

January 2001

Wyoming's Pioneers of Prohibition: The United States Army, the U.S. District Court, and Federal Enforcement of Laws Governing Morality

Phil Roberts

Follow this and additional works at: <https://scholarship.law.uwyo.edu/wlr>

Recommended Citation

Roberts, Phil (2001) "Wyoming's Pioneers of Prohibition: The United States Army, the U.S. District Court, and Federal Enforcement of Laws Governing Morality," *Wyoming Law Review*. Vol. 1: No. 2, Article 10. Available at: <https://scholarship.law.uwyo.edu/wlr/vol1/iss2/10>

This Article is brought to you for free and open access by the UW College of Law Reviews at Law Archive of Wyoming Scholarship. It has been accepted for inclusion in Wyoming Law Review by an authorized editor of Law Archive of Wyoming Scholarship.

WYOMING'S PIONEERS OF PROHIBITION: THE UNITED STATES ARMY, THE U.S. DISTRICT COURT, AND FEDERAL ENFORCEMENT OF LAWS GOVERNING MORALITY

*Phil Roberts**

Prohibition came to most states through the activist intervention of such organizations as the Anti-Saloon League and the Women's Christian Temperance Union.¹ Both organizations worked toward state temperance laws and, by the end of the 19th century, had gained some success through legislative enactment of Prohibition laws around the nation. By 1917, thirty-seven states had "outlawed the liquor traffic," but one of the eleven still "wet" was Wyoming.²

Progressive reformers, allied with pastors of the social gospel, had been able to outlaw gambling in Wyoming in 1901. In many of the larger towns, they were able to demand city enforcement of ordinances controlling saloons and brothels. In many towns, however, "regulation" was as common as "prohibition," as city councils set up "prostitution zones" and "licensing fee" arrangements for the vice industry.³

The story of how national prohibition became part of the U.S. Constitution, just after World War I, is an oft-told story. Scholars give much credit for "the Noble experiment" to temperance organizations, church leaders, and progressive reformers who viewed alcohol as a national curse, debasing the morals of the country, causing poverty through encouraging excess, and diminishing efficiency in workplaces.⁴ But

* The author is an associate professor of history at the University of Wyoming and a member of the Wyoming State Bar since 1977.

1. For the activities of the Anti-Saloon League, see K. AUSTIN KERR, *ORGANIZED FOR PROHIBITION: A NEW HISTORY OF THE ANTI-SALOON LEAGUE* (Yale University Press 1985). For the WCTU, see RUTH BORDIN, *WOMAN AND TEMPERANCE: THE QUEST FOR POWER AND LIBERTY, 1873-1900* (1981).

2. The count of states with prohibition statutes at this time is from the Congressional Record of the 65th Congress, 55 CONG. REC. 2565 (1917).

3. William Howard Moore, *Progressives and the Social Gospel in Wyoming: The Anti-Gambling Act of 1901 as a Test Case*, 25 W. HIST. Q., 299-316 (1984).

4. The literature on National Prohibition is extensive. One recent overview is: THOMAS R. PEGRAM, *BATTLING DEMON RUM: THE STRUGGLE FOR A DRY AMERICA*,

there were a few states where Prohibition and other methods of attempting to control the morals and habits of the public had modest early success. One such state was Wyoming.

Prohibition crusades in Wyoming were led by ministers and leaders of the temperance societies who were able to get the state legislature to establish controls over the saloon. Enforcement of such laws in Wyoming was left to county and municipal officials. Liquor was regulated, even from the beginning. The 1st Territorial Legislature passed a law requiring anyone dealing in "spirituous malt or fermented liquors or wines, in less quantities than one quart," to obtain a license. Wholesalers paid an annual county tax of \$40. Further, the operator of a retail liquor establishment was charged with keeping the peace in the place or risked losing the license.⁵ In 1876, the territorial assembly also prudently banned liquors from any jail in the territory, except when it was brought in for the "health of the prisoner."⁶ Later, in 1887, the Legislature made it illegal in Wyoming to sell liquors between 10 a.m. and 2 p.m. on Sundays and at any time on election days.⁷ Regulation remained with the counties. Not until after statewide Prohibition was adopted in Wyoming, on the eve of national Prohibition, did the Legislature establish a state enforcement agency charged with liquor control.⁸

The same can be said for rules against prostitution. While some Wyoming cities passed ordinances outlawing such activities, there was no standard enforcement. The territorial assembly in 1887 passed a law banning houses of ill fame, establishing for the first time a penalty of up to a \$100 fine and six months in the county jail.⁹ In the first decades of the twentieth century, regulation of both activities in Wyoming was to come from the federal government, acting through the U.S. Attorney's office and the United States Army.

