1993

Pus, Pox, Propaganda and Progress: The Compulsory Smallpox Vaccination Controversy in Utah, 1899-1901

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Pus, Pox, Propaganda and Progress: The Compulsory Smallpox Vaccination Controversy in Utah, 1899-1901

A Thesis

Presented to the

Department of History

Brigham Young University

In Partial Fulfillment

of the Requirements for the Degree

Master of Arts

by

Eric L. Bluth

August 1993

This thesis by Eric L. Bluth is accepted in its present form by the Department of History of Brigham Young University as satisfying the thesis requirement for the degree of Master of Arts.

Ronald W. Walker, Committee Chair

David J. Whitaker, Committee Member

20 SEP 1993
Date

Blair R. Holmes, Graduate Coordinator

Truth

"It is better to die with Christ than to be cured
by a Jew doctor aided by the devil."
Ballentine

For Riboudengo

Three Times a Day

We have a Board of Death (not far away;)
There's where they vaccinate-
Three times a day;
Note ye how the doctor's grin
And declare it is no sin
With the virus to begin
Three times a day

But should the vaccine kill; maybe it will;
What matter if it does? Just pay the bill;
Three times a day
Hear the frighten children scream
When they see the lancet gleam;
Vaccinate them while they dream-
Three times a day.

So, Let the Boards of death-
halt while they may;
List not the people's voice;-
list while they pray

For every degenerate
Whom the good us execrate,
And all who vaccinate
Three times a day.

ACKNOWLEDGMENTS

On a brisk wintry morning, while traveling on the Utah Valley Transit #6 southbound, I mentioned to Duane Jeffrey, Professor at BYU, that I was searching for a significant Master's thesis topic. After discussing a few possibilities this energetic individual queried if I would be interested in writing about a compulsory vaccination controversy. We discussed the potential of this topic and parted ways for the moment. Weeks later, I showed up at Dr. Jeffrey's office and requested more information which he personally delivered to my home. His continued interest in my task has been appreciated.

There have been significant others to whom I owe much gratitude. Dr. Ronald Walker spent valuable time guiding, instructing, reading, critiquing and correcting my work. His experience and knowledge of the era has been most helpful. His assistance greatly contributed to the success of the finished product. Dr. David Whitaker read, corrected, and provided insights for the text. Dr. Robert Kenzer critiqued the initial overview chapter and determined that the thesis had potential. Muriel Budd, BYU History Department, supplied personal assistance and requisite answers. Dr. Lester Bush, Dr. Thomas Alexander and the Utah State Historical Archive staff provided research materials and assistance. The Church Educational System granted financial support. My wife, Marlene, deserves, however, my most sincere gratitude. The burden was heavy, but the reward is great. Now, perhaps, our boys may stop asking, "Why does daddy have to work so much?"

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CHAPTER 1

INTRODUCTION

By the nineteenth-century smallpox was a major endemic disease everywhere in the world. For centuries this deadly disease engendered devastating and disastrous consequences. In the eighteenth-century smallpox killed over 36,000 persons in London, and an equal number in Glasgow. In Sweden, two separate epidemics in 1779 and 1784 killed over 27,000. In 1790, over 16,000 persons died in an outbreak in Vienna. In all of Europe some 400,000 person died yearly from smallpox. Tens of millions of Amerindians succumbed to smallpox. In the United States, 15,777 died between 1900-1926. Not all smallpox cases, however, were fatal.[1]

There were two varieties of smallpox: Variola major was much more severe and Variola minor was a mild form. The case-fatality rate for Variola major was 20 percent compared to 1 percent by Variola minor. An individual who contracted a moderately severe ordinary-type of Variola major would suffer from progressive ailments. Once infected by the disease there was an incubation period which usually lasted 12 days. There were no symptoms during this stage. Immediately thereafter, the infected person became feverish, often complained of a splitting headache

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[1]Tables 4-6 contain statistical data concerning the number of reported smallpox cases and deaths in the United States. Frank, Fenner, M. D., et. al., Smallpox and its Eradication (Geneva, Switzerland: World Health Organization, 1988), pp. 231, 235-240, 330; Robin Clarke, The Silent Weapons, (New York: David McKay Co., 1968), pp. 14-15, 79-80; Jack W. Hopkins, The Eradication of Smallpox: Organizational Learning and Innovation in International Health, (Boulder Co.: Westview Press, Inc., 1989), pp. 1-5; Alfred W. Crosby, Ecological Imperialism: The Biological Expansion of Europe, 900-1900, (Cambridge: Cambridge University Press, 1986), pp. 38-9, 203-4, 199-208.

and sometimes of a severe backache. Vomiting occurred in half of the patients and some small children had convulsions. By the 16th day the temperature decreased and the rash began. For the next 10 to 15 days skin lesions developed, became pustules and then finally a scab or crust formed as the fluid of each pustule was absorbed.[2]

Variola minor's symptoms were less severe. The full-cycle of the disease was about a week shorter, however, the incubation period was the same. The skin rash was less extensive and the individual lesions were smaller. Typically, 86 percent of individuals infected with Variola minor had less than 100 pocks on the face while 11 percent had 100-500 and 2 percent had more than 500.

There were different grades of severity of both types of smallpox. Sometimes during the lesion stage there were bacterial infections which delayed or even prevented the healing process. There were also rare complications involving the joints and bones, gastrointestinal system, the respiratory system, limb deformities and blindness. Most of the time Variola major left facial pockmarks while relatively few cases of Variola minor did.[3]

The means for prevention of smallpox were discovered in 1796 by Edward Jenner in Berkeley, Glouchester, England.[4] Jenner's significant

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[2]Fenner, pp. 5-20.

[3]Ibid., pp. 38-39, 47-50; Hopkins, pp. 12-16.

[4]There were critics who questioned Jenner and his discovery of the vaccine. Their arguments do not detract from what Jenner did in discovering the smallpox vaccine. J. Baron, The Life of Edward Jenner, (London: Cobourn, 1838); C. Creighton, The Natural History of Cow-pox and Vaccinal Syphilis, (London: Cassell, 1887); C. Creighton, Jenner and Vaccination (London: Sonnenschein, 1889); E. M. Crookshank, History and Pathology of Vaccination (London: Lewis, 1889) and P. E. Razzell, Edward Jenner's Cowpox Vaccine: the History of a Medical Myth (Firle: Caliban Books, 1977). Derrick Baxby's, Jenner's Smallpox Vaccine: the Riddle of the Origin of Vaccinia Virus, (London: Heinemann, 1981) adjudicates the origin of the vaccine controversies.

contribution was his proving that individuals were immune to smallpox by inoculating them with smallpox. With the publication of Jenner's discovery, vaccination slowly won approval and the incidence of smallpox declined. It was not until 150 years later that the United States would be free of the disease. It would be 200 years later, December 9, 1979, that members of the Global Commission for the Certification of Smallpox Eradication would triumphantly declare that the world was free of smallpox. After dedicated and intensive efforts by the World Health Organization, the medical community was able to do what it had never previously done before--completely and entirely eradicate a disease. All that is left of smallpox is stored in two repositories: the Center for Disease Control in Atlanta and Russia's Institute for Viral Preparations in Moscow. Inside padlocked freezers cooled by liquid nitrogen are 600 tiny vials of separate strains of smallpox that could be obliterated with a flip of a switch. The World Health Organization wants to kill the smallpox to ensure that it will not threaten a now defenseless world. By the end of 1993 their request may be fulfilled after which Jenner's words "that the annihilation of the Small Pox [sic], the most dreadful scourge of the human species, must be the final result of this practice" will be realized.[5]

The efficacy of vaccination, however, was challenged throughout the nineteenth-century and for decades during the twentieth-century. Believers and non-believers of vaccination debated whether or not vaccination did indeed prevent the spread of smallpox. The most extensive philosophical opposition to vaccination occurred in Britain because the government passed laws supporting compulsory vaccination

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[5]Hopkins, pp. 16-26; Fenner, pp. 258-9, 328, 1262, 1340; "Should Last Remnants of Virus be Obliterated?," Deseret News, June 20, 1993, p. A2.

in 1840, 1841, 1853, 1861, 1867, 1871. The first three acts made vaccination successively universal, free, non-pauperizing and enforceable on every citizen while the others stipulated penalties for non-compliance. The final act permitted parents to be fined repeatedly until their child was vaccinated. The anti-vaccinationists held a "general characteristic of late Victorian society--a deeply flowing, often slumbering philosophical belief in the importance of maintaining, at all costs," one's individual freedom.[6] They fought against what they saw as despotism. R. M. MacLeod, a scholar on compulsory health issues, concluded that the anti-vaccinationist movement,

> Was part of a wider public reaction against the advance of 'new science' and scientific medicine. Fear, distrust and the human tendency to cherish 'natural' methods of treatment and 'sanitary' methods of prevention could be overcome by educational means. This required the active co-operation of physicians and lawyers in supervising the administration of compulsory law which had, historically, been accepted naively by Parliament. This co-operation was noticeably absent at this critical interface of law, medicine and public opinion.[7]

So likewise was this type of interface absent in resolving the vaccination question in the state of Utah.

In 1896 a mild type of smallpox developed in the southern part of the United States. Some misdiagnosed it as chickenpox; others labeled it some new kind of disease and called it Cuban itch, elephant itch, Spanish measles, Japanese measles, Puerto Rico scratches, Manila scab, Manila itch, Filipino itch, kangaroo itch, and other names. Hundreds of cases occurred with a very low death rate as the disease spread "in a somewhat leisurely and unspectacular manner" across the United

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[6]R. M. MacLeod, "Law Medicine and Public Opinion: The Resistance to Compulsory Health Legislation, 1870-1907," Public Law, (Autumn 1967): 211.

[7]Fenner, pp. 263-273.

States.[8] By 1898 there were 3,600 cases recorded, nearly 11,000 in 1899, 20,000 in 1900, 48,000 in 1901 and 54,000 in 1902. The case fatality rate was far from accurate, but was 5 percent in 1898, and was between 2 and 3 percent by 1905.[9] Although the rate of death had decreased dramatically from the previous centuries, smallpox was still "one of the worst of the killer diseases."[10] This notion was accepted and understood by both the layman and the medical profession. Could lives have been spared if every person had been vaccinated? A Health Commissioner in the State of Utah, Theodore B. Beatty, insisted vaccination could have prevented unnecessary deaths and the spread of smallpox. His battle and the complex and controversial compulsory smallpox vaccination question in Utah are the subject of this work.

The secondary literature discusses the controversy, but provides insufficient detail. General narratives on Utah's history pass over the magnitude of the issue. James B. Allen and Glen M. Leonard's *Story of the Latter-day Saints*, identifies the LDS Church's involvement, but does not properly define it. Wayne Stout's *History of Utah* recites a few chronological facts concerning the issue. Richard D. Poll's, Utah's *History* does not even mention the controversy. Period or topical histories reveal more information, yet arrive at general conclusions. Thomas G. Alexander, author of *Mormonism in Transition*, notes the tension between cooperation and individualism in the Church that the smallpox controversy exacerbated, but this emphasis overlooks the other reasons for the controversy. Ward B. Studt's, *Medicine in the*

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[8]C. W. Dixon, Smallpox, (London: J. E. A. Churchill, Ltd., 1962), p. 204.
[9]Ibid.
[10]Joseph R. Morrell, M. D., Health, Wealth and Vicissitudes, (1947), Utah State Historical Society Archives, Salt Lake City, Utah, p. 111.

Intermountain West, provides facts, but also a number of errors. Lester R. Bush and N. Lee Smith provided scant details about the issue in articles, but most of their material focused on the practice of medicine in Utah. Robert Divett's *Medicine and the Mormons* , Joseph R. Morrell's unpublished draft of Health, *Wealth and Vicissitudes* and Ralph T. Richard's *Of Medicine, Hospitals and Doctors.* produced lucid conclusions concerning the controversy, but none of the treatise discussed the compulsory vaccination problem at length.[11]

Nearly a century ago in Utah smallpox vaccination was a significant and controversial issue. At the turn of the nineteenth century, the state legislature, the State School Board, the State Board of Health, the State's Supreme Court, private medical organizations and the Governor all became involved with this divisive issue. Extensive discussions, debates and public sentiments were expressed for and against compulsory vaccination. What were all the reasons for opposing or supporting compulsory vaccination? Why did The Church of Jesus Christ of Latter-Day Saints (LDS Church) publicly support vaccination while the LDS Church owned *Deseret Evening News*, under the direction of its editor Charles W. Penrose, frequently editorialized against

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[11]James Allen, Story of the Latter-Day Saints, (Salt Lake City: Deseret Book, 1976) p. 452; Wayne Stout, History of Utah, 4 vols. (Salt Lake City: no publisher listed, 1968), pp. 120-121; Richard D. Poll, ed., et. al. Utah's History, (Provo: Brigham Young University Press, 1978); Thomas G. Alexander, Mormonism in Transition: A History of the Latter-Day Saints (Urbana: University of Illinois Press, 1986), pp. 195-196; Ward B. Studt, Medicine in Intermountain West, (Salt Lake City: Olympus Publishing Co., 1976), pp. 32-35; Lester E. Bush, Jr., "The Mormon Tradition" in Caring and Curing: Health and Medicine in Western Religious Traditions by R. Numbers and E. Amundsen. (New York: Macmillan Publishers, 1986), pp. 397-418; N. Lee Smith, "Herbal Remedies: God's Medicine?" in Dialogue: A Journal of Mormon Thought, 22 (Fall 1979): 37-60; Robert Divett, Medicine and Mormons: An Introduction to the History of Medicine in Utah, (Salt Lake City: Bookcraft, 1981), pp. 155-158; Joseph R. Morrell, M. D. Health, Wealth and Vicissitudes, unpublished manuscript, 1947, Utah State Historical Society Archive, Salt Lake City, Utah; Ralph T. Richards, Of Medicine, Hospitals and Doctors, (Utah: University of Utah Press, 1953).

compulsory vaccination? What role did the newspaper play in forming public opinion? Why did the Utah State Health Board require vaccination of school children? Why did some communities violate that edict? Who had the legal authority to require vaccination? How long did Utah grapple with the issue? Why did the Governor, Heber M. Wells, veto the Anti-Compulsory Vaccination Act? Why did the House and Senate override the Governor's veto and what were the reasons given by the legislators justifying the way they voted?

This thesis will answer these questions and will argue that most Utahns challenged compulsory smallpox vaccination for school children because of their opposition to compulsory measures and their failure to accept medical progress. Some citizens of Utah chose to suffer from the consequences of smallpox rather than submit to minor inconveniences involving matters of personal conscience. The research will also reveal that this is the first issue on which the members of the dominant religion held incompatible viewpoints among themselves since they arrived in Utah. This work also will identify the role and authority of the State Board of Health, the Governor, the state legislature and Charles W. Penrose concerning the issue of compulsory vaccination of school children for smallpox from 1899-1901.

CHAPTER 2

UTAH'S BOARDS OF HEALTH

Medical progress advanced in Utah at about the same rate as the rest of the United States. Attitudes towards doctors and medicine in the nineteenth century were often based on distrust and fear of the medical profession. Joseph Young exclaimed in 1858, "there is a class of people who do not believe in sustaining professional doctors. I am one of them."[12] Joseph R. Morrell, a doctor who practiced medicine in Utah, recalls this prevalent attitude.

> Unpopular as was the doctor of this [early pioneering] period in Utah, it must be realized that the same situation existed more or less throughout the country. Doctors who had the best available training were still unable to prevent or cure the epidemic diseases. Those who were poorly trained filled the minds of the people with terror, and this in turn, was manifested toward all doctors.[13]

The hostility gradually eroded as the practice of medicine improved.[14] A most significant advancement occurred as Utahns attended medical colleges in the East. They learned to apply the new science of preventive medicine in the control of disease, which was just beginning. Morrell explains, however, that the success achieved by a graduate medical doctor of the 1880s was comparable to those made by the charlatan of 1940s. As the practice of medicine improved at the turn of the twentieth-century so did the opinion of Utahns, but not without controversy.[15] The medical profession was still suspect and not everyone

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[12]Morrell, p. 14.

[13]Ibid., p. 16.

[14]Blanche Rose, "History of Medicine in Utah," (Master Thesis, University of Utah, 1939), pp. 155-156; Bush, Caring and Curing, pp. 409-410; Smith, pp. 37-59.

