A Study of Forces and Events Leading to the Repeal of Prohibition and the Adoption of a Liquor Control System

George Harmon Skyles
Brigham Young University - Provo

Follow this and additional works at: https://scholarsarchive.byu.edu/etd

Part of the American Politics Commons, History Commons, and the Mormon Studies Commons

BYU ScholarsArchive Citation
https://scholarsarchive.byu.edu/etd/5113

This Thesis is brought to you for free and open access by BYU ScholarsArchive. It has been accepted for inclusion in Theses and Dissertations by an authorized administrator of BYU ScholarsArchive. For more information, please contact scholarsarchive@byu.edu, ellen_amatangelo@byu.edu.
A STUDY OF FORCES AND EVENTS LEADING TO THE REPEAL OF PROHIBITION
AND THE ADOPTION OF A LIQUOR CONTROL SYSTEM
IN UTAH

A Thesis
Presented to the
Department of History

In Partial Fulfillment
of the Requirements for the Degree
Master of Arts

by
George Harmon Skyles
August, 1962
ACKNOWLEDGEMENTS

I wish to express my sincere gratitude to the numerous people who have helped make this thesis possible: Dr. Eugene Campbell, Dr. Richard Poll, and Dr. Keith Melville, for their valuable suggestions and criticisms; the staff of the Brigham Young University Library; and Mrs. Mary Anderson of the Utah State Archives, a warm-hearted friend who has done so much to help me locate needed information and materials. Most of all, I wish to gratefully acknowledge the invaluable assistance of my wife, Mary Beth, who has spent so many hours in my behalf as critic and typist. Without her assistance, this study could never have become a reality.
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACKNOWLEDGEMENTS</td>
<td>iii</td>
</tr>
<tr>
<td>INTRODUCTION</td>
<td>1</td>
</tr>
<tr>
<td>Chapter</td>
<td></td>
</tr>
<tr>
<td>I. THE ADOPTION OF PROHIBITION IN UTAH</td>
<td>3</td>
</tr>
<tr>
<td>II. ENFORCEMENT AND THE POLITICS OF PROHIBITION, 1928-1932</td>
<td>12</td>
</tr>
<tr>
<td>III. THE FIRST ATTEMPTS AT REPEAL</td>
<td>32</td>
</tr>
<tr>
<td>IV. THE BEER BILLS</td>
<td>39</td>
</tr>
<tr>
<td>V. THE SPECIAL SESSION AND STEPS TOWARD REPEAL</td>
<td>51</td>
</tr>
<tr>
<td>VI. THE CAMPAIGN, THE VOTE, AND THE REPEAL CONVENTION</td>
<td>63</td>
</tr>
<tr>
<td>VII. THE STATE ADVISORY COMMITTEE ON LIQUOR CONTROL</td>
<td>83</td>
</tr>
<tr>
<td>VIII. THE ADOPTION OF A LIQUOR CONTROL SYSTEM AND THE END OF PROHIBITION IN UTAH</td>
<td>104</td>
</tr>
<tr>
<td>XI. CONCLUSION</td>
<td>114</td>
</tr>
<tr>
<td>APPENDIX I</td>
<td>116</td>
</tr>
<tr>
<td>APPENDIX II</td>
<td>120</td>
</tr>
<tr>
<td>BIBLIOGRAPHY</td>
<td>123</td>
</tr>
</tbody>
</table>
INTRODUCTION

During the Nineteenth Century, a reform agitation known as the prohibition movement began to gather momentum in the United States. Led chiefly by the Women's Christian Temperance Union and pushed also by the Prohibition Party, this movement grew only slowly until a general spirit of reform began to sweep the country at the end of the century. With the W.C.T.U. and the American Anti-Saloon League leading the fight during the Progressive Era, the tide of public opinion finally took form in the Eighteenth Amendment to the Constitution of the United States, an amendment which forbade "the manufacture, sale or transportation of intoxicating liquors ..." in this country.

The Eighteenth Amendment became effective on January 16, 1920. Less than fourteen years later, the Amendment was repealed. The dreams of most prohibitionists were but ashes. In the opinion of most Americans, the "noble experiment" had failed.

The story of prohibition on the national scene was reflected on a smaller scale in the State of Utah, but Utah deserves special study since it had a unique people. The predominant religion in Utah was that of the Church of Jesus Christ of Latter-day Saints, the so-called Mormon Church, which demands of its members total abstinence from alcoholic beverages if they are to be in full faith and fellowship. Significant, then, is the fact that when Utah adopted prohibition in 1917, sixty-three per cent of its people were Mormons.¹ Yet, when Utah

repealed prohibition in 1933, the percentage of the population affiliated with this dominant faith was still sixty-three per cent.  

The events leading to the adoption of prohibition in Utah have been adequately described by Bruce T. Dyer, and will be only reviewed here as background information. The emphasis in this study will be upon the events and forces leading to the repeal of prohibition in Utah and the adoption of the basic liquor control system which has been in effect in the state since 1935.

---


CHAPTER I

THE ADOPTION OF PROHIBITION IN UTAH

According to an editorial in the Deseret Evening News in 1907, friends of prohibition were claiming that Utah was one of six states that had no prohibition law.\(^1\) Some fourteen months later, the fight to bring such a law to Utah began in earnest when Heber J. Grant was chosen as the National Trustee in Utah of the American Anti-Saloon League.\(^2\) Grant at the time was a member of the Quorum of the Twelve Apostles of the L.D.S. Church, and later, as its President and Prophet, was to be a leading figure in the fight to prevent repeal.

Shortly after his appointment, Grant declared the intention of his group when he announced that "the Utah Department of the Anti-Saloon League of America is working for prohibition in this state, and will be satisfied with nothing short of it. We are not content to secure local option as we believe that such would be less than a half-way measure."\(^3\)

The League in Utah soon began sending circular letters and petitions throughout the state, the purpose of which was to urge the State Legislature to pass a prohibition law. Enclosed with the circulars were copies of a resolution adopted at the General Conference of the Mormon Church in October, 1908, which said:

---

\(^1\) Deseret Evening News (Salt Lake City), November 11, 1907, p. 4. (Hereafter cited as Evening News.)

\(^2\) Ibid., January 6, 1909, p. 1.

\(^3\) Ibid.
Believing in the words and teachings of President Joseph F. Smith as set forth this morning on the subject of temperance, it is proposed . . . 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 law makers generally to have such laws enacted by our legislature soon to be elected, as may be necessary to close the saloons or otherwise decrease the sale of liquor. . . .

Responding to the call of the Anti-Saloon League, more than 75,000 Utahns put their names to the petitions, which were then forwarded to the Legislature. Joseph J. Cannon had meanwhile introduced a prohibition bill into the Utah House of Representatives, where it received an affirmative 39-4 vote; but in the Senate, the Grant-supported bill received stiff opposition from the lieutenants of Republican U.S. Senator Reed Smoot, also a Mormon Apostle, and it met defeat by a vote of 12-6.

The Senate vote gave wider circulation to charges of some ten months' duration that Republican leaders had been bribed by the state's liquor interests. Since such charges seemed to implicate Senator-Apostle Smoot, the chief Republican of the state, he finally felt constrained to issue a denial, printed on the front page of the Deseret Evening News, in which he branded as vicious and malicious any statement . . . to the effect that I have ever attended any meeting with the brewers of Utah or with any representative or representatives of the liquor interests to discuss any question whatsoever, or that I ever entered into any agreement with them, either directly or indirectly, for any purpose whatsoever.

---

4Ibid.
5Ibid., February 11, 1909, p. 7.
Soon after this denial, work was begun on a new local option bill, which was quickly approved by the Legislature. But three days after the lawmakers adjourned, the bill was dead, killed by a veto from the pen of Republican and Mormon Governor William Spry, who maintained that the law was unnecessary since existing statutes gave local authorities the power of prohibition.

The laws of which the Governor spoke were utilized by several cities in 1910, and in that year such municipalities as Lehi, Pleasant Grove, Gunnison, American Fork, Spanish Fork, Provo, and Logan went dry.

When the 1911 Legislature met, work on a prohibition bill was begun anew, and soon important help came from Washington in the form of a telegram from Utah's Congressional delegation. This telegram called upon the Legislature to pass a local option law, a task which was accomplished, and was approved by Governor Spry.

Under the terms of the 1911 local option law, each community in the state was to schedule a June 27 vote on the liquor question to determine the wet or dry status of that community. This law presented the best opportunity to extend prohibition that the drys had yet received, and leaders of the L.D.S. Church quickly voiced their support. Members of the Church attending the April General Conference heard calls for prohibition by Apostles Grant, Frances M. Lyman, David O. McKay and others. President Smith later added his firm voice.

---

9Tribune, March 21, 1909, p. 11.


12January 15, 1911, as printed in the Evening News, February 4, 1911.

13Ibid., March 20, 1911, p. 1.

14Ibid., April 6, 1911, p. 1; April 7, 1911, p. 7; and April 10, 1911, p. 3.

*Senators Smoot and George Sutherland and Representative Joseph Howell.
to the cause in a speech printed in full by the *Deseret Evening News*.

On the date of the election, President Smith was in Washington, D.C. with Presiding Bishop C. W. Nibley, but the two L.D.S. leaders sent a telegram which was printed in the *News*, in which they expressed "sincere regrets at being unable to cast vote tomorrow for prohibition. The saloon as an institution cannot be wished from any point of view," they said. "We sincerely trust the whole state will go dry."16

When election day arrived, over 71,000 Utahns went to the polls, 39,766 of them voting for prohibition, and 31,477 voting "wet."17 The state did not, however, go wholly dry as President Smith had hoped. Salt Lake City and Ogden, compromising one-third of the population of the state, defeated local prohibition, Salt Lake by a vote of 14,008 to 9,327, and Ogden by a vote of 4,713 to 3,051. But as a result of the vote, 101 of the state's remaining 336 saloons were closed.18

For three years after the local option vote, the prohibition issue in Utah was rather subdued. Then in 1914, Grant and forty other prohibition leaders sent out a call for the various "dry" organizations in the state to unite.19 In response to this appeal, leaders from twenty-one prohibition organizations formed the Utah Federation of Prohibition and Betterment Leagues, with John M. Whitaker as its President. Members of the Democratic, Republican, Progressive, and Socialist parties reportedly participated, so the prohibition campaign was to be on a non-partisan basis.20

19*Tribune*, September 20, 1914, p. 28.
20*Ibid.*, October 6, 1914, p. 3; and John M. Whitaker, Unpublished journal (Typewritten; microfilm copy in Brigham Young University Library), Journal No. 9, p. 189.
One of the aims of the Federation was to sound out candidates for public office as to their stand on the prohibition issue. Among others, Whitaker visited Senator Smoot, traditionally a supporter of local option as opposed to state-wide prohibition, and reported in his diary that Smoot told him:

Bishop Whitaker, I am as much in favor of prohibition as you and would like to see the question settled for good for all 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 has this matter in charge... I hope you will see my position. When I gave my word in that committee I felt I was doing what the people of Utah wanted.21

Early in 1915, the Federation started work on a prohibition bill which would embody the desires of that organization; and according to Whitaker, a group of especially capable lawyers was hired to make certain that the bill would meet all specifications, including constitutionality.22 When work on the proposed bill was completed, Whitaker took it to Governor Spry and asked him if he would sign it. He reported that the Governor told him: "John, I will sign this bill with your pen; I want to do what the people of Utah want me to do."23

The bill designed to bring absolute prohibition to all of Utah was introduced by Senator John H. Wooton. It was soon passed by the Senate, 14-3,24 by the House, 40-525 and was given final approval by the Senate on March 3, 16-2.26

21Whitaker, Journal No. 9, p. 188.
22Ibid., pp. 195-96.
23Ibid., p. 196.
When the Wooton Bill was presented to Governor Spry, he promised that if he were to veto it, he would do so in time for the Legislature to act on it. But early on the morning of March 13, the Legislature adjourned, having received word that there would be no gubernatorial action on the Wooton Bill at that time. On March 18, Governor Spry vetoed the bill.

As may have been expected, the Spry veto raised a storm of controversy in the state, and the bill's backers were not hesitant in saying that the chief executive had submitted to heavy pressure from the liquor interests, or had even been bribed by them. On the other hand, there were reports that the veto had been requested by President Smith on the grounds that the adoption of the prohibition law would reopen recently-closed Gentile-Mormon wounds, and that such an occurrence "could only be stopped by his offering himself as a sacrifice to the Church by vetoing the prohibition bill." This assertion was denied by many, though not by President Smith himself, and the truth or falsehood of the reports seems never to have been fully established.

With the Wooton Bill in its grave, prohibition forces looked forward to the election year of 1916, and this time victory was almost completely assured; for in that year, both the Republicans and the Democrats pledged themselves unreservedly for prohibition, each party claiming to be more prohibitionist than the other. Senator Smoot, seeing the handwriting on the wall, threw his support to outright prohibition shortly before the meeting of the Republican State Convention, stating that

the majority of the people of the State of Utah are in favor of statewide prohibition, and are going to have it. I am positive

---

27 Ibid., March 6, 1915, p. 1.
28 Ibid., March 13, 1913, p. 1.
if the Republicans at the state convention refuse to adopt a state wide prohibition plank in their platform the party will meet the gravest danger of meeting defeat.31

In its state convention, the Utah Republican Party followed Smoot’s advice—and went beyond it, pledging support not only for state-wide prohibition, but for a nation-wide law as well. In addition, a third term was denied to Governor Spry, and the nomination went to Nephi Morris, a staunch Mormon and a known dry.32

One day after the Morris nomination, Simon Bamberger, the eventual winner of the Democratic laurels, announced his candidacy for the governorship. Bamberger, who was a prominent Salt Lake Jewish businessman, declared his intention of running as a prohibitionist,33 and was even reported to have said that "if you can find a better prohibitionist in Utah than I am, I will pay $1,000 to have his picture painted and will then make him a present of it."34 On August 18, Utah Democrats chose Bamberger over Stephen L. Richards and A. W. McCune,35 and adopted a solid state and national prohibition plank.36

In the general election of 1916, the Democrats scored a substantial victory, from President Woodrow Wilson down to city and county offices.37 Bamberger swamped Morris by a vote of 78,502 to 59,522,38 and both Houses of the State Legislature were solidly controlled by the Democrats. In fact, the election left

36Ibid., p. 5.
only three Republicans in the Legislature, all holdovers and all prohibitionists.  

On January 10, 1917, following a call by Governor Bamberger for a prohibition law, Richard W. Young, Jr. introduced such a bill into the House. This bill, forbidding beverages containing more than 0.5 per cent alcohol, passed through the Legislature with but one negative vote and was signed by the Governor on February 8. On August 1, 1917, Utah joined the ranks of the "bone-dry" states, as the legislation took effect. 

Meanwhile, a proposal to put prohibition into the Utah Constitution made its way through the Legislature. Also introduced on January 10 by Representative Young, the amendment, which included the 0.5 per cent limitation, received only one opposing vote, and when submitted to the people for their approval, carried by a nearly three to one margin. Piute County was the only county to oppose the amendment, and the former wet strongholds, Salt Lake and Weber counties, voted dry by 11,828-8,581 and 3,397-1,354 margins respectively.

---

41 Ibid., p. 42.
44 Evening News and Tribune, August 1, 1917, p. 1.
45 House Journal, Twelfth Session, p. 42.
While the drama related above was being played in Utah and many other states, national prohibition agitation had finally resulted in the passing of the Eighteenth Amendment and the definitive Volstead Act, which also set the legal alcoholic content of beverages at 0.5 per cent. Passed by Congress in 1917, the Eighteenth Amendment had already been approved by the required three-fifths of the states before Utah's Thirteenth Legislature approved it unanimously in January of 1919. Utah's affirmative action came, however, before the Eighteenth Amendment went into effect on January 16, 1920.48

The prohibition battle, then, was won, both at the state and federal level—that is, the battle to get the laws on the books. But how would prohibition work in actual practice? The answer to this question was still unknown at the time. Looking backward, there is still some debate as to how it did work, but there was, nevertheless, at the time sufficient sentiment in the negative that by 1933, prohibition both in Utah and at the national level had been repealed.

---

CHAPTER II
ENFORCEMENT AND THE POLITICS OF PROHIBITION, 1928-1932

In the years subsequent to the adoption of the Eighteenth Amendment, dissatisfaction with the law grew throughout the nation. Millions openly violated the law and bootlegging became a big business closely tied in with organized crime, often with the acquiescence of law enforcement officers. In some circles, violation of the prohibition law was even considered fashionable. Thus, as more and more people either became law violators themselves or became disgusted with existing conditions, sentiment favoring repeal of prohibition grew.1

In adopting prohibition, Utah seemed to follow the national trend, and it was much the same in respect to the repeal. Though there was no Gallup Poll measuring sentiment for repeal in Utah vis-à-vis the rest of the nation, yet it can be seen that anti-prohibition feeling grew in Utah as elsewhere.

Some of the anti-prohibition sentiment in Utah could possibly be attributed to identification with national figures, such as the "wet" Governor Alfred E. Smith of New York, but most could likely be traced to some disillusionment with prohibition at home. In Utah, as elsewhere, not all were obeying the dry laws. In Salt Lake City, for example, 1927 arrests included 770 men and 129 women for violation of prohibition laws, and 894 men and 37 women for drunkenness.2


2Tribune, January 8, 1928, p. 8.
Further, the Salt Lake Tribune reported that when the Federal Court opened in 1928, liquor violation cases dominated the docket.³

With no state agency engaged in the enforcement of the prohibition law, this task in Utah was left to county and municipal authorities, and Governor George Dern, who took office in 1925, received numerous letters complaining of law violations and the refusal of peace officers to take action against these violations.⁴ One of the more interesting of these letters came from the Postmaster of Cisco, who wrote:

> Have we any law enforcement officers in this state? The booze question is getting fierce here. We are getting credit for furnishing a big supply to Colorado, and I guess it is no lie. But a whole lot is consumed right here, and they do not try to hide it, they openly boast that no one will make complaint. The sheriff will do nothing, our deputy here says he has orders to let them alone, as they will cause expense to the county to have them arrested, I would have to swear out a warrant to have them pulled, and you know what the result would be. Next Saturday the 16 there is going to be a dance and picture show, and I guess it will be a show.⁵

The County Attorney denied the allegation.⁶

The enforcement problem was examined more deeply by the Secretary of the Anti-Saloon and Betterment League in a letter to Governor Dern and Attorney General George Parker, when he wrote:

> The spirit and letter of Utah's prohibition law has not been adequately considered by the several state administrations since 1917, no appropriations by the legislature, and scarcely any cooperation by the various state officers as provided, under the direction of the Governor and Attorney General. We feel that the time is ripe for a thoroughgoing educational and enforcement program, and at this time recommend to this legislature a reasonable appropriation for enforcement and if deemed

---
³Ibid., January 4, 1928, p. 22.
⁴Correspondence of Governor George Dern (Utah State Archives, Salt Lake City, Utah), Box 27. (Hereafter cited as Dern.)
⁵Letter from Henry Hansen to Dern, March 11, 1929, quoted as written. Dern, Box 27.
⁶Letter from C. S. Thompson to Dern, April 3, 1939. Dern, Box 27.
advisable the provision for a Commissioner of Prohibition on whom
sole authority could be placed, taking the issue and his appoint-
ment out of politics. As the law stands, the Governor and Attorney
General are in fact prohibition commissioners with very broad
powers for enforcement, so that any or all state officers can be
directed and compelled to assist in enforcement in connection with
their other duties; supervision of county officers is also given,
with ample power for removal for malfeasance, misfeasance, or
nonfeasance; and with the power of inquisitions or one-man grand
juries, and reports of all courts as to liquor convictions therein,
it should be an easy matter to set up state machinery that would
make Utah's law a model in enforcement as it has been declared an
almost perfect law in provision. . . .

We are hoping that your administration the next four years
can correct the shortcomings of the past twelve years.7

Governor Dern replied that he had requested a $20,000 appropriation from
the Legislature,8 but the request was not granted. Thus, although he appointed
a number of Special Prohibition Enforcement Officers in 1929 and 1930, these
men served without compensation.9

As time passed, the Governor received an increasing number of letters
illustrating for him the supposed evils of prohibition and urging his support
of repeal and various alternate plans, but he simply acknowledged them without
comment.10

With the growing dissatisfaction with prohibition, and the increasingly
vocal expression of this feeling, it was almost inevitable that the controversy
would become involved in partisan politics. On the national level, the issue
broke into the open in the campaign of 1928, and was important from then until
repeal was effected in 1933. Although the controversy played a lesser role in
Utah, it nevertheless was important, and did cause some split within the parties.

7Letter from George Everett to Dern and Attorney General George P. Parker,
January 8, 1929. Dern, Box 27.

8Letter from Dern to George Everett, March 6, 1929. Dern, Box 27.

9Dern, Box 38.

10Dern, Box 46, contains many examples.
In 1928 national politics, Governor Smith was the most talked-about prospective presidential candidate for the Democrats, and leaders of various prohibitionist organizations were dutifully taking verbal pot-shots at the Governor and other wets. Mrs. Elia A. Booie, National President of the Women's Christian Temperance Union, keynoted the campaign conference of the W.C.T.U. with the charge that if Smith were elected President, there would be virtually no enforcement of the liquor laws. Smith's "record and present attitude" concerning prohibition made his support for President "impossible for any dry," she said.\textsuperscript{11}

In January, officials of the Anti-Saloon League of America, the Methodist Board of Temperance and other dry organizations called a meeting of temperance groups for the purpose of urging political parties to adopt dry platforms and to urge defeat of any candidate who is "wet by utterance, act, or record, or any candidate running on a platform which is evasive to this issue."\textsuperscript{12}

Prohibitionists in Utah were also firm in their opposition to Smith, and viewed with alarm the growing sentiment for repeal. In one anti-Smith pamphlet, Superintendent George Startup of the Utah Anti-Saloon League charged Smith with being a friend of the saloon, and urged Utah voters to cast their ballots for dry delegates to the conventions. In leveling his charge at Smith, Startup stated that:

at the Vanderbilt hotel dinner a few years ago Smith declared the Democratic party is a saloon party, that everybody knows it is and it ought to come out and say so. And he told the Governor of New Jersey that he would help him put over a bill that would "get us where we can put a foot on a rail again and blow off the froth."

Smith in the past has voted for Sunday liquor selling; for provisions to hamper prosecutions of liquor law violators; for increasing hours of selling booze, for placing saloons closer to schools and churches; \ldots and\ldots for delivery of liquor in dry territory.\textsuperscript{13}

\textsuperscript{11}Ibid., January 1, 1928, p. 1.

\textsuperscript{12}Ibid., January 9, 1928, p. 1.

\textsuperscript{13}Head of Utah Anti-Saloon League Urges Voters To Be Awake at Coming Primaries, N.P., March 14, 1928.
In the same anti-Smith pamphlet was a poem about the saloon, which read:

How strange!
But yesterday busy street corners were mine.
Old men and young—weak men, broken men;
Rich men and poor; decent men and criminals.
What a clearing house was I!
And now, millions of children have never smelled my breath,
Or taken the other side of the street to avoid my doors.
Yet a few years and I shall be known no more
In the home of the brave and land of the free.
It is a disturbing thought.
I must come back.
I will put on the armor of light wines and beers.
I will revive ancient songs of personal liberty.
I will again seek to debauch law makers, judges and police.
Instruction in the effects of alcohol
Which led to my undoing is less vigorous now.
The memory of neglected children is less sharp.
Years of industry have given new wealth to exploit.
Perhaps I can even yet get a foothold.
I will begin in the cities.
While good men sleep I will get in my good work among the poor and ignorant.
I have learned much of human frailty.
Perhaps by knowledge of human weakness I may again
Have a place on busy street corners.
I would come back.
I AM THE SALOON

Opposition to Smith by Startup and other leaders of prohibition groups seemingly had little effect on Utah Democrats. For although the Utah delegation to the Democratic National Convention was divided on the subject of prohibition, it was solidly for Smith. Democratic U.S. Senator William H. King of Utah, a Smith supporter, was reported in Washington to favor a plank that would commit the party to the principal that "all constitutional laws must be vigorously enforced." King, a Mormon and a dry, was said to favor state, rather than federal, control of the liquor problem.

