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PROHIBITION AND THE KANSAS PROGRESSIVE EXAMPLE

PATRICK G. O'BRIEN

Wets and dries freely exchanged epithets as Kansas began the twentieth century. They agreed only upon the fact of mass violations of prohibition. Kansas was dry in law and had local option in reality; and cities like Wichita, Kansas City, and Leavenworth had open saloons that conducted business on main streets in full public view. Kansas had a vast amount of "wet" territory, but estimates varied on exactly how much. One report of the Kansas Temperance Union stated that two-thirds of the 129 cities and towns surveyed in 1900 ignored prohibition laws.¹

This situation created a "New Kansas Crusade" to resolve the contradiction of widespread wetness in an officially dry state. The crusade turned militant as Carry A. Nation and her saloon "hatchetations" riveted

the country's attention on the state. Of greater consequence than "hatchetations," which closed few saloons permanently and made the perpetrators as lawless as the jointists, was the renewed and assiduous political activity of dries. They concentrated on the election of local officials committed to prohibition enforcement, and could cite successes early in the twentieth century. Salina, for example, elected an enforcement mayor and changed its municipal ordinances. Doing so, dries claimed, would lower taxes, increase community improvements, and help business.

PROHIBITION AND PROGRESSIVISM

Dry gains at the polls also reflected the fact that prohibition was part of Kansas progressive reform.² Although historians have tended to regard the two as separate, they were philosophically compatible and politically fused in Kansas. That fusion resulted in a succession of dry and reform governors from 1905 to 1919 who left a progressive imprint. They enacted expansive programs of greater business regulation, stronger consumer protection, increased labor benefits and rights, electoral and party reform, and fairer taxes.

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The position of these governors on prohibition was based on the progressive model of society. Curbing exploitation, promoting public and personal virtue, and suppressing threats to the public welfare, all goals of the prohibitionists, were consistent with progressive ideology. The governors perceived no difference between regulating greedy businessmen and eradicating bootleggers—both endangered the public. Prohibition was beneficial to Kansas, in the judgment of the governors, and that was the only justification they thought necessary. Typical was Governor Edward Hoch's claim that "prohibition in Kansas is a great success. I do not believe there are 1,600,000 people anywhere on earth freer from the evils of intemperance and other vices, and who at the same time are more prosperous and happy."³

The progressive governors used unprecedented state authority to excise the liquor traffic, and each was confident that Kansas could be wrung dry. Their confidence was not totally baseless. A large portion of the Kansas population of native stock and Protestant faith favored prohibition. The fusion of prohibition and progressivism had made the dry position politically invulnerable. Wets had never been as strong and united as drys, and they lost representation when the Democratic Party discarded its habitual anti-prohibition declaration in 1904. With a dry mandate and shattered wet opposition, the governors could pursue their objective of an absolutely dry Kansas with impunity. They learned, however, that the wets were obdurate and resilient.

This article surveys the efforts of the progressive governors against the liquor traffic and emphasizes that their success was qualified and entailed violation of progressive maxims. The violation in large part resulted from the untenable position into which the governors helped put themselves. By adopting extreme enforcement policies and encouraging unrealistic dry expectations, they could not admit failure without repudiating their own convictions and inviting dry reprisals. This dilemma induced the governors to exaggerate the success of their policies and to portray Kansas as a

model dry state, which inflated the prohibitionist sentiment that culminated in the Eighteenth Amendment.

Lack of candor was not the governors' only divergence from progressive ideals. Although ideologically against private influence in government, they had few qualms about dry arrogation of power. Prohibitionist organizations formed a nearly symbiotic union with progressive administrations, which virtually gave them official status. The prohibitionists' unrestricted access to the governors and the fact that dry groups had authority comparable to that of government raises serious questions of propriety.

A preoccupation with enforcement diverted the state from significant problems and led to excesses. Laws for enforcing prohibition often invested public officers with exceptional powers and provided them additional compensation. This combination encouraged excesses of authority and induced officers to neglect enforcement of significant laws that did not carry a pecuniary reward. The extent of official malfeasance cannot be stated exactly, but charges were widespread. Some drys, as well as wets, labeled enforcement as a perfectly legal racket, though it contributed to official expediency and public cynicism. The governors sanctioned the system of enforcement and supported laws that both entrenched it and clashed with citizens' rights. Instructive is the 1917 testimony of the Kansas attorney general supporting a law to make possession of intoxicating beverages a crime. S. M. Brewster admitted that the proposed law would make "lawbreakers out of men who don't abuse the keepink [sic] of liquor," but explained it was necessary to attain absolute enforcement.⁴

Although the laws were in theory to apply uniformly to all Kansans, in practice they fell heavily on certain ethnic groups. Some officials in locations with large foreign concentrations, like southeast Kansas, occasionally tried to explain the frustration of enforcement to the governors. A few even stated that the bootleggers who exploited the ignorance of the immigrants were the biggest problem. Progres-

sive governors, having little patience with the reasons why immigrants defied prohibition, preferred drastic enforcement measures to education. Public attitudes enabled governors to take actions against the immigrants that would have been unthinkable toward other groups, but those actions evoked little public outrage and slight sympathy for the victims.

