A Political Biography of George Henry Dern

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A POLITICAL BIOGRAPHY OF GEORGE HENRY DERN

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Master of Arts

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CHAPTER I

INTRODUCTION

The subject of this thesis is George Henry Dern, the sixth governor of Utah and the second non-Mormon and Democrat to be elected to that position. He was born September 8, 1872, in Hooper, Dodge County, Nebraska to John and Elizabeth Dern.\(^1\) His parents had emigrated from Germany and settled down to farm on the Nebraska prairie. It was in this type of environment that George Dern spent his boyhood days. He attended the public schools in Hooper and continued his education at the Fremont Normal School in Nearby Fremont, Nebraska. Young Dern graduated from Fremont at the age of sixteen and then worked to raise finances for college. He spent the next five years loading lumber and shoveling wheat into freight cars as well as working in a bank so that he might reach his goal of attending the University of Nebraska at Lincoln. This dream came true in 1893, when he entered the University with the intent of studying engineering.

His farming experience, plus the strenuous work he had done during his years of preparation, had made

\(^1\)Harold Jenson, "Our Secretary of War Hon. George H. Dern," The Utah, II (May, 1936), 24.
George a husky lad and his brawn served him well in college. He desired to play football and although he knew little about the game, he was strong and so his coach, Jack Crawford, decided to give him a chance. Dern played and made good. By the end of the first year, the curley-haired and mustachioed lad was the star tackle on the varsity team.² The second year, 1894, he was elected captain of the football squad and he led his teammates to the Missouri Valley Conference football championship.³ Football and studies were not the only things that occupied his time that year. The young man also played alto horn in the cadet band. His corps commandant was Lieutenant John J. Pershing.⁴

That year, 1894, proved to be Dern's last in college because his father had obtained a sizeable interest in the Mercur Gold Mining and Milling Company in Mercur, Tooele County, Utah. The family was moving West, so Dern left the University after having attended it two years. He departed in December of 1894, with his parents, for Utah, and it was there in Mercur that he began his career that eventually led to a position of wealth and the highest political office in his adopted state. He was employed by his father's concern and was given experience as a miner, a clerk in his father's store, and a mill foreman.

²"Dear Old George, Secretary Dern Gives 'Good Honest Tone to Administration,'" The Literary Digest, CXXI (February 22, 1936), 35.

³Salt Lake Tribune, August 28, 1936, 9.

As mill foreman, George Dern was respected by his men. He was kind and generous with the people in his employ. Many a widow's wood bin was filled by an unknown messenger; many sons of widows, or of men who died or were killed while living in Mercur, were sent to machine shops to learn a trade by this kind mill foreman.  

He began his actual business career in Mercur as a bookkeeper with his father's firm and soon advanced to the position of treasurer. In 1900 the young man was named assistant general manager of the Consolidated Mercur Mines Company, which was an amalgamation of the Mercur Gold Mining and Milling Company and the Delamar Mercur Mines Company. This was a large responsibility for a young man of twenty-eight years of age. The new company operated the Mercur, Golden Gate and Brickyard Mines, together with a cyanide mill that had eight hundred to one thousand tons daily capacity. This was the largest plant of its kind in the world. It controlled nine hundred forty-four acres of mining ground and did custom work as well as treating its own ore. The company transmitted electric power from the  


7 Roy Hutchins Allen, "Mines and Mill of the Consolidated Mercur Co.," The Engineering and Mining Journal, LXXXIX, No. 25 (June 18, 1910), 1273.
Ohmstead plant in Provo Canyon to run the big mill and to completely electrify the mines. This was the first time that electric power had been transmitted so far in such large quantities; it was also the first time such a big mine and mill had been electrified.\(^8\)

In 1902, Dern became general manager of the large firm and in that position he became recognized as a leader in Utah's expanding mining industry. He was associated with George Moore, the inventor of the vacuum slime filtration process,\(^9\) and assisted him in establishing the process upon a commercial basis. Dern also did some inventing on his own account. He aided Theodore P. Holt and Neils C. Christensen in developing the Holt-Christensen ore roasting process.\(^10\) Later, with Mr. Holt, he perfected a furnace for treating low grade silver ores with the Holt-Christensen process. This furnace, called the Holt-Dern roaster,\(^11\) was

\(^8\)Hayes, "History of Mercur, Tooele County, Utah," 25.

\(^9\)This was a part of the cyanide process to recover the metal from the low grade ore. The process divided the slimes from the sands and then by using a thickener, invented by J. V. N. Door, the Moore filters would filter out the metal from the slime. For a complete discussion of the Moore process, see L. O. Howard, Cyanidation in the Mercur District of Utah, Reprinted from The Salt Lake Mining Review (October, 1913), 54, 59.

\(^10\)Salt Lake Tribune, August 28, 1936, 9. The Holt-Christensen process is a chlorodizing leaching process of removing the precious metal from the impurities that surround it. Additional information may be found in The Salt Lake Tribune, July 28, 1914, 10.

\(^11\)The Holt-Dern treatment included mixing the crushed ore with coal dust and salt, then roasting in the new type of furnace by combustion of the combined fuel. The roasted
first used by the Mines Operating Company in Park City, Utah and was also used widely in Mexico and South America.

While general manager of the mine, Dern showed unusual concern for the working and living conditions of his men. It has been said that the stockholders in the company feared that he was more interested in the miners than in the stock dividends. His interest in the men may be demonstrated by the fact that, although he employed between five hundred and six hundred men, he never had a shadow of labor difficulty.

In 1899, Mr. Dern took time off from his busy mining schedule to return to Fremont, Nebraska, and marry Charlotte (Lottie) Brown. This union resulted in a family of seven children. They were, Mary Joanna, John, Louise, William Brown, Margaret, Elizabeth Ida, and James George. The newlyweds first settled in Salt Lake City, but in 1904, moved to Mercur. They lived there until 1909, when they moved back to Salt Lake City finally settling in a beautiful home on 715 East South Temple Street.

Ore was leached with an acid solution in order to dissolve the silver, copper, gold and lead. These metals were participated together with scrap iron and the product sold to the refinery in that form. Salt Lake Tribune, September 2, 1914, 10. The new roaster was an improvement over the ones in use because it was mechanical and continuous. It also made a saving of fifty dollars per day in recovery and reduced the operating cost by forty cents per ton. Salt Lake Tribune, July 28, 1914, 10.

During his residence in Mercur, he became noted not only as the kind general manager of the big company, but also for his interest in civic affairs. He was a successful candidate for the office of school board trustee. He put his whole heart into this campaign and in doing so displayed his philosophy that no thing was too small to do well. While serving as a trustee, he exhibited those attributed of honesty, sincerity and devotion to his convictions that were to carry him to the highest political office in the state. One incident will serve to show George Dern's devotion to his philosophy. He could not stand the waste of money and when the school board discussed the high price of coal in the winter season, Dern suggested they buy in the summer when the rates were lower. The school board did not have the necessary finances so Dern loaned them the amount needed from his own bank account to purchase the year's supply of coal and in doing so saved them a considerable amount of money.

George Dern remained general manager of the Consolidated Mercur Gold Mines Company until it closed its mine on March 30, 1913. The closing of the mine was a


14 Ibid., 11-12.

15 The ore bodies had become exhausted.
sad event in the lives of many people. Dern stated his feelings this way:

The event was, I suppose, more effecting to me personally than to anybody else. For eighteen years I had been actively engaged in mining operations at Mercur. For five years I made it my home, and two of my children were born there. I knew every person in the camp and I spent some of the happiest and most interesting years of my life in the shadow of Lewiston Peak. To be called upon to give the order that means wiping out such a community, is an experience that none of you need envy me.16

After the mine was closed, Dern was made trustee for over 2,100 stockholders who were scattered throughout the United States and in South Africa, Switzerland, Germany, France and Great Britain.17 His job was to oversee the distribution of funds among all the stockholders.

The closing of Mercur did not end Mr. Dern's mining activities. He was general manager of the Mines Operating Company in Park City in the year of 1914, and in 1915 he joined Jesse Knight of Provo in organizing the Tintic Milling Company to treat ore at Silver City. He became general manager of this company and remained in that position until 1919, when the ore supplies were exhausted.18

Being an extremely active person, Dern did not confine his interests to mining. He was an ardent participant in many business and civic activities. Some of his business

16 Hayes, "History of Mercur, Tooele County, Utah," 30.
interests included creameries, canneries and banking. He was president of the Eureka Banking Company, an executive in the old National Copper Bank and Banker's Trust Company in Salt Lake City, and a director of the First National Bank and the First Security Trust Company of Salt Lake City.

Mr. Dern served as a director and executive of the Mutual Creamery Company, vice president of the Consolidated Wagon and Machine Company, and an executive of the Dixie Power Company and Pleasant Grove Canning Company. His civic and social activities included membership in the Delta Tau Delta fraternity, the University Club, the Alta Club, the Salt Lake Country Club, the Commercial Club, where he served as chairman of the public welfare committee, and the Salt Lake Chamber of Commerce. He was associated with the American Institute of Mining and Metallurgical Engineers, the American Mining Congress, the American Political Science Association, and the American Economic Association. He was also a strong supporter of the Boy Scouts of America. In 1925, he became a member of the executive committee of the Salt Lake Council and on May 31, 1926, he was elected an honorary member of the National Council of Boy Scouts of America. Governor Dern also served as chairman of the

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19 *Salt Lake Tribune*, August 28, 1936, 9.

20 *Jenson, "Our Secretary of War Hon. George H. Dern,"* 24.

Utah Grand Opera Club Committee and as a member of the Board of Directors of The American Red Cross from 1928-1929.

Mr. Dern belonged to the Congregational Church and was an active Mason. He was a past Grand Master of the Masonic Order for Utah and a thirty-third degree Scottish rite Mason. He became a Knight Templar as well as past potentate, El Kalah Temple, A. A. O. N. M. S. (Nobles of Mystic Shrine.) He also played an important role in encouraging the construction of the Masonic Temple in Salt Lake City.

After moving back to Salt Lake City from Mercur, George Henry Dern rapidly gained the reputation of being an honest and capable business executive. He became a prominent member of the community and was respected for his integrity.

This thesis will review the political life of George H. Dern emphasizing the Utah period. The last chapter will briefly describe Dern's activities after the completion of his second term as governor of Utah in 1932.

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22Journal History (Salt Lake City: Church of Jesus Christ of Latter-day Saints, the Historian's Office, 1931), 2. Hereafter cited as Journal History.
CHAPTER II

ENTRY INTO STATE POLITICS

The First Campaign

George H. Dern, the successful Salt Lake City business and mining man, began his political career, on the state level, in 1914. He had been active in the Democratic Party and had been a member of that party all of his adult life. His father had been an influential member of Utah's Democratic circles and George had no inclinations to follow a different course. His entrance on the political stage came as a result of several important events that preceded his selection as a candidate.

The stage for Utah's election of 1914 was set in 1912, when the Republican National Convention refused to drop William H. Taft and nominate Theodore Roosevelt. The old "Rough Rider" bolted the Convention, became the Progressive Party candidate for president and finished a close second to Woodrow Wilson. With Roosevelt's break, there were Progressive Parties formed throughout the United States including Utah. The Utah Progressives held a convention at Provo in July 1912, and adopted resolutions which expressed their regret at being forced to leave the Republican ranks and declared that they favored a new party which
would nominate candidates for every political office from "governor to constable."¹ They then organized their group and nominated candidates, but they were not successful in getting them elected. Because of their lack of success in 1912, the Progressives decided to form a coalition with the Democratic Party for the election of 1914. They felt that the Democrats most nearly represented the goals they had set up in 1912; hence they were willing to ally themselves in a workable agreement to place progressive principles before the Utah voters, and to defeat the "stand-pat" Republicans.

The Democratic-Progressive fusion plan declared that both parties were to maintain separate organizations and to conduct a distinct campaign so that no one could feel like they were surrendering party integrity. The state party platforms were to agree on all principal state and local issues. The Democrats were given the nomination of the candidate for United States Senator and for Justice of the Supreme Court, while the Progressives were to nominate both Congressional candidates. The person for Superintendent of Public Instruction was to be chosen without reference to his party affiliation and each party was to endorse the candidates of the other party.² In Salt Lake County the


²"1914 Most Important Year In Utah's Political History," Salt Lake Tribune, January 3, 1915, development section II.
offices were divided evenly from a numerical standpoint and almost equally from the viewpoint of importance of the position. Each party was given one state senator and five representatives. The position of long-term commissioner, clerk, recorder, attorney, surveyor and the justice of the peace for the Salt Lake precinct were assigned to the Democrats. The Progressives were granted the offices of short-term commissioner, sheriff, treasurer, auditor, assessor and constable for Salt Lake City. There was some opposition to this fusion plan in a few counties, but all of the larger counties in the State adopted it.

The fusion slate of candidates was so successful that the Salt Lake Tribune called 1914, the "most important year in Utah's political history." The Democratic-Progressives nominated James H. Moyle (Democrat) for United States Senator, Lewis Larson (Progressive) for Congress from the first district and James H. Mays (Progressive) for Congress from the second district. Also on the state ticket were, Frank B. Stevens (Democrat) Justice of the Supreme Court and E. G. Gowans for State Superintendent of Public Instruction. Mays was elected for Congress by a small majority of 250 votes over the Republican opponent E. O. Leatherwood, Gowans won by a margin of 4,000 votes and the Republican "rock" Reed Smoot defeated James H. Moyle by only 2,500 votes. The

3Ibid.
4Ibid.
5Salt Lake Tribune, November 6, 1914, 1.
Democratic-Progressive alliance was also successful in wiping out the Republican majority in the State House of Representatives and in defeating the Republicans in Salt Lake County.

It was in this political mixup that George H. Dern began his political career. Utah chose her candidates for state offices by the system of county conventions and after the original Democratic convention nominee Dr. Joseph F. Merrill was forced out of the race, Dern was selected to take his place as the candidate for the Senate from the sixth district in Salt Lake City. Goodwin's Weekly, a Republican oriented weekly newspaper published in Salt Lake City commented on Dern's selection by saying, "He is a first-class fellow and will give the combination ticket a character which it now lacks, namely strength, but we are sorry to see him become the recipient of empty honors, and marked for slaughter." Dern was also approved by the Progressive County Committee to be their candidate and carried on his campaign in a "progressive" manner. In an


7Dr. Joseph F. Merrill, Dean of the University of Utah School of Mines, was the convention's first choice, but he was forced to resign by the University Board of Regents. Dr. Merrill claimed that, although faculty members had held political office before, the Board of Regents unanimously asked him to resign as a candidate because they did not "desire that the student body become involved in politics, or for that matter anything of a political nature to hamper the work of the institution." See "Straight Talk," Goodwin's Weekly, September 19, 1914, 6.

8Goodwin's Weekly, September 26, 1914, 5.
address given at a meeting of Democrats and Progressives prior to election day, the candidate stated his position. He declared that it was important not to be too slavish in party devotion because extreme partisanship covers up much evil. He said there are many Republicans who sympathize with the progressive spirit, but lack the moral courage to vote against their party. He asserted that two progressive achievements of the Democratic Congress were the election of United States Senators by popular vote, a reform demanded in every Democratic national platform since 1896, and the Income Tax Law. Dern also pledged himself to support the Democratic platform which called for such progressive measures as legislation putting into effect the initiative and referendum, direct primary, corrupt practices act, the short ballot, public utilities commission, workmen's compensation act and tax reform that would require the corporations to pay their fair share of taxes. The fusion party also pledged to put an effective state-wide prohibition bill before the people.

The success of the Democratic-Progressive fusion ticket at the polls has already been discussed. George Dern was elected as state Senator by defeating Clarence

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9Dern Papers, Address given at a meeting of Democrats and Progressives prior to 1914 elections, 4.

Bamberger by a large margin in this great victory for the Democratic-Progressive alliance. This success had not been anticipated by very many people and it is interesting to remember Goodwin's Weekly's prediction at the time they announced Dern's selection.\textsuperscript{11}

George H. Dern was thus elected to his first state political office as a Democratic-Progressive and he proved in the years to come that he truly was a progressive thinking man. He was the father of such progressive legislation as the Workmen's Compensation Act, Securities Commission Law, Corrupt Practices Act, Absent Voters Act, The Mineral Leasing Law, The Initiative and Referendum Law and the Public Utilities Act.

\textbf{The Eleventh Legislature}

The new state Senator was given the oath of office, January 11, 1915, in the old council chamber of the city and county building by Chief Justice D. N. Straup of the State Supreme Court. As soon as the preliminaries were over Senator Dern became active in the business of the Eleventh Legislature by nominating Senator James Funk of Cache County for Senate president. This was a mere formality because the Republicans had a majority of six members and since they all voted by party affiliation, the Republican candidate W. Montague Ferry of Salt Lake County was elected president. Senator Dern was appointed a member of the

\textsuperscript{11}Supra, 13.
committee to notify the House that the Senate was organized and ready for business. He was also appointed to the following standing committees: County and Municipal Corporations, Judiciary, Manufactures and Commerce, Public Health and Labor and Mines and Mining. He was chairman of the last committee and a member of the others.¹²

In this first experience as a senator, Dern's efforts were frustrated by the Republican majority and the Republican Governor, William Spry. He introduced eleven bills and one Senate joint memorial. Of these, only two bills and the Senate joint memorial passed the Senate. One bill was rejected by the House of Representatives, the other was vetoed by the Governor, but the joint memorial was sent to the United States Congress. That memorial remains as his only visual success of the Eleventh Legislature; however this seemed to be a preparation for future sessions as some of his proposals were later enacted into law.

One of the bills passed by the Senate was number fifteen which would have required the recording and reporting of some industrial accidents and provide for its enforcement.¹³ This bill was rejected by the House and the Senate took no further action on it. The other bill


¹³Ibid., 42.
(number 170) passed by both the Senate and the House was aimed at doing something about the smoke nuisance which existed in Salt Lake City and at the same time helping Utah's coal industry. It would have provided an appropriation to the Utah Engineering Experiment Station to help defray the expenses of an investigation into the burning of soft coal economically and without producing smoke. It would also have provided for the publication and distribution of the results of the investigation.\textsuperscript{14} The bill was vetoed by Governor Spry after the session had ended. The senate joint memorial provided for memorializing Congress to pass the bill by Representative Foster relating to the establishment of mining experiments and mine safety stations. It was passed by both chambers of the legislature and signed by the governor.\textsuperscript{15}

Senator Dern introduced three significant bills that did not pass. He introduced bill number sixty-six which would have prohibited corrupt practices in political campaigns. This was one of his progressive measures that later, somewhat modified, became a law in Utah. It provided for the regulation of campaign expenses and prohibited the corrupt use of money in political campaigns. The bill would have confined a candidate's expenses to travel, postage, telephone, telegraph, hall rent, payment of speakers and musicians, printing, canvassing, payment of checkers and

\textsuperscript{14}Ibid., 183.