[15]Morrell, Vicissitudes, p. 18.

was willing to abandon their biases or distrust. The challenges faced in creating recently organized boards of health illustrates how guarded, unwilling or less prone people were to change or to submit to the health authorities. In 1888 Dr. M. H. Hardy, of Provo, wrote an article in *Parry's Monthly Magazine* of Salt Lake City. He urgently requested the organization of a health department.[16]

When Utah was made a state in 1896 its constitution did not require the organization of a state health department, but it did create a series of boards of county commissioners. The Board of County Commissioners, one for each county, consisted of three elected members who had the jurisdiction and power to adopt provisions for the preservation of the health of their respective counties. Whenever a sanitary district was formed in a county, it was the duty of the commissioners to appoint three members to a county Board of Health to serve without compensation for a two year term. It was the duty of the county Board of Health to supervise all matters appertaining to the sanitary condition of the district, and make such rules and regulations that were not inconsistent with law. Subject to approval of the board of County Commissioners, the county Health Board also had the power in time of epidemic to establish pest houses, and to perform such other acts as the health of the people of the district might require. A pest house was a temporary cabin or tent usually located a mile outside of town to which anyone infected with a contagious disease would be quarantined. The commissioners were required by ordinance to provide the funds to pay for all of the county Health Board's expenses.[17]

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[16]Divett, p. 154.

[17]Laws of the State of Utah, 1896, (Salt Lake City: Deseret News Publishing

The Boards of Health were not the only organization having jurisdiction over health related matters. School teachers and the district school boards also held some limited authority. According to the State constitution,

> The teacher of the district school shall not allow any pupil to attend the district schools while any member of the household to which such pupil belongs is sick with an infectious or contagious disease, of during the period of two weeks after the death, recovery, or removal of such sick persons, and then only upon a certificate of a competent physician or written permit of the district school board.[18]

The Board of Education's authority was expanded in 1897. It stipulated that the teacher or board should not allow a student to attend school if he or she met the contagious disease condition.[19] Consequently, a child attending school who carried an infectious disease could be banned from attending school by the local Board of Health, the county Board of Health, the local school board, the city physician, or the pupil's principal or teacher. Since these organizations and officials overlapped in authority, confusion often existed between schools, cities, and counties concerning the enforcement of health regulations. Since Utah did not have a state Board of Health, no final authority enforced the health regulations. A committee was appointed by the governor to revise Utah's statutes, but only after the revisions were approved by the legislature in 1897. This predicament was remedied in 1898.

Attempts to establish a state board of health began as early as 1896. During the first session of the Utah State legislature, Chairman of

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Co., 1896), pp. 521, 528; Joseph R. Morrell, Utah's Health and You (Salt Lake City: Deseret Book Company, 1956), p. 92.

[18]Laws, 1896, p. 493.

[19]Utah, Laws of the State of Utah, 1897, (Star Printing Co., 1897), p. 104.

the Senate Committee on Public Health, Malin M. Warner, introduced Senate Bill No. 11 which was "an act to establish and create a State Board of Health, for the protection of life and to prevent the spread of contagious and infectious diseases and for the registration of vital statistics."[20] The proposed bill was referred to the Committee on Public Health. When the second reading came up Senator Edward H. Snow amended its appropriation to $1,500 instead of $2,500. On January 27, 1896 the Senate Committee on Public Health approved the amendment of the bill and then recommended the proposed bill for adoption by the Senate. On the following day Senator John F. Chidester moved to strike out the enacting clause but lost. As a special order of the day procedure on January 31 Senate Bill No. 11 came up for its third reading and a vote was taken. Initially there were 8 ayes and 7 nays when Senator Elmer B. Jones requested his vote be changed to a nay. The bill failed.[21] The opponents of the bill did not believe a State Board of Health was necessary when local boards of health were already established to deal with public health matters. Moreover, the vote demonstrated that some members of the legislature felt animosity for the health profession.[22]

Although the newly-constituted state government did not establish a State Board of Health, it did provide for a State Health Commissioner. Heber M. Wells, the state's first governor, appointed Dr. Theodore B. Beatty to fill this part-time position. Prior to this appointment Beatty, a

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[20]Utah, Legislature: Senate Journal, 1896, (Salt Lake City: Deseret News Co., 1896), p. 70.

[21]On February 3, the names of the senators who voted were recorded. The ayes were: Booth, Candland, Chambers, Driscoll, Jones, Miller Glen, Sutherland, Warner. The nays were: Allison, Chidester, Evans, Miller, R. G. Snow, Warrum, Zundel. Absent and not voting included: Barnes, McKay, and Mr. President. Ibid., p. 147.

[22]Divett, p. 155; Morrell, Vicissitudes, p. 106.

young non-Mormon doctor, had held a part-time position from 1893-94 as Commissioner of Health for Salt Lake City. He also acted as an unofficial adviser in all public health matters for the city until his appointment as commissioner.[23]

Beatty was a "maverick" when it came to promoting medical progress in Utah. A graduate of Rush Medical College in Chicago in 1883, he practiced medicine in Juanita, Iowa, New York, New York and Glenwood Springs, Colorado before moving to Collinston, Utah, where he was company surgeon for a construction crew. The experience in the camp was most helpful in teaching Beatty about sanitation. However, camp life was challenging for his wife, Adelaide Post, so he moved his practice to Salt Lake City. In 1891 he joined the staff of St. Mark's Hospital and for the next seven years "his rapidly increasing practice gave evidence of his professional popularity."[24] Beatty was on his way to success and affluence when in 1898 he "changed his allegiance from private patients to public welfare."[25]

Joseph R. Morrell, a contemporary of Beatty, described his personal qualities and attributes. Glowingly, Morrell wrote,

> [Beatty] had high ideals of practice, and maintained the highest standards of ethical relationships. While a non-Mormon, he had no quarrel with the Mormon people either at this time [when he first established his practice in 1887] or later when he was in an official position. He had the greatest courtesy and deference for everyone. Dr. Beatty paid no attention to any conflicts that occurred over either politics or religion. There was enough to keep him occupied in framing and administering a health program in a new field. Those who took him for an inoffensive, submissive gentleman of the old school, as he appeared to be with his

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[23]Morrell, Utah's Health, pp. 88, 89.

[24]Ralph T. Richards, M. D., Of Medicine, Hospitals, and Doctors, (Salt Lake City: University of Utah Press, 1953), p. 44.

[25]Ibid., p. 44; Morrell, Vicissitudes, pp. 77-87.

> immaculate dress and goatee, found that he had all the courage and tenacity necessary to meet any foe on any battle ground, if the need arose. He did not seek a conflict, but loved to work in peace and harmony. He would not sacrifice the minutest principle of right in order to avoid a battle. Usually he stood alone, calm and unperturbed, often in the face of angry opponents, when a club or shotgun might be flourished, or when there were threats of securing his eviction from office by disgruntled politicians. Dr. Beatty was most sympathetic and cooperative in working out of any problems with those who were reciprocal. To those who were uncooperative or antagonistic, or who in any manner tried to interfere with the routine of the work, he had no patience, and would go to any extreme and at the expense of his own interests in defense of his principles. He would not tolerate attack on the policies of the department [of health].[26]

As Health Commissioner for Salt Lake City "Dr. Beatty set in motion the machinery for modern public health activity." in the state.[27] Dr. Beatty implemented educational projects, required accurate vital statistics records be kept, and began a plan to control communicable diseases. Richards, a medical doctor who practiced during the nineteenth century, claims that Beatty did more for the improvement of health in Utah than any other medical man who ever practice within the borders of the State.[28] Yet, for all of Beatty's work in Salt Lake City, there was still no state-wide Health Board.

A second attempt to organize a State Health Board occurred in 1897. Martha Hughes Paul Cannon, the first woman state senator in the United States and chairman of the Public Health Committee, introduced the bill entitled "An act creating a state Board of Health and defining its duties."[29] It was referred to the Committee on Public Health, but never

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[26]Morrell notes that much of the information about Beatty's early period was obtained from Miss Anna May Bowen who began working for the health department in 1905. She was Dr. Beatty's statistician. Morrell, Vicissitudes, pp. 88, 101-103.

[27]Ibid.; p. 94; Rose, "History of Medicine," p. 130.

[28]Richards, p. 45.

[29]Utah, Legislature; Senate Journal, 1897, (Lincoln, Nebraska: State Journal Co., 1897), p. 113; Rose, "History of Medicine," pp. 59-60.

emerged. The *Senate Journal* contains no explanation about the demise of the bill.[30]

A State Board of Health and Vital Statistics, however, was established during 1897. Apparently upon admission of the State of Utah to the Union, a general revision of its laws was required. The provisions of chapter 85 of the laws of 1896 stipulated that the Governor would appoint a commission to make the necessary change to "revise, codify and annotate the laws of the state."[31] Governor Wells appointed Richard W. Young, Grant H. Smith and William A. Lee to that commission. They started revising in April, 1896 and completed their work in January 1897. The suggested changes by the committee were submitted in bill form to the legislature, which approved and made them effective January 1, 1898. One revision the committee included was a provision providing for a State Board of Health.[32]

Utah finally had a State Board of Health. The Board consisted of seven members appointed by the governor, with the consent of the State Senate. The term of office was for seven years. The board selected from its membership its own chairman. Among the new Board's different responsibilities was the obligation to secure a safe and healthy place for school children to attend. Specifically, the Board was authorized "to make such rules and regulations not contrary to law as may be deemed

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[30]Contrary to what is written in Robert Divett's Medicine and the Mormons, Martha Hughes Cannon did not "shepherd the law creating a health board in 1898." Robert Divett, Medicine and Mormons: An Introduction to the History of Medicine in Utah (Salt Lake City: Bookcraft, 1981), pp. 155-6.

[31]Revised Statutes of the State of Utah, 1898, (Lincoln, Nebraska: State Journal Co., 1897), p. iii; Blanche E. Rose, "Early Utah Medical Practice," Utah Historical Quarterly, 10 (January 1942): 30.

[32]Revised Laws, 1898, pp. iii-iv, 316; Morrell, Utah's Health, p. 95.

necessary for the preservation of public health."[33]

Board members were selected for a variety of reasons. Some were selected for their interest or knowledge of health work. Others were political appointments. Some of these appointments took their responsibility seriously; others were less diligent who took little or no interest. Those who were especially qualified for the work would sometimes be appointed, but political committees in the legislature usually blocked such action. Some legislators opposed the advancement of the health profession.[34]

The Governor appointed former Salt Lake City Commissioner of Health, Theodore B. Beatty, to be secretary and executive officer of the Board. The supposedly part time position actually required full-time work.[35] The other appointed board members were Dr. Frank S. Bascom, Dr. Martha Hughes Cannon, Dr. R. C. Gemmell, all residents in Salt Lake City; Dr. W. R. Pike of Provo; Ed E. Wilcox of Nephi; and Dr. A. W. Taylor of Brigham City.[36] Bascom, Medical Director of St. Mark's Hospital, was selected as chairman.

Even though it had taken three years, Utah did not lag behind neighboring states. Morrell wrote,

> California...organized its [health] department in 1870, but it was not until after its reorganization in 1902 that it functioned well. Colorado and Nevada started work in 1893; Wyoming and Montana in 1901. Arizona began in 1903, and Idaho in 1907.[37]

The new Board held its first meeting on February 17, 1898, and

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[33]Revised Laws, 1898, p. 316; Morrell, Vicissitudes, p. 106.
[34]Morrell, Vicissitudes, p. 106.
[35]It became a full-time job in 1915. Morrell, Utah's Health, p. 92.
[36]Morrell, Vicissitudes, p. 106; Richards, pp. 33-34.
[37]Morrell, Utah's Health, p. 93.

immediately the board entered upon its prescribed duties. Board members felt their "primary purpose was to lower the incidence and lessen the mortality of communicable diseases."[38]

After its first meeting the State Board of Health issued a circular to each county, city and town in the state concerning the establishment of local boards of health. The Revised Statutes of 1897 not only provided for a State Board of Health, but it required the organizing of local boards. Consequently, the Salt Lake City council, by city ordinance, established a local Board of Health consisting of a health commissioner, a city physician and two other citizens with Mayor George M. Scott, serving as ex-officio chairman. The ordinance defined the duties and powers of the local Board of Health to include authority to adopt provisions to preserve the public health. Salt Lake City was one of the last major cities to provide a municipal health department. Lawrence, Kansas was the other. The commissioner was paid $125 per month and the city doctor received $50. Together county and city Boards of Health administered to the needs of public health. Ralph T. Richards, author of *Of Medicine, Hospitals and Doctors*, suggested that Salt Lake City would have been well off without a Board. The members of the Board were paid meager wages and not deemed to be essential.[39]

The County Commissioners and city councils gradually created

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[38]Ralph T. Richards, Typescript draft, A Century of Progress: The History of Medicine in Utah, p. 59, Ralph T. Richards Collection, Mss 258, Box 5, Special Collections, University of Utah Marriott Library, Salt Lake City, Utah; Utah, Senate, Senate Journal, 1901, (Salt Lake City: Star Printing Co., 1901), p. 36.

[39]Thomas G. Alexander & James B. Allen, Mormons and Gentiles: A History of Salt Lake City, (Boulder, Colorado: Pruett Publishing Co., 1984), p. 151; Ralph T. Richards, Typescript draft, Of Medicine, Hospitals, and Doctors, pp. 4, 5, Ralph T. Richards Collection, Mss 258, Box 2, Special Collections, University of Utah Marriott Library, Salt Lake City, Utah.

organizations for regulating public health. By 1889 there were municipal Health Boards operating in Bear River City, Fountain Green, Gunnison, Huntington, Scofield, Salem, Salina, American Fork, Cedar City, Coalville, Corinne, Eureka, Farmington, Kaysville, Lehi, Nephi, Park City, Payson, Pleasant Grove, Provo, Richmond, Sandy, Spring City, Springville, Smithfield, and Tooele even though Dr. M. H. Hardy argued that the expense of operating such boards in small cities was too high. County Boards of Health operated in only Cache, Carbon, Grand, Iron, Juab, Wasatch, Washington, Wayne and Weber counties.[40]

As more public health boards were established so were regulations concerning public health. In 1899 the Utah legislature gave the State Board of Health additional powers. It received the legal authority in the event of an epidemic of smallpox to exclude unvaccinated children from the public schools and also to compel the vaccination of persons exposed to the disease.[41]

During that third legislative session, Senator Cannon, a physician and champion of health issues, introduced additional health-related legislation. On February 14, 1899 Cannon introduced Senate Bill No. 40 entitled "An act providing for the suppression of nuisances and contagious diseases, prescribing quarantine rules and regulations therefore, and relating to burial permits, health of schools, diseased

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[40]Dr. M. H. Hardy, Parry's Monthly Magazine, p. 53; Biennial Report by the State Board of Health, 1898, Utah State Archives and Records Service, Secretary of State, Public Documents, Series 240, December 31, 1898, p. 11.

[41]Senator Rollin R. Tanner claimed that the Legislature never intended to give the Health board the power it would later assume. "Thirteen Voted Aye," Salt Lake Tribune, February 1, 1901, p. 8; "Biennial report by State Board of Health, 1901" in Secretary of State Public Documents, 1899-1900 (Salt Lake City: Utah State Historical Department), pp. 8-9, microfilm.

animals and veterinary surgeons."[42] On February 21 the Committee on Public Health offered amendments for the bill and recommended its passage. Not all of the senators were supportive. Senators such as Abel J. Evans of Lehi, a member of the Public Health Committee, argued that "the subject [health and quarantine regulations] could be better carried out in the cities and towns, as our conditions are so diversified."[43] But despite such opposition, the senate passed the bill, Governor Wells signing it into law on March 9.[44]

From 1896 to 1899 the state of Utah had progressed in the field of regulating health care. It had organized boards of health into an orderly, regulatory system. Moreover, after two unsuccessful attempts, the legislature finally had created a State Board of Health to supervise that system. Dr. Beatty, a competent doctor, had been appointed to supervise its affairs. The legislature had empowered the board to enforce regulations and to adopt resolutions to curtail the spreading of diseases. Yet, notwithstanding these advances the legislature curtailed some of the Board's productivity by reluctantly allocating funds to sustain the department and by paying Beatty a meager salary.[45]

The Board's newly achieved but limited powers would soon be intensely challenged. Smallpox came to Utah and this fledgling organization would now try to curtail this life-threatening disease.

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[42]Utah, Senate, Senate Journal, 1899, (Salt Lake City: Tribune Job Printing Co., 1899), pp. 188, 239.

[43]Ibid., 188.

[44]The affirmative votes included Harden Bennion, Martha H. Cannon, Robert C. Chambers , Fred J. Kiesel, Aquila Nebeker, David H. Peery, David O. Rideout, Rollin R. Tanner, R. K. Thomas, Mr. President. The negative votes included Fredmand Alder, Abel J. Evans, Isaac K. Wright. Those absent or not voting were Joseph Howell, Joseph V. Robison, Lewis W. Shurtliff, A. O. Smoot, Orson F. Whitney. Senate Journal, 1899, p. 239.

[45]Richards, Doctors, p. 45.