Prohibition in Kansas was definitely a progressive reform, but it went awry in some important respects. Its blueprint was based on a laudable vision for society that failed when translated to an imperfect world. This was apparent in the enforcement convulsions of the progressive Kansas administrations from 1905 to 1919.

GOVERNOR EDWARD HOCH: 1905-1909

Progressive Republican, editor of the *Marion Record*, and staunch prohibitionist, Governor Edward Hoch began his first administration in 1905 with a vow to cooperate "to the full extent of official power" with the Kansas Temperance Union. He invoked the responsibility of his office, not personal predilection, as his reason to enforce prohibition.⁵ An end to prohibition violations was not "a question of temperance or even morality," according to him, but "simply a question of law enforcement." Although Hoch once conceded "there may be a question as to majority . . . sentiment in favor of prohibition," he was certain of "the majority in favor of law enforcement." As governor, therefore, he was only responding to the people of Kansas, who "demand the enforcement of the law whether they are prohibitionists or not."⁶ Hoch's attempt to separate enforcement from the prohibition issue itself in order to avoid emotional debate and political repercussions was both transparent and unsuccessful.

In a departure from the policies of previous governors, Hoch denounced saloon licensing and warned local officials of the consequences if they failed to enforce the law. His promise to squeeze Kansas dry and his firm statement on enforcement earned him the accolades of dries.



FIG. 1. Governor Edward Hoch. Courtesy Kansas State Historical Society, Topeka.

It was one thing to proclaim that Kansas would stamp out the liquor trade, but Hoch quickly learned it was another to do so. He gravely underestimated the scale of violations. He considered the prohibitory law "fairly well enforced" in 80 percent of the 105 Kansas counties, based upon his survey of county officials.⁷ A leading newspaper got more realistic results from its canvass of 41 counties, finding only 23 where officials genuinely tried to enforce the law. Eighteen were openly wet, with 480 "licensed" saloons and an unverified number of liquor joints.⁸

Public officials could be exhorted to do their duty, but governors had limited means to compel them. Hoch first tried persuasion with a letter to every sheriff and county attorney urging the enforcement of the law. Results were mixed, and Hoch concluded that the letters "resulted in much good in the smaller towns and counties, but they had little effect in

the larger cities."¹⁰ Governor Hoch could appoint assistant attorneys general with extensive authority to enforce prohibition in the counties. During his first year in office he followed through by "appointing attorneys in every county where we think they are needed."¹¹ By the middle of 1906, he commented on their uneven success, and indicated his private skepticism when he wrote, "I have appointed . . . eight or nine assistant attorney generals, but with few exceptions the result has not been very satisfactory."¹² Obviously, the problems that had confronted public officials in many counties also stymied those appointed by Hoch; and certain of the assistant attorneys general were accused of ineptitude and malfeasance. When local officials were completely refractory, Hoch's last resort was to initiate ouster proceedings. Even this extreme measure did not always get impressive results.

The enforcement powers of the governors were limited by budget. Hoch and his successors habitually complained about the paltry enforcement contingency fund. Stark economy forced Hoch to concentrate his enforcement efforts and resources where prohibition violations were flagrant and chronic: Kansas City, Wichita, and Crawford and Cherokee counties.¹³ Even the pretense of prohibition compliance had been abandoned in Kansas City, where drunkenness purportedly made the streets unsafe for women. The city became Hoch's primary enforcement target, and the resulting uproar attracted national attention. Because his imbroglio with Kansas City officials, especially the mayor, was long and bitter, the enforcement drive was less than a complete and permanent success. William W. Rose, a Henry George single-taxer and believer in municipal ownership of utilities who had been elected mayor in 1905, eschewed hypocrisy and used the saloons to raise revenues. Joint keepers regularly put up bonds that were forfeited to the city treasury when the jointists failed to appear in court. Mayor Rose was honest in collections and freely admitted to anyone that the system existed: when rebuked for violating the prohibition statutes, he

bluntly rejoined, "Damn the law."¹⁴

A clash between Governor Hoch and Mayor Rose was perhaps inevitable, but the decision to close Missouri saloons on Sundays precipitated it. Calling the closing a farce, Rose refused to follow the Missouri example. Thirsty crowds surged across the state line into Kansas City, Kansas, saloons and the subsequent storm of protest led Hoch to have ouster suits filed against the mayor and county attorney. Rose, offering no defense, resigned two days before the Kansas Supreme Court declared him ousted, but he immediately filed as a candidate for the office he had vacated and won the special election on 8 May 1906. In a campaign waged along wet and dry lines, he called prohibition a "curse" while his opponent promised to close the joints; this ensured Rose the opposition of the Civic League, law enforcers, and church folk. Rose's victory margin of 1,441 votes out of 12,495 may be a commentary on the proportion of godly and law-abiding citizens in Kansas City. The election was a rebuff of Hoch, but it only marked a setback in a fight that the governor would soon win. When Rose resumed office, the Kansas attorney general instituted contempt proceedings against him, and the Kansas Supreme Court on 6 July 1906 fined Rose and ordered him to quit office.

