killed in the Senate, the courts, or in the governor's office. Those representatives who favored the Shields initiative and referendum bill could not get enough votes changed on the Wootton measure on a motion from the floor so that it could be held up. Theirs was strictly a move designed to gain consideration from the Senate for the Shields Bill.

3Whitaker diary, op. cit., p. 640.

Salt Lake Tribune, Mar. 1, 1915.
Final Passage in the Senate

Three days after the House vote, the Senate passed the Wootton Bill as amended by a vote of sixteen to two. Senate President Mont Ferry and George Dern cast the only votes against passage. The opponents of prohibition were very sarcastic in their remains that the backers of the measure would not listen to any amendments, even ones designed to correct obvious flaws.

The bill's opponents tried a number of delaying tactics after the Senate had voted its final approval. This was done, it was charged by the prohibition forces, so the bill would not be delivered to Governor Spry that same day. One day's delay would allow the governor to pocket veto the bill without returning it to the Senate, as he had five days to hold the measure without taking action on it and the constitutional limit for the legislature to be in session would end on March 9. Governor Spry had publicly declared that he would act on the Wootton Bill and return it to the Senate for their action before it adjourned, but there was a feeling among certain of the senators that this would not be the case, thus their haste in trying to get the bill to the governor that same day to force him to return it to them.

Ibid., Mar. 6, 1915.
before they had adjourned*

The delaying tactics of the opposition were masterful* There were moves for reconsideration of the bill, but when these felled to dam the tide sweeping it along, the bill was ordered to the Engraving and Engrossing Committee. The regular engrossing clerk was reported to be sick and unavailable to type the bill* The Tribune later reported that the clerk had become ill about the time it looked as if the bill would receive a favorable vote* Two dry senators took the measure and another typist to a room in the Hotel Utah and the bill was prepared for transmittal to the Senate president for his signature.

The Senate had been adjourned while the above events were taking place and when the prepared bill came to Senator Perry he would not sign it until he had legal advice on the matter* It was his contention that the manner in which the document had been prepared was illegal, and that to be legal the regular engrossing clerk would have to type it* Ferry refused to reconvene the Senate until he was faced with the threat of impeachment proceedings by John Whitaker, who had Attorney-General Barnes actually draw up the necessary papers* In the face of the threat, Ferry reconvened

the Senate*~^* Barnes also advised the hesitant senator that it would not be illegal for him to sign the Wootton Bill*

The reconvened Senate saw the bill signed at 6:05 P*nu and then sent to the House. After some delay in that body, Speaker Anderson also signed it and the measure was sent on its way back to the Senate shortly after 6:45 p*m. Upon a motion from the floor, President Ferry appointed Senators Wootton, Seegmiller and Bradley as a committee of three to deliver the bill to Governor Spry, and the three senators departed for the governor's office.37

^^Whitaker diary, op. cit., p. 647.

3?Deseret Evening News, op. cit. (Mar. 5> 1915),
CHAPTER V

YEAR OF THE SECOND VETO, 1915

The C83e of the Elusive Governor

There are conflicting versions as to what happened the evening of March 5 when the Senate committee appointed to deliver the Wootton Bill to Governor Spry left the Senate chambers for the governor's office. The account that follows of the happenings of the evening is a compilation of the available material.

The three senators, Wootton, Seegmiller and Bradley, left the Senate chambers sometime after 6:30 p.m. and before 6:45 p.m. and proceeded to the governor's office with the bill but found that he had gone home to dinner. The committee was surprised to find him gone as he had been in his office during the day and was supposedly waiting there for the bill to come to him. The Deseret Evening News, in an account of the affair friendly to Spry, reported that he had remained in his office until 6:20 p.m., to receive the senatorial delegation. At that time he had been informed that

Deseret Evening News, op. cit. (Mar. 5#1915)* P#3«
the bill had encountered some technical delay so he decided to go home for his dinner.

Two accounts not so friendly to the governor give a much different report as to the reasons for his absence from his office when the committee came calling with the Wootton Bill. The only difference in the stories is in the locale; one has it placed in the Senate and the other in the House, but the essentials are the same. In both instances, as the presiding officer of the body awaited affixing his signature to the bill, the governor's messenger stood in the doorway and signalled the governor on the Wootton Bill's progress. Upon receiving the signal, the chief executive immediately left the office and the capitol building. In any event and regardless of the circumstances, Governor Spry was not in his office when the committee called to deliver the prohibition measure, so the three senators decided to go find him.

Ibid.

Wolfe, op. cit., p. 20.


Ibid.
The happenings of the next few hours are even more confusing than those that went on before. Again the account is drawn from contemporary sources, and although they differ in a few particulars the seemingly important faces are similar so that a fairly good picture of the events can be given.

When the three senators left the governor's office there is no record that they went to his home, and the first place they are reported to have visited was the Hotel Utah. The senators stated that Governor Spry was in the hotel when they entered it; other accounts say that the governor arrived soon after the senators.' In any event, it was not long before Spry was engaged in an animated conversation with at least two of the committee, Wool-ton and Seegmiller.

The governor advanced on the two mentioned and denounced them for resorting to such an undignified procedure, and in the same breath informed them that he would not receive the bill that night but would be in his office during normal hours the next morning to accept the measure. The two men attempted to explain the circumstances of their

6Ibid. (Mar. 12, 1915), P. 2.

7IMd. (Mar, 19, 1915), p. 3.
seeming odd delivery of the Senate bill and to apologize to Governor Spry, but he would not listen to them.\textsuperscript{8}

The governor is reported to have said the following to Senator Wootton in rejecting his apology, "Mr Wootton, I want you to understand that I understand your motives perfectly. I have never been accused of shirking my duty and I will not shirk it. I want to say something else to you and to other senators who may be here. You and your followers and friends of this measure have started the report that I was going to leave the state in order to escape the responsibilities of this bill."

"I did not say that you were going to leave," said Wootton.

"You know who did, though, and it was people with whom you have been associating. I consider that I have been grossly insulted and the insult comes through the way in which you have worked."\textsuperscript{9}

There may have been other words spoken at the time but they were not recorded. It was reported that the governor did forget himself to the extent that he swore pub-

\textsuperscript{8}Ibid.