14I Would Come Back, N.P., N.D.
When the Democrats met in Houston, the most discussed issue was prohibition, but when the platform was approved, there was scant mention of the issue. The delegates merely condemned the Republicans for poor enforcement of the prohibition laws, and pledged "the party and its nominees to an honest effort to enforce the Eighteenth Amendment . . . and all laws enacted pursuant thereto." More important than the platform was the candidate, Al Smith. In his acceptance speech, the New York Governor called for modification of the Eighteenth Amendment to permit sale of alcoholic beverages by state agencies, if approved by referendum vote, and amendment of the Volstead Act to allow each state to determine its own standard of alcoholic content; however, he declared that he opposed the return of the saloon, and he pledged to fight for incorrupt and strict enforcement of the dry laws.

When Utah Democrats met in their state convention, they also condemned the alleged lack of enforcement of dry laws by Republicans and praised Smith, but they took a more determined stand in favor of prohibition than the national convention had. Their platform read in part:

We earnestly invite attention to the national platform adopted by the Democratic party at Houston, and the clear and courageous declarations of our illustrious leader, Governor Alfred E. Smith, in his speech of acceptance.

We demand respect for and the honest enforcement of law. Failure of law enforcement, due largely to eight years of Republican inefficiency and corruption, has developed a nation-wide condition of lawlessness. . . .

The Democratic party in Utah gave this state prohibition, and while in power, maintained honest and efficient enforcement of the law. . . . The saloon is gone forever, but the liquor traffic continues in increasing volume—It is apparent that Republican leaders cannot be entrusted to enforce the law.

---


The Democratic party in Utah is overwhelmingly opposed to the liquor traffic, the saloon, and all agencies promoting intemperance. It demands, after eight years of failure under Republican administration, that enforcement of the prohibition amendment be given a fair trial.²⁰

The wording of the prohibition plank was not adopted without dissent. State Senator Knox Patterson, for example, spoke in favor of changing the plank to specifically endorse the views of Governor Smith as to the modification of the Volstead Act. In this, however, he was strongly opposed by National Committeeman James H. Moyle on the grounds that such a move would label Democrats in the state as "wet," and would mean certain defeat.²¹

Republicans, meanwhile, were also divided on the prohibition issue, though repeal sentiment was either weaker or less vocal than among the Democrats. One of the most prominent repealists in the national G.O.P. was Columbia University President Nicholas Murray Butler, who declared his intention to introduce a wet plank at the Republican National Convention in opposition to the rigid enforcement position being prepared under the leadership of Senator Smoot.²² Butler's efforts failed, however, and the Republicans pledged themselves to "the observance and vigorous enforcement" of prohibition.²³ The Republican nominee for President, Secretary of Commerce Herbert Hoover, went further in his acceptance speech, saying that he opposed repeal of the prohibition amendment. "I stand for the efficient enforcement of the laws enacted under the Amendment," he said. "Our country has deliberately undertaken a great social and economic

²⁰Ibid., August 26, 1928, p. 16.

²¹Deseret News (Salt Lake City), August 27, 1928, p. 1. (Hereafter cited as News.)


²³Porter and Johnson, p. 288.
experiment, noble in motive and farreaching in purpose. It must be worked out constructively."

Utah Republicans in their state platform ignored the subject of repeal, pledging however, strict enforcement of the Eighteenth Amendment and Utah's prohibition amendment. More specific was convention keynoter James A. Howell, who pointed out that the "predominant moral issue of this campaign is whether the Constitution as it exists shall be enforced and continue to be the supreme law of the land." Howell further stated:

I have no criticism to offer to the man or women who believes that the Eighteenth Amendment should be eliminated, but I have no sympathy with those who would leave the amendment in the Constitution and then disregard its presence there; less sympathy with the attitude of the Democratic candidate for the presidency, who seeks to placate the prohibition South with a platform which declares for the enforcement of the prohibition amendment, and at the same time seeks to beguile the wet people of the big cities of the North with the hope that his election will bring back the days "when they can put their feet on the rail and blow off the froth."

Whatever the voters felt about the prohibition views of the two parties, their decision at the polls was mixed. Hoover defeated Smith in Utah by a large margin, and the Utah seats in the U.S. House of Representatives went to Republicans Don Colton and E. O. Leatherwood. On the other hand, U.S. Senator King and Governor Dern, both Democrats, were reelected. Republicans also took the two Supreme Court elections, and won the positions of Attorney General, State Treasurer, State Auditor, and State Superintendent of Public Instruction, while

---

24 Tribune, August 12, 1928, p. 6.4.
25 Ibid., August 17, 1928, p. 12.
26 Ibid., p. 2.
Democrats captured the office of Secretary of State and won enough legislative seats to cut G.O.P. control of the State Legislature to a bare minimum.

The election of 1930 did nothing more than that of 1928 to clarify the attitudes of Utahns toward prohibition. Worsening economic conditions by then had become a very important factor influencing the electorate, and both parties in Utah found it convenient to either ignore or sidestep the prohibition issue. The G.O.P. chose the former course. A stand on the issue was proposed by a special committee appointed to draw up such a plank, but the platform committee finally voted to eliminate it on the grounds that prohibition was not an issue in Utah since the state had a dry amendment in its Constitution. The proposed plank stated that individual citizens had no right to decide for themselves which laws they were going to obey and that disregard for one law leads ultimately to disrespect for all law. The correct method for amending the Constitution was indicated, and "only in such manner may the alleged ills and abuses attributed to the Eighteenth Amendment be safely remedied or removed," according to the proposed and rejected plank.

The Democrats also sidestepped the issue of repeal, but they chose to accomplish this by a rather ambiguous enforcement plank, which read:

We pledge ourselves to the honest and impartial enforcement and administration of all laws so long as they remain upon our statute books, and reiterate our traditional stand for temperance. We deplore the crime conditions of the country which are without parallel in our own history, and the worst among civilized nations. Vice has become a matter of commerce—a substantial industry. If, as claimed by the Republican administration, the fault is not with our legislative status, then this administration must accept responsibility for the present deplorable national conditions. Since the source of authority and of law enforcement under our system of government is with the people themselves, it must be recognized that a

28 Ibid.
29 Tribune, November 10, 1928, pp. 1, 3.
substantial unanimity of support of the people is necessary to the enforcement of any law. Education along temperance lines should not be abdicated in favor of force alone. Conditions are admittedly unsatisfactory and the conscious violation of law by any considerable number of our population is demoralizing.

No complete constructive plan has been worked out for bringing about better temperance conditions. It becomes the part of wisdom to devote ourselves to the candid consideration of the difficulties of any sound program of improvement. We pledge our support to the cause of temperance and respect for law and order, and to fair and open-minded consideration of remedial measures to accomplish these ends.31

Although the two parties were unwilling to take an unqualified stand on the prohibition issue, other elements in the state were very outspoken. One of the most insistent voices for repeal was the Salt Lake Times, a weekly legal and mining newspaper, which claimed that it was "the only newspaper in the state which is waging a fight for the modification of the Eighteenth Amendment."32 In an editorial in June of 1930, the Times attacked both parties for their "withered spines," and claimed that they were "quite willing to whisper wet and shout dry . . . while contending] that common honesty, political decency and ordinary courage are not of sufficient merit to be incorporated in their party platforms."33 The editorial then continued with a challenge to the assertion that the Mormon Church as such favored prohibition:

In the letters, sermons and church documents of the Latter-day Saints, can anyone of these timorous political souls point to a single line or word from the lips of Joseph Smith or Brigham Young wherein they advocated prohibition either by state statute or by act of Congress? They spoke often of temperance and sobriety. They urged upon the members of their flock the "word of wisdom" and they sought by precept and example to inculcate in the minds of the young a wholesome respect for abstinence. The church, as a church, has never attempted to make Senator Jones or Andrew Volstead saints, or Woodrow Wilson and Alfred E. Smith sinners. Some of its leaders are unquestionably prohibitionists and some of them are equally as certain that prohibition has proved a dismal

32Salt Lake Times, June 6, 1930, p. 2.
33Ibid.
failure. Like the members of every other religious denomination, the members of the Latter-day Saints are naturally divided on the prohibition question. This was indicated in the campaign of 1928, when the able Brigham H. Roberts and other high church officials campaigned for wet Al Smith. They opposed the open saloon, but urged modification as a step toward temperance. In total abstinence these men believed, but by moral suasion, rather than by legislative enactment.  

Although evidence indicates that L.D.S. leaders were not 100 per cent united on the repeal question, it nevertheless is a fact that the prohibitionists among the authorities were the more vocal. Among the most outspoken of these was Apostle Richard R. Lyman. In one speech, delivered in the Salt Lake Tabernacle and reprinted in pamphlet form, Lyman condemned those who "are aiding the cause of anarchy, promoting mob violence, and encouraging robbery" by their intentional violation of the prohibition law. To demonstrate the kind of people that were involved in the liquor business, he quoted a speech given before the Retail Liquor Dealers Association in 1912, in which the speaker recommended giving "treats" of liquor to growing boys to create in them an appetite for liquor, for "nickles expended in treats for the boys will return in dollars to your tills after the appetite has been formed."

As a speaker at the October 1930 General Conference of the Mormon Church, Lyman openly defended prohibition as "a pronounced success," despite its faults, and said that the working man was much more prosperous than before because "he does not now spend his wages in saloons." Lyman then proceeded to criticize public officials who violated the law, and declared that he personally would not "knowingly vote for any man who does not, in his private life, live in accordance with the laws of the land."  

---

34 Ibid.  
36 Ibid., October 4, 1930, p. 12.  
37 Ibid.
One of the real controversies of the time was how prohibition had affected the consumption of alcoholic beverages. Lyman had his answer to that, too. In another Tabernacle address, also printed in pamphlet form, he quoted various educators and coaches as saying that there was less drinking among young people than before prohibition, and he maintained that drinking was down to thirty percent of the former level. In addition, he quoted Commander Evangeline Booth of the Salvation Army as saying that drunks brought to "Army" homes in New York City had dropped from 1200-1300 per night to a maximum of seven per night; and he quoted George W. Kirchwey of the American Institute of Criminal Law as declaring that prohibition had brought a decrease in crime. "There is bootlegging today," Lyman admitted; but he maintained that bootlegging was not "the stepchild of prohibition. Long before the Eighteenth Amendment," he said, "we had thousands of moonshine stills--tens of thousands of 'blind pigs'--and deplorably corrupt politics. Liquor and crime have always been boon companions," he added, and "any increase in consumption of alcoholic beverages will increase crime."

Then Lyman went to the heart of the rebuttal to the argument that prohibition impaired personal liberty:

The real reason for prohibition is not that alcohol affects the drinker himself. The drinker trespasses the rights of others. Safeguarding personal liberty narrows itself to protecting the rights of the many against the rights of the few.

The chief argument by Lyman and other prohibitionists was essentially that prohibition was the most effective way to reduce or end drinking. But many who professed the same goal were not as convinced of the effectiveness of the method. In this latter group was Utah's non-Mormon chief executive, Governor Dern, who deplored the fact that "those who formerly did such good work preaching the evils of intemperance have devoted their energies in recent years entirely to

the enforcement of the prohibition law without educating the people on the injurious effects of alcohol." After expressing doubts that prohibition was the quickest way to achieve temperance, Dern continued: "The trouble is that the present generation is growing up in ignorance of the reasons why the country decided to prohibit the use of intoxicating beverages. We need a new revival of temperance teaching and preaching."\(^3\)

Prohibition as a political issue reached its climax in the campaign of 1932. On the national scene, the Democratic Party led the repeal campaign with a "dripping wet" plank in its platform and the nomination of New York Governor Franklin Roosevelt for the presidency, while the Republicans less enthusiastically and less unanimously followed.

The prohibition stand of the Democratic party was for outright repeal of the Eighteenth Amendment, state control of the liquor traffic to prevent the return of the saloon and to promote temperance, federal government action to protect states that wished to remain dry, and immediate modification of the Volstead Act "to legalize the manufacture and sale of beer and other beverages of such alcoholic content as is permissible under the Constitution and to provide therefrom a proper and needed revenue."\(^4\)

The lengthy prohibition plank adopted by the National G.O.P. Convention did not commit individual party members to the support of repeal, stating that the issue had always been non-partisan, and that honest convictions both for and against prohibition were held by members of the party. The G.O.P. did, however, go on record as favoring a law which,

while retaining in the Federal Government power to preserve the gains already made in dealing with the evils inherent in the liquor

---

\(^3\)Letter from Governor Dern to Mrs. Wade H. Lewis, State Democratic Chairman of Education, Dallas Texas, July 21, 1931. Dern, Box 46.

\(^4\)Porter and Johnson, p. 332.
traffic, shall allow the States to deal with the problem as their citizens may determine, but subject always to the power of the Federal Government to protect those states where prohibition may exist and safeguard our citizens everywhere from the return of the saloon and attendant abuses.41

In his speech accepting renomination by the G.O.P., President Hoover supported the modification plank of the National Convention, and blamed the breakdown of prohibition on the "increasing number of states and municipalities" that were "proving themselves unwilling" to enforce the law. He further charged that the Democrats would "destroy every vestige of constitutional and effective control of the traffic, which means in large areas the return of the saloon system with its corruption."42

Senator Smoot, in commenting on the Hoover speech, stated that "the whole statement was right to the point," that "it was just what was needed for America," and "that goes for prohibition and all."43 Later, clarifying his stand, Smoot declared that he proposed "to stand on the President's program because I consider it so far superior to the Democratic national prohibition plank." But, he added: "I have always been dry and will continue to be for the remainder of my life."44

Meanwhile the Utah Republican State Convention was approaching and it became evident that there would be a battle on the prohibition issue, as John F. Bowman, former Mayor of Salt Lake City and President of the Allied Forces for Prohibition, appealed to the delegates to "place a provision in the platform in support of the Eighteenth Amendment and to vote for only known dry candidates who will oppose

41Ibid., pp. 348-49.
42Tribune, August 12, 1932, p. 6.
43Ibid., p. 1.
resubmission, repeal, or modification. The effort of the drys at the conve-
tion was to limit the prohibition plank to an endorsement of the provisions of
the national plank and the Hoover speech, with the addition of a declaration that
since the platform "recognizes the rights of states and individuals to determine
their own attitude on prohibition, . . . we now announce that we are opposed
to the repeal of the Eighteenth Amendment, . . . and this convention
pledges its nominees to support and enforce . . . both state and federal prohi-
bition laws." The platform committee rejected the dry proposal.

When the fight for the dry cause was carried to the floor of the convention
in the form of a minority report, Bowman and other dry speakers were greeted with
boos, and the convention "overwhelmingly" adopted the majority report. The
report which was adopted and became part of the platform called attention to
"the widespread demand throughout the country for some kind of change in the
present method of dealing with the liquor traffic." Noting, however, that both
parties had called for resubmission of the prohibition question to the people,
the G.O.P. platform pointed to the Democratic platform which called for repeal,
and contrasted it with the Republican stand that each party member should be
free to decide for himself what position he would take. Not binding the candi-
dates, but simply submitting the question to the people "should take the whole
question of prohibition out of partisan politics and leave every American citizen
free to vote on the matter when the proper time comes, according to his honest
convictions and the dictates of his conscience," said the G.O.P.

45Ibid.
46Ibid.
47Ibid.
48Ibid., p. 6.
At the Democratic State Convention, the wet-dry issue was also very much in evidence. Senator King in his keynote speech did not mention the Democratic prohibition plank, either to condemn or support it, but he ridiculed the Republican plank as trying to "be all things to all men," and declared that the Republicans were like the hero in a novel who "leaped on his horse and rode off in all directions."49

It was thought for awhile that a floor fight on prohibition might be avoided. After nominations for the U.S. Senate had been closed, Senator King, Chairman of the Convention, suggested that the platform be adopted before the actual selection of the candidates. This was done without a fight on prohibition. However, J. William Knight of Provo, who was spearheading the dry cause, had not expected the King motion, and had thus been out of the room getting his amendment typed when the platform was adopted. Upon returning, he moved reconsideration of the platform.

Attempts were made to kill the Knight motion through parliamentary tactics, but King was inclined to allow the motion, and his view prevailed. As Knight proceeded to urge that his proposal, a pledge of support for the Volstead Act, was worthy of "your earnest consideration," a delegate called out, "This is a John F. Bowman talk," and others called for him to sit down. "Substantially this state is dry," continued Knight. "Hooey," interrupted a voice from the audience. "Law enforcement has not been carried out in the nation or anywhere else," the speaker declared, and the heckler rejoined, "Not even in Utah." A remonstrance from Senator King brought less interruption, but as Knight concluded, "It's up to you to turn it down if you like," the heckler answer, "We will." He was right. The amendment was decisively defeated.50

49Ibid., September 4, 1932, p. 1.
50Ibid., p. 4.
Thus the battle lines were drawn. The Democratic Party was clearly the more wet of the two, but both had pledged resubmission of the prohibition issue to the people. Although President Hoover received the reluctant support of the Allied Forces For Prohibition and most other dry organizations, repeal and anti-repeal groups were for the most part non-partisan, with their statements saying more about the issue than about the candidates.

One of the prominent repeal groups was the Utah Association Opposed To Prohibition, an organization which included among its leaders Clarence Bamberger, a son of the Governor who had helped bring prohibition to Utah. This organization, while it did "not question the sincerity of those here who favor prohibition," clearly expressed its intention "to oppose with all force at its command any further attempt to prolong a situation which has left the entire country in far worse condition both morally and economically than before." The Association declared further that it was "unalterably against the old-time saloon and the present-day speakeasy, the hidden drinking resort, which has demoralized the youth of the state."

Republican Congressman Frederick Loofbourow, running for reelection, also pointed to the evils of prohibition—"drinking among children of high school age, racketeering in various lines, gangster warfare and general disrespect for the laws of the land"—but he scored the Democratic proposal for straight repeal, as repeal without some regulatory power being granted to Congress would cause the nation to "revert to exactly the condition that existed before adoption of the amendment."

---

51 Ibid., August 15, 1932, p. 1.
52 Ibid., August 17, 1932, p. 16.
53 Ibid.
54 Ibid., September 25, 1932, p. 4.
Not all, however, were willing to grant that prohibition was the evil pictured by its detractors. In a letter-pamphlet signed by L.D.S. Apostles George Albert Smith, David O. McKay, Richard R. Lyman, Melvin J. Ballard and Dr. Joseph F. Merrill and four prominent L.D.S. women's leaders,* Mormon leaders on local levels were urged to organize themselves and their members for the fight against repeal. Much repeal sentiment, they said, could be traced to the fact that a group of wealthy wets is furnishing highly colored and grossly exaggerated stories against Prohibition with the hope and expectation that the sale of 4% beer will be legalized and that a tax levied upon it will be lifting the burden from their shoulders and placing it upon the back of the working man. . . .

Irene du Pont has declared that "if beer can be restored and taxed, one of his companies will save more than $10,000,000 annually in corporation taxes." If the laborers of our country buy beer enough to put $300,000,000 per year into the United States Treasury as a tax, this means that the laborers will pay literally billions for drink, which billions the laborers are now spending for shoes, food, clothing, furniture, automobiles, comfortable homes, education, etc. Every dealer in or producer of commodities other than liquor must suffer a decrease in business which will be largely proportional to the amount laborers spend for alcoholic beverages.55

At the 1932 October General Conference of the L.D.S. Church, Lyman and Merrill again brought up the liquor question. Dr. Merrill called attention to the prominence of the issue at the national conventions of both parties and attributed this to the propaganda of anti-repeal organizations. Then, viewing the "laudable" professed aims of these groups--the abolition of the speakeasy, the stamping out of racketeering, and the return of prosperity--he declared firmly that repeal would not accomplish these aims, and that anyone who thought it would had forgotten the situation which existed prior to national prohibition.56

Lyman renewed the theme he had expounded many times previously, the urging of votes for candidates who themselves obeyed the law. He pointed to charges that

55A Call To Arms, N.P., August 1, 1932, lpp. 1-27.
56*Trunbe, October 8, 1932, p. 1.

*Louise Y. Robison, Ruth Mae Fox, Lucy Grant Cannon, and Mary Anderson.
there were in the Legislature "men whose votes could be purchased with a flask of whiskey," and recalled for the congregation an incident in which a lobbyist dropped and broke a bottle of liquor in the State Capitol Building.\footnote{Ibid., October 9, 1932, p. B 2.}

As election day neared, interest in the prohibition question seemed to be high, as evidenced by the attendance of nearly 1300 persons at a debate on the controversy in Kingsbury Hall at the University of Utah. Debating on the topic, "Resolved, that the eighteenth amendment and the Volstead Act are wrong from a moral, economic, and governmental standpoint," were Reverend Elmer I. Goshen of the First Congregational Church and attorney Franklin Riter for the affirmative, and for the negative, Nephi Morris and Carl A. Badger. Governor Dern served as master of ceremonies and moderator.

Reverend Goshen attributed the adoption of prohibition to the militant work of the Anti-Saloon League, aided by mob psychology and by the absence from the nation of much of its youth, due to World War I. His main point was that the Constitution was "never intended to regulate the personal habits of citizens."\footnote{Ibid., October 27, 1932, p. 20.} Riter branded prohibition as "the deadliest blow ever struck at the Constitution," and maintained that it was an infringement on personal liberty. "Laws are born in the human heart," he declared, "and that is the defect in prohibition. The amendment must be repealed or it will be nullified."\footnote{Ibid.}

Morris maintained that, rather than repeal, what was really needed in America was a fundamental education concerning the laws of the nation, and that true patriotism was sorely needed. "Bootleggers will cease their trade when
American citizens cease to patronize them," he said.60 Badger dwelt on the moral, physical, and economic evils of liquor.

A poll taken after the debate showed 717 for repeal, 509 against, and 59 not voting.

Whatever the voters in the state thought of the platform statements of the parties concerning prohibition, and of the views of the individual candidates on the subject, cannot be fully ascertained from the election results. There were other issues which were strongly affecting the votes of the populace, paramount among these of course being the depression. But however they felt about prohibition, the voters of Utah gave the Democrats a resounding victory. Roosevelt defeated Hoover; both Congressional seats were lost by the G.O.P.; and even Senator Smoot, the dean of the U.S. Senate, was swept away by the tide. All statewide executive offices were won by Democrats, who likewise were given control of the State Legislature.61

The forces favoring repeal were of course quick to claim victory; thus the stage was set for the drama which was to be enacted in the Legislature of 1933—the crucial year in Utah's (and the nation's) prohibition battle.

---

60 Ibid., November 9, 1932, pp. 1, 8, 9.
CHAPTER III

THE FIRST ATTEMPTS AT REPEAL

The first official action taken to alter Utah's legal "bone-dry" status came a week after the convening of the Twentieth Legislature. On that date, January 19, 1933, Representative Chris Greenhagen of Salt Lake City introduced a Joint Resolution providing for repeal of Section 3, Article 22 of the Utah Constitution, the state's prohibition amendment.1 The following day, State Senator Patterson of Grand City introduced a repeal measure similar to that put forth in the House by Greenhagen.2

As was of course expected, opposition by L.D.S. leaders to the repeal measures was quick in coming. Apostle George Albert Smith, General Superintendent of the Mutual Improvement Association (M.I.A.), the Church's youth organization, labeled the repeal movement as one "which threatens young people everywhere," and appealed to M.I.A. members to work in support of prohibition laws. In nearly every state which had a considerable number of Mormons, he said, prohibition had been adopted after much effort, and there must now be no loss of ground, no backward step.3

When the Senate Judiciary Committee opened its hearings on the Patterson repeal resolution, most of the arguments which both wets and drys had previously used to support their positions--and were to use in the ensuing months

---

2Ibid., January 20, 1933, p. 1.
3Ibid., January 24, 1933, pp. B1, 4.
of debate—were presented to the lawmakers. The anti-repeal cause was presented by the Utah division of the Women's National Committee for Law Enforcement, which told the legislators that the resolution was the opening wedge in the return of the saloon and its evils. Speaking for the anti-repeal group were such prominent women as Mrs. Louise Y. Robison, President of the National Women's Relief Society of the L.D.S. Church; Mrs. John K. Hardy, State President of the Parent-Teachers Association; Mrs. D. W. Jenkins, State President of the Women's Christian Temperance Union; Miss Lucile Estes, representing the Protestant churches; Mrs. Ruth May Fox, President of the Young Ladies Mutual Improvement Association; Mrs. Helen Wheeler, speaking for the Epworth League, the Young Women's Christian Association, and the Westminster College Women's Association; and Mrs. Kate Snow, President of the Daughters of the Utah Pioneers.