While Hoch enjoyed accolades from the dries for his action against Kansas City officials, attorney C. W. Trickett led an enforcement offensive in the city. The effort was intense: reports of raids, arrests, and saloon closings were common news items. A degree of success in drying up Kansas City could be legitimately claimed, and a Southern Methodist Church steward wrote that, with the joint closings, "insted [sic] of seeing a dozen drunken men pass my house I only saw one last Sunday."¹⁵ Some observers, however, thought the situation little changed, except that bootleggers were more furtive, saloons better concealed, and customers more cautious. When Alabamians visited Kansas City in 1907 to judge its dryness, they reported that they had "bought and paid for five bottles of whiskey, at

five locations."¹²

Governor Hoch asserted that the Kansas City campaign "broke the back of lawlessness" and "made the enforcement of the law in other cities much easier."¹³ That claim is not readily substantiated by his experience with Wichita and the southeast Kansas counties. Wichita was as wet when Hoch took office as it had been in its cowtown era, and his campaign there paralleled that in Kansas City. A general impression was that as many saloons were in business after the campaign as before, although a large number had probably closed temporarily. Only one saloon was shut permanently—after someone took a carnival elephant there and got it drunk, enraged animal lovers closed the saloon.

In Crawford and Cherokee counties, prohibition offensives, without exception termed successful, were followed by renewed bootlegging and the reopening of saloons; then the cycle would be repeated. As in the case of Kansas City and Wichita, Hoch could show gains in terms of arrests, convictions, and saloon closings; but these counties with large immigrant populations were never dry while he was governor.¹⁴ Other portions of the state showed no change, and this led prohibitionists who had earlier expressed unstinting praise for the governor to chide him. Angered, Hoch asserted, "Conditions are better today . . . than they have been since the law was passed," and complained, "I am getting fatigued with criticism from people who ought to be commending me." Once eager to expand state responsibility in enforcement, Hoch came to believe that local attitudes were a large part of the problem. He concluded that "the people must learn not to shift the responsibility to some distant authority, to the Governor or attorney general, but must gravely bear it themselves."¹⁵

Hoch could legitimately declare, "I have done more to enforce the prohibitory law than any governor of the state . . . in fifteen years."¹⁶ But he consistently embellished his successes and hid his failures and private frustrations. Although the liquor traffic was

set back in his administration, Kansas was still wet when he left office. Yet Hoch, insisting that the liquor traffic was near extinction, could effuse, "We are rearing a new civilization here and to a Kansas man familiar with these good things it seems incredible."¹⁷ His evidence: "Of the 105 counties . . . only 21 have any paupers. Thirty-five have their jails absolutely empty. Thirty-seven have no criminal cases on their dockets. Kansas has the smallest number of paupers of any State in proportion to population. It spends more money for education in proportion to its population than any other State."¹⁸

GOVERNOR WALTER A. STUBBS: 1909-1913

Progressive Republican Walter A. Stubbs, inaugurated in 1909, was more zealous. Hoch had made inroads against the liquor traffic:



FIG. 2. Governor Walter A. Stubbs. Courtesy Kansas State Historical Society, Topeka.

Stubbs was determined to eradicate it. The 1909 bone-dry law, which easily passed the legislature and banned the sale of liquor for any reason, was his favorite tool. Although the previous law, allowing restricted sale for specific purposes, could not be enforced, dries maintained that the more comprehensive and stringent new law would make enforcement easier. They were only partially correct. Prohibitionists could claim that stricter laws rendered Kansas drier, but that claim could be refuted by the increased number of violations of the new law. This dilemma may explain the oscillation of the dries between deploring mass violation of the law and praising the dryness of Kansas.

Like Hoch, Stubbs concentrated on egregiously wet spots, but he made Crawford and Cherokee counties his first priority. His 1909 and 1910 campaigns against them made Hoch's pale by comparison, but it is nearly impossible to gauge Stubbs's success.²² Enforcement varied widely according to location and time; it was not unusual to have a location certified dry one week and reported wet the next. The saloons in many of the mining camps and small towns never closed. Closed saloons often reopened, or their closing led to an increase in kitchen joints, clubs, and bootlegging. Stubbs could perhaps claim progress against the liquor traffic, but his frequent contention that Kansas had no open saloons and was drier than ever before in its history was dubious. Frustrated by these failures, Stubbs pulled out all stops to suppress the southeast Kansas liquor traffic. He threatened public officials he considered tepid on enforcement or in collusion with violators with expulsion from office and carried out some of these threats. He used undercover agents, usually endorsed by the Kansas Temperance Union, who habitually violated the prohibition and vice laws in order to obtain evidence. Their written reports and itemized expense accounts confirm that they engaged in many unsavory activities to make Kansas dry and virtuous.²³ The use of agents who were themselves lawbreakers raises serious doubts about

the ethics of enforcement practices.