\textsuperscript{15}Ibid., 80.
challengers, filing fees and advertising. It provided that a candidate could not spend more than 25 per cent of a year's salary to be elected. Political party committees were to be prohibited from spending more than $10,000 in a campaign and business corporations were absolutely prohibited from making campaign contributions. The penalty for violating the law would be a heavy fine and the forfeiture of the right to do business. Other provisions of the bill were no badges could be worn at the polls, non-elected officers of the city, county or state would be allowed to contribute to campaign funds and act as delegates to conventions. It also provided that "ministers, preachers and priests of the church" were forbidden to urge, command or persuade any voter and that any coercion or undue influence of voters would be prohibited.16

Another interesting bill introduced by the freshman senator was number eighty-eight which would have regulated the activities of legislative lobbyists. It would have required them to tell their real names and addresses as well as who employed them and how much they received for it. It would also have forced all lobbyists to register as such and to write down all information concerning their legislative labors and interests.17 Possibly the lobbyists were quite successful because during that session the Judiciary Committee  

17Ibid., January 29, 1915, 3.
to which the bill had been referred, recommended that it not be passed and it was not passed.

Senate bill number 203 is interesting because of the fact that the focus of attention of the 1915 legislature was prohibition. Senator Dern, in this bill, recommended the amending of the existing liquor law to include the prohibiting of women from appearing in the cabarets. It would have kept women from entertaining anywhere in cabaret restaurants where liquor was sold. It also would have required restaurants serving liquor to close at the same time as saloons in order to stop the practice of ordering large amounts of liquor just before midnight and then remaining in the cafe to drink it. The bill also would have prohibited the display of liquors in show windows.¹⁸

The major issue of this session was prohibition. It drew more debates, amendments and hot challenges than any other bill introduced. It was introduced by Senator Wooten and provided for:

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

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

3. Purchase of alcohol permitted only on affidavit.

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

¹⁸Ibid., February 17, 1915, 4.
5. No liquor advertisements of any kind allowed.

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

7. No property rights in liquor.

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

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

10. Drinking in public a misdemeanor.

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

12. Prosecuting attorneys to hold inquisitions in searching out violators.  

Senator Dern opposed this bill because he did not feel it would be effective and he disagreed with the provision allowing liquor to be sold in drugstores with prescriptions. He said this would only make the drugstore the saloon. The druggists opposed the Wooten bill for the same reason. They wanted the bill to be amended to prohibit drugstores from selling liquor and Senator Dern proposed their amendment to the senate, but it was rejected.  

When the bill came up for the final vote, Senator Dern was one of three senators to vote in opposition. The others were L. B. Wight and W. Montague Ferry both of Salt Lake City. Dern was not opposed to prohibition, but did feel that the Wooten

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19 Bruce T. Dyer, "A Study of Forces Leading to the Adoption of Prohibition in Utah in 1917" (Unpublished Master's thesis, Brigham Young University, 1958), 73. For a discussion of the prohibition issue, see this thesis.

bill was poor and that enforcement would be extremely difficult. The bill passed the House with few amendments, but was vetoed by Governor Spry on March 18, 1915, after the legislature had adjourned. The Governor explained his veto by saying that the people should vote on it and that about all the Wooten bill did was remove the saloon and make the drugstores the dispensers of liquor. Thus ended the Eleventh Legislature with no outstanding progressive laws passed and no statewide prohibition.

The Twelfth Legislature

Since Senator Dern had been elected in 1914 he was a holdover member of this legislature and was not required to run for election again until 1918; however the issues of the campaign of 1916 are important because of their contribution to George Dern's political philosophy. This writer contends that Dern formulated his political philosophy during the years in the state senate and that he did not alter it very much throughout his public life.

The Progressives and Democrats again offered a fusion ticket in 1916. The Democratic platform pledged their candidates to an endorsement of President Wilson's administration, upholding the law in the state, passing progressive legislation and administering impartial justice. They declared their support for absolute prohibition and to do their best to assist the federal and state governments in the inauguration of a comprehensive cooperative system of road building throughout the nation. They stated their
intention to strive to secure cooperative efforts between federal and state governments in building the necessary reservoirs and irrigation works in order to save the head waters of all the rivers and streams within the state. They pledged themselves to the creation of a public utilities commission for the state. The Democrats announced to the people that they favored a state law similar to the Clayton Anti-trust Act relating to injunctions and promised a workman's compensation act. They said that if they were successful at the polls they would enact legislation that would make the initiative and referendum amendment effective. They promised economy in government spending and pledged a just tax assessment for all citizens. They appealed to the farmers by suggesting the creation of a state department of agriculture. The platform criticized the Republicans for not putting the initiative and referendum into effect, for their alliance with the brewery interests\(^{21}\) and for overall poor government.\(^{22}\) The people listened and the Democratic-Progressive fusion ticket swept the state, electing the first Democratic governor since statehood, a Democratic Senator and two Democratic Congressmen, plus a majority in both the State Senate and House of Representatives. President Wilson also won in Utah.

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\(^{21}\)See Dyer's thesis. Contends that Republicans were allied with the brewery interests to defeat prohibition in 1915.

\(^{22}\)Salt Lake Tribune, August 19, 1916, 8.
As a holdover senator, Dern felt as bound to the platform as if he had won on it and accepted the principles as his own. He was appointed a member of the Democratic Legislative Committee which had the responsibility of bringing about the enactment into law of the party pledges. The committee was composed of three members of the senate, five members of the house and five members designated by the state committee. It was subdivided into eight subcommittees according to specific party pledges. Dern was a member of the subcommittee on public utilities, workmen's compensation, initiative and referendum, corrupt practices and lobbies.  

This gave him the opportunity to work on some of his favorite theories of good government.

The Twelfth Legislature convened January 9, 1917. All of the senator but three were Democratic-Progressive and all members of the house belonged to the fusion ticket.

In addressing the legislature, the new Democratic Governor Simon Bamberger gave an indication of what he expected and of what this session came to be noted for when he said,

The work of the legislature should be easier than usual because of the fact that almost every member is pledged to the same program of progressive legislation.

Senator Dern was appointed a member of the Judiciary, Legislative Reference, and Rules committees and was appointed chairman of the Public Affairs Committee. This chairmanship

23 _Ibid._, December 9, 1916, 16.

was an important one for Dern because now he was in position to preside over the committee where so much of his progressive measures had been lost in the previous session. This session was an extremely active one for Senator Dern. He became one of the leading Democrats and introduced fifteen bills and one senate joint resolution personally, as well as being on committees that introduced two more. Of these bills, ten passed and became law and the joint resolution was accepted.

Three of Senator Dern's most important contributions to this session were the corrupt practices act, the workmen's compensation act and his support of the public utilities commission act. He had made an attempt to put this kind of legislation through in the Eleventh Legislature but was not in a position to see that it was passed. Now it was a different story. He was chairman of a powerful committee and was not to be denied his pet projects.

The corrupt practices bill which was introduced by Dern's committee on public affairs had been drafted by Senator Dern. It defined and limited the election and campaign expenses of political committees and their candidates. It also defined and provided punishment for illegal practices in nominations and in general elections. Its stated purpose was to "secure and protect the purity of the ballot."25 This was a welcome law since there was nothing to prevent large sums of money being spent in

various "under the table" deals to secure the nomination and election of candidates.

The act creating a public utilities commission was originally Senator C. L. Olson's bill, but it was introduced by the Judiciary Committee of which Dern was an active member. Because of his support of this bill he has been credited as being one of the authors. It established a public utilities commission that would have control over all matters pertaining to the regulating and fixing of rates for such common carriers as gas, telephone, electric light and water companies. It also provided penalties for the violation of provisions of the act and appropriated $50,000 to carry out the purposes of the act.26

The most significant and hard fought battle won by the Salt Lake Senator in 1917, was the passage of the Workmen's Compensation Act. Senator Dern did not have to fight his own colleagues as much as he did his business friends on the outside. This act was very distasteful to his associates in the business and social world and they fought him determinedly. The Senator won the battle and an act was passed which presented new hope to the workingmen in Utah.27

He was not the only person interested in helping the workingmen. Active interest in the subject of compensation began as early as 1915. Governor William Spry, in his message to the legislature, noted the favorable results

26Warrum, Utah Since Statehood, I, 183.
that were to be seen in the states that had adopted it and recommended legislation on the matter. The Republican legislators were only willing to go as far as passing a bill which provided for a commission to investigate the question of employers' liability to their employees. This commission carried out its study and reported to the legislature. Governor Bamberger, in January 1917, addressed the new legislature and commended the work of the commission, but suggested that Utah should take a step further and pass a compensation law based on the commission's findings. The legislature responded by passing Senator George H. Dern's workmen's compensation bill on March 8, 1917. The act created the Industrial Commission of Utah by abolishing the offices of Commissioner of Immigration, Labor and Statistics and of State Mine Inspector of Coal and Hydrocarbon Mines and assigning their duties to the new commission. It was also to function as the State Board of Conciliation and Arbitration. It established rates of compensation for personal injuries or deaths sustained by employees during their period of employment and provided means of insuring the payment of the compensation. It created a state insurance fund for the benefit of the injured employee and the dependents in the case of death caused by the injury.


29 Senate Journal, Twelfth Session, 1917, 103.

30 Ibid.
The law was welcomed by the working men and seemed to be quite liberal in its benefits. An example of its liberality is the provision which states that the injured worker does not have to prove that an injury caused by an accident "arose out of and in the course of employment," instead it is only necessary to prove that the injury "arose out of the employment or in the course of employment." 31

The provision which grants the Industrial Commission continuing jurisdiction on claim cases is another example of the liberality of the bill. This has the effect of allowing the injured person to have his case and award reviewed if new facts and evidence come forth that could increase his amount of compensation. 32

There are several other bills that were passed in 1917 that are worth mentioning here because of the effect on the political life of the person being studied. One of these was Senate Bill 124 which provided for the initiative and referendum in state and municipal legislation and also for a penalty for violation of the act. This was a promise of the Democratic state platform and was introduced by Senator Dern. It was passed by both houses and signed into law by Governor Bamberger on March 8, 1917. Another bill worthy of comment was Senate Bill 31 which authorized first class cities to establish and maintain public parks,

31 Warner, "Some Legal Aspects of Utah's Workmen's Compensation as Developed by the Utah Supreme Court," 115.

32 Ibid.
pleasure grounds, play grounds, boulevards, parkways, avenues and other public grounds. This bill is an indication of the interest Dern was to exhibit as Governor in the establishment of highways, recreational areas and national parks in Utah.

Two minor controversies developed during the 1917 legislature. They concerned statewide prohibition and the occupation tax. The legislature passed a statewide prohibition bill in February and like all the other senators, Dern voted in favor of it. This bill had removed the objections that Dern had had to the Wooten bill of 1915 and he was able to vote his approval to prohibition this time. He was not favorable however, to the occupation tax law. The act provided for an occupation and privilege tax on the mining industry. This time Dern allied with his former business associates in opposition to the bill. He said it was another way of assessing an unconstitutional income tax against mines. Furthermore, the prosperity of the mining industry had brought envy from other industries, so they had decided to extort a toll from the state's biggest and most productive industry. He claimed that mining had not really prospered any more than anything else. He claimed that the stockgrower and farmer were receiving from 100 to 300 per cent more for their products and therefore if there was to be an occupation tax on one industry, there ought to be one on all. He could not convince his fellow senators to drop the occupation tax so he finally voted in favor as
the only means for offering relief to the state's financial stress.\textsuperscript{33}

The year, 1917, was one of historical importance to the entire world, since it was on April 6, 1917, that President Woodrow Wilson signed the joint resolution declaring a state of war to be existing between the United States and Germany.\textsuperscript{34} The entire nation began preparing for an all-out war. Each state organized a council of defense to cooperate with each other and the Federal Government in the organization and direction of the resources of the state in men and materials in order to make them available for national use. The council of defense recommended changes in the state laws which were necessary for the organization to function. Senator Dern served as a member of the sub-committee on finance which had the responsibility of raising the money for the council. He was also chairman of the Committee on Minerals Production which was given the job of checking the mineral specimens and deciding the ones that were valuable for war production. This was an important assignment because Utah's copper was extremely valuable during the war.

In October, 1917, the states organized a state fuel administration. Its purpose was to help supervise and control the fuel supply of the nation. In Utah, an

\textsuperscript{33}\textit{Salt Lake Tribune}, March 11, 1917, 24.

advisory council for the State Fuel Administration was named with George H. Dern as the state representative. In this position, he served as chairman of the advisory council and his committee was given the task of advising the State Administrator in the control of Utah's fuel.35

This year ended with the state legislature making definite progressive strides in terms of legislation. Since the nation was at war, most of the State's leading citizens were occupied with the war effort and Senator Dern applied his administrative talents to the best of his ability in these additional assignments.

The Thirteenth Legislature

Senator Dern's term expired with the adjournment of the 1917 legislature. On October 2, 1918, the Democratic Legislative Convention in Salt Lake County nominated Dern for one of the two long terms in the senate. He campaigned on his record in the two previous sessions and on the program of supporting President Wilson. The State Democratic platform pledged their candidates to making the world safe for democracy by defeating Germany and through co-operation in a league of nations. It declared to support the National Administration in taking over the operating railroads, telegraphs, telephones, and in the regulation of commerce in such a way as to prevent profiteering and "to eliminate the tolls taken from the products of toil by the manipulation

35Noble Warrum, Utah In The World War (Salt Lake City: The Utah State Council of Defense, 1924), 140.
of middle men and by taking excess profit.\textsuperscript{36} It called attention to the progressive laws of the previous legislature and pledged to amend the workmen's compensation law in order to make available exclusive state insurance for working men to be maintained by premiums paid to the state insurance fund. The Democrats also favored a graduated income tax for the state of Utah, the enactment of a "blue sky law" and the adoption of a woman suffrage amendment to the Constitution of the United States.\textsuperscript{37}

This turned out to be the year for Democrats in Utah. They swept the state with Dern defeating John M. Knight by a majority of 4,595 to 3,201 votes. The new legislature would be dominated by Democrats with the Senate having no Republicans at all and House having a majority of Democrats.

This session was one of the most important for George H. Dern, because it was here that he became known as one of the leading Democrats in the state and this recognition very probably started the movement that was to carry him to the governor's office five years later. This term brought him the opportunity to lead the Senate in many of its decisions. Before the session began there was speculation that he would become the Senate president, the other candidate being James W. Funk the president of the previous session. This speculation was ended when Senator Dern

\textsuperscript{36}\textit{Salt Lake Tribune}, October 1, 1918, 3.

\textsuperscript{37}\textit{Ibid}.
placed the name of Mr. Funk before the Democratic senate caucus and immediately moved that he be declared the choice of the caucus for president by acclamation. This suggestion was followed and Mr. Funk became the senate president; however during the session Dern was the real power in the Democratic policies and he was called to preside during absence of Senator Funk. On January 31, he was elected temporary president because of the illness of Mr. Funk.38

Before the session began, Senator Dern proposed some changes in the governing senate procedures. It had been the custom of the previous sessions of the legislature in Utah to adopt rules at the beginning. The rules would often be different than the previous session and therefore, make it necessary for the legislators to learn the rules each session. This wasted a lot of time that should have been spent in the introduction of bills. Recognizing this waste, and the frustration caused by the Governor waiting until the last minute to submit his appointments and the need to make some uniformity of procedure between the Senate and the House, Senator Dern proposed the adoption of a set of permanent rules which would govern both houses. He prepared the rules and when the session began he was appointed chairman of the Rules Committee. His uniform set

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of rules were adopted by both houses, with only a few minor amendments, January 14.\textsuperscript{39}

Senator Dern was also chairman of the important Public Affairs Committee and a member of the Commerce and Industry Committee. He introduced sixteen bills, nine were passed, six were rejected and one was vetoed by the governor.

The bill vetoed by Governor Bamberger was concerning the collection of inheritance tax. It removed the right of collection from the treasurer's office and placed this responsibility with the attorney general. The governor rejected the bill because it did not make a distinction between direct and collateral heirs and he felt that to be fair to the people of Utah it should be made. Senator Dern then introduced another bill on the same subject that met with the governor's approval and it became law.

The two most important bills introduced by the senator this session were the "Blue Sky Law" (Securities Commission Act) and the Americanization Act. The "Blue Sky Law" was a combination of a House bill introduced by Mr. J. E. Cardon and Senator Dern's own bill. It was amended in the committee on Commerce and Industry in order to meet senate approval. This act was to prevent fraud in the sale and disposal of securities such as stocks and bonds. It provided for the enforcement thereof by creating a state

\textsuperscript{39}Salt Lake Tribune, January 14, 1919, 8. For a discussion of these rules, see the Salt Lake Tribune, January 2, 1919, 16, and appendix I of this paper.
securities commission which was composed of the Secretary of State, Bank Commissioner and Attorney General. The secretary of this group was to be the State Commissioner of Securities. Every investment company that desired to transact business in the state was required to register with the Securities Commission. They were required, under oath, to supply a statement giving all the necessary details concerning the character of securities to be sold and to obtain a license before offering any securities for sale.40

The Americanization Act was a war time law and most likely resulted from the Bolshevik revolution in Russia. People began to fear the revolution would carry over into America. Also, since the nation was at war everything not American became suspect. This bill was sponsored by the State Council of Defense. They urged its passage with the following declaration:

Ignorance of our language means ignorance of our American institutions, government, and ideals . . . . If we hope to ever make real Americans out of our foreign born population, we must give them the opportunity and see that they avail themselves of it.

The best soil for the spread of Bolshevism is to be found among those persons who have not come into real contact with our American ideas and ideals. Although peace has been declared those anarchistic forces have not ceased their activities. As long as we permit the existence in our midst of conditions which retard the assimilation of our foreign-born population, we are fostering the development of doctrines which are a constant menace to American institutions.41

40Warrum, Utah Since Statehood, I, 189.

41Deseret News, February 8, 1919, 6.
The purpose of the act was to promote "Americanization" by requiring non-English speaking people to attend school. It provided for the establishment of such a school on an evening class basis and created a penalty for not obeying the law. The penalty for violation was a misdemeanor punishable, upon conviction, by a fine of not less than $5 and not more than $25 for each offense. The law also created a Director of Americanization to carry out its provisions.42

Other activities of importance, during this session, concerned Utah and the Nation. Senator Dern voted in favor of a memorial to the United States Congress in favor of woman suffrage on the national level. He also voted to ratify the eighteenth amendment to the United States Constitution providing for nationwide prohibition.