The United States Army was reduced to a tiny force on the frontier after the Civil War. Many soldiers were immigrants or individuals with little imagination or skill to do other work. A few had serious drinking problems and the frontier army had difficulty coping with the

1800-1933 (1998).

5. LAWS OF WYOMING, ch. 18, §§ 9-11 (1869).

6. COMPILED LAWS OF WYOMING, ch. 66, § 8 (1876).

7. REV. STAT. WYO., ch. 7, § 1034 (1887).

8. For a description of the state prohibition agency's origins, see Phil Roberts, *The Prohibition Agency's First Case: Official Zeal, Mistaken Identity, and Murder in Wyoming, 1919*, 11 WEST. LEGAL HIST., 145-61 (1998).

9. REV. STAT. WYO., ch. 7, § 996 (1887). For one city's problems with prostitution, see Carol Lee Bowers, *Less than Ladies, Less than Love: Prostitution in Laramie, Wyoming, 1868-1920* (1988) (unpublished M.A. thesis, University of Wyoming).

disease, desertion, and inefficiencies caused by chronic alcoholics and frequenters of bordellos.¹⁰

Even in the earliest days of the Wyoming Territory, army forts banned private operators from the military forts. Military reservations were made sufficiently large to keep the "sin occupations" sufficiently at a distance to discourage soldier patronage. Laramie and Buffalo are examples of two Wyoming towns, established in different periods, but both placed just beyond the boundaries of already established nearby military posts. While the sizes of these reservations were not specifically designed for the purpose, the effect was to make it inconvenient, at the very least, for soldiers to patronize saloons and brothels off base.¹¹

Army commanders throughout the nineteenth century tried other techniques to keep soldiers from being "led astray" by patronizing the "laundress quarters" or other buildings near military posts housing loose women. The army left it to individual commanders to use their discretion in dealing with this problem, just as in the case of liquor. Typical of these attempts was the paternalistically worded Circular Number 10, promulgated in March 1902 by the adjutant general of the army. The Army circular warned:

The only really efficient way in which to control the diseases due to immorality is to diminish the vice which is the cause of these diseases. Excessive indulgence in strong drink is absolutely certain to ruin any man, physically and morally; while disease due to licentiousness produces effects which are quite as destructive and even more loathsome.¹²

In Congress, Prohibition proponents and advocates of a more efficient military joined forces to dispatch alcohol from army posts. Their first success came in June 1865, when a law was passed making whiskey no longer available from post commissaries.¹³ In 1899, Congress made it illegal for any officer or soldier to "sell intoxicating drinks, as a bar-

10. See, e.g., ROBERT M. UTLEY, *FRONTIER REGULARS: THE UNITED STATES ARMY AND THE INDIAN, 1866-1891*, ch. 6, (Macmillan 1975); and DON RICKEY, *FORTY MILES A DAY ON BEANS AND HAY: THE ENLISTED SOLDIER FIGHTING THE INDIAN WARS*, chs. 8-9 (University of Oklahoma Press 1963).

11. See, for instance, descriptions of the location of Wyoming frontier military posts, in ROBERT MURRAY, *MILITARY POSTS OF WYOMING* (Old Army Press 1974).

12. GENERAL ORDERS AND CIRCULARS, ADJUTANT GENERAL'S OFFICE, 1902, no. 10, 1 (GPO 1903).

13. RICKEY, *supra* note 10, at 161.

tender or otherwise, in any post exchange or canteen," and barred any government civilian employee from similar activities on base.¹⁴

With that success, Prohibition proponents succeeded in having Congress outlaw the canteen altogether on military posts in 1901. The congressional act was specific and unambiguous: "The sale of or dealing in, beer, wine or any intoxicating liquors by any person in any post exchange or canteen or army transport or upon any premises used for military purposes by the United States, is hereby prohibited."¹⁵ However, not until the second decade of the twentieth century were temperance policies stressed as critical to the army's mission. A commander who neglected or ignored such policies suffered no official sanction in the nineteenth century, but by World War I, he did so at his peril.