Perhaps Stubbs's least conscionable act was a conspiracy against Italian mining camps that had proved refractory. An advisor suggested that Stubbs use an Anti-Horse Thief League to destroy the Italian camps, accomplishing all that the militia could "but without the odium of its being said the militia was used to enforce prohibition."²⁴ While the League was being reconstituted, conspirators in Topeka obtained weapons, gathered men from the governor's office and the Kansas Temperance Union to assist with the mission, and "mapped out a line of action."²⁵ With an announcement that a volunteer association with the legal power to smash the liquor traffic had been formed, the Topeka men were ordered into southeast Kansas. When District Judge E. E. Sapp learned of their arrival and threatened to have them arrested if they proceeded with the plot, the men returned to Topeka. Governor Stubbs openly proclaimed that he would use the militia if necessary and warned he would end prohibition violations "even if I have to smash and burn the wagons that carry the beer and tear down the houses in which beer is sold." Sapp rejoined that the use of militia would be an "armed invasion" and he would personally lead citizens against it.²⁶ An armed confrontation was avoided.

Stubbs began his last and most ambitious campaign against liquor interests in southeast Kansas in late 1912. Again, the enforcement gains may have been genuine, but they were short-lived. On 3 January 1913 an agent in southeast Kansas reported "Conditions down here and especially in Cherokee County are bad."²⁷ Predictably, Stubbs did not make this final report public.

While the governor ignored violations in many locations, he pronounced Kansas virtually dry, basing his claims upon his intense and publicized campaigns in selected wet cities. Stubbs's attempts to dry them out often had the same results as in Crawford and Cherokee counties, and he was just as unwilling to concede limits to his success. Progressive governors wanted Topeka, the capital city, to

be a dry example, yet one of Stubbs's agents informed him in mid 1912 that "I find . . . Topeka in a very wet condition and have seen liquor unloaded in 25 or 30 . . . joints."²⁸ Only ten days later, Stubbs wrote W. F. Turrentine, a small-town newspaper editor who had reported violations in Topeka, "I do not believe there is a single place where liquor is sold over the bar."²⁹ To justify his claim, the governor ordered the Shawnee County attorney to eradicate any liquor traffic, and the chastened official explained that the "exaggerated" stories of violations resulted from the political malice of disaffected Germans.³⁰

Conditions in Wichita frustrated every governor and perhaps Stubbs the most. He told the mayor in late 1911 that the "state of lawlessness existing in Wichita . . . is absolutely intolerable."³¹ Stubbs threatened officials, unleashed agents, and held the Kansas attorney general personally liable in a campaign to crush the illegal Wichita liquor business. The first results were negligible, but progress did follow.³² Drys and some local politicians later asserted briefly that Wichita had been drained of "suds" and "rotgut," but while Stubbs probably made it more expensive and inconvenient for Wichitans to drink, he could not stop them. In Wichita, as in many other targeted cities, the liquor traffic survived through caution, adaptiveness, and official leniency. When joints became less visible, many sanguine drys reached the unwarranted conclusion that the liquor traffic had been permanently dealt with, that customers had become teetotalers from necessity. Stubbs's self-congratulation about Wichita was interrupted by a packing-house manager who told him that "before the town went dry, we had but very little drinking among our employees, since then, *not a single day goes by* but what a half dozen or so have to be sent home or permanently discharged for intoxication."³³ Dry gains could be deceptive.

Kansas had the reputation as the temperance leader of all the states. Drys everywhere looked to it to confirm that prohibition really worked, and a sense of responsibility encour-

aged Kansas governors to describe the state in terms that were incongruous with wet realities. Governor Stubbs issued habitual assurances that Kansas was "the driest state in the union." He tried to conceal the real conditions and convey the sense to the country that prohibition was a great success. While Wichita was "wide open" and complaints of violations in Crawford and Cherokee counties flooded his office, Stubbs informed a California prohibitionist, "There is not an open joint in the state today according to reports received this morning."³⁴ He expanded his claims when he answered an inquiry from Idaho with the statement that "every city in Kansas above twenty-five thousand is absolutely dry."³⁵ This was about the time that Stubbs's own agent reported that Topeka was "very wet." Stubbs and the rest of the governors convinced the nation that prohibition worked, but they would be largely responsible for the derision of Kansans when the country became disaffected with Prohibition in the next generation.

GOVERNOR GEORGE H. HODGES: 1913-1915

Democrat George H. Hodges, Stubbs's successor, stated unequivocally that prohibition was the "best law Kansas ever put on its statute books," and he promised his administration would be a model of enforcement.³⁶ Hodges had inviolate dry convictions, but zealots feared that the Democrat would be tepid on enforcement. Their qualms had a germ of validity although there is no evidence that he was influenced by the fact that a disproportionate number of violators would probably be Democrats. Learning perhaps from his predecessors, the new governor discarded highly publicized campaigns and loud rhetoric. This may have appeared passive, but the emphasis on quiet, grassroots enforcement had few political liabilities.