\textsuperscript{9}Herald-Republican, op. cit. (Mar. 5, 1915), p. 3.
licly at the men.  

On March 12, the day the Senate adjourned, the committee composed of John Wootton, William Seegmiller and Orlando Bradley issued a report to the Senate recounting to a certain extent what had happened when they had attempted to deliver the prohibition bill to Governor Spry. It was a simple report and said in essence that the committee had seen the governor in the lobby of the Hotel Utah, and that he would not accept the bill but had informed them that he would receive it the next morning.

The purpose of this report, according to the prohibition forces, was to let the record show that the committee had endeavored to deliver the Wootton Bill to Governor Spry on the evening of March 5, but that he refused it and it was delivered to his office on March 6. In case the governor were to veto the bill, which was still in his hands, the officials of the Utah Federation of Prohibition and Betterment Leagues would bring a writ of mandamus against the Secretary of State of Utah to compel him to place the bill on the statute books, on the grounds that the governor was presented the bill on March 5, and that it

10Wolfe, op. cit., p. 20.
became a law on March 11 because he failed to sign it, the five days in which he was allowed to hold the measure having elapsed before taking any action on it.\textsuperscript{12}

**Events Leading to the Veto of the Wootton Bill**

The Wootton Bill was delivered to Governor Spry at 10 a.m. on the morning of March 6, and from that time both sides on the prohibition question campaigned strenuously to make sure that Governor Spry delivered as they thought he should.

There was no question in the minds of the senators in the days remaining in the legislative session that Governor Spry would return the bill to them while they were still in session for their action should he veto it. Senator Wootton stated on March 12, the day the legislature did adjourn, that he was promised by the chief executive, in the presence of Senators Eckersley and Colton, that he would submit the bill to the legislature before it adjourned. Said Wootton, "I went to his office on March 6, the day that the bill was delivered to him, and he made that promise upon his word of honor as a man."\textsuperscript{13}

\textsuperscript{12}Ibid.

\textsuperscript{13}Ibid.
The interval after the passage of the Wootton Bill and before the Senate adjourned, saw action in the Senate on another prohibition measure advanced by the wets. One measure, House Bill 243, that had come from the lower chamber would make it illegal to ship liquor from wet to dry territory in Utah, and severe penalties were outlined for lawbreakers. Senators Wootton and Seegmiller were accused of conspiring to hold up action on the bill, but Seegmiller denied this by saying, "The dry territory bill was advanced by the liquor interests of Salt Lake in an attempt to block the Wootton state-wide prohibition measure and influence the governor to veto that bill. We do not want to give the governor any excuse to veto it."

Due to the seeming impossibility of getting the House bill through the Senate before adjournment, Senator Funk of Cache County proposed a substitute for the bill on the last day the legislature was in session. The Funk measure was similar to the rejected House proposal but did not include as severe penalties as did the other bill. It passed both House and Senate on the last day possible, and

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14 Salt Lake Tribune, Mar. 11, 1915.

was sent to the governor's office for his action. At the adjournment of the legislature, Governor Spry had not taken action on the Wootton prohibition bill, either for or against; this was in direct violation of his promise to the legislators to do so. The state of the measure at that time showed three possibilities in store for it:

1. The bill could become a law by the governor's approval.

2. The bill could become a law by the failure of the governor to take action on the measure at the expiration of ten days after the sixty day legislative period, which was March 11.

3. The bill could be killed by the veto of the governor at any time up to March 23.

It is evident from material available that Governor Spry was subject to tremendous pressures from both the wets and the drys, and it is further evident that he had definitely promised the drys that he would sign the Wootton Bill. An entry in the Whitaker diary tells of the morning the finished measure was delivered to the governor, who promised Whitaker at that time that he would sign the bill. Further entries in the diary show that Whitaker talked with the governor many times and was told that the measure would be

16Salt Lake Tribune, Mar. 12, 1915.
signed with Whitaker's own pen. "I tell you," exclaimed Spry, "I want to do what the people of Utah want me to do." 18

On one occasion when Whitaker had been invited to the chief executive's office, he arrived to find that representatives of the Fisher and Becker breweries of Salt Lake and Ogden were already there, as well as representatives of eastern liquor interests, all of them exerting tremendous pressure on the governor to veto the bill. 19

Before the legislature had adjourned, Whitaker tells of the saloon interests paying the hotel bills and other expenses of senators and representatives, and using other methods to change their attitudes towards prohibition. This action on the part of the saloon men must have had some effect because Samuel Spry, the governor's brother, came to Whitaker and assured him, "Don't believe what people tell you about my brother not signing the prohibition bill, I know he will fool them and sign your bill." 20

It is known that the leaders of the Mormon Church worked with Governor Spry to encourage him to sign the pro-

18 Whitaker diary, op. cit., p. 647.
19 Ibid.
20 Ibid., p. 641.
hitory measure. Presidents A. H. Lund and Charles W. Penrose, counsellors to President Joseph F. Smith, as well as other leading authorities had earnest talks with the governor pleading with him to sign the bill and telling him how glad they would be if Spry would do that. Francis M. Lyman, George Albert Smith and Richard W. Young were prominent Church leaders who wrote to the governor urging him to affix his signature to the bill.

The attitude of Senator Reed Smoot on the issue is worth noting. Whitaker talked with Smoot while the latter was in Utah during the spring of 1915, and records these remarks by the Senator:

Bishop Whitaker, I am as much in favor of prohibition as you and would like to see the question settled for the good of the nation. Before coming home for a rest the Republican Party discussed the matter for months in all its phases and we came to the conclusion that Local Option was best for all and so I pledged my support for local option and I feel that I cannot now change until I have taken the matter up with the national committee who have this matter in charge. When I gave my word in the Committee I felt that I was doing what the people of Utah wanted.

The stand of Senator Smoot, then as before, was unequivocally for local option.

