

Bottled Conflict

Keokuk and the Prohibition Question, 1888-1889

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JOHN N. IRWIN's letter to the Keokuk city council dated April 8, 1889, demonstrated both his frustration with Iowa's prohibitory liquor law and his determination to enforce it. Irwin, the outgoing Republican mayor of the Iowa river town, had lost a week earlier to Democrat John E. Craig in a heated mayoral battle, fought largely over the liquor question and enforcement of the state's 1884 prohibitory statute. As the senior alderman read aloud Irwin's final reflections on his two-year term as mayor, the remaining council members and Mayor-elect Craig must have realized that the letter had been penned by a politician, who, though sick in bed, firmly believed in a cause he had been supporting for over a year.

I believed it was right when the law was enforced and I as earnestly believe now it was right. I would not change that action for any honor my fellow citizens would give me. It must be understood fully that the action was my own free will. No one asked for advice and no one gave it. I alone closed the saloons, and it is needless to say that I did not regret it for an instant. On obedience to all laws, I took my stand. God help me, I could not do otherwise.¹

1. *Constitution-Democrat*, 9 April 1889.

In Irwin's last official comment as mayor, he steadfastly defended the very action responsible for his defeat: his year-long attempt to enforce Iowa's prohibition law and to abolish saloons from the streets of Keokuk.

Irwin's failure to defend successfully prohibition enforcement and saloon closings in his re-election bid is important for several reasons. First, it proved to Iowa politicians in 1889 that a political campaign opposing such absolute prohibition, in this case, the campaign conducted by Democrat Craig, could be successful at the polls. Democrats quickly took the lesson of Keokuk to heart and in September, nominated Horace Boies of Waterloo for governor. The 1889 gubernatorial campaign was waged almost exclusively over the liquor issue. The Keokuk episode did, indeed, prove applicable for the rest of the state: Boies's public opposition to prohibition moved most of Iowa's cities into the Democratic camp and catapulted the Waterloo lawyer into the statehouse. Not since 1850 had Iowa's governorship gone to a Democrat and not until 1932 would another Democrat succeed Boies. The Keokuk liquor conflict marked a pivotal point in Iowa's political history, giving the Democrats a solid electoral precedent with which to break the state's long Republican tradition.²

Second, the Keokuk story contains a study, in microcosm, of a larger dilemma faced by midwesterners in the latter quarter of the nineteenth century, that of prohibition enforcement and legislation of community morals. Richard Jensen, in *The Winning of the Midwest*, argues that the prohibition question was more than merely a political issue. Rather, he states, it was part of a greater social conflict, pitting liturgical religious groups against pietists, immigrants against "nativists," urbanites against rural factions, a dispute which called into question public en-

2. For a detailed account of the Iowa gubernatorial election of 1889 and the prohibition issues involved, see Chapter 4, "Iowa, Wet or Dry? Prohibition and the Fall of the GOP," in Richard Jensen, *The Winning of the Midwest: Social and Political Conflict, 1888-1896* (Chicago, 1971), 89-121. A more detailed study of Boies's career can be found in Jean B. Kern, "The Political Career of Horace Boies," *Iowa Journal of History* 47 (July 1949), 215-246. For a view of Boies and his political career in the wider context of Iowa history, see Leland Sage, *A History of Iowa* (Ames, 1974), 209-210.

forcement of private morals. The Iowa legislature in the 1880s, dominated by rural interests and influenced greatly by the pietist Methodist church, sought to impose its temperance sentiments on the state through statute law. Keokuk, among the largest cities in Iowa and the center of a sizable immigrant population, rebelled against that attempt by turning from office a mayor who sought to carry out the prohibition laws. Irwin's political defeat is, in part, explained by this larger social conflict, a conflict which found expression throughout the rest of the Midwest.³

Liquor prohibition had played a role in Iowa politics well before the 1880s. The 1855 General Assembly, with the support of Governor James Grimes, adopted a prohibitory liquor law modeled after a similar statute passed four years earlier in Maine. Enforcement of prohibition, however, proved nearly impossible in the state, and in 1858, in response to the growing number of German immigrants, the law was weakened to permit the manufacture and sale of beer, cider, wine, and ale. This, together with the law's growing unpopularity, forced most law officials to abandon enforcement.⁴

A Burlington meeting of the Women's Christian Temperance Union (WCTU) in 1878 revived the issue when state president J. Ellen Foster suggested that the organization lobby for a state constitutional amendment outlawing liquor traffic. Temperance groups and their allies were able to apply enough pressure on the 1880 session of the Iowa General Assembly to pass the amendment, and the next session approved the bill a second time, as required by Iowa law. In a special election in the summer of 1882, voters approved the amendment—155,436 to 125,677. Opponents of the amendment, however, quickly took the issue to the Iowa Supreme Court. The court nullified the vote by ruling that the amendment was

3. A full discussion of the conflict between midwestern "wets" and "drys" and the underlying social and cultural tensions is found in Chapter 3, "Pietists and Liturgicals: The Religious Roots of Partisanship," in Jensen, *Winning of the Midwest*, 58-88.

4. Dan Ebert Clark, "The History of Liquor Legislation in Iowa, 1846-1861," *Iowa Journal of History and Politics* 6 (January 1908), 72-74, 86-87.

technically invalid: Each session of the legislature had approved bills which were slightly different in language.⁵

Despite the setback, state temperance forces soon renewed their efforts. Abandoning the long process of amending the state constitution, supporters in the 1884 Iowa Legislature passed a bill outlawing the manufacture and sale of all liquor in the state. Brewers and vendors of liquor intended for "medicinal, sacramental, mechanical, and culinary purposes" were exempt from the law, if they met state reporting, licensing, and book-keeping requirements. Carriers from outside Iowa were forbidden to bring liquor into the state unless they held a certificate from the state auditor. In transporting liquor to a buyer in Iowa, carriers had to provide the state with purchasers' names to ensure that they were authorized to sell. In order to facilitate local compliance, fines collected from violators were to be divided between the informer and the county school fund. This last clause was important: Enforcement of the law depended almost entirely on local police forces.⁶

Prohibition enforcement met with mixed results throughout Iowa after it became effective on July 4, 1884. The law generally was followed in areas with strong temperance sentiment and ignored in others. The legislature attempted to meet this challenge in 1886 by passing the "Clark Bill," which made action against liquor violators the duty of district and county attorneys. Penalties for transporting illegal liquor into Iowa were increased and the offense was defined in more detail. According to one Iowa historian, the "Clark Bill" made liquor possession and sale penalties so heavy that they could not be disregarded. "The question now was largely one of whether public sentiment in various communities was strong enough to insist upon the enforcement of the law and whether the Prohibitionists would live up to their principles."⁷

5. Dan Ebert Clark, "The History of Liquor Legislation in Iowa, 1878-1908," *Iowa Journal of History and Politics* 6 (October 1908), 501-527.