CHAPTER 3

THE SMALLPOX EPIDEMIC OF 1899-1900

There were at least six smallpox outbreaks in Utah from 1856-1900. The first time smallpox surfaced in the State was on August 13, 1856. The LDS First Presidency notified its followers that Benjamin Matthew's emigrant company had brought the disease to Utah. In a scathing rebuke, President and Prophet Brigham Young, explained that

> [Matthew's company] contrary to all rule of propriety, fellow being, or even common decency, most carefully kept to themselves the knowledge of their having imported a disease so contagious and dreaded. Through such an unwarrantable course many lives have been wickedly jeopardized, without a word of warning, to an extent impossible to determine at present.[46]

Young required that all the infected remain isolated and to cease "traveling or mingling with those who have not had the small pox [sic]."[47] On September 3, Dr. Lee, a local physician, notified the First Presidency that forty-four persons were infected and had suffered by the contagion. Young commented that so often smallpox proved fatal and the lives and health of the people are of too much worth to be "foolishly jeopardized."[48] Fortunately the group was quarantined, the disease did not spread and no lives were lost.

After this threat smallpox periodically reappeared into the territory. There were reported outbreaks in 1870, 1873, 1876, and 1883. In 1873

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[46]James R. Clark, Messages of the First Presidency of the Church of Jesus Christ of Latter-day Saints, 1833-1964, 6 vols. (Salt Lake City: Bookcraft Inc., 1965) 2:191; "Smallpox," Deseret News, August 13, 1856, p. 2.

[47]Clark, 191.

[48]Ibid., 192.

it came to Sanpete and surrounding cities. Dr. Anna Furrer was active in suppressing the disease during the epidemics of 1870 and 1876.[49] In 1882, there was a scourge of the dreaded disease across the United States. It was in all the southern states, Illinois, Iowa, and more prevalent than ever before in New York. California and Nevada were "grievously afflicted" while Montana and Wyoming had some cases. Utah had escaped the disease, but the *Salt Lake Herald* claimed that the territory was in imminent danger. Daily visitors from places where smallpox existed passed through Utah and eventually it plagued Utah. The *Herald* sent out a warning on how to decrease the dangers of an outbreak. It's editorial, in part read,

> Vaccination is not a satisfactory prevention, but it is the only thing that has the right to claim any virtue as a preventive. Quacks and fanatics sometimes deny its efficiency and charge it with producing rather than relieving disease; but experience long since proved the value of vaccination, the discovery which has been of incalculable worth to the human family. Vaccination has driven smallpox from the great cities of the world, and has saved the lives of thousands of people who, by reason of it, escaped the disease entirely or were but mildly attacked by it. In this age of enlightenment it seems hardly worth while to argue in favor of vaccination, for all the eminent, skilled physicians of the world are its consistent and intelligent advocates. Yet, if one will take the trouble to inquire, he will learn that a large percentage of the people with whom he daily associates have never been vaccinated, while the vast majority of those upon whom the preventive act has been performed have not had it repeated for many years. Everybody is careless. It requires a smallpox scare to induce even believers in vaccination to take the preventive...Compulsion ought not be necessary, and especially at a time like the present, when the danger is so great. There should be a thorough vaccination of the population, and especially of the people in the cities and towns through which railroads run. If this be done the disease will present fewer terrors when it comes and

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[49]Preston Nibley, Brigham Young: The Man and His Work, (Salt Lake City: Deseret Evening News Press, 1936), p. 193; Annie Hermin Cardon Shaw, "Autobiographical Sketch," p. 4., Madeline R. Mcquown Papers, Mss 143, Box 22, Manuscripts Division, Special Collections, University of Utah Marriott Library, Salt Lake City, Utah.

the death rate be materially lessened.[50]

The editorial was hardly persuasive. A mild outbreak came a few months later and a smattering of individuals heeded the vaccination message. For example, on March 30, 1883 Willie D. Johnson, Jr., President of Kanab Cooperative, wrote to L. John Nutall that he had been "so busy this week vaccinating the little folks..."[51] James L. Bunting, also of Kanab wrote, "our vaccination has worked generally well in this settlement no ill-effects manifest that I know of-all our family getting better now."[52]

The typical reaction, however, was not to heed the Herald's vaccination advise. Some wanted to prevent the disease from spreading by the simple and less effective step of isolating the disease. At that time Utah had few effective laws in preventing the spread of contagion. There were statutes requiring isolation and quarantining of infected individuals, but smallpox vaccinations was completely voluntary. During the five known nineteenth-century outbreaks, the public nearly always dealt with the consequences of the disease rather than try to prevent the disease, even though there existed an immense alarm concerning it.

Since his appointment as State Health Commissioner, Dr. Beatty had launched a vigorous campaign for voluntary vaccination, but encountered much indifference. By 1899 an estimated five percent of the people voluntarily had requested vaccination.[53] The low figure revealed a "deep-seated" opposition based partly on the fear that vaccination would

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[50]"Vaccinate," Salt Lake Herald, January 22, 1882, p. 4.

[51]Willie D. Johnson, Jr., Kanab, to L. John Nutall, March 30, 1883, L. John Nutall Collection, Special Collections, Brigham Young University, Provo, Utah.

[52]James L. Bunting, Kanab, to L. John Nutall, April 15, 1883, L. John Nutall Collection, Special Collections, Brigham Young University, Provo, Utah.

[53]Morrell, Vicissitudes, p. 110.

spread the disease, not deter it. It was also generally believed that "blood diseases, especially syphilis, were often transmitted from one person to another by vaccination."[54] These fears may have been justified fifty to one hundred years before, but during Dr. Beatty's era there was practically no danger to the patient. Voluntary vaccination proved to be a significant failure.[55]

By the 1880s the fear of smallpox had diminished in Utah because the current form of the disease was usually mild. However, the medical doctors feared that the current disease might evolve into the more severe form of years gone by. To a doctor's eye smallpox's life-threatening potential and the pain and suffering an infected person could experience instilled a continuing fear. Smallpox, physicians knew, could take a heavy toll. It was so contagious, so easily carried, so rapidly spread and so difficult to control.[56]

As smallpox resurfaced in the state for a sixth time in 1899, the recently organized public health department determined that it would approach the disease more vigorously than ever before. It decided to require vaccination not just treat the consequences of the contagion. From November 1899 forward public health acts focused on prevention rather than isolation.

The incident that brought about this new change in policy involved an unidentified, but sorely infected traveler from Butte, Montana who reintroduced the pestilence to the State. The traveler stopped only briefly at Sterling, Sanpete County, but it was enough to produce the highly

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[54]Ibid.

[55]Ibid., pp. 88, 110.

[56]Morrell, Utah's Health, p. 89; "Theory of Vaccination", Salt Lake Herald, January 19, 1900, p. 4.

contagious disease. After several weeks the entire community had been exposed and twenty cases were reported erupted. The contagion then spread to the adjacent towns of Manti and Ephraim. Dr. Morrey, chairman of the Sanpete County Board of Health, immediately notified Dr. Beatty of the outbreak. Beatty went to Sterling, declared the disease as genuine, and placed the town under quarantine. Guards were stationed to prevent anyone from entering or leaving the town. Physicians were instructed to vaccinate as many inhabitants of the town as possible. These stringent measures were implemented in the hope that "the disease might be speedily stamped out or brought under control."[57] At first there was no opposition. People were eager to protect themselves and "the health officers were confident that there would be little difficulty in security [securing] the systematic vaccination of the entire population of the county, as is customary under such circumstances."[58] The Biennial Report of the State Board of Health explains why the health official's plan failed.

> There soon developed...a serious and unfortunate opposition to the efforts of the local officers, from an unexpected quarter. The Deseret *News*, a paper of extensive circulation in the State, bitterly attacked vaccination, the only means by which it could be hoped to confine the disease within its original limits or prevent its invasion of the entire State. The effect of the flood of unfounded assertions against this measure, which were persistently published was to create an unreasonable prejudice in the minds of the people, which soon rendered it impossible to control the spread of the disease by general vaccination.[59]

Why the *Deseret Evening News* influenced viewpoints concerning

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[57]Biennial Report by the State Board of Health, 1901, Utah State Archives and Records Service, Secretary of State, Public Documents, Series 240, December 31, 1901, pp. 16, 17.

[58]Ibid., p. 17.

[59]Ibid.

vaccination will be discussed later.

The contagion spread rapidly. On December 8, 1899 the State Board of Health declared a general epidemic.[60] At least 200 cases were directly traced to the first case in Sterling. By April 1900 the disease was prevalent in the towns of Eureka, Spanish Fork, Richfield, Mt. Pleasant, Sterling, Manti, Ephraim and 24 other towns, while the counties of Emery, Sevier, Sanpete, listed even broader manifestations of the disease.[61] Consequently, communities were placed under quarantine, some contagious carriers were forced to remain in pest houses until the infection dissipated, some infected individuals were sent to isolation hospitals, and public and private schools were suspended. These policies caused personal inconveniences. William Pearson, a resident of Salt Lake City, was sent to the pest house, suffering from smallpox. His bride of three weeks accompanied him rather than remain separated from her "alleged lord." They spent the rest of their honeymoon in the pest house. Public meetings were also prohibited and two individuals died. [62]

In 1899 some communities had a city quarantine officer and Health Board to enforce the sanitary rules and regulations. The State Board of Health, however, dictated the guidelines and sanitation

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[60]Ibid.

[61]Utah Reports: Reports of Cases Determined in the Supreme Court of the State of Utah, vol. 21, (Chicago, Callaghan & Co., 1901), p. 407; Ogden Standard, December 5, 1899, p. 4; Ogden Standard, December 1, 1899, p. 6; "Smallpox is raging in Sanpete County," Salt Lake Herald, November 20, 1899, p. 1; "People of Sanpete are Panic Stricken," Salt Lake Herald, November 21, 1899, p. 1; "Smallpox in Sanpete," Salt Lake Herald, November 22, 1899, p. 8; "Case at Emery, Salt Lake Herald, December 15, 1899, p. 2.

[62]Beaver County Blade, August 18, 1900, p. 2; Silver, 1:71, 95, 99; Deseret Evening News, January 13, 1900, pp. 3-8; "Smallpox and not Chickenpox," Ogden Standard, January 19, 1900, p. 4.

regulations the individual local Health Boards had to follow. Dr. Beatty, Secretary of the State Board, traveled the state to determine how effectively the communities implemented these regulations. He also helped to enforce health ordinances.[63]

During the outbreak, J. B. Jennings, a resident of Richfield, petitioned Governor Wells and the Utah State Board of Health on behalf of the residents of Richfield to "do what you can for this people" and to send the State Board of Health Secretary, Dr. T. B. Beatty, at once. Two days later Wells replied that Dr. Beatty had gone a similar mission to Spanish Fork, but another physician would be dispatched to Richfield. In his reply to Jennings, the Governor also expressed hope that Richfield's health authorities had established a strict quarantine, performed a thorough disaffection, and "as wide a vaccination as possible. It is the duty of all good citizens to do all in their power to prevent the spread of this contagious disease, which, if it goes unchecked, threatens to become a pestilence in our state."[64] While visiting Spanish Fork, Beatty determined that the situation was serious, therefore, he instituted compulsory vaccination among the pupils of the Spanish Fork public schools, hoping that the disease would spread no further.[65]

During the winter and spring of 1899-1900 Utahns did not do all in their power as the Governor advised and Utah suffered from a clement

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[63]Morrell, Vicissitudes, p. 93.

[64]Beaver County Blade, December 16, 1899, p. 6.; Heber M. Wells, December 5, 1899, Utah State Archives and Records Service, Governor Wells, Correspondence, 1895-1905, Series 235. Microfilm Reel 10 (hereafter, Wells Correspondence); Wells Correspondence, December 7, 1899.

[65]Ogden Standard, December 12, 1899, p. 7.

smallpox epidemic.[66] How serious the epidemic was depended largely on one's opinion concerning vaccination. Anti-vaccinationists felt it was minor while pro-vaccinationists concluded the reverse. If the disease was rampant, fortunately its form was mild. At first it concentrated in small towns and the number of cases that erupted fluctuated monthly from one infection to dozens. Rarely were there summer cases, the majority occurring in the late winter months.

The disease spread quickly from the south to the more populated northern cities.[67] One actor from the Lindsay Dramatic Troupe brought the disease to Spanish Fork. The disease spread to Richfield and fifty residents of Richfield signed a petition and sent it to Beatty complaining that the local Health Board was not properly quarantining the cases there.[68] In the middle of December, Mr. Samuelson, a painter from Gunnison, brought the disease to Salt Lake City.[69] Salt Lake City civic authorities met to discuss a plan of action to prevent a major outbreak.

By December 1899, the state health authorities met with the Salt Lake Board of Education Committee on Teachers and School Work to discuss the threat of contagion in the public schools. Dr. Keogh, city health commissioner, explained to the group that "in no way could the imminent danger of a smallpox epidemic be reduced to a minimum in Salt Lake better than by compelling the vaccination of every person in the public schools."[70] Beatty agreed,

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[66]Ogden Standard, December 12, 1899, p. 12; Ogden Standard, December 15, 1899, pp. 5, 8; Salt Lake Herald, December 16, 1899, pp. 3, 29; Deseret Evening News, December 18, 1899, p. 1.

[67]Beaver County Blade, December 16, 1899, p. 6.

[68]"Spanish Fork Hotel Closed," Salt Lake Herald, December 7, 1899, p. 3.

[69]"Vaccination was the subject," Deseret Evening News, December 19, 1899, p. 1; "Smallpox Out Again," Salt Lake Herald, December 20, 1899, p. 3.

[70]"To Vaccinate School Children," Deseret Evening News, December 16, 1899,

> No well informed person could show that anything but almost utter immunity from smallpox resulted from vaccination and challenged anyone to cite an instance where any fatality ensued from the application of modern aseptic methods. No one could even name an instance when an arm had been lost. Beatty asserted that there was absolutely no danger from vaccination...Utah was about the only state in the Union in which there were no compulsory vaccination laws, and for this reason he believed that if smallpox should become epidemic in Salt Lake and other towns where the contagion has broken out the result would be terrible.[71]

Dr. Beatty reassured the committee that all 12,000 public school teachers and children could be properly vaccinated during the Christmas and New Year holidays if the vaccination were done wholesome and clean. Beatty claimed that he could vaccinate one child per minute provided that he had an assistant prepare the arm "of the victims."[72] Those who do not wish to have their arms marred, could have the vaccine applied on the leg above the knee. Finally, Beatty informed the committee that the State Board of Health planned to issue a proclamation ordering compulsory vaccination of all school children and teachers in districts where the disease existed and would recommend the same preventative to every citizen in Utah.[73]

At first the health officials persuasive arguments seemed successful. They convinced a majority of the Salt Lake School committee to support compulsory vaccination. Committee chairman J. F. Critchlow and members Walker and Young voted heartily in support of the

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p. 8; "Keep Smallpox Out," Salt Lake Herald, December 16, 1899, p. 8.

[71]"To Vaccinate School Children," Deseret Evening News, December 16, 1899, p. 8; "Keep Smallpox Out," Salt Lake Herald, December 16, 1899, p. 8.

[72]Deseret Evening News, December 16, 1899, p. 8; "Vacation is Ended," Salt Lake Herald, September 10, 1899, p. 3.

[73]Biennial Report by the State Board of Health, 1901, Utah State Archives and Records Service, Secretary of State, Public Documents, Series 240, December 31, 1901, pp. 17, 19.

resolution. Committee member Moyle although supportive of vaccination opposed the measure because he questioned the need of compulsion. President Nelden went further. He opposed the recommendation because he doubted the board could legally compel vaccination. Despite this opposition, the committee voted to recommend that the city Board of Education adopt a resolution to enforce vaccination upon all school children as a safeguard against the entrance into the homes and schoolrooms of the contagion. According to the recommendation, no pupil or student would be permitted to attend unless they could give evidence of successful vaccination. The committee's resolution also empowered the superintendent to arrange with the Board of Health for the vaccination at a cost of 25 cents each and free to children of indigent parents. The board also recommended that Mr. Cooper, Superintendent of Salt Lake schools, be responsible for the vaccination campaign.[74]

Notwithstanding this favorable recommendation, on December 19, 1899 the Salt Lake City Board of Education rejected compulsory vaccination. A minority of Board members disapproved the use of compulsory measures. The majority, however, removed the compulsory clause and the minority agreed recommend voluntary vaccination.[75] The Board of Education concluded that the matter of compulsion was for the Health Board to decide.[76]

Charles W. Penrose, editor of the *Deseret Evening News*, was pleased. He claimed that the Board of Education was influenced by strong opposing public sentiment and there still remained a question

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[74]"To Vaccinate School Children," Deseret Evening News, December 16, 1899, p. 8.

[75]"Rank of Dark Doubt," Deseret Evening News,, December 20, 1899, p. 8.