21 Ibid., p. 647.
22 Whitaker diary, op. cit., p. 632.
Those in favor of prohibition took much abuse from the liquor interests. George Startup, the leader of the drys in Provo, was a favorite target of the liquor men in that city. It is reported that the Startup candy factory in Provo was set on fire one night, and a complete load of sugar was lost before the blaze was brought under control. In order to intimidate Startup, the anti-prohibitionists would parade around his home, swearing and breaking beer bottles on the ground. One man broke into the Startup home in an attempt on his life, but left when he found Startup not there.  

The pressures put on Governor Spry may have been more smooth and subtle but they were telling and effective. John Whitaker made the outright declaration that it was the extreme and inhuman pressure put on the governor by the liquor interests that led him to veto the Wootton Bill on March 16. Before that, however, he had signed the Funk measure on March 16 prohibiting the shipment of liquor into prohibition territory. This bill would take effect in two months, and it was claimed by those favoring local option that

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23 Interview with Anna Startup, Provo, Utah, March 25, 1958.
the law would make dry territory absolutely dry.\textsuperscript{25}

Whitaker chronicles the Spry veto in these words:
"How sad we all were on the morning of March 17, 1915, to learn that last night about 4 p.m. Governor Spry vetoed the prohibition bill. The pressure is too great for this strong man and he yielded to an Unholy Alliance, and is politically killed."\textsuperscript{26}

**Governor Spry: Saint or Sinner**

Hope for state-wide prohibitive legislation for 1915 was at an end with the veto of the Wootton Bill, but that did not end discussion of Governor Spry and his reasons for vetoing the measure. His backers claimed that his reasons for the veto were unanswerable; that he had been elected as the candidate of a party which believed in local option, and his being elected to office was proof that the people of the state wanted local option and not prohibition. The Funk Bill, it was said, would give Utah prohibition if the people really wanted it.\textsuperscript{27}

The *Deseret Evening News*, in its capacity as the

\textsuperscript{25} *Salt Lake Tribune*, *op. cit.* (Mar.16, 1915), p. 2.

\textsuperscript{26} Whitaker diary, *op. cit.*, p. 648.

\textsuperscript{27} *Herald-Republican*, *op. cit.* (Mar.18, 1915), p. 3.
official organ of the Mormon Church, stated its belief that Governor Spry was guided by his firm convictions and had acted in the matter as he thought was in the best interests of the state. The writer of the editorial evidenced no belief that the governor was motivated by other than honest convictions in his veto.28

The first intimation that found other reasons existing for the veto than the ones already mentioned came when the Flying Squadron of the National Prohibition League visited Salt Lake City on March 18 to campaign for prohibition. This was a group of speakers operating out of the national headquarters of the Prohibition League who traveled the country participating in local campaigns for prohibition. One of the men of the Flying Squadron remarked to John Whitaker how disappointed he had been to hear that President Smith had told Governor Spry that it was his wish that the Wootton Bill be vetoed. There is no mention as to where he had heard the story, but Whitaker lost no time in explaining the attitude of the Church leaders as he, Whitaker, understood it to be.29

29Whitaker diary, op. cit., p. 648.
A bombshell was literally exploded in Utah when State Senator William Seegmiller released the following statement in relation to Governor Spry's veto of the Wootton Bill. It was first printed in the Kane County News and was later re-printed in the Salt Lake City newspapers as well as in other publications. Said the senator:

The day following the Hotel Utah incident, in which Governor Spry berated the "indignity" which had been perpetrated--and did it in a perfectly undignified manner--the governor sent for the three stake presidents in the Senate, Joseph Eckersley, Don Colton and myself, to visit him in his office, at which time he went over the early "Mormon" persecutions of the Liberal and American party days, and showed what damage those persecutions had done the state, the Church and especially Joseph F. Smith.

He stated that he loved President Smith better than any other man on earth, and held the church dearer than anything else.

He said that President Joseph F. Smith and Bishop Charles W. Nibley could see very plainly that if the prohibition bill were passed, this same anti-Mormon persecution would be repeated, and that it had gone so far already that it could only be stopped by his offering himself as a sacrifice to the Church by vetoing the prohibition bill.

He said that he knew what that would mean to him and his family, and what humiliation they would have to suffer, but that he was willing to stand in the gap for the gospel's sake.

He then continued:

Now, brethren, I come to you as your brother in the priesthood, and not as governor of the state; and I bring a message from the president of
the church to you as stake presidents, and the
message is that President Smith desires you to
sustain my veto on the floor of the senate and de­
defend me in my action when you go home to your
people.

I told the governor that neither he nor Presi­
dent Smith nor anybody else had any right to attempt
to make a polliwog of me. My people knew what to
expect of me when I was elected, and I refused to
become a traitor to them and to make a hypocrite
of myself.

I told him emphatically that I would vote to
pass the bill over his head and that I would re­
pudiate him before my people when I arrived home.

I also told him that I considered his actions
in the Hotel Utah very undignified and very much
uncalled for, which he admitted to be the case.

When I had finished telling him these things
and that I refused absolutely to obey the order, he
said, "Well, I have performed my duty and have de­
livered you the message."

He also said that Bishop David A. Smith was
appointed to verify the instructions he (the gov­
ernor) had brought from President Smith, and ter­
minated the interview by saying that he had no in­
tention of shirking his responsibility by using
his constitutional time before acting upon the bill,
but that he would return it in plenty of time, be­
fore the Senate adjourned, to permit the Senate to
take any action the members saw fit.

Some two or three days after this incident I
talked to Bishop David A. Smith and he told me that
what the governor had said was not true and that
President Smith was very, very much in favor of the
prohibition bill.30

30Deseret Evening News, op. cit. (Apr. 2, 1915),
p. 3.
The Seegmiller statement came at the time the Latter-day Saint general conference was being held in Salt Lake City; therefore, the reaction of the Church leaders in their remarks to the Saints is interesting. In one meeting, Joseph F. Smith, Jr., an Apostle of the Church, stated that there had been rumors and whisperings that the officials of the Church did not want prohibition; he said that he was in a position to say that this was untrue and that they did stand for prohibition.

In the closing session of the conference on April 6, President Joseph F. Smith predicted that Utah would enter the prohibition ranks soon. He further stated that he had never relaxed his advocacy of prohibition and temperance where prohibition could be effected, and that he did believe in prohibition.