Even during these early periods, when individual commanders had the authority to crack down on prostitution and intemperance, the military regulations could be used only to punish soldier miscreants. The army had no authority over civilians off military reservations who were selling the products to the troops. The federal government did control the sale of liquor to Indians, and through congressional action had the authority to prosecute individuals who violated those laws.¹⁶ But, as courts conceded, Indians were a special case. Civilians, unaffiliated with the army and living away from a military base, were beyond the jurisdiction of military commanders.

This deficiency was addressed by various state and territorial legislatures that set up "Prohibition zones" around military bases.¹⁷ In 1905, the Wyoming legislature passed a law similar to the federal act, banning intoxicants from military camps.¹⁸ Further, no saloon could be located any closer than one thousand feet from a military camp. The penalty was a \$50 fine and from thirty to ninety days in jail.¹⁹

14. General Order 36, republishing Congressional Act of March 2, 1899, the General Appropriations Bill, in *GENERAL ORDERS AND CIRCULARS, ADJUTANT GENERAL'S OFFICE*, 1899 (GPO 1900).

15. An Act to Increase the Efficiency of the Permanent Military Establishment of the United States, reprinted in *GENERAL ORDERS AND CIRCULARS, ADJUTANT GENERAL'S OFFICE*, 1901, no. 9, p. 16 (GPO, 1902).

16. WILLIAM UNRAU, *WHITE MAN'S WICKED WATER: THE ALCOHOL TRADE AND PROHIBITION IN INDIAN COUNTRY, 1802-1892* (University Press of Kansas 1996).

17. The leading case is *Rapp v. Venable*, 110 P. 834 (N.M. 1910), in which the Supreme Court of New Mexico stated that the territorial legislation could establish a five-mile zone of prohibition around military bases.

18. WYO. COMPILED STAT., ch. 31 § 335 (Mullen 1910).

19. For the distance limitation from military posts, see *id.*

Temperance organizations made significant inroads in various states by the end of the nineteenth century. Numerous state legislatures passed laws designating "Prohibition zones" around other public facilities. The State of Washington banned the sale of alcohol within two thousand feet of any "normal school." New York set a limit of one-half mile from any state hospital and Ohio forbade the sale of liquor within two miles of any "agricultural fair." In Georgia, the sale of liquor was prohibited in the 1890s within three miles of any church.²⁰

The Wyoming Legislature passed three such limitations. In the same year that the law passed establishing the thousand-foot zone around military posts, the legislature also demanded that no liquor be taken into "any mine, smelter, metallurgical works, machine shops or sawmills."²¹ Six years earlier, the Legislature agreed to a law stating that no liquor could be sold or brought into the Big Horn Hot Springs state park (now Hot Springs State Park near Thermopolis), but this act may have resulted from the park coming as a gift from the Indians under a federal treaty.²²

Various crusading temperance speakers visited Wyoming towns in the 1880s and 1890s. A few temperance advocates moved to the state or accepted pastorates in the larger Wyoming towns.²³ Following crusades by religious leaders against gambling, the Wyoming Legislature passed an anti-gambling act in 1901. After that success, the same groups turned their attentions to temperance and prostitution, but much of their gains were local. City councils in towns like Laramie and Cheyenne did license establishments and pulled licenses of those not conforming to stringent local rules. This delegation of power, initially made by territorial legislatures in city charters, was challenged in the late 1890s when the Cheyenne City Council refused to re-license what they believed had become a troublesome saloon. The Wyoming Supreme Court ruled that the state legislature may not only regulate and restrain sale of intoxicants, but may entirely prohibit it.²⁴ Further, such legislative police power may be delegated to any incorporated place. The victory for temperance forces was small, however. Municipalities could regulate drinking, but the state backed away from an active role.

20. OHIO REV. CODE § 6946 (1896), as cited in *Theis v. State*, 43 N.E. 207 (Ohio 1896). The Georgia statute was upheld in *Bulter v. State*, 15 S.E. 763 (Ga. 1892).

21. For the ban on liquor in mines and other industrial areas, see LAWS OF WYOMING, ch. 58, § 1 (1905).

22. For banning all liquor from Big Horn Hot Springs State Park, see 1889 Wyo. Sess. Laws, ch. 39 § 6, codified at REV. STAT. WYO, div. I, § 7-8-705 (1899).

23. For an example of just such a crusading pastor, see William Howard Moore, *Voice in the Wilderness: H. V. Rominger and the Social Gospel in the West*, 58 ANNALS OF WYO. 8-15 (Spring 1986).