[76]Ibid.

about the legality of such a measure. He asserted that nine-tenths of the people supported the decision made by the Board.[77]

Charles W. Penrose was a remarkable and prominent individual. In 1861 he immigrated to Utah from Camberwell, London, England where he served two proselytizing missions. A member of the Ogden city council for four terms and director of the *Ogden Junction*, in 1877 he moved to Salt Lake City to join the *Deseret Evening News*. Within three years, he was editor-in-chief, serving in that capacity from 1880 to 1892. Following the editorship of the newspaper by George Q. Cannon, Penrose was back at the editorial helm when LDS Church President Lorenzo Snow asked him to return in 1899. He thereby had a powerful voice of directing the editorials of the Church owned newspaper. Penrose later would be called to the Quorum of Twelve Apostles in 1904 and concluded his church service in the LDS First Presidency.[78]

The State Board of Health continued to pursue compulsory vaccination for smallpox even though the Salt Lake Board of Education voted against it. The Board held meetings during the last part of December to discuss a state-wide resolution requiring vaccination of school children and teachers in afflicted districts.[79] Those attending were President F. S. Bascom, Secretary T. B. Beatty, Dr. Martha Hughes Cannon, A. W. Taylor of Brigham City and A. F. Doremus of Salt Lake City who recently had been appointed. The Board discussed the question

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[77]"The Current Local Topic," Deseret Evening News,, December 20, 1899, p. 4.

[78]Frank, Esshom, Pioneers and Prominent Men of Utah, (Salt Lake City: Western Epics, Inc., 1966), p. 1095.; Daniel H. Ludlow, ed., Encyclopedia of Mormonism, (New York: Macmillan Publishing Co., 1992), 1:231, 377, 635; Church Educational System, Church History in the Fullness of Times, (Salt Lake City: Church of Jesus Christ of Latter-day Saints, 1989), p. 456.

[79]"Vaccination was the Subject," Deseret Evening News, December 19, 1899, p. 8.

as to whether it held sufficient authority to order such a policy statewide or, failing that, whether compulsory vaccination could be enforced in certain districts. Members understood that considerable opposition would likely manifest itself against such an edict, but "the sentiment of the board was that it should do what it believed to be its duty regardless of opposition."[80] While discussing the matter, Dr. Beatty conveyed the opinion of the State Attorney General A. C. Bishop. Bishop, and Deputy Attorney General, William A. Lee, had determined,

> Where it satisfactorily appears to the State board that smallpox has become epidemic in a community, it shall, if found necessary, direct the local board to enforce the necessary rules and regulations to exclude unvaccinated children from attendance upon the schools and if the local board shall fail to perform their duty in this regard, the State Board would have authority and be fully warranted in enforcing such rules and regulations...[81]

Beatty reported also that Bishop had concluded that the board had the legal power to compel vaccination wherever it was necessary for the public health, but that the board could not establish the rule in one community and not in another.[82]

The Attorney General's viewpoint was unconvincing to some Board members, consequently Dr. Beatty presented additional evidence in hopes of winning their support for compulsory vaccination. He discussed the spread of the disease in the south, maintaining that the disease in the south was spreading rapidly. The disease, Beatty declared, was a scourge which might reach epidemic proportions. There was an intense fear concerning the potential harm of smallpox if it were to reach a stage

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[80]Ibid.

[81]Biennial Report of Attorney General of the State of Utah, 1899, 1900, (Salt Lake City: Deseret News Press, 1901), pp. 401-2; "Board of Health Powers," Salt Lake Tribune, December 22, 1900, p. 7.

[82]Deseret Evening News, December 19, 1899, p. 8.

of epidemic proportions. The *Salt Lake Herald* revealed Beatty's passion,

> If others felt like letting a smallpox epidemic come, they must take the consequences, for soon they will see the necessity for clothing the health department with even greater powers than they now possessed; but, as for himself, Dr. Beatty declared he would do his duty to help protect the non-voting class and the young children from the ravages of the threatening contagion.[83]

Despite the impassioned pleas, Beatty's counsel that compulsory vaccination was the only way to eradicate the dreaded disease failed to find enough support. The only partly attended Board postponed the order of a general vaccination until it could reconvene with a "fuller attendance."[84] While not acting on this issue, the Board severely chastised of county Commissions in Garfield, Piute, Morgan, Summit, and Utah Counties for failing to comply with the law demanding the establishment of local boards of health. Secretary Beatty considered legal prosecution for the violators.[85]

Within a week the State Board of Health reconvened to consider the general vaccination order[86] There were only two absentees, Dr. Pike of Provo, and Dr. A. F. Doremus, both decidedly in favor of compulsory vaccination as the best means of preventing the threatening epidemic. There were now over 50 cases of Variola minor in the state. The Board recognized that Dr. Beatty was correct about the authority to compel vaccination and the need to prevent the spread of the disease by vaccination so they adopted a significant resolution.

> It is the unanimous decision of the Health Board that all unvaccinated school children should be immediately effected in the localities where the disease prevails; therefore, be it Resolved, that

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[83]Salt Lake Herald, January 17, 1900, p. 3.
[84]Deseret Evening News, December 19, 1899, p. 8.
[85]Ibid.
[86]Ibid.

> the secretary shall advise the proper authorities of each town where the disease exists to immediately enact rules requiring that all children who cannot show signs of successful vaccination shall be vaccinated before they shall be allowed to enter any public school; also that said local authorities shall compel the vaccination of any others who may have been directly exposed to smallpox.[87]

The resolution also recommended that local authorities provide for the free vaccination of anyone who desired it.

Following their second meeting, the State Board of Health issued a proclamation making vaccination compulsory among school children in smallpox infested districts. The order required that the teachers send home all children not vaccinated and if the parents objected, their only redress would be through the courts.[88]

Penrose was angry with the move. He and the *Deseret Evening News* chastised Dr. Beatty,

> Dr. Beatty [rushed] in where the [Salt Lake City] Board of Education feared to tread. The attempt to make a scare in this city [Salt Lake City] deserves the severest denunciation. The idea that one or two mild cases of alleged smallpox in this city warrants its designation as an infected district, is the very height of medical absurdity. The Board of Health...can advise what they think best, but they had better pause before trying to force upon the people of this city something that is utterly repulsive and obnoxious to most of them...and which that board will find it has no legal authority to impose[89]

The *Deseret Evening News* emphasized the possible negative effects of the Board's decision. It noted that word had spread throughout the country that Salt Lake City had smallpox, and consequently, non-Utah newspapers might encouraged travelers to "insist on going though [Salt

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[87]"Still after the job." Deseret Evening News, December 21, 1899, p. 8; "State Board Acts, " Salt Lake Herald, December 21, 1899, p. 5.

[88]"The Current Local Topic," Deseret Evening News, December 20, 1899, p. 4.

[89]Ibid.

Lake City] without leaving their [train] cars."[90] The *Deseret Evening News* also indicated that tourists and other travelers who had arranged to stop over in the city had changed their plans and would not come up town. "The travelers [the *Deseret Evening News* explained] have probably read some exaggerated and sensational report and imagine Salt Lake to be a plague stricken city, when as a matter of fact less than a half a dozen cases, all told, have developed here."[91] The *Deseret Evening News* claimed that the false scare was hurting business. The hotel keepers were dismayed over the alarm of the traveling public. "Their hotel rooms were being emptied and the effect on their business would be disastrous should this state of affairs continue."[92]

Penrose continued his attack by printing editorials, letters to the editors, and articles condemning vaccination and compulsory measures. As a personal opponent of vaccination, Penrose argued that the vaccine was potentially harmful especially if injected into a healthy child. The *Deseret Evening News* editor declared,

> What we object to on behalf of the people, is the attempt to compel those who do not believe in the practice of injecting into to veins of a pure and healthy child, filthy virus from a diseased cow or human being...Let those who believe in vaccination practice or submit to it if they choose, but keep your hands off those who vehemently object to it and refuse to permit you to tamper with their children![93]

An unsigned letter to the editor commented,

> Vaccination may be a good operation, but when a physician

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[90]"Alarmed by the Smallpox Talk," Journal History of the Church of Jesus Christ of Latter-day Saints, (Brigham Young University Library, Provo, Utah), January 4, 1900, p. 23. microfilm.

[91]Ibid.; Beaver County Blade, January 6, 1900, p. 1; "The Prevalent Alarm," Deseret Evening News, January 5, 1900, p. 4.

[92]Beaver County Blade, January 6, 1900, p. 1.

[93]Deseret Evening News, December 16, 1899, p. 4.

> recommends that remedy and then orders isolation to prevent contagion, he does not exhibit entire confidence in the efficacy of the remedy. There are many who think they are justified in resisting to the utmost the infusion of virus into the veins of their healthy children, and some of them are determined to make a legal fight for their rights as parents.[94]

One parent even suggested that the people would protect their children from vaccination by force, if necessary.

> There are host of people who...would stand with a shotgun as ready to use it upon a person attempting to put vile matter from a diseased bovine into the bodies of their healthy children, as if he were trying to make them swallow a dose of poison.[95]

John T. Miller wrote that an "assault against healthy bodies is the sum and substance of compulsory vaccination. [It is a] filthy practice."[96]

The *Deseret Evening News* printed stories about citizens being sorely afflicted after being vaccinated or how the vaccinations never took.[97] In one letter a citizen claimed his children were successfully vaccinated; however, just recently they contracted the disease. The author of the letter claimed to have seen many cases of vaccination and reached the following conclusion.

> Sometimes people die of smallpox, and sometimes they die of vaccination. Sometimes vaccination seems to alleviate smallpox, and sometimes it does not. Sometimes the effect of vaccination is worse on the subject than smallpox, and sometimes it is not.[98]

The editor reminded the readers that doctors believe they are right in vaccination, but thousands of healthy kids still are hurt or die.[99] Most likely the editor relied upon outdated or exaggerated information

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[94]Ibid., December 19, 1899, p. 4.
[95]Ibid., December 20, 1899, p. 4.
[96]Ibid., December 30, 1899, p. 11.
[97]William J. Silver, comp. Scrapbook, 2 vols. Brigham Young University Library Archives, Brigham Young University, Provo, Utah, 1:107.
[98]Journal History, December 13, 1900, p. 6.
[99]Deseret Evening News, December 25, 1899, p. 7.

concerning the number of deaths or complications due to vaccination.

Compulsory vaccination, practiced in many countries in Europe and in a few states, led to sensational information.[100] Opponents gave lurid descriptions of the loss of limbs or even life. There were stories of violent blood-poisoning, the use of out-dated and unreliable statistics and accusations of children killed by vaccination.[101] These misleading accounts surfaced in Utah, too. During the 1899-1900 controversy, it was reported,

> At the mass meetings held throughout the state speakers habitually misquoted statistics regarding vaccination, condemned it as vile, filthy practice, and as being worthless. They contended that the disease itself was dying out, was now of a mild form and "that it didn't even pit the skin." The constant presence of epidemics, often with high death rates, failed to impress them. The daily and weekly reports from the city and state Boards of Health, showed regularly new cases of the disease ranging from ten to twenty per week.[102]

The Anti-Compulsory Vaccination League (A.C.V.L.) distributed most of the distorted material in the state of Utah. The A.C.V.L., organized by opponents of vaccination who were upset over the recent actions of the Boards of Education and Health to compel vaccination, was led by Thomas Hull, a member of Reed Smoot's Republican "Federal Bunch," a political machine that dominated Utah politics until 1916.[103] The A.C.V.L. based its constitution upon the National Anti-Compulsory Vaccination Leagues located in London, England and Terre Haute, Indiana. During a Salt Lake City mass meeting of the League heated speeches were delivered concerning the dangers of smallpox. J. H. Parry,

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[100]Morrell, Vicissitudes, p. 111.
[101]Ibid.; Silver, 1:3-67.
[102]Morrell, Vicissitudes, p. 115.
[103]Thomas G. Alexander, Mormonism in Transition: A History of the Latter-day Saints, 1890-1930, (Urbana: University of Illinois Press, 1986), p. 28

secretary of the League said, "It is as certain that...thousands in the city will never submit to the thrusting of a blood-poising, disease-breeding virus into their children's systems."[104] In addition to Hull, who served as the A.C.V.L. president, Scott Anderson , C. S. Booth and B. H. Schettler served the committee as, Vice president, Secretary and Treasurer respectively. One-hundred and three individuals joined the League after that meeting.[105]

Menaced by the recent meeting of the A.C.V.L. but not intimidated by them, the Salt Lake City Board of Health met once again to consider the smallpox question and the proclamation issued by the State Board of Health. Prominent elected officials and physicians attended including Mayor Clark, County Commissioner Keogh, Dr. Beatty and Dr. Fisher. Beatty strongly urged the necessity of enacting rules that would require vaccination during the holiday season and that adults, who may be deemed to have been exposed, be required to submit to that treatment. Beatty expressed displeasure at what he characterized as temporizing on the part of the city board with these needed precautionary measures.[106] The local Health Board voted to enforce the compulsory vaccination edict.

Faced with the decision to obey the vaccination order, the Salt Lake City Board of Education closed the schools for a week.[107] The Board also stipulated that all children who could not show signs of

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[104]"Opposition to Vaccination," Deseret Evening News, January 23, 1901, p. 2; Silver, 1:181.

[105]Thomas G. Alexander & James B. Allen, Mormons and Gentiles: A History of Salt Lake City, (Boulder, Colorado: Pruett Publishing Co., 1984), p. 152; Silvers, 1:71, 95, 99; Journal History, January 13, 1900, pp. 3-8.

[106]Deseret Evening News, December 23,1899, p. 8.

[107]Dr. Condon appeared before the Salt Lake County Commissioners. "School Board Logic," Deseret Evening News, January 8, 1900, p. 8; Ogden Standard, January 5, 1900, p. 4; Ogden Standard, January 9, 1900, p. 8.

recent, successful vaccinations were to be excluded when school resumed.

The *Deseret Evening News* maintained that the restriction on school attendance was unnecessary. The newspaper argued that the Health Board had exaggerated the severity of the smallpox epidemic. An editorial entitled "No cause for a Panic" suggested that certain individuals in the country are subject to "wide-spread hysteria by claiming there is danger in the state."[108] Further, the editorial asserted that the motivation behind raising the smallpox scare was to "force upon the people of Salt Lake, and ultimately of all Utah, the repulsive and oppressive system of compulsory vaccination."[109] To further make its point, the newspaper printed a letter to the editor admonishing Beatty for creating a unnecessary scare. "There is more scarlet fever than smallpox, and yet no scarlet fever panic is attempted. Be consistent, Dr. Beatty, prevent disease by combating infection, and do less talking."[110] Beatty, however, correctly identified the extent of the smallpox problem. Four hundred and forty-two cases of smallpox had been reported in the city and one loss of life by the end of 1900.[111]

The *Deseret Evening News* proclaimed its support for the Health Board officers and the school authorities in their quest to protect the children and public in general; however, they did not feel obliged to "join in the effort to frighten the people of the city into universal vaccination."[112] Since the editor believed the state to be quite free of

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[108]Deseret Evening News, December 16, 1899 p. 4; "Don't Become Excited," Deseret Evening News, January 11, 1900, p. 4.
[109]Ibid., December 16, 1899, p. 4.
[110]Morrell, Vicissitudes, p. 114.
[111]Alexander & Allen, p. 151.
[112]Ibid., December 16, 1899, p. 4.

smallpox there was no need for compulsory vaccination measures. Penrose wrote,

> ...if Utah, as alleged, is the only State in the Union where vaccination is not made compulsory, the fact that there is no state in the Union which is freer from smallpox, is a pretty strong argument against the theory of the compulsory vaccination promoters.[113]

The paper claimed that there was needless alarm over the

> supposed solitary case of simple varioloid, that is now quarantined beyond the city limits. [It] poses no danger and consequently there is no need for vaccination. All hygienic, physiological and mental wisdom is not included in their [Board of Health's] craniums...[114]

A feeling of terror increased as the first mild cases were discovered in Salt Lake City. The *Deseret Evening News* suggested that there is no need to frighten even if it is true that there are genuine cases of smallpox in the southwestern portion of the city.[115] "The attempt to make a scare in this city deserves the severest denunciation."[116]

There were other statements in the *Deseret Evening News*. William Silver, an anti-vaccination enthusiast, alleged that the State Health Board had ulterior motives by declaring a smallpox epidemic. He contended that the threat of a smallpox epidemic was a gimmick to influence the legislature to approve compulsory vaccination.[117] A parent also felt that there was no foundation to work up a smallpox scare in the city and the motive for attempting one "is an overweening desire on the part of some public officials to pose before the people and a consuming vanity to have their names in print."[118]

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[113]Ibid.
[114]Ibid., December 19, 1899, p. 4.
[115]Ibid., January 5, 1900, p. 10.
[116]Ibid., December 20, 1899, p. 4.
[117]Silver, 1:89.
[118]Deseret Evening News, December 18,1899, p. 4.

The *Deseret Evening News* also identified a major fear individuals exhibited about vaccination.