Proponents of the Patterson Joint Resolution pointed out that passage of the measure by the Legislature would not repeal prohibition, but would give the people themselves a chance to decide the liquor issue at the next general election. Besides, they said, prohibition had been a failure, and the people had given a mandate to the legislators who had been elected the previous November to resubmit the question to them. But Mrs. Robison disputed the claim of a mandate, declaring that economic issues had decided the election, not prohibition.*

Senator Paul H. Hunt, speaking for the resolution, disagreed with the wets in their contention that prohibition had been a failure; prohibition had improved conditions, he said, but the people had given their representatives a mandate for resubmission, and prohibitionists were doing evil to their cause in not abiding by the will of the majority.

*Ibid., February 3, 1933, pp. 1-2. (Reference covers all items of discussion in the Senate hearings of that date.)

*Commenting later on the mandate issue, Dr. Joseph F. Merrill claimed that the 1932 platforms of the two parties had been so nearly alike that there could have been no mandate for or against resubmission. News, February 8, 1933, p. 2.
Other speakers supporting resubmission claimed that prohibition was purely a police power, which thus had no place in either the State or Federal Constitution, and that it had been a failure anyway. Paul F. Keyser asserted that he knew of no person who had stopped drinking because of prohibition, but knew of many who had started using liquor because of it. Harrison Brothers, a University of Utah graduate, stated that drinking among young people was more prevalent than before prohibition came into effect, and that disrespect for other laws was being fostered.

The claim that young people were drinking more than in pre-prohibition days was disputed by Mrs. Wheeler, who argued that because of prohibition, many people had never known the taste of liquor—and never would if repeal were rejected. Miss Estes, a Methodist Deaconess, argued that alcohol was a robber of the rights of women; and Mrs. Fox declared that the Judiciary Committeemen did not know of the millions of heartaches in the lives of women which were caused by liquor. But Albert E. Merrill declared that if people thought prohibition had stopped the liquor traffic, they were "just fooling themselves."

Mrs. Fox said that the Young Ladies M.I.A., representing 30,000 girls in Utah, had adopted a resolution supporting state and national prohibition; and Mrs. Robison read several resolutions from the state and national P.T.A. in support of prohibition. The Senators were told by Mrs. Snow that the D.U.P. "would rather have a rattlesnake in the hills, where it can be hunted and killed, than a band of baby rattlesnakes in the backyard," or in other words, that it would be better to have a few bootleggers in the hills, outlawed and hunted, than saloons within easy reach of men, women, and children alike.

The problem was approached in a different manner by Senator Albert E. Holmgren. Admitting that prohibition had not been a complete success, Holmgren contended that since no constructive substitute for the status quo had been
offered, there was nothing on which the people could intelligently vote, therefore no point in resubmitting the issue to them.

When the Patterson resolution, Senate Joint Resolution No. 2, was reported to the floor of the Senate, it was given an affirmative 4-1 vote by the Judiciary Committee. Patterson, Hunt, Ira Huggins of Ogden, and Dan Shields of Salt Lake City provided the margin of victory, with W. D. Candland casting the sole negative because no effective substitute for prohibition had been offered. Huggins, in explaining his vote, said that he was willing to submit any issue to the people. Shields and Hunt declared themselves to be ardent prohibitionists, but stated that they were willing to submit the issue to the people, feeling confident that Utah would reject repeal.\(^5\)

From the Senate, the resubmission argument was carried to the House, where debate on the Greenhagen version, House Joint Resolution No. 1, opened on February 10 in a public hearing before the House Judiciary Committee. Leading the drys at this hearing was John F. Bowman of the Allied Forces For Prohibition, who renewed the argument concerning the successfulness of prohibition. Bowman recalled for the committee the years that he was City Prosecutor. Every Monday, he said, his docket had been filled with drunks; but after prohibition was effected, drunks had rarely been before his court. Prohibition, he asserted, "is not a hundred per cent success, \(^6\)\(\text{sic}\) any more than our gambling laws are one hundred per cent successful, but we believe that it works better than any other method." He then cited various facts and figures to prove the success of prohibition, and asserted that resubmission was "wasteful and unnecessary," serving only to stir up needless animosity and trouble.\(^6\) But Senator Patterson and Clarence Bamberger had another

---

\(^5\)Ibid., February 6, 1933, p. 1.

\(^6\)Ibid., February 10, 1933, p. 2.
explanation for the opposition by drys to resubmission: Fear of defeat. The Greenhagen resolution was reported out of committee without recommendation.

As the resubmission debate on the floor of the Legislature neared, more and more groups took sides on the issue. The Chamber of Commerce Board of Governors, for example, declared itself in favor of resubmission, "feeling that the question of prohibition does not enter into the proposed legislation, but rather the right of the individual to express himself regarding his preference." But the Deseret News, long before committed on the issue, disputed the views of the Chamber. The Legislature, said the News, is part of the system of checks and balances, and therefore has the responsibility of weighing the worth of measures, not merely submitting the issues to the people. The resolutions, according to the editorial, were part of the process of repeal, and should be defeated.

When the Patterson resolution came to the floor of the Senate on February 16, the upper house accepted an amendment by Senator Herbert B. Maw of Salt Lake City which would only modify the prohibition amendment to allow 3.2 beer, rather than bring about complete repeal. After this amendment was added, the resolution passed 16-6, barely the two-thirds majority necessary for approval of a constitutional amendment. In the lower house, on February 28, the amended Patterson resolution received thirty-two "yeas" and twenty-eight "nays,"

---

7Ibid.

8Utah, House Journal, Special and Twentieth Sessions of the Legislature of the State of Utah, 1933 (Salt Lake City: Arrow Press [1933]), p. 374. (Hereafter cited as House Journal.)


10Ibid., February 14, 1933, p. 4.

11Utah, Senate Journal, Special and Twentieth Sessions of the Legislature of the State of Utah, 1933 (Salt Lake City: Arrow Press [1933]), pp. 428-29. (Hereafter cited as Senate Journal.)
short of the necessary two-thirds.\textsuperscript{12} Less than a week later, the Greenhagen resolution for outright repeal failed passage by a 32-27 affirmative vote, also short of the forty votes needed for approval.\textsuperscript{13} Thus, repeal or modification of Utah's prohibition amendment failed to pass in the regular session of the Twentieth Legislature.

While the Utah repeal measures were moving along the rocky road to oblivion, a similar measure at the national level was considerably more successful. The "JOINT RESOLUTION Proposing an Amendment to the Constitution of the United States," which became the Twenty-first Amendment, passed the Senate on February 16, 62-23, with Utah's two Senators dividing on the question; Senator King voted "aye" while Senator Smoot, a "lame-duck" member of the last "lame-duck" Congress, voted "nay."\textsuperscript{14} Four days later, the House of Representatives gave its approval, 289-121. In this vote, Utah's Representatives, defeated Republicans Loofbourow and Colton, also cancelled out each other's votes, Loofbourow favoring the measure and Colton disapproving.\textsuperscript{15}

On the day following the final action by Congress on the Twenty-first Amendment, the Judiciary Committee of the Utah House reported favorably a bill by Darrell T. Lane of Salt Lake City which was designed to provide for a convention to render Utah's verdict on the Amendment. On February 27, this bill was approved without dissent by the House,\textsuperscript{16} and was sent to the Senate, which passed it, 20-2.\textsuperscript{17}

\textsuperscript{12}House Journal, p. 640.

\textsuperscript{13}Ibid., p. 709.

\textsuperscript{14}U.S., Congressional Record, 72nd Congress, 2d Session, 1933, LXXVI, Part 4, 4231.

\textsuperscript{15}Ibid., p. 4516.

\textsuperscript{16}House Journal, p. 639.

\textsuperscript{17}Senate Journal, p. 732.
Under the Lane law, the Governor was authorized to set, by proclamation, the date of an election at which twenty-one delegates to the Ratifying Convention were to be selected. Each candidate for nomination was required to state on his nominating petition whether or not he would vote for the ratification of the proposed Amendment. The delegates elected were then to meet at Noon at the State Capitol Building twenty-eight days after the election to "constitute a convention to pass upon the question of whether or not the proposed amendment shall be ratified."18

18 Utah, Laws of the State of Utah Passed at the Special and Regular Sessions of the Twentieth Legislature (Kaysville: Inland Printing Company, [1932]), pp. 36-38.
CHAPTER IV
THE BEER BILLS

At the same time that Chris Greenhagen introduced his repeal resolution into the House, he also presented a measure which was to arouse a real storm of controversy in the state. This bill, labeled House Bill No. 3, was a measure to allow the manufacture in Utah of beer of 3.05% (by weight) alcoholic content, for purposes of sale in states where such sale would be legal; this would depend on pending Congressional legislation legalizing beer. In introducing this measure, Greenhagen explained that it would not only aid Utah brewers, but would also bring critically needed tax revenue to the state.\(^1\)

As an almost automatic reaction, the Deseret News sprang to the attack against the measure. It was unconstitutional, said the News. The Utah Constitution, as amended, specifically forbade the manufacture, sale, transportation, advertisement, or consumption of any beverage containing in excess of 0.05% alcohol.\(^2\)

The News editorial also stated that the bill was probably more a measure to publicize the wet cause than a serious attempt to put the brewers back into business. But the one man who stood to gain perhaps more by the passage of the Greenhagen bill than any one single individual did not look at it that way; for Gus L. Becker, President of the Becker Products Company, the state’s largest brewery, had been working to get support for his measure, and had evidently gained such support from many prominent individuals, including Utah Secretary

\(^1\)News, January 19, 1933, p. 1.

\(^2\)Ibid., January 23, 1933, p. 2.
of State Milton Welling, Utah Attorney General Joseph Chez, Senator King, and even Senator Smoot.*

Public hearings on the Greenhagen beer bill were held by the House Judiciary Committee on February 7, with Representative Lane presiding. Chairman Lane opened the session with a statement from the Becker Products Company in which it was maintained that the issue before the committee was not one of wet versus dry, or of morality, but of economic justice. If the Collier beer bill then in Congress were passed, the Becker statement continued, the business of making "near beer," a malt drink of the legal 0.5% alcoholic content, would be ruined, since the states which were the best market for near-beer would be wet, and illegal beer pouring into Utah would ruin the near-beer market at home. But if the brewing of beer in Utah were legalized, it would result in the employment of 125 skilled union workmen, plus the annual consumption of about 150 carloads of Utah coal, 3.5 million pounds of Utah barley, and 250 carloads of bottles. Gus Becker, in personal testimony before the committee, stated that the passage of the Greenhagen bill would not bring back beer, but would merely bring it back legally.

Greenhagen defended his own bill by testifying that it would help stabilize employment and help use up surplus grain. Another defender, Representative Ernest Cornwall of Tremonton, declared that he had been a churchgoer all his life and that no person had ever asked him where he obtained the money he dropped into the collection plate; but, he stated, it came from the sale of barley to the Becker Company. Continuation of the present policy, Cornwall maintained, would ruin a "legitimate business, while our children go in rags and we mortgage our homes and farms."

*More on Smoot later.
Opposition to H.B. 3 was voiced by the Reverend Rollin H. Ayres, Pastor of the First Methodist Church of Salt Lake City, who objected to "the torpedoing of the State Constitution by the beer submarine." Continuing his attack, the churchman quoted Henry Ford as saying that the nation should not go into a business in which the best customers are its worst citizens. Another opponent predicted that H.B. 3, if passed, would result in a breakdown of Utah law, "in selling as much beer in the state as outside." Where a moral and economic issue clash, he declared, let the moral force prevail. A third opposition witness, W.C.T.U. President D. W. Jenkins, expressed abhorrence of the measure, which she said would harm motherhood in other states.

The Greenhagen bill was favorably reported by the Judiciary Committee, 9-2, but House Majority Leader Will Hoyt of Nephi and Lyle B. Nichols of Salt Lake City filed a minority report on the grounds that, according to the Utah Constitution, "the manufacture of all fermented malt, vinous or spirituous liquors and all beverages containing in excess of one-half of one per cent of alcohol by volume are hereby forever prohibited in the state."

When the bill was brought before the House on February 17, five hours of furious debate ensued. The moral aspects of the issue were raised again when Representative Moses Holbrook of Bountiful argued that since Utahns had spent millions of dollars sending missionaries into the world, it was wrong for the state to ship beer to other states while remaining dry itself. But Greenhagen asserted that arguing the bill on grounds of morality was "ridiculous." "I am a Christian," he said, "but I smoke when I want to, take a drink also, and use a cuss word or two."

---

5Ibid., February 10, 1933, p. 1.
7Tribune, February 18, 1933, pp. 1, 7; and News, February 18, 1933, pp. 1-2. (Reference covers all items of discussion of that date.)
When the constitutionality of the measure was questioned, Lane read a letter from Attorney General Chez, stating that "our legislature never intended to prohibit the manufacture of intoxicating liquor to be used outside of the state, in territory where it could be sold and used." Thus, according to the Attorney General, House Bill 3 was "not unconstitutional."*

What must have been the most sensational aspect of the debate transpired when Greenhagen read a letter to Becker from Senator Smoot, in which the Senator wrote:

This will acknowledge receipt of your letter of December 16, 1932, suggesting that if the Collier bill is to be finally acted upon at this session of Congress, a provision should be made for the manufacture in dry territory for shipments in bond out of a dry state into a wet state.

I see no reason why such a provision should not be adopted. Notwithstanding if Utah is dry, I do not see why Utah should not be allowed to manufacture beer to ship to a state that does allow the sale of beer. The proposition seems reasonable to me.

Despite the Smoot letter, the Greenhagen beer bill was defeated, 28-29, and on a reconsideration vote, still failed to pass, due to a 29-29 tie.9

With the House beer bill dead as a result of the February 20 reconsideration vote, Senator Ira Huggins of Ogden introduced into the State Senate a bill similar to the defeated measure. One week later, this bill, labeled Senate Bill No. 115, was brought to the floor of the Senate, and was passed by a 13-9 vote.10

---

9 Ibid., p. 469.
10 Senate Journal, p. 491.

*The Deseret News had a completely different interpretation of the matter than did Chez. Editorially the News stated that when the amendment was drafted, the beer interests wanted to include just such a provision as was now being proposed, but their wishes were denied. "The fact that the same interests fought to have the export of manufactured alcoholic beverages permitted at the time . . . precludes the interpretation they now attempt to put on it," said the News, February 28, 1933, p. 4.
S.B. 115 had one major change from the Greenhagen beer bill. Under it, all of the expected $70,000 per year revenue from the one dollar per barrel tax on beer was to be equally divided between the general fund, to be used for unemployment relief, and the financially depleted Utah junior colleges. This provision was sufficient to win the votes of three members of the House who previously had voted against the Greenhagen bill; so when S.B. 115 went before the House, it passed, 32-25.11

With the Huggins bill over the legislative hurdle, the pressure next shifted to Governor Henry Blood, who had to decide whether to sign or veto the bill. Blood, a Democrat elected in 1932, was a lifelong dry,12 was a Mormon and a graduate of Brigham Young University, and at the time of his election had served for seventeen years as President of the North Davis Stake of his church.13 With this background, then, it must have been only after much soul-searching that he signed the bill into law on March 21.14

In the nineteen days between the enacting of the beer bill and the signing, both its proponents and opponents put tremendous pressure on the chief executive through newspaper editorials, letters, and telegrams. Nobody seemed to quite know for sure where the Governor stood on the issue until the official action was effected.

Most of the pressure for signing the Huggins beer bill came from Ogden City and Weber County, the location of the Becker plant. Becker himself

12Ibid., July 20, 1933, p. 6.
referred to those who supported the Huggins bill in the Legislature as "a little band of brave and courageous patriots [who] have stood out bravely for law and order and right and justice, . . ." and labeled its opponents as "the organized forces of fanaticism and destruction . . . at work in their nefarious and devious pussyfooting ways, fighting under various subterfuges to maintain this present order of crime and corruption so profitable to the bootlegger."15

The most active group urging Governor Blood to sign the bill was the Ogden Chamber of Commerce and its Retail Merchants Division, with the economic argument their chief weapon. On March 6, the Chamber sent a telegram to Blood,

EXPRESSING SENTIMENTS OF PRACTICALLY ALL CITIZENS OF WEBER COUNTY . . . THAT THE HUGGINS BEER MANUFACTURING BILL NOW BEFORE YOU SHOULD BE SIGNED STOP IN THE INTEREST OF INDUSTRIAL SURVIVAL AND EMPLOYMENT RELIEF WE ASK THAT YOU SIGN THIS BILL STOP THIS BILL IN OUR JUDGEMENT INVOLVES AN INDUSTRIAL PROBLEM AND IS IMPORTANT TO THIS STATE'S INDUSTRIAL WELFARE STOP IF THIS BILL FAILS TO BECOME A LAW ONE HUNDRED TWENTY-FIVE ADDITIONAL MEN WILL BE OUT OF EMPLOYMENT IN OGDEN CITY ALONE IN ADDITION TO THE MANY AFFECTED INDIRECTLY THROUGHOUT THE ENTIRE STATE.16

On the same day that the Chamber sent the above telegram to the Governor, its Retail Merchants Division sent a resolution also urging affirmative action on the bill. The resolution pointed out that neighboring states would be supplied with beer whether Becker provided it or not, and that "the State of Utah is absolutely powerless to prevent this supply being manufactured in our neighboring states. . . ." Therefore, the resolution urged that the Becker plant be allowed to help provide what it was "ready and willing to provide. . . ." It then went on to relate the various benefits which would accrue if the bill were signed, and declared that the issue was economic, not moral, and had no

15Speech by Gus L. Becker to Weber County Fish and Game Association, March 1, 1933. In Correspondence of Governor Henry H. Blood (Utah State Archives, Salt Lake City, Utah), Box 79. (Hereafter cited as Blood.)

16Telegram from Ogden Chamber of Commerce to Governor Blood, March 6, 1933. Blood, Box 79.
bearing on the prohibition question. The day after the resolution was sent, the Retail Merchants sent Blood an almost identical message in the form of a telegram.

Another correspondence from Weber County was written by the President of the Democratic War Veterans League of Weber County. Speaking for the League, Kenneth R. Knauss said that the Huggins bill "bespeaks of true Christian spirit, inasmuch as it will give employment to several hundred men in the state... and will give a benefit, from the farmer who grows the grain, down to the laborer in the plants."

J. Francis Fowles, President of the State Senate, wrote the Governor that "the Democratic Party, in Weber County particularly, is at the cross roads by reason of this bill," and that if the bill were not signed, the party would have "to shut up shop" there. Among others who wrote the Governor to support the bill were Senator Patterson, who spoke of the measure as "the entering wedge to our perpetual salvation," and the Salt Lake County Democratic Committee.

One of the most eloquent pleas on behalf of the Becker workers came from John A. Gealta, First Counselor in the Bishopric of the Ogden Third Ward of

17Resolution from the Retail Merchants Division of the Ogden Chamber of Commerce to Governor Blood, March 6, 1933. Blood, Box 79.

18Telegram from Retail Merchants Division of the Ogden Chamber of Commerce to Governor Blood, March 6, 1933. Blood, Box 1.


20Letter from J. Francis Fowles to Governor Blood, March 16, 1933. Blood, Box 79.


22Letter from Salt Lake County Democratic Committee (by Leonard A. Brennan, Secretary) to Governor Blood, March 7, 1933. Blood, Box 1.
the L.D.S. Church and chief engineer at the Becker plant. Gealta wrote in part:

I have been in the employ of this company as Chief Engineer for more than twenty-five years. . . . I have seen this institution grow to become one of the leading industrial plants in our city and then, through legislation, I have seen the same almost completely wiped out through illegal and unlawful competition, namely, home brewed beer, home made wine and "moonshine," and now unless we can get relief through proper legislation we will have to close our doors.

Before prohibition we had in our employ one hundred to two hundred employees and I can safely say that 90 per cent of the men belonged to our church and a majority were active in church duties. At the present time all our employees with one or two exceptions are members of our church. Our wives are leaders in the Relief Society and Primary and our children are active in Sunday School and Mutual.

During the years I have been with the company, I can recall at least twenty-five of our organization that have filled honorable missions for the church, one of our number having filled two missions with honor and two of our members having died in the mission field. At present we have one of our number laboring in the Texas mission. I think this is a condition any industrial plant could be proud of.

During the World War we had as large a representation at the front as any other industrial plant in the city or state. I also believe that a larger number of our employees were accepted for service than in most industrial plants. I do not recall at this time any that were rejected.

Although our institution was legislated out of business while these men were away serving their country something was found for them to do when they returned home, sometimes at a sacrifice to the owners of the plant.

One of our employees has had the honor of representing the people as a member of the House of Representatives of the State of Utah. This honor came to Bishop M. B. Richardson, who was at that time President of the local Brewery Workers' Union. Also one of our employees has for 19 years been elected as first Vice President of the State Federation of Labor.

I think it is safe to say that 90 per cent of our present employees own their own homes and have been in the employ of this institution for from twenty to thirty years.

We have always felt that our vocation has been an honorable one and it has taken time and study to become skillful and efficient in the operation of our plant. To take the employment of this class of men away from them at this critical time seems to me to be a serious mistake.

I might also state that our employees were solid for the Democratic party and their platform, thinking that through this source relief might be had to enable us to earn an honest livelihood and to be able to educate our children, particularly because undoubtedly you must see that the relief we are seeking, namely the right to ship non-intoxicating beer into states adjoining Utah, where it will be perfectly legal to manufacture and sell it, is certainly not an infringement of the prohibition laws of the state or nation, in fact has nothing to do with the prohibition question. It is
solely a question of whether Utah will permit its manufacturer to ship into those states or whether Utah will destroy its own manufacturer and drive this business elsewhere.

We trust that you might see and understand our side of this vital question and that you will give us your support by signing the Huggins bill which will make it possible for us to maintain our homes among our friends in Ogden.

Pressure on the Governor to veto S.B. 115 seemed to be less organized than was that from the group favoring the bill. Letters of opposition came more from individuals than from groups or individuals representing groups.

One of those writing, former state legislator James G. Widdison of Hooper, said that he knew that a good friend of education like Governor Blood could not "conscientiously sanction a measure that would take tribute from such a questionable source (as beer) to support our junior colleges." He declared that although he was a graduate of Weber College, had children who had followed him, and had more that he expected to follow, he would rather see the college close permanently "than compromise with the forces that I think are looking only to selfish interests." He said that he had "no faith in beer bringing prosperity to anyone with the exception of those who traffic in it, as it would only put an additional tax upon those who cannot afford to spend their meager income on such 'luxuries.'"

Former Mayor George Browning of Ogden wrote that while he was Mayor he had done his best in fighting the liquor interests, and that if he were Governor, he would veto the Huggins bill. "It takes a lot of moral courage for one in your position to veto the bill," he continued, "but I do not know of any person who has more of that splendid quality than yourself. . . ."