On January 16, 1919, Senator Dern declared his strong support of President Wilson's idea of a league of nations. In stating his agreement with the senate joint resolution that was up for vote (eventually passed), favoring the League of Nations, the senator said it was the only logical means of bringing about world peace. He said that those who were opposed to the League were opposed because they opposed President Wilson. He put it this way:

There is no doubt in my mind that if President Wilson had declared against a League of Nations about ninety-nine per cent of those superior patriots would now be shouting themselves hoarse in favor of it, and reviling the president because he was not possessed of

a broad enough vision to grasp this wonderful opportunity to usher in a new era for suffering mankind.43

He said that this would mean some sacrifices and limitations and treating all nations the same, but that it was the only real hope of enforcing peace and promoting liberty, progress and the orderly development of the world.

The Thirteenth Legislature adjourned with the legislators feeling like they had accomplished much, and wondering if they would be returning in 1921. Dern and seven other senators had been elected for four year terms so they were not concerned about running for re-election, but they were worried about their colleagues and the solid Democratic majority they had enjoyed during this session.

The Fourteenth Legislature

With their cry of "Return to Normalcy," the Republicans swept the nation and Utah in 1920. They placed one of their own, Charles R. Mabey, in the governor's chair and defeated all Democratic candidates for the State Senate. This meant that the senate would be composed of eleven Republicans and seven holdover Democrats. It did not give the Republicans absolute control since it would require one Democrat to gain a constitutional two-thirds majority. This is important because it is necessary, for example, to propose a constitutional amendment to the people and it requires two-thirds of a vote to change the rules at any time. The Republicans were aware of an active minority because if two of their senators happened to be absent a constitutional

43Dern Papers, Address before the State Senate concerning the joint resolution favoring the establishment of a League of Nations. Speech box, 1919.
majority of ten out of eighteen members could not be obtained; hence their party bills would be defeated. This would serve to keep all Republicans active especially since a majority of the eighteen members was required to pass any bill or joint resolution.

With this realization of the necessary diligence of both Republicans and Democrats the Fourteenth Legislature began its session in January of 1921. The first order of business was to choose the officers. Senator Dern was his party's choice for president, but lost, in a strict party lineup of votes, to Thomas E. McKay by a margin of eleven to seven. He then became the minority leader.

Mr. Dern was appointed to three important committees. He was a member of the Judiciary and Public Affairs committees and chairman of the Rules Committee. This appointment set a precedent since he was a member of the minority party and they were not usually appointed to be chairman. The Rules Committee proposed the joint rules, prepared by Dern, of the Thirteenth Legislature for the rules of this session and they were adopted by both the Senate and the House with only a few unimportant amendments.

Due to the solid Republican opposition, Dern was not as effective in this session as he had been in the previous two sessions. However, his influence was felt since it was only through his agreeable assistance that certain administration measures were accepted. He was also able to get four of his eleven bills passed as well as one senate
joint memorial, one senate joint resolution and one senate concurrent resolution.

The senate joint memorial was a memorial to the Congress of the United States, favoring a reduction of armaments. The joint resolution proposed an amendment to the Utah Constitution which would raise the pay of the legislators elected in November, 1922 from four to eight dollars per day. This proposed amendment was defeated in that election.

The concurrent resolution proposed an amendment to the Constitution of Utah which would permit the classification of property, except mines and mining claims, for taxation purposes.

The two most important bills introduced by Senator Dern were concerning the Department of Registration and workmen's compensation. The first was an administration bill which would consolidate the functions of several state departments into one. In order to get full support on this reorganization measure, Dern agreed to introduce the bill. It created a Department of Registration and provided for a director. This department provided for the licensing of members of the various occupations, trades and professions and for the renewal of such licenses. The bill prescribed the qualifications necessary to receive a license, set a fee to be paid and provided a penalty for practicing without a license. The new department was given power to set up standards for the teaching of the various professions and trades in the colleges and to determine whether or not the
colleges teaching such work are reputable. It also was
given the right to establish standards of preliminary edu-
cation necessary to be admitted to such a college.44

Mr. Dern introduced Senate Bill 58 which brought
some needed changes to the workmen's compensation law.
The bill carried new provisions which would penalize both
employees and employers if either wilfully violated the
safety measures. It gave the commission more power to
regulate employment agencies by requiring them to furnish
enough information to the men applying for work so they
could get a clear understanding of conditions as to which
positions were open. It was the aim of the bill to force
self-insurers to report annually to the commission. The
commission could now compel these self-insurers to meet the
benefits required under the first act because it was given
the power to revoke the self-insuring feature if the
employer did not have the disposition to meet the require-
ments. Another section of this act provided that when an
injured workman was earning less than $7 per week the com-
pensation would be the same as the wage. Under the pre-
vious law, some workmen were receiving more when they were
injured than when they were working. This new bill also
provided that the twenty-five per cent maximum benefit pay-
ment, in the possibility that a deceased workman left no
dependents, would go into the state treasury as a fund to
be used for persons who had been totally disabled in a

44Salt Lake Tribune, January 27, 1921, 10.
series of accidents and for dependents who might need compensation for a longer period than the prescribed time limit.45

Two very interesting arguments were heard during this session. They were concerning the anti-cigarette bill and the Fordney emergency tariff bill. The anti-cigarette bill was introduced by Senator Edward Southwick of Utah County and was one of the "moral" laws that were proposed following the successful passing of nationwide prohibition. It would make it unlawful to sell cigarettes and cigarette papers, to allow minors to smoke in certain business houses and for any person to smoke in certain enclosed public places.46 Senator Dern spoke out against this bill and joined with Senators Harrison Jenkins and Henry N. Standish, also of Salt Lake County, in their unsuccessful opposition to it.

The Republicans proposed a memorial to the United States Congress asking them to pass the Fordney emergency tariff bill as a means of helping the economy. Mr. Dern argued against this tariff by pointing out the fact that his constituents were consumers and that they were interested in a reduction of the high cost of living. He said that a protective tariff or a "practical embargo" would raise prices and increase the cost of living. He agreed that the farmer and rancher had a kick coming because of the

45_i bid._, March 1, 1921, 13.
46_Senate Journal_, Fourteenth Session, 1921, 98.
low prices they were receiving for their products, but the fact that they were not getting much had not affected the price at the stores, since the consumers were still required to pay war prices for beef and bread. The proponents of the tariff convinced Mr. Dern that it should be tried for a period of ten months and then if not successful dropped. With this explanation he voted in favor with the hope that it might do some good.\(^47\)

As far as successful legislation is concerned, this session was not one of George H. Dern's most productive ones, but it did prove his strength in the Democratic party and his ability to lead. This was obviously to be a boost for him in his future political career. With the adjournment of the Fourteenth Legislature, Mr. Dern retired from the State Senate and did not run in 1922.

George H. Dern's career as a legislator can only be termed as a progressive and successful one. He rose from a second choice as a candidate in 1914, to the leading Democrat in the State Legislature. It was here he proved that he had leadership ability outside of the business community and the mining industry. Here he became known as the father of such progressive legislation as the workmen's compensation act, the securities commission act, the corrupt practices act, the absent voters act, the initiative and referendum law and the public utilities act. In the Legislature he gained training in the function of state

\(^{47}\)Salt Lake Tribune, January 15, 1921, 11.
government and made the friends who were later to support him in his quest for the State's highest office and then serve as his assistants in governing the state of Utah during most of the 1920's.
CHAPTER III

THE SECOND DEMOCRATIC GOVERNOR

The Quest

George H. Dern's experience as party leader in the State Senate won him a position in the leading councils of the Democratic Party in Utah and paved the way to the governor's office. After leaving the Legislature, he served his party as treasurer to the State Committee and as Chairman of the Second Congressional District Committee, but he resigned both positions in the summer of 1924 to become a candidate for governor.

Many of George Dern's friends were encouraging him to seek the Democratic nomination. To find out what his chances would be, Mr. Dern wrote to many of the leading Democrats throughout Utah asking if they could support him. In a letter to Mr. Samuel Adams in Parowan, he explained that he was not disposed to make a mad scramble for office, but that he wanted to call his prospective candidacy to the attention of many influential Democrats with the hope

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1It was the practice in Utah at that time to have three nominating conventions. One, the state convention to nominate state officials and United States Senators, another the county convention to nominate county officials and the district convention to nominate candidates for the United States House of Representatives. The district convention was usually held before the state convention. There were then and still are two Congressional Districts in Utah.
that they would remember his record of service to the state and the party and therefore, do all they could in his behalf. The response to these letters was good so Mr. Dern began preparing to seek the nomination. However, by the first of July, it seemed that most Democrats wanted W. W. Armstrong to be their candidate, but Mr. Armstrong declined to run and left the state for a short time. With the removal of Mr. Armstrong, George Dern became the favorite with C. Clarence Nelsen, Mayor of Salt Lake City being the chief opponent.

On August 4, Dern's supporters met in the Kearns Building and organized with Hugo B. Anderson agreeing to serve as campaign manager. These people released a statement wherein they claimed Dern was qualified in every way to fill the office of governor. They pictured him as completely agreeing with the National Democratic platform and listed his qualifications in the following manner:

1. He is a successful businessman.
2. His training as an engineer equips him for economy and efficiency in administration of public affairs.
3. His interests are as broad as the resources of the state, including mining, farming, banking, manufacturing and mercantile pursuits.
4. He is a student of public questions.
5. He is already trained in the problems of the state, having served eight years in the state senate.
6. His efficiency and integrity in public office have been demonstrated.
7. His personality made him party leader in the senate.
8. The breadth of his activity is shown in his authorship of such diverse laws as the workmen's compensation act, the Americanization law, the corrupt

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2Dern Papers, Letter to Samuel Adams, Parowan, Utah, May 19, 1924.
practices act, the mineral land leasing law, the state roads designation act, and the constitutional amendment to change the method of assessment of mines.

9. He has been active in public service for twenty years.
10. He has been prominently connected with social, civic, educational and philanthropic movements.
11. He is open minded, tolerant of the opinions of others, practical and progressive in his point of view, and firm in his devotion to principle.³

This statement was signed by many leading men in politics, church and industry in Utah. They also reminded the people that his eight years in the State Senate had been fruitful ones and that he had been a recognized leader in that position. They completed the statement by claiming that Mr. Dern had the confidence of the people and could defeat anyone the Republicans nominated.

The Democratic State Convention was held in Salt Lake City August 27, 1924. Just before the convention W. W. Armstrong, an early favorite, returned to the state and agreed to run. This threw the convention into a three way fight between Dern, Mayor C. Clarence Neslen and Armstrong. Mayor Neslen dropped out on the fourth ballot and his votes went to Dern allowing him to win on the next one. Mr. Armstrong suggested the nomination be made unanimous; thus giving Dern the united support of the Democrats.⁴ After Mr. Armstrong's action, a cry of "speech" was heard and Mr. Dern was escorted to the stand by Milton H. Welling a former Congressman and Darrell T. Lane who had nominated Mayor Neslen. The candidate stated that he had not prepared a speech;

³Salt Lake Tribune, August 23, 1924, 13.
⁴Salt Lake Tribune, August 28, 1924, 12.
however he said he considered the nomination "as good as
election, for the Democracy will triumph."  He told the
convention that he hoped the Democratic Party would con-
tinue to be the great progressive force that it had been
and that he would support all progressive measures.

In a later speech, the Democratic nominee defined
a progressive as "one who is so filled with the milk of
human kindness, so actuated by the spirit of human brother-
hood, that he sympathizes with all efforts whose aim is to
make life a little easier for the common man, particularly
the producer." He said that the producer is the farmer
and the workingman no matter where he works. He is the pro-
ducer of the wealth and should be entitled to a fair share
of it so that life will not be too hard for him. Mr. Dern
explained that the producer is also the consumer since the
city worker consumes the product of the farm and the farmer
consumes the product of the city worker. The progressive
is interested in maintaining the proper balance so as to
provide for the prosperity of both the farmer and the city
worker. The balance comes when the farmer sells his product
for an equal amount to what he has to pay for the city
worker's product. With this definition, Mr. Dern intro-
duced the philosophy that he carried with him through both
administrations as governor.

5Ibid., 12.

6Dern Papers, Speech to Weber County Democratic Con-
vention in Ogden. Speeches box.

7Ibid.
As a candidate, George H. Dern stood squarely on the Democratic Party platform. The Democrats announced their ratification of the national platform as interpreted by their candidate for president, John W. Davis. They attempted to take advantage of the problems of graft that had arisen during Harding's administration by declaring for honesty and efficiency in the management of public affairs and invited comparison of their record in the state and nation with that of the Republicans. They said that the important things government should be concerned with were the protection of the individual's rights to earn a living and the improvement of society through health control, education and suppression of crime. The Democrats complimented the Republicans for the "few" things they had accomplished, but stated that a check of the record of the Democratic administration would prove that they could do a better job. The platform concluded with a statement of the most pressing needs of the people of Utah. These included tax reduction, the removal of the office of state superintendent of public instruction from partisan politics, a nonpartisan judiciary, revision of the state criminal code, a system of better access roads to the state and a world policy that would abolish wars. It also included a competitive rather than an extremely high tariff, insurance of fair and just freight rates to the intermountain states, the adoption of an industrial code that would define the rights of all people in industry, an agricultural policy
that would give relief to farmers instead of advice, relief for wounded and disabled veterans and the fair and impartial enforcement of the civil service rules especially the merit system of appointment and promotion.\textsuperscript{8}

After fighting for his political life in the convention, Governor Charles R. Mabey finally received the nomination, but not the united support of the Republicans. Some writers claim that this gubernatorial contest was not very exciting and that neither candidate was very attractive. They credit Mabey's lack of full Republican support as the reason for his defeat. Stanford J. Layton, in his masters' thesis, makes the claim that it was a boring contest. He says, "With only slight exception the voters were simply faced with the matter of a goodlooking 'tweedledum' versus a goodlooking 'tweedledee'."\textsuperscript{9} This writer is forced to disagree with Mr. Layton. It is not reasonable to assume that Mabey's alienation of the Republican secret "Order of Sevens\textsuperscript{10}" alone was enough to give Dern a majority of nine thousand votes. Dern was a strong person, a man who looked like he ought to be governor. He was a natural leader and had many friends, both Democrat and Republican, because of his business connections. He was popular as a State Senator

\textsuperscript{8}Salt Lake Tribune, August 28, 1924, 12.


\textsuperscript{10}A Secret Republican organization with the goal of controlling politics in Utah. For a complete discussion see Layton's thesis.
and had been invited to speak in the more populous areas of the state before he became a candidate. He was a man full of confidence and radiated it to those around him. A contemporary wrote of him that he showed tremendous industry during the campaign and that combined with the "magnetism of his personality," plus his acknowledged qualifications brought him the election.¹¹

Both candidates traveled the state speaking about the Republican administration, the tariff, preservation of the Constitution and honesty in government. Discussion of personalities was left out of the campaign speeches with both men hoping to swing the election by a frank discussion of issues.

The Democratic candidate had two campaign slogans. One was found in newspaper advertisements with a large picture of Dern and these words, "A Big Man For A Big Job For A Bigger Utah Vote For Dern." This page included a brief list of qualifications such as, "A man of outstanding integrity, fairness, sound judgment and business ability upon whom citizens of all parties can unite. A practical progressive leader with a human outlook."¹² He also displayed a bit of his good sense of humor with the "catchy" slogan "Utah Needs A Dern Good Governor And I Don't Mean Mabey."¹³

¹¹Alter, Utah The Storied Domain, 4.
¹²Salt Lake Tribune, November 3, 1924, 9.
Dern accepted every opportunity possible to speak to the people and explain his stand on the issues. Some have said he was not a good public speaker; however this is debatable because he received such good response to his speeches and was overwhelmed with the invitations to speak. The Democrats had a speaker's bureau that contained their top orators to be sent throughout the state in every campaign and Dern was included from 1924 through 1932. In a campaign speech before the Women's Democratic Club, Dern declared the leading issue of the campaign to be morality. He accused the Republican administration in Washington of corruption of the worst kind, declaring that public office had been used for private graft including "bribery," "thievery" and the dissipation of public property. He asked if the American people were going to wink at that kind of corruption and then inquired if the women could teach their children that it was no crime to steal public money or to give away private property. He said that the Republican administration had been proven responsible for such low moral standards and should be rejected for it at the polls.¹⁴ Dern also said that an important issue was the reduction of taxes and that when he was elected he would use every effort to induce capital to come to Utah to start new industries in order to have more taxable property.¹⁵

¹⁴Dern Papers, Speech before the Women's Democratic Club, 1924.

¹⁵Ibid., Speech before the Commercial Club of Salt Lake City, 1924.
He said he was very interested in the development of Utah's natural resources as a means of possible revenue for the state and that this would also help to reduce taxes.

The Democratic nominee accused the Republican administration with causing the farm difficulties which existed at that time. He said they had practically ruined 50 per cent of the farmers and seriously injured the other 50 per cent. He stated that 25 per cent of the farmers west of the Mississippi River had quit farming with about 10 per cent of these being forced to because of bankruptcy.\textsuperscript{16} The reason for this predicament, according to Dern, was high taxation on farm equipment. He pointed out that nearly everything that goes to make up the larger farm implements was taxes from the time it was pig iron through every step until it became a certain implement. This successive taxation caused farmers to pay from 60 to 100 per cent more for their farm machinery than they paid in 1914 and much more than they should have to pay.

The Republican campaign declared that they were the farmer's friends because of the high protective tariff. Dern said that the tariff hindered the farmers rather than helped them. He was for protection, but not at any cost. According to him, most of the high tariffs were upon such exportable products as wheat and corn. These products were exported in competition with the world market; hence the tariff did not raise the farmer's price. Dern accused the

\textsuperscript{16}\textbf{Salt Lake Tribune}, October 5, 1924, 24.
Republicans of utterly failing to aid the farmers in stabilizing the price of this export surplus. 17

The Republicans were claiming that they were the only party that could preserve the Constitution of the United States and Senator Smoot claimed that it was hanging by a thread and would be destroyed if any change in government was made. Dern simply stated that the Republicans did not have any "corner" on preserving the Constitution and that he was as loyal to that great document as any man alive. 18

The campaign was brought to a close with both candidates issuing a statement to the newspapers the day before election. Governor Mabey said:

The fight is over, the verdict rests with the people to whom I want to express gratitude for their pledges of support and for the hospitable manner in which they received me during my tour of the state. The rallies held were the most largely attended and the most attentively listened to in my political career. 19

Mr. Dern seemed a little more confident when he issued his statement. It was:

The best available information assures us of Democratic victory. I do not care to make an estimate but prefer to express my appreciation to all who are giving me their support. I am proud to be associated with those who make up the state ticket and confidently feel they will be elected. We have conducted a campaign without personal attack and have kept within the letter and spirit of the corrupt practices act. 20

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17 Ibid.
18 Ibid.
19 Deseret News, November 3, 1924, 1.
20 Ibid.
This was a year of surprises in the election process. Senator Robert M. LaFollette made a determined bid for the Presidency of the United States on the Independent Progressive Party ticket. Calvin Coolidge ran on the Republican side and John W. Davis entered the race as a Democrat. The contest on the national level had some influence on the election in Utah. The Republicans claimed that Mabey must be re-elected because a state Republican administration could cooperate better with the national administration which they said must also be returned to office. LaFollette gave his endorsement to Dern and urged all those who voted for him for president to vote for Dern for governor. The Democrats contended that the corrupt Republican administration must not be returned to the White House and that the Democrats were best equipped to save the state's economy.