> We are aware that in the orthodox school of medicine it is considered a settled thing [the question of the benefits of vaccination]. Properly graduated doctors have been trained to view the matter in this light. They are like graduates in orthodox theology in this respect. The idea that these so-called settled theories are open to dispute, causes a satisfied smile upon their contented countenances. But the alleged "science" of medicine has been subject to so many radical changes, the experience of one age entirely upsetting the professed knowledge of previous periods, that progressive minds ought to be open to further light and be very careful not to be too tenacious as to the past. Let the debate come on![119]

The debates occurred. Many city councils and mayors in the state debated the effectiveness of vaccination and compulsory vaccination and the State Board of Health's authority and took what they believed to be appropriate action. The Spanish Fork city council, after holding a town meeting, decided that a strict quarantine would be enforced but no compulsory vaccination. It appeared to the Spanish Fork city fathers that the smallpox scare was abating, and with the schools back in operation, no compulsion was necessary. In turn, Springville's city council created a new Board of Health to deal with their outbreak. In Payson the city council ordered all public meetings prohibited. Mayor T. N. Taylor of Provo notified students in nearby Eureka, Payson, Spanish Fork, Mona and Emery they would all need to comply with the vaccination order if they intended to attend the town's schools. In Weber County the Business Board of County Commission met with County Board of Health to discuss the best method to prevent an epidemic. The commissioners decided to isolate any case and take every precaution

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[119]Ibid., December 21, 1899, p. 4.

recommended by health officers to prevent infraction of the sanitation regulations of the county. Although unaffected by the contagion, Logan reemphasized the need to follow sanitation regulations to keep out smallpox.[120]

Eureka held its town meeting on January 4, 1900.[121] Dr. Beatty, Dr. C. W. Clark, C. J. Field, Dr. Stauffer, and Mayor Spriggs all attended. Many of the local citizens and even the local doctors, Clark and Stauffer, did not believe that there had been smallpox in the area. The several cases of sickness were diagnosed as simply severe cases of chickenpox. Dr. Beatty disagreed, examining the cases, he promptly pronounced them as smallpox. The municipal authorities sustained Dr. Beatty and issued a proclamation requiring the closure of the schools and public gatherings indefinitely. The entire town of Eureka was quarantined. The State Health Board Secretary also requested that mine owners should have their men vaccinated. Consequently, the mining companies arranged to vaccinate all their employees while other individuals did likewise.[122]

Smallpox finally reached Beaver county in April 1900. Knowing that people elsewhere had refused the authorities of their local health boards, Beaver's mayor authorized the *Blade*, the local newspaper, to indicate that "all authority of the city government had been delegated to the Board of Health and that their mandates must be obeyed."[123]

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[120]Journal History, January 8, 1900, p. 16; "Epidemic not Likely," Salt Lake Herald, January 5, 1900, p. 3; Journal History, January 15, 1900, p. 19; Journal History, January 16, 1900 p. 10; Deseret Evening News, December 22, 1899, p. 9; Ogden Standard, December 22, 1899, p. 5; Journal History, January 9, 1900, p. 15.

[121]Journal History, January 9, 1900, p. 15.

[122]Ibid.; Journal History, January 4, 1900, p. 23.

[123]Beaver County Blade, April 7, 1900, p. 2.

By the end of December, 1899 Dr. Osten declared that their smallpox epidemic was under control in Sanpete. However, the state's public school teachers convention shunned their friends from Sanpete by not allowing them to attend.[124]

At Logan there was no epidemic, just an initial scare. The supposed case of smallpox turned out to be a skin disease. Doctor Parkinson, and Ormsby, county & city quarantine physicians respectively, said that the supposed smallpox afflicted boy only had skin disease, but they suggested careful watch to prevent introduction of the smallpox disease into the area.[125]

On January 9, 1900, the Salt Lake City council convened to discuss the vaccination question. Present were Mayor Ezra Thompson, Health commissioner J. C. E. King, Dr. Fisher and Dr. Beatty. The council agreed to provide free vaccination to all children, despite a minority of council members being opposed to the free vaccination resolution.[126] The Salt Lake City Health Board took more dramatic action. It adopted a resolution providing "for the sending of a mandatory notice to the board of education requiring that body to prohibit unvaccinated children from attending the public schools."[127] The Board adopted the resolution after considering the opinion by City Attorney Frank B. Stephens who held that the Board of Health had the power conferred upon it by law to make such demands not only of the public school, but of the University and private schools. The action taken by the City Board of Education and Health officials was instrumental in

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[124]Deseret Evening News, December 25, 1899, p. 8.
[125]Journal History, January 11, 1900, p. 9.
[126]Ibid., January 10, 1900, pp. 7, 8.
[127]Ibid., January 15, 1900, p. 2.

motivating a "flock" of children to be vaccinated.[128]

By January 1900 the epidemic was rapidly increasing. The *Ogden Standard* reported that the towns in the state in which smallpox was known possibly to exist included: Sterling, Ephraim, Manti, Richfield, Gunnison, Price, Fairview, Springville, Payson, Spanish Fork, Eureka, Silver City, Mammoth, Salem, Kosher, Kooshan, Giles, Emery, Castle Dale, Huntington, Ferron, Cedar Fork, and numerous sheep camps in Wayne County.[129] The Salt Lake City Health Board reported that an epidemic was imminent and by January 20, 1900 the prominent physician Dr. Wilcher claimed that smallpox was epidemic in Salt Lake.[130] The *Deseret Evening News* suggested there were still more cases of a mild form which had not been reported to the health department. These cases convinced the editor of the *Ogden Standard* that the capital city had "all the smallpox necessary to sustain a claim that they have an epidemic."[131] The Ogden newspaper also lashed out at the physicians who failed to report suspicious cases. Not reporting potential cases of smallpox,

> is very reprehensible to say the least [the paper reported], and may well be characterized as criminal. [Those physicians] have thus endangered the health and lives of the people all over the State and everyone in the inter-mountain country.[132]

The Ogden Chairman of the Committee on Sanitary reported to the

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[128]Ibid.; Salt Lake Herald, January 11, 1900, p. 8.

[129]"Smallpox and not Chickenpox," Ogden Standard, January 19, 1900, p. 4; Deseret Evening News, December 26, 1899, p. 3; Deseret Evening News, December 27, 1899, p. 2; Journal History, January 11, 1900, p. 10; "Smallpox at Giles," Salt Lake Herald, December 26, 1899, p. 8.

[130]"Smallpox Epidemic in Salt Lake," Ogden Standard, January 20, 1900, p. 7; "Epidemic not Likely," Salt Lake Herald, January 5, 1900, p. 3; "To Vaccinate Poor," Salt Lake Herald, January 10, 1900, p. 8.

[131]Ogden Standard, January 20, 1900, p. 7.

[132]Ibid.; "More Salt Lake Smallpox," January 16, 1900, p. 4.

Ogden City Council that there were no cases of smallpox in Ogden; however, he recommended everyone should nevertheless be vaccinated. He claimed it would be easier to keep the disease out than to stamp it out after it got a foothold. Ogden City Physician, Condon, already had been urging vaccination as the only sure prevention since December.[133] On January 17, 1900, Ogden's Board of Education passed a resolution which strongly urged school children, teachers and janitors to be vaccinated at once, but they did not make it mandatory. The Mayor did allocate the sum of $25.00 for the "purchase of the virus for vaccination for those whose impercuniousity [sic] prevented them from having such matter."[134] In Ogden a resident requested information from the *Ogden Standard* newspaper which would clarify the authority of the State Board of Health. The paper responded that the city and county authorities could not ignore its orders and all such officers are commanded and enjoined to assist the boards of health in the enforcement of its regulations.[135]

The public schools were not the only organizations affected by the State Health Board's wielding of power. On January 15, 1900 Ezra Thompson, mayor of Salt Lake City, issued a proclamation requiring all Sunday schools closed. He felt constrained to order the Sabbath schools closed because of the local Health Board's decision to enforce the state edict.[136] Most LDS local leaders and Christian Scientists disregarded the

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[133]"Condon Urges Vaccination," Salt Lake Herald, December 19, 1899, p. 7.

[134]"Agitating Vaccination," Journal History, January 18, 1900, p. 14; "Smallpox in the West," Standard, January 9, 1900, pp. 3-4; Journal History, January 16, 1900, p. 10; "Will Build Pest House," Ogden Standard, January 20, 1900, p. 7.

[135]Ogden Standard, December 26, 1899, p. 4; Ogden Standard, January 29, 1900, p. 7; "More Salt Lake Smallpox," Ogden Standard, January 16, 1900, p. 4; Ogden Standard, January 16, 1900, p. 10.

[136]"Closes all the Sunday Schools," Deseret Evening News, January 19, 1900,

order while Protestants generally obeyed.[137] Concerned that there may be conflict between the Church institutions and those of the municipalities, the LDS First Presidency required that the Sunday schools be suspended. Smallpox cases had diminished in Salt Lake City, however, and the order to suspend school had been lifted.[138] President Lorenzo Snow, Prophet of the LDS Church, issued another notice that "the Stake Conferences at Weber, Tooele and Sevier would be postponed indefinitely. The [LDS] Temples [were] also indefinitely closed on account of smallpox."[139] The Board of Regents of the State University also suspended the university for two weeks claiming they did not want to come in direct contact with the Board of Health by imposing the absurd condition of vaccination as a qualification for study at the university. The Regents believed the smallpox situation would improve during the two week recess and the vaccination order would be retracted.[140]

When the Sunday Schools were ordered closed by the Salt Lake City Health Board, the *Deseret Evening News* remarked that clean and healthy citizens attended Sunday School and that crowds mingle together in stores in auction rooms and in court rooms with higher risk of spreading contagion[141] Indeed the *Deseret Evening News* was most upset about the Sunday Schools closing because the paper thought that this organization was being unjustly singled out.[142]

The *Deseret Evening News* also put forth the idea that the State

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p. 5; "Council on Smallpox," Salt Lake Herald, January 17, 1900, p. 3.

[137]"Sunday Schools Open," Salt Lake Herald, January 22, 1900, p. 5.

[138]Deseret Evening News, January 30, 1900, p. 4.

[139]Journal History, January 18, 1900, p. 4.

[140]Deseret Evening News, January 19, 1900, p. 5; "Use Common Sense," Deseret Evening News, January 20, 1900, p. 4.

[141]Ibid., January 22, 1900, p. 4.

[142]Ibid.

Board of Health was discriminating by requiring only school children to be vaccinated. A parent wrote,

> If it is necessary to have compulsory vaccination of school children of Salt Lake City, why isn't compulsory vaccination of the non school population equally as necessary? And if necessary in Salt Lake City, why isn't necessary through out the entire State.[143]

The parent concluded by requesting the *Deseret Evening News* to "continue the agitation in favor of the rights of the people and against the arrogance and usurpation of a few petty public officials having a little brief authority."[144] In an epitaph to the letter the editor claimed that a great many people in the city agreed with that parent's point of view and had commended the *Deseret Evening News* for its position against compulsory vaccination.

The Salt Lake City council addressed the vaccination issue at two consecutive meetings. On January 10 Councilman George Canning, a sheepherder by profession, jumped to his feet during a discussion and claimed that "we have a fine climate here and the people are healthy. This is only a smallpox scare. It's manila itch or chickenpox, and I doubt if it is smallpox."[145] Dr. Beatty, who in addition to his position on the State Health board was also a city councilman, glanced at Canning then retorted, "it is such ignorance and prejudice as we have heard here tonight, that is causing the spread of smallpox in the state." [146] Canning thanked Beatty for the compliment and the gallery cheered him on.[147]

After the exchange between the two council members, the city

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[143]Ibid., December 18, 1899, p. 4.
[144]Ibid.
[145]"Epidemic not Likely," Salt Lake Herald, January 5, 1900, p. 3.
[146]Ibid.; Journal History, January 3, 1900, p. 8.
[147]"Epidemic not Likely," Salt Lake Herald, January 5, 1900, p. 3.

council agreed to provide vaccinations free of charge to the poor. The next day Salt Lake City health officer, J. C. E. King, exclaimed that 135 children were vaccinated and 200 more desired it, but he did not have enough vaccine.[148]

One week later the city council again discussed vaccination notwithstanding the issue was not on the agenda. City Council member Frans S. Fernstrom presented a bill for an ordinance to stipulate that compulsory vaccination shall not be enforced as a measure of quarantine or otherwise. Not approving of the previous week's decision he demanded an ordinance be passed that would allay the confusion regarding the power of the board to enforce vaccination and to "assure those opposed to vaccination that their liberties would not be infringed."[149] Fernstrom also argued against the efficacy of vaccination for which he received a "storm of applause" from the galleries. Going further, he challenged the whole bunch of doctors that he had proof by a ratio of ten medical experts to one that his position on the efficacy of vaccination was correct.[150] Dr. Beatty responded,

> [Fernstrom's motion is] a most absurd proposition, the like of which could be found as a part of no city's ordinances. That uninformed laymen should undertake to prescribe what constitutes proper regulations for the public health seem to [me] most absurd.[151]

Fernstrom's measure was voted down.

Unhappy with the city council decision, A.C.V.L. members and other opponents to compulsory vaccination attended the Board of

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[148]"Flocks of Children Take Vaccine Treatment," Salt Lake Herald, January 11, 1900, p. 8.

[149]"Council on Smallpox," Salt Lake Herald, January 17, 1900, p. 3.

[150]Ibid.

[151]Ibid.

Education meetings on January 20, 1900. The attorneys for the A.C.V.L., Daniel Harrington and Judge O. W. Powers attempted to persuade the board members to rescind their edict. They warned that they would take legal steps to prevent the closing of schools against unvaccinated children. Mr. J. H. Parry and John E. Cox also expressed their opposition. With no quorum present, no action was taken.[152]

However, a full quorum was constituted at a subsequent meeting on the same day. At this time the Salt Lake City Board of Education decided to end the enforced week-long vacation and comply with the Health Board resolution. By a two to one vote the board reversed its previous position and required each school child to be vaccinated. E. B. Critchlow, Judge H. P. Henderson, W. A. Neldon, M. H. Walker, E. W. Wilson, , and B. S. Young all supported compulsion measures. If Simon Bamberger had been present another affirmative vote would have been cast.[153] Chairman Critchlow "catechised" the opposition to vaccination, while William J. Newman held that vaccination was only a "nonsensical hobby of medical men"[154] Cooper, Superintendent of Salt Lake schools, was notified to prepare for the schools to reconvene and he agreed to reopen each one in compliance with the Health Board's edict.[155]

The A.C.V.L. had been unsuccessful in persuading the Salt Lake City Council and City Board of Education to ignore the compulsory vaccination order. It vowed, however, to make every effort when the

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[152]Journal History, January 20, 1900, p. 5.

[153]Silver, 1:95; Journal History, January 22, 1900, p. 22; "Speaking of Vaccination," Ogden Standard, January 23, 1900, p. 7; "Schools Open Today," Salt Lake Herald, January 23, 1900, p. 3; Silver, 2:99.

[154] Silver, 1:99.

[155]"City Schools Open Tomorrow," Journal History, January 22, 1900, p. 2.; Silver, 1:99.

legislature met again "to keep from the statutes anything that savors of compulsory vaccination."[156] Meanwhile the first death by smallpox in 1900 occurred in Spanish Fork. Fred Hales, a well-known citizen, was misdiagnosed and having the most virulent form died. It was the second reported death since the disease was introduced from Montana.[157]

Now that the Salt Lake City boards having agreed to comply with the compulsory vaccination orders, parents and students had to decide to comply or conscientiously object. Apparently many took the latter course. The *Deseret Evening News Weekly* and the *Ogden Standard* estimated that eight thousand children had been shut out of school or 62 percent of the State's school children. The *Salt Lake Herald* reported that only 38.4 percent or 4,035 out of 10,513 attended classes.[158] Three days later only 350 additional students were eligible to attend school.[159] Reports from the Salt Lake district schools showed that a majority of parents were opposed to "the Board of Health and a portion of the Board of Education endeavoring to force vaccination upon their children."[160] Among those children who were admitted to school because they have "certificates of vaccination are a great many whose parents are opposed to the practice but who have yielded to the mandate issued."[161]

The *Ogden Standard* reported that the mandatory orders of the

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[156]Silver, 1:71, 95, 99; January 13, 1900, pp. 3-8; "Antis Hold Session," Salt Lake Herald, January 14, 1900, p. 4; "Smallpox and not Chickenpox," Ogden Standard, January 19, 1900, p. 4.

[157]"To Stop Meetings," Salt Lake Herald, January 16, 1900, p. 3; "Smallpox and not Chickenpox," Ogden Standard, January 19, 1900, p. 4.

[158]By February 5 only 10,000 students were attending. Deseret Evening News, February 5, 1900, p. 5; Deseret Evening News, January 26, 1900, p. 2; Silver, 1:95; "Few Children Out," Salt Lake Herald, January 24, 1900, p. 8.

[159]"Schools are Larger," Salt Lake Herald, January 27, 1900, p. 4.

[160]Deseret Evening News, January 23, 1900, p. 4.