Hodges granted local officials the primary responsibility to enforce prohibition laws, since the governor believed that "local law enforcements are much better than a sporadic effort from people on the outside."³⁷ This was



FIG. 3. Governor George H. Hodges. Courtesy Kansas State Historical Society, Topeka.

an unconcealed jab against Stubbs, who had rashly intruded into local situations, and an endorsement of Hoch's earlier position. Hodges also renounced selective campaigns against "soaking wet" locations and supported uniform statewide enforcement. "We do not expect," he explained, "to pick out any particular locality and use extraneous effort to enforce the laws in that locality, while other portions of the state are dealt more leniently with."⁴¹ Hodges did not bother to note that limited resources made it impossible for the state assiduously to enforce prohibition everywhere.

The contrast between Stubbs and Hodges was pronounced. The former's campaigns were attended by expansive publicity while the latter subscribed to quiet enforcement. Hodges

asserted that "the prohibition law is far better enforced . . . than it has ever been and we are doing this without brass bands."⁴² Perhaps Stubbs had earned some accolades for aggressive campaigns, but massive publicity carried liabilities. By eschewing inflated publicity, Hodges could claim great success in his endeavor to close down joints and drive the bootleggers out of the state, and his claim could not be easily refuted in the absence of contrary publicity.

Adhering to his announced policy of local responsibility, Hodges ignored pleas that had worked with earlier governors. For instance, the Citizens League of Cherokee County wired Hodges on 1 July 1913: "We need help a minister assaulted today by a mob of jointists and dangerously injured official."⁴³ Help was not forthcoming. When the League wrote Governor Hodges the next month about joints and corrupt officials, his secretary answered: "Quit complaining and get the evidence [to] accomplish some real good for the cause of law enforcement in your county."⁴⁴ Hodges appeared nearly unconcerned about reports of violations. Information about open saloons in southeast Kansas provoked no great outburst of activity in the governor's office and neither did the complaint that two third-grade students, who sold bottles in saloons, were under the influence of whiskey at the school.⁴⁵ Hodges was not lackadaisical, however; he had a different strategy for suppressing the liquor traffic.

Prohibition enforcement was "primarily in the hands of the people," according to Hodges, and they could best attain it when they "elect men who are in sympathy with law enforcement, and if they fail to keep their pre-election promises, to relegate them to private life at the next election." Elementary civics, widely ignored by many dries, indicated that "public officers will respect dominant public sentiment. If you have a strong sentiment for the enforcement of the law in your community, you will get it enforced. If you do not have such a sentiment, your public officers will . . . be lax."⁴⁶ Although this sounds as if

Hodges favored a local option solution, he had perceived a change in public attitudes that entailed a change in enforcement tactics. Whereas Kansans earlier had been closely divided on prohibition, Hodges discerned that the dry territory was growing, as indicated by the election of town, city, and county officials on dry platforms. If the problem had once been to secure public compliance with prohibition, the greater problem now was to ensure that elected officials enforced the laws. Hodges, therefore, concentrated on them, and one of his principal enforcement policies was to bring ouster suits against officials deemed remiss in their duties.

Soon after he assumed office, Hodges convinced himself that he had made Kansas virtually dry. When a citizen complained in January 1913 of widespread liquor violations in Cherokee County, Hodges replied, "Your part of the state is perhaps no worse than a great many other localities."⁴⁴ By April he boasted that, in stemming violations, "we are succeeding now as never before."⁴⁵ By May Kansas had "very little bootlegging and very few joints."⁴⁶ And finally in July he declared that there was "not an open saloon in the state."⁴⁷ Hodges had mentally transformed Kansas from a wet state to an arid one within six months. It was easier to declare Kansas dry and enjoy the benefits than to attempt to make it so and reap the consequences of failure. Although he was defeated for reelection in 1914, Hodges left office with a national reputation as an inveterate prohibitionist and the next year became an Anti-Saloon League lecturer.

GOVERNOR ARTHUR CAPPER: 1915-1919

Republican Arthur Capper would become one of America's foremost prohibitionists and leader of the Farm Bloc while in the U.S. Senate. Capper congratulated the country in 1918 on the fact that it would soon join dry Kansas and enjoy the same benefits. "Prohibition has been an unqualified success from every standpoint in Kansas," he authoritatively informed the nation, and unctuously added,

"Our people know and appreciate the blessings—material, moral, and spiritually which have come to them because they have not been cursed by the saloon and its attendant vices."⁴⁸ Yet, Capper's own papers belie his claims.

Soon after the assumption of office, Governor Capper ordered investigations in Kansas City and Wyandotte County. As a result, misconduct charges were filed against the Kansas City election commissioner for neglecting his duties while he lobbied in Topeka against anti-liquor legislation, and grounds were revealed for an ouster suit against a Wyandotte County commissioner. Although these officials were not specifically charged with prohibition violations, the investigation had revealed widespread vice and wetness. One operative informed the governor: "I have succeeded in finding out that drinking and gambling is in full blast in the Slav colonies, and, as I understand it, is being done under police protection."⁴⁹ Investigators visiting premises filed reports in the vein of "Joint at 615 Ferry was running full blast today. Men—women and even children were there and drinking keg beer. This place is running and has been . . . for more than a year and I saw a policeman in full uniform in there."⁵⁰ These confidential reports make especially interesting reading in the light of the intermittent assertions since Hoch that Kansas City was dry.