George Henry Dern survived the Republican tidal wave in Utah by soundly defeating the incumbent Governor Charles R. Mabey. Calvin Coolidge was elected President despite the taint of corruption in the Harding administration. He won Utah by a big majority so it seemed the people were willing to forget Harding and give "Silent Cal" a chance on his own. As big as Coolidge's majority was, Dern received more votes for governor than Coolidge received for President in Utah. Dern won over Governor Mabey by a majority of 9,000 votes. This was the biggest surprise of the election
because the normal Republican majority for the rest of the state ticket was 30,000.21

The question that enters one's mind as he looks back to 1924 is why was Dern elected and why by such a large majority? There may be several explanations, all of which contributed to Utah electing her second Democratic governor. Dern had the support of the powerful mining interests and certainly had many influential friends. He was a striking individual with the ability to draw people to him. He definitely had the support of the Democrats of Utah and the active assistance of Utah's popular junior United States Senator William H. King. They made many public appearances together during October, 1924 and King vigorously urged the election of Dern. All of these factors were important in Dern's victory, but equally as important was Mabey's troubles with his own party. His problems came to light in the struggle for the nomination to run for a second term. William H. Wattis of Weber County opposed Mabey in the convention and many powerful party members lined up behind him. It was a hard battle before Mabey received the nomination. It split the party and some believe cost him the election. Mabey's party difficulties dated back to 1920 when he was first elected. He received the support of all Republicans in that election and the powerful ones expected him to make them more powerful. The "Order of Sevens" headed by George Wilson presented Mabey

21Alter, Utah The Storied Domain, 4.
with a long list of names and told him that was to be his guide for appointments. He responded that the people had elected him governor and he would use his own judgment in making appointments. At this Mr. Wilson asked if he was committing himself to being a one-term governor and Mabey replied that that may be the case, but during that term he would be governor. This refusal to go along with the "King-pins" brought about considerable loss of support to the governor. In his thesis on Governor Mabey and the election of 1924, Mr. Layton brings out another possible reason for defeat. This was Governor Mabey's pledge to a thrifty government. He tried to carry out this pledge by cutting spending, but ended up raising taxes in the state and this hurt him with the voters. Layton claims that the governor pushed his drive for thrifty government to the point of absurdity and that by mid-1924 he had not only alienated the "Order of Sevens," but many of the rank and file voters as well. Another problem Governor Mabey had was the lack of support of nationally prominent Utah Republicans. For example, Senator Reed Smoot campaigned vigorously for both the Republican Congressional candidates, but did not do the same for Mabey. Congressmen Don B. Colton and E. O. Leatherwood tended to their own campaign and largely ignored the gubernatorial contest. Senator Smoot

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22 Layton, "Governor Charles R. Mabey and the Utah Election of 1924," 34.

23 Ibid., 48.
credited Mabey's defeat to the vote of the Progressive Party and the governor's unpopularity; however the published election results did not agree with the Senator. The total combined vote in Utah for Davis and LaFollette was nearly 79,000 and this was still 2,302 votes less than Dern received. It is clear that several thousand Coolidge voters scratched their ballots to vote for Dern. This number has been estimated to have been 5600 in Salt Lake County alone.

Mabey carried most of the small counties, but the populous ones defeated him as they went for Dern. It seems quite certain that Dern was elected by Republican votes. Utah now had a Democratic governor in a sea of elected Republican state officials.

It was a surprised but happy state of Utah that woke up the morning after the election and found the Democrat had been elected. The Deseret News, officially politically independent, but with unofficial Republican leanings, characterized Dern in the following manner:

He is a splendid type of citizen, thoroughly acquainted with the affairs of government and will doubtless make a capable executive. . . . He will doubtless give a good account of himself and make a record of which he and the state may be proud.

George Henry Dern was sworn in as Utah's sixth governor by Chief Justice Valentine Gideon on Monday, November 6, 1924.

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24 Ibid., 63.
25 Ibid., 64.
26 Journal History, November 6, 1924, 1.
January 5, 1925. It was a happy occasion for the Democrats because this was only their second opportunity to inaugurate a governor since Utah became a state in 1896. It also marked the beginning of a Democratic dynasty in the governor's chair which lasted until 1948. After being sworn in, Governor Dern delivered his inaugural address which indicated what the people could expect for the next four years. The general theme was the "greatest good to all." The governor asked for the assistance of his fellow citizens in the enforcement of the laws of the state. He emphasized the fact that the people should rule because the will of the people was supreme. He plead for harmony in the administration of the government and expressed confidence that Utah could meet her destiny.27

The First Term

Governor Dern had every intention of being an active governor. He had the conviction that if a man was qualified and doing a good job he should not be removed just because he belonged to the opposite party; hence not all Republicans lost their patronage positions. This caused some dissent among the Democrats but not a serious separation of the governor and his party because he always had the support of the majority of the Democrats. He won the support of many Utah citizens who had not voted for him through his active concern for the people and their problems throughout

27Ibid., January 5, 1925, 5.
the state. At a time when transportation was limited due to bad roads and lack of railroads to many parts of the state, the governor found a way to visit these areas for a first hand look at what had to be done. He believed that it was his duty to be interested in everything that concerned the welfare of his state. He said that a governor could not protect or advance the interests of the people of his state by sitting in his office every day and merely attending to the routines of his administrative functions. He said:

A governor can waste more time in his office than anywhere else and he can make himself such a slave to petty details that he never gets the broader view of the big problems of his commonwealth, and hence can only give a mediocre administration.\textsuperscript{28}

Governor Dern's first message to the State Legislature gave an indication of what he thought ought to be done to improve conditions in his state. The keynote of his message was economy in government. He pointed out the fact that the state was considerably in debt and that practically all avenues of additional revenue were barred and as a result the lawmakers should restrict their governmental ideas to the ability of the state to pay. Increased taxation was definitely not the answer since the people were taxed almost beyond their endurance at the time. Governor Dern felt that the only immediate relief would be the expenditure of less money, and the encouragement of economical developments. The governor declared that he

\textsuperscript{28}The United States Daily, December 16, 1932, 8.
favored rigid economy in every state department and institution, but he realized too many financial reductions could destroy the efficiency of the department and if that were to be the case it would be better to discontinue its operation entirely.

In keeping with this plea for economy, Governor Dern recommended some changes in state government structure. He suggested that the department of finance and purchase was costing more than it was worth and that the valuable features could be continued by the establishment of a chief budget officer and purchasing agent under the state board of examiners. ²⁹ The governor proposed the abolishment of the office of state road engineer and place the work on the state engineer as an ex-officio member of the state road commission. This would save the salary of one road commissioner. Dern thought it would be a good idea to make the engineer the executive officer of the state road commission; thus making it possible to put the other two members on a per diem and expense basis rather than a regular salary and save the state some money.

Governor Dern advised the abolishment of the office of state land commissioner because many felt that it was an unsafe business practice to allow one individual to control the lending of the state funds since these funds formed an endowment for the public schools. He agreed that for security reasons a board of three members at a reduced

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²⁹ *Senate Journal*, Sixteenth Session, 1925, 44.
salary would be safer as well as more efficient and without increasing the expense of the office. One member could act as office manager, thereby replacing the chief clerk and the other two the field work at a saving to the state since it was being done by hired appraisers.\textsuperscript{30}

The governor also recommended the elimination of duplication between the state board of agriculture and the Utah Agricultural College, the adoption of a uniform fiscal year to close on June 30 for all departments and that the terms of judges and state superintendent of public instruction should last during good behavior with increased salaries for judges. He was of the opinion that there should be better maintenance of the state highways in order to exploit the scenic beauty. He suggested that Utah adopt the headless ballot. He was very concerned with the health of Utah's citizens and recommended the creation of a state welfare board and the ratification of the child labor amendment to the federal constitution. The governor suggested that funds collected for licenses for hunting and fishing should be removed from the state's general fund and be used for the protection of forests and wild life.

One of the most sweeping changes favored by Governor Dern was the plan of the State Bar Association for removing the judiciary from politics. This provided that judicial candidates would be prohibited from making campaign contributions, that there would be a separate ballot on which

\textsuperscript{30}Ibid., 45.
judicial candidates' names would appear in alphabetical order without reference to party, that all judges would hold office during good behavior and that members would be given adequate compensation.31

The governor's message was well received even though he was speaking to a Republican majority. The Deseret News declared that the speech showed thoughtful study and gave evidence that the new governor desired legislation that would make Utah progressive and prosperous.32

Governor Dern felt that it was his responsibility to go wherever duty called him. He said that if he could serve his state through cooperation with other states, it was as much his duty to cooperate in interstate conferences on common problems as any other requirement of his office. This willingness to go to almost any end to strengthen his state was quite possibly his greatest contribution to the state of Utah. There were two issues of major importance to Utah which required interstate collaboration and a governor with the ability to foster that cooperation. These issues were concerning school lands and the Colorado River and Governor Dern was just the man for the job.

The problem concerning school lands dated back to the establishment of statehood January 4, 1896. The Statehood Enabling Act provided that upon admission of the state

31Ibid., 46.
32Journal History, January 14, 1925, 1.
into the Union a large apportionment of land was given to
the state for school purposes. This included sections
numbered two, sixteen, thirty-two and thirty-six in every
township and the revenue from this land was to be used for
the support of public schools. Where these sections had
already been taken previous to statehood, the state was
allowed to select new lands. This seemed like a generous
grant, but in 1901, the federal government applied the pro-
visions of the mineral law of that year to the school lands
and said that the Enabling Act did not specifically grant
minerals; therefore under the doctrine of implied public
policy all minerals were reserved to the federal govern-
ment and the mineral rights were withdrawn from the school
lands granted the states.33

The previous administrations had considered this
school lands problem but no action was taken which brought
favorable results. During the other Democratic adminis-
tration of Governor Simon Bamberger several things were ac-
complished that contributed to subsequent success. The
State Land Board ceased the practice of selling valuable
coal lands at $1.25 per acre, declared some such sales as
fraudulent and required the purchasers to pay $100 per acre
instead. The Legislature of 1919, which had a Democratic
majority, passed a law introduced by Senator Dern, providing

33Wain Sutton, ed. Utah A Centennial History I (New
that the mineral rights were forever reserved to the state and that when the state sold any land it sold only the surface rights. The mineral rights could only be leased on a rental and royalty basis.\textsuperscript{34} The Republican administration which followed Bamberger took the position of trying to recover the mineral rights through court action. The Republican Attorney General Harvey H. Cluff reported the attitude of the United States Department of the Interior, in 1924, to be such as to practically deprive the state of any land of material value and therefore making it almost useless to contest the cases pending before the courts in Washington. Mr. Cluff stated that he thought pressure ought to be brought to bear upon the Congress of the United States to do something to protect the state in its title to the minerals on the school lands. He claimed the matter had been brought to the attention of Utah's congressional delegation and especially to Senator Reed Smoot, but that they had shown a lack of interest in that important matter.\textsuperscript{35}

With the situation standing as reported by Mr. Cluff in 1924, Governor Dern made it his first major task to secure the minerals contained in the school lands for the state. He studied the matter thoroughly and then when he had as much knowledge as was possible to obtain concerning the subject, he enlisted the enthusiastic support of the other western governors. Governor Dern took the problem to

\textsuperscript{34}Dern Papers, Correspondence box N-P, File Speeches, 1927-1928.

\textsuperscript{35}\textit{Ibid.}
the Governor's Conference in Cheyenne, Wyoming July 27, 1926 and convinced the western governors that something had to be done. In a speech entitled "School Land Titles in Public Land States," the governor pointed out the fact that the problem did not belong to Utah alone, but that it concerned the twelve other western states in which public lands are situated. These included Arizona, California, Colorado, Idaho, Nevada, Montana, New Mexico, Oregon, Washington, Wyoming, North Dakota and South Dakota along with Utah. He reviewed the history of the problem and pointed out how clear their Enabling Acts were in giving the land, all of it, to the states and not reserving anything for the federal government. Governor Dern said he could not understand why other states including Michigan and Minnesota were allowed to keep their mineral rights when they were admitted to the Union under Enabling Acts containing almost the identical language of the Utah Act.\(^\text{36}\) He told the governors that with the mineral resources existing in Utah, in the form of iron, coal, hydrocarbons, oil shale, petroleum, potash, salt and others, Utah could have reaped a handsome profit that would have lightened the tax load considerably if permitted to retain the mineral rights. Mr. Dern could not understand why, when the federal government had always encouraged education, the government had decided to weaken the states' education, the government had decided to weaken the states'   
\(^{36}\text{Dern Papers, Address of Governor George H. Dern of Utah before the Governor's Conference, Cheyenne, Wyoming July 27, 1926, 11.}\)
ability to provide that education by taking away from the schools in the public land states the mineral lands Congress had given them. The Utah governor said that one of the main arguments of the federal government against letting the states have their minerals was that they would sell those rights. He explained that this was not true in the case of Utah since that state had a law that would allow mineral rights to be leased on a royalty basis, but not sold. All royalties from the lease of mineral rights in Utah were assigned to the fund for the public schools.

Governor Dern explained to the other governors that the rule that mineral rights from school lands did not pass to the states was bad enough, but the Department of the Interior had come out with a new doctrine known as the rule of geological inference which would tie up the minerals on more state land. This rule meant that if a mineral vein was exposed on the side of a mountain, all land this vein extended into was mineral and was therefore reserved to the United States.\(^{37}\) This rule was carried to such lengths as to claim that school sections twenty-three miles from an outcrop were mineral lands although if there were any minerals on it, they would be at least a mile below the surface. It seemed inconsistent that the federal government could take mineral lands away from the states on geological inference, but a locator of a mining claim could not get a

\(^{37}\)Ibid., 15.
patent on the same rule. He had to make actual discovery and have the ore in place.

Another problem the public lands states was faced with concerning their school lands was when the title of the land passed to the state. A technical rule stated that a state's title to a school section did not attach until the land was surveyed. The governor challenged this rule by asking why the date of survey should determine the time when the land passed to the state when the Enabling Act clearly stated, "Sections numbered two, sixteen, thirty-two and thirty-six in every township of said proposed state, are hereby granted to said state for the support of common schools."38 This was an important point because another rule was that sections known to be valuable for mineral purposes at the time the state's title would be attached did not pass to the state; hence land not known to be valuable for minerals in 1896 unquestionably belonged to the state, but the new survey rule would permit that same land to pass out of state ownership if new discoveries proved it to contain mineral value years later, but before it had been surveyed. This did not seem fair or in accordance with the purpose of the Enabling Act.

The federal government considered it fair to take mineral lands from the public land states because it gave the states the right to select another good section in its place. According to Governor Dern this was no compensation

38 Ibid., 20.
because there was no good land left. All the good agricultural land was gone, all the timber land in the state was included in the National Forests and the best grazing land was also found in the National Forests. The governor said there were three reasons why Utah could not select other lands for those taken away. First, because much of the land left was desert and had no value. Secondly the land that had any real value had either been sold or homesteaded. Thirdly, the remaining land that had some value was in some kind of a federal reservation, either forest, Indian or national park. 39

Governor Dern's speech received favorable response among the public land states and national recognition. He became the leader of the movement to save the school lands for education in the states. The governor added to his explanation of the problem in an article published in The Journal of The National Education Association. In this article, he explained the fact that the public land states' problem was a little different from the older states because of the different way they were admitted to the Union. When the Union was formed, the original states owned and retained all unclaimed land within their boundaries. They then reenacted their cessions of western lands to the national government and this became the nucleus of the national domain. Governor Dern reported that for a long time these states did not have to levy any land tax because they could live

39 Ibid., 22.
on the revenue from their public lands. New York built the Erie Canal out of the income of her public lands. The governor said that he was not asking for anything other states had not been granted. He said he was not even concerned with the argument that Utah had not been admitted on equal footing with the original states since she was not granted all land within her borders, but he was concerned with the fact that Utah was not being allowed all the revenue from the school lands that had been granted her through the Enabling Act.  

Some people argued that Utah and the other arid public land states were better off than others because they had been granted more school land. Utah's governor countered that argument by pointing out that the reason his state had been given four sections in each township was because a large portion of the state was a barren, worthless desert and that most of the desirable land had already passed into private ownership. Granting Utah four sections was only an attempt to put her on equal footing with other states where the school lands were nearly all good land. Mr. Dern, as he had done in the convention in Wyoming, claimed that the original grant might have been enough to help his state if the government had left it alone, but by claiming that the Enabling Act did not mean mineral land the government claimed that under the doctrine of implied public policy all minerals were reserved to the federal 

government even that included in the school sections.\textsuperscript{41}
To enforce his position that the federal government should allow Utah the mineral rights from her public lands the governor submitted the fact that other states including Michigan and Minnesota were admitted to the Union under Enabling Acts almost identical in language to the Utah Act and were allowed to keep their mineral rights. Michigan got the copper and iron mines found in her school sections and built the University of Michigan from mineral royalties. Governor Dern said that Minnesota received the iron mines found in her school lands and that included with the sale of timber and agricultural lands had created a trust fund of over $57,000,000 to support their schools and universities. He also showed that other states, that had been allowed to keep mineral rights were able to support their school system with very little land taxation and asked why Utah, with her extensive mineral possibilities should not be allowed to do the same.\textsuperscript{42}

It seemed that some of the agents of the federal government felt that the public land states were trying to take all mineral rights within the state. However, Dern made it clear that Utah only wanted the minerals from the four school sections in each township. That only amounted to one ninth of the area of the state. He said that since the Enabling Act had placed the school sections by numbering them that only gave the state hope of a few mineral lands
and any other minerals found in the thirty-two sections of each township would still be the property of the government. Even if the mineral sections were evenly distributed, the federal government would get eight ninths and the state only one.