6. *Ibid.*, 540-541; Iowa, *Acts and Resolutions*, 20th General Assembly, 1884, 146-151.

7. Iowa, *Acts and Resolutions*, 21st General Assembly, 1886, 81-86; Clark, "History of Liquor Legislation, 1878-1908," 552-553.

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Despite the added provisions, enforcement still remained a function of local communities. Lacking a statewide police force, Governor William Larrabee, a staunch prohibitionist, could do little more than issue a proclamation on May 3, 1886, calling on "all citizens to lay aside partisan differences, and by united and determined efforts banish the dram-shop from Iowa." Declaring that he would give no executive clemency to willful violators, Larrabee wrote,

Let the priests, ministers, teachers, and the press use their best efforts to enlist the moral forces of the State in this cause — Let the Judges, attorneys, and other officers of the courts, be painstaking and persistent in enforcing the law, both in letter and spirit — Let the sheriffs and peace officers be fearless and vigilant, and let the mayors and all other municipal officers awaken to new zeal in their efforts to secure its observance.⁸

Still, in areas where anti-prohibition forces were in the majority, such as Burlington and Dubuque, the law was largely ignored. One such Iowa town was the Lee County community of Keokuk.

The southernmost town in Iowa, Keokuk began as a trading post at the intersection of the Des Moines and Mississippi rivers in the 1820s. The settlement quickly acquired a reputation for lawlessness as land disputes spawned tensions among settlers in the 1820s and 1830s. After most major land claims were settled, the community grew rapidly in the 1840s as an outfitting station for pioneers and as a leading stop for boats along the Mississippi River. Most of those arriving in Keokuk during the 1840s were Irish immigrants, followed by a large German population. Residents glowingly spoke of the town's future as a major trading center linking St. Paul and New Orleans and nicknamed Keokuk the "Gate City." In the 1850s, Keokuk developed into a boomtown with expanding merchandising and shipping industries. Industry and commerce declined, however, in the latter half of the decade, and Keokuk became, according to a report by the Keokuk Industrial

8. Benjamin F. Shambaugh, ed., *The Messages and Proclamations of the Governors of Iowa*, 7 vols. (Iowa City, 1904), 6: 212-213.

Association, "an old fashioned river town but with a good stable business to insure the continuation of a slow growth."⁹

By the mid-1880s, Keokuk had developed into a community of more than 13,000 residents, becoming the eighth largest city in Iowa. Almost a fifth of the population was foreign born: Irish and German immigrants each made up about a quarter of that total with Swedish, Dutch, and English natives comprising most of the remaining immigrant population. The city was large enough to support three newspapers: the daily *Republican Gate City*, the daily *Democratic Constitution-Democrat*, and the weekly *Keokuk Post*, a German newspaper. There were twenty-one churches, including four Baptist and three Presbyterian congregations. Two railway companies had offices in Keokuk along with three banks and four building and loan associations. The 1886 city directory lists thirty-two incorporated companies within the city limits. And, despite the state law outlawing them, forty saloons dotted the streets and alleys of Keokuk, including thirteen on Main Street.¹⁰

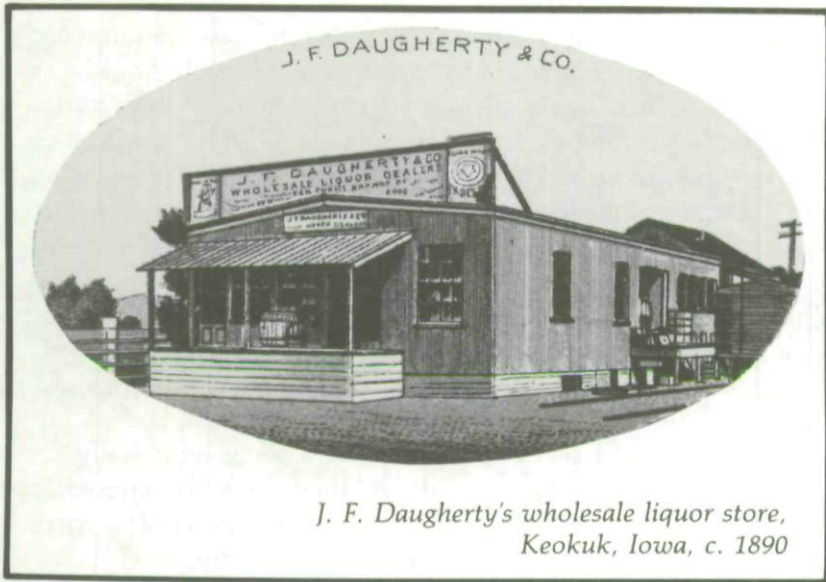
Along with the residents of other river cities, many in Keokuk were suspicious of prohibition. During the 1882 referendum on the constitutional amendment, Keokuk voters rejected prohibition 62 percent to 38 percent; Lee County voters as a whole cast their ballots against the measure, 3552 to 2290. Though the amendment had the support of the state Republican party, the *Gate City* opposed it, arguing that the state had no right to interfere in the private lives of its citizens. Once the 1884 law was enacted, however, the Keokuk city government had to respond.¹¹

9. Keokuk Industrial Association, *A Survey of the City of Keokuk, Lee County, Iowa* (Keokuk, 1914), 1-6; Faye Harris, "A Frontier Community: The Economic, Social, and Political Development of Keokuk, Iowa, from 1820 to 1866," (Ph.D. dissertation, University of Iowa, 1965), 21, 40-46, 119; *Portrait and Biographical Album of Lee County, Iowa* (Davenport, 1887), 621-623; William Petersen, "Crossroads of Empire," *The Palimpsest* 32 (October 1951), 388-390, 397; *Keokuk History, 1820-1906* (Keokuk, 1906), 7.