24. *State ex rel. Noble v. City Council of Cheyenne*, 52 P. 975 (Wyo. 1898).

Yet, the proliferation of saloons and liquor establishments in outlying areas, outside the reach of city council regulation, caused reformers to seek additional legislative action to regulate liquor sales. In 1909, the Wyoming Legislature passed an act prohibiting the sale of liquor outside of the limits of an incorporated city or town. While the measure was intended to control liquor sales, an unintended consequence was a rapid increase in the number of incorporated towns in the state.²⁵

While success in Wyoming was uneven, reformers in Congress were making steady gains in forcing Prohibition anywhere in proximity of a federal installation. At the same time, Wyoming saloon men watched with increasing concern as neighboring states, one by one, went "dry." Prohibition came to Colorado in 1914; Idaho in 1915; Nebraska, South Dakota, and Montana in 1916; and Utah in 1917.²⁶ At first, business increased substantially, particularly for saloons in Wyoming towns close to the borders of neighboring dry states. Utah's biggest brewer, Becker Beer, moved their brewery operations across the border to Evanston, Wyoming.²⁷ Colorado officials complained that nearly every car coming south from Cheyenne likely contained contraband alcohol. As a result of such complaints, Congress outlawed interstate transportation of liquor into "dry" states. Enforcement was placed with the Department of Justice.²⁸

With the exception of violations of city ordinances in a handful of towns, some licensing requirements, and some limitations of liquor traffic to particular types of camps and structures, Wyoming saloon men and keepers of brothels were at no direct risk from Prohibition enforcement as long as they did not try to export the product to surrounding states. Certainly, they saw no difficulties in providing their respective

25. The incorporation of Kaycee is a legendary example. Lacking sufficient population in the town for incorporation requirements, townsmen decided to extend the town borders far enough in all four directions to absorb the populations of nearby ranches, thus giving the town sufficient population for incorporation. The only purpose was the ability to retain the local saloon. The constitutionality of the statute was challenged in *State v. Natrona County*, 105 P. 296 (Wyo. 1909).

26. T. A. LARSON, *HISTORY OF WYOMING* 408 (University of Nebraska Press 1965) (1978). By 1912, a large part of Colorado "had been dried out by local option," effectively bringing de facto Prohibition to the state two years before the legislature officially adopted statewide prohibition. See W. E. West, *Dry Crusade: The Prohibition Movement in Colorado, 1858-1933*, at 212 (1971) (unpublished doctoral dissertation, University of Colorado).

27. ELIZABETH ARNOLD STONE, *UINTA COUNTY: ITS PLACE IN HISTORY* (Laramie Printing Co. 1924).

28. An Act to Authorize the President to Increase Temporarily the Military Establishment of the United States, sess. I, ch. 15, § 12 (1917). The popular press occasionally would refer to it as the Selective Service Act.

products and services to active-duty soldiers. That luxury disappeared as World War I was beginning. Congress passed a law authorizing federal prosecution for “immoral acts near military bases.” The law had an oddly innocuous title: “An Act to Authorize the President to Increase Temporarily the Military Establishment of the United States.” But along with providing for munitions purchases and enlistment drives, the law passed on May 18, 1917, also made it a criminal act to “sell, barter, give, serve and knowingly deliver to a soldier” alcoholic beverages.²⁹

Passage in Congress followed a barrage of petitions being introduced from various Prohibition groups, church organizations and concerned citizens.³⁰ The view of Prohibition proponents was summed up by Representative Cooper of Ohio: “If my boy goes to the trenches of Europe and is killed in battle, I do not want him to be filled up with whiskey when he draws his last breath.”³¹

The congressional act, passed as a wartime measure, brought criminal prosecution for prostitution as well. While the Wyoming legislature outlawed prostitution, the law was rarely applied.

In the thirty-seven states with Prohibition in force, the 1917 act served simply to bolster local prohibition agency efforts. In Wyoming, the Department of Justice and the U.S. Army, working in concert, were to become the only significant non-municipal governmental forces against “demon rum” and the “bawdy house.” The act called for imprisonment of up to one year and a fine of up to \$1000 for those convicted of violations. In the case of keeping saloons away from military posts, the “prohibition zone” was set at five miles in non-incorporated areas; one-half mile in incorporated places.³² Operators of brothels located less than five miles from any military base, regardless of whether or not they operated in incorporated places, were subject to the same punishments as sellers of liquor.