This statement of President Smith's indicates that a certain ambivalence still existed in his stand on the prohibition issue. The Mormon leader, at times, had been positive in his declarations in favor of out-right prohibition; at other times his position seemingly shifted to one favoring temperance and local option. The stand of President

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Smith for temperance and local option was at its peak during the prohibition campaigns of 1909 and 1915; in both years the agitation and pressure with Utah against the position of the Mormon Church and its leaders in regards to the prohibition question was at a high level of intensity, and feelings against the Church itself were strong. Persons who have access to classified Latter-day Saint records unavailable to the writer of this work indicate that President Joseph F. Smith's ambivalence was due to his fear that direct Mormon entrance into the controversy would result in a renewal of anti-Mormon agitation in Utah that would very possibly spread to other parts of the country.

Senators Colton and Eckersley issued statements in connection with the Seegmiller article soon after that information appeared in print. They said that Seegmiller had broken a confidence not only with Governor Spry but with them also, and they both admitted that Spry had a conference with the three of them in connection with the Wootton Bill. Although the men said that a confidence had been broken and certain inaccuracies existed, neither of them would deny the substance of the Seegmiller charge.33

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Eckersley said that he did not remember hearing Governor Spry mention that he brought a message from the president of the Church asking the senators, in their positions as stake presidents, to sustain Spry's veto.\(^3^4\) In an interview in May of 1958, Eckersley said that he and Colton had left the governor's office while Seegmiller was still talking with Governor Spry, so they did not know what was said between the two men.\(^3^5\)

Governor Spry maintained his silence concerning the matter except to say that his reasons for vetoing the bill were fully explained in the veto message.\(^3^6\) Lewis R. Anderson, who is the present president of the Latter-day Saint Temple at Manti, Utah, and by his own admission a close personal friend of William Spry, said that he had no recollection of the governor ever telling him that President Smith had asked him to veto the Wotton Bill. Anderson had served in the Utah legislature from 1911 to 1913 and had taken an active part in the prohibition movement.\(^3^7\)

\(^3^4\)Ibid. (Apr. 8, 1915), p. 3.
\(^3^5\)Eckersley interview, op. cit.
\(^3^6\)Salt Lake Tribune, Apr. 7, 1915.
\(^3^7\)Letter from Lewis R. Anderson to Bruce T. Dyer, Manti, Utah, June 20, 1958.
It is reported by individuals having access to sources not available to this writer that prohibition forces, disappointed by the veto of the Wootton measure, did not hesitate to say that Governor Spry had been bribed—either with money or with a threat of renewal of anti-Mormon agitation.

Three of the four men involved in the alleged incident in the governor's office, Spry, Colton and Eckersley, maintained silence after their initial statements to the press. Seegmiller closed his active participation in the debate with an open letter to his fellow senators one month after his first sensational charges appeared in print.

Seegmiller wrote:

If the statement is not true, why do you not make a true one? You say my statement is incorrect; you should not be afraid to correct it. Senator Eckersley says that he did not give me permission to use his name. I never knew there was a law or custom or courtesy which demands that people shall have Senator Eckersley's consent before speaking his name. I never stated what he answered the governor, but, if this fact offends him, upon his request I will gladly do so.38

There is no record of Senator Eckersley making a reply to this letter in the press, and from his own testimony he was not in the governor's office to answer Spry as was charged

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by Seegmiller.

The year of 1915 closed with a number of local option elections held under auspices of the Funk Bill. Simon Bamberger, prominent Utah businessman and a staunch Democrat, jumped on the prohibition bandwagon when he declared himself in favor of prohibitive legislation; and with this declaration, made in May, became a prime candidate for the Democratic nomination for governor in 1916. In special elections held throughout the state on June 28, 1915, every town that had been dry elected to remain dry with the exception of one town where there was a tie vote. Farmington, a small community north of Salt Lake City and near the Lagoon, a large amusement park owned by Bamberger, went dry by a resounding margin. What few people who wanted the community to stay wet were thoroughly defeated in their efforts when Bamberger declared for prohibition. One other town, Marysvale, had been wet and was now dry as a result of the election.39

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As 1916 opened there was little doubt in the minds of most Utahns but what the events of that year would bring prohibition to the Beehive State. So strong was the prohibition sentiment in the United States that the adoption of a Constitutional amendment making the entire country dry was felt to be an inevitable occurrence by the national temperance and prohibition organizations. In Utah the only question in dispute was which party would have the honor of bringing to pass the long-sought and awaited legislation. The sour taste left after the Spry veto of the Wootton Bill in the 1915 legislature would be forgotten in the clamor and excitement of the year's political upheaval—the defeat and overthrow of the Smoot-controlled Republican machine. And the position of the leaders of the Mormon Church would assume no great import after the first few months of the new year.

The Mormon Church—Again

There was a strong undercurrent of what almost might
be termed opposition from the ranks towards the hierarchy of the Mormon Church following the 1915 legislative session. This feeling was a pronounced one and was expressed in a decided restraint on the part of the Church members to work for prohibition in the campaigning of 1916. The question that loomed as most important to the rank-and-file of the Church was the opinion and feelings of President Joseph F. Smith on the issue. The Saints did not know where their President stood, and they hesitated to work for prohibition until his stand was clarified. Even though the venerable Church leader had declared in 1914 that he was unalterably in favor of state-wide prohibition, the effects of the Seegmiller statement of 1915 were still lingering in the minds of many.

The Whitaker diary gives details of an important meeting held in Salt Lake City on March 17, 1916, about three weeks before the April general conference of the Mormon Church. The gathering was vital because it brought into the open, before high Church leaders, the opposition and unrest that was felt by the bulk of Latter-day Saints. Present at the meeting were President Francis M. Lyman and Anthony Ivins of the Quorum of the Twelve, Bishop David Smith of the

1Deseret Evening News, op. cit. (Jun. 6, 1914), p. 3.
Presiding Bishopric of the Church, and a number of workers from the Utah Federation of Prohibition and Betterment Leagues, including John M. Whitaker. President Lyman asked many questions of the assembled Federation members, and was told by Whitaker that there was much uneasiness and dissatisfaction over the silence of President Joseph F. Smith on prohibition among the presidents of stakes, bishops of wards and other leading men of the Church. Some felt, said Whitaker, that President Smith was silent on the issue for some good reason. Others were of the opinion that he listened to Reed Smoot too much, while still others said that it was Governor Spry who held his ear.