10. *Census of Iowa for the Year 1885* (Des Moines, 1885), *Keokuk City Directory for 1887* (Keokuk, 1886), 312, 340, 344-346; *Gate City*, 1 May 1888.

11. *Gate City*, 22 March 1888, 2 April 1889; Jensen, *Winning of the Midwest*, 104.

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*J. F. Daugherty's wholesale liquor store,
Keokuk, Iowa, c. 1890*

Several factors made enforcement extremely difficult in Keokuk. First, the river traffic through the city created a demand for the sale of intoxicating liquor. Keokuk businessmen favored an "open saloon" policy, fearing that total prohibition would drive business to neighboring towns in Illinois and Missouri. Second, the Irish and German populations in Keokuk carried with them traditions of liquor consumption. Third, Keokuk's geographical location made it nearly impossible to prohibit the flow of liquor into the city. In contrast to cities in the interior of the state, Keokuk was located next to the Missouri and Illinois, two "wet" states economically and socially linked to the city. Against these difficulties, the task faced by the city government was not how to enforce the law, but how to provide for the liquor traffic that seemed inevitable.¹²

Keokuk mayor Edmund Jeager and the city council solved the problem in 1885 by following the example of Council Bluffs, another river city which had faced trouble enforcing the law, and passed an ordinance establishing liquor licenses. Under the statute, a merchant paid one hundred dollars per quarter to

12. *Chicago Tribune*, 14 February 1888; F. Faulkner, *Iowa's White Elephant* (Cedar Rapids, 1893), 20.

"open or keep a house, room, or place of public entertainment within the city of Keokuk for the sale of such liquids as beverages as are not prohibited by the laws of the state." Though the wording of the ordinance fell within the law, critics asserted that, in effect, it sanctioned liquor traffic by licensing and giving legal protection to shops of "public entertainment." By bringing such shops under the law, claimed "drys," the city protected institutions which would inevitably serve intoxicating liquors. The city action made it more difficult to convict Keokuk merchants serving liquor, since they could claim protection for running licensed shops of "public entertainment." Merchants, however, objected to the licensing fee and refused to acknowledge that part of the ordinance. They were quickly arrested and had their shops closed until they agreed to pay. After the initial conflict, which lasted about three days, shop owners complied and continued their business undisturbed.¹³

Members of the Temperance Alliance, an umbrella unit of the city's prohibition organizations, claimed that the licensing plan was a violation of state law. Led by Keokuk attorney H. Scott Howell, the Alliance fought the ordinance in court, but the effort failed due to ambivalent rulings on whether the state had the right to pass a prohibitory law. One legal question was still left unanswered—whether prohibition infringed on citizens' private rights as guaranteed by the constitution. The prohibitory law, anti-prohibition lawyers contended, unjustly deprived liquor dealers of property purchased under the protection of law. According to Howell, temperance supporters became "discouraged and concluded to wait until the questions raised were settled on appeal in other cases."¹⁴

THE LICENSING ORDINANCE had become firmly established as city policy when John N. Irwin was elected mayor in April 1887. Irwin, beginning his fourth term as the city's chief ex-

13. *Iowa State Register* (Des Moines), 5 February 1888; Clark, "History of Liquor Legislation, 1878-1908," 546; *Constitution-Democrat*, 16 February 1888.

14. *Iowa State Register*, 5 February 1888.

ecutive after a nine-year absence, carried with him a distinguished record in both law and business. Irwin graduated from Dartmouth College and was admitted to the Iowa bar after studying law with two future Supreme Court justices, Samuel F. Miller of Keokuk and Stanley Matthews of Cincinnati. He first entered politics in 1876 when he was elected to the first of three consecutive one-year terms as mayor of Keokuk. In 1881, Irwin was elected as a Republican to the Iowa House of Representatives, and in 1883, President Chester A. Arthur appointed him governor of the Idaho Territory. He resigned this post after one year to return to his family's dry goods business in Keokuk.¹⁵

The city political leadership had nominated Irwin and he ran without opposition. He took office, according to the Keokuk newspapers, under the "expressed pledge or reasonably implied pledge" that he would confine his administration to the enforcement of local laws, while leaving state law to state officials. In other words, the mayor accepted the status quo of licensing saloons and refused to use the city police force to carry out the state prohibitory act. He, along with Keokuk business interests, argued that vigorous enforcement of the law should be suspended until the United States Supreme Court had answered all questions on state prohibition.¹⁶

The Supreme Court issued its long-awaited decision on December 5, 1887, and provided the prohibitionists with just the argument they needed to demand enforcement. In the case of *Mugler vs. Kansas*, the high court upheld the constitutionality of state prohibitory laws, declaring that the statutes did "not necessarily infringe any right, privilege, or immunity secured by the Constitution of the United States or any Amendment thereto." Lawyers for brewer Peter Mugler of Salina, Kansas, argued that the Kansas prohibition law deprived their client of the right to manufacture and sell liquor without the 14th

15. "Memorable Deaths," *Annals of Iowa* 7 (January 1906), 319; Edgar Rubey Harlan, *Narrative History of the People of Iowa* (New York, 1931), 418; *Constitution-Democrat*, 23 March 1889; *Iowa State Register*, 9 February 1888.