Another problem, besides the loss of mineral rights, the public land states faced was constant litigation with the federal government. Governor Dern said that litigation was too dignified a term for the proceeding since it consisted of a hearing before an official of the Department of the Interior and there was no appeal to the courts. The governor could not understand why the government should not be willing to submit its case to a court of competent jurisdiction. Surely, if the case was valid, a court should be able to decide it according to established rules of law and evidence. Since both the states and the federal government were forced to spend large sums of money on such litigation, Governor Dern felt there ought to be another way to hear the case.

In concluding his article the governor said:

We do not feel that we are begging for alms—we are only asking for our rights, and we want the federal government to be true to its obligations. We are not asking for anything that the older states have not received, so we are not pleading for special favors. At least twenty-six states, including the original thirteen and their four children, and also Michigan, Wisconsin, Missouri, Kansas, Alabama, Oklahoma, Florida, and Texas received all their minerals. The west has not received and never will receive, as much as the east has received. If there has been a favored
section of the United States surely it has not been the west.43

Governor Dern did not just speak and write about the unfairness of the government's policy concerning the public land states. He organized these states and lead an active fight against the policy and his efforts were rewarded with the passage by the United States Congress of the Jones Act on January 25, 1927. This granted not only surface rights, but also the mineral rights in the school sections to the public land states. The Secretary of the Interior declared that the act meant $100,000,000 in revenue for the schools of the public land states.44

A second and extremely important problem of the first administration was the protection of Utah's stake in the Colorado River. This problem had become acute when the federal government began to seriously consider building a dam on the Colorado River at Boulder Canyon in Nevada. The states through which the river flowed as it wound its way to the sea had been trying for some time to reach an agreement concerning the use of the water of that stream and now with the federal government entering the scene an agreement was necessary. In November, 1922 the Colorado River Compact was drawn up by commissioners of the seven states involved in the controversy. These states included Wyoming, Colorado, Utah, and four others.

43Ibid., 6.

44"Biographical Sketch of George H. Dern," George H. Dern, Governor File, Utah State Historical Society Library, Salt Lake City, Utah, 1.
New Mexico, Utah, Arizona, Nevada and California. This agreement was to be signed by the seven states and provided for the equitable division and allocation of the use of the water of that river system. The purpose of the Compact was to establish the rules to control the different uses of water, to promote mutual consideration between the states and to secure agricultural and industrial development of the Colorado River Basin. It also provided for the storage of the river water and the protection from floods. The Colorado River Basin was divided into two basins and an allotment of the use of the water was made to each of them with the provision that other equitable apportionments could be made.

This agreement was to become binding when the legislatures of each of the signatory states and the Congress of the United States had approved it. This clause created the Colorado River controversy because six of the states ratified the Compact during 1923, but Arizona refused it and since there was no provision which made it binding without the ratification of all states a deadlock developed.

45 Richard Cardell Allen, "Governor George H. Dern and Utah's Participation in The Colorado River Compact 1922-1933" (Unpublished Master's thesis, University of Utah, 1958), 26. For a complete study of the Colorado River controversy see Allen's thesis. It is the intention of this writer to only briefly cover Dern's role in the question and therefore recommend Allen's thesis for more information the reader might seek.

46 Ibid.
This was the situation of the Colorado River Compact in 1925, when Governor Dern took office. Realizing the importance of the river to Utah, the governor began studying the problem. Many people claim that Dern's success in dealing with the Colorado River controversy was his greatest contribution as governor. This writer agrees that it certainly was one of his greatest achievements. It brought him national prominence and the loyalty of most Utah citizens; however it is possible that the tax revision program he pushed through in his second term was as important to Utah as the settlement of the Colorado River problem.

Governor Dern took a strong "states' rights" position concerning the Colorado River situation. Some believe that this stand cost him an important position, for which he was well qualified, in the president's cabinet later in his political life. The governor declared that Utah as well as the other states involved should have a fair share of the waters of the Colorado River. He fought for local self-government in the control of water matters and this brought him into confrontation with the administration in Washington which was supporting the Swing-Johnson bill. This bill sponsored by Congressman Phil D. Swing and Senator Hiram Johnson, both of California, provided for the federal government to construct power and irrigation projects along the Colorado River. The Seven Basin States, with Governor Dern taking the lead, put up such a strong fight for amendments to the bill that it was necessary for Swing and Johnson
to produce four bills before a revised form was finally accepted. 47

Governor Dern and Utah opposed the bill for many reasons. One was because it asserted Federal ownership and control of the river as well as denying that the states had any rights herein. Governor Dern held that the Colorado River belonged to the states, not the nation. Another reason the governor opposed the Swing-Johnson bill was because it provided for the project to be built in the lower basin and he was afraid that the theory of "prior appropriation" or first in use, first in right would apply. That would mean that if the project was build in the lower basin and they put the water to beneficial use then the upper states would not be able to later build projects in their states and therefore would lose their share. 48 In this opposition Dern was not against building Boulder Dam, he just wanted to be sure the upper basin states would get their fair allotment. The governor believed that each state was entitled to as much water of the tributaries of the river arising within their own borders as they could rightfully use and that each state was entitled to a fair share of the water of the main stream. The Utah governor would not recognize any bill that did not protect these rights. A good bill would spell out the requirements for water to Mexico, make


48 Dern Papers. Statement of Governor George H. Dern before Senate Committee on Irrigation and Reclamation, Washington D. C., December 17, 1925, 2.
it possible for additional projects to be built along the river in both the upper and lower basins, set up a uniform price for power and water to be sold at the dam and give all of the Basin states the right to participate in revenues that would be derived from the sale of power and water after the federal government had received its share as a reimbursement for its share of the investment.49

Governor Dern said that if the upper basin states received the protection that was their right, they would not care what the lower basin states did with their water. Water was important to Utah because it was an arid state and depended upon irrigation. The governor pointed out the fact that unless water from the Colorado River was reserved for future agricultural development Utah would not be able to continue to grow.

A third reason for opposition to the Swing-Johnson measure was Dern's claim that the state not only owned the water but that it also owned the bed and banks of the Colorado River system and as a result, the power resources of the river within the state were also the property of the state. He felt that by leasing these power resources on a royalty basis the state could acquire a large amount of revenue which would greatly lighten the tax burden of the farmers and home owners.50

49Allen, "Governor George H. Dern and Utah's Participation In the Colorado River Compact 1922-1923," 87.
Since the state owned the banks and bed of the stream the governor said the federal government had no right to construct any project upon the river without permission from the state involved. He explained this position at the Colorado River Conference, October 5, 1927 in the following manner:

For the past year we (Utah) have been making the following claims: 1. That the Colorado River being a navigable stream in Utah, its bed and banks belong to the state. 2. That the waters of all western streams are the property of the states in their sovereign capacity. 3. That therefore the Colorado River belongs to the states and not to the nation. 4. That the states are entitled to receive compensation for the use of their lands and waters except for governmental purposes.\(^{51}\)

The Federal Bureau of Reclamation disagreed with Dern and claimed that Congress had the power to apportion and to allocate water from any western stream among the states regardless of the will of the states through which the stream flowed.\(^{52}\) The governor replied that that doctrine was unconstitutional and declared that the west had been admitted to the union on an equal basis with the east and since that section had always owned and controlled waters and beds of their navigable rivers the west should have the same right. Dern stated that the western states had absolute jurisdiction over their streams whether navigable or unnavigable and that the federal government did not own or

\(^{51}\)Allen, "Governor George H. Dern and Utah's Participation In The Colorado River Compact 1922-1923," 73.

\(^{52}\)Ibid., 74.
have the right to control any western stream. He also said that the federal government had no authority to do anything on the western rivers except to uphold the interstate commerce laws as they applied to navigation.\textsuperscript{53} He stated that the greatest catastrophe that could come to the western states would be to let their waters fall into the hands of the federal government. The farmers disliked state authority controlling their irrigation and would surely not appreciate taking orders from the federal authorities. The governor summed up this statement by saying, "The Federal government already owns most of our land. If it now also takes our waters, what shall there be left of our boasted statehood."\textsuperscript{54} The Utah Legislature agreed with this position and passed a law which declared the Colorado and Green Rivers to be navigable streams; hence the beds and banks of those rivers to be the property of the state of Utah.

Because of his knowledge of the subject and courage in speaking out, Governor Dern was unanimously chosen chairman of the Conference of Governors of the seven Colorado River states when they met in August of 1927. The conference was composed of the governors of Wyoming, Colorado, New Mexico, Utah, Arizona, Nevada and California, the official Colorado River Commissioners, other advisors of these states and Senators and Congressmen from that region. It was held in Denver, Colorado and lasted for four weeks during August

\textsuperscript{53}\textit{Ibid.}, 75.

\textsuperscript{54}\textit{Ibid.}
and September of 1927. Governor Dern, the organizer of the conference, outlined its vital purpose by saying that unless they were determined to do justice as well as seek justice their deliberations would be "foresdoomed to failure." He asked the conference to compose their differences and go before the nation as a compact unit.\textsuperscript{55} Under his leadership this conference established the principle that the waters flowing through the western states belonged to the states and not the federal government and that the equitable distribution of the flow of the Colorado River would stand as had been decreed in the Colorado River Compact.\textsuperscript{56}

As was mentioned earlier in this paper, ratification of the Colorado River Compact by all seven basin states was at the bottom of the controversy and no agreement could be reached. Governor Dern wanted to have the original seven state Compact ratified because he felt that unless all of the states were to realize benefits from the development of the river it would be useless to invest millions of dollars in something that would not be of worth to the states concerned. When it became evident that seven state ratification would be impossible, the governor shifted the support of Utah to ratification by another way. He insisted that Utah's rights concerning ownership of the river and

\textsuperscript{55}Dwight B. Heard, "The Colorado River Controversy," The American Review of Reviews, LXXVI, No. 6, December, 1927, 626.

\textsuperscript{56}Kate B. Carter, Heart Throbs of the West, VI (Salt Lake City: Daughters of Utah Pioneers, 1945), 79.
ownership of power be protected. It was proposed that instead of ratification by seven states the Compact be changed to require ratification by only six states. Dern was afraid that six state ratification would not completely protect the upper basin states so he called a conference in Denver consisting of the governors and water commissioners of Colorado, Wyoming, New Mexico and Utah. They drew up a four state agreement that said that no legislation by the federal government that proposed construction of any project upon the Colorado River should be enacted or authorized before the Seven Basin States reached an agreement.57 This had the effect of partially blocking development along the river until the Swing-Johnson bill included more suitable provisions for state apportionments of water and refunds from revenues.

Besides organizing and leading the governors' conferences, Governor Dern carried the fight to Washington. He appeared before the Federal Power Commission in October, 1925 to object to the issuance of a permit to build a dam on the Colorado River at Diamond Creek for power purposes. He appeared before the Senate Committee on Irrigation and Reclamation December 17, 1925 to oppose the enactment of any legislation that proposed the building of a dam at Boulder Canyon or elsewhere on the Colorado River. Utah opposed the dams at Diamond Creek and Boulder Canyon for the same

reason and that was because the governor felt that either project would jeopardize Utah's right to a fair proportion of the waters of the river.\textsuperscript{58} The governor explained to the Committee that Utah and other upper basin states would be opposed to any development on the Colorado River until the river waters were equitably divided and allocated to the different states. He said that his state was rightfully entitled to as much of the water of the tributaries of the Colorado River in Utah as they could legitimately use. As soon as Utah was given a guarantee that her rights would be preserved then she would be willing to allow California or any other state to do whatever they wanted to with the water allotted to them.\textsuperscript{59}

Briefly, Governor Dern based his opposition to the Swing-Johnson bills (there were four of them before the fourth one became the Boulder Canyon Project Act) on three points. The first one was the fact that the states, not the federal government owned the waters of the Colorado River. The second was the fact that the western states owned the beds and banks of all navigable streams within their borders and the third one was that the states should share in the revenues obtained from development of those streams. It is a tribute to his leadership ability that he was successful in all three counts.

\textsuperscript{58}\textit{Dern Papers, Statement before Senate Committee on Irrigation and Reclamation, 1.}

\textsuperscript{59}\textit{Ibid., 2.}
Governor Dern's fight brought about amendments to the Swing-Johnson bill to the point that it was finally acceptable to most of the basin states. It was impossible to get both Arizona and California to agree so no ratification by seven states took place. Instead the fourth Swing-Johnson bill provided that no action toward development of a dam at Boulder Canyon would take place until either the Colorado River Compact was ratified by the seven states or if that failed to happen within six months from the date of the passage of the act it was ratified by six of the seven states including California. Also the six would have to agree to waive the provision of the Compact that made it necessary for seven states to ratify it.60 Utah was the sixth state to ratify the Colorado River Compact on a six state basis. Utah did it on the condition that the federal government would develop the river according to a comprehensive plan. The Boulder Canyon dam had to be the first unit and the power from this dam had to be sold at fair market prices so that the government's investment would be returned within fifty years and so that surplus earnings could be used to build up a fund for the building of other proposed projects such as the Flaming Gorge and Dewey dams. The Boulder Canyon Project Act became effective by proclamation of the president of the United States June 25, 1929.61

60Allen, "Governor George H. Dern and Utah's Participation In The Colorado River Compact 1922-1923," 35.

61Ibid., 36.
As a result of the Utah governor's appearance before the committees at Washington and his other activities the principle that the waters of all western streams belong to the states won acceptance. The Boulder Dam legislation included terms which gave Wyoming, Colorado, New Mexico, Utah, Nevada and Arizona a guarantee that they would receive their fair share of the waters of the Colorado River.

Governor Dern also won his point that the western states owned the beds and banks of their navigable streams. As has been mentioned the Utah Legislature passed an act asserting ownership to the beds and banks of the Colorado and Green Rivers. At the time of this act there was nothing in the laws of the United States or the state of Utah that specifically indicated ownership of river bed and banks. The result of Utah's claim was a suit before the United States Supreme Court called the United States v. the State of Utah. The decision of the court, given on April 13, 1931, was that parts of the Colorado and Green Rivers were navigable when Utah became a state and Chief Justice Charles E. Hughes declared those parts belonged to the state of Utah.62

Governor Dern's third point that the states should be able to share in revenues obtained from federal developments of rivers within their borders also found favor in the Boulder Canyon Project Act. It stated that not only should the government's investment be returned during a specified period of time, but also to return a reasonable

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62 Ibid., 87.
amount of revenue obtained over and above the investment of the government to the states. This presumably would be in lieu of taxes the states would have collected if it had been developed privately instead of by the government.\(^{63}\)

Even though the governor spent a great amount of time on the school lands and Colorado River problems, he did not neglect other situations which faced the state. His first term record was a good one and won him even greater popularity in Utah than he had previously enjoyed. He dedicated himself to the service of all the people and traveled to the remote areas in order to become as well acquainted with their needs as he was with the problems of the cities.\(^{64}\) Dern's interests ranged from developing Utah's scenic and recreational opportunities to securing fair freight rates for the state's products and from the improvement of the highway system to caring for the socially unfit.

He instituted a program of road building and maintenance with the idea of making twelve months travel over Utah's highways feasible and comfortable. He was also interested in building proper approaches to the southern scenic areas with the construction of the road from Zion Park to the Mt. Carmel junction on Highway 89 being one example. He worked to increase the production potential

\(^{63}\)Ibid., 61.

\(^{64}\)Richfield Reader, November, 1928, 13.
of the state’s industries by making the State Department of Agricultural a meaningful aid to the farmers and by seeking the cooperation of the Federal Bureau of Mines in making the University of Utah the center for all metalliferous research. He worked hard to improve the conditions at the Utah State Mental Hospital and to make the many badly needed physical improvements at the state prison. His efforts at the prison permitted the warden to turn back $20,000 to the state from the prison appropriation for 1927.

The record of the first term won the support of many Republicans and Independents as well as the members of his own party. In winning this endorsement of his friends and the praise of his political enemies, the governor was able to unite all factions in his attempt to promote the progress of Utah; thus insuring him a definite possibility of being elected to a second term.

65 Ibid.

66 Ibid.
CHAPTER IV

RE-ELECTED IN A REPUBLICAN YEAR

The Campaign

Governor Dern had gained much popularity during the first term and this almost assured him another if he should choose to run. This was not a hard decision to make since he received so much encouragement and desired to continue as governor. Dern entered the race for the Democratic nomination and received opposition only from Weber County. They seemed to think a man from their county should be governor so William Scowcroft of Ogden formally entered the race. Mr. Scowcroft soon realized that he did not have a chance and withdrew the day before the Salt Lake County mass meetings because he had found the leaders throughout the state were more favorable to Dern.¹

William H. Wattis of Ogden, the general manager of the Utah-Idaho Sugar Company was nominated by the Republicans to challenge Dern. Both men conducted comparatively quiet campaigns and kept themselves somewhat aloof from other candidates running for state office and from national issues. Dern used the slogan "One Good Term Deserves Another" and issued the following pledge:

It has been and will continue to be my purpose to serve the people of the state to the best of my ability and to stand by the principle I have always advocated of making the welfare of the whole people the first consideration of government.²

He asked the people to check his pledge against his record. Dern's followers continually reminded the people that the governor had always pursued a consistent policy in his administrative duties, but that he had been ready at all times to meet any emergency that arose in the various sections of the state. They pointed out the governor's activities in two situations to illustrate his active interest in all Utah citizens. These were a snow slide at Bingham and the threatened failure of the Horsley Dam in Carbon County. Governor Dern went to the scene of the slide as soon as he heard about it, organized the forces of relief and personally directed the care of those involved in the tragedy. When the Horsley Dam was on the verge of collapse and threatening the state with its worst flood in history, the governor went to the area and assigned engineers employed by the state departments to assist in assuring the safety of the dam.³ Those campaigning for Dern pointed out the fact that the governor had personally visited every section of the state and that he had become as well acquainted with the needs of the rural towns as he was with the desires of the city dwellers. They claimed that even though he had

²Salt Lake Tribune, November 6, 1928, 8.
³Dern Papers, correspondence box N-P, file speeches, 1927-1928.
been the only Democrat elected to an administrative state office in 1924 and that the two legislatures he had worked with were also of the opposite political party, he had been strong enough to make an outstanding record of accomplishments. His followers stated that he had served impartially, ably and honestly and had gained the support of the Independents and Republicans as well as the whole hearted support of the members of his own party. They published a list of twenty-two major accomplishments of the first term which covered such subjects as improved relations between Mormons and non-Mormons, interest in Utah's historical background, preserving "states' rights," such improvement in the State Mental Hospital as to gain the strong support of Superintendent Dunn of that institution, conservation, scenic interests and many others that would prove the wide interest the governor had shown the people of Utah.4

There seemed to be a lack of real issues in this campaign; however there was some question concerning the governor's feelings about the tariff, public appointments, prohibition and lack of enthusiasm for the Democratic presidential candidate Alfred E. Smith. The Republicans spread the rumor that Senator Smoot was getting old and that if he died Dern would appoint a Democrat who would not support protection of Utah's products. Dern refuted that idea by saying that it was a misstatement of facts and that he had stated in his public announcements for years

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4See Statement of Achievement in Appendix II.
that he was for a tariff high enough to give adequate protection to Utah producers. He also said that the only difference between the Democratic Party and Republican Party on the tariff was that the former demanded protection for both the American producer and American labor without building up burdensome trusts and monopolies and the latter were willing to give the favored interests anything they desired.  