President Lyman evidently became disgusted, or perhaps only vexed, at this point in the meeting and said if the men felt that way about President Smith that he could do without prohibition himself. It was finally decided that Bishop David Smith would take the proceedings of the meeting to his father, the President of the Church, and report back to Whitaker personally what the elder Smith had to say.

It soon became clear that many Mormons would not work in the campaign for prohibition under the existing con-

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3 Ibid.
ditions; they would only participate if President Smith would break his silence and let the people know how he felt on the matter. As the April conference approached, prohibition and the silence of President Smith were the most popular topics of conversation, and it is well to note that in the face of this recurrent talk that the President did not break his silence and declare himself on the issue during the conference sessions. It is difficult to account for the attitude of the Mormon leader, particularly in view of his statements of earlier daysfavoring prohibition, and further considering the activities of Grant, Lyman and other members of the Quorum of the Twelve who had worked so assiduously for prohibition in the past. In the light of reports during the previous year of a possible outbreak of anti-Mormon agitation if the Church intervened in the prohibition controversy, the apparent lack of enthusiasm on the part of the Mormon authorities for prohibitory legislation may have been due to the same reason in the 1916 campaign.

However, a few of the Church authorities did counsel the Saints during the April conference that they should elect men to the 1917 legislature who would enact a prohibi-

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Ibid.
tion law. Heber J. Grant broke a silence upon the issue that had lasted through several general conferences of the Church when he made a strong appeal to the assembled Saints to live the Word of Wisdom and abstain from liquor. Two days later, again in a conference session, Grant said, "I desire every man, woman and child within hearing of my voice to be a worker to bring to our state state-wide prohibition." The attitude of the general authorities on prohibition may have been expressed when Apostle Grant was elected to succeed John M. Whitaker, who had resigned, as president of the Utah Federation of Prohibition and Betterment Leagues; the election took place at a meeting in Barrett Hall after one of the conference sessions. It is doubtful in the extreme that any such prominent Mormon leader as was Heber J. Grant would have been allowed to accept such a position without the prior knowledge and approval of the First Presidency of the Church.

7Ibid. (Apr. 9, 1915), p. 5.
8Whitaker diary, op. cit., p. 702.
There was little heard from, or about, the Church of Jesus Christ of Latter-day Saints after the April conference as a major issue in either the prohibition or political campaigns of 1916. Heber J. Grant campaigned with great energy in his role as president of the Federation of Prohibition and Betterment Leagues to make Utah a dry state, and in this position seemed to have the support of the membership of the Church.

Utah's Political Revolution

The Democrats were the first of the two major parties to pledge their fealty to state-wide prohibition as an official policy of the party when Judge William King, in the keynote speech at the annual Jefferson Day banquet on April 8, 1916, put the Democratic party on record as standing for out-right prohibition in Utah. At the same time, King said that he would like to see William Spry as the Republican nominee because of his record on prohibitory legislation and his veto of the Wootton Bill, and would like to see the answer the people of the state would give such a nomination.9

That Utah was ready for prohibition in 1916 was seen as an inescapable fact by such an astute observer as Senator

Reed Smoot, who had stood unequivocally for local option during the preceding decade. Smoot moved over completely to the side of prohibition, a reversal from his position in 1908, with a declaration in July shortly before the Republican State Convention, that he was positive the Republicans would lose in Utah if they did not include an unqualified prohibition plank in their platform. 10 The switch to prohibition among the party leaders was more or less complete when Representative Howell echoed Smoot's sentiments with the statement that "the sooner prohibition comes to Utah the better, and the shortest way to accomplish it is the way the Republican party should take." 11

The Republicans were extremely hesitant as to the feasibility and desirability of having Governor Spry as a candidate to succeed himself in office. The governor had declared himself in the race for the party nomination on June 30, 12 and when his stand on prohibition had been severely criticized in the days following he issued a long statement to the press in which he said in conclusion:

10Merrill, op. cit., p. 40.
I shall go before the Republican convention with a record on the prohibition question absolutely in conformity with the Republican policies of the past...My every act has squared with the party promises, and I shall make my race as nominee of the Republican party on the platform adopted by it.\textsuperscript{13}

Before the August convention, Spry's backers had attempted to get the Utah congressional delegation to support his bid for the nomination but were not successful. In response to the letter addressed to him, Senator Smoot expressed his conviction that the success of the party should be considered paramount and that the election would undoubtedly be decided on prohibition. He voiced doubt that Spry would accept the nomination if the platform contained a prohibition plank;\textsuperscript{14} two weeks earlier Smoot had written to a Spry supporter that the governor had informed him personally that he would not "stultify" himself by running on a prohibition platform.\textsuperscript{15}

The Salt Lake Tribune made the charge the day after the above letter of Smoot's had been made public that Smoot had remained silent on prohibition up to the present date because he had been deriving benefit from the saloon inter-

\textsuperscript{13}Ibid. (Jul. 20, 1916), p. 4.
\textsuperscript{14}Ibid. (Jul. 21, 1916), p. 3.
\textsuperscript{15}Merrill, op. cit., p. 40.
ests, and that the only reason he was changing even then was because it fit in with his selfish plans. The Tribune reminded its readers that on both occasions when Smoot had run for senator the liquor question had been eliminated from the Republican party platform in deference to him.\(^{16}\)

The similarities in the Republican conventions of 1908 and 1916 are striking. In the earlier year, John Cutler was denied the nomination for governor by Smoot because he had advocated prohibition, and the nomination given to William Spry. In 1916, the nomination was refused Spry because he had been for local option as opposed to state-wide prohibition; even though this would have been a try for a third term there is no indication that this influenced the decision to drop him. The Republican nomination for governor finally went to Nephi Morris, a staunch Mormon and known dry. To aid Morris in his campaigning, the convention gave him a platform pledged to a prohibition law "as thoroughgoing, unambiguous and as incapable of evasion as language can make it; and that said law go into effect within six months after its passage."\(^{17}\)

\(^{16}\) *Salt Lake Tribune*, *op. cit.* (Jul. 22, 1916), p.3.
Simon Bamberger, a prominent businessman of Salt Lake City and not known as a prohibitionist until the year before, announced himself as a candidate for the Democratic nomination for governor on August 9, less than two weeks before the convention was due to convene. In pre-convention campaigning, Bamberger had said that he would pay $1,000 to have the portrait painted of the man who was a better prohibitionist than he. In commenting on this, the Tribune said it showed that prohibition would be the paramount issue in the coming campaign. Bamberger was successful in his efforts to gain the Democratic nomination and was named by that party as its candidate for governor of Utah on August 18.