16. *Muscatine News* reprinted in the *Gate City*, 1 January 1889; *Chicago Tribune*, 30 March 1889.

amendment's protection of "due process of law." The court tossed aside the argument and stated that government

has the constitutional power to declare that any place kept and manufactured for the illegal manufacture and sale of intoxicating liquors shall be deemed a common nuisance, and be abated; and at the same time to provide for the indictment and trial of the offender.

The decision further stated that police powers could confiscate liquors from owners "without compensating them for the diminution of its value. . . ." ¹⁷

In Iowa the decision led to a series of liquor arrests around the state. In one week in Iowa City, twenty parties were indicted for liquor sales; in Burlington, the sheriff seized three of the city's largest breweries, representing property and goods worth \$150,000. The mayor of Williamsburg ordered the county sheriff and city marshall to close the town's saloons, resulting in twenty barrels of beer and several gallons of whiskey confiscated. In Sioux City, the county board of supervisors decided against issuing liquor permits in the coming year. ¹⁸

Pressure for enforcement also accelerated in Keokuk. In January at a public meeting called by the Temperance Alliance, members discussed plans to force the city government to close Keokuk's saloons. The group prepared a petition signed by forty selected Keokuk citizens and presented it to Irwin on January 9. According to a temperance leader, the petition's signatories included "men of all politics and religions and no religion, Republicans, Democrats, Greenbackers, Protestants and Catholics, white and colored, preacher and laymen, G.A.R. men, reformed men and men who never drank, merchants, lawyers and laborers, rich and poor men and the W.C.T.U. of Keokuk." Alliance members argued that the Supreme Court ruling had answered all questions on the prohibitory law. They pointed to the city charter, which Irwin had

17. *United States Reports*, vol. 112, Cases Adjudged in the Supreme Court at October Term, 1888 (New York, 1904), 623-624.

18. *Waterloo Reporter*, reprinted in the *Gate City*, 27 January 1888; *Gate City*, 27 January 1888; *Iowa State Register*, 7 January, 1 February 1888.

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sworn to obey, and reminded him of the mayor's duty to "take care that the criminal laws of the state . . . are duly respected, observed and enforced within the city limits."¹⁹

The Alliance was not alone in its plea for obedience to the prohibitory law. Both Democratic and Republican newspapers in Keokuk endorsed saloon closings. Though admitting that it did not believe in prohibition, the *Gate City* said that enforcement of the law overrode the anti-prohibition argument, ". . . we are deluding ourselves if we think the people of Iowa are going to let the people and officials of some towns and cities nullify the state prohibitory law." The *Constitution-Democrat* took the same position: "Democrats are as much opposed to drunkenness and the evils of liquor as anybody, but do not believe in prohibition. . . . But Democrats are in favor of law and order; . . . they do not put laws on the statute books which they do not enforce."²⁰

With petition in hand, Irwin retired to his office to ponder his next move. The mayor personally favored the licensing policy, but his legal training told him that the Supreme Court decision, the prohibitory law, and his vow to obey the city charter meant one thing: The Keokuk saloons must go. Irwin also knew that failure to enforce the state statute would spawn troublesome, expensive, and lengthy litigation that could drain the public treasury. Irwin's political instincts, on the other hand, undoubtedly recognized the immense difficulties of enforcement. Keokuk contained forty saloons and police action against these merchants would most certainly create tensions throughout the city. Keokuk's economic base as a river town invited travelers and merchants from outside Iowa who might choose to ignore the prohibition restrictions. Also, a crackdown would probably invite expansion of the liquor traffic from "wet" Illinois and Missouri. One thought, however, probably weighed heavily on Irwin's mind: The Republicans in 1889 would be looking for a strong candidate to succeed William Larrabee as

19. *Iowa State Register*, 5 February 1888; *The Charter and Ordinances of the City of Keokuk together with Acts of the General Assembly of the State of Iowa Relating to the City* (Keokuk, 1887), 32.

20. *Gate City*, 22 March 1888; *Constitution-Democrat*, 14 November 1887.

governor. Irwin had been mentioned as a possible candidate in several Iowa newspapers, including the influential *Iowa State Register* of Des Moines, the voice of the state Republican party, which described him as "one of the party's strong men." Irwin's efforts to enforce prohibition in a difficult situation probably would earn him respect in Republican circles. They also would ensure support from temperance advocates, a powerful force in the state Republican party.²¹

Irwin settled the question on March 17 when he issued a proclamation ordering the Keokuk saloons closed by May 1. He overrode the city licensing ordinance by using his power in the charter to "issue all needful process for the apprehension of all offenders against any of the by-laws, ordinances or regulations" of the city and state.²² Writing in a blunt and candid style, the mayor declared that, while he opposed prohibition, "The people of Keokuk are citizens of Iowa and subject to the laws of the state." He recalled the 1887 election and admitted that there "was certainly a tacit understanding at least that the status existing at the time should be undisturbed." The current question, wrote Irwin, was not prohibition, but obedience to the law.

Is it our duty to obey the law or not? Can we as citizens of the State choose what laws we will obey and what laws we will disobey or ignore? If we ignore one law, can we not ignore others and does not such disobedience of one law of the state engender a contempt for other laws?²³

By highlighting the need to honor the legal code, Irwin reduced the prohibition question to a secondary issue.

Both Keokuk newspapers lauded the mayor's decision. The *Gate City* wrote that the mayor had no choice in the matter: "Keokuk could not set up a rebellion against the state." The *Constitution-Democrat* praised Irwin's move by citing his ability to take action: "Weaker men would have acted the coward

21. *Keokuk City Directory*, 1887, 321; *Cedar Rapids Republican*, reprinted in the *Gate City*, 8 January 1888; *Clinton Herald*, reprinted in the *Gate City*, 10 January 1888; *Iowa State Register*, 8 February, 18 February, 1888; *Constitution-Democrat*, 4 January 1889.

22. *Charter and Ordinances of Keokuk*, 32.

23. *Iowa State Register*, 18 March 1888.