---


Walter L. Porterfield, Treasurer of the Montana-Utah Gold Mining Company, reported that he had supported Blood in the 1932 campaign because he "felt that your training and desires was [sic] 100% for clean homes and the finest environment obtainable throughout Utah for our children and that you had the INSIDES to stand by the principles every one [sic] believed you not only advocated but would enforce." Therefore, he urged that Governor Blood "refuse to be a bartender for the beer advocates in the state."26

Mark Austin of Salt Lake City compared S.B. 115 to a camel putting his head into a tent: "It is not long before his whole body is in and he has kicked everybody out." Austin also said that there should be no question about vetoing the bill since it was strictly unconstitutional.27

The constitutionality raised by Mr. Austin was one of the moot questions concerning the Huggins bill. The Ogden Standard-Examiner took serious issue with those who had "sought to constitute themselves a branch of the supreme court by declaring the proposed measure unconstitutional. They should let the court make the decision," said the Ogden newspaper.28

Agreeing with the views of the Standard-Examiner was Attorney William W. Ray of Salt Lake City, who told the Governor by letter that most lawyers of his acquaintance thought the law to be constitutional, and that he should not "be controlled by any fear that the law will be held unconstitutional. If it is clearly unconstitutional, ... it makes no difference whether you signed it or not. It can have no effect if clearly unconstitutional, and if not clearly

26Letter from Walter L. Porterfield to Governor Blood, March 16, 1933. Blood, Box 79.
27Letter from Mark Austin to Governor Blood, March 10, 1933. Blood, Box 1.
28Ogden Standard-Examiner, February 23, 1933, p. 4.
unconstitutional it occurs to me that this question might well be left to the courts."^29

Among the attorneys disagreeing with the above views were M. E. Wilson and Henry D. Moyle, the latter sending to the Governor a memorandum dictated by Mr. Wilson at Moyle's urging. According to Wilson and Moyle, a court may declare a bill unconstitutional only when it has a strong conviction that it is so, but for a legislature to pass an Act when the majority of its members are in doubt as to whether it is constitutional is to treat as of no force the most imperative obligations any person can assume, and for a governor to permit an enactment to become effective as a law when he has doubts about its constitutionality is like unto a witness testifying to facts positively concerning which he has doubts.

The reason that a court can assume a bill constitutional "until its violation of the Constitution is proved beyond all reasonable doubt" is that the Court may assume that the Legislature and the Governor or President have themselves first passed on the constitutionality of the bill. "For these reasons," said the attorneys, "it is difficult to entertain any sympathy with the argument that the governor should sign any bill and let the Courts decide whether it is constitutional or not. If the governor doubts its constitutionality, then he should veto it."^30

If Governor Blood had any fears as to the constitutionality of the Huggins bill, they must have been greatly allayed by a lengthy opinion on the subject by Attorney General Chez. Chez, who had helped draft the existing prohibition law, declared that the real purpose of the law was to suppress drinking within the state, and for that reason the manufacture of alcoholic beverages was forbidden. But he pointed out that although the importing of such beverages was

---


forbidden, there was no mention of exporting. In addition he referred to a number of court cases and some subsequent legislation which he said clarified the intent and purpose of the original law. He ruled, then, that the Huggins bill was "entirely within the spirit and purpose of our Prohibition Law." 31

Governor Blood finally made his decision to sign S.B. 115, stating that "there is no purpose and no prospect that in operation this bill will invade the field covered by prohibition in the State of Utah. . . . The important aspect of this bill is economic," he said:

It opens the way for the use of quantities of products of Utah farms and for employment of skilled and unskilled labor in producing an article for export from this state, but not for sale within the state, which will find a market only under legal conditions of sale and use elsewhere. Utah still remains an absolutely dry state legally, and it is expected by law enforcement officials that they will make it so in fact. 32

The day following the signing of the Huggins beer bill, President Franklin Roosevelt signed federal legislation modifying the Volstead Act to allow the manufacturing and sale of beer in states whose laws would permit it. 33 On June 26, 1933, Governor Blood issued a beer permit to the Becker Products Company, 34 and soon thereafter the first legal beer in sixteen years moved from the Becker plant into neighboring states.

31 Letter from Joseph Chez to Governor Blood, March 10, 1933. Blood, Box 1.
34 Blood, Box 1.
The regular session of the Twentieth Utah Legislature adjourned on March 9, 1933, but the work of the lawmakers for that year was not done; for it was not long before pressure began to be exerted on the Governor to call the Legislature into special session to have it do that which in its regular session it refused to do, pass a repeal resolution.

The Ogden W.C.T.U. took note of this movement in mid-April when it wrote to Governor Blood "to protest against the calling of a special session of the State Legislature for the purpose . . . of voting on the state prohibition amendment." The liquor traffic, said the W.C.T.U., was so "inherently lawless that nothing short of prohibition could keep it in check." It then concluded that "the 18,000 petitioners who asked the State Legislature to keep prohibition are a better barometer of what the people of Utah want than the feverish activities of a few commercial organizations."¹

The Deseret News in mid-May also noted the pressure being put on Governor Blood and the pressure being put on legislators to vote for repeal. "The argument is that drys should vote for repeal so that people can vote on the issue. This is a falacy," said the News.

The Constitution was purposely made difficult to amend, and drys have the obligation to oppose repeal in the Legislature as well as at the polls. We did not rush into prohibition, the battle taking ten years, and we should not rush into repeal. There is already evidence that beer sales are causing an increase in traffic deaths.

People of Utah should observe the results of repeal in other states before repealing it here.2

A representative of the Christian Science committee on publication in Utah defended prohibition as "the logical, ideal, and probably ultimate solution of the liquor problem." "Alcohol itself—not prohibition, is the source of most of the evils complained of,..." he said, and added that any attempted change in the existing liquor laws should be orderly and without the extra expense of a special session.3

One very sarcastic message on the subject came to the Governor in the form of a Post Card from Mr. and Mrs. F. Bennett, who wrote:

Before we have a popular vote in Utah on Prohibition repeal, let us make Quite Sure, that the "Wets"will win, otherwise we shall have to fight all over again. Naturally, the "Wets" are not going to cease their fight for repeal if they do not win this time. If they win, they'll say "of course, the people were tired of this silly law." If they lose, they'll blame it onto the Mormons, the "vested interests" of bootleggers, the weather, the Depression, or something, and then start their campaigning all over again. Naturally they want this popular vote, for they have everything to gain by it and nothing to lose.4

As in the case of the pressure on Blood to sign the Huggins bill, so the pressure to call a special session came more from groups, while opposition came more from individuals.

A resolution by the Board of Governors of the Utah Division of the Intermountain Hotel Association spoke of the so-called "mandate" for resubmission as being "a matter of common knowledge," and urged a special session so that this "mandate" might be effected.5 Other groups, such as the University Club of

---

4Post Card from Mr. and Mrs. F. Bennett, May 29, 1933, quoted as written. Blood, Box 9.
5Resolution adopted by the Board of Governors, Utah Division of the Intermountain Hotel Association, April 29, 1933. Blood, Box 1.
Salt Lake City sent similar petitions, and Utah's two Representatives in Congress, Abe Murdock and J. W. Robinson, voiced their support of resubmission. However, Senator Elbert Thomas, who succeeded Smoot, refused to urge a special session, declaring that as a U.S. Senator, it would be improper for him to do so.

When Governor Blood finally did issue a proclamation calling the Legislature into special session, it was not for the purpose of getting new liquor legislation, but rather for the closing of a tax law loophole. He purposely made no mention of the resubmission question because the legislators had defeated resolutions to that effect during the regular session, and he had no way of knowing if they had changed their mind. But, he said, if they indicated that they had indeed changed their minds and wanted to reconsider the issue, he would give the matter "immediate consideration." In his June 8 proclamation of the special session, to convene on July 10, Governor Blood left the door open for this "consideration," as he stated that the session was also called "to consider any other matters which may be brought by the Governor to the attention of the Legislature in such session."

With the Governor's proclamation opening the way for new liquor legislation, Democratic members of the Legislature caucused on July 1, and authorized the appointment of a committee of five members from each house to draw up new bills and resolutions for modification or repeal of existing prohibition statutes and amendments. The group chosen by Senate President Fowles, chairman

---

6 Blood, Box 1.

7 *News*, June 8, 1933, p. 2.


9 Ibid., June 9, 1933, p. 1.

of the caucus, included both wets and drys, and consisted of Senators Huggins, Patterson, Julian Bamberger (another "wet" son of former Governor Bamberger), C. Clarence Neslen, and Malcolm Keyser, and Representatives Lane, Greenhagen, Hoyt, J. Frank Killian, and B. Spencer Young. After several days of work, the members of the caucus committee presented to their fellow lawmakers the following recommendations:

1. A formal request to Governor Blood that the prohibition issue be put on the agenda of the special session;
2. A bill to authorize a general election on November 7, 1933, since Attorney General Chez had ruled that under existing statutes, the next general election would be held in 1934, and that no special election could be classified as a general election;
3. A resolution submitting to the people of the state, at the next general election, the question of repeal of the prohibition section of the Utah Constitution;
4. An amendment to the Huggins law to allow manufacture of 3.2 beer instead of 3.05 beer for sale outside of the state; and
5. An amendment to the state prohibition statutes (as distinguished from the constitutional amendment) to allow the sale and consumption of 3.2 beer in Utah, in case of repeal of the constitutional limitation on the alcoholic content of beverages.

On July 10, Greenhagen and Bamberger presented to Governor Blood a petition signed by fifty Representatives and twenty Senators, asking that the

---

11*News*, July 1, 1933, p. 1.
legislators be permitted to act on the liquor problem; blood responded by sending a special message to the Legislature, laying the problem of prohibition before them, and authorizing them to act on it. Opening his message by reference to the "pronounced shift in popular opinion on the liquor question," Governor Blood said that this "change of thought" might be likened "to an almost irresistible mass movement of such potency and force that everything in opposition is being swept aside. . . . This public sentiment," he remarked, "warrants official recognition."

After the go-ahead from the Governor, the legislators promptly introduced the bills and the resolution necessary to effect the recommendations of the caucus committee. Bamberger, Huggins, Keyser, Neslen, and Patterson introduced Senate Bills No. 15, 16, 17, and 18, while Greenhagen, Lane and Young introduced House Joint Resolution No. 5. S.B. 15 provided for general elections during odd-numbered years, S.B. 16 concerned registration laws, S.B. 17 was designed to legalize a general election on November 7, 1933, and S.B. 18 contained the beer bill. House Joint Resolution No. 5 was the state repeal resolution.

The three election bills, Senate Bills 15, 16, and 17, were quickly approved by the Legislature with little opposition. On the day subsequent to their introduction, 15 and 16 were passed after scant debate, with only one negative vote on each. Voting "nay" on both measures was Senator O. C. Bowman, who explained that he would vote against any measure designed to help legalize intoxicants in Utah. Action on S.B. 17 was deferred by a technical question.

15Ibid., July 10, 1933, p. 5.
16Laws, Special Session, pp. 5-7.
17Tribune, July 20, 1933, p. 1.
18Ibid., July 21, 1933, p. 6.
until the following day, when it was approved 21-0, Senator Bowman being absent.¹⁹

In the House also, the three election bills met relatively little resistance, S.B. 15 being passed on July 21 by a vote of 45-7,²⁰ S.B. 16 being approved on the twenty-second, 47-4,²¹ and S.B. 17 receiving favorable action on the twenty-fifth, 49-4.²² S.B. 15 did not become law, however; after it had been sent to Governor Blood for his signature, Senator Bamberger discovered a technical error in the measure, and introduced S.B. 25 to correct the oversight. The new bill was passed unanimously, and on July 28, the Governor signed Senate Bills 16, 17, and 25.²³

Whereas the passing of the three election bills was a relatively routine matter, gaining approval for Senate Bill No. 18, the beer bill, and House Joint Resolution No. 5, the repeal measure, was somewhat more of a problem.

A major difficulty involved in effecting a beer law was the wide divergence of opinion as to what provisions the statute should contain. As introduced, the bill was essentially that worked out by the caucus committee before the special session commenced;²⁴ in other words, it provided for:

1. The alteration of the existing state prohibition statutes in order to legalize manufacture, transportation, advertisement, sale and consumption of 3.2 beer in Utah;

¹⁹Utah, Senate Journal, Second Special Session of the Legislature of the State of Utah, 1933 (Salt Lake City: Arrow Press [1933]), pp. 102, 104, 106-07, 111. (Hereafter cited as Senate Journal, Special Session.)

²⁰Utah, House Journal, Second Special Session of the Legislature of the State of Utah, 1933 (Salt Lake City: Arrow Press [1933]), p. 103. (Hereafter cited as House Journal, Special Session.)

²¹Ibid., p. 111.

²²Ibid., p. 136.

²³Tribune, July 29, 1933, p. 1.

2. The establishment of local option, by allowing town, city, and county governments to license or refuse retail beer outlets within their jurisdiction, the state to not issue licenses unless a local permit was first obtained;

3. The setting up of tax and license fees as follows:
   a. A $300 per year state license fee for brewers;
   b. A $250 per year state license fee for wholesalers;
   c. A $1 per year license fee for retailers;*
   d. A limit of $12.50 per year which a local government might charge for each retail or wholesale license issued within its jurisdiction; and
   e. An excise tax of $1 per barrel of beer intended for Utah consumption, 50¢ per barrel for exported beer (as contrasted with $1 per barrel, as in the Huggins law), the tax to be paid by the brewer.

When S.B. 18 was reported to the Senate floor on July 21 by the Committee on State and Municipal Affairs, several changes had been recommended,25 most of these being revisions of the license fee schedule. The Committee recommended that counties and municipalities be allowed to charge wholesalers and retailers $100 per year for their local licenses if the beer was to be sold only in bottles, $200 if both bottled and kegged beer was to be sold; that the state wholesalers license fee be $100 per year instead of $250; and that the state retailers license fee be, instead of $1 per year, $12.50 per year if the retailer was to sell bottled beer only, $25 if the dispenser intended to also sell draft beer.

After adopting the report of the Committee, the Senators further amended the bill by setting the state license fee for beer retailers at a flat $25

---


*Senator Bamberger explained that this low fee was set to make possible the sale of beer by merchants, stores, and individuals, thus preventing the return of the saloon.
per year; in addition, they defeated a motion to strike the provision that any person receiving a license must be of good moral character.\textsuperscript{26} When the bill received its third reading the lawmakers approved an amendment which required that a person receiving a license must not have been convicted of a felony. After this and numerous minor changes, the bill was approved 21-1, Bowman casting his usual negative vote.\textsuperscript{27}

In the House, S.B. 18 received quick action by the Judiciary Committee, being reported out on the afternoon of the same day in which it was received. This Committee also recommended several amendments, including one which forbade the dispensing of beer at any public dance hall or any room directly or indirectly adjacent to a dance floor. The Representatives adopted the Committee report, made a few further changes, then passed the measure, 30-11.\textsuperscript{28}

When the vote on the beer bill was announced, Representative E. E. Monson of Salt Lake City announced that he would ask for reconsideration of the measure. When that action was taken, several additional amendments were adopted by the legislators. Among these alterations were two proposed by Representative Hoyt, leader of the dry forces in the House, which raised the beer excise tax to $1.50 per barrel and set license fees for trains selling beer in their lounges at $50 for each regular train. After these amendments were approved, the bill was adopted, 44-10.\textsuperscript{29}

The Senate, however, refused to concur in some of the House amendments, especially the tax boost, and asked the House to revoice these alterations.

\textsuperscript{26}Tribune, July 22, 1933, p. 15.

\textsuperscript{27}Senate Journal, Special Session, pp. 116-18.

\textsuperscript{28}House Journal, Special Session, pp. 122-130.

\textsuperscript{29}Ibid., p. 150.
This the House refused to do. Thus, the Speaker appointed members of a Conference Committee, to consist of Representatives Hoyt, Walter Grossenbeck of Ogden, and W. D. Hammond of Moab, to meet with a similar Committee from the Senate to attempt to resolve this difficulty; the President of the Senate responded by appointing Patterson, Huggins, and Keyser to the Committee.

The report of the Joint Conference Committee, filed on July 29, recommended that the excise tax on beer be compromised at $1.20 per barrel for that sold in Utah and 60¢ per barrel for the exported product. It further recommended that the annual beer license fee for trains be lowered from $50 to $15 and that sale of beer at cafes, cabarets, and hotels not be prohibited, even if those establishments opened onto a dance floor.

Representative Hoyt, chairman of the House Committee, filed a minority report recommending the $1.50 per barrel tax rate; but the Senate adopted the majority report, passed the bill, 17-1 and sent it to the House, where it was approved on July 31, 45-10. Governor Blood signed the measure on August 9, after which the fate of the bill rested with the people, whose vote on the state repeal resolution was to determine whether or not the beer bill could go into effect.

---

30Ibid., pp. 184-86.
31Senate Journal, Special Session, p. 183.
32Ibid., pp. 202-03.
33Ibid., p. 203.

*Becker had recommended that the export tax be no higher than 60 to 75 cents, to make possible better competition with out-of-state beer. Letter from Gus L. Becker to R. A. McBroom, July 20, 1933. Blood, Box 1.
House Resolution No. 5, the repeal measure, was actually the center of the storm during the special session, for without its passage, Senate Bills 16, 17, 18, and 25 would be of no avail. Thus, it was on the resolution to repeal the state prohibition amendment that the major battle was waged.

Two days before the opening of the special session, the non-partisan, non-sectarian Women's State Committee for Law Enforcement addressed an open letter to the Legislature, in which the group urged the lawmakers to not pass repeal measures at that session. The letter pointed out that a vote would shortly be held on repeal of the Eighteenth Amendment, and that if balloting on national and state repeal were held at the same time, the two issues, which should be kept separate, would become merged; the vote on any change in prohibition laws should not be cast in the hysteria of the moment, but should wait until the people were in a calmer mood. 36

Shortly after the special session commenced, the Utah lawmakers were petitioned by letter from another women's organization, the Utah division of the Women's Organization for National Prohibition Repeal. The letter, signed by Mrs. Paul F. Keyser, called for the repeal of both state and federal prohibition amendments, and quoted statistics intended to prove that deaths from alcoholism had risen sharply since prohibition had been instituted.* Mrs. Keyser stated that 1,000 Utah women had joined the petitioning organization, and that they urged an early vote on repeal. 37

37 News, July 12, 1933, p. 3.

*The statistics that Mrs. Keyser quoted were from reports by the Metropolitan and the Prudential Life Insurance Companies, which stated that the death rate from alcoholism had risen 300% in the United States since the first year of prohibition, and that in the wage earning population, the death rate from alcoholism during the previous eight years had been six times as great as that of Canada, which did not have prohibition.
The Salt Lake Tribune, which editorially supported the wet cause as faithfully as the Deseret News boosted the drys, stated in a July 20 editorial that money which formerly was paid in liquor taxes was still being made, but instead of going to governments, it was going to a highly-organized hoodlum element. The large Salt Lake daily asserted that the people were entitled to vote on the prohibition issue, and that the Legislature should provide the machinery necessary to allow the voters that right.\textsuperscript{38}

When H.J.R. 5 came to the floor of the House, Floor Leader Hoyt proposed an amendment limiting the measure to legalization of 3.2 beer rather than straight repeal, but the amendment was defeated, 15-43.\textsuperscript{39} After three hours of debate, the outright repeal measure was approved, 53-5, Hoyt voting with the majority.\textsuperscript{40} Opinions of the victors were expressed in the House discussion by such lawmakers as Mrs. S. Grover Rich and Representative Lane. Mrs. Rich said that she favored repeal for four reasons, because the prohibition experiment had failed, because taxes on liquor would raise much needed revenue, because repeal would improve the business and moral tone of the nation, and because her leader, President Roosevelt, had asked for repeal.\textsuperscript{41} Lane declared that it was against the law of nature to overeat, but there was no statute law against it. Further, laws against murder, burglary, and perjury were not in the Constitution. "The Constitution," he said "should enunciate basic principles only. It should not be cluttered up with statistics."\textsuperscript{42}

\textsuperscript{38}Tribune, July 20, 1933, p. 4.
\textsuperscript{39}House Journal, Special Session, p. 135.
\textsuperscript{40}Tribune, July 26, 1933, p. 1.
\textsuperscript{41}News, July 25, 1933, p. 1.
\textsuperscript{42}Ibid., July 26, 1933, p. 2.
In the Senate, H.J.R. 5 was passed without debate, 19-2, receiving three more votes than the two-thirds needed for approval. Since the measure was a joint resolution, it did not need the signature of the Governor, so next was forwarded to Secretary of State Welling, who had the responsibility of preparing the ballots on the measure.43

Thus, in a special session called to correct a tax oversight, the Utah State Legislature did what it would not do during the regular session, submit the question of repeal to the voters, and provide a system of control for sale of beer if repeal were approved.

CHAPTER VI
THE CAMPAIGN, THE VOTE, AND THE REPEAL CONVENTION

On August 10, 1933, Governor Blood proclaimed that voting on the Twenty-first Amendment would be held on November 7 of that year.\footnote{News, August 10, 1933, p. 2.} Four weeks later, he officially announced what was already known, that there would be a general election on November 7, at which time the voters of Utah would decide the fate of the prohibition amendment of the State Constitution.\footnote{Ibid., September 7, 1933, p. 1.} Thus, Utahns were officially launched into a campaign which had already been raging for many months.

During the early months of 1933, there had been numerous organizations working for and against repeal, but by early September, most of these groups, though retaining their own identities, had grouped themselves for concerted effort in behalf of their cause.

The repealists were united into two general groups, the Utah League for Prohibition Repeal and the Crusaders, a nation-wide organization led in Utah by Clarence Bamberger. The League for Prohibition Repeal was a Utah group, with Salt Lake attorney Franklin Riter at the helm as President and Ray L. Olsen of Ogden as Secretary. Organized in June of 1933, it was committed to the repeal of both national and state prohibition.\footnote{Ibid., June 8, 1933, p. 2.} The League and the Crusaders cooperated closely during the campaign, but the Crusaders allowed the Utah group to take the lead in the state.\footnote{Telephone interview with Franklin Riter, May 28, 1962.}
In early September, various dry organizations banded together to collectively fight repeal. This group, which assumed the name of The Defenders, elected John F. Bowman as its General Chairman, Reverend Rollin Ayers as Vice-Chairman, Louise Robison as second Vice-Chairman, Lucile Estes as Secretary, and Clarissa Beesley, Second Counselor in the Young Ladies M.I.A., as Treasurer. Groups represented in The Defenders were the Women's National Committee for Law Enforcement; the W.C.T.U.; the Epworth League; the Allied Youth; the Allied Forces for Prohibition; the five L.D.S. auxiliary organizations: the Y.M.M.I.A., Y.L.M.I.A., Primary, Relief Society, and Deseret Sunday School Union; the Methodist, Presbyterian, Baptist, and Seventh-day Adventist churches; the P.T.A.; the Law Enforcement Committee of Ogden; and various educational groups. The day following the organization of their group, The Defenders added five more members to their Executive Committee, Reverend Theodore Lilley of the First Presbyterian Church of Salt Lake City, James Gunn McKay of the Y.M.M.I.A. General Board, Dean Milton Bennion of the University of Utah, Mrs. M. H. Parry of the W.C.T.U., and President F. Y. Fox of the L.D.S. Business College.