[161]Ibid.

boards disturbed Salt Lake from the "Jordan flats to the bleak bench lands of Fort Douglas."[162] The *Ogden Standard's* editor wrote,

> They say "You must," and the arbitrary command has placed hundreds of citizens on their dignity and, with the independence born of Americans, they resent the dictatorial mien of the doctors and the educators who title themselves Board of Health or Board of Education. The Salt Lake boards should have invited rather than commanded as did the Ogden authorities.[163]

The editor praised how Ogden moved to control the spread of smallpox. The Ogden schools announced a day to vaccinate and the following day only a few students

> failed to appear and submit to the pin prick that inoculated the little ones with a poisonous germ guaranteed to stand watch over the portals of the body and put to death the first army of bacteria, waving aloft a banner of yellow, that might march to an attach on frail humanity.[164]

The vaccination of the school children was conducted by a number of Ogden physicians under the supervision of the board of education.

A rumor surfaced that the Ogden schools would be closed until all were vaccinated. Superintendent of Schools, Mr. Allison, stated that the Board of Education, the mayor and the health officials discussed the matter, but they had not decided to close the schools. They decided that "our modern schools have very little to do with spreading contagion. We ought not to destroy our school attendance by unnecessary alarm."[165] The Superintendent did describe the action a teacher must take if she or he noticed a possible condition of infection.

Even though some Ogden residents doubted the effectiveness of

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[162]Ogden Standard, January 26, 1900, p. 4.
[163]Ibid.
[164]Journal History, January 20, 1900, p. 43; "Smallpox and Vaccination, Ogden Standard, January 26, 1900, p. 4.
[165]Ogden Standard, March 30, 1900, p. 7.

the vaccination, the medical professionals spouted statistics from countries where vaccination was widely practiced and showed a low death rate. The preponderance of evidence favored the doctors.[166] The *Deseret Evening News*, however, argued that vaccination was not the reason for the low death rate. It wrote,

> The *News* is perfectly willing to concede the overwhelming intellectual superiority of its medical critics, but their logic is bad. It may need vaccination. They argue that because deaths from smallpox have been fewer since the introduction of vaccination in some countries, therefore vaccination is a preventive of that disease...they will find that among the fallacies of reasoning is one which argues that one thing is the cause of another, simply because they coexistent, or because one precedes the other.[167]

The *Deseret Evening News* predicted that the state of Utah would deal with compulsory vaccination just as the state of Minnesota did. Minnesota's State Board of Health issued an order that all school children be refused admission to school, unless they could prove that they had been "pus-poisoned."[168] This order raised some excitement and the matter was referred to the Attorney General who decided that the Minnesota State Health Board did not have the authority to issue such an edict. The *Deseret Evening News* suggested that the same findings would be reached in Utah.[169]

Determined to eliminate the compulsory vaccination edict, John E. Cox filed a petition for a writ of mandamus against the Board of Education and Principal Doxey of the Hamilton school. Cox, on behalf of his ten year old daughter who was denied admittance to the Hamilton,

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[166]Ibid., January 26, 1900, p. 4.

[167]"Bad Logic Killed," Deseret Evening News, January 11, 1900, p. 4.

[168]Deseret Evening News, December 18, 1899, p. 4; "Many Cases of Smallpox," Ogden Standard, January 9, 1900, p. 4; "A Vaccination War," Deseret Evening News, January 16, 1900, p. 4.

[169]Deseret Evening News, December 18, 1899, p. 4.

requested the third district court compel his daughter's admission to school. Supported by the A.C.V.L., Cox decided to let the Salt Lake District Court adjudicate the question.[170]

Four days after Cox filed the lawsuit, the public schools reopened to all pupils whether vaccinated or not. Because of improving conditions, the State Board of Health on February 5, 1900, withdrew its demands on that local Boards of Education allow only vaccinated children and teachers to attend school.[171] The *Deseret Evening News* claimed victory and maintained that Salt Lake City never had an epidemic nor had cause to panic.[172] The *Salt Lake Herald* reported that smallpox was still prevalent in Los Angeles, Indianapolis and in several of the larger cities,

> But the people are exercising caution, getting vaccinated and enforcing quarantine regulations...it has been so many years since the people of Utah have had their attention called to the disease that many of them seem to think it exists no where else. It is in a mild form...[and] it becomes virulent through neglect, and the only danger lies in refusal or failure to comply with the requirements of the health officers.[173]

The Deseret *Evening News* also saw the situation as benign. It reported that the Illinois State Board of Health published a paper by Dr. William M. Welch of Philadelphia concerning smallpox in that part of the country. Welch wrote that after 29 years of hospital work and after studying 5,500 cases of smallpox, he had never seen cases so mild as the present ones. He noted that the patients would not stay in bed after the eruption appeared and that they would "dress up in their clothing, walk

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[170] Ogden Standard, January 26, 1900, p. 3; "Smallpox and Vaccination," Ogden Standard, January 26, 1900, p. 4.

[171] Ogden Standard, February 6, 1900, p. 6.

[172] Deseret Evening News, January 31, 1900, p. 4.

[173] "Discrete Variola," Salt Lake Herald, January 17, 1900, p. 4.

about and indulge in various pranks, tricks and games."[174]

In Utah, as elsewhere, the disease was mild, but according to impressionist evidence it still left pockmarks. Nellie Palmer contracted the disease at the age of four in Enterprise probably during the 1898 outbreak. Harriet Louisa Mills Palmer, Nellie's mother obtained the smallpox serum from an infected cow and administered it to her. Nellie's grandmother, Francis Farr Mills, had been a British army nurse. She taught Harriet how to properly vaccinate. As a result of being attacked by the disease, Nellie had less than ten pox marks on her face, and more than ten over the rest of her body. She was scarred for life.[175]

Having abandoned its compulsory vaccination policy, the State Board of Health dealt with the disease on a case by case basis. According to its recommendations, when the disease surfaced again in February 1900, the Salt Lake City Sunday schools closed their doors for two weeks. This time there was compliance. The Board of Health also closed church schools in Emery county. Unlike earlier, no church councils or committees apparently circumvented these latest orders.[176]

The presence of smallpox caused more problems than just a controversial compulsory vaccination resolution. Economic consequences, personal inconveniences, and lawsuits appeared. Whole towns were quarantined. Eureka was quarantined for three months and Emery county was quarantined for four months. The dreaded disease financially weakened the businesses in these small communities. The

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[174]"A Mild Type," Deseret Evening News, February 5, 1900, p. 4.

[175]Colleen Clark of Provo, Utah, interview by author, July 7, 1993, Riverton, Utah.

[176]Journal History, February 12, 1900, p. 11; Ogden Standard, February 6, 1900, p. 5.

Deseret Evening News reported that "in Eureka last year the citizens suffered inconveniences, great detriment and expense due to this dreaded disease notwithstanding the fact that it resulted in fatalities."[177] Indeed, while the infected individuals suffered physically and emotionally, twenty-six died. Trains could not stop in towns infected with the contagion. When the local Boards of Health of Scofield, Castle Gate, and Sunnyside declared a quarantine against Springville, these towns refused entrance to individuals coming from Springville. Throughout Utah pest houses and isolation hospitals had to be funded which led to added expense to taxpayers. Homes were quarantined by mistake. A family diagnosed with smallpox proved incorrect. On October, 1900 *Deseret Evening News*, claimed that the patients in the pest house did "not suffer from anything but the rash that appears on the surface of their bodies, and which at first bears some resemblance to smallpox."[178] Public worship and gatherings often was canceled. Even a misguided lawsuit resulted because of smallpox. A woman in Ogden, jealous of her neighbor, accused her of having a case of the disease. It turned out that the accused had contracted measles or some other eruptive disease instead of smallpox.

A lawsuit was filed by Mrs. Mattie McKay, a school teacher, who had not been paid for the time school was recessed during the several

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[177]Journal History, January 8, 1900, p. 16; Ogden Standard, January 19, 1900, p. 4; Journal History, March 5, 1900, p. 26; Journal History, April 12, 1900, p. 19; Ogden Standard, April 17, 1900, p. 4; Ogden Standard, April 13, 1900, p. 6; Ogden Standard, February 20, 1900, p. 4; Park Record, December 3, 1900, p. 2; Beaver County Blade, June 16, 1900, p. 2; "Smallpox in Payson," Salt Lake Herald, December 27, 1899, p. 8; Springville Independent, November 29, 1900, p. 1; Journal History, July 7, 1900, p. 9; Journal History, May 11, 1900, p. 6; Ogden Standard, January 19, 1900, p. 4; Ogden Standard, March 23, 1900, pp. 4, 8.

[178]Deseret Evening News, October 3, 1900, p. 4; Deseret Evening News February 10, 1900, p. 1.

weeks of enforced closure. The Salt Lake City's school board had refused to compensate teachers during these three and a half weeks. Deciding the case the Utah Supreme court found in McKay's favor. It handed down an opinion that the teachers were entitled to receive their full salary.[179]

More than just lawsuits resulted because of the prevalence of smallpox. Economic troubles abounded. The crisis drove trade away and prevented an influx in visitors.[180] According to the *Deseret Evening News*,

> If public officials would use a little calm common sense and assume less autocratic authority, it would be better for themselves and for the public welfare. They are promoting needless agitation, giving this city a bad sanitary reputation, injuring business, stirring up strife and accomplishing little or nothing in the direction ostensibly sought...stop issuing absurd and useless requirements unsupported by lawful authority.[181]

With the compulsory vaccination order rescinded, the public schools opened their doors to both vaccinated and unvaccinated, and the disease began to flourish again. Wrote the *Ogden Standard*,

> ...the capital has had Variola within its boundaries for several months and we observe in the news columns of the Salt Lake papers that the disease continues to break out in new quarters. Yesterday two new cases were discovered, one a little girl, the family having been exposed, and the other a wash women who has been handling clothes from all over the city. There seems to be no end to the spread of smallpox in Salt Lake, although the papers are quiet about it and no longer put big scare heads over the smallpox news as they did when the disease was rampant.[182]

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[179]For further information see Mrs. Mattie E. McKay v Board of Education in Utah Reports, 1900, pp. 239-248. Ogden Standard, March 30, 1900, p. 8; Ogden Standard, February 9, 1900, p. 8.

[180]Journal History, January 5, 1900, p. 10.

[181]"Use Common Sense," Deseret Evening News, January 20, 1900, p. 4.

[182]Ogden Standard, February, 20, 1900, p. 4; Deseret Evening News, February 22, 1900, p. 11.

The *Ogden Standard's* editor suggested that Ogden residents should become more alert. One month earlier, it was thought that the smallpox had been eradicated from the city but now it was on the rise again. By April 1900 Ogden and Salt Lake City schools were closed again, which once more brought the censure of the *Deseret Evening News*. Within two weeks the schools were reopened. During the rest of the spring and on into the summer there were periodic outbreaks of the disease, which kept the vaccination question in the mind of the people, especially State Health Board members.[183]

During the latter part of April, doctors disagreed among themselves about the diagnosis of the disease. Dr. Henry N. Mayo, the Salt Lake City quarantine physician, declared that the present epidemic was not smallpox at all.[184] The *Deseret Evening News* agreed, revealing anew its opposition to the policy of the State Board. The newspaper, challenging the medical profession as to its accuracy in diagnosing the disease, opined that the 1899-1900 "epidemic" had few actual cases of the disease and even these were in "its mildest form."[185] The *Deseret Evening News* gave close coverage to the findings of Dr. Mayo who claimed the medical authorities were misdiagnosing smallpox. In response, Dr. Beatty

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[183]Ogden Standard, March 23, 1900, pp. 4, 8; Ogden Standard, April 20, 1900, pp. 4, 7; Journal History, April 21, 1900, p. 15; Journal History, April 23, 1900, pp. 11, 12; Journal History, April 7, 1900, p. 35; Ogden Standard, February 10, 1900, p. 7; Ogden Standard, April 10, 1900, p. 7; Journal History, April 16, 1900, p. 12; Journal History, April 17, 1900, p. 15; Beaver County Blade, April 28, 1900, p. 6; Journal History, April 28, 1900, p. 12; Journal History, May 10, 1900, p. 10; Journal History, April 5, 1900, p. 16; Journal History, April 12, 1900, p. 19; "Medical Errors Exposed," Silver, 1:30 May 19, 1901; Journal History, May 22, 1900, p. 11; Journal History, May 24, 1900, p. 16; Eureka Enterprise, June 21, 1900, p. 1; Beaver County Blade, June 23, 1900, p. 2; Journal History, June 27, 1900, pp. 14, 28; Journal History, June 29, 1900, p. 8; Beaver County Blade, June 3, 1900, p. 9.

[184]Deseret Evening News, April 24, 1900, p. 3; Silver, 1:153-157, 161-169; Deseret Semi-Weekly News, April 27, 1900, pp. 2, 4; Ogden Standard, April 27, 1900, pp. 1, 7.

[185]Deseret Evening News, December 16, 1900, p. 4.

counter-attacked claiming such statements only encouraged the prevailing prejudice of the people, who did not want to admit the reality of the pestilence. Dr. Beatty declared the *Deseret Evening News* untruthful assertions had done incalculable harm to the welfare of the public health.[186]

During this controversy, not only was the prevalence of the disease challenged, but the effectiveness of the vaccine. Rumors were spread, such as, the report that a man had lost his arm as a result of vaccination. Confidently, Dr. Beatty offered a $1,000 reward to anyone who could produce such a case; no takers emerged.[187]

The Utah State Medical Association, the first permanent medical society in Utah, agreed that too many biased stories were being circulated and that the *Deseret Evening News* was linked to many of them.. In its regular monthly meeting, the Society pronounced "severe condemnation of the *Deseret Evening News* policy in inveighing against the doctrine of vaccination."[188] The Society attributed the unwelcome conditions regarding vaccination to the influence the newspaper wielded among prejudiced people throughout the state. It also lectured the "two or three unprofessional local medicos" who attempted to show that vaccination was a fallacy.[189] Morrell claims that "there were some so-called doctors who wrote against vaccination, but they were faddists and had no standing in the profession."[190]

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[186]"Favor Vaccine Plan", Salt Lake Herald, January 5, 1900, p. 5.

[187]Salt Lake Tribune, January 13, 1901, p. 4; Smith, p. 52.

[188]Ibid.; Ward B. Studt, M. D., et. al., Medicine in the Intermountain West: A History of Health Care in Rural Areas of the West, (Salt Lake City: Olympus Publishing Co., 1976), p. 49.

[189]"Favor Vaccine Plan", Salt Lake Herald, January 5, 1900, p. 5.

[190]Morrell, Vicissitudes, p. 114.

A May 1900 meeting of the Utah Medical Society again debated the vaccination question. The discussion was lively and heated. The Society was organized on February 26, 1895 by 49 prominent and competent physicians.[191] It's president was Dr. F. S. Bascom who also served in the same office of the Utah State Board of Health. The Society again addressed the vaccination question in October and November 1900.[192]

One of the biggest fears the public had concerning contracting smallpox was the pest house. There were very few if any happy associations with this institution.[193] Usually built a mile from the nearest habitation, the pest house was often a rough cabin built in a ravine in the foot hills, or, perhaps in a mud flat outside of towns. Once the infected patients were safely "incarcerated" they would be left to themselves with food and a bed roll. In winter time if the snow were deep, the sheriff would drive as near as possible to the house, give the victim the keys, and then told to find the rest of the way alone. During epidemics tents were often erected in a remote part of town, there a colony of patients would huddle together while someone already afflicted by the disease attended them.[194] People dread to be compelled to leave their "happy homes," the *Deseret Evening News* wrote with understatement. "Therefore some conceal as much as possible their

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[191]Studt, pp. 49-50.

[192]Biennial Report by the State Board of Health, 1901, Utah State Archives and Records Service, Secretary of State, Public Documents, Series 240, December 31, 1901, p. 17; Deseret Evening News, December 16, 1900, p. 4; Morrell, Vicissitudes, p. 115; Deseret Evening News, December 1, 1900, p. 6; Silver, 1:133, 153, 157, 161-169; Deseret Evening News, May 15, 1900, p. 4; "Fallacies of Vaccination," Deseret Evening News, May 11, 1900, p. 3; William J. Silver, comp. Scrapbook, 2 vols. Brigham Young University Library Archives, Provo, Utah, 2:15-20, 23, 29; Deseret Evening News, May 15,1900, pp. 3, 4; "Weakness of Pro-Vaccination," Deseret Semi-Weekly News, May 25, 1900, p. 10.

[193]Morrell, Vicissitudes, pp. 95-6.

[194]Ibid., p. 96

ailment from curious eyes."[195] Reports of quarantine evasion contributed to Utah struggled with the question of compulsory vaccination. During the winter and spring of 1899-1900, meeting after meeting was held in many different cities and towns concerning the smallpox problem, but different conclusions were made in each. In Salt Lake City, the local authorities adopted resolutions requiring vaccination and then within weeks rescinded such orders. And in an effort at compromise, were reopened. In Salt Lake City and elsewhere, opponents of vaccination attempted to influence the decisions of local health and school authorities with uneven results. Sometimes they were successful and on other occasions they failed. Throughout the controversy, the general public generally refused to follow the lead of the medical community, with it directives aimed at compulsory vaccination. This opposition would intensify during the latter part of 1900.