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or the perjurer. Mayor Irwin . . . rises above the occasion and commends himself to all fair men by doing right." The *Iowa State Register* published the proclamation on its front page, together with two columns of commentary in praise of Irwin. The *Register's* headlines referred to it as "A Novel Courageous Proclamation From a Mayor of Honor and Conscience" that "Will Ring All Through Iowa and Delight the People." While acknowledging that enforcement would be difficult, the paper expected him to succeed because his proclamation showed "that nothing can be said or done that will change him in his determination."²⁴

Newspapers throughout the state joined in praise of the decree. The *Osceola Standard* said that Iowa's prohibition history "will never have anything in it of greater interest than the example of conscientious courage given by John N. Irwin." The *Decorah Republican* wrote, "We do not know when we have read of a document that so grandly rings out that a man is behind it, who is neither a coward, a shirk nor a law breaker. There is vigor, nobility and courage to it. . . ." ²⁵

But the statewide support did not help with enforcement in Keokuk. To add to Irwin's headaches, members of the city government did not support his policy. The *Gate City* in February took an informal poll among the twelve aldermen and found that, out of the nine questioned, three were noncommittal, two favored enforcement, and four opposed it—hardly a mandate for Irwin's action. City marshal A. J. Hardin lamented the passing of the licensing days, saying that Keokuk "has never in 25 years been so easy to police." Angry over the prohibition pressure, he condemned the state law by referring to it as one which "foolishly and unjustly assumes that a couple of townships 200 miles from here should make local laws for the people of Jackson township [containing the city of Keokuk] rather than let the people of Jackson township make local laws for themselves." Irwin's predecessor, James C. Davis, said bluntly, ". . . it is not practical to enforce it and therefore not judicious to interfere with the present arrangement." According

24. Ibid.

25. Ibid., 24 March, 25 March 1888.

to the Keokuk newspapers, some members of the business community were concerned that a crackdown on liquor trade would hurt city commerce.²⁶

Two days after Irwin issued his proclamation, a major blow against temperance efforts was struck from Washington, D.C. The Supreme Court declared in *Bowman v. Chicago and North Western Railroad* that transportation of liquor across state lines through Iowa was legal despite the prohibitory statute. The court ruled that the interstate commerce clause of the Constitution prohibited state government from establishing rules for items of trade from outside the state. It specifically declared unconstitutional an amendment to the Iowa prohibitory statute which denied carriers the right to transport liquor into the state. The opinion, written by Irwin's former mentor, Justice Stanley Matthews, stated that "the right to prohibit sales, so far as conceded to the State, arises only after the act of transportation has terminated. . . ." The ruling allowed liquor dealers to bring their wares into Iowa in unopened packages, but did not give them the right to open the packages for sale. The decision especially damaged prohibition efforts in Keokuk because of the town's close proximity to "wet" states.²⁷

The legal snarls and public discord did not stop the Keokuk Temperance Alliance, led by attorney Howell, from applying pressure on the city and county governments to close the saloons. On April 4, the Alliance publicly announced that it would fight a move by saloon dealers to continue liquor sales through permits obtained from the county board of supervisors. State law gave each county board the right to issue permits to distributors dealing in liquor intended for approved purposes after the applicant posted a three thousand dollar bond and collected signatures from a majority of the legal voters in the township. At the April 11 meeting of the Lee County board in Fort Madison, Howell vigorously scrutinized all permit

26. *Gate City*, 4 February, 16 March 1888; *Chicago Tribune*, 14 February 1888.

27. *United States Reports*, vol. 125, Cases Adjudged in the Supreme Court at October Term (New York, 1888), 465-466, 499; *Gate City*, 29 April 1888.

applicants and forced the board to reject several on technical grounds.²⁸

Howell's actions acted merely as a stall in the controversy. The Alliance was waiting for legislation to take effect which transferred the licensing process from the county board to district judges. Alliance members believed that liquor interests would have a more difficult time obtaining licenses from the nonpolitical judges than from the popularly elected boards. The plan worked. At the April 13 board meeting, members received a telegram from Governor Larrabee announcing that the law had gone into effect that day. The telegram forced the supervisors to end debate on liquor licenses.²⁹

The next day, the Alliance assumed the right to prosecute anyone in Keokuk violating the prohibitory law. In a public statement signed by Howell, the Alliance pledged to "secure and confiscate all intoxicating liquors illegally held . . . and to enforce all penalties of the law." The same day, Alliance members served notices on all city license holders that they must close down on May 1 if their shops violated state statute. On April 20, Howell and R. P. McConaught, secretary of the Alliance, spent the day in the city auditor's office examining the liquor licenses and told a *Gate City* reporter that they hoped to initiate civil and criminal action against liquor violators.³⁰

MAY 1, the day of reckoning, arrived in Keokuk with a flurry of action. The *Gate City* reported that between \$2000 and \$3000 was spent for beer and whiskey on the last evening of April in anticipation of the dry days ahead. The newspaper predicted that liquor would be impossible to obtain for a few days, but candidly admitted that

when the gin mills of Hamilton [Illinois] across that Mississippi River from Keokuk get in full operation and a system of delivery in Keokuk is established and protected by a recent Supreme

28. *Gate City*, 5 April 1888.

29. *Gate City*, 14 April 1888.

30. *Gate City*, 15 April, 21 April 1888.

Court decision, the thirsty may once again indulge their bibulous propensities.³¹

With the proclamation in effect Marshall Hardin notified all saloon dealers that they could not operate a house of entertainment without a license, adding that even "the sale of a single glass of soda water . . . would be sufficient cause for prosecution." By the end of the day, the saloons were closed throughout the city, prompting one newspaper commentator to remark that "Keokuk was so dry, the only way it could be otherwise was through a strong rainfall."³²

The public "dryness" lasted only until May 5. On that day Christopher Hill, acting under the advice of his attorneys, sold beer and whiskey at his home. Expecting to be arrested, Hill purchased the liquor from sources in Missouri and Ohio and sold twenty-four quarts of whiskey and several cases of beer by eleven o'clock in the morning. Hill's legal defense rested on the ambivalent ruling in the Bowman case: In his opinion, Justice Matthews had refused deliberately to rule on the question of whether interstate liquor shipments could be sold in prohibition states in their original packages. Hill and his attorneys— who, according to the *Gate City*, were financed by a "combination of liquor interests"— contended that the court decision sanctioned the sale of alcohol from outside Iowa, as long as the liquor remained in its original package. The Alliance hesitated to take immediate action against Hill and decided to wait until district court held its next session on May 14.³³

While Hill was busy selling his wares, the enforcement net around Keokuk suffered increased strain. Keokuk liquor dealer J.F. Daugherty moved his business to nearby Hamilton, Illinois, after May 1 and issued a circular publicizing the move by promising that "we will be better able to accomodate our friends and especially our Iowa customers. . . ." Several days later, Daugherty formed a transfer company to ship his merchandise to Iowa. Warsaw, Illinois, brewers Peple & Giller further facilitated the flow by providing wagon delivery to Keokuk

31. *Gate City*, 1 May 1888.