On September 14, The Defenders announced their slate of twenty-one candidates for the Ratifying Convention, the list including such prominent people as Ruth Mae Fox, President Franklin S. Harris of Brigham Young University, James Gunn McKay, Mrs. Robison, and State Representatives Wilmer J. Maw and J. Frank Killian. On September 28, the deadline for filing lists of candidates, Bowman presented nominating petitions containing in excess of 20,000 signatures.
Candidates for the repeal groups included Riter, Clarence Bamberger, Provo
Juvenile Court Judge George S. Ballif, Democratic State Committee Vice-Chairman
Sam D. Thurman, and Carbon County Republican Party Chairman Matthew Gilmer.
The first to put his signature to the petition for the pro-repeal slate was U.S.
Senator Thomas, 9 who was the only member of Utah's Congressional delegation
able to come to the state and campaign actively against prohibition. 10

The part played in the campaign by the Mormon Church and many of its lead­
ers was quite apparent. All of its auxiliaries were represented in The Defenders,
and both the Executive Committee of that organization and its slate of dry can­
didates included auxiliary organization leaders; the Church's newspaper, the
Deseret News, and its official magazine, The Improvement Era, were both strong
for retention of prohibition; Protestant dry leaders addressed L.D.S. congrega­
tions during the waning days of the campaign; and throughout the fight, President
Grant and other leading officials of the Church spoke often against repeal.
Anti-repeal utterances from Church publications and Church leadership had not
been uncommon previous to 1933, but during that year, with so much modification
and repeal legislation before the Legislature, and with the final showdown on
the matter forthcoming, the frequency of these utterances increased.

The seemingly favorite charge of the Deseret News was that the great
impetus behind the repeal movement was the selfish desire of some of the wealthy
to shift their tax burden to the poor. 11 In contrast, said the News, "the pro­
hibition cause is essentially an unselfish one. It is willing to bear a higher
burden of taxation, and forego a measure of personal liberty for the general good."

9Ibid., September 19, 1933, p. 3.
10Tribune, November 6, 1933, p. 16.
11News, February 3, 1933, p. 4.; February 21, 1933, p. 4.
12Ibid., February 28, 1933, p. 4.
By late May and early June, the *News* had seemingly given up hope that repeal would be rejected, but urged drys to delay this in order to induce honest wets to set up an adequate system of controls.\(^{13}\) But the next month, when the Legislature went into its special session, a *Deseret News* editorial urged that Utah "remain dry if for no other reason than to provide a basis for comparison with the States that surround us."\(^{14}\) The *News* was, however, willing to admit that there were sane arguments on both sides of the liquor question, and urged that the issue be considered without emotion. But it urged young people who did not remember the days of the saloon to talk to "thoughtful people" who did remember. A comparison between former and existing conditions would lead the "honest thinker" to vote against repeal.\(^{15}\)

*The Improvement Era* strongly attacked the oft-repeated assertion that beer legislation and the repeal of prohibition would be a boon to the economy.\(^{16}\) As its writer, Waldemar Read, analyzed it, the appeal of prohibition repeal as a relief measure was based on the economic doctrine that since a nation is enriched by production, consumption enriches a nation by stimulating production, and thus, "the consumption of luxuries is economically and ethically justified, being a means to increase wealth." According to this theory, then, repeal would bring prosperity by increasing spending and production. But Read challenged this theory. Money paid for beer workers' wages, he asserted, would be money not spent for education and basic industries.

\(^{13}\) *Ibid.*, May 29, 1933, p. 2; June 5, 1933, p. 2.


\(^{15}\) *Ibid.*, August 11, 1933, p. 4.

\(^{16}\) Waldemar Read, "Beer Legislation and Prohibition Repeal as Relief Measure," *The Improvement Era*, XXXVI (June, 1931), pp. 471, 486-87. (Hereafter cited as *Era.*)
As to beer taxes, Read compared this manner of gaining revenue to the old system of "farming out taxes," wasteful, unethical, and costly. "Revenue which would cost the purchasing power of the people one dollar if collected as a direct tax will, when collected through the beer industry, constitute a burden of many dollars," he said.

Probing the liquor and economics problem more deeply, the Era writer declared that

to those who define the depression in terms of closed factories, cold furnaces, standing cars, idle man-power; to those who consider industry and business as ends in themselves; to those who are inclined to measure prosperity in terms of clearing house receipts; to all these, beer will probably appear as a deliverer. . . . But to those who define the depression in terms of under-clad and under-nourished children, in terms of the curtailment of educational and cultural activities; to those who deplore it because of its costs in human values; to those who regard the supreme end for which industry exists as being the spiritual and physical welfare of the concrete flesh and blood human beings that make our population; to these, there will appear in the wake of the beer legislation no element of aid, no ray of hope, but much that is dark and devastating. Unless industry and business . . . is regulated and controlled to the end that it contributes to human well being, it is quite prone to affect conditions inimical to human welfare.

"If the eighteenth amendment is to be saved," challenged Read, "it must be done by those who are neither afraid nor too lazy to think the matter through courageously, independently, and thoroughly, and who have character sufficient to be their guide."

The September, October, and November issues of the Era strongly emphasized the prohibition issue on their editorial pages. The September and October issues carried short statements from "Outstanding Thinkers on Prohibition," quoting Sociology Professor Irving Fisher of Yale University; Dr. Joy Elmer Morgan, Editor of the National Education Association Journal; Jane Addams of Hull House; Louis J. Taber, Master of the National Grange;17 and war hero Alvin York.18

17 "Outstanding Thinkers on Prohibition," Era, XXXVI (September, 1933), p. 673.
The November Era contained a full editorial against repeal, a reprint of an old Henry Grady article, and quotes from Alonzo Baker and President Grant.\textsuperscript{19}

Among the L.D.S. auxiliary organization leaders, the most active prohibition workers were Mrs. Robison, Mrs. Fox, and of course Bowman, a member of the General Board of the Y.M.M.I.A.

Mrs. Robison, at the April, 1933 Relief Society Conference of the Church compared the cry against prohibition with similar protests in the past against other beneficial legislation. When pure food laws were passed, she said, it was protested that this was a limitation of freedom. Anti-prostitution laws were objected to by some because of the resulting loss of tax revenue. Speaking to the farmers, the L.D.S. women's leader warned that a gain in revenue from produce sale for brewing purposes would result in a corresponding loss of revenue due to decreased milk sales.\textsuperscript{20} At the October, 1933 Relief Society Conference, Mrs. Robison quoted former President Calvin Coolidge as saying, "Laws must be justified by something more than the will of the majority; they must rest on the foundation of righteousness."\textsuperscript{21}

Mrs. Fox compared the wet forces to a quack doctor who said that he could not cure a certain man of a serious illness, but could "throw him into fits and then cure the fits. . . ." Because some of the people in the country did not obey the law, she said, the liquor interests took advantage of their failure and the depression to throw the whole nation into a form of hysteria, with the expectation of calming the upheaval with alcohol. She predicted the repeal of the Eighteenth Amendment, but said that Utah's Constitution was its own, and that its people had the right to keep it intact. Urging a continued

\textsuperscript{19}Era, XXXVI (November, 1933), pp. 800-801.
\textsuperscript{20}News, April 6, 1933, p. 7.
\textsuperscript{21}Ibid., October 6, 1933, p. 1.
fight against repeal, she said, "It is one thing to combat evil and another to submit to it willingly." 22

Among the L.D.S. General Authorities who spoke publicly against repeal in 1933 were President Anthony W. Ivins, 23 Apostles Lyman, 24 Joseph Fielding Smith, Melvin J. Ballard, George Albert Smith, and David O. McKay, and President Grant. Elder McKay described prohibition as "the best means of dealing with the liquor traffic man has ever tried," and asserted that repeal was no remedy for existing conditions. Prohibition and spirituality could work together, he said, but booze and spirituality could not. 25

In April, Elder Ballard introduced to 2,000 M.I.A. officers a resolution which George Albert Smith said had the backing of the First Presidency of the Church and the Counsel of the Twelve. It said, in part, that "we, the Mutual Improvement Association workers of the Church . . . are resolved to do our utmost to support [the prohibition] laws and resist their repeal." Utah could defeat repeal, said Ballard, if the L.D.S. people would unite against it. 26

Although other General Authorities spoke against repeal, one of the very most active in this regard was President Grant, who had been, right from the start, in the fight to bring prohibition to Utah, and was now seeing it slip away. "If every other state in the Union repeals the Eighteenth Amendment, I hope Utah is the one bright star that remains, . . ." he told a graduating class at B.Y.U. 27 But by October, he was able to clearly see the trend in the

22Ibid., October 24, 1933, p. 2.
23Ibid., April 6, 1933, p. B 7.
24Ibid., June 9, 1933, p. 1.
25Ibid., April 10, 1933, p. 2.
26Ibid., p. 1.
27Ibid., June 7, 1933, p. 1.
country, and sadly predicted that "there will be more bootlegging ten times over when prohibition is repealed—and it will be repealed."28

Grant sometimes expressed regret that some Mormons had declared themselves to be in favor of repeal,29 but was careful to point out that he had "no ill will against men who will vote opposite to the way I think they ought to vote."30 He emphasized that he had "no desire to use coercion," but was convinced that "there could be no greater hardship imposed upon the people than by the nullification of the dry laws with the return of the saloon and increased liquor."31

Grant told the members of his Church that he felt President Roosevelt to be sincere in the matter of repeal, but he criticized the view that being a dry and being a supporter of Roosevelt were incompatible positions. "Prohibition is not a political issue," he declared, "and a man can be loyal to his Party and still vote against liquor."32 He further urged his members, before they would vote for repeal, to "ask your Heavenly Father if you are doing that which pleases Him."33

Grant's opinions on the subject of repeal were not, however, shared by all of the General Authorities. The most notable exception was Brigham H. Roberts of the First Council of Seventy, whose views become clear from an exchange of letters between himself, Rudger Clawson, and Paul Warnick. In mid-September, Elder Clawson received a letter from Warnick which read:

The Deseret Stake quarterly conference is being held Sunday, September 24th, 1933. The Mutual Improvement Association has

28Ibid., October 9, 1933, p. 3.
29Ibid., June 7, 1933, p. 1.
30Ibid., October 9, 1933, p. 3.
31Ibid.
32Ibid.
33Ibid., October 16, 1933, p. 6.
charge of the evening service and we are anxious to know whether we can count on the Authority who comes down to stay over for our Evening Meeting.

We should like very much to have our visitor stay over if it is at all possible. We are planning a fine program and need someone to be with us and stress the subject of Prohibition as one of the Authorities could. We feel that we will have a large percentage of the young people of our stake in attendance and it is so near the time set for going to the polls to vote on Repeal that we think a lasting message can be put over to them that will do much good in influencing the vote in our county.

Since the scheduled visitor to the Deseret Stake was B. H. Roberts, the Warnick letter was passed on to him by Clawson, who wrote:

Herewith find a letter from Paul E. Warnick which is self explanatory.

What do you think of his request? Will you consent to remain over to fill the appointment indicated?

Prohibition is a political issue at present and the Presidency have expressed the view that the brethren of the General Authorities should not enter the field of Prohibition with respect to the question to be voted on by the various states. They would say, however, that it would be perfectly proper for the brethren to take up the question as it is related to the Word of Wisdom or in other words the Word of Wisdom at this time could be emphasized to advantage.

Let me know how you feel.

Roberts' immediate reply, given just one week before his death, clearly exposes the difference of opinion on the subject of prohibition that existed even among the General Authorities of the Church. Roberts told Clawson:

I have your note of today with its enclosure, making inquiries concerning the Brethren going to Deseret, staying over for the M.I.A. evening meeting and to speak on the subject some way sustaining the article of the Constitution prohibiting manufacture and sale of intoxicants... You inform me that the General Authorities have already expressed a desire that the General Authorities should not enter the field of Prohibition with respect to the question to be voted on by the various states, but that "they would say that it would be perfectly proper for the brethren to take up the question as it is related to the Word of Wisdom. Or in other words, the Word of Wisdom at this time could be emphasized to advantage."

34 Letter from Paul Warnick to Rudger Clawson, September 16, 1933. Copy in Brigham Young University Library Special Collections.

35 Letter from Rudger Clawson to Brigham H. Roberts, September 20, 1933. Copy in Brigham Young University Library Special Collections.
All this gives me the opportunity of saying that to my way of thinking there is no connection between "state Prohibition" and our "Word of Wisdom." State Prohibition is based on compulsion as all human-made laws must be, while the Word of Wisdom is just what its name implies, namely a Word of Council from the Lord as to what is good for all his saints, but it is not given by way of "compulsion" or "constraint;" and certainly does not rest upon physical force as state prohibition does and must do if it continues.

Furthermore I am a Democrat and have the right to be such. My party in its platform favored Repeal of the Constitutional Amendments trying to enforce prohibition. The candidate of my party especially announced his acceptance of that plank in the Democratic platform. He went before the country in the election pledged to the Repeal of the prohibition clause in the Constitution. He won out gloriously in the nation and perhaps equally gloriously in the state of Utah, and that at least commits the Democratic party to Repeal. It is my right to exercise my political rights without interference.

Your correspondent from Deseret is pleading for one of the General Authorities to wish them to stress the "subject of prohibition as one of the General Authorities of the Church!" Then continuing: "We will have a large percentage of the young people of our stake in attendance, and it is so near the time for going to the polls to vote on Repeal that we think a lasting message can be put over to them that will do much good in influencing the vote in our County. . . . Let us know if we can count on some one being with us to help us in this matter."

President Clawson, this is a direct appeal to the employment of Church influence in a political question, a thing the church is solemnly pledged NOT to do. . . .

Under these circumstances and conditions, I do not think it can reasonably be expected that I should stay at that evening meeting to advocate that which I do not believe; and suggest that you either excuse me from attendance upon that meeting and discussing that subject or else that someone else, who would be in sympathy with advocating prohibition under the guise of "emphasizing our Word of Wisdom" which is so opposite from "State Prohibition." The one resting upon "persuasion"--voluntary acceptance and adherence to it--State Prohibition resting for its enforcement on physical force; Even up to the employment of violence, certainly upon the coercion of law and its penalties.

I have up to the present in the last presidential campaign and also the state campaign kept from saying anything publicly upon these issues. I am quite willing for the rest of the controversy to remain silent on these issues. . . .

Despite Robert's opposition, most Mormon leaders battled repeal, and so did most of the Protestant churches and leaders. The Salt Lake Ministerial Association

36Letter from Brigham H. Roberts to Rudger Clawson, September 20, 1933. Copy in Brigham Young University Library Special Collections.
backed prohibition, and four different churches were represented in The Defenders. In addition, the Executive Committee of The Defenders included Methodist Reverend Ayers, Presbyterian Reverend Lilley, and Methodist Deaconess Lucile Estes.

Protestant leaders spoke against repeal, and various church conventions passed resolutions against it. In May, for example, the Utah Baptist State Convention addressed a resolution to Governor Blood, expressing the "belief in prohibition as the only adequate way to deal with the question of alcoholic beverages." In early October, the Baptist Young People's Union of Utah wrote to the Governor to "denounce the ever present insidious influences seeking to bring about the repeal of the Eighteenth Amendment and laws enforcing the same." The Utah Mission Conference of the Methodist Episcopal Church also went on record by a unanimous vote as opposing repeal or revision of the Eighteenth Amendment or state prohibition.

Among the most active of the Protestant prohibition leaders was Reverend Ayres, who was "fully convinced that the licensing of traffic in intoxicating liquors was nothing short of licensing traffic in human souls." Ayres warned, at one Salt Lake Tabernacle meeting of prohibition forces, that the stream was leaking through the dike, and if not soon stopped, would become a

---

37 Riter interview.
38 See p. 64.
39 Ibid.
41 Letter from Baptist Young People's Union of Utah to Governor Blood, October 8, 1933. Blood, Box 9.
43 Ibid., October 26, 1933, p. 4.
raging torrent. The liquor interests, he charged, had broken every law on the statute books, their rebellion against law in the United States dating back to the Whiskey Rebellion during the Washington Administration. ⁴⁴

The most notable exception to the generally united front which Protestants presented against repeal was Reverend Elmer J. Goshen of Salt Lake's First Congregational Church. Goshen described prohibition as "sustained anarchy," and said that the question before the people was not whether there would be liquor, but whether there would be controlled liquor. Prohibition had put the distillery and the brewery in the home, he charged. ⁴⁵

Many prominent Utahns, including the state's entire Congressional delegation, were in agreement with this general view, and either campaigned actively in the state or released statements in support of repeal. Among Senator Thomas' many speeches on the subject was one at a Jackson Democratic League rally, in which he stated that to try to legislate against the habits and customs of the people was a mistake. He personally had accepted a standard of life which did not permit drinking, he said, but the question before the people was not one of right or wrong. ⁴⁶ Senator King, in a statement released from Washington, urged Utahns to vote for both state and national repeal, as prohibition did not belong in constitutions, but should be left in the hands of state legislatures where control could be molded by the will of the people. He said that he had in the past supported state statutory prohibition, but had opposed the Eighteenth Amendment both because it invaded the authority of the states and because it had a tendency to undo the progress being made against liquor. Since the adoption of the Eighteenth Amendment, he continued, states doing a good job of prohibition

⁴⁵Tribune, November 6, 1933, p. 16.
⁴⁶News, October 27, 1933, p. 9.
enforcement had turned over the job to the Federal Government, which did a much poorer job of enforcement than the states had done.\textsuperscript{47}

Adding his sober appeal from Washington for a repeal vote was former Governor Denn, then Secretary of War in the Roosevelt Cabinet, who told his people that although he had voted for prohibition amendments and statutes while a State Senator, and felt that prohibition had produced some good, he had hesitantly and reluctantly been driven to the conclusion that the bad effects outweigh the good.

It is a great disappointment to me, after having been allied with the prohibition forces for many years to have to confess that we were wrong, and that the experiment has failed... I have none of the enthusiasm of a new convert to the side of repeal, for I appreciate the problems which will then have to be met; but I think we ought to have the courage to follow the road that leads away from chaos toward improvement.\textsuperscript{48}

Another disappointed convert to the repeal viewpoint was Richard W. Young, Jr., the very person who in 1917 had introduced Utah's prohibition statute and amendment into the Legislature. "Time has proved that prohibition cannot be made successful," he said.\textsuperscript{49}

Of prominent Utah officials, only Governor Blood refused to publicly take sides on the issue, staying publicly neutral throughout. On October 28, he issued a public statement on the issue, in which he attributed good motives to both sides, and reviewed his course of action in the matter, but did not budge from his neutral position. He said, in part:

The voters of Utah will go to the polls on November Seventh and perform a solemn duty in registering their will on the question, so long a matter of discussion and agitation, as to whether the sale of intoxicating beverages should be prohibited or regulated. The issue is sharply drawn and, I hope, fully understood.

I have always been and still am an advocate of temperance, and in taking a stand for that principle I am in accord with the vast

\textsuperscript{47}Tribune, November 1, 1933, pp. 1, 7.

\textsuperscript{48}\textit{Ibid}.

\textsuperscript{49}\textit{Ibid}., November 7, 1933, p. 5.
majority of the citizenry of my State. Both "wets" and "drys," so-called, profess common belief in this cardinal virtue. Disagreement, where it exists, arises out of a discussion of methods of attaining that end. Honest differences of opinion are consistently held by opposing groups.

The issue is not, and should not be, political, but is a moral one. Recognizing the inherent right of American citizenship to be accorded the right to vote on all questions of public policy, I promptly signed a bill setting up machinery for the purpose of placing before the voters the question of amending the Federal Constitution. This was in accordance with the National Democratic Platform. Later, I presented to the Second Special Session of the Legislature the proposition of Repealing Section 3, of Article 22 of the State Constitution. Further, I laid before the Legislature the matter of providing for a special general election November Seventh this year, thus opening the way for early action on both the Federal and State Constitutional Amendments.

Measures passed by the Legislature in accordance with my message were promptly approved by me.

The way thereby was opened for the voters to act in a dispassionately and untrammeled, and a non-partisan manner on these extremely vital issues.

It is the duty of the electorate to study and understand and intelligently act on public questions. Only when they do so are the institutions of our country safe.50

As the final days of the campaign arrived, action by both wets and drys was stepped up, and so was newspaper coverage. The Salt Lake Tribune was especially active in publishing the views of individual citizens on both sides, though the largest and the most numerous headlines went to the wets. Starting on October 30, a special section each day was devoted to these statements.*

Most of those quoted as opposing repeal were persons in positions of leadership in churches and women's clubs, who felt that repeal would only lead to more drinking, and thus to more crime and violence. Those supporting repeal used a number of different arguments, but the most often expressed sentiment is well illustrated by Frank Beckwith, Editor of the Millard County Chronicle, who said: "I voted for what I thought prohibition WAS; I will now vote against what


*For numerous paraphrased and quoted representative samples, see Appendix I.
prohibition is.** U.S. Marshall Gilbert Mecham declared that enforcement was impossible, and that liquor was there whether legal or not. Prohibition had been a failure, he said.**

Over and over it was stated, "Prohibition has failed." But Bowman and The Defenders would not agree that prohibition had failed. Further, they charged that modification had failed. Beer, they said, was now being sold to women and children, and in many cases, girls instead of the old-fashioned bartender were selling the beer.** But Franklin Riter reiterated his contention that prohibition had indeed failed, and declared that if it had succeeded, he would favor its retention even at twice the cost. Temperance and prohibition should not be confused, he said.**

The climax of the campaign came on the weekend before election day. In Utah County, the last big rallies were scheduled for Saturday night, with Thomas and Riter speaking for the wets at the Provo High School auditorium, H. Grant Ivins of B.Y.U. presiding. Westminster College President Herbert Rehend spoke for the drys at the Paramount Theater.**

For the drys in the state, the peak was reached in over 600 church meetings Saturday (for Seventh-day Adventists) and Sunday, many of the speakers being furnished by The Defenders. Among the speakers were Bowman; Reverend Lilley, who spoke at the Taylorsville L.D.S. chapel; Reverend Ayres, who spoke at the Poplar Grove L.D.S. chapel; and Joseph Fielding Smith, who at a Tabernacle meeting urged L.D.S. members to vote against repeal.**

51Tribune, November 5, 1933, p. 8.
52Ibid., November 7, 1933, p. 5.
53Ibid., November 3, 1933, p. 22.
54Ibid.
55Ibid., November 4, 1933, p. 22.
The campaign of the wets also reached its climax on Sunday with a speech by Postmaster General James A. Farley, a speech which the repeal campaigners said cinched the victory for their cause. This speech had previously been advertised in a one-fourth page ad in the Salt Lake Tribune, which read:

To support President Roosevelt and join with 33 other states that have ratified the 21st Amendment which repeals the 18th Amendment.

To help do your share in restoring better conditions in Utah and throughout the country—

To give the state and local governments revenue now going to law violators—

To stamp out lawlessness—

To give the legislature power of liquor control—

To do your share to bring about temperance—

Vote for repeal.

Hear President Roosevelt's message to Utah over K-S-L Sunday, 8:30 p.m., November 5th. It will be delivered by Postmaster James Farley. 57

In his Sunday night speech, Farley predicted the end of prohibition as a result of the vote the coming Tuesday in six states, Utah being one of them. Farley said that there had only been one argument against repeal, that being that it would mean the return of the open saloon. He firmly disputed this charge, declaring that states were already setting up effective systems of control. Giving special credit to President Roosevelt for the success of the repeal campaign, Farley said that proponents of repeal had been hesitant to speak in the past because prohibitionists had characterized all repealists as drunkards until "the clear voice of Franklin Roosevelt . . . broke down the last barriers." However, he said, although credit for leadership should go to Roosevelt, this campaign had been a bi-partisan one. Farley listed two reasons for the repeal victory: The determination by the people to end "the terrible dislocation of moral and ethical values brought about by prohibition," and the necessity of repeal as a step in the recovery program. 58

57 Ibid., November 4, 1933, p. 3.

58 Ibid., November 6, 1933, p. 1.
As a result of the weekend meetings, both drys and wets were enthusiastically predicting victory in the campaign. In a *Salt Lake Tribune--Chicago Tribune* Service story, it was predicted that at least four of the six states to vote on repeal would vote wet, with only three of those needed to assure repeal. Utah was listed as close, as was North Carolina, while repeal victories were expected in Pennsylvania, Kentucky, Ohio, and South Carolina. However, William D. Upshaw, the 1932 Prohibition Party candidate for President, said that Kentucky, the Carolinas, and Utah would vote dry. "Reports indicate," he said, "that both the Carolinas are leaning beautifully toward the dry side, while Utah is considered safe." 59

In Utah, dry leaders predicted that the rural communities would pile up sufficient majorities to overcome wet majorities in the large population centers. 60 After the Sunday night meetings, Bowman predicted that fifty-five per cent to sixty per cent in Utah would vote dry. 61

On November 7, 1933, some 169,000 Utah voters went to the polls, and approximately 101,600 of these gave their votes to the list of candidates favoring repeal of the Eighteenth Amendment, while the dry candidates averaged about 67,200 votes. Fewer votes were cast on the state repeal ballot, but there the wets also won handily, 99,943 to 62,437. 62 Seventeen of Utah's twenty-nine counties voted dry, but the more populous ones, including Weber, Salt Lake, and Utah, voted for repeal by large margins. Dry forces managed to win a narrow victory in Cache County. 63

With the completion of the November 7 balloting, the fate of the Eighteenth Amendment and the state prohibition amendment was sealed. As for the Eighteenth Amendment, only the formality of repeal remained. Because Utah, Pennsylvania, Ohio, and Kentucky had all voted wet, and had set the dates for their repeal conventions, it was known that repeal would be effected on December 5. The only question which remained was: Which state, Pennsylvania, Ohio, or Utah would be the thirty-sixth state to ratify the amendment, and thus put it into effect?