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[195]Deseret Evening News, October 3, 1900, p. 4; Deseret Evening News, February 10, 1900, p. 1.

CHAPTER 4

CONSTITUTIONAL QUESTIONS AND THE SMALLPOX EPIDEMIC OF 1900-1901

As the summer months replaced the late spring months of 1900, the disease reasserted itself. From July through September the towns and cities of Utah reported hundreds of new smallpox cases.[196] Consequently, Utahns were compelled again to grapple with the issue of compulsory vaccination. During this period the *Deseret Evening News* intensified its opposition with the A.C.V.L. expressing a similar voice. Isolation, quarantine, and unscientific methods were cited as the best way for eradicating the communicable disease, but not vaccination. The nature of pestilence was once again questioned. The LDS Church issued a statement on vaccination, while physicians reassessed the viability of vaccination. The State Board of Health published a circular on smallpox and issued a new compulsory vaccination order. Not unlike during the outbreak of smallpox in 1899, the major health issue of 1900-1901 in Utah involved smallpox vaccinations and compulsory vaccination of school children.[197] This time, however, the State Board of Health did not rescind its edict.

As the reports of a renewed outbreak of smallpox emerged and talk of vaccination increased, the *Deseret Evening News* stiffened its stance

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[196]See Tables 7, 8, 10, 12 for statistical data on smallpox cases in Utah.

[197]Silver, 2:34; Journal History, July 13, 1900, p. 6; Journal History, September 19, 1900, p. 3; "Modified smallpox" Deseret Evening News, July 17, 1900, p. 20.

against compulsory vaccination. One of the major issues of the 1900-1901 was the issue of constitutionality. This topic, however, was first sorted out during the smallpox epidemic of 1899-1900. This earlier controversy was prologue for what now took place.

After the Salt Lake City Boards of Health and Education decided to enforce the first compulsory vaccination edict, the Deseret *Evening News* criticized their actions.

> Some of our excited and despotic city would be masters have lost their common sense. The legislature of the State after discussing this question, decided against compulsory vaccination. But a body that has no legislative powers decided to enforce it by a trick...The wisdom and the logic [of the Board of Education] may be perceptible with a mental microscopic examination...[198]

The newspaper claimed that the State Health Board was totalitarian. The periodical demonstrated that the opposition to compulsory measures included supporters and detractors of vaccination who felt the Board of Health did not have the legal authority. An editorial argued,

> [The believers in vaccination] join with those who have investigated the subject and who have become convinced that the theory [of excluding unvaccinated children] is erroneous and the practice injurious and with those who have a natural repugnance to the operation without any great study of the question.[199]

Some of the anti-vaccinationists claimed to be a thorough believer in the Jenner system of vaccination, but did not believe in compulsory vaccination.

> Vaccination may be all right, but there should be another loud and effective protest against compulsory vaccination at a time when there is no need of such highhanded measure. The people of Great Britain have successfully fought that controversy out. It should not be renewed on American soil.[200]

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[198]"School Board Logic," Deseret Evening News, January 8, 1900, p. 8.
[199]Deseret Evening News, February 1, 1900, p. 4.
[200]Ibid., December 18, 1899, p. 4.

The anti-vaccinationist movement in Great Britain passed through five stages from the 1870s-1907 when it essentially achieved its objective to replace compulsory vaccination law with remedial legislation.[201]

Compulsion, the *Deseret Evening News* argued, was contrary to the constitution of the United States. The Health board did not have the legal right to compel vaccination. Since the Supreme Court of the United States had not ruled on the issue, the *Deseret Evening News* felt at liberty to voice its opinion as the constitutionally correct viewpoint. In 1905, however, the Supreme Court left intact the ruling by the Massachusetts Supreme Court opinion upholding the constitutionality of forced vaccination.[202] This understanding lay with the future. For the moment, people continued to claim that compulsion was illegal. In a letter sent to the *Deseret Evening News* , a parent of a school child, wrote,

> The legislature refused to enact a law making vaccination compulsory so where does the power to enforce it come from? If the boards can enforce vaccination, could they also enforce vaccination with Koch's lymph for the prevention of consumption, with antitoxine [sic] for the prevention of diphtheria, the injection of serum for prevention of bubonic plague?[203]

A Penrose-written *Deseret Evening News* editorial recounted how at the 1898 session of the Legislature a "determined effort" was made to secure compulsory vaccination. It failed because of popular protest and now the *Deseret Evening News* accused the Health officials of promoting a new, similar scheme to enforce "obnoxious regulation without the authority of

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[201]Fenner, p. 270; MacLeod, pp. 107-128, 189-211; Morrell, Vicissitudes, p. 119a.

[202]"Immunization Statutes", Journal of American Medical Association, 228 (May 20, 1974): 1059.

[203]Deseret Evening News, December 18, 1899, p. 4.

the law."[204] The newspaper continued,

> We warn its promoters that [compulsory vaccination] will be vigorously resisted. What they could not accomplish through the legislature, they must not try to force upon the public by power they assume to exercise. We advocate the liberty of the citizen within the lines of the statutory law.[205]

On December 19, 1899 the *Deseret Evening News* editorial attacked the compulsory issue as high-handed authoritarian actions by the State Health Board. It stated that,

> The attempt which is being made to force a repulsive practice, of a disputed theory, upon people who object to the theory and reject the practice is denounced by all classes of the community. It is a species of despotism which causes general resentment.[206]

The rest of the editorial analyzed the State Health Board's claimed power to compel vaccination, concluding that no such powers existed. Furthermore, the Salt Lake City Board of Education was "utterly destitute of power, under the law, to compel the vaccination of school teachers and school children."[207] Penrose contented that the authorities in those infected towns should be very careful in adopting measures that might infringe upon the liberties of American citizens, however, the newspaper did not address the right of individuals to remain free from exposure to smallpox by those who would rather contract it than be vaccinated.[208] The *Deseret Evening News* informed its readers that numerous letters were pouring in against the compulsory vaccination

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[204]Ibid.

[205]Ibid.; Deseret Evening News, December 16, 1899, p. 4.

[206]Deseret Evening News, December 19,1899, p. 4; Deseret Evening News, February 5, 1900, p. 4; Deseret Semi-Weekly News, December 19, 1899, p. 7.

[207]Deseret Evening News, December 19, 1899, p. 6.

[208]"So Far So Good," Deseret Evening News, December 21, 1899, p. 4; "Stop the Contention," Deseret Evening News, January 12, 1900, p. 4; "The Position of the Deseret Evening News," Deseret Evening News, January 13, 1900, p. 4; "Law and Liberty," January 16, 1900, p. 4; "The Present Controversy," Deseret Evening News, January 18, 1900, p. 4; Morrell, Vicissitudes, p. 111.

edict.[209]

The constitutional contentions were repeated in 1900-1901. The language of the arguments changed, but the message remained the same. The *News* argued that compulsory vaccination was "ruthless tyranny" contrary to the constitutional guaranteed rights of all citizens.[210]

> The State board has dwindled, or swelled as you please, to the autocracy of one person inflated with self-importance who sends out the edicts, and actually employs agents to carry them through...Vaccinate all you can, but keep you hands off those whom you have no right to force to submit to a surgical operation.[211]

Thousands of unwilling individuals were being forced to submit to vaccination, claimed the newspaper, "to the great indignation of many of the most intelligent people of the state."[212] Compulsion is being abolished in other countries as are "some other medical practices, long since cast into the limbo of fads, nostrums and defunct means of oppression."[213]

The *Salt Lake Herald*, disagreed with the position of the *Deseret Evening News*,

> If [vaccination] accomplishes anything at all in fortifying the system against the contagion, and most eminent authorities are of the opinion that it does, then compulsory vaccination is justifiable. It is not an unwarranted interference with personal liberty. Any measure taken as a precaution against the spread of disease may be designated as an infringement of personal liberty, but there are conditions under which an abridgment of individual free agency is

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[209]Journal History, January 11, 1900, p. 11.

[210]Deseret Evening News, October 3, 1900, p. 4; Deseret Evening News, January 8, 1900, p. 4.; Deseret Evening News, December 20, 1900, p. 4.

[211]Ibid.; Deseret Evening News, January 24, 1901, p. 4.

[212]Ibid.

[213]Ibid.; Deseret Evening News, February 10, 1900 p. 4.; "The Standing Rights of the People," Deseret Evening News, January 12, 1900, p. 4; "Health and Liberty", Salt Lake Herald, January 14, 1900, p. 12.

> justifiable. Quarantine is such an infringement, but it is necessary to the health and wealth of communities sometimes, if those who are thus imprisoned to chafe under it.[214]

The *Salt Lake Herald's* editor, in support of the Health Board's right to compel vaccination, rhetorically mused, "what greater authority could the Board of Health ask than is vested in it by law?"[215] The *Tribune*, another Salt Lake newspaper, agreed with the *Herald*. With a bit of levity, it rejected the *Deseret Evening News'* appeal to individual liberty, by stating that "it is an infringement upon human liberty to compel men to wear trousers, but it is not a hardship."[216]

The *Salt Lake Herald* made significant counterpoints to the liberty argument. The newspaper wrote,

> Vaccination is not required by health officers as many suppose, for the protection of the individual vaccinated. His safety, his health is his private concern, as anti-vaccinationists properly contend. But vaccination, like other precautions taken by boards of health, is for the protection of communities.[217]

The *Herald* continued,

> If there were no one else to consult, no one else's health or safety involved, there would be no occasion for any action by a public Health Board. But guardians of the public health relying upon a knowledge gained by special training, observation to limit the number of people liable to an attack of the contagion. The object of vaccination is not to cure, but to lessen the scope of the evil, to narrow and shorten the path of pestilence and thus to prevent its spread beyond control. Neither is the right of personal liberty recognized beyond the point where it begins to interfere with the general welfare or to assert itself in opposition to the precautions taken for the protection of the general public against any threatened evil.[218]

These respective arguments advocated by the *Deseret Evening News* and

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[214]"Vaccination and Liberty," Salt Lake Herald, December 22, 1899, p. 4.
[215]"Law and Public Health," Salt Lake Herald, January 18, 1900, p. 4.
[216]"Liberty and Trousers" Salt Lake Herald, January 24, 1900, p. 4.
[217]"Discrete Variola," Salt Lake Herald, January 17, 1900, p. 4.
[218]Ibid.; "Health and Liberty," Salt Lake Herald, January 14, 1900, p. 12.

Salt Lake Herald concerning individual unity and the protection of the collective community were hardly unique. The earlier British vaccination controversy carried many of the items of debate. The *Deseret Evening News*, and *Salt Lake Herald* and were only re-fighting a battle already fought.[219]

Governor Wells also disagreed with the position of the *Deseret Evening News*. In his January address to the 1901 legislature, Governor Wells asserted that the "Board of Health had in no measure transcended its bounds." The Governor's support of the Board was impugned. An editorial commented that "if the Board of Health is of any earthly use, no one but the Governor seems to be aware of it. Perhaps, if the public could learn anything it had done, a different opinion might be reached."[220] On January 21, 1901 the newspaper was back at it, another editorial questioning the necessity of a State Health Board.

> The State Board of Health is like the fifth wheel of a coach, anyhow, and is unnecessary, an encumbrance and an expense, and it ought to be abolished. All its powers necessary to the preservation of the public health, in the schools and in general, are given to the local Boards of Health established in every part of Utah The superfluous and arbitrary authority exercised is out of place in a free country, and was never intended to be conferred by a legislature, either by a Board that scarcely ever meets for business, or upon an erratic individual, to be used without regard for the local dignitaries, or for the sentiments or wishes of the people from who all legitimate authority is derived.[221]

Another argument advocated by the *Deseret Evening News* against compulsory vaccination dealt with the proper remedy to control and eradicate smallpox. The *Deseret Evening News* recommended two remedies to combat smallpox. The first remedy was: Two ounces cream

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[219]MacLeod, pp. 107-128, 189-211.
[220]Morrell, Vicissitudes, p. 115.
[221]Deseret Evening News, January 21, 1901, p. 4; Morrell, Vicissitudes, p. 115.

of tartar, one ounce Epsom salts, one lemon sliced, one quart boiling water. Sweeten to taste and drink cold. Dose for an adult, small wine-glassful three times a day. The second remedy included: One grain of sulphate [sic] of zinc, one grain of foxglove (digitalis), a half of teaspoonful of sugar and two teaspoonful of water. When thoroughly mixed add four ounces of water. Dose for adult, a teaspoonful every hour, for children smaller doses according to age. The first remedy was used many years ago in London, England. The newspaper asserted that it proved to be not only a curative, but also a preventative. The *Park Record*, a Park City newspaper noted that the second remedy came from the "*Times of Los Angeles.*" The author of the solution claimed,

> it cured many children of the scarlet fever and the smallpox when learned physicians said the patient must die...If countries would compel physicians to use this there would be no need of pest houses. If you value life and experience, use this for that terrible and dreaded disease.[222]

According to the *Deseret Evening News*, the second remedy had proven successful only as a curative, but in an amazing twelve hours.[223]

Other cures were printed by the newspapers. A letter sent to the *Deseret Evening News* suggested that eating onions would cure the pestilence. The *Salt Lake Herald* remarked, "And the man who undertakes to cure smallpox by eating onions or praying hard without auxiliary treatment should be quarantined to await developments."[224] The *Tribune* ran an advertisement suggesting a red light cure for smallpox. "Some of the more hearty had used a tea made from sheep

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[222]Park Record, December 3, 1900, p. 4.

[223]Deseret Evening News, December 13, 1900, p. 4.

[224]"Health and Liberty," Salt Lake Herald, January 14, 1900, p. 12; Deseret Evening News, December 13, 1900, p. 4; Deseret Evening News, November 30, 1900, p. 8.

droppings."[225] There were other simple remedies circulating also.[226]

The *Deseret Evening News* had other suggestions for the disease. One editorial citing earlier winter epidemics that had taken place in New York, New Orleans, St. Louis, and Philadelphia claimed that the pestilence in these cities--and in Utah--prevailed because people stayed indoors. [227] "Pure air," the newspaper concluded," is a preservation of health."[228] But more could be done. The *Deseret Evening News* advised that current sanitary regulations and full compliance with them was the best way of stamping out smallpox.[229]

During the Autumn of 1900, the Anti-Compulsory Vaccination League increased its activity. In October 1900 the A.C.V.L. executive board met to consider its coming agenda what action would be necessary to offset the effort now being made by the local medical board to fasten a compulsory vaccination law.[230] Its members were D. C. Dunbar, John T. Axton, William J. Silver, Thomas Hull, B. H. Schettler, N. Y. Schofield, Oliver Hodgson, D. Harrington, T. H. Griffith, Hyrum J. Smith, J. H. Parry and C. S. Booth. These men decided to prepare and mail a letter asking each prospective candidate for the legislature, the governor's office, and Supreme Court bench their position on a possible compulsory vaccination law. The league claimed to be politically neutral having well-known Democrats, Republicans, and Populists on its executive board. Its only object was to fight "the compulsory phase of the vaccination

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[225]Smith, p. 52.

[226]Salt Lake Tribune, December 3, 1900, p. 4; Journal History, December 13, 1900 p. 4; Silver, 2:103; Deseret Evening News, May 16, 1900, p. 4.

[227]Ogden Standard, January 9, 1900, p. 4.

[228]Deseret Evening News, December 6, 1900. p. 4.

[229]Ibid.

[230]Silver, 2:39.

question."[231] The league claimed no desire or intention to oppose vaccination for those who wished it, but promised every legitimate means to defeat any nominee favoring compulsion.