32. *Iowa State Register*, 2 May 1888; *Constitution-Democrat*, 2 May 1888.

33. *Gate City*, 5 May, 6 May 1888; *Constitution-Democrat*, 5 May 1888.

residents on May 8. Despite the Irwin proclamation, the *Constitution-Democrat* reported ". . . it is undeniable that drunken men were as numerous on the streets Saturday night as when all the saloons in the city were operating. . . ." ³⁴

Keokuk police closed Hill's operation in mid-May and he appeared before superior court judge Henry Bank. The arguments presented by prosecution attorney Howell and Hill's lawyers resembled the issues discussed in the Bowman case. Hill's attorneys argued that their client's merchandise was interstate commerce and did not fall under the jurisdiction of the city or state. The attorneys also used the defense that payment of tax carried with it the right to sell, and since Hill had been paying a license fee to sell liquor, it was his right to sell it. Howell cited the prohibitory law as the final word on liquor sales in Iowa and referred to *Mugler v. Kansas* as a decision which gave the state the power to regulate liquor sales.

The decision on the case, *Collins v. Hill*, handed down by Judge Bank in late June, stunned prohibition advocates. The judge declared that the sale of liquor in Keokuk from outside Iowa was legal as long as the alcohol remained in its original case during sale. He found Hill guilty, however, because he had sold some bottles separately. When Hill opened the case and sold individual bottles, said Bank, the merchandise fell under the general commerce of the state and the prohibitory law. Bank's decision, however, damaged enforcement efforts by legally sanctioning out-of-state liquor channels. Said the *Gate City*, ". . . unless the decision is reversed, it will have the effect of partially nullifying the prohibition legislation in Iowa." ³⁵

As the Hill case was discussed in court, Irwin applied further pressure to the liquor merchants. On June 1, the city police force "swept down on the saloons . . . like a wolf on the fold," reported the *Gate City*, and brought five saloon-keepers before superior court. A second proclamation from the mayor accompanied the arrests. Warning that the June 1 arrests were "simply the beginning," Irwin emphasized that "all the machinery of the

34. *Constitution-Democrat*, 7 May, 10 May 1888; *Gate City*, 2 May 1888, 9 May 1888.

35. *Gate City*, 2 June, 12 June, 1 July 1888.

law will be put in operation against all violators. . . . " He vowed to enforce prohibition "if an officer has to be placed in every room attempted to be used as a saloon in the city."³⁶

The police force continued strict enforcement throughout the summer. In early August, officers raided tents at the Lee County Fair in Keokuk, seizing five wagon-loads of beer and whiskey and arresting six people. One of those arrested, James Myers, pleaded that he had committed no crime since the liquor he sold remained in the original cases. The subsequent jury trial became the center of attention in the river town for days. The trial ended in confusion when Myers was found innocent: The jury mistakenly had inserted "not" in its written guilty verdict. Despite a signed affidavit by five of the six jurors swearing to Myers' guilt (the sixth man "didn't want to do any more swearing") the judge upheld the innocent verdict.³⁷

By late summer, the city administration claimed it had closed down all the saloons, but legal frustration continued when the police attempted to stop the flow of liquor from outside the state. Marshall Hardin seized alcohol owned by the Hamilton Wine and Beer Company on September 25 and took its representatives to superior court. The firm's lawyers argued that the merchandise had been seized illegally and that the city had acted improperly in holding the liquor. Judge Bank ruled in favor of the Illinois party by declaring it to be the "sole and unqualified" owner of the liquor. He took the measure a step further by fining the city a dollar in damages for detention and costs.³⁸

Arrests continued throughout the fall and winter and reached the point of violence only days before Christmas, marking a turning point in Irwin's efforts to halt the liquor trade. On December 14, Keokuk police raided the office of wealthy Lee County landowner Louis Barnesconi and seized another large supply of liquor. Barnesconi originally left his office after an exchange with police in which he "was inclined to be ugly," only to return several minutes later. While the two

36. *Gate City*, 3 June 1888; *Iowa State Register*, 7 June 1888.

37. *Gate City*, 8 August, 18 August, 19 August, 21 August, 1888.

38. *Gate City*, 25 September, 13 October 1888.

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policemen talked outside, Barnesconi fired a gun at them, and seconds later, jumped down the stairs, and using his ice chest as a shield, continued shooting. By this time, wrote a Keokuk reporter, the police were "fully aroused to a lively apprehension of the situation" and returned the fire. Following several rounds of exchange, Barnesconi ran out of ammunition and surrendered.³⁹

Irwin angrily denounced the violence. He said in an interview with the *Constitution-Democrat*, "if the men who are defying the law think this is the end of the matter, they are greatly mistaken and had better be getting ready to change their minds." On December 16, Irwin issued a third proclamation restating his position:

If the liquor men have a divine right to violate the law the sooner the other citizens find it out the better.

When Marshall Hardin and his officers in the exercise of their sworn duties are met with the menace of murder, as occurred Friday, it is time for all good and law-abiding citizens to consider the gravity of the case and the crime.