On the date of the convention, Governor Blood began to receive telegrams which alluded to eastern newspaper reports that Utah, in order to be the thirty-sixth state, would defer action until 7 P.M., Mountain Standard Time. One of these telegrams said that President Roosevelt, the acting Secretary of State, and "Rhode Island licensees" were awaiting Utah's action, and suggested that it would be "more courteous . . . to act according to original schedule." Governor Blood replied that Utah would act "not later than 3 P.M." Another telegram, from New York City, suggested that there was no distinction to be gained by Utah in being the thirty-sixth state to ratify, real distinction going only to the first state to do so. "Your state's deliberate six hour delay of the nation's plans has the sole distinction of being unique discourtesy to millions of citizens," said the New Yorker.

The Constitutional Convention met as scheduled at the State Capitol Building at 12:00 o'clock Noon "for the purpose of putting into effect the mandate of the

64 Telegram from Patrick P. Curran to Governor Blood, December 5, 1933. Blood, Box 9.

65 Telegram from Governor Blood to Patrick P. Curran, December 5, 1933. Blood, Box 9.

66 Telegram from Norman Coe to Governor Blood, December 5, 1933. Blood, Box 9.
people of the State of Utah..."67 Much of the time was spent in formalities: The prayer, by repealist Reverend Goshen;68 the unanimous election of convention officers, Ray Olsen, Clarence Bamberger, and Mrs. Paul Keyser as President, Vice-President, and Secretary, respectively;69 and the reading and adopting of various resolutions.

Scattered throughout the convention were four major speeches, one by President Anthony Ivins, in which he recalled for the benefit of the convention some of his experiences in the original Constitutional Convention of the State of Utah,70 one by Governor Blood reviewing the legislative events which led up to the convention,71 and two by delegates, Olsen and Riter, in which the supposed social and constitutional evils of prohibition were reviewed.72

Finally, (after Pennsylvania and Ohio had ratified,) the dramatic moment arrived for the Utah balloting. The calling of the names of the delegates by Mrs. Keyser, with the answering "aye" from the delegate, was interrupted only once, when delegate Mat Gilmour failed to answer due to being absent. Finally Mrs. Keyser called the name of delegate Sam D. Thurman, who then arose to address the convention, saying:

I have the unique honor of being the last delegate of the thirty-sixth state of the union to record its vote, and, I might add, the deciding vote in favor of the ratification of the twenty-first amendment. When this vote is cast the eighteenth amendment to the Federal Constitution will stand repealed.73

---

68Ibid., pp. 3-4.
69Ibid., pp. 7-9.
70Ibid., pp. 18-20.
72Ibid., pp. 10-12, 21-27.
73Ibid., p. 34.
At three thirty-two and one-half P.M., Mountain Standard Time, Thurman cast his affirmative vote, and the Eighteenth Amendment at that moment was repealed.\textsuperscript{74}

\textsuperscript{74}\textit{Ibid.}
CHAPTER VII

THE STATE ADVISORY COMMITTEE ON LIQUOR CONTROL

Prohibition in Utah was not abolished either by the vote of November 7, 1933, or by the Constitutional Convention which followed on December 5. The sale and consumption of 3.2 beer starting January 1, 1934 had been legalized and the prohibition amendments of both the federal and the Utah State Constitutions had been repealed. But statutory prohibition remained on the law books, subject to removal by the State Legislature.

Recognizing the will of the people as expressed by their ballots, Governor Blood quickly went into action. On November 25, he appointed a committee of twelve prominent Utah men to form a nucleus for a larger committee, the purpose of which was to draw up a bill to replace the existing prohibition law. Since both repealists and anti-repealists gave at least lip-service to temperance, the purpose of the projected bill was to be a device through which temperance might best be promoted after repeal was fully effected. The Governor expressed this view upon appointing the committee when he said:

I join in the concern of the people of the state in general, those who voted for repeal as well as those who voted against it, over the situation now before us. I am earnestly anxious that the problem be faced squarely, and be given complete and careful study. It is as vital to the repealists as well as to the anti-repealists . . . that this problem be solved in a reasonable and practical manner. Everyone seems to want temperance. There is no other thought expressed. Now is the time for all interests to get together and decide the best plan to bring that about.1

Appointed to the group, which became the Executive Committee of the larger group later appointed, were E. M. Bagley, Chairman, a Salt Lake City attorney;

---

1*Tribune*, November 26, 1933, p. 8.
Judge James H. Wolfe of the Third Judicial District, Vice-Chairman; former Judge Joshua Greenwood of Salt Lake City; Jacob A. Kahn, General Manager of the Salt Lake office of General Electric Company; William R. Wallace, Salt Lake City, Vice-President of the Utah Oil Refining Company; John F. Fitzpatrick, Secretary of the Kearns Corporation (publisher of the Salt Lake Tribune); Dr. George Thomas, President of the University of Utah; B. F. Grant, Vice-President and General Manager of the Deseret News; Dr. Elmer G. Peterson, President of the Utah State Agricultural College (now Utah State University); Roy D. Thatcher, Ogden attorney; Fred M. Nye, owner of an Ogden clothing store; and William H. Boyle, Assistant Professor of Elementary Education at Brigham Young University.  

Most of those appointed to the committee accepted with pleasure and seeming sincerity, the letters of acceptance by Boyle and Kahn being typical. Boyle wrote in part: "I have been very much interested all my life in this problem, but I have much to learn. . . . I have no one to serve but the people. . . . I hope to have time to spend, and energy to work, and the courage to stand for the best interests of all." Kahn told the Governor that he realized that "this work is going to take considerable time and while I may find it inconvenient to devote the time that will be necessary, I assure you that having decided to accept the appointment, I will devote myself to the work as assiduously as possible."  

Not all, however, were so enthusiastic. Fitzpatrick wrote that he was "deeply appreciative of the honor, . . . but personally would rather not serve, as I would do more and better work for the cause by being off the committee than if I was [sic] a member thereof." Fitzpatrick was persuaded to serve, however.

2Blood, Box 77.
3Letter from William H. Boyle to Governor Blood, December 13, 1933. Blood, Box 77.
4Letter from Jacob A. Kahn to Governor Blood, November 29, 1933. Blood, Box 77.
5Letter from John F. Fitzpatrick to Governor Blood, December 13, 1933. Blood, Box 77.
Although some were reluctant to serve on the committee, others were eager to do so or had friends who desired that they serve. Thus, the Governor's announcement resulted in at least two letter campaigns in behalf of prospective committee members. The most active of these campaigns was for Frances Vernon (Mrs. Weston Vernon), President of the Utah Federation of Women's Clubs. On November 29, the Board of Directors of the U.F.W.C. sent a resolution to the Governor, urging the appointment of Mrs. Vernon. This was followed by letters and resolutions from the Salt Lake District of the U.F.W.C.; Mrs. F. R. Holman, representing the Northern Division of Associated Clubs; the 400-member Ladies Literary Club of Salt Lake City; and Dr. J. M. Bernhisel, Chairman of the Cache County Democratic Committee, who wrote that Mrs. Vernon "is very conscientious and aptly qualified to serve." In turn, Mrs. Vernon wrote two letters to Governor Blood, urging the appointment also of Mrs. George W. Davy. The Governor replied that he would appoint a representative of the Utah Federation of Women's Clubs, and kept this promise with the appointment of Mrs. Vernon. Mrs. Davy was not appointed.

---

6 Resolution from the Board of Directors of the Utah Federation of Women's Clubs to Governor Blood, November 29, 1933. Blood, Box 77.

7 Resolution from the Salt Lake District of the Utah Federation of Women's Clubs to Governor Blood, December 15, 1933. Blood, Box 77.

8 Resolution from the Northern Division of Associated Clubs to Governor Blood, December 21, 1933. Blood, Box 77.

9 Resolution from the Ladies Literary Club of Salt Lake City to Governor Blood, December 11, 1933. Blood, Box 77.

10 Letter from J. M. Bernhisel to Governor Blood, December 4, 1933. Blood, Box 77.

11 Letters from Frances Vernon to Governor Blood, November 26, 1933, and December 3, 1933. Blood, Box 77.

12 Letter from Governor Blood to Frances Vernon, December 11, 1933. Blood, Box 77.

13 Letter from Governor Blood to Frances Vernon, January 19, 1934. Blood, Box 77.
Another letter campaign was conducted in behalf of Mrs. Jennie Johnson, wife of an Ephraim lumber dealer. Dr. W. E. Thorpe of Ephraim described Mrs. Johnson as one who "has had a wide experience in public life, has traveled rather extensively and has always been found a strong defender of law and order of the highest type." Ray Olsen of Ogden also wrote urging the appointment of Mrs. Johnson, and Darol Rasmussen, Secretary of the Ephraim Lion's Club forwarded that club's endorsement. Mr. Rasmussen also stated that a committee of four, consisting of the City Electrician, the Postmaster, the President of Snow College (I. O. Horsfall), and Mr. Sophus Bertleson of the Repeal Convention, had interviewed Mrs. Johnson and had found her willing to serve. Governor Blood acted favorably on the request.

Ray Van Noy, Secretary of the Tabernacle Choir wrote to the Governor in his own behalf, stating that he had studied liquor conditions in Utah for some time and felt that he could be of service. But Blood replied, after the appointment of the remaining members of the larger committee, that "it was so difficult to make this committee a balanced one without getting too many from Salt Lake City that I am sorry that I was unable to include you among those appointed."

On January 19 and 20, 1934, letters from Governor Blood's office were put in the mail, destined for thirty-seven Utah citizens who had been chosen to join

---

16 Letter from Darol Rasmussen to Governor Blood, December 16, 1933. Blood, Box 77.
the nucleus committee on The State Advisory Committee on Liquor Control. In this letter, the Governor-churchman again pointed to the general desire for temperance. Then he continued:

Obviously, no man can or should undertake the tremendous task of deciding what should be the next step with reference to the whole liquor question. With that thought in mind, I decided to appoint a commission of men and women chosen because of their known integrity, their ability to analyze a subject, their courage and devotion to the highest civic obligations, and who would be willing to devote the necessary time to engage in a rather exhaustive research, and finally to report to the Governor their findings. It is my pleasure to advise that you are one of those selected to serve on the enlarged commission. In order to have all parts of the state as nearly as practicable represented, members have been chosen from each senatorial district. In making selections, I have had the assistance and advice of a number of representative citizens, and it is hoped the result has been such that the commission will reflect a correct cross-section of the views of the people of the state.

Governor Blood then disclosed that no funds were available to pay the expenses of the commission, so membership would require a sacrifice of money as well as time.

Because forty-nine members were appointed to the committee by the Governor, the press commonly referred to "the committee of 49." However, at no time did the committee consist of forty-nine members. Two of those appointed, Mrs. E. I. Rich of Ogden and Mr. Durham Morris of Parowan, declined to serve, Mrs. Rich because she was at that time "doing a great deal of public work . . . and . . . should not attempt more." On May 3, death took Judge Greenwood, one of the original committee members. The "49" was further reduced in July with the

---

20 Blood, Box 77.


*For a list of those appointed, their home city, religion, wet or dry sentiment, and political affiliation, see Appendix II.
resignation of Virginia Rishel, due to the press of her duties with the Democratic National Committee in Washington, D.C.23

As in the case of the appointees to the nucleus committee, response to the Governor's call was again for the most part enthusiastic. Some, however, were unable to attend the first meeting, called for January 23, because of the short notice given, and like Ray Dillman of Duchesne, suggested that "when meetings are to be called that reasonable notice . . . be given so that we may . . . make arrangements to be present."24 Miss Lucile Estes expressed her willingness to serve, but added that "the deaconess allowance is not large enough to cover extra items. . . ."25 Several appointees expressed a deep concern about the problem to be faced, and accepted the appointment as a great honor, thanking Governor Blood for his confidence in them.

The first meeting of the full committee was held on January 23, but long before this first meeting, letters from individuals and groups, suggesting plans for liquor control, were being received by the Governor and forwarded to the officers of the committee. During this time also, pressure began to be exerted on the Governor to call a special session of the Legislature to deal with the problem. Often letters both called for a special session and submitted liquor control plans.

One of the initial letters to this effect came from a Cache Valley banker, Frederick Champ, who urged an early special session to provide a suitable plan of liquor control, as opposed to "the present program of nullification and

---

23Letter from Virginia Rishel to Governor Blood, July 9, 1934. Blood, Box 77.
bootleg distribution. . . . Considerable sentiment," said Mr. Champ, "in favor of distribution by the state of hard liquor. Licensed dispensaries would eliminate bootlegging, prevent the reestablishment of the saloon, and provide an immediate source of revenue."26

One of the more interesting letters to the Governor on this topic came from C. C. Willis of Junction, Utah.27 After stating his reasons for voting against prohibition, Mr. Willis continued:

Now I am in favor of a saloon—not the old saloon—But a new saloon. I say: let the state and federal government appoint a respectable man to run a saloon just as good a man as we would want for any county or state office, to be put under heavy bond with full instructions to run a a respectable place of business, and not allow any gambling what ever in the saloon.

Mr. Willis suggested that all intoxicated persons should be arrested and fined heavily, being forced also to pay the cost of their prosecution. He came out against state liquor stores, stating that they would breed corruption.

Expressing himself as favoring a special session and state stores was Miah Day of the Repeal Convention, who in the following statement to the Salt Lake Tribune said:

I am very much in favor of a call from our Governor . . . for an extra session of the Legislature at his earliest convenience. Then it is to be hoped that we will have enacted the most stringent laws governing the sale and distribution of liquor, which will forever put the bootlegger and the speakeasy out of business, and give to the state and to each county and city all of the revenue obtained from the sale of hard liquor.

I favor absolute State control, governed by a Control Board of three members to be appointed by the Governor. The Board to be given authority and exclusive control of all sales of alcoholic beverages in the State of Utah. Said liquors to be through State Liquor Stores, by men of good character and reputation, under a sufficient bond to insure compliance with the law, such men to be hired or appointed by the State Board of Control by and with the consent of the Governor. . . .


27Letter from C. C. Willis to Governor Blood, December 3, 1933, quoted as written. Blood, Box 77.
I favor the elimination of private profit from the sale of hard liquor because this would prevent the return of the open saloon or any place resembling the open saloon, the abuse of the saloon privilege brought about and created prohibition.

In fourteen years of prohibition developed the arch enemy of courage and manhood. It has paid high tribute of money to law violators for secret connivance and deception. It has made hypocrites and liars of millions of otherwise honest and law abiding citizens. It has not only been the great destroyer of youth but a menace to the entire public. The abuse of prohibition by gangsters has created the greatest overwhelming sentiment as expressed by the ballot in favor of the Twenty-first Amendment to our Federal Constitution and repeal of our State Constitutional Prohibition. We must eliminate any chance of further abuse of our privilege, which we may anticipate by the acts of our next legislature.

Being a member of the Constitutional Convention held December 5th, 1933, I voted for the adoption of the Twenty-first Amendment to the Federal Constitution, which was one of the pleasantest moments of my life. Not because I wanted an easy flow of liquor in the state, but I sincerely believed then, as I believe now, that the good and law abiding citizens of the State and Nation are very desirous of having the right and legality to purchase good Government Bonded Liquor, without the feeling of hide and seek.

As a sincere believer in temperance, I am keenly interested in everything that pertains to the control of hard liquor. We must have laws enacted that can and will be enforced. We have had some sad experiences with the abuses of the open saloon. We have experienced nothing but sadness with the abuses of prohibition. Therefore my earnest desire is that the liquor laws which may be enacted by our next Legislature will be such that a third abuse will never be attempted.

I firmly believe that the initial step, and one of the fundamentals for the control of hard liquor, is the elimination of private profit.28

A liquor report submitted to the Weber County Farm Bureau by D. D. McKay of Huntsville and A. L. Christensen also called for a special session, and suggested another plan for liquor control. This plan included the establishing of a state agency to act as a wholesaler and distributor of liquor, the licensing of stores and restaurants to sell liquor and the forbidding of liquor advertising.29

28Statement to the Salt Lake Tribune by Miah Day, January 18, 1934, quoted as written. Blood, Box 77.

Suggested liquor control plans also came from out of state, some from such remote persons as a Temple University (Philadelphia) Sociology professor and a Freeport, New York lawyer. One San Francisco man told the Governor that he had a plan which would eliminate 99% of the bootlegging, would not cost the state anything, would eliminate the saloon, and would cut out private profit in the liquor business. He failed to specify what this plan was, but asked to be made the head of a Utah liquor control commission.

When the full committee held its first meeting, one of its initial considerations was the problem of continued law violation in the state. "I have been amazed at reports brought to me of the conditions throughout the state," said Governor Blood in his address to the committee. "I am led to believe that lawlessness is increasing to an astonishing degree." This statement was backed by a previous report, delivered to the nucleus committee, in which evidence was presented that there was gross violation of the prohibition laws, especially in Salt Lake City and Ogden, and that in Salt Lake City alone, over 500 bars were selling liquor.* Chairman Bagley, referring to the increase in lawlessness, told the "49" that its first objective in setting up a control plan must be the abolition of such lawlessness. He said that any law enacted must have the support of the people or it would be ineffective.

---

*In June of 1933, President Heber J. Grant had predicted, "If beer comes back, other stronger liquors will likely be sold on the sly in the same establishments." *News*, June 7, 1933, p. 1.
Much of the first meeting was devoted to the receiving of the Governor's report, the outlining of the problem by Bagley, routine organizational procedures, and the distribution of copies of a Rockefeller committee report on liquor control. The only real controversy to arise during the first meeting was over the advisability and timing of public hearings. When this topic arose, Salt Lake attorney Hugh B. Brown, Chairman of the Democratic State Committee, quickly voiced opposition to hearings at the time, stating that it would be better to postpone a decision on the matter "until we get a more definite idea ourselves on the subject. We may possibly change our minds as to the advisability of public hearings, . . ." he said.  

Another member opposed this suggestion, however. "What do we hope to gain if we don't listen to the majority of the people in the state?" he asked. "We want their opinions early in the game." When he brought up the Governor's suggestion that opinions be gained from a cross section of the state, another member countered that he "thought that this committee was to be a cross section of the entire state." It was then suggested by other members that each committeeman, when he went home, get the opinions of the people in his district, but that further discussion of public hearings be postponed. The motion carried.

With the public hearing issue settled, one member asked Governor Blood how long the committee was to take in its study, and was told that there would be no date fixed. He had once tried fixing a date for another committee, said the Governor, but the report was not ready and therefore was worthless. "What I want," he explained, "is a thorough consideration and a completed survey of

36 "Report of Meeting Held by the State Advisory Committee on Liquor Control," January 23, 1934, p. 4. Blood, Box 77. (Hereafter cited as "Report.")

37 Ibid., p. 5.

38 Ibid., p. 6.

39 Ibid., pp. 6-7.
your considerations to be submitted when ready. I shall be glad to receive your report then." 40 The final report was not completed until December 15. 41

The ultimate purpose of the committee was, of course, to draw up a plan for a liquor control system for the state. However, Chairman Bagley discouraged direct discussion on specific plans until the next meeting, after the members had been able to read the literature distributed that day. Bagley did, however, express his own opinion that the decision would be between a private license system and a state authority system. 42

The "committee of 49" met for the second time on February 17, but between the first and second meetings of the group, several more letters and resolutions were sent to Governor Blood urging a special session of the Legislature. Among those urging this action were the Board of Governors of the Chamber of Commerce, 43 the Box Elder County Democratic Committee, 44 Clarence Bamberger, 45 and the Junior Chamber of Commerce. The Jr. Chamber also urged the adoption of the private license system and local option. 46 These recommendations were transferred to the committee by Governor Blood, but the group voted to postpone discussion of a special session. 47

40 Ibid., p. 12.
42 "Report," p. 3.
43 Tribune, January 30, 1934, p. 16.
44 Resolution from Box Elder County Democratic Committee to Governor Blood, January 31, 1934. Blood, Box 77.
45 Letter from Clarence Bamberger to Governor Blood, February 7, 1934. Blood, Box 77.
46 Tribune, February 16, 1934, p. 22.
47 "Report of Second Meeting of the State Advisory Committee on Liquor Control," February 17, 1934, p. 46. Blood, Box 77. (Hereafter cited as "Report, Second Meeting.")
The most concrete results of the second meeting were votes on three questions put to the group. After little discussion, the committee voted affirmatively 29-3 and 25-9 on the questions, "Do you favor permitting the sale and possession in Utah of light wines and beer?" and, "Do you favor permitting the sale and possession in Utah of fortified wines, liquors, and whiskies?" On the third question, "What general system for the control and regulation of said sale and possession do you favor, to wit, the license or state authority system?" there was considerably more debate, but the committee voted 29-5 in favor of the state authority system. Voting for the private license plan were Kahn, Willard T. Cannon, Joseph T. Butler, Tabitha Harness, and Mrs. Sybil Smith.

Opponents of the state authority plan argued that it would lend itself to the setting up of political machines, that it would be costly and inefficient, and that the whole plan was contrary to the spirit of American institutions. Mrs. Smith declared that the Rockefeller report, which urged the state authority plan, was written for large states which would have large volume sales. But such a system in a small state like Utah would be inefficient, she claimed. She urged sales by private retailers, with prices fixed by law at a rate so low that the margin of profit would be below that of the other merchandise they sell. "I don't see why those people would push the sales of liquor if they made a greater percentage of profit by selling other merchandise," she said.