A "whispering campaign" was conducted, mostly by Republicans, with the intent of splitting the Democratic vote concerning Dern's method of making public appointments. They said he was not a loyal Democrat because he had not removed all Republicans from office and appointed Democrats in their place. Governor Dern answered this by telling the people that his policy as governor was to put service ahead of politics and if a Republican held an appointive office and was better qualified than any Democrat for the position he should stay and not be removed just because he was a Republican. This made sense and had the effect of picking up many Republican votes as well as holding the Democratic support. The Republican's also "whispered" that Dern had left the Democratic Party by not going to the National convention in Houston and supporting Alfred E. Smith. Dern answered that he felt he could use his time better in Utah and that he had merely supported the proposal that the Utah delegation go to Texas uninstructed believing that they

5Dern Papers, correspondence box N-P, 1927-1928, file speeches.
could gain more for themselves that way. He was in favor of Al Smith over Herbert Hoover for president, but did not agree with Smith's proposal to repeal the Volstead Act (prohibition's enforcement statute). He stated that the president could not change the Constitution nor repeal the Volstead Act; hence he was not worried about Al Smith's "wetness" and that he personally was a "dry."\(^6\) In a letter to H. C. Scott of Salt Lake City, Governor Dern again clarified his position concerning prohibition. He said he had always believed in prohibition as a principle and that as a member of the Legislature he voted for state wide prohibition, the prohibition amendment to the state constitution and for ratifying the Eighteenth Amendment to the United States Constitution.\(^7\)

Wattis, the Republican candidate presented himself as an able businessman capable of holding an office that required a knowledge of business. He brought up the tariff issue and announced that he favored the encouragement of mining, agricultural and industrial expansion. He received the support of Senator Smoot who said that Wattis should be elected on the basis that if he should be compelled to retire the state needed a Republican governor to appoint another Republican senator who would favor the protection of Utah's producers.\(^8\) Wattis also received the support of

\(^6\)Ibid.

\(^7\)Dern Papers, letter to H. C. Scott, October 8, 1928, box P-S, 1927-1928.

\(^8\)Jones, "Utah Politics, 1926-1932," 81.
David O. McKay, an Apostle in the Church of Jesus Christ of Latter-day Saints and because of his endorsement and that of Senator Smoot, another Mormon Apostle, Dan Jones states in his dissertation that Wattis, a non-Mormon had the support of the Church. That is interesting because of the political influence of that church in Utah; but it is also untrue, for if the Church had supported Wattis, Dern, a non-Mormon, would not have been elected because the majority of the Mormons would have voted for the Republican candidate. Jones' supposition is also untrue because many high ranking Mormon officials supported Dern. The Church gave no official or even unofficial support to either candidate. Dr. Joseph F. Merrill, head of the Church Education System, J. Golden Kimball\(^9\) and B. H. Roberts members of the Church's First Council of Seventies strongly supported the incumbent. As far as the Mormon Church was concerned, it was strictly a matter of personal choice among church leaders as well as members.\(^{10}\)

The result of the election was overwhelmingly in favor of the Democratic incumbent. He led the entire field of candidates by receiving 102,953 votes to 72,306 for William H. Wattis. The governor won in seventeen of the twenty-nine counties. He obtained his largest majority in Salt Lake County with 65.9 per cent of the votes. Wattis

\(^9\)Dern Papers, letter from J. Golden Kimball, October 26, 1928, box N-P, 1927-1928.

\(^{10}\)Dern Papers, applicable correspondence boxes, 1927-1928.
won his home county of Weber, but showed poorly in traditionally Republican areas. Wattis also won in the less populous counties of Daggett, Emery, Garfield, Iron, Kane, Piute, Rich, Sevier, Uintah, Washington and Wayne.

The election results seem to show an agreement with the policies administered by Governor Dern in his first term. Even in the face of a national landslide for Herbert Hoover, Dern received more votes in Utah than the president-elect. Hoover won Utah by a majority of 14,000 votes and Dern won by a majority of 30,000. This was the first time any gubernatorial candidate in Utah had ever received over 100,000 votes and also the largest total up to that time given any candidate in the state.

Dern's election was viewed by party leaders as a divorce of party affiliation and the tendency to vote for men rather than for the party they represented. The Progressive Party vote again went to the Democrats and quite obviously Dern received the endorsement of many Republicans.

**The Second Term**

As the second four years in the governor's office began, Governor Dern let the people of the state know that he intended to continue to work for Utah's progress. He

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12Journal History, November 8, 1928, 3.

said that the only way to build up the state was to
develop it from within. Utah could not depend upon the
growth of California for her development, but would have
to strengthen her own industries. The governor stated that
he favored forming a strong western bloc that would work
toward developing western resources.

Dern's message to the State Legislature January 15, 1929 emphasized that he intended to do something about the heavy tax burden carried by the property owners. This was the main source of state revenue and the governor felt that it should be equalized. He suggested expanding the tax on cigarettes to include all tobaccos and inaugurating a state tax on amusement admissions. The governor said that payment of a tax on automobiles at the time the license was issued should be required. He suggested that all real estate should be reclassified for taxation purposes at least every five years if deemed necessary by the state board of equalization. He would also give that board the authority to equalize the property of persons or corporations of any class in a county.14

Besides his tax proposals, the governor urged the adoption of the headless ballot, the holding of state elections in the middle of the national quadrennium rather than at the same time so the result would be determined by state issues and not be influenced by the national election. The governor was in favor of eliminating elective state

14Salt Lake Tribune, January 16, 1929, 12.
officers from all boards or commissions except the state depository board, the board of loan commissions and the board of examiners. He said that would be better than the present system of ex officio boards because often there was an entire change in the personnel of a board at one time and this prevented the carrying out of a continuous policy. Governor Dern said he was in favor of a civil service law that would not take the proper control over subordinates out of the hands of the executive officers, or interfere with discipline or with the policies of the administrator of the department. He also included in his message the recommendation that the state's corrective and welfare institutions be placed under the direction of a central board, and that there be established a state institution for the feeble minded if the finances could be found without increasing taxes.  

As he had in the first term, the governor found himself pushed to the front in leading the western states in their battle to be equal with the other states in the Union with relationship to public land. This time the battle was over President Hoover's proposals concerning turning over the public domain to the states.

In 1929, President Hoover proposed to give to the states the control of the surface rights of all public lands that were not already included in national parks or monuments, national forests, Indian reservations, mineral

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15Ibid.
withdrawals or other reserves; however the minerals contained in those lands were to be reserved to the United States and that part of the proposal created the controversy. The administration seemed to think that it was better for the government to retain the mineral rights because they could make sure there was no waste of the mineral resources.

Governor Dern took the lead in organizing a Western Governors' Conference for August 26, 1929 in Salt Lake City to discuss the Hoover policy. The states represented in the conference were Arizona, California, Colorado, Idaho, Montana, New Mexico, Nevada, Oregon, Washington, Wyoming and Utah. In a speech to the conference, Governor Dern reviewed the proposal and then presented his reasons for why it should not be accepted. He said the western states appreciated the compliment that they were adult enough to administer the lands more wisely than it was being done from the national capital, but they wondered why they were not deemed adult enough to administer the mineral resources. Dern pointed out the fact that the remaining public lands were open to entry by any citizen for a small fee and by living upon them for a while, but they still remained vacant. He wondered how the states were supposed to sell or lease these lands when the national government could not. He said that the surface of the proposed public lands could

16George H. Dern, "Governor of Utah Discusses Disposition of Public Lands," The United States Daily, October 21, 1929, 16.
not be made to produce enough revenue to pay the cost of administration. The governor agreed that if the federal government would include all the public lands except the national parks and if the mineral rights would be included, the states would be more than willing to accept it, but to offer the states only the land the government had not found a use for was like "sucking the orange dry and handing the states the skin."17 Dern continued by stating that the government, not only did not propose to give the states mineral rights, but intended to keep the good land and give them the poor land. He said that some of the land was not worth five cents an acre for the surface rights but might contain valuable minerals. There may be found coal, oil, oil shale, potash or other valuable minerals below the surface. If the title to the minerals was included with the title to the surface the lands would be desirable with the hope that the underground richness would make up for the surface barrenness.18

The Utah chief executive said that to accept the land and say they would be no worse off would not be worth the price they would have to pay. It might cost the states the federal reclamation projects. The extension of agricultural development in the western states was dependent upon the reclamation projects of the federal government.

17Dern Papers, letter to J. P. May, June 2, 1930.

18Dern Papers, speech by Governor Dern to the Western States Governors' Conference, 101, public land conference box.
The governor pointed out the fact that the reclamation fund was built up by the federal government collecting mineral royalties under the general leasing act. The reclamation fund got 52 1/2 per cent of the royalties that the government collected in the public land states and that even if the federal government were willing to continue to devote that revenue to the improvement of land it did not own there would be considerable doubt as to its legal authority to do so and it would probably be thwarted by enemies of reclamation.\(^\text{19}\) A second cost for the surface of the public domain might be the reduction in the amount of participation of the national government in construction costs of federal aid highways. Dern said that the United States was paying 74 per cent of the cost of federal aid highways in his state because of the large amount of land in Utah that was owned by the federal government. The amount of participation of the federal government in highway building in states that it did not own land was only 50 per cent and the governor said that Utah had enough of a problem raising her 26 per cent without attempting 50 per cent. He said the states needed more federal aid for highway building not less. A third cost might be the discontinuance of the work of the Biological Survey in the eradication of predatory animals. This would be a serious blow to the stockmen.\(^\text{20}\) The governor concluded his speech by saying that if the states

\(^{19}\) *Ibid.*, 102.

were given the forests and the minerals as well as the surface of the public domain he would accept it, but that he could not accept the surface right only of useless land.

Eastern newspapers published their support of Hoover's proposal and based their argument on the shameless exploitation and waste of the western natural resources before the federal conservation policy brought about the national forests and the leasing law. The governor replied that as far as waste and exploitation was concerned the federal government was solely responsible since the states had never owned the natural resources.\textsuperscript{21} He argued that the western states were as good conservationists as the federal government and used Wyoming's administration of her oil lands as one example and Utah's mineral leasing law as another. He also said that the federal government's conservation measures were nothing to be proud of, especially its administration, because the lands it proposed to turn over to the states had been overgrazed and the forage destroyed; hence the value of the land had decreased every year.

As a result of the Western Governors' Conference, where the west refused to accept the president's proposal and in other western reclamation conferences held in Salt Lake City, the proposal was defeated. Governor George H. Dern has been recognized as the leader in the defeat of President Hoover's public land policy.\textsuperscript{22}

\textsuperscript{21}The United States Daily, October 21, 1931, 16.
\textsuperscript{22}Salt Lake Tribune, August 28, 1936, 9.
Another national issue that became a vital concern of Utah and Governor Dern was the demonetization of silver. The value of this metal dropped from 57 cents per ounce to 29 cents in a two-year period from January, 1929, to December, 1931. This was important to Utah because the state led the nation in the production of silver; therefore the cut in price was disastrous to the Utah mining industry. Many mining men throughout the west wrote to Governor Dern asking that he use his influence to bring back the value of silver and even though he agreed completely with their cause, he felt that it was a matter the national congress should solve. The governor did speak out on this issue. In a speech before the Institute of International Relations in Riverside, California, he said that lowering the price of silver had a marked effect on the depression the world was facing at the time. He said that the claim that an over-expansion of the productive capacity of American industry because of mechanization and mass production and high pressure salesmanship caused the unemployment and hard times in 1931 was not true. It was not overproduction that the world was suffering from, but the lack of purchasing power.

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24 George H. Dern, "The Silver Question," The Mining Congress Journal, XVII (March, 1931), 129.

governor claimed that foreign markets were supposed to take care of American surplus production, but that they had not done so since 1929 because of high protective tariffs, retaliatory tariffs which kept the United States from needed markets, and especially reduced buying power of America's customers. The drop in silver value caused lower buying especially in India and China the two largest silver users in the world.

Governor Dern claimed that the main reason why silver had dropped was because of the effort to change India from the silver to gold standard and dumping Indian silver on the world market. Also the fact that many European countries had ceased their coinage of silver and dumped their surplus on the market.

He said that the wealth of Asia, South America and Central America was largely in the form of silver and because of the cut in value of their wealth they were unable to purchase the United States' surplus of agricultural and manufactured products. When this foreign trade was stopped the surplus products were poured on American home markets and overproduction and unemployment resulted.

Along with the decrease in the value of silver, the value of gold was increased. Governor Dern felt that was a mistake because gold was not as plentiful as silver. If the world was to come out of the economic slump it was in, it would have to give the gold dollar some help and the
increased use of silver as money would be the best way to provide that help. 26

Dern did not claim that the drop in silver was the sole cause of the depression, but that it was a strong contributing factor and that the nations of the world should stop further demonetization, quit selling government-owned silver and resume the use of the metal to the same extent it had been before World War I. If the nations would do that, silver would automatically be restored to its pre-war price and there would be an instant improvement in the financial position of many countries as well as a quickening in international trade. 27 He suggested a world conference on silver to study the question, and that the United States agree to accept payment for war debts in silver instead of demanding gold.

Three issues of great concern to citizens of Utah during the second term of Governor Dern other than the national problems mentioned were flood control, the depression and tax revision.

Governor Dern was the first of Utah's chief executives to take direct action toward the controlling of floods. In 1930, Utah experienced some devastating cloudbursts that resulted in several very damaging floods throughout the state. Especially hard hit were Bingham and Davis County in northern Utah. After personally viewing the damage where many

26 ibid., 157.
27 Ibid.
citizens were left homeless, the governor sent for a representative of the American Red Cross from San Francisco to make a survey of the losses in these two areas and to suggest possible relief of the people involved. After the inspection, the governor appealed to the citizens of the state for subscription to the fund which was being raised by the Red Cross for the relief of the flood sufferers in Davis County and other parts of Utah. In asking for contributions, the governor explained that many of the families in the devastated area were absolutely destitute and that the money would be used to restore their homes.

After providing for immediate relief, Governor Dern next set out to prevent future floods of such serious nature. He felt that a contributing factor to the floods was overgrazing and that as a result some of the vacant public land involved should be withdrawn from entry for the purpose of watershed protection. He appointed a committee headed by Sylvester Q. Cannon, former Salt Lake City engineer, and at that time Presiding Bishop of the Church of Jesus Christ of Latter-day Saints and composed of eighteen prominent men from the business and educational field to study the origin and cause of the floods and to ascertain whether or not any prevention measures were feasible. The Flood Control Commission recommended: 1. The construction of barriers and settling basins at the mouth of the flooded canyons, 2. Rehabilitating and maintaining of the plant cover by reseeding and eliminating grazing for a period of
four years and then carefully controlling it. 3. The appointment of a permanent Flood Commission. 4. The appointment of a conservation survey of experts to be part of or work with the Flood Commission. 5. The extension of public ownership of land to the important watershed areas.28 As a result of these studies and recommendations, the governor was instrumental in having flood control made one of the duties of the State Land Board.

With the crash of the stock market in 1929, Utah like the rest of the nation was faced with a great depression. It is not the intention of this thesis to be a history of this tragedy in Utah, but to merely describe Governor Dern's program for relief. The governor said faulty national and international policies brought on the condition of unemployment.29 He said some people were putting the blame in the wrong place. State and local governments had nothing to do with causing the depression and could do very little to stop it. People were asking the state government to reduce taxes as a relief measure but Dern said that would not accomplish much because if taxes were entirely abolished the people would still be destitute. Other people were asking the state government to increase taxes to raise money for unemployment relief. Governor Dern said that the states were not responsible for the hard times and did not


29Supra, 98.
have the resources to overcome them; hence it was up to the federal government to do something.\(^{30}\)

The governor was an advocate of the plan to stabilize industry by the construction of public works and attempted to implement that plan in Utah. He recommended to the 1929 Legislature a bill that provided for a twenty year state building program that gave the governor the executive authority to carry out the program in order that construction might be pushed or relaxed as the economic necessity should demand. The Legislature deleted the executive authority part and amended the bill to make it mandatory to construct some buildings during the ensuing biennium.\(^{31}\)

Another of the public works the governor pushed was the building and improving of roads in Utah and his administration was noted for the great advancement in this area. In 1930, Governor Dern advised the State Road Commission to arrange as much of its road building program into the winter months as possible in an effort to provide employment for men during that time of the year. This was done and the road building program was carried out in many different counties in Utah and proved to be helpful.\(^{32}\) He also suggested that the State Road Commission be given the

\(^{30}\)George H. Dern, "The Loss and Gain Account," Proceedings of the Institute of International Relations, Eighth Session, VIII (December 13 to 18, 1931), 164.

\(^{31}\)Dern Papers, telegram to editor of New York Herald-Tribune, November 24, 1929, box E-F, 1930.

\(^{32}\)Dern Papers, letter to Colonel Arthur Woods, November 13, 1930.
right to require as part of any bid submitted to build highways, the use of men and teams instead of using so much labor saving equipment.\textsuperscript{33}

In an attempt to get as many people involved in providing relief as possible, the governor suggested that businessmen, where it was economically possible, make their work shifts shorter and hire more workers. He also went along with the unanimous vote of the state elective officers and department heads to donate four per cent of their wages each month for four months in the winter of 1931, to those who were most in need. He urged all state employees to do the same.\textsuperscript{34} Governor Dern also designated Sunday May 8, 1932 as civic fast day inviting all the citizens of the state to abstain from eating on that day and to donate what they would have eaten or a monetary equivalent to the relief of those forced to suffer from hunger.

In 1931, Governor Dern appointed a State Advisory Council of Unemployment consisting of one hundred members to be chosen from each county and many of the cities of the state. Sylvester Q. Cannon was the chairman and they were to act in a supervisory capacity in helping the counties and cities handle their own unemployment problems.\textsuperscript{35} This

\textsuperscript{33} George H. Dern, "Road Construction as Factor in Relief of Unemployment," \textit{The United States Daily}, October 2, 1931, 10.

\textsuperscript{34} Dern Papers, letter to Ivor Ajax, State Auditor, November 30, 1931.