As had the Republicans before them, the Democrats gave their nominees for office a platform pledged to prohibition on a state-wide basis. In addition, the candidates for state senators and representatives were committed by the platform to submit to the vote of the people a prohibition amendment to the state constitution. For the first time

in the long struggle to make Utah a dry state, both parties came out of their conventions fully pledged and committed to enact a state-wide prohibition law.

When the furor had died down after the November 7 elections, the following very surprising results had occurred:

So complete and overwhelming was the Democratic victory that only three Republicans were elected to the state legislature, all in the Senate. The three were well known prohibitionists and holdovers from the previous Senate; Don Colton, John Wootton and William Seegmiller.

The people of Utah had elected a Jew and dry Democrat as their governor, in spite of the fact that Nephi Morris, a well known Mormon leader and long-time advocate of prohibition, was the Republican candidate. Bamberger was the first non-Mormon to live in the governor's mansion since Utah became a state in 1896.

The normal Republican majority of 10,000 votes was transformed into a Democratic majority of nearly 30,000 ballots.21

There were, without question, a number of reasons for the complete and unexpected victory of the Democratic party in 1916. The dry forces claimed that the Democrats won because the voters of Utah desired prohibition and did not believe the Republicans would give it to them, regardless of campaign promises and party platforms to the contrary.

So great was the feeling against the Republicans in Utah, was the prohibitionists claim, that even Reed Smoot would have been defeated for office had he been a candidate that year, despite his high office as an Apostle of the Mormon Church.\(^{22}\)

Herbert Asbury, a worker for prohibition on the national level at the time of the Utah campaign, stated that the fight for the eighteenth amendment to the Constitution of the United States was actually won during the 1916 state elections when prohibition was the principle issue in every state contest.\(^{23}\)

The Democratic platform in Utah gave insight on the issue of prohibition as it affected the election in that state. After enumerating the current problems facing the nation, among which were the war in Europe and its attendant troubles, world food shortages and relations with Mexico, the drafters of the platform stated:

> While the foregoing are vital to the nation, the prohibition of the manufacture, sale and other disposition of intoxicating liquor and other intoxicating beverages within the United States is, if possible, farther reaching and more important in its consequences.

The platform then proceeded to pledge the party to the enactment of a prohibitory law for the state and the submission

\(^{22}\)Ibid.

of the proposed amendment to the state constitution to the vote of the people.\textsuperscript{24} The seriousness with which the Democrats viewed the issue of prohibition in the nation and the state would indicate that it played the major role in their campaign for office in 1916.

The shift in policy of Reed Smoot and the Republican party on the prohibition issue in Utah was in all likelihood dictated by the threat of the Democratic tide. As already stated in this chapter, Smoot was convinced that his party would go down to defeat in the state without a prohibition plank in its platform. The adoption of an all out dry measure in Utah was no longer a matter of the Mormons trampling upon the rights of the non-Mormons; according to Dr. Milton R. Merrill, prohibition was a political matter by 1916, widely approved and supported throughout the country.\textsuperscript{25} The Republicans, then did adopt prohibition as a party policy in 1916, but the handicap of being the traditional local option advocates in Utah was too much for them to overcome in a year when the voters were determined they wanted prohibition. The Democrats were able to capitalize on this sentiment with their record of having advocated prohibitory

\begin{footnotesize}
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\footnotesize\textsuperscript{24} Deseret Evening News, op. cit. (Aug. 18, 1916), p. 4. \\
\footnotesize\textsuperscript{25} Merrill, op. cit., p. 40.
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measures during the previous decade, and the result was the defeat suffered by the Republican party in the 1916 elections.

The Adoption of Prohibition, 1917

When the Utah legislature convened in January 1917 the only question was how soon the prohibition law would be enacted. A bill for that purpose was in the process of being drafted before the legislature met and in response to Governor Bamberger's inaugural address it was introduced in the House by Richard W. Young on January 9. So eager were the bill's handlers to start it through the legislative mill that it was accepted by the lower chamber before the adoption of the House rules.

To make completely sure that the Young Bill would be acceptable to all of the legislators, the House Committee on Manufactures and Commerce kept it in committee nearly three weeks while holding hearings. The original measure held two controversial clauses that were either dropped or changed before the bill was sent to the House floor. One clause that was unacceptable to Governor Bamberger provided for a liquor commissioner to enforce prohibition in the...
state. The governor felt that the elected officials were competent and capable enough to enforce the law, so that particular clause was dropped. The other objectionable provision was unquestionably unconstitutional; it provided, that any place suspected of having liquor stored on its premises, including private residences as well as places of business, could be searched on mere suspicion. This was reminiscent of the notorious writs of assistance prior to the American Revolution and was changed so that definite Information instead of suspicion was required to obtain a search warrant.

With the controversial measures disposed of by the committee, the Young Bill was reported out and received almost unanimous support from the House and Senate, with but one negative vote from the representatives. When the bill reached the Senate, it took that body just one hour to favorably consider and pass it with a unanimous vote.

The prohibition measure reached Governor Bamberger on February 6, and he immediately made preparations to send it back to the House for a requested change. The alteration

^Republican, op. cit, (Jan* 29* 1917)% p* 5.
BDeseret Evening News, op. cit. (Feb* 1917)$ p* **
desired would permit Utah breweries to manufacture malt drinks that would not contain more than one-half of one per cent alcohol. This request was made, said the governor, to permit local concerns to compete with breweries outside the state that were allowed to ship such drinks into Utah under Federal law.