Consequently, the first systematic enforcement of rules over these mostly moral questions came, not from the State of Wyoming, but from the federal government acting through the United States Army and

29. *Id.*

30. See, for instance, introduction of several petitions during the debates over the measure, including a petition from the Northern Baptist Convention (55 CONG. REC. 2530 (1917)), the New Hampshire Federation of Women’s Clubs, proposing a five-mile zone of prohibition, (*id.* at 2530), and a series of individual petitions.

31. 55 CONG. REC. 2564 (1917).

32. DIGEST OF OPINIONS, Bulletin 45, p.2 (Adjutant General’s Office) (Sept.-Oct. 1917).

the U.S. Attorney's office. Federal law, bolstered by Army regulation and Department of Justice enforcement methods, brought the first Prohibition cases to trial in Wyoming.

In the six months following congressional passage of the law, a series of army regulations clarified the statutes. The adjutant general ruled that seizure of liquor from civilian locales off base could not be attempted without receipt of a search warrant from civilian authorities. Further, the "regulations are to be enforced through the Department of Justice." In places where Prohibition already was in place, the adjutant general concluded that "the commanding officers should request local authorities to enforce rigidly and vigorously the local statutes and regulations as to intoxicants and vice and should cooperate with them so far as possible."³³

Thus, Wyoming's U.S. Attorney, Charles Rigdon, became the enforcer of Prohibition in Wyoming, albeit, with the limitations of federal law. Fortunately for temperance proponents and zealous Army commanders, the duty fell to a willing prosecutor.

Rigdon, born in 1876 in Jasper County, Illinois, had been educated in Plainview, Kansas, where Prohibition had been in effect for more than a generation. He came to Wyoming in 1898, graduated from the University of Wyoming four years later, and returned to Kansas to attend law school. Following graduation from the University of Kansas Law School in 1904, he returned to Wyoming, establishing a private law practice in Wheatland. In 1908, he was elected county prosecuting attorney for Laramie County, a rarely gained victory by any lawyer from outside of Cheyenne, the county seat. Two years after fellow Democrat Woodrow Wilson won the presidency in 1912, Rigdon began service as Wyoming's U.S. Attorney.³⁴

Soon after Wilson was elected in 1912, the Democratic president appointed Daniel F. Hudson as Wyoming's United States Marshal. A native of Salt Lake City, Hudson had been a cattleman in central Utah for three years and a farmer in Missouri for two years, before moving to the Lander area in 1884. Twelve years later, his ranching operation was sufficiently prosperous that he established the town of Hudson where he was president of the local bank. In 1911, Governor J. M. Carey appointed him state game warden, a position he held while he also served

33. *Id.* at Bulletin 67.

34. C. S. PETERSON, MEN OF WYOMING 313 (1915).

as Fremont County commissioner. Like Ridgon, his appointment as U.S. Marshal began in 1914.³⁵

The U.S. District Judge for Wyoming was John A. Riner, a veteran judge and, by 1917, a legal institution in the state. Appointed at statehood in 1890, he would serve until 1921, dying two years later. He was to preside over dozens of prosecutions for Prohibition and prostitution violations.

Riner's views toward Prohibition were less sympathetic than the U.S. Attorney or U.S. Marshal, at least according to his successor, T. Blake Kennedy. In his unpublished memoirs, Kennedy tells of Riner's troubles with Prohibition agents in Colorado. One night, Riner was driving his late-model, large black automobile back from a judicial conference in Denver when Colorado state Prohibition agents, assuming he was a "rum-runner," gave chase. The U.S. District judge, thinking the men were robbers, outran the officials but not without bullet holes pocking his vehicle from the zealous enforcers.³⁶

In terms of legislative action, Wyoming still remained relatively free of Prohibition legislation—at least at the state level. During the interval when Wyoming soldiers were being drafted for World War I service and the state's temperance forces were gaining political strength, the only consistent enforcement of temperance statutes was at the federal level and prosecuted in Riner's court.

A Cheyenne woman, Maude Ensign, gained the dubious distinction of being the first person arrested and charged with violating the five-mile limit on brothels. Charges against her were filed on October 23, 1917, for "setting up a brothel on or about Sept. 27, 1917," near Fort D. A. Russell (now Warren Air Force Base). She entered a guilty plea and was sentenced to three months in the Uinta County Jail. Similar charges against Dora Hope were filed soon after and Hope, too, received a three-month sentence to be served in Uinta County.³⁷ During the next year and a half, fifty-two cases were brought against alleged operators of

35. *Id.* at 300.