\textsuperscript{35} Ibid., letter to Gifford Pinchot, Governor of Pennsylvania, November 25, 1931.
committee made a survey of the conditions in the state and made several recommendations to cities, counties, state officials and private industry concerning the promotion of more general employment. In general, they suggested that those given employment be in continuous residence in the county for at least one year and that heads of families be given jobs with the termination of employment of women whose husbands were working regularly. They also advised that public work be done by hand using as many men as possible and that working hours be reduced to six hours where practicable in order to employ more people. These suggestions were generally well accepted and the counties and cities stepped up their public works projects. The depression was just becoming extremely serious when Governor Dern's second term ended.

If there could be said to be one single goal that Governor Dern had it would have to be to ease the burden of taxation on Utah's property owners. One thing that was consistent in his battles with the federal government over Utah's rights and the Colorado River, the school lands and mineral rights was his desire to find means of revenue and lower taxes.

In 1929, Governor Dern urged the Republican Legislature to do something about equalizing taxation and he was successful in getting them to create the Utah Tax Revision

36Ibid., Recommendations of the Unemployment Relief Committee. For the complete report see Appendix III.
Commission and the Utah Legislative Tax Committee. These two groups were to study the state tax system and report to the governor by the next December. The Committee and Commission agreed on a tax revision plan and presented it to the governor recommending a special session of the Legislature to act upon their recommendations.

In accordance with the suggestions of the two study groups, Governor Dern called a special session of the Eighteenth Legislature to meet January 27, 1930. In his message to the special session, he condemned constitutional restrictions that stood in the way of legislation dealing with taxation and made it clear that the session was to consider constitutional amendments. If both houses requested the removal of the limitations, he would willingly open up the entire subject of tax revision for consideration. The governor said it would be prudent to first amend the constitution before considering detailed laws. Governor Dern told the Legislators that taxes in Utah were not higher than in neighboring states, but that it was unequally distributed. He said, "Some classes of property are bearing levies that often approach confiscation, whilst other classes go practically scot free."

Under the Utah Constitution at the time homeowners, farmers and other holders of real estate paid the bulk of the taxes. The owners of tangible property paid while intangible property in a very large measure escaped taxation.

The chief executive continued his message by outlining the tax revision plan of the study committees. It proposed constitutional amendments which contained two fundamentals, that of classification of intangible property for taxation and centralized tax administration. The plan included four principles of equitable taxation. They were:

I. All tangible property should be taxed at uniform rates throughout the jurisdiction of the authority levying the tax.

II. All business done for profit should be taxed at a moderate uniform rate upon the net income of the business done within this state.

III. All residents of this state having taxable ability should pay a direct personal income tax, at moderate graduated rates.

IV. Centralized administration should be provided with adequate authority to supervise the entire tax system.\(^{38}\)

Governor Dern explained that the application of the four principles would result in tangible property being taxed at uniform rates throughout the state, and that the income from intangible property such as stocks, bonds and securities for which real or personal property is mortgaged being classified for taxation. The plan called for taxing, at a moderate uniform rate, the net income of all business conducted for profit except insurance companies which would be taxed on their net premiums.\(^{39}\) It provided for a personal income tax based on the ability to pay at moderate graduated rates and the abolishment of the State Board of

\(^{38}\)ibid., 50.

\(^{39}\)ibid.
Equalization. This board would be replaced with a State Tax Commission which would have supervisory and appellate jurisdiction over local taxing agencies.\footnote{Ibid., 51.}

In a letter to A. G. Lundstrom, the governor explained his stand concerning the proposed tax revision. He stated that he considered it unfair to saddle the entire tax burden upon the farmer, the home owner and the businessman who owned property that the assessor could see and let the holders of stocks, bonds, and other securities earn large incomes without paying any taxes.\footnote{Dern Papers, letter to A. G. Lundstrom, October 8, 1930.} The Utah Constitution made most intangible property exempt from taxation. This property consisted of shares of stock, bonds, notes, bills, credits, mortgages, money, accounts receivable and judgements. The Constitution provided that all property in the state should be taxed in proportion to its value and that the legislature should provide a uniform and equal rate of assessment and that all property, tangible or intangible should be assessed at this uniform rate.\footnote{Ibid.} It seemed inconsistent that the Constitution then exempted most intangible property from taxation. For example, it provided that stocks of corporations should not be taxed where the property represented by those shares was taxed and that all real and personal mortgages were exempt from taxation. It also exempted all real estate mortgages,
chattel mortgages and all notes or other obligations secured by mortgages on land, improvements, livestock or other personal property, whether tangible or intangible. The Constitution authorized the deduction of debits from credits, which meant that from all credits such as accounts receivable, notes and bank balances the taxpayer could deduct his debts; hence only the net or solvent balance would be subject to taxation.\textsuperscript{43} The result of these exemptions was that the uniform rule of assessment applied almost exclusively to tangible property and it was to correct this obvious unfairness that the governor pushed the tax revision program which consisted of amending the Constitution so that a more equitable system could be enacted.

The special session of the Legislature proposed constitutional amendments that would provide Utah with a more equal method of taxation. They were not self-enacting, but required laws passed by the Legislature in order to put them into effect. There were four tax revision amendments proposed. These applied to Section 2, 3, 4, and 11 of Article 13.\textsuperscript{44} The amendment to Section 2 provided for the removal of the exemption on mortgages. Section 3 retained the provision for a uniform rate of assessment on tangible property, but further provided for the taxation of intangibles with protection against possible double taxation. For

\textsuperscript{43}Ibid.

\textsuperscript{44}George H. Ryan, "The Constitutional Amendments," \textit{The Utah Educational Review}, XXIV (October, 1930), 69.
example, if intangible property was taxed as property, the rate was not to exceed five mills and the income could not then be taxed. Conversely, if the income was taxed, it could not be at a rate higher than 4 per cent of the net income and the same property could not also be taxed on its valuation as property. The proposed amendment to Section 11 provided for a State Tax Commission. This was to consolidate the administration of the several state taxes into one department. It would not take any original powers from the local officials, but would make them an advisory board. The proposition to amend Section 4 related to the method of taxing metal mines and would permit the legislature after 1935 to apply a tax based on the net income of the mines.

Tax revision became the main battleground for the election of 1930. The amendments were not intended to be a partisan issue since they were prepared by a nonpartisan study commission, proposed by a predominantly Republican legislature and backed by a Democratic governor. Nevertheless, this soon turned into a real partisan showdown with most Republicans strongly opposed and most Democrats as strongly in favor of the amendments.

The opponents claimed that it was merely a scheme to pile more taxes upon the taxpayer. Governor Dern answered that to do that it would not be necessary to propose constitutional amendments, but to just raise the assessment value. He also said the proposed amendments would aid those

45Ibid., 70.
who already were paying taxes by requiring more to pay, a fact which could make it possible to lower property taxes.

The opponents argued that the new tax plan would keep capital out of the state by discouraging any new industries and driving out existing ones. The governor answered that the present system drove Utah capital out of the state into tax exempt eastern securities and that since industrial plants are tangible property they would be helped by revision because the load on tangible property would be lightened.\(^{46}\)

The opponents asked those who were working for salaries or wages if they wanted a system that would force them to pay an income tax on their savings. Governor Dern pointed out that the Constitution already provided for that, but the legislature had not enacted such a tax.\(^{47}\)

The battle forces were divided between the industrial leaders and large business interests led by The Salt Lake Tribune and Salt Lake Telegram in opposition and the farmers small city property owners and educators in favor of revision. Hamilton Gardner, a member of the Utah Manufacturer's Association and president of the Senate was the leading voice in opposition. A Tax Education League, was formed to study the amendments to see if they would really bring the needed revenue to the state. This

\(^{46}\) Dern Papers, statement by Governor Dern, no date given, box R-T.

\(^{47}\) George H. Dern, "What the Proposed Tax Amendments Really Mean," The Utah Educational Review, XXIV (November, 1930), 158.
organization strongly supported The Salt Lake Tribune's demands that the proposals be defeated.48

Those favoring the proposed tax reforms were led by a new and very aggressive pressure group the Utah Education Association made up of Utah's school teachers who saw in the amendments badly needed revenue to update Utah's school program. The U.E.A. was aided by the Utah Farm Bureau Federation, Utah Poultry Producers Association, Bear River Mutual Fire Insurance Company, Utah State Federation of Labor, Utah Sugar Beet Cooperative Association, Weber Central Dairy Association, Utah Fruit and Vegetable Growers Association, Salt Lake Milk Producers Association, and the Utah Canning Crops Association.49 The U.E.A. carried out a vigorous campaign with articles in its official voice, The Utah Educational Review each month until after the election in November.

The Salt Lake Tribune attacked the U.E.A. telling them to stay out of politics and tend to the needs of the classroom. Amos N. Merrill, the retiring president of the U.E.A. stood before the large audience at their annual convention in late October, 1930, and answered the Tribune charge by saying that it was the obligation of educators to fight for the needed policy revisions.

The battle was a bitter one and Governor Dern found himself subjected to cruel criticism by his closest business

49Ibid.
and social friends; however he stood firm with the proponents and found that after the votes had been counted he had triumphed again over his political enemies. The voters in Salt Lake, Beaver, Carbon, Tooele, Grand, Wasatch and Summit counties rejected the proposed amendments, but the remaining twenty three counties cast their ballots in favor and the stage was set for tax reforms which for years had been blocked by the large business enterprises of Utah.

This was a personal victory for Governor Dern as well as a great victory for those associated in this cause. He never claimed the credit for the tax revision, but it is true that he was a power behind the program and gained status with the people of Utah because of his action. In a letter from H. M. Woodward, Dean Summer Session, Brigham Young University, the governor was congratulated in the following manner:

The success of the tax revision is due largely to your vision and steadfastness. I would to God that we had more of this kind of fidelity to purpose and responsibility in our public life. The tendency to straddle and the evident lack of dependability in high places in our political life would be next to discouraging if it were not for such examples as you have set in this whole affair.50

With the passing of the amendments in the election of 1930, it was up to the Legislature to carry out the tax revision program. The Legislature still had a Republican majority and they were slow about implementing the Democratic

50Dern Papers, letter from H. M. Woodward, Dean Summer Session, Brigham Young University, June 10, 1931, box U-Z.
governor's program. In his message to the Legislature of 1931, Governor Dern recommended a personal income tax and a corporation excise tax both of which were enacted. The income tax was graduated with the rates ranging from one per cent to four per cent. The exemptions were $1,000 for a single person, $2,000 for a married person and $400 additional for each dependent child. The corporation excise tax was also based on income and carried a rate of three per cent, with a property tax offset of one-third making the rate two per cent on most corporations that owned tangible property.51 He also recommended the creation of a new tax commission with the power to equalize taxes not only between counties, but also within counties. This was enacted into law and Governor Dern appointed Edward H. Snow of St. George; Roscoe E. Hammond, Salt Lake City; George A. Critchlow, Salt Lake City; and Howard P. Leatham, Wellsville to become Utah's first State Tax Commission. Mr. Snow was the chairman. The rest of the tax revision program was carried out by Governor Dern's successor, Governor Henry Blood.

It was during the second term that Governor Dern gained most of his national prominence. His activities in behalf of the school lands controversy and Colorado River; plus his opposition to President Hoover's public land policy had brought him to the attention of the nation. In 1927, Governor Dern was elected a member of the executive committee

51Dern Papers, letter to The United States Daily, March 26, 1931, box U-Z.
of the National Governors' Conference and he served on that committee continuously from that time until the end of his second term as governor in 1932. The Utah chief executive was elected chairman of the Governors' Conference in November 1928, the first time ever for a western governor. He was re-elected chairman in July 1929 and declined the election for a third time in 1930, but did remain on the executive committee. This was a great honor for a westerner and brought a great amount of respect and admiration for Utah's governor.

He was one of the organizers of the Western Governors' Conference and served as chairman of this group in 1931 and 1932. In this position he was recognized as one of the outstanding leaders in the western United States and received many invitations to speak and visit throughout the area.

During his incumbency as governor, Dern was recognized as being soundly progressive. He exhibited a profound knowledge of the money question, particularly as it related to silver. He was in the forefront in matters of social welfare and public health, and demonstrated his interest

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52 The Governors' Conference was a gathering of all the Governors and governor-elects from all states and territories. They met together to counsel each other and pick up new ideas to use in solving problems at home and to work as a team with the other states for the common benefit of all. The government of the conference was vested in an executive committee of five elected by the conference to serve one year. The executive committee selected one of its members to be chairman.

53 *Journal History*, February 23, 1933, 2.
in this field by his continual attempts to improve the conditions at the state prison and the state mental hospital. He was known to be sympathetic and understanding of the problems of capital and labor especially as they were related and connected with the economic depression.

Governor Dern was instrumental in securing increased federal aid for roads, thereby expediting the highway construction program of all the states in the west.\(^{54}\) He pushed through to completion the Lincoln Highway from Salt Lake City west through Wendover, Utah to McGill and Ely, Nevada. This finished the first transcontinental highway.\(^{55}\)

The governor was noted for his concern for the public schools and the system of higher education. During his term in office he favored all measures that would raise the standards and efficiency and equalize the educational opportunities. His support of education also brought him national recognition. He delivered an address at the National Education Association convention in Los Angeles in 1931 and spoke at the Inland Empire Education Association meeting at Spokane and was included on the program of other education meetings throughout the nation.\(^{56}\)

As chief executive, Governor Dern was the number one promoter of Utah. He never missed the chance, in his visits

\(^{54}\)Ibid.

\(^{55}\)Dern Papers, Lincoln Highway, box I-L, 1930.

\(^{56}\)Journal History, February 23, 1933, 2.
to other states, to expound upon the desirable traits of his own. He was concerned with the development of the scenic beauties and making them accessible for all to see. Bryce Canyon in Southern Utah became a national park in 1928 and Governor Dern was instrumental in this accomplishment.

As governor of the state of Utah for eight years, George Henry Dern was widely respected and was truly a governor of the people. He was never too busy to receive a visitor or to answer the letter of a citizen of his state. One resident put it this way:

"... first allow me to tell you how very, very much I appreciated the unusually courteous treatment which I received ... I had often been told of your policy in the matter of receiving citizens in your office, but I'll confess I was somewhat surprised not to have found the reports a little exaggerated. Apparently, one does not need be overly prominent politically, financially or socially to gain an audience with our governor." 57

Governor Dern did not seek election for a third term. He had been mentioned as a possible vice presidential candidate and had been asked to oppose Senator Reed Smoot. He was not interested in making the race for senator, but since he was closely associated with New York's governor, Franklin D. Roosevelt, the number one presidential candidate it seemed certain that Mr. Dern would be moving onto the national political scene by 1932.

57 Dern Papers, letter from Chas. Wm. Ott, April 10, 1930, box m-0, 1930.
CHAPTER V

EPILOGUE

Governor Dern happens to be one of the right sort of men in public office. Well educated, well trained and well mannered, he brings the instincts of a gentleman to politics and to government—and gives democracy cause to be pleased with itself.¹ Editorial note.

Governor Dern's service to the people was not meant to end with the close of his second term. He was constantly being asked to continue in public service in one position or another. In the summer of 1930, there was talk in the Governors' Conference that Dern would make a good candidate for vice president of the United States. Othello Hickman of the Pacific National Life Assurance Company wrote to the governor commenting on the vice presidency rumor and saying that he did not want to see Governor Dern "put away" as vice president, but suggested that he should run for the Senate of the United States. Mr. Hickman was convinced that Mr. Dern was the man who could break the Republican hold on that position.² The governor replied that he had not considered any future political plans and that the talk of the Governors' Conference was completely unauthorized as far as he was


²Dern Papers, letter from Othello Hickman, July 12, 1930, box G-H.
concerned. He also explained that the Utah Constitution prohibited him from seeking the senate seat during the term for which he had been elected governor.3

Dern's reply to Mr. Hickman did not halt the appeal that he become a candidate for vice president. On December 20, 1931, the Salt Lake Telegram announced that a national movement espousing the candidacy for vice president of Governor Dern had gained momentum throughout the nation. The Telegram stated that it was not only a possibility, but a definite probability since the political strategy would dictate the selection of a western man because the presidential candidate would most likely come from either New York or Ohio and that being the case, Governor Dern was the best qualified man in the west.4

As the Democrats met in Chicago in June, 1932, to name their candidates for president and vice president, the forces for Dern for vice president organized and began to seek support. There were many candidates for both positions and Dern's chances looked very promising. He had campaigned in the west and continued to do so at the convention for his close friend Franklin D. Roosevelt the prime candidate for president and it seemed very possible that Roosevelt would choose him as his running mate. Dern's supporters planned that when the time came to nominate the

3Dern Papers, letter to Othello Hickman, July 23, 1930.
4Dern Papers, United Press wire statement, December 20, 1931, box S-V, 1931.
vice presidential candidate a state early in the roll call would yield to Utah and Senator King would present the name of George Henry Dern. His nomination would be seconded by Nebraska and Idaho. A large banner was prepared proclaiming Governor Dern to be the west's choice and a demonstration was planned.

By July 1, the prospects of Utah's governor becoming the number two man on the national Democratic ticket seemed excellent on the surface, but behind the scenes his chances were being traded away in the political bargaining necessary to obtain the nomination for Governor Roosevelt. In three ballots cast, the New Yorker had not received the majority necessary to be nominated. James Farley, Roosevelt's campaign manager had promised most of the favorite sons the second spot if they would swing their delegation to his man. After considerable negotiation, he was finally successful in getting John Nance Garner, Texas' favorite son and the choice of several of the other large delegations to accept the vice presidency in return for his votes for Roosevelt. This gave the nomination for president to the New York governor and ended the chances for Utah's governor to receive the second spot on the ballot. In an article in the Deseret News July 2, 1932, Governor Dern announced that his name would not be presented for the vice

5Journal History, June 28, 1932, 2.

presidency. He said he had been asked to second the nomination of House Speaker Garner and would do so. He explained that the Roosevelt forces had asked all other candidates for vice president to withdraw and that although he thought the others should be able to have their names presented he would go along with the presidential nominee's request. Several of the western states representatives urged him to remain in the race anyway, but Dern advised them that it would be a futile move and that they should "go along and be good soldiers."  

Governor Dern had been a loyal friend of Governor Roosevelt and served the nominee as an advisor on public land and western water power policy during the campaign so it was certain that he would be given a high cabinet post. As early as October, Roosevelt had told James Farley that he wanted Governor Dern for Secretary of the Interior. He said he was only sure of three appointments and they were Dern, Louie Howe for his secretary and Farley for Postmaster General. For a short time after the election the process of choosing cabinet members was held up by the competing pressures of the conservative and progressive wings of the party.