Indicative of the situation in Wichita was the arrest in 1915 of Police Chief O. K. Stewart for selling confiscated whiskey in city hall. Three wagonloads of whiskey and beer stored there were dumped in the Arkansas River several days later. A Wichita city commissioner informed Capper in 1916 that "the town has not been as open in years as it has been now for several months."⁵¹ Kansas Attorney General S. M. Brewster, however, acceded to the pleas of the Sedgwick County attorney and of Henry J. Allen—prohibitionist, newspaper publisher, and next governor—to avoid state intervention.⁵² Later convinced that local officials were not diligently dealing with violators, Brewster demanded

that the county attorney indicate why the state should not become involved. The county attorney evaded a direct answer, but admitted that the law was being violated, enumerated the obstacles to enforcement, and offered no hope that conditions would improve until local officials had greater authority, higher budgets, and larger staffs.⁵³

Habitually wet Cherokee and Crawford counties posed problems. The Crawford county attorney, however, wrote Capper, "I fell [sic] confident that conditions are improving in our county . . . and I also fell [sic] confident that conditions will continue to improve."⁵⁴ The attorney of the adjacent county was less optimistic. Prohibition convictions were down, and he recounted problems with enforcement:

Many of our inhabitants are foreigners who are accustomed to the daily use of beer and other intoxicants and sentiment among these people is naturally against the prohibitory law. The violation of this law usually occurs in residences, and it is quite difficult to obtain evidence necessary to secure convictions. Attention may also be called to the fact that Cherokee County is located in the extreme south-east corner of the state on the border of Missouri and Oklahoma. This . . . adds to the difficulty of enforcing this law.⁵⁵

Such violations embarrassed state officials in 1916 when a Pathe Weekly News newsreel showed wagons loaded with beer and liquor in Drydale, Missouri, for delivery into Kansas and streams of thirsty Kansans crossing the line with jugs and bottles. The mockingly named Drydale, located just across the river from Leavenworth, had enough saloons to supply many Kansans. Offended by the newsreel, the state censor board banned it in Kansas.⁵⁶

The 1917 Kansas bone-dry law was designed to eliminate the bulk of enforcement problems. Informed by Wayne B. Wheeler, general counsel of the Anti-Saloon League, that the "whole country looks to Kansas for

leadership in prohibition laws and law enforcement," the legislature passed a bill that made possession of alcoholic beverages a misdemeanor. It was signed by Capper on 23 February 1917 in the lower house chamber, "while 150 legislators stood around the speaker's rostrum and sang with gusto 'No One Knows How Dry I Am.'"⁵⁷ The national press agreed with Kansas drys that the law was one of the most drastic prohibition measures ever enacted in any state.

Capper insisted that the law curbed the use of alcohol but Kansas still was not dry. Southeast Kansas continued to be a bane to the governor, and the missionary societies of the Neosho Presbytery complained in May 1918 of flagrant violations of prohibition in Crawford and Cherokee counties.⁵⁸ A growing bootlegging industry in the two southeastern counties would subsequently become a large supplier of illegal liquor to the rest of the country. The 1931 Wickersham Report on prohibition enforcement commented on the bootleggers' "fine brands of whiskey," which they claimed "compares well with the best Government or legitimate alcohol."⁵⁹

After passage of the 1917 bone-dry legislation, Capper regarded "irresponsible" neighbors, especially Missouri, as the cause of enforcement problems. He habitually appealed, with slight success, for the Missouri governor to help stop the flow of liquor into Kansas. Capper proposed a "sanitary zone" between the two Kansas Citys with no saloon within six hundred feet of Kansas, and protested against the Missouri saloons and distilleries that lured Kansas customers.⁶⁰ A bitter exchange ensued between officials of the two states. Kansas authorities accused Missouri county officials of negligence and even culpability, and the Missouri officials issued angry countercharges. One conceded that "conditions on the line have been bad," but rebuked Kansas officials for failure to give those in Missouri "the support they could or should." Charging that Kansas authorities made "no effort" to prevent their citizens from bringing liquor into their state, a second Missourian

complained, "I am getting tired, of those officers in Kansas continually howling when . . . they are not in good faith, and . . . in the Northern part of Cherokee County and in Crawford County, Kansas, a number of Greeks are running joints openly, publicly and on Sunday and are never arrested."⁶¹ Cooperation eluded the officials of the two states, and there is no evidence that the entry of liquor into Kansas was curbed. Missouri officials may have been remiss in enforcement, but so were Kansas authorities, especially in the southeastern part of the state. Capper sincerely wished to stop the interstate liquor traffic, but it was easier for him to rail against Missourians than to enforce compliance in Kansas.

CONCLUSION

Kansas prohibitionists believed that outside wet influences contributed appreciably to violations after 1917. The legislature's eager ratification of the Eighteenth Amendment reflected in part the conviction that a dry nation was needed to make Kansas genuinely dry. Upset that a truly dry Kansas did not materialize during national Prohibition, a new generation of governors readily found new explanations for wetness. Like the earlier progressive governors, they usually did so without serious examination of their own position.