When the Young Bill reached the House a motion was made to include the governor's suggested change, but the proposal was lost on a roll-call vote of thirty-nine to sly: and on February 8 it was again sent to Governor Bamberger for his action. That same afternoon the measure, was signed, giving Utah its first statewide prohibition law, with August 1, 1917, the day on which it was to take effect.

Addendum

Two articles from Salt Lake City newspapers give an interesting account of the last days of legal drinking in Utah. The Tribune of July 31 reported that 130 saloons in Salt Lake City were elated to go out of business that night at 12:01 a.m. when the prohibition law became effective, and that most of the liquor in the city had already been sold.

3a Ibid. (Feb. 6, 1917), p. 76.
out with the saloons filled to capacity the last few days. The chief of police of Utah's capitol city reported that if provisions had not been made to send some of the miscreants to &a’xflel&lt;3 to work out their fines that it would take seven or eight jells to hold all of the drunks being arrested.

The Deseret Evening News told of 162 buildings having to close that had depended on the liquor trade to keep open. It further recorded that on the last day of legal drinking, Standing Room Only signs had to be hung in the saloons and cabarets of Salt Lake City, and that the local citizens for weeks past had been laying in supplies of liquor, with some carrying it home by the armload and others having it delivered by the carload.*^ 

With statewide prohibition an accomplished fact, the next noteworthy event in Utah's prohibition history was the adoption of the dry amendment to the state constitution in 1918. As had been promised by the Democrats, a resolution submitting the proposed measure to a vote of the people had been introduced in the House by Richard Young, sponsor of the Young Prohibition Bill, on March 1. The resolution

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34 Salt Lake Tribune, Jul. 31, 1917.
was passed by both houses and the prohibition amendment to
the state constitution was ready to be acted upon by the
populace at the general election to be held in 1918. The
amendment was accepted by the voters at that time and thus
became part of the state constitution.

Oddly enough, Utah did not ratify the eighteenth,
or prohibition amendment to the Federal Constitution until
after that measure had been ratified by the necessary thirty-
six states and had already been proclaimed in effect on
January 16, 1920. The resolution submitting the eighteenth
amendment to the states had been introduced in the United
States Senate in April 1917 by Senator Morris Shepard of
Texas, and had passed both houses of Congress by December,
1918. The first state to ratify it was Mississippi and the
thirty-sixth was Nebraska; the vote of the latter was on
January 14, 1919, and one year after that date the amendment
became part of the Constitution. When the Utah legislature
did accept the prohibition clause it was by a unanimous vote
of both houses.

Thus ended an era in Utah history.

37 Asbury, op. cit., p. 133.
APPENDIX I

GOVERNOR SPRY'S VETO MESSAGE
OF THE WOOTTON PROHIBITION BILL

The controversy following the veto of the Wootton Bill by Governor Spry, described in Chapter five of this work, produced a variety of arguments as to why the governor took the action he did. Other than his initial statement to the press that his reasons for the veto were contained in the letter of transmittal of the bill to the Secretary of State of Utah, Governor Spry maintained silence concerning the issue. It is felt that the inclusion in this appendix of the subject letter of transmittal will serve to clarify the stand of the governor on the matter, particularly in view of the statement by State Senator William Seegmiller, which is also treated in Chapter five. The veto message will also illustrate the stand taken by Governor Spry and the Republican party as advocates of local option versus state-wide prohibition. The governor's letter to the Secretary of State follows:
March 18, 1915

To the Secretary of State:

Without my approval, I transmit herewith, for filing in your office, Senate Bill No. 50, by Mr. Wootton....

This bill has failed to receive my approval for the following reasons:

Four years ago the legislature of this state passed a local option bill providing for an expression of the people of Utah on the liquor question, through elections to be held in cities, towns and county units. Under the provisions of that act, elections were held in practically all parts of the state. Many of the election units voted "dry". In the cities containing a very large proportion of the population of the state, however, the voters expressed themselves as favoring a continuation of the liquor traffic, under the regulations and restrictions prescribed by the local option bill.

In the general election of 1912 the candidates of one political party of the state appealed to the voters of Utah for support on a platform containing a plank for state-wide prohibition. If the prohibition pledge of that platform was a factor in determining the people's choice for legislative representation, the results of the election indicate that the people of the state were not seeking a state-wide prohibition law.

In the campaign preceding the recent general election, whatever agitation was had on the liquor question was confined to the solicitation and securing of pledges from legislative candidates that they would enact measures that they would provide for the submission of the question of state-wide prohibition to a vote of the people of the state; so far as my knowledge goes, no candidate of any political party for membership in the legislature owes his or her election to that body to any campaign pledge that he or she would enact a state-wide prohibition law; on the contrary, a majority of the members were elected after they had made pledges that they would provide for the submission of the
question to the people.

Immediately after the meeting of the legislature the bill under discussion was presented to the body with an apology and explanation that under the constitution and laws a prohibition measure could not be submitted to the people for approval or rejection. The bill as drawn was hedged about by a support that turned a deaf ear to those who would have amended it to meet various objections, among whom was the governor, who urged that provision be made for compensation to those whose property would be rendered valueless. Failing to secure that amendment, the governor argued for an extension of the date on which the act was to become effective to the end that those whose property rights were to be wiped out might have further opportunity to adjust their business affairs. The bill was put through the legislature over the protest of a large number of substantial and respected business men of the principle cities of the state, and was sent to the executive when there was pending, in SJR No. 5, by Mr. Cottrell, a resolution providing for the submission to the people of the state at the next general election of an amendment to article XXII of the Constitution by adding section 3 thereto, which if adopted would forever have prohibited the manufacture and sale of intoxicating liquors in the state, except for medicinal, scientific and mechanical purposes. Prior to and after the receipt of the bill under discussion, I urged members of the legislature to adopt the resolution providing for a constitutional amendment, and fully expected until the hour of adjournment, that the way having been pointed out and a means provided for members to redeem their pledges on this question, the body would submit the amendment to the people.