7Deseret News, July 2, 1932, 4.
9Farley, Behind The Ballots, 183.
On February 2, 1933 the president-elect wrote Governor Dern a letter wherein he told him that he would be a member of the cabinet. Roosevelt said he could not tell him the exact position, but that the Derns could make their plans to come east. President Roosevelt said he wanted the Utahn to become a member of the official family not only because of his personal affection for him, but also because he was certain the country needed Dern's "fine idealism and commonsense ability."¹⁰

When Roosevelt announced his cabinet February 23, 1933, it showed Utah's former governor as Secretary of War and Harold L. Ickes of Chicago as Secretary of the Interior. This was a general disappointment to western leaders because many felt that Dern was the best qualified man for the Interior post and they were naturally hoping that it would be given to one of their own. However, Dern was opposed by the supporters of public power because of his Colorado River stand where he had strongly advocated states' rights as opposed to government ownership. He had also aroused opposition among conservationists by his public land policies where he again had stressed states' rights.¹¹ Dern had made several enemies in California in the fight over the division of power and navigation benefits rising from Boulder Dam and they added their opposition to his


appointment to the Interior. Rather than offend the opposing factions, Roosevelt just switched Dern to the higher ranking position in the War Department.

With this appointment, as Secretary of War, George Henry Dern became the first Utah citizen to be appointed to a president's cabinet. He was well acquainted throughout the nation and was well suited to be a member of Roosevelt's kind of cabinet. He had always felt that the interests of wealth were not as important in the management of public affairs as human rights.

The War Department had supervision over all army units, seacoast defenses, ordinance, river and harbor improvements, the prevention of obstruction to navigation, establishment of harbor lines, and the planning and locating of all bridges authorized by Congress over navigable waters of the United States. The Department was also charged with the supervision of all estimates of appropriations for the military establishment and of such expenditures of a civil nature as Congress placed under its jurisdiction. Because of his administrative experience, the new secretary was well qualified and capable of handling those responsibilities.

Secretary Dern started a little slow and did not make as much noise or news headlines as some of the other New Dealers, but quietly fulfilled the responsibilities assigned to him by President Roosevelt. The surprising thing to those who doubted Mr. Dern's ability and thought him a little slow or too retiring was the fact that much of Roosevelt's
program of 1934 had been suggested by Dern in the Governors' Conference in April 26, 1932. In a speech delivered before the Conference, Governor Dern called for a new social consciousness and a new social control. The governor told his audience that business and industry would have to be stabilized and controlled in order to do away with unemployment. He said that booms would have to be prevented and alternate periods of high prosperity and deep depression would have to be evened out. He suggested a move toward enforcing the control of production, credit and speculation as well as improving the banking system and stabilizing the monetary system. He called for a stable or fixed dollar so that when a man paid his debt he would only have to pay what he promised to pay and no more or no less. Mr. Roosevelt was very impressed with this speech and called it the "ablest speech" he had ever heard at a governors' conference.

As a member of the cabinet Mr. Dern was able to build on his suggestions made at the Governors' Conference. He was one of the early advisors of a public works program or some other program to help the poor people. He urged that this program get under way promptly to provide the relief so badly needed. As a result of this support for public

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12 Albert L. Warner, "The Secretary of War: A Prophet of the New Deal," The Literary Digest, CXVII (March 10, 1934), 9.

13 Ibid.

works, the president turned over many of the administrative and organizational duties of the New Deal programs to Dern and the War Department. The president called in the War Department to do the actual operating of the Civilian Conservation Corps camps. The army was asked to supply and manage the camps and commissaries; in addition to providing the equipment and transportation. Secretary Dern called back many reserve officers to take charge and this was helpful to the officers themselves because many of them were in desperate need of work. The army did a good job in this assignment and it also proved to be valuable experience for them.  

The president called in the army when air mail contracts were abruptly cancelled. They were given a week's notice to organize and take the mails through. The army was ready but the weather was bad and they were not really equipped for such a task and as a result this experiment was not successful and air mail was turned back to private carriers.

The War Department was asked to help in other New Deal projects. Secretary Dern appointed eleven army officers to help run the Public Works Administration. Eleven officers were sent to the Civil Works Administration and one to the Agricultural Adjustment Administration. When corruption or inefficiency was found in branches of the Civil Works

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15 Ibid., 179.
Administration in Los Angeles and Chicago, Mr. Dern was asked to send army engineers to take over the work.\textsuperscript{16}

The secretary did not only concern himself with civilian matters, but he attempted to improve the functioning of the War Department itself. He had never had anything to do with the army so he told his General Staff Officers that he was depending on their experience to help him. Like all tasks he had undertaken, Dern did his "homework" and soon knew a great deal about the War Department.

He ran his department with efficiency and enjoyed the cooperation and admiration of staff. He enlarged and motorized the army, increased the air corps and improved the national defense. He was a pacific man by nature believing that conciliation could accomplish more than bellicerence; however he also espoused the theory that a strong military defense was necessary to insure peace for the United States.\textsuperscript{17}

As head of the War Department, Secretary Dern did not forget his interest in water power or flood control. He directed dredging activities in the Mississippi basin and he was active in improving the inland water transportation facilities of the Mississippi, Ohio and Missouri rivers. He also launched the Bonneville Dam on the Columbia

\textsuperscript{16} Warner, "The Secretary of War: A Prophet of the New Deal," 9.

\textsuperscript{17} Salt Lake Tribune, "Achievement Marked Acts of Secretary," August 28, 1936, 10.
River and the Fort Peck Dam on the Missouri River in Montana.\textsuperscript{18}

Mr. Dern made a good record as Secretary of War. He was as efficient in administering his responsibilities as he had been in the Mercur mine, the State Legislature and as governor of Utah. He was regarded as one of the strong men of Roosevelt's first administration, not one who was constantly in the news or embroiled in controversy, but one who quietly got things done. His counsel was sought and heeded by the president and other cabinet officers.\textsuperscript{19}

He was sent by President Roosevelt to represent him on many occasions, the most notable one being the trip to the Philippines in November, 1935 when that nation was granted its partial independence from the United States.\textsuperscript{20}

Mr. Dern's career as Secretary of War was cut short by a fatal illness in August, 1936. In July of that year he was stricken with a severe attack of influenza. As his condition grew worse he was admitted into the Walter Reed General Hospital, in Washington, D. C., where it was found that he not only had influenza, but high blood pressure, a cardiac weakness, and kidney trouble. He suffered in the hospital for about a month and then died on Thursday morning, August 27. With his death, Roosevelt lost a valuable cabinet

\textsuperscript{18} Ibid.

\textsuperscript{19} \textit{Journal History}, September 12, 1935, 2.

\textsuperscript{20} Jenson, "Our Secretary of War Hon. George H. Dern," 48. There was to be a period of ten years before the Philippines would be granted full independence and became a Republic in its own right.
member. General Douglas MacArthur, a former Army Chief of Staff, testified to that when he said that Dern's administration, as Secretary of War, was one of the most successful in the annals of United States history.21

Secretary Dern's funeral was held in the Salt Lake Tabernacle of the Church of Jesus Christ of Latter-day Saints. He was buried by the side of his parents in the Mount Olivet Cemetery in Salt Lake City, Utah. Two ministers from the First Congregational Church and First Unitarian Church spoke at the funeral service. He was a member of the Congregational Church and his family had attended the Unitarian Church before going to Washington. The Mormon Tabernacle Choir furnished the music and he was mourned by many distinguished visitors, including President Franklin D. Roosevelt and nine cabinet members.

George H. Dern was one of those outstanding men who have often appeared in the annals of history. He had the ability and fortitude to accomplish any task given him and he was always anxious to improve the lot of his fellow citizens. He had the knack of getting along with people and drawing all kinds of people to him. He was a Congregationalist in a Mormon kingdom, yet they elected him their governor. He was a Democrat during periods of Republican popularity, yet he survived their landslides to win his office and while in office he attracted their majorities to his cause. He was from one of the least populous of

the western states, yet the Nation's governors twice elected him their chairman and kept him on their executive board for six of the eight years he was Utah's governor. He attracted enough friends in the west to have them back him for Vice President of the United States in 1932 and to have a Republican Senator from Idaho, William E. Borah, say at his death, "While he will be a loss to the nation as a whole, the west will feel his going more immediately because he was peculiarly one of our great western men." 22

George Dern's admirers were not just in the west. Representative Joseph W. Martin, Eastern Campaign Manager of the Republican National Committee declared upon learning of the Secretary's death that "The nation has lost a very valuable public servant." 23 Martin was not his only eastern admirer—there were many others. His best friend in the east was the President of the United States, Franklin D. Roosevelt. The two had met long before Roosevelt became President and when he learned his friend and cabinet member had died, he issued this statement:

An upright, able and honest public servant is lost to our national life in the death of Secretary Dern. Quiet and unassuming, he mastered with singular thoroughness all the varied problems which fall within the jurisdiction of the War Department and administered his office with tact, discretion and good judgement. The Army of the United States has lost a devoted leader. 24

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22Salt Lake Tribune, August 28, 1936, 9.
23Ibid.
George H. Dern was, of course, best known and most admired by his friends in Utah. At the time of his death, many distinguished Utahns expressed their admiration for their state's first contribution to a president's cabinet. One man's statement will suffice as an example of Utah's admiration for her famous citizen. This man was president of the Consolidated Wagon and Machine Company when George Dern was its vice president and he knew him well. He was Heber J. Grant, a President of the Church of Jesus Christ of Latter-day Saints. He said of George Dern:

He was a man of integrity and ability and so far as I know, his friends in Utah are numbered by the thousands, I am pleased to say I have never heard a word spoken reflecting on his integrity as a man, a citizen, or as a public official.25

Yes, George H. Dern was admired by many and he was a man well worth admiring. Surely many were heard to say on Thursday, August 27, 1936, "He lived a life of service."

25Salt Lake Tribune, August 28, 1936, 8.
APPENDIX I

DERN PROPOSED CHANGES TO GOVERN SENATE PROCEDURE

"Eleventh hour submission of appointments by the governor to the senate will be under the ban and the executive will be required to submit his list at least three days before the end of the session if an amendment proposed to the senate rules for the coming session of the legislature is adopted by the senators. It is proposed to give the Senate time to consider all nominations before it is compelled to vote upon them. . . .

"Proceedings of the 13th session of the Utah legislature will be guided by a set of definitely drawn and adopted joint rules applying to and binding both houses if present plans of Senator George H. Dern of Salt Lake meet with the approval of a majority of both houses.

"These joint rules are designed to eliminate the rather uncertain 'precedent' which has guided procedure in the past and to do away with the necessity of depending upon the memory some 'old member' as to how 'it was done in a previous session.' Senator Dern proposes that the legislature should put its joint rules in black and white, furnish each member with a copy and thus enable the newest member to know as well as the oldest just how a thing should be done and what procedure should be taken.
"One of the important changes which the senator's proposed rules provide is that all bills introduced shall be given a complete reading and shall be open to debate and amendment upon their second as well as third reading. Heretofore they have been open to discussion and have been read in their entirety only upon the third reading. The proposed change will give opportunity for full discussion in open session twice instead of just once and thus will afford every member opportunity to be thoroughly familiar with the contents of each bill before he is called upon to vote upon it.

"It is proposed by Senator Dern to eliminate the legislative reference committees which were employed at the last session as a sort of 'weedingout' committee and substitute therefor a committee on revision and printing of bills, which shall have authority to employ a competent proofreader to see that all bills are in proper grammatical shape and properly punctuated and otherwise ready for printing before they are engrossed, passed and printed.

"Further the senator proposes to change the rule governing the method of defraying expenses of the legislative session. Heretofore it has been the custom of the legislature to estimate the amount of money needed for expenses, appropriate this, and have the treasurer set it aside; then checks are drawn against it by the presiding officers of both houses. . . ."
"It is proposed by Senator Dern to eliminate this lump sum appropriation and to have all expenses handled through the auditor by voucher and check drawn for the amount needed at the time and passed through the hands of the auditor as is usual in the case of other financial transaction involving state funds. The Legislature will simply authorize the treasurer to pay such expenses as are incurred and the money will be forthcoming when the voucher and check are properly presented.

"First the joint rules provide for appointment of a committee of three by each house immediately after it is organized to notify the other house of its organization and readiness for business. Then it is provided that a committee on joint rules shall be named to consist of three senators, three representatives, the president of the senate, who shall be chairman and the speaker of the house. It is to be the duty of this joint committee to formulate a set of joint rules for the two houses at the beginning of each session.

"When both houses have adopted these joint rules and their respective rules, then the legislature will be deemed fully organized and in session....

"The rules provide for joint conventions instead of joint sessions, to be held in the hall of the house of representatives with the president of the senate presiding and the rules of the house so far as applicable governing the proceedings."
"Joint sessions of house and senate committees to consider similar bills introduced in both houses are provided for. The usual individual rules governing the preparation and introduction of bills are to be incorporated in the joint rules.

"Provides under 'Order of Business' that the regular hour of meeting of the Senate shall be 2 p.m. daily except Sunday, unless this be changed by majority vote of the body.

"It is proposed to place a limit upon the time for introduction of bills in the senate by placing the 30th day of the session as the last day upon which new bills may be introduced, without unanimous consent of the senate.

"Provision is also made for consideration of bills in committee of the whole and for executive sessions of the senate if each be deemed necessary by the member."¹

¹The Salt Lake Tribune, January 2, 1919, 16.
APPENDIX II

STATEMENT OF ACHIEVEMENTS IN FIRST TERM AS FOUND
IN THE OFFICIAL PAPERS OF GEORGE H. DERN

1. Improved relations between Mormons and non-Mormons.
2. Sympathetic interest Utah's historical background.
3. Advocacy of religious, political and intellectual tolerance in numerous speeches, based upon Democratic doctrine of individual freedom. Encouraged intellectual freedom at University.
4. Agriculture. Preached that development of agriculture and increased production must come through raising specialized crops of concentrated value, and through improving quality. (Set up experimental farms.)
5. Encouraged Art, Music and Architecture.
6. Conservation. New mining building at U. of U., advocated greatest school of mines in U. S. at U. of U., attitude on state oil leases--increased royalties, etc. Advocated conservation of state's power resources through retaining state ownership and leasing sites or rights.
Has objected to bureaucratic federal control and has contended for local self government, claiming state can handle its own affairs better than they can be handled from Washington. Particularly insistent upon state control of water.


10. Mental Hospital. General physical improvement. Supt. Dunn now one of Governor's strongest boosters, saying he has never had such intelligent support before.

11. Improved loan methods in State Land Board, for greater safety of trust funds.

12. Veto of bill prohibiting name on more than one ticket.

13. Fish and Game. (Great personal interest to honest efficient administration.)

14. Explorations. Most of Utah's points of interest.


17. Rounded out Capitol Grounds.

18. Supreme Court. Appointment of Gideon demanded by bar on account of qualifications and experience.


20. Additional coal mine inspector for greater safety.

21. Remodelled heating plant at A. C., (Utah State Agricultural College) upon free advice from fellow
engineers. Now adequate for ten years, whereas a new plant seemed required.

22. Has taken active interest in the affairs of all the people, studied their problems and needs and has become most popular governor state has ever had. This report comes daily from people of all parties, including many life-long Republicans.²

APPENDIX III

REPORT OF UNEMPLOYMENT RELIEF COMMITTEE

RECOMMENDATIONS TO CITY, COUNTY AND STATE OFFICIALS AND TO THOSE ENGAGED IN PRIVATE INDUSTRY AND BUSINESS, AND TO ALL CITIZENS, IN ORDER TO PROMOTE MORE GENERAL EMPLOYMENT.

September 1, 1931.

1. That all persons to be provided employment under present emergency conditions shall have been incontinuous residence in the County for at least one year; and that the same requirement be followed as far as practicable in private industry.

2. That registration for such employment be primarily of heads of families or breadwinners only. That employed married women, whose husbands are working regularly, should be released to give way for others.

3. That wherever practicable the working day be reduced to a six-hour basis with pay in proportion.

4. That in all work done by the City, County and State, hand labor be used as extensively as possible in preference to machines.

5. That where extra employees are hired by the City, County or State for either day or night work, no one be employed who already has work. In other words, that duplication be not permitted.
6. That the spirit as well as the letter of the anti-nepotism law be generally observed in order to promote employment more widely for those in need.

7. That at all elections this fall dependent women be given the preference in every instance for positions as judges, tellers, registrars, etc.

8. That in the cities, counties, and the State and in all industry and business overtime work be avoided and extra help be employed in lieu thereof. That the State laws relating to hours of employment be fully complied with in every industry and business organization.

9. That in order to promote more extensive and permanent employment, the use of all home products by every householder, builder and other users be most strongly and generally encouraged. All purchasers should insist on home products to the extent that such products are on the market. The general observance of this recommendation would have a very marked effect on reducing unemployment.

10. That in certain communities where street, sidewalk, sewer and other improvements are needed, special improvement districts be formed or bond elections held to secure funds to do the work, which can now be done advantageously from the standpoint of cost of material and labor, and thus provide additional employment.

11. That in the larger communities cooperative groups can furnish neighborhood employment, for instance, by such groups employing one or two men in each locality
as night watchmen or for the purpose of handling the snow
problem in winter, cleaning alleyways, clearing weeds from
vacant lots, etc. Block captains can be selected to direct
such work and collect funds necessary.

12. That all citizens should, over and above their
needs, strive either to provide some employment personally
for bonafide residents out of employment, or else donate
funds for such employment to City and County Advisory Unem-
ployment Committees in the various counties.

13. That all educators throughout the State, through
their organizations, undertake to work out some plan whereby
young men and women who desire to obtain higher education,
but are deferred through lack of means due to present un-
employment conditions may be able to secure sufficient
funds to carry them through the school year.

14. That all unemployed people everywhere be
encouraged to remain at home rather than go elsewhere seeking
work, unless they are definitely assured of employment.
By so doing they will avoid difficulty and trouble in trying
to obtain employment or charity relief where necessary.

15. That every effort be made to save waste in food
supplies, and that any local communities having surplus
products for which there is little demand, or that may spoil
by delay in use, contact with charitable agencies in the
larger centers in order to determine if such surplus pro-
ducts can be provided for those in need; or if necessary
advise this Council of such conditions.
16. That all charitable relief be handled under the direction of the County Commissioners of each County with the cooperation of such charitable agencies as may be established therein.

We solicit additional suggestions from any source that will help provide wider employment for those in need at the present time. Please address any communications to the Chairman or Secretary of this Council in care of the Chamber of Commerce, Salt Lake City.

Sincerely yours,

STATE ADVISORY COUNCIL FOR UNEMPLOYMENT

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3Dern Papers, Copy of Report of Unemployment Relief Committee, August 22-December 23, 1931, box 5-V.
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