36. T. Blake Kennedy, *Memoirs* (unpublished manuscript, Collection No. 405, Box 1, American Heritage Center, University of Wyoming, Laramie). For stories on Prohibition, see, in particular, chapter 24.

37. Criminal case file 759 (Ensign) and 760 (Hope), U.S. District Court for the District of Wyoming, held in RG 21, Wyoming Criminal Cases, 1890-1925, National Archives, Denver Branch. In future references, the cases will be noted by case file number only.

brothels, primarily in Cheyenne, apparently located inside the five-mile zone around Fort D. A. Russell.³⁸

The next case filed in Riner's court indicates that the military had begun targeting Cheyenne area saloons for making illegal sales to soldiers. Merwin E. Oliver and Waldo H. Knepper, both identified as soldiers, testified that Cheyenne saloon operator Clarence Johnson had sold each of them a pint of whiskey on November 3, 1917. In his initial appearance in Riner's court five days later, Johnson entered a guilty plea and was sentenced to three months in the Laramie County Jail. Thus, he was the first Wyoming saloonkeeper sentenced under the new law.³⁹ During the year and a half period, Riner's court heard an additional sixty-three cases of saloonkeepers and others charged with providing liquor to soldiers. The interstate transport of liquor was the charge against an additional thirty-one defendants. When liquor tax evasion cases are added to this total, Riner's court from 1917 to July, 1919, was filled with various federal liquor violations—all before the adoption of national Prohibition and before Wyoming, at last, joined the other states with a state Prohibition act, taking effect on July 1, 1919.⁴⁰

During the interval prior to Wyoming Prohibition, on several occasions, individuals were charged with violating both the brothel act and for selling liquor to soldiers. Sam Debber, for instance, sold liquor to soldiers on November 21, 1917. At the same time, his "clerk," a woman named Grace Hill, was "using the storeroom of his business," the Coliseum Pool Hall, for "purposes of prostitution." Debber was found guilty on both counts; Hill apparently was not charged.⁴¹

When Beatrice Palmer was charged with operating a "house of ill fame" at 1608 1/2 Bent Street in Cheyenne, she entered a not guilty plea and demanded a jury trial, the first granted in Wyoming under the

38. The count comes from a file by file analysis of the case files held in the National Archives, Denver, and a similar count of cases from the docket books still held in the offices of the U.S. District Court, Cheyenne.

39. Case file 762.

40. Actually, the first filings in Riner's court under the National Prohibition Act were the indictments of Alfred G. Allen and Walter Morgan on May 11, 1920. Both men were fined \$100 and sentenced to three months in the Natrona County Jail. Wyoming Criminal Case files, National Archives, Case file 1135. Previously, on October 9, 1919, a Cheyenne couple, Charles and Edith Leasure, were charged with "selling intoxicating liquor for beverage purposes," a violation of the first Volstead Act. File 1069. Evidently, the sentences did not reform them. Their names appear as defendants in three later cases brought in federal court.

41. Case files 829, 830.

“brothel act.” On November 28, 1917, the jury returned a verdict of “not guilty.”⁴²

The first Wyoming defendant charged with interstate transport of liquor was indicted in November 1917. Glen Bailey was accused of taking eight cases of whiskey to Wellington, Colorado, from Cheyenne (where purchase of it was perfectly legal). The federal jury found Bailey guilty and Judge Riner sentenced him to four months in the Lincoln County Jail. That same month, Mary Jones and Kate Phillips were arrested in the Union Pacific depot in Cheyenne as they were trying to ship two trunks, each containing ten gallons to whiskey, to Ouray, Colorado. Both women pleaded guilty and were sentenced to three months in the Lincoln County Jail.⁴³ No explanation is given as to why they were sent more than three hundred miles across the state for incarceration in Kemmerer. Ironically, after Prohibition came in full force to Wyoming, the Kemmerer area had one of the worst reputations for bootlegging activity.⁴⁴