Holding the view that the enforcement of the provisions of any so-called moral uplift measure—such as the bill under discussion—is impossible unless it has the support of at least a majority of the people whom it is supposed to regulate, I would be doing a violence to my convictions were I to give the bill my approval. The people of this state have a right to express themselves on this question, not through representation that has promised one thing and provides another, but through an expression of individual choice, opportunity for which should have been provided by the recent legislative assembly.
Under our plan of apportionment, legislative representation is not based on population, but is determined by a constitutional provision which temporarily established senatorial and representative districts. This constitutional provision, adopted 20 years ago, has never been revised by the law-making body to insure a representation based on population. Senate bill 50 is the measure of a law-making body whose membership is not based on population; it is the measure of legislators who were elected on a pledge to submit the liquor question to a vote of the people and who rejected the only measure introduced that would give the people an early expression on the question. It was passed with full knowledge of the fact that the people in the larger centers of population in their latest expression on the liquor question had voted for a continuation of the traffic under strict regulation. When sumptuary laws are to be written into the statutes I deem it a right to the people to express themselves thereon.

The people of Salt Lake and Ogden, the two largest cities of the state in point of population, who under the mandatory provisions of the local option law of 1911 voted "wet", had a right to express themselves on the liquor question in 1913, and again in 1914, and may do so in June of 1915—three months hence. Yet, since the election of 1911 there has not developed a sentiment for prohibition strong enough to crystallize in the calling of a special election, which may be done on petition of 25 percent of the registered voters of the respective units.

Having attached my signature to Senate bill No. 93, which prohibits the shipment of intoxicating liquors from any point in the state to a community or unit which has voted dry, there is absolutely no reason why, if a majority of the people in each unit so express themselves and insist on an enforcement of the law, such units may not curtail the liquor traffic within their boundaries as fully and completely as they could under the bill in question.

Senate bill No. 50, in its first three sections, without the modifying clauses "except as hereinafter provided," is a strict prohibition measure, but the framers of the bill destroyed its force and strength as a prohibition measure when they let down the bars for "Exceptions as hereinafter provided."
Section 31 provides that "The delivery of liquors in or from any building, booth, stand or other place, except a private dwelling house or in or from a private dwelling house if any part thereof or its dependencies is used as an inn, eating house or shop of any kind, or other place of resort, such delivery in either case being to a person not a resident therein, shall be prima facie evidence that such delivery is a sale."

I am unable to reconcile the avowed object of the measure, to prohibit traffic in and use of liquor as a beverage as expressed in section 2, which provides that "the manufacture, sale, keeping or storage for sale in this state, or exposing for sale, or importing, distributing, giving away, or exchanging, or serving liquors, are forever prohibited in this state," with the provisions of these two sections.

The bill abolishes the saloon and makes the druggist the dispenser of alcohol and wine on the prescription of the physician, with the generous allowance of a maximum of one quart of liquor under each prescription.

Very respectfully,

s/ William Spry,
Governor

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These papers are presently in the possession of Preston Nibley, Salt Lake City, Utah.


Mrs. Startup was the wife of the late George A. Startup, formerly Secretary of the Utah Federation of Prohibition and Betterment Leagues.


Mr. Whitaker was formerly President of the Utah Federation of Prohibition and Betterment Leagues.
The forces in the campaign that was to bring prohibition to Utah in 1917 had become identified with the prohibition movement by the spring of 1908. On the side of the drays were the various temperance organizations, the churches of Utah and the major political parties. Allied against the prohibition group were the combined liquor interests. Uncommitted to either side were the authorities of the Mormon Church, although both groups could seemingly lay claim to the support of the Church authorities when conflicting statements and actions of that body were put before the public view.

Prohibition forces had been aided during the spring of 1908 by the Intermountain Republican, the sounding board of the Republican party, controlled by Reed Smoot, Republican Senator and Mormon Apostle. In June of 1908 the Intermountain Republican and the Utah Republican organization became advocates of local option, and amidst charges of a deal with the liquor interests the Republican state convention of 1908 saw the dumping of the incumbent governor, John Cutler, who had publicly endorsed prohibition, and the awarding of the nomination to a safe wet candidate, William Spry.

Heber J. Grant and Charles Nibley, members of pre-
siding bodies of the Mormon Church, had been active in the prohibition campaign during the spring and summer of 1908, but a resolution adopted at the October general conference of the Church was to cause much controversy as to where the Mormon authorities stood on the prohibition issue. As interpreted by many, the resolution pledged the Church to support the prohibition campaign, but the wet forces claimed that it did nothing more than put the Church leaders on record as favoring temperance.

Two attempts at prohibitory legislation were defeated in the 1909 legislature. One measure called for outright prohibition and was defeated through the efforts of the Smoot machine. The other passed both houses but was vetoed by Governor Spry, with his opponents charging that the veto was part of the earlier deal with the saloon interests.

There was no concerted prohibition drive on the state level during the years from 1910 through 1914. Hopes of the prohibitionists revived in the 1915 legislature with the dry advocates backing a bill sponsored by the combined prohibition leagues of Utah. After a difficult passage through the legislature the measure was approved and sent to Governor Spry, who vetoed it. Shortly after this, Senator Seegmiller exploded a bombshell with his claim that Spry had told him, along with Senators Eckersley and Colton, that the bill had been vetoed at the request of Joseph F. Smith, President of the Mormon Church. The reason given by President Smith,
according to Seegmiller, was the fear of a possible outbreak of anti-Mormon violence if a prohibition bill was passed. The charges by Seegmiller were never proven, but did cause considerable controversy.

The political campaign of 1916 in Utah was based on a number of issues, but the predominant one was prohibition. Even though Reed Smoot and the Republicans had declared for prohibition in the 1916 convention they were classed as the traditional local option advocates, and the Democrats appeared as the champions of state-wide prohibition. The November election saw the Smoot machine go down to a resounding defeat at the hands of the Democrats and their candidate for governor, Simon Bamberger. A Jewish business man, Bamberger became the first non-Mormon to be elected governor of Utah, and on February 8, 1917, signed the bill that brought prohibition to Utah.