Another member argued that it was wrong for the state to go into the retail liquor business. "They don't go together," it was asserted. Roy Thatcher

---


49 Ibid.


52 Ibid., p. 36.
raised the possibility that bootlegging might continue under the state system. "Any system by which you furnish liquor only for consumption off the premises which requires that as much as a pint of hard liquor must be bought at a time will not control the bootlegger," he reasoned. "Men who buy whiskey for their own use possibly will furnish the fellow who will go around and bootleg it from the hip pocket." The solution that Thatcher offered was sale by the bottle in state stores and by the drink in hotels and restaurants.53

Quite a number of persons argued for the state authority system. President Thomas, for example, pointed out that the license system was in effect before prohibition, and "we know where that took us. . . . We are ready to try something else," he said.54

Judge Wolfe discussed the profit motive, declaring that retailers would push sales to gain a profit. In addition to that, it would be easy to recede from the state plan if it did not work, but would be difficult to go from the private to the state system if the private system were tried first. As to political machines, he charged that "if a man had a license in pre-prohibition days it was built up by political favor."55

Another member, who said that he knew nothing about the old-time saloon, quoted a pre-prohibition bartender of his community as saying that there was not a slight chance of stopping alcoholic consumption under the private system. In the days when he was a bartender, "he said they sold all the liquor they could."56

Mrs. George S. Ballif, wife of a Repeal Convention member, asserted that "with the license system it would be impossible to keep down the sales because

53Ibid., p. 35.
54Ibid., p. 10.
55Ibid., p. 16.
56Ibid., pp. 30-31.
it is the natural motive on the part of a person to make money." Speaking for "the young mothers under 37," Mrs. Ballif pleaded for the state system as a means of allowing education for temperance.57

Brown, who had "had lots of experience with this [state authority] plan in Alberta..." and had served for four years as a prosecutor of liquor violators there, declared that he had become "unusually acquainted with the workings of the Act... With that background of experience and observation," he said, he was "unalterably opposed to the licensing system and in favor of state control."58

Mrs. Johnson suggested a modification of the state system, by which retail sales of liquor would be handled by the grocery stores, with a salary from the state and no profit on the actual liquor sold. But she definitely opposed the private license system. Under this system, she said, pre-prohibition "saloon keepers and licensees did everything they could think of to increase their sales."59

President Thomas suggested a plan whereby "any man could get liquor, but the more liquor [the bartenders] sold, the less their salary would be."60

At least one member seemed to be quite undecided on whether to vote for the private or state plan. He wanted to know whether, under the state plan, profit would go only to the state or also to the counties and municipalities.61 Chairman Bagley said that the vote for that day was only on general plans, and that details would be worked out later.62 But this did not satisfy the inquirer. He said that the local units of government were in need of revenue, and that

57Ibid., p. 32.
58Ibid., p. 19.
59Ibid., p. 16.
60Ibid., p. 37.
61Ibid., p. 10.
62Ibid.
if the profits went only to the state, they would favor the private plan so that they could collect license fees. Another member objected to this reasoning. "As to the question of large profits," he said, "I for one am against them on the theory that the cheaper you make these liquors to the public, the quicker you are going to drive out the bootlegger." Brown, speaking on the question of revenue, said that the solution which must be worked out was that which would benefit society, and that revenue was an unimportant factor.

After the vote favoring the state authority system, a drafting subcommittee was chosen to draw up a proposed bill which would embody the recommendations of the full group. Chosen to serve on the subcommittee were Chairman Bagley, Vice-Chairman Wolfe, Kahn, Thomas, Brown, Thatcher, Milton Bennion, Bartley McDonough, and Joseph T. Butler.

After the second meeting of the "49," there were very few meetings of the full committee. Most of the work from that point was done by the drafting subcommittee, especially by lawyer Bagley, the one paid member, who "made the bill." The calling of one such meeting, however, was sharply criticized by Dr. Thomas, who wrote to Bagley:

I received notice of the meeting to be held next Friday morning [April 27] at 11:00 o'clock, together with an announcement that there would be a public hearing at 2:00 o'clock. I shall not be present at the morning meeting and would not be present at the afternoon meeting, except that I am anxious to hear what the public has to say.

I think frankness and candor require that I tell you why I shall not be present. At the last meeting, we passed a motion that when the members of the [Drafting] committee ... were ready to report, you would call a meeting and we would go over the several reports together.

---

63 Ibid., p. 11.
64 Ibid., pp. 11-12.
65 Ibid., p. 20.
... you suggested an earlier public hearing, but the committee decided that we should take further time and have the measure fairly well composed; then, when we knew exactly what we wanted to do, we could inform the public, which could then make its observations. As it is, people are called together, to come here at considerable expense to themselves, and we have nothing definite to place before them.

As I see it, you have entirely disregarded the action of the committee in the procedure. I would be even willing to overlook that if I felt that such a procedure would fairly represent the work of the committee. To bring the public together at this time with nothing definite to place before it, makes us justly subject to considerable censure.

I realize that it is going to be difficult to get anything over to the Legislature and therefore I shall do everything I can to avoid a scene. If it were not for that, as you have no disposition to follow the wishes of the committee, I would resign. As it is, I think the wise thing for me to do is to quietly remain away from the committee work. I am not willing to continue as a member of the committee and have you over-ride its decisions.

Bagley’s reply was equally sharp. He said that he had been swamped with complaints about the failure to hold public hearings, and that it was "common gossip on the street that our committee was purposely withholding action to save the Governor from calling a special session--and that we had been selected and appointed with that end in view." He then said that since it looked as if it would still be some time before the report of the drafting subcommittee would be ready, he felt that it would be best to give the committee members the benefit of the views of the public. In conclusion, he struck back at his detractors, including Thomas:

I have no apologies to make to you or to anyone else for any action in this or anything else in connection with my part in this unsought liquor job. I’ve taken about all the kicks I’ll stand for from those on the outside about the committee’s delay in reporting and I’ve reached the place where I’ll not silently submit to being kicked at by you or anyone else on the committee, when as in this instance I believe my action to be in the best interest of the work in hand and all those engaged in it.

At the disputed public hearing, the usual arguments for and against the

---

68 Letter from Dr. George Thomas to E. M. Bagley, April 23, 1934. Blood, Box 77.
69 Letter from E. M. Bagley to Dr. George Thomas, April 25, 1934. Blood, Box 77.
state store system were presented. But Ogden's Mayor Harmon Perry went on record as opposing any change in existing conditions. After quoting figures showing the high amounts of revenue from liquor and gambling fines which were pouring into Ogden City coffers, he told the committee, "We are getting a nice revenue through liquor violations. It is not legal, but there is a revenue from that source, and it correspondingly will lighten the burden on the taxpayer." "I do not profess to be a reformer, . . ." he said.70

Representing the Utah Pharmaceutical Association at the hearing was Representative Darrell Lane, who recommended that the state's drug stores be used as liquor outlets. The pharmacies were already used to strict state and federal regulation, he testified, and druggists would not be willing to turn their places of business into saloons.

With more than 200 drug stores operating throughout the state, all under the jurisdiction of the State Department of Registration, which may revoke the license of any store upon law violation, the state has immediately available that number of reputable outlets for the distribution of these liquors without expending one cent of state funds for salaries, leases, fixtures, and other items. By using them, the traffic would be placed on a higher plane than ever before, and the responsibility placed on a profession, rather than on a mere licensee. Practically all advantages of state dispensaries can be obtained without its attendant costs.71 Lane also said that if the state wished, the druggists could distribute the liquor for the state for a straight salary, rather than for profit on sales.

Speaking for the right of hotels and restaurants to sell liquor by the drink were George Relf of the Hotel Utah in Salt Lake City, H. L. Becket of the Hotel Ben Lomond in Ogden, and Cesare Rinetti of Salt Lake's Rotisseri Inn. Relf testified that "during the old days, the good hotels were very jealous of their reputation. At our innumerable large banquets, an intoxicated person

70Tribune, April 28, 1934, p. 22.

71Ibid.
was a very rare exception. Now what happens?” he asked. Answering his own question, he continued:

Our biggest and best organizations give a banquet or a dinner dance. Individuals and concerns engage rooms on the upper floors, purchase hundreds and thousands of dollars worth of booze from the bootleggers, and have it delivered to these rooms; spread the word among the banqueters that open house is being observed. The result has been that probably 500 out of the 550 have left our banquet halls where we might exercise proper control, and have gone up through our halls and rooms in such numbers that the management has been almost helpless, and then have liquored up and caroused around until 5 o’clock in the morning.

The hotel has sold only a few dollars worth of ginger ale or mineral waters, has had to furnish cubed ice, glassware and service, endure the nuisance of the thing, and the bootlegger, with no taxes to pay, reaps all the financial gains.72

The obvious question to be asked in the face of such testimony was, "Why were the police not informed of such apparent violation of the law?" But evidently no one asked the question, and Mr. Relf did not volunteer an answer.

Another witness, Franklin Riter, advocated private distribution, with local option. He recommended that a 60 per cent dry vote be necessary to establish prohibition in an area, but said that a 67 to 75 per cent requirement would be better, as dry laws need local support to be effective. If the state store system were adopted, he said, these stores should not open before 9 A.M., should close by 6 P.M., and should be closed on Sundays, election days and possibly holidays. The Salt Lake Tribune reported that "the hotel and restaurant men present were restive under [the latter] proposal.”73

By mid-May, the work of the drafting subcommittee had progressed to the point that the Governor's secretary, George C. Sutherland,* was able to tell a

72 Ibid.
73 Ibid., pp. 1, 22.

*Not to be confused with former Senator and then Supreme Court Justice George Sutherland of Utah.
London inquirer that a report was expected about June 1. But two months later, the same inquirer had to be told that the report was not yet complete.

In mid-August, Chairman Bagley returned from a month stay in Canada and commented that the plan soon to be submitted by the Advisory Committee was similar to that of Alberta, except that the committee plan would probably have a provision for some liquor by the drink, which Alberta did not. Speaking of conditions in Alberta, he said that "the liquor stores are well managed; they open late and close early, and the bootlegger is absent." As to the progress of the Advisory Committee, he said that if a special session were called, the committee would be prepared to submit a report.

Two months later, Bagley reported that completion of the subcommittee report was expected in time to submit it to the full Advisory Committee in early November. On November 24, the details of the subcommittee report were published, and on December 15, concluding an all-day session attended by about half of its members, the State Advisory Committee on Liquor Control approved the report, after some debate and a few minor amendments.

The salient features of the approved report included:

1. Rigid state control of the liquor traffic by a non-partisan three-man commission to be appointed by the Governor, the Chief Justice of Utah, and the President of the University of Utah;

---

74 Letter from George Sutherland to Mrs. M. M. Whiton, May 18, 1934. Blood, Box 77.

75 Letter from George Sutherland to Mrs. M. M. Whiton, July 18, 1934. Blood, Box 77.

76 Tribune, August 14, 1934, p. 18.

77 Ibid., October 12, 1934, p. 22.

78 Ibid., November 24, 1934, p. 1.

79 Ibid., December 16, 1934, pp. 1, 16. (Reference covers all matters of that date hereafter discussed.)
2. Sale of liquor in bottles only by state stores or by state-operated package agencies in areas too small to support a store, with no licensees of draft beer to be allowed as package agencies;

3. Sale of liquor by the drink with meals in qualified hotels, clubs, and restaurants, with liquor to be served only in dining rooms;

4. Bottled goods to be sold only to permit holders, a permit being issued for three years at a cost of fifty cents;

5. License fees collected from hotels, clubs, and restaurants to go to the cities in which they are located;

6. Regulations on beer sales similar to those already in effect;

7. Local option, with counties forming option units;

8. Provisions to prohibit sales to minors, sales of adulterated alcoholic beverages, and sales to drunken or disreputable persons; and


The issue in the report causing the most debate was the provision for liquor by the drink. Bennion started debate on that issue with a motion that the committee strike the provision on the grounds that it injected profits into the business, that it made liquor easily available to the youth, and that it was class legislation, restricting glass sales to the financially more fortunate class, who could afford to frequent places where liquor could be sold in that manner. This, he asserted, might arouse agitation from the poorer classes and result in the return of the saloon. The motion was supported by Brown, who said that "our intention is to regulate liquor so as to minimize the sale and consumption thereof."

Speaking for the provision were Kahn, Thatcher, Wolfe, and Butler, who claimed that the people would continue to have liquor by the drink whether legal or illegal, and that the provision was only realistic. The Bennion
motion was defeated, 13-10, but the Tribune predicted sharp debate on the issue when it would arise in the forthcoming session of the Legislature.

The general reaction to the plan by the Deseret News was that it was the "least objectionable" of the alternatives. However, agreeing with Bennion, it was critical of the liquor-by-the-drink provision because the easy accessability of liquor would increase consumption. It also warned that those who could not afford to eat at hotels, restaurants, and "exclusive and expensive clubs" would object to the easy accessability of liquor to the well-to-do, while the saloon, "the poor man's club," was prohibited. "This attitude of mind may lead to the re-establishment of these debauching institutions, or to wholesale violations of the law," warned the News.80

The adoption of the report of the drafting subcommittee did not, of course, end the debate on what the state's new liquor law was to contain. The next scheduled step was the drafting of a formal report to Governor Blood, a report which would contain not only the decision of the majority, but also the division of opinion among the committee members.81 Then the plan was to go to the Twenty-first Utah Legislature, where it would again be examined, debated, amended, and shaped to meet the satisfaction of the majority. But there the bill was out of reach of those who framed it. Except for its lingering influence, the work of the Advisory Committee was finished.

80 News, December 17, 1934, p. 4.
CHAPTER VIII
THE ADOPTION OF A LIQUOR CONTROL SYSTEM
AND THE END OF PROHIBITION IN UTAH

On January 14, 1935, the Twenty-first Utah Legislature, which was to decide
the fate of the bill formulated by the Advisory Committee, convened with Democrats
in a very strong majority position, controlling the House 56-4 and the Senate
19-4.1 Whether the strong Democratic control of the Legislature had any special
significance concerning the liquor bill was not known at the time, for during
the campaign of 1934, only the Republican Party had committed itself on a plan
for liquor control. When Utah Republicans met at their state convention in mid-
July, 1934, they went on record as favoring a liquor plan by which all profits
would go to the state. In addition, of course, they took that occasion to blame
the Democrats for the lack of enforcement of liquor laws, deploring the "chaotic
conditions in the liquor situation in the state since the repeal of the state
and national Constitutional Amendments," and charging the existing state Demo-
cratic administration with being responsible for the situation.2 Salt Lake
County Republicans likewise condemned the existing conditions in the liquor
situation, placing "the responsibility for such conditions squarely on the
Democratic administration." They then unanimously adopted a plank favoring
state control of the liquor traffic through state stores.3 But when the Democrats

2Ibid., July 19, 1934, pp. 1, 9.
3Ibid., September 26, 1934, p. 6.
met in their state convention at Provo they made no mention of the liquor situation. With the position of the majority party thus unknown, the probable fate of the Advisory Committee's liquor bill was likewise unknown.

When Governor Blood gave his regular message to the Legislature the day following its convening, he urged the adoption of the state liquor store system. This plan, he said, would prevent the return of the saloon, make possible easy enforcement, eliminate efforts to promote liquor through advertising, and make bootlegging unprofitable, thus eliminating the illegal trade. He also urged that action on the bill be speedy, in respect to the mandate given by the people in the vote of November 7, 1933.

During the course of the Twenty-first Legislature, no fewer than eight bills relating to the liquor question were introduced, some of these, however, being substitute bills for earlier poorly-drawn bills, and some being measures embodying similar features, introduced concurrently into both Houses. The first of these liquor bills was introduced into the House over the name of Warwick C. Lamoreaux, and was labeled House Bill No. 7. The Lamoreaux bill was essentially the bill prepared by the Advisory Committee, but contained three significant changes. It vested the sole power of naming the Liquor Control Commission in the Governor instead of in the trio of the Governor, the Chief Justice, and the President of the University of Utah. Second, it eliminated the provision for making public the names of liquor permit holders and the amounts of their purchases. But most important, it eliminated the provision for liquor by the drink. In reality the changes written into the bill by Lamoreaux made it closer to the

---

7 Ibid., January 20, 1935, p. 1.
minority report of the Advisory Committee than to the majority report. Thus, when the bill was reported out of the rules committee to be printed, Representative Sam Kiefer raised an objection, stating that "before we go to the expense of having this voluminous bill printed, I would like to know if the administration has a bill or if this is the bill. I don't want to see this bill printed until we know where we are at." In other words, Kiefer wanted to know if H.B. No. 7 had the support of Governor Blood, or if the Governor had another bill to be introduced. Kiefer then moved that a committee be appointed to sound out the Governor on this question; the motion passed, and Speaker of the House Walter K. Granger appointed Lamoreaux, Grant McFarlane, and Marion G. Romney, Chairman of the House Judiciary Committee, to this group.8

On the same day that the committee was appointed to probe the Governor's stand on the Lamoreaux bill, a private license bill, essentially formulated by the Salt Lake Chamber of Commerce, was introduced concurrently into both Houses. Submitted to the Senate as S.B. No. 24 by George Miller of Price and into the House as H.B. No. 13 by William Murdoch,9 these bills contained essentially the following provisions:

1. Manufacturers, retailers, and distributors to be licensed by the state; manufacturers and importing distributors to pay an additional per-gallon tax;

2. Liquor traffic to be regulated by a three-man commission appointed by the Governor;

3. Local option and local liquor commissioners with power to establish their own licensing system and devote revenues therefrom to local public uses;

4. Sales by the drink not restricted to eating places, but old-time bars eliminated; no sales of liquor on Sundays or election days, and regulations

---

9 Ibid., p. 6.
to keep liquor dispensaries away from schools, churches, and institutions of various kinds; no sales in public buildings;

5. Provisions to prevent liquor interests from obtaining political influence or control of retail outlets;

6. Liquor to be obtained only by persons of good character who are citizens; violators of old prohibition laws to be barred;

7. Places selling by the drink to be well lighted and conducted in an open manner;

8. Strict requirements for membership on liquor control commission or any office in the organization set up by the commission; and

9. Those contributing to the drunkeness of a person to the detriment of family, guardian, employer, or their property to be liable for actual or exemplary damages.10

Despite these provisions, there soon began to be rumblings of discontent concerning the bill among those favoring the private license system.11 One of the discontented, Representative P. S. Marthakis of Salt Lake City, called it "cumbersome and ill-advised in some respects, . . ." and said that he might introduce a bill of his own.12 Finally, Murdoch introduced a new measure, H.B. 85, as a substitute for H.B. 13, and Senator Miller substituted S.B. 90 for S.B. 24, to make the measures more acceptable.13

Meanwhile, the House received a report from the group appointed to discuss the Lamoreaux bill with Governor Blood, but several legislators complained that it still was not clear whether Blood supported the bill as introduced and changed

---

by Lamoreaux. Lamoreaux, however, accepted full responsibility for the bill. "This is my bill," he said, "and I accept it as my bill. I have merely exercised my humble, prerogative to introduce a measure on the liquor question." A motion that the bill be printed passed without debate, but the Lamoreaux bill failed to receive any further favorable action; however, some of the features of the Lamoreaux bill were incorporated as amendments into later measures.

Meanwhile, Representative Will Holmes of Brigham City, a proponent of the private license plan, announced his intention to introduce the original Advisory Committee bill, in recognition of the work done by the committee. "I have anticipated every day," he said, "that either the floor leader [Reva Beck Bason] or one of the older members would introduce this bill, but I have been disappointed." The following day, Holmes introduced the measure, as announced, and it was labeled H.B. No. 41.

With his duty, as he saw it, finished with the introduction of the Advisory Committee bill, Holmes announced plans for a compromise liquor plan providing for state wholesaling with private distribution under state license, with liquor by the drink available in licensed eating places, packaged liquor available in licensed drug stores, and beer and wine available in grocery stores. Arguing for his plan, Holmes contended that it would make liquor available to the poor as well as to the rich, therefore cutting down on bootlegging. He also argued that his plan would actually reduce drinking. "Our experiences have taught us," he declared, "the absurdity of attempting to compel citizens to buy more than their requirements. Such a plan only tends to increase consumption because the

---

15Ibid., January 24, 1935, pp. 1, 6.
man who orders only a glass, but is obliged to buy larger quantities, of course consumes the whole amount." Holmes originally planned to not introduce a new bill to embody this plan, but rather to seek amendments to H.B. 41, which he had originally introduced, to make it conform to his compromise. However, when advocates of the private licensing system decided to accept the Holmes plan, it was agreed that H.B. 85 would be rewritten to conform to the Holmes specifications. The Salt Lake Tribune immediately gave editorial support to the compromise. A few days later, after approval by the Judiciary Committee, the House passed a motion by Representative Kiefer to have H.B. 85 rewritten to conform to the Holmes plan.

On February 1, a bill embodying the proposals of the Advisory Committee was finally received by the Senate, this bill being labeled S.B. 100. On February 13, S.B. 100 was reported favorably by the Trade Regulations Committee, but it received no further consideration because Senate debate on the Advisory Committee proposal was limited to H.B. 41, when it came from the House.

Meanwhile, public hearings were held on the liquor question, but essentially these hearings were mere replays of the public hearings held by the Advisory Committee. The arguments were essentially those presented a year before.

---

20 Ibid., February 6, 1935, pp. 1, 6.
21 Ibid., p. 4.
22 Ibid., February 12, 1935, p. 3.
23 Ibid., February 1, 1935, p. 6.
25 Ibid., February 1, 1935, pp. 1, 6, 10; February 2, 1935, pp. 6, 8; February 7, 1935, pp. 1, 6. (Reference covers hearings discussed hereafter).
with many of the same persons and organizations represented and testifying. Several of those testifying for the Advisory Committee bill, such as Bagley, Thatcher, Dr. Thomas, Brown, and Utah Supreme Court Justice Wolfe, had been members of the committee itself, and were present to defend their work. On the subject of liquor by the drink, however, there was some division of opinion among these former committee members, as there had been within the committee itself. The only testimony which varied greatly from that received the previous year came from Mayor A. O. Smoot of Provo, who argued for a continuation of outright prohibition. Inversely, Price attorney James A. Braffet argued for the free flow of liquor, which he said Carbon County favored. Carbon County had always been wet, he said, and always would be. He argued that the Advisory Committee bill would hinder business.

Those who previously had testified for the private license system now testified for the Holmes plan, which in reality was a private license system with only the wholesaling done by the state. They repeated their contention that the state store system would not stop bootlegging; operators of state stores would not care about bootleggers, they said, since these persons would get the same salary even if the bootleggers cut into their business; but private operators, opposing the decrease in their business which would result from bootlegging, would automatically be an anti-bootlegging force.

With the public hearings completed, as the Legislature approached the halfway point of its session, the final bill to be submitted on the liquor question, H.B. 125, was introduced by Representatives Edward F. Richards and Clifford Bletzacker. This bill provided simply for the repeal of all liquor legislation at that time on the statute books, the theory behind this being that if direct


*Wolfe had been elected to the Utah Supreme Court at the previous November election. Tribune, November 7, 1934, p. 1.
repeal were effected, the Legislature would have to get busy and write a control law, the alternative being a wide-open liquor situation. House Bill 125 was reported unfavorably, however, and later was tabled, these actions coming on the same days that the Holmes plan, H.B. 85, suffered the same fate.

During the second part of the scheduled 60-day Legislature, most of the attention given the liquor-control situation centered around H.B. 41, which, as introduced, contained all of the provisions of the majority report of the Advisory Committee. When, however, the House Judiciary Committee favorably reported the bill by an 11-4 vote, three of the dissenting votes were as a result of a major change in the bill, the elimination of the liquor-by-the-drink provision.

When H.B. 41 came to the floor of the House, an amendment adopted there made it appear even more like the bill originally introduced by Lamoreaux, this amendment placing the appointment of the Liquor Control Commission solely in the hands of the Governor. Still another amendment adopted was a so-called "anti-snooping" amendment which would prevent records showing permit ownership and liquor purchases from being made public. Mrs. D. C. Gibson, a Representative from Carbon County, was especially critical of this amendment, stating that she thought it to be "the privilege of my fellow citizens to know if I take out a permit to buy liquor. We have had enough subterfuge," she said. "Let's get this thing out in the open." Others, however, disagreed, contending that many people would buy from a bootlegger rather than have it made public that they had obtained a liquor permit.

31Ibid., February 17, 1935, pp. 1, 8.
When debate on the bill was resumed three days later, the House after two hours of debate approved the committee report banning liquor by the drink. In addition, all provisions for local option were eliminated and the advertising of both beer and liquor was forbidden.\textsuperscript{32} The state store bill was finally passed by the House, 41-19.\textsuperscript{33}

When the bill reached the Senate, the Trade Regulations Committee promptly restored both the provisions for liquor by the drink and for the advertising of light beer.\textsuperscript{34} When the bill came to the floor of the Senate on March 12, the fifty-eighth day of the legal 60-day Legislature, the liquor-by-the-drink amendment was approved, 21-2. According to this amendment, alcoholic beverages, including 3.2 beer, could be served only with meals in restaurants, hotels, and clubs, with the provision that no establishment whose gross liquor sales exceeded other gross sales could be classified as a restaurant.\textsuperscript{35} The following day, as the bill was passed to its third reading, two advertising amendments were approved, one which deleted the prohibition of advertising in newspapers on the grounds that they were interstate commerce, and one which would allow the advertising of light beer, with the idea of diverting attention from hard liquor.\textsuperscript{36}

On the sixtieth day of the Legislature, the Senate passed H.B. 41 with only one dissent, but the House refused to concur in the liquor-by-the-drink clause. Since the Senate also refused to back down on the issue, the bill was sent to a Conference Committee as the Legislature "stopped the clock" because its legal life

\textsuperscript{32}Ibid., February 20, 1935, pp. 1, 14.