While few cases were brought in federal court during the rest of that winter, by the spring of 1918 a half dozen men were arrested for illegal interstate transport. Cecil Manion was accused of “delivering a trunk full of whiskey to be sent to Eaton, Colorado, from the Union Pacific Depot in Cheyenne.” He entered a guilty plea and paid a \$250 fine. A month later, You Masakawa was charged with almost exactly the same crime, only the trunk’s destination was Denver. He, too, paid a \$250 fine.⁴⁵ Buhl, Idaho, was the destination of another intercepted suitcase full of whiskey and the two men arrested and charged with sending it received sentences of sixty days in jail, to be served in the Platte County Jail in Wheatland.⁴⁶

When Ernest Charles Foster was arrested on April 25, 1918, for selling just one-half pint of whiskey to a soldier, he became the first individual charged with the offense who was not living in Cheyenne. Foster made the sale in Rawlins, but when he pleaded guilty, he was sentenced to sixty days in the Laramie County Jail in Cheyenne.⁴⁷ That fall, a woman in Green River, Jane Virhia, was also arrested for selling a

42. Case file 820.

43. Case files 824 and 825.

44. For Kemmerer’s reputation as a bootlegger hangout, see John R. McFall, *Kemmerer Famous for Moonshine Whiskey*, WYO. BEVERAGE ANALYST, September 1971, at 11, 14, 18.

45. Case files 862, 874.

46. Case file 839.

47. Case file 877.

half-pint of whiskey to a soldier. The final disposition of her case is not indicated in the record.⁴⁸

Again, it should be emphasized that these cases were brought by federal authorities under federal laws when the sale of intoxicating liquors remained perfectly legal within the borders of Wyoming. If charges could not be brought for selling whiskey to soldiers or transporting it across state lines into a "dry" state, the U.S. Attorney could bring charges for failure to pay liquor taxes.

This happened to P. J. Johnson, identified in the case file as "a retail liquor dealer doing business in Rawlins, Wyoming." Investigator C. O. Secrest of the U.S. Department of Internal Revenue, proved that Johnson had not paid taxes on twenty cases of distilled spirits hidden in the basement of his home, ninety cases of whiskey in his attic, ten gallons hidden under hay in the barn, and "fifty quarts of whiskey in quart bottles in a barrel covered by a saddle and old harness" in the barn.⁴⁹ Johnson must have been "hiding" his products to avoid paying the tax because sale and distribution within Wyoming was legal at the time.

By the end of 1917, the number of soldier sales cases continued to mount. Most of these defendants entered guilty pleas in the cases, charging them with making liquor sales to soldiers. The routine sentence was between thirty and sixty days in a Wyoming county jail.⁵⁰ Interstate transport, often involving substantially more than a pint or two of whiskey, nonetheless brought sentences of a similar duration. The house of ill repute cases, on the other hand, resulted in a wider variety of sentences, with sentences carried out at a variety of county jails around the state.

Into the spring of 1918, more houses were "busted" for prostitution. Interpretation of a "house of ill repute" seemed to broaden. For example, on May 15, 1918, Chet Ives, 2305 Bent Street, Cheyenne, entered a guilty plea for "transporting two women for prostitution within five miles of a military post." There was no accusation that he operated a brothel. It was sufficient that he brought them into the five-mile zone for prostitution purposes. Judge Riner fined him \$25.⁵¹

48. Case file 884.

49. Case file 841, P. J. Johnson, search of premises authorized by a warrant issued on Nov. 10, 1917.

50. See, for instance, case files 845, 846, 847, all cases brought the weekend before Christmas, 1917.

51. Case file 900.

The effect of these cases brought in federal court in Wyoming from 1917 to 1919, often with the active involvement of soldier-informants, was to continue pressuring "saloon men" in the state as a means of discouraging alcohol consumption and sales. Soldiers, supposedly, were the victims to be protected under both the sale of liquor to soldiers act and the "brothel boundary" law. The federal law also controlled out-of-state purchases of whiskey shipped from Wyoming merchants. If a saloonkeeper ascertained his customers were not in military service and he did not try to ship intoxicants to a neighboring state, carry it into one state park, into mines, or to a military post, he could continue to operate his business, subject only to local ordinances.

But that all changed in July 1919, when Wyoming became the last state in the Rocky Mountain region to adopt Prohibition. Passage of the Eighteenth Amendment to the United States Constitution emphasized that the era of the saloon was over. The volumes of cases in federal court in Wyoming along with the caseload in state courts increased dramatically during Prohibition. Credit for pioneering such prosecutions in Wyoming must go to the United States District Court and the U.S. Army. Through the federal laws, Wyoming was dragged, willingly or not, toward Prohibition.