The progressive governors' habitual claim that Kansas was the driest state, though excessive, was not totally without foundation. A large portion of the Kansas population did not drink and lived in nearly dry communities. Drys, however, either misunderstood or misrepresented the relationship between legal compulsion and Kansas abstemiousness. Many Kansans eschewed liquor because of personal belief, not because of the legal proscription. The real test of prohibition occurred where it clashed with a population that did not oppose drinking, and it was less than a resounding success. Prohibition was naturally the hardest to enforce in exactly the spots where the governors concentrated their efforts. Enforcement

campaigns and growing dry sentiment may have lessened violations, but Kansas was not bone-dry on the eve of national Prohibition.

Kansas governors from Hoch through Capper subscribed to prohibition on the progressive grounds that it would raise the moral standards of society and ensure the advance of humanity, but prohibition was not the only progressive reform that undermined the principles on which it was based. The excesses and hypocrisy of the Eighteenth Amendment, not its idealism, have been ingrained in American consciousness, a result that could have been predicted, had the Kansas governors realistically appraised their experience. Perhaps the country would have forgiven the dismal aspects of Prohibition had it delivered what it promised. Kansas provided a case in point that absolute prohibition was unattainable.

NOTES

1. Secondary sources on Prohibition in Kansas at the turn of the century with estimates on the scale of violations include Charles Moreau Harger, "Kansas Prohibition Status," *Independent* 53 (21 February 1901): 403-42; C. H. Matson, "How Prohibition Works in Kansas," *Outlook* 74 (22 August 1903): 981-84; and William Allen White, "Carrie Nation and Kansas," *Saturday Evening Post* 173 (6 April 1901): 2-3.

2. The basic reference on the progressive rationale for prohibition as a reform is James H. Timberlake, *Prohibition and the Progressive Movement, 1900-1920* (Cambridge: Harvard University Press, 1963). Robert Sherman La Forte, *Leaders of Reform: Progressive Republicans in Kansas, 1900-1916* (Lawrence: University Press of Kansas, 1974), is authoritative on progressivism. Its treatment of prohibition is limited but helpful on the reform's role in the progressive scheme and state politics.

3. Edward Hoch to David W. Ross, 7 August 1907, "Prohibition," box 9, Governor Hoch Papers (hereafter cited as Hoch Papers), Archives Division, Kansas Center for Historical Research, Topeka, Kansas. This section of the article is based upon my systematic examination and interpretation of the official papers of the Kansas governors and not necessarily on specific statements contained in them. The governors neither wrote introspectively

about possible contradictions between philosophy and practice nor adduced evidence that detracted from their policies. A more sympathetic examination of the governors with a different basis of analysis is found in Robert Smith Bader, *Prohibition in Kansas: A History* (Lawrence: University Press of Kansas, 1986).

4. *Topeka Daily Capital*, 20 February 1917.
5. *Ibid.*, 16 February 1905.
6. *Ibid.*, 22, 24, and 17 October 1905.
7. *Girard Press*, 8 June 1905.
8. *Topeka Daily Capital*, 14 May 1905.
9. Edward Hoch to F. G. Severance, 3 June 1908, "Prohibition," box 9, Hoch Papers.
10. *Topeka Daily Capital*, 3 December 1905.
11. *Ibid.*, 22 July 1906. Edward Hoch to B. F. Lloyd, n.d., "Prohibition," box 9, Hoch Papers.
12. Edward Hoch to F. G. Severance, 3 June 1908, *Ibid.*
13. Useful summaries of the episode are in the *Topeka Daily Capital*, 9 May and 7 July 1906; and important background is in the *Kansas City Star*, 5, 8, and 15 April 1905.
14. James Peebly to Edward Hoch, 3 October 1905, "Prohibition," box 9, Hoch Papers.
15. *Birmingham Age Herald*, 16 October 1907.
16. Edward Hoch to F. G. Severance, 3 June 1908, "Prohibition," box 9, Hoch Papers.
17. Conclusions on the campaigns in Wichita and in the southeast Kansas counties are based on the correspondence in the Hoch Papers, "Prohibition," box 9, and newspapers, including the *Pittsburg Headlight*, *Girard Press*, and *Topeka Daily Capital*.
18. Edward Hoch to B. F. Lloyd, 5 May 1906; and Hoch to Charles E. Hall, 19 July 1906, "Prohibition," box 9, Hoch Papers.
19. Edward Hoch to Charles E. Hall, 6 July 1906, *Ibid.*
20. Edward Hoch to Milton J. Baucher, 24 September 1907, *Ibid.*
21. This was a typical homily on the benefits that prohibition bestowed on Kansas. See, for example, Edward Hoch to Nelle G. Burger, 1 June 1908, *Ibid.*
22. Extensive documentation on the 1909-13 enforcement campaigns in Crawford and Cherokee counties is contained in the "Prohibition" files, boxes 8-11, of the Governor Stubbs Papers (hereafter cited as Stubbs Papers), Archives Division, Kansas Center for Historical Research. The synthesis in this article can only suggest the complexity, rancor, and scale of the cycle of campaigns.
23. H. C. Ericsson was the principal and most voluble agent assigned to southeast Kansas. His graphic, frequent, and extensive reports confirm the debatable activities of prohibition spies. See, for

example, his reports and expense accounts in "Prohibition," box 8, Stubbs Papers.