School Board candidates were similarly threatened. The *Deseret Evening News* pointedly noted the bare majority of the Board of Education favoring compulsion. The newspaper asserted that this ought to be remembered by voters at the approaching school board election.[232]

The actions by the A.C.V.L. and the *Deseret Evening News* were political. They did not contribute to the eradication of the pestilence. The newspaper frankly admitted its advance. The contagion

> which [had] bothered a great many people and puzzled conscientious physicians, and that has been dubbed "smallpox" for want of a more appropriate name, still continues to spread, and reports of its appearance are duly published by the press in this State.[233]

A few weeks later the *Ogden Standard* claimed that the spread of smallpox in Salt Lake City and in Ogden was jeopardizing many lives.[234] The newspaper was not exaggerating. There had been several deaths. In addition, almost half the pupils enrolled at Salt Lake City's Lincoln school were detained at home for fear of contracting smallpox. Fifteen new cases were reported at Payson, three at Sandy, one at Spanish Fork, two in Ironton, five in Murray and five more in Salt Lake City. Smallpox was also reported in Weber County, while in Lehi public gatherings were discontinued. There, the town's alarmed Health Board offered to vaccinate anyone for only 10 cents. The authorities of the State Prison

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[231] Ibid., 2:40.
[232] Deseret Evening News, February 2, 1900, p. 4.
[233] Deseret Evening News, November 9, 1900, p. 4.
[234] Ogden Standard, November 20, 1900, p. 4.

also took steps to prevent the spread of the disease. Warden Dow required all the prisoners to be vaccinated.[235]

In the face of the disease's renewal, the still skeptical *Deseret Evening News* recommended that the public obey rigid quarantine, sanitation and isolation regulations, but could not resist taking further swipes at the medical profession. It wished the alarm and dread of the loathsome disorder could be removed, it wrote, "even if it does cut down to some extent the profitable practice of vaccination with lymph of doubtful virtue and arouse[s] the ire of some physicians who cannot endure the idea that they can possibly make a mistake."[236] The *Salt Lake Herald* rebuked the *Deseret Evening News*,

> But the assertion so frequently made by ignorant or unscrupulous laymen that the profession has been influenced in its exertions to maintain the practice by motives of pecuniary benefit is so obviously ungenerous as only to call for a passing notice. The number of doctors who derive any substantial benefit from the practice of vaccination is very small and those who consider that the bulk of medical men are so inordinately mercenary as to lend themselves to the support of a false system for the sake of a few dollars a year, should remember that it is the prevalence of disease and not its prevention which best pays the practitioner.[237]

An Ogden anecdote showed how easily the contagion could spread. At noon, Mr. Faulkner was riding on the elevator of the Utah Loan and Trust Co. When he exited he met Dr. Powers, Salt Lake City Health Commission. Powers looked at him and said, "Young man, you have the smallpox, I think." "I've just been shaved and I thought it was barber's

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[235]"Keep Smallpox Out," Salt Lake Herald, December 16, 1899, p. 8; Salt Lake Tribune, November 18, 1900, p. 5; Deseret Evening News, November 17, 1900, p. 4; Salt Lake Tribune, December 1900, p. 6; Salt Lake Tribune, November 22, 1900, p. 5; Wasatch Wave, November 27, 1900, pp. 6, 8; Journal History, October 24, 1900, p. 10.

[236]Deseret Evening News, November 9, 1900 p. 4; "Comply with the Law," Deseret Evening News, November 14, 1900, p. 4.

[237]"Favor Vaccine Plan", Salt Lake Herald, January 5, 1900, p. 5.

itch." said Faulkner. "Get out and go straight home," said Powers and home the man went, while Powers notified the city physician.[238]

By November 1900, Dr. Beatty declared the rapidly spreading smallpox was becoming virulent. Unless proper measures were adopted, he warned the disease threatened to assume a malignant type.[239] He wasn't the only trusted observer. Within two weeks the *Salt Lake Tribune* remarked that the spread of smallpox in the city and vicinity was such that "alarm is beginning to be felt, and fears of an epidemic during the coming winter are being expressed."[240] Alone, by December 1, 1900, there were 74 cases in Salt Lake City. For once--a rare circumstance at the turn of the century--the LDS Church leaders found themselves concurring with the *Salt Lake Tribune*'s depiction of the circumstances. Presidents Lorenzo Snow and George Q. Cannon, members of the LDS First Presidency, issued a letter advising that the Latter-day Saints' college be closed until the prevailing alarm receded. The letter also suggested that every means of preventing the spread of the disease be employed, recommending that the people submit to vaccination. They should take care to employ only reliable physicians, who would use only the purest virus that can be obtained. Church authorities had placed themselves in the position of opposing the content of its own newspaper.[241]

On October 4, 1900 the Utah State Medical Society, the states leading medical authority, adopted a resolution requesting all physicians and health officers to encourage public vaccination. The Society also

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[238]Wasatch Wave, November 27, 1900, p. 7.
[239]Coalville Times, November 9, 1900, p. 2.
[240]Salt Lake Tribune, November 18, 1900, p. 5.
[241]Deseret Evening News, November 17, 1900, p. 4.

passed a resolution calling on the state legislature of Utah "to pass such legislation as shall invest the proper authorities with powers to enforce vaccination when in their opinion it shall become necessary for the protection of the public health."[242] Dr. Pike of Provo apparently introduced the resolution and only Dr. Wright of Salt Lake City dissented. The members of the Society maintained that vaccination was the only known preventive of smallpox and that if properly performed was harmless. The *Deseret Evening News* remained unconvinced. It reminded its readers that the Society's views were, only "opinions" and that there were equally authoritative judgments claiming vaccination was neither a safe nor sure preventive.[243] John T. Miller, a staunch anti-vaccinationist, wrote a scathing rebuttal to the Society.

> The statement that vaccination is the only know preventive...is an insult to the intelligence of the public and a disgrace to the society that passed the resolutions. This [medical] society could not have selected a more effective means of demonstrating the lack of knowledge of its members regarding the true preventive measures for smallpox than to state that it is the unanimous opinion of the society that vaccination is the only known preventive.[244]

Miller claimed that the "regular" medical profession--apparently non-certified doctors--believed that smallpox can thrive only where sanitary laws were not properly observed.[245]

The *Deseret Evening News* picked up on the Medical Society's concern about how to diagnosis and treat smallpox. On October 3, 1900 the *Deseret Evening News* editor related the idea that the doctors held

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[242]"Doctors Finish Their Labors," Deseret Evening News, October 4, 1900, p. 8; Silver 2:40.

[243]Silver, 2:40.

[244]Deseret Evening News, October 13, 1900, p. 4; Silver, 2:43.

[245]Ibid.; Silver, 2:44.

different viewpoints on how to prescribed treatments for smallpox. The newspaper noted that one doctor at the medical society's meeting,

> conveyed the idea that the diagnosis of the disease is different, according to the different views on vaccination, subscribed to by the doctors. Do some doctors evolve from their own pet theories a diagnosis of a disease merely for the pleasure of testing a favorite remedy of theirs? If one physician does not see smallpox on account of his aversion to vaccination, may not another think he has found that disease, only because he looks at the patient through his firm conviction of the virtues of an antiquated remedy?[246]

At a subsequent meeting, the Salt Lake County Medical Association continued its discussion of smallpox. Dr. C. Ewing suggested that people ought to be vaccinated once a year or whenever exposed to the disease. He also thought that one dollar was insufficient for the doctor's service, suggesting five dollars instead. Dr. A. S. Bower, also a supporter of vaccination, argued that the disease which had been raging throughout the United States for the last two years was a form of smallpox. "The danger from vaccination" Bowers suggested, "are so small as to be practically nil."[247]

But the Society understood there were minor problems with the current treatment of the disease. Dr. Mayo asserted that one of the physicians of the city assured him that ninety percent of his vaccinations were failures. A number of other doctors supported Dr. Mayo's assumption. They all seemed to have had many failures with the glycerin lymph even after three and four trials.[248] A motion to suspend use of the poor quality vaccine virus was offered and seconded, but it was tabled

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[246]Deseret Evening News, October 3, 1900, p. 4.
[247]Silver, 2:35.
[248]Salt Lake Herald, October 23, 1900, p. 4; Silver, 2:39.

until another meeting could be called to deal with this motion.[249]

The Medical Society in November continued the discussion, which reportedly proved lively because of the fear that some of the vaccines were failing. Doctors Baldwin, Bower, Davis, Ellerbeck, S. Ewing, Fisher, Hosmer, Jones, Mayo, Richards, and Root admitted as much. For instance Dr. Wright noted that he had vaccinated some people with the inert virus before its sterility was discovered. As far as he knew, this was the only consignment of inert virus; good results having been obtained from all the others. Other doctors agreed. And they were especially firm in advocating vaccination. When performed with good vaccine, this was a most potent preventive of smallpox.[250]

The continuing pestilence required more than the medical doctor's deliberations. As the disease continued during the 1900-1901 season, steps were taken to improve quarantine regulations. These new quarantine rules were implemented because some doctors had misdiagnosed chickenpox and measles for smallpox. Accordingly, the now adopted regulations mandated quarantine for all three diseases. The *Ogden Standard* gave its support, warning that after the disease gets beyond control "the people will awaken to the loose quarantine regulations that are being practiced."[251] In turn, the Salt Lake City Board of Education employed a full-time physician to inspect regularly "the public school children, in order to stop the spread of smallpox,

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[249]Salt Lake Herald, October 23, 1900, p. 4; Silver, 2:39.

[250]Some of the doctors preferred the tubes while others thought the points were preferable. Deseret Evening News, November 13, 1900, p. 5; Salt Lake Tribune, November 13, 1900, p. 5; Salt Lake Tribune, November 13, 1900, p. 5.

[251]Ogden Standard, November 27, 1900, p. 4; Deseret Evening News, October 2,1900, p. 3.

scarlet fever and other diseases."[252]

Despite such steps, the disease continued to spread--largely because some individuals failed to take seriously the potential threat. According to one newspaper report, a Kaysville teacher, paid so little attention to the matter that she unknowingly continued to attend to her school duties while the disease was running its course among [the children]. "Dr. Beatty had the school closed and disinfected."[253] Others made "light" of smallpox and vaccination.[254] A fact that prompted the *Salt Lake Tribune* to suggest that theses people ought to read Thomas Macaulay. This nineteenth-century Whig historian had graphically depicted the death of Queen Mary, wife of William III, by smallpox in December, 1694. There was a complaint from the town of Benjamin that smallpox was spreading in Payson because the town was "very lax in preventing the disease."[255]

The *Beaver County Blade* noted that the laxness of Beaver's quarantine practices. "It is a notorious fact," wrote the *Blade*,

> that people are going to and from residences of those afflicted and circulating indiscriminately about town. This should not be allowed and if it is necessary to employ special officers to watch quarantined premises in order to enforce the law and the rules of the Health Board, no matter what the cost, they should be engaged at once. If the people will act in harmony with the Health Board and observe carefully the mandate of that body there is no good reason why the disease would not be stamped out in three or four weeks at most, but if the carelessness which is manifest now is continued we are apt to be afflict more or less all winter.[256]

The following anecdote illustrates the dislike of vaccination demonstrated

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[252]Coalville Times, November 30,1900, p. 2.
[253]Salt Lake Tribune, November 9, 1900, p. 5.
[254]Salt Lake Tribune, November 24, 1900, p. 3; Wasatch Wave, November 27, 1900, p. 1.
[255]Journal History, December 14, 1900, p. 5.
[256]Beaver County Blade, December 15, 1900, p. 1.

by the residents of Beaver. Dr. Fennemore arrived in town on the same evening as Superintendent Farnsworth and it was immediately reported that Fennemore would begin vaccinating the following morning for all the school children in the district. One *Beaver County Blade* reporter noted that he had not seen the doctor, but presumed he escaped uninjured.[257]

Amid the laxness of the people, informed voices like the *Ogden Standard* warned of approaching difficulty. All during the summer of 1900, the newspaper stressed the need to take every precaution against a possible reoccurrence of smallpox in the state. With the oncoming cold and winter months, the *Standard* feared the disease would become more virulent.

The *Salt Lake Herald* carried similar warnings. It reported that smallpox was indeed spreading and rapidly becoming more dangerous[258] By late November the pestilence was reaching a serious stage. The newspaper noted fourteen cases at Provo, twenty in Ogden, and the number had reached into the hundreds at Payson. Lehi was especially hard hit, with eighteen families quarantined and four cases extremely virulent.[259] "Gross carelessness on the part of the public is responsible for this great increase in the number of cases of this malignant disease," claimed one observer.[260] The State Board of Health reported one hundred nineteen active cases by the middle of December[261]

Hoping to raise public awareness and promote prevention, the State Board of Health issued an information circular in November 1900.

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[257]Beaver County Blade, January 13, 1900, p. 1.
[258]Ogden Standard, November 6, 1900, p. 4.
[259]Ogden Standard, November 20, 1900, p. 8, Ogden Standard, November 23, 1900, p. 4.
[260]Deseret Evening News, December 11, 1900, p. 4.
[261]Salt Lake Tribune, December 16, 1900, p. 3.

The Board claimed that the previous, Utah epidemic, 1899-1900 had been more extensive than that which had been experienced in any state in the Union, notwithstanding Utah's relatively sparse population. The circular estimated 3,000 cases had occurred, and, perhaps at least 1,000 unreported incidences. There had been twenty-six deaths and several hundred cases of the disease's most severe strain. One hundred towns and all but four counties had been effected.[262] The circular also claimed that the state had sustained severe financial loss and was now confronting "the most serious problem in its history."[263]

Continuing, the State Board of Health blamed the spread of the disease on the many people who, because of its mild character, "have ignored and discredited the diagnosis of the medical profession."[264] Laymen had misled the public by claiming the contagion was only "Manila itch", "Cuban Itch," or a virus of some imaginary disease. Consequently, the disease had been allowed to spread to others. The Board also argued that the smallpox epidemic was due to the "surprising" attitude of the Utahns to vaccination. In contrast, when the disease appeared in other states there had been an immediate, voluntary response to "universal and re-vaccination" which had resulted in a complete eradication of the malady in a very short period of time.[265]

According to the State Health Board's circular, before the outbreak of the disease, Utahns were also apathetic or neutral to vaccination--at

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[262]The Coalville Times reported that "smallpox exists in eight-five towns and all but four counties of the state." Coalville Times, January 18, 1901, p. 2.

[263]Utah, State Board of Health, Circular, Archives of the Church of Jesus Christ of Latter-day Saints, Salt Lake City, Utah (hereafter, LDS Archives). November 1900, Microfilm, p. 2.

[264]Ibid., pp. 2, 3.

[265]Ibid., p. 3.

least until the *Deseret Evening News* had caused the people to form a contrast attitude. The Board concluded,

> ...there would have been no unusual difficulty in securing the voluntary protection, by vaccination, of the bulk of [Utahns]...had it not been for the unexpected, virulent opposition which was inaugurated and vigorously pursued by a certain newspaper. There is indisputable evidence that through the one-sided, perverted representations of the paper, the general apathy concerning vaccination was changed into active antagonism, intensified and spurred on by other fanatical agitators know as "anti-vaccinationists."

These views and actions, the circular testily noted, were not those of the LDS Church. "On the contrary, [the Church] issued a public declaration recommending the people of the state avail themselves to vaccination for protection."[266]

Finally, the circular provided evidence concerning the protective influence of vaccination and responded to its alleged dangers. The latter were the uniformed opinions and judgments of opponents, it argued. Refuting such statements, the Board claimed that one million were vaccinated in New York without a single serious complication. The circular concluded by including an extract from the decision of the Cox v Board of Education, where the Utah Supreme Court upheld the Board of Health's order to exclude unvaccinated school children.[267]

Still frustrated by the prevalence of the disease in October 1900, the determined State Health Board issued another compulsory vaccination edict for those children attending school. Statewide there was general acceptance of the Board's new order, though occasionally with disgruntled approval. In Salt Lake City, Provo, and Lehi, however,

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[266]On page 14 the Health Board printed the entire First Presidency letter on smallpox vaccination. Ibid., p. 4.

[267]Ibid., pp. 12-13.

the issue of compulsory vaccination was divisive, contentious and no more pleasant than during the controversy the previous year.

Many towns and cities complied with the order because there seemed no better way. In Park City new cases occurred only among the unvaccinated, prompting the *Park Record* to reemphasize its support and favor for prevention. Cache County also decided to vaccinate its the school children, a policy that perhaps owed its force to the death of one Brigham resident. At Scofield and Castlegate city leaders also encouraged vaccination. The disease had been severe in both places. Reflecting this difficulty, Scofield was completely quarantined: no one was allowed to leave or enter the town. While at Castlegate, the restrictions were almost as challenging. The editor of the Eastern Utah Advocate asked,

> Would it not be a good idea for the board of county commissioners to take up the matter of compulsory vaccination with the school children of Carbon county? Other county boards through the state are forcing vaccination in order to prevent the spread of smallpox.[268]

Castlegate deemed it essential to have the children vaccinated while the newspaper recommended that the heads of households get their whole families vaccinated.[269]

Throughout the state there was a similar reaction. At Orangeville and Ogden authorities agreed to enforce the vaccination of children, though in the latter community a man nevertheless died of the

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[268]Eastern Utah Advocate, December 20, 1900, p. 2.

[269]Ogden Standard, November 30, 1900, p. 7; Park Record, December 3, 1900, p. 2; Salt Lake Tribune, December 16, 1900, p. 3; Ogden Standard, December 18, 1900, p. 7; Ogden Standard, December 18, 1900, p. 7; Eastern Utah Advocate, December 20, 1900, pp. 2, 3.

disease.[270] Springville also ordered the vaccination of its children, despite the consternation of some residents who reportedly "made remarks of a censurous [sic] nature against [the vaccination order]."[271] Even the employees of the Rio Grande Western railway in Price were forced to be vaccinated.[272]

At Elsinore firm action was taken. City council members appointed a local Board of Health, employed Dr. Griffith as town physician, and dismissed school for four days. They also demanded the fumigation of all public houses and buildings canceling all gatherings until such order could be implemented.[273]

These local acts had a great deal to do with the determined position of the State Board of Health. This year unlike the previous season, there would be no backing down on compulsory vaccination. On December