All the powers entrusted to me will be used to convict and punish the law breakers.⁴⁰

Barnesconi's trial began on December 17 and the city called as witnesses James and William Donnell, twenty-eight and twenty-two years old respectively, who identified themselves as private detectives from Chicago. They testified that they were hired personally by Irwin and were paid twenty-five dollars a week plus expenses out of the mayor's own pocket to collect evidence against Keokuk merchants covertly selling liquor. The pair unearthed enough evidence to bring fourteen other Keokuk citizens before superior court on charges of selling liquor.⁴¹

Irwin's actions immediately put his administration on the defensive for creating a secret police unit in Keokuk. A letter to the *Gate City* editor was typical of the community response.

39. *Gate City*, 28 October 1888; *Constitution-Democrat*, 19 October 1888.

40. *Gate City*, 22 December 1888; *Constitution-Democrat*, 19 December 1888.

41. *Gate City*, 18 December, 20 December 1888.

Said the writer, "I'm bitterly opposed to the city hiring Chicago detectives to do the work that should be done by the Keokuk police force." Even the Republican *Gate City* condemned the Irwin action: "When a man has to lie, to sneak, to go under false pretenses, to conceal his motives, to snare men in doing wrong, most men and women have a grave doubt whether the end justifies the means. . . ."42

The detective revelation forced Irwin, in effect, to admit that city enforcement of prohibition had failed. By calling in outside aid, the mayor conceded that the city police could not adequately handle the job. Though the use of detectives was meant to crack down on liquor merchants, it proved to Keokuk citizens that prohibition enforcement was weakening.

Private detectives, however, did not stop the Leisy Brothers Company of Peoria, Illinois, from continuing to ship liquor to Keokuk. In a Christmas Eve raid, police confiscated 689 kegs of beer, the largest seizure of the prohibition campaign. Though the action proved the police force could find and arrest liquor dealers, it also provided an example of the massive amount of alcohol being shipped into Keokuk eight months after the May 1 closing deadline.⁴³

AS 1889 BEGAN, talk in Keokuk political circles turned to the municipal election on April 1. The *Gate City* had predicted months earlier that the major campaign issue would be prohibition. The coming election also promised to have ramifications beyond Keokuk's city borders. Said the *Burlington Post*, "All over Iowa people are watching Keokuk to see what she will do in the spring election. There is as much interest in it as though the result was to settle the policy of the state." Indeed, many saw the election as a major test case for the prohibitory law.⁴⁴

Other issues complicated the April elections, however. City finances became an issue after the February 4 city council

42. *Gate City*, 19 December, 21 December 1888.

43. *Iowa State Register*, 25 December 1888; *Constitution-Democrat*, 26 December 1888.

44. *Gate City*, 29 August 1888; *Burlington Post*, reprinted in the *Gate City*, 26 March 1889.

meeting when it became clear that the city could not meet financial obligations due to an unexpected jump in the cost of street repairs. At the meeting, the council passed a resolution authorizing the finance committee to borrow necessary time warrants. A statement prepared by the city clerk showed that the city expected to go into debt by about twelve thousand dollars for the year ending March 11, 1889.⁴⁵

Keokuk Democrats now could foresee Irwin's political demise. The party's policy, reflected in the *Constitution-Democrat*, was to agree with the Republican claim that saloons were banished from Keokuk, therefore eliminating prohibition enforcement as an issue. To bring up prohibition would force the Democrats to take a position on the question. A stance against prohibition would make the Democrats vulnerable to a charge of favoring nullification of state law; a position in favor of the law would alienate anti-prohibition voters. Instead the Democrats sought to capitalize on the condition of city finances.⁴⁶

The Republicans, knowing that Irwin would seek another term, planned to make prohibition enforcement the central campaign issue. They stressed their commitment to law enforcement, unpopular though it appeared to be, and sought to label the Democrats as lawless. Republicans attempted to avoid blame for the controversial enforcement policy by placing the onus on state government. The *Gate City* wrote,

The truth is that Mayor Irwin and the editor of the *Gate City* have only been partially free agents in this matter. . . . He [Irwin] was the executive head of the city and the time had come when he had to do his duty and enforce the law or it would be done by others representing the state in a worse way for Keokuk.⁴⁷

By the beginning of March, speculation began about the Democratic nomination for mayor. The *Constitution-Democrat* listed as many as nine men considered as possible candidates; by

45. "City Council Proceedings of the City of Keokuk, 5 November 1888-August 1892," Keokuk City Hall, 31, 35.

46. *Constitution-Democrat*, 14 February, 11 March 1889.

47. *Gate City*, 10 March 1889.

the middle of the month, party officials reached a consensus on the candidacy of John E. Craig. Craig had arrived in Keokuk in 1878 and was elected to the Iowa House as a Democrat in 1885; by 1889, he was in the middle of his second term. A member of the Keokuk school board and six other Keokuk clubs and civic organizations, Craig seemed a natural candidate for local office.⁴⁸

The challenge from Craig and the Democrats did not deter Irwin from maintaining his policy of prohibition enforcement. The arrests continued, though reaction to the mayor's policy took a distasteful turn. Letters had appeared in Irwin's office with such threats as, "you'll get a dagger in your back," and "Coal is cheap and it will take the engines a long time to get to your house."⁴⁹

As the election day neared, Craig kept silent on prohibition enforcement, claiming that it was not an issue. The *Gate City* charged that Craig was running on the "explicit understanding that he would let the sort of saloon keepers who are content to be lawbreakers and who glory in being lawbreakers to do so." It further said that "the word had gone out" from the anti-prohibitionists "not to ask him any questions or make any fuss about what he [Craig] will do but that he is all right and will do what they want."⁵⁰

Irwin's renomination at the city Republican convention on March 26 was a relatively tame affair. Meeting at the Gibbons Opera House, the delegates nominated him to run for a fifth term by unanimous acclaim. They also endorsed the Irwin administration by passing a resolution commending the incumbent for enforcing the prohibitory law and other city ordinances. In Chicago on business, Irwin dashed off a telegram to the *Gate City* stating, "I accept the nomination squarely on the enforcement of and obedience to law."⁵¹

48. *History of Lee County*, Vol 11 (Chicago, 1914), 62; "Notable Deaths," *Annals of Iowa* 20 (July 1936), 393; *Constitution-Democrat*, 14 March, 20 March, 23 March 1889.