24. C. W. Trickett to Walter R. Stubbs, 22 May 1911, *Ibid.*
25. H. C. Ericsson to Walter R. Stubbs, 30 May 1911, *Ibid.*
26. A summary of the confrontation between Stubbs and Judge E. E. Sapp is in the *St. Louis Post-Dispatch*, 25 June 1911.
27. T. B. Armstrong to Walter R. Stubbs, 3 January 1913, "Prohibition," box 11, Stubbs Papers.
28. T. B. Armstrong to Walter R. Stubbs, 31 July 1912, "Prohibition," box 10, *Ibid.*
29. Walter R. Stubbs to W. F. Turrentine, 10 August 1912, *Ibid.*
30. Walter R. Stubbs to Ernest R. Simon, 10 August 1912; and Simon to Stubbs, 13 August 1912, *Ibid.*
31. Walter R. Stubbs to John H. Graham, 9 September 1911, "Prohibition," box 8, *Ibid.*
32. For reports on the effectiveness of the campaign at various stages, see A. R. Tarbill to Walter R. Stubbs, 28 December 1911, "Prohibition," box 10, *Ibid.*; and T. B. Armstrong to Stubbs, 10 January 1912, "Prohibition," box 8, *Ibid.*
33. Statement in a letter from Walter R. Stubbs to Fred Dold, 26 February 1912, "Prohibition," box 10, *Ibid.*
34. Walter R. Stubbs to T. H. Minor, "Prohibition," box 9, *Ibid.*
35. Walter R. Stubbs to W. J. Herwig, 6 June 1912, "Prohibition," box 10, *Ibid.*
36. Governor's secretary to M. W. Sommers, 21 May 1913, "Prohibition," box 8, Papers of Governor Hodges, Archives Division, Kansas Center for Historical Research.
37. George H. Hodges to P. J. Hendrickson, 10 July 1913, "Prohibition," box 8, Papers of Governor Hodges.
38. George H. Hodges to W. T. Johnston, 12 April 1913, *Ibid.*
39. George H. Hodges to P. S. Hendrickson, 10 July 1913, *Ibid.*
40. B. H. Holt to George H. Hodges, 1 July 1913, *Ibid.*
41. Governor Hodges's secretary to Nannie Arbuckle, 13 August 1913, *Ibid.*
42. A. S. Hiatt to George H. Hodges, 9 February 1914, *Ibid.*
43. Executive Clerk to J. H. Wright, 28 March 1913; and George H. Hodges to Guy W. Wadsworth, 21 April 1913, *Ibid.*
44. George H. Hodges to G. C. Butler, 20 January 1913, *Ibid.*
45. George H. Hodges to Guy W. Wadsworth, 21 April 1913, *Ibid.*
46. George H. Hodges to Howard I. Andrews,

13 May 1913, Ibid.

47. George H. Hodges to Grant Victor, 9 July 1913, Ibid.

48. Arthur Capper to J. Frank Hanely, 5 October 1918, "Prohibition," box 11, Papers of Governor Capper (hereafter cited as the Capper Papers), Archives Division, Kansas Center for Historical Research. The standard biography by Homer E. Socolofsky, *Arthur Capper, Publisher, Politician, and Philanthropist* (Lawrence: University of Kansas Press, 1962), virtually ignores prohibition.

49. Julius P. McDonough to Arthur Capper, 15 June 1915, "Prohibition," box 35, Capper Papers.

50. W. V. Reinnecker to Arthur Capper, 20 June 1915, Ibid.

51. J. E. Howard to Arthur Capper, 18 July 1916, "Prohibition," box 9, Capper Papers.

52. S. M. Brewster to Arthur Capper, 21 July 1916, Ibid.

53. S. M. Brewster to Ross McCormick, 21 July 1916; and McCormick to Brewster, 22 July 1916, Ibid.

54. A. B. Keller to Arthur Capper, 6 December

1915, "Prohibition," box 32, Ibid.

55. E. W. Boss to Arthur Capper, 8 December 1915, Ibid.

56. Lucy Record Spaeth to Arthur Capper, 21 March 1916; Governor's secretary to Spaeth, 31 March 1916, "Prohibition," box 8, Ibid.

57. *Topeka Daily Capital*, 20 and 24 February 1917.

58. Arthur Capper to Mrs. William A. Powell, 7 May 1918; and Capper to S. M. Brewster, 7 May 1918, "Prohibition," box 11, Capper Papers.

59. References to Kansas are found in the *Official Records of the National Commission on Law Observance and Enforcement*, 71st Congress, 3rd sess., 1931, D. Doc. 307, v. 1, 40-55, and v. 4, 473-94.

60. H. A. Mendenhall to Arthur Capper, 7 July 1917; and Capper to Frederick D. Gardner, 13 July 1917, "Prohibition," box 13, Ibid.

61. H. W. Timmons to Frederick D. Gardner, 20 December 1917; and T. C. Tadlock to Gardner, 10 December 1917, Ibid.