\textsuperscript{33}Ibid., February 21, 1935, p. 1.

\textsuperscript{34}Ibid., March 3, 1935, p. 1.

\textsuperscript{35}Ibid., March 13, 1935, p. 6.

\textsuperscript{36}Ibid., March 14, 1935, p. 6.
had ended. As the "sixtieth day" entered its third twenty-four hour period, no agreement had yet been reached on the liquor situation, and a new Conference Committee had to be appointed. The second Conference Committee agreed to the liquor-by-the-drink provision, but the House, in a Sunday session, refused to approve the report. Finally, with the appointment of a third Conference Committee, the Senate capitulated and agreed, in the words of one Senator, to "sign anything so we can go home." The bill was passed by the Senate without dissent, but most, by the explanation of their vote, seemed to be voting for it only because they felt that it was better to have that law than none at all. Many expressed doubt that the law would work.

On March 26, despite a letter, telegram, and petition campaign by proponents of liquor by the drink and private licenses urging a veto of H.B. 41, Governor Blood signed the bill into law. On April 2, 1935, the first Utah State Liquor Commission, consisting of Chairman Hugh B. Brown, G. M. Whitmore, and Adam Patterson, Jr., was appointed by the Governor, with George C. Sutherland, the Governor's own secretary, as the secretary of the commission. Finally June 1 arrived, and H.B. 41 went into effect. For the first time in nearly eighteen years, legal liquor flowed in Utah. For the people of Utah, prohibition had ended.

---

39Ibid., March 18, 1935, pp. 1, 8.
40Blood, Box 86, contains examples.
In 1917, Utah adopted prohibition, putting a dry law on the statute books and a prohibition amendment into the State Constitution. In 1933, Utah retreated from prohibition, first with a law permitting the manufacture of beer for out-of-state consumption, then with the repealing of the state prohibition amendment, the approving of the repeal of the Eighteenth Amendment and the adoption of a bill allowing the sale of beer in Utah. In 1935, statutory prohibition was repealed and a new system of liquor control was adopted.

Clearly, the repeal controversy in Utah was not one of Mormon versus non-Mormon. The Mormon people could have defeated repeal with a reasonable show of unity, since the population of the state was 63 per cent L.D.S. On the other hand, the overwhelming repeal vote could have been achieved only with the aid of a considerable number of L.D.S. votes. Both L.D.S. and non-L.D.S. groups had people of differing opinions on the controversy, these opinions being expressed at the ballot box.

Why did Utahns vote to end prohibition? Most likely several factors were influential. Undoubtedly, some voted for repeal because they wanted to legally consume alcoholic beverages. But George S. Ballif of the Repeal Convention declared years later that repeal in Utah was for the most part effected by those who hated liquor.¹ David O. McKay attributed repeal to the fact that

¹Personal Interview with George S. Ballif, June 27, 1961.
prohibition had not succeeded as well as had been hoped, and to the severe economic depression, during which people were grasping at any proposed solution to the problem.\textsuperscript{2} Some persons declared their support for repeal because of their support for President Roosevelt, and certainly this appeal was used by repeal propagandists.

Essentially, though, the most often expressed sentiment was that prohibition had failed, and that a new approach to the liquor problem must be tried. It was certainly this conviction which made many non-drinking Mormons like Ballif work and vote for repeal, not to defy their leaders,\textsuperscript{3} but to bring an end to conditions which they felt to be worse than that which would result from repeal and a hoped-for control system. Prohibitionists looking to a post-repeal future saw only a return to the saloon system and its evils. But sincere repealists who believed in temperance saw in the future a control system which would eliminate the evils associated with prohibition, yet prevent the return of the saloon.

Prohibition in Utah was adopted because of dissatisfaction with conditions which existed under the saloon system. Repeal was affected because of dissatisfaction with the results of prohibition. Finally a system of strict state control of the liquor traffic was adopted, a basic system which has continued to the present. Utah has finally achieved its golden mean.

\textsuperscript{2}Deseret News, April 10, 1933, p. 1.

\textsuperscript{3}Ballif interview.
APPENDIX I

OPINIONS ON PROHIBITION AS PRINTED IN THE SALT LAKE TRIBUNE IN 1933

October 30:¹

M. R. Taylor, President of the Palmrya Stake Y.M.M.I.A.: Against repeal, which would hurt young people. For prohibition and enforcement.

George S. Ballif, Provo Juvenile Court Judge: For repeal. Prohibition a failure due to lack of support. Advocates repeal, control, and education.

Benjamin Camerson, Jr., Secretary, Associated Civic Clubs, Panguitch: Against repeal. "No laws with a basic idea of bettering humanity should be repealed. Better enforcement through education is one solution."

George A. Yager, President of Salt Lake Federation of Labor: For repeal. Anyone who believes that bootleggers should continue and that taxpayers should support racketeers should vote for prohibition.

Reverend J. P. Payne, Pastor, Murray Baptist Church: Against repeal. Laws could be enforced if a real effort were made to do so.

October 31:²

S. S. Ivins, Manager, Clayton Investment Company: For repeal. One group should not try to legislate the consciences of another group.

George C. Murdock of Beaver, merchant, Mayor, and churchman: Undecided. Disgusted with lack of law enforcement.

Davis F. Coursey, President of Salt Lake Advertising Club: For repeal. If Utah remains dry while others are wet, tourists will avoid Utah.

Zack J. Oblad, Counselor in Summit Stake Presidency, Park City: Against repeal.

E. W. Kelly, Salt Lake merchant: For repeal. Prohibition has failed.

H. H. Hunt, Cedar City Postmaster: For repeal. Prohibition has failed.


¹Tribune, October 30, 1933, p. 16.

²Ibid., October 31, 1933, pp. 1, 3.
November 1: 3

Harry L. Finch, Salt Lake City Commissioner; candidate for reelection: For repeal. Prohibition has failed.

P. H. Goggin, candidate for Salt Lake City Commissioner: For repeal. Prohibition has resulted in lawlessness.

Harold B. Lee, City Commissioner; candidate for reelection: Statement unclear.

J. P. Mullins, candidate for City Commissioner: For repeal. Stands behind President Roosevelt.

Thomas M. Holt, candidate for City Auditor: Personally a prohibitionist, but will support the Democratic party.

George D. Preston, County Attorney, Cache County, and former Logan City Judge: For repeal. "If everyone who has violated the prohibition laws will vote for repeal, Utah will repeal by more than a hundred to one."

Dr. B. L. Kesler, Bountiful physician: Against repeal. Is personally dry.

November 2: 4

Barney F. Quinn, City Charities Commissioner: For repeal. Prohibition a failure.

Mrs. W. S. McQuilkin, Collector of Customs, Salt Lake City: For repeal. A dry Utah among wet states would be as effective as the Great Wall of China in modern warfare.

Joseph Chez, Utah Attorney General: For repeal. Prohibition has failed. Supports Roosevelt and his recovery program.

George D. Keyser, Salt Lake City Waterworks Commissioner: For repeal, though personally dry. Prohibition a failure.

Milton Bennion, Dean, University of Utah: Against repeal. "A good test of the merit of any law is, 'What would be its consequences if everyone obeyed it.'" No law is completely obeyed. Let education and legislation supplement each other.

Mrs. H. J. Hayward, Salt Lake City: For repeal. Worked for prohibition, but it has failed.

J. Noble Anderson, Fillmore: For repeal. Doesn't drink, but morals can't be legislated.

3Ibid., November 1, 1933, pp. 1, 7.

4Ibid., November 2, 1933, pp. 1, 7.
Bishop Frank B. Wood, Cedar City: Against repeal. Supports stand of the Church.

Reverend John Pearson, Superintendent, Society For the Friendless, Salt Lake City: Against repeal. No government has the right to license a "monstrous evil" like alcohol.

November 3:

J. William Knight of State Tax Commission: For repeal, though opposes return of the saloon.

Reverend T. Ross Paden, First Presbyterian Church, Logan: Against repeal. Liquor, legal or illegal has always created crime, disease, poverty, etc.

Mrs. Arthur H. S. Bird, Salt Lake City: For repeal. Prohibition has failed.

Bishop H. L. Adams, Parowan: Against repeal. Will not vote for something he cannot pray for.

November 4:

E. Vance Wilson, publisher, attorney, Fillmore: For repeal. Prohibition a failure. Such laws should not be in constitutions.

Mrs. Ada Wood Webster, President of Cedar City Women's Clubs: Against repeal. Would set back our civilization fifteen years.

E. J. Watson, Salt Lake businessman: For repeal. "Prohibition was conceived, born, and cradled in deceit and corruption." Not underworld fighting prohibition, but men of influence, education, and power.

Warden R. E. Davis of Utah State Prison: For repeal. Juries won't convict for prohibition law violation, even in face of clear-cut evidence.

November 5:

Milton H. Welling, Utah Secretary of State: For repeal. Utah's relief load twice as high as national average. "Think of the spectacle of seeing people piously wrap a cloak of righteousness about themselves with one hand as they thank God that they are not like other men; at the same time, they are extending the other hand with an upturned palm to these same Americans asking for national alms."

5Ibid., November 3, 1933, pp. 1, 3.

6Ibid., November 4, 1933, p. 6.

7Ibid., November 5, 1933, pp. 1, 8.
A. W. Wright, General Agent, Columbia National Life Insurance Company, Salt Lake City: For repeal. His company has paid thousands in claims due to deaths from poison bootleg liquor.

**November 6:**

L. A. Blackner, Utah Department Commander, American Legion, Magna: For repeal. The 18th Amendment is not respected, and is leading to disrespect for all law.

Julius C. Anderson, Utah State Auditor: For repeal. A former worker in Anti-saloon League, he now is ready to try a new approach.

G. A. Wall, Lehi City Judge: Against repeal. Conditions now are better than before prohibition.

George Beard, Coalville: For repeal. Prohibition has made bootleggers out of thousands of good men.

J. T. Wilson, Principal, Tintic High School, Eureka: For repeal. Moral and social conditions will improve with a new system of handling the problem.

Dr. S. Gleason, Davis County Health Commissioner: Against repeal. Behind all the pretenses of "revenue," "personal liberty," etc. is the real reason: "We want our booze."

**November 7:**

Mayor Louis Marcus of Salt Lake City: For repeal, "ethically, economically, morally, physically, and legally." Repeal will do away with the bootlegger and the racketeer.

James Gunn McKay, Huntsville: Against repeal. Disrespect for law is due to neglect by law enforcement authorities. Repeal one law because it is disobeyed, and where will it end?

---

8*Ibid.*, November 6, 1933, pp. 1, 3.

APPENDIX II

APPOINTEES OF THE STATE ADVISORY COMMITTEE ON LIQUOR CONTROL

<table>
<thead>
<tr>
<th>Name</th>
<th>City</th>
<th>LDS or Non-LDS</th>
<th>Dry or Wet</th>
<th>Party</th>
</tr>
</thead>
<tbody>
<tr>
<td>E. M. Bagley</td>
<td>Salt Lake City</td>
<td>Non-LDS</td>
<td>Wet</td>
<td>Rep.</td>
</tr>
<tr>
<td>Mrs. George S. Ballif</td>
<td>Provo</td>
<td>LDS</td>
<td>Wet</td>
<td>Dem.</td>
</tr>
<tr>
<td>Milton Bennion</td>
<td>Salt Lake City</td>
<td>LDS</td>
<td>Dry</td>
<td>Dem.</td>
</tr>
<tr>
<td>William Boyle</td>
<td>Provo</td>
<td>LDS</td>
<td>Dry</td>
<td>Dem.</td>
</tr>
<tr>
<td>Charles Broadbent</td>
<td>Heber City</td>
<td>LDS</td>
<td>Dry</td>
<td>Rep.</td>
</tr>
<tr>
<td>Hugh B. Brown</td>
<td>Salt Lake City</td>
<td>LDS</td>
<td>Dry</td>
<td>Dem.</td>
</tr>
<tr>
<td>Joseph T. Butler</td>
<td>Salt Lake City</td>
<td>Non-LDS</td>
<td>Wet</td>
<td>Rep.</td>
</tr>
<tr>
<td>Mrs. A. R. Curtis</td>
<td>Salt Lake City</td>
<td>LDS</td>
<td>Dry</td>
<td>Dem.</td>
</tr>
<tr>
<td>Joseph G. Dawson</td>
<td>Tooele</td>
<td>Non-LDS</td>
<td>Wet</td>
<td>Dem.</td>
</tr>
<tr>
<td>Wynn L. Eddy</td>
<td>Brigham City</td>
<td>Non-LDS</td>
<td>Wet</td>
<td>Dem.</td>
</tr>
<tr>
<td>James E. Ellison</td>
<td>Layton</td>
<td>LDS</td>
<td>Dry</td>
<td>Rep.</td>
</tr>
<tr>
<td>Lucile A. Estes</td>
<td>Salt Lake City</td>
<td>Non-LDS</td>
<td>Dry</td>
<td>Rep.</td>
</tr>
<tr>
<td>John F. Fitspatrick</td>
<td>Salt Lake City</td>
<td>Non-LDS</td>
<td>Wet</td>
<td>Rep.</td>
</tr>
<tr>
<td>Henry A. Gardner</td>
<td>Spanish Fork</td>
<td>LDS</td>
<td>Dry</td>
<td>Rep.</td>
</tr>
<tr>
<td>J. W. Gillman</td>
<td>Orem</td>
<td>LDS</td>
<td>Dry</td>
<td>Dem.</td>
</tr>
<tr>
<td>B. F. Grant</td>
<td>Salt Lake City</td>
<td>LDS</td>
<td>Dry</td>
<td>Dem.</td>
</tr>
<tr>
<td>Darrell J. Greenwell</td>
<td>Ogden</td>
<td>Non-LDS</td>
<td>Wet</td>
<td>Dem.</td>
</tr>
</tbody>
</table>

1 Blood, Box 77
<table>
<thead>
<tr>
<th>Name</th>
<th>City</th>
<th>LDS or Non-LDS</th>
<th>Dry Wet</th>
<th>Party</th>
</tr>
</thead>
<tbody>
<tr>
<td>Joshua Greenwood*</td>
<td>Salt Lake City</td>
<td>LDS</td>
<td>Dry</td>
<td>Dem.</td>
</tr>
<tr>
<td>Orval Hafen</td>
<td>St. George</td>
<td>LDS</td>
<td>Wet</td>
<td>Dem.</td>
</tr>
<tr>
<td>Tabitha Harness</td>
<td>Ogden</td>
<td>Non-LDS</td>
<td>Wet</td>
<td>Dem.</td>
</tr>
<tr>
<td>C. E. Huish</td>
<td>Eureka</td>
<td>Non-LDS</td>
<td>Wet</td>
<td>Rep.</td>
</tr>
<tr>
<td>Mrs. Jennie Johnson</td>
<td>Ephraim</td>
<td>Non-LDS</td>
<td>Wet</td>
<td>Dem.</td>
</tr>
<tr>
<td>Jacob A. Kahn</td>
<td>Salt Lake City</td>
<td>Non-LDS</td>
<td>Wet</td>
<td>Rep.</td>
</tr>
<tr>
<td>Mrs. Forrest King</td>
<td>Marysville</td>
<td>LDS</td>
<td>Dry</td>
<td>Dem.</td>
</tr>
<tr>
<td>Russell McConkie</td>
<td>Moab</td>
<td>LDS</td>
<td>Dry</td>
<td>Dem.</td>
</tr>
<tr>
<td>Bartley McDonough</td>
<td>Park City</td>
<td>Non-LDS</td>
<td>Wet</td>
<td>Dem.</td>
</tr>
<tr>
<td>Milton Melville</td>
<td>Fillmore</td>
<td>Non-LDS</td>
<td>Dry</td>
<td>Rep.</td>
</tr>
<tr>
<td>Durham Morris**</td>
<td>Parowan</td>
<td>LDS</td>
<td>Wet</td>
<td>Rep.</td>
</tr>
<tr>
<td>Frank B. Muir</td>
<td>Bountiful</td>
<td>Non-LDS</td>
<td>Wet</td>
<td>Dem.</td>
</tr>
<tr>
<td>LeGrand G. Noble</td>
<td>Vernal</td>
<td>LDS</td>
<td>Wet</td>
<td>Dem.</td>
</tr>
<tr>
<td>Fred M. Nye</td>
<td>Ogden</td>
<td>Non-LDS</td>
<td>Wet</td>
<td>Rep.</td>
</tr>
<tr>
<td>Dr. E. G. Peterson</td>
<td>Logan</td>
<td>LDS</td>
<td>Dry</td>
<td>Rep.</td>
</tr>
<tr>
<td>Vern Peterson</td>
<td>Castle Dale</td>
<td>LDS</td>
<td>Wet</td>
<td>Dem.</td>
</tr>
<tr>
<td>Edgar T. Reid</td>
<td>Manti</td>
<td>LDS</td>
<td>Dry</td>
<td>Dem.</td>
</tr>
<tr>
<td>Virginia Rishel***</td>
<td>Salt Lake City</td>
<td>Non-LDS</td>
<td>Wet</td>
<td>Dem.</td>
</tr>
<tr>
<td>John Shumway</td>
<td>Garland</td>
<td>LDS</td>
<td>Dry</td>
<td>Rep.</td>
</tr>
<tr>
<td>Kathryn Smith</td>
<td>Salt Lake City</td>
<td>LDS</td>
<td>Dry</td>
<td>Dem.</td>
</tr>
<tr>
<td>Mrs. Sybil W. Smith</td>
<td>Salt Lake City</td>
<td>Non-LDS</td>
<td>Wet</td>
<td>Rep.</td>
</tr>
<tr>
<td>A. J. Stafford</td>
<td>Helper</td>
<td>LDS</td>
<td>Wet</td>
<td>Dem.</td>
</tr>
<tr>
<td>Roy D. Thatcher</td>
<td>Ogden</td>
<td>LDS</td>
<td>Wet</td>
<td>Dem.</td>
</tr>
<tr>
<td>Dr. George Thomas</td>
<td>Salt Lake City</td>
<td>LDS</td>
<td>Dry</td>
<td>Rep.</td>
</tr>
<tr>
<td>Mrs. Weston Vernon</td>
<td>Logan</td>
<td>Non-LDS</td>
<td>Wet</td>
<td>Dem.</td>
</tr>
<tr>
<td>Name</td>
<td>City</td>
<td>LDS or Non-LDS</td>
<td>Wet Dry</td>
<td>Party</td>
</tr>
<tr>
<td>-----------------------</td>
<td>---------------</td>
<td>----------------</td>
<td>---------</td>
<td>-------</td>
</tr>
<tr>
<td>William R. Wallace</td>
<td>Salt Lake City</td>
<td>Non-LDS</td>
<td>Wet</td>
<td>Dem.</td>
</tr>
<tr>
<td>James H. Wolfe</td>
<td>Salt Lake City</td>
<td>Non-LDS</td>
<td>Wet</td>
<td>Dem.</td>
</tr>
<tr>
<td>Mrs. Herbert Wood</td>
<td>Kenilworth</td>
<td>Non-LDS</td>
<td>Wet</td>
<td>Dem.</td>
</tr>
</tbody>
</table>

* Died May 3, 1934.
** Declined to serve.
*** Resigned July 9, 1934.
BIBLIOGRAPHY

Articles and Periodicals


Deseret Evening News (Salt Lake City). 1907-1917.

Deseret News (Salt Lake City). 1928-1935.

New York Times. 1928

Ogden Standard-Examiner. 1933.

Salt Lake Times. 1930.

Salt Lake Tribune. 1909-1935.

The Improvement Era, Volume XXXVI, 1933.

Books and Pamphlets

A Call to Arms. N,P., August 1, 1932.


Head of Utah Anti-Saloon League Urges Voters to be Awake at Coming Primaries. N,P., March 14, 1928.

I Would Come Back. N,P., N.D.


Public Documents


U.S. Congressional Record. Volume LXXVI.


Unpublished Materials

Correspondence between Paul Warnick, Rudger Clawson and Brigham H. Roberts. Copy in Brigham Young University Library Special Collections.
Correspondence of Governor George Dern. Utah State Archives, Salt Lake City, Utah.

Correspondence of Governor Henry H. Blood. Utah State Archives, Salt Lake City, Utah.


"Report of Meeting Held by the State Advisory Committee on Liquor Control," January 23, 1934. In Correspondence of Governor Henry H. Blood, Box 77.

"Report of Second Meeting of the State Advisory Committee on Liquor Control," February 17, 1934. In Correspondence of Governor Henry H. Blood, Box 77.

Whitaker, John M. Unpublished journal. (Typewritten; microfilm copy in Brigham Young University Library.)

Other Sources

Personal Interview with George S. Ballif, June 27, 1961.


Telephone Interview with Franklin Riter, May 28, 1962.
A STUDY OF FORCES AND EVENTS LEADING TO THE REPEAL OF PROHIBITION
AND THE ADOPTION OF A LIQUOR CONTROL SYSTEM
IN UTAH

An Abstract
Presented to the
Department of History

In Partial Fulfillment
of the Requirement for the Degree
Master of Arts

by
George Harmon Skyles
August, 1962
ABSTRACT

The battle to bring state-wide prohibition to Utah began in earnest in 1908, and was finally won in 1917 with the passing of a prohibition statute and the adoption of a prohibition amendment to the State Constitution.

During the 1920's, however, anti-prohibition sentiment grew in Utah as elsewhere in the nation, as more and more people became law violators or became disgusted with the general condition of lawlessness which seemed to accompany prohibition. This sentiment had its effect on both state and national politics, and by 1932, both parties had adopted repeal planks in their platforms.

The 1933 Utah State Legislature passed a number of important measures which helped to legally return alcoholic beverages to the state. In its regular session, it refused to pass a joint resolution resubmitting the question of repeal of the state prohibition amendment to the people; but it did pass a controversial bill allowing the production of beer in Utah for sale out of the state; and it approved a bill providing for an election to determine Utah's verdict on the repeal of the Eighteenth Amendment. In a special session called by Governor Henry Blood, the Legislature passed the repeal resolution, approved a series of bills to make possible a general election in 1933, and legalized the sale of 3.2 per cent beer in Utah, this depending on approval of state repeal by the people.

The vote on both the state and national repeal resolutions was set for November 7, 1933. Those favoring the retention of prohibition grouped themselves into an organization known as The Defenders, while repealists were represented
primarily by the Crusaders and the Utah League for Prohibition Repeal. Leaders of the dominant church in the state, the Church of Jesus Christ of Latter-day Saints, participated actively in behalf of prohibition, as did many Protestant leaders. But their efforts were in vain, for Utah overwhelmingly voted for repeal. When Utah in December officially ratified the Twenty-first Amendment to the United States Constitution, it became the thirty-sixth state to do so, and thus made national repeal effective.

After the repeal election, Governor Blood appointed a committee to formulate a new liquor control law to replace the prohibition statutes still on the books. After nearly a year of work, this committee recommended a state liquor store system as opposed to the licensing of private dispensaries, a system which the committee felt would keep the saloon system from returning, yet would eliminate the evils of prohibition. After much debate, the 1935 Legislature adopted the major provisions of this bill, and legal liquor returned to Utah.

There were a number of factors which influenced the people of Utah to vote for repeal, but the most significant was the widespread conviction that prohibition had failed, and that a new approach to the liquor problem was needed. This new approach was contained in the state store system, the basic liquor control plan which has been in effect in Utah from that time to the present day.

[Eugene E. Campbell]
Chairman, Advisory Committee

[Member, Advisory Committee]