49. *Gate City*, 23 December 1888.

50. *Gate City*, 23 March 1889.

51. *Gate City*, 27 March, 29 March 1889; *Constitution-Democrat*, 27 March 1889.

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The Democrats met two nights later at the Opera House which was filled to capacity. The cheering delegates nominated Craig as a man who "can conduct municipal affairs without the aid of spies, detectives, and temperance people." They ratified a platform calling for a reduction in city expenses and condemned the Irwin administration as "obnoxious to the American system of government." In his acceptance speech, Craig lambasted the incumbent for the city's financial woes and conveniently neglected to mention prohibition. According to the *Gate City* reporter, Craig indicated support for the liquor interests when he "shook a glass at the whiskeyites as his sign that he was for them and they applauded the sign uproariously."⁵²

The Temperance Alliance contributed to the public debate during the campaign when members invited Chicago prohibitionist Frank Shelby to give a series of lectures on temperance. The speeches, presented over a series of evenings at the Opera House and printed in full in the *Gate City*, carried an explicit warning that the return of the saloon to Keokuk would result in high crime and immorality.⁵³

The two Keokuk newspapers committed nearly all their local coverage to defense of the respective mayoral candidates and to criticism of their rivals. The *Gate City* termed Craig the "Sphinx-like candidate" and claimed that a vote for the Democrat "is not for or against prohibition, but must be accepted as a repudiation of John N. Irwin for enforcing the law." The *Constitution-Democrat* answered the Republican criticism by saying it did "not think it necessary to give expression concerning the enforcement of any particular law. . . . The argument of the saloons and the shouting about nullification will not deceive anyone."⁵⁴

When the election results were announced the evening of April 1, Craig won by a 155 vote margin, 1427 to 1272. Craig carried the three wards with the highest number of foreign-born. The second ward, which gave Craig his largest margin of victory, 392 to 197, had 401 first-generation Irish residents,

52. *Gate City*, 29 March 1889; *Constitution-Democrat*, 29 March 1889.

53. *Gate City*, 28 March, 29 March, 30 March 1889.

54. *Gate City*, 31 March 1889; *Constitution-Democrat*, 29 March 1889.

compared to the next largest total of 167 first-generation Irish in the fourth ward. Craig amassed a 223 to 180 margin in the sixth ward which had a German population twice that of the next largest center of German immigrants. The core of Keokuk Irish and German voters gave their approval to a candidate who refused to commit himself to prohibition enforcement.⁵⁵

As predicted, the Keokuk election became the center of political comment throughout Iowa, sparking renewed debate on the practicality of prohibition. The Cedar Rapids *Gazette* wrote, ". . . the progress of the prohibitory work in Keokuk will be watched with renewed interest by both parties." In western Iowa, the Sioux City *Journal* referred to Craig's victory as "sufficient to emphasize the rejection of the policy of the enforcement of the laws," and the Council Bluffs *Daily Nonpareil* wrote, "The defeat of Mayor Irwin, of Keokuk, puts that city back in the list of towns in Iowa opposed to the enforcement of law. The fight was squarely made on that issue and the law-defying element carried the day." The Davenport *Democrat* claimed Irwin "failed to represent the will of the people," while the Dubuque *Daily Times* bluntly stated in its headline "His Proclamation Against the Saloons Killed Him." The Marshalltown *Times-Republican* was undoubtedly correct when it wrote, "The consistant course of Mayor John N. Irwin in enforcing the prohibitory law in Keokuk was a matter of state interest. . . ." ⁵⁶

Keokuk Republicans must have realized that strict enforcement of prohibition may have been the correct policy to follow for those who wished to obey the law and the courts, but that it was a disastrous policy for city politicians. For John Irwin the legal and political pressures, together with his possible candidacy for governor, literally gave him no choice. The enforcement policy, however, opposed evidence that many in Keokuk simply did not approve of prohibition; the votes on the 1882

55. *Gate City*, 3 April 1889; *Constitution-Democrat*, 3 April 1889; *Census of Iowa for the Year 1885*, 45.

56. Cedar Rapids *Gazette*, 3 April 1889; Sioux City *Journal*, 3 April 1889; Council Bluffs *Daily Nonpareil*, 3 April 1889; Davenport *Democrat* reprinted in the Cedar Rapids *Gazette*, 4 April 1889; Dubuque *Daily Times*, 2 April 1889; Marshalltown *Times-Republican*, 3 April 1889.

constitutional amendment and the traditions of licensed saloons had established the views of a majority of Keokuk citizens. The Bowman Supreme Court decision, together with Keokuk's geographical location, made the flow of liquor into the Iowa town impossible to stop. The Keokuk voters maintained their disregard for the state prohibitory law and removed from office a man who pledged to enforce prohibition in their city. The political lesson from Keokuk was that popular dissatisfaction with prohibition could be translated to victory at the polls. Iowa Democrats applied this lesson on a statewide basis in November by running anti-prohibitionist Horace Boies for governor; by winning, they broke the Republicans' long monopoly on the office.

The Keokuk election result also reflected the tension between the "wets" and "drys" over prohibition, tension which was deeper than mere vote totals at the ballot box. Craig's strong support from the Irish and German wards, largely composed of immigrant voters, shows that the conflict over liquor was more than merely a political issue: It was also an issue dividing various social groups in the city and, indeed, pitted culture against culture. The groups Jensen describes as at the head of the anti-prohibitionist movement rejected the rural, pietistic attitude that liquor could be abolished from society through law. The immigrants and liturgical church-goers, at least in the case of Irish Catholics and German Lutherans, felt that prohibition imposed on them an alien culture. Their votes for Craig and against Irwin repudiated the attempt to mold their lives into a society not of their making. Such groups, by voting against prohibition, registered their disapproval of publicly legislating such private morals and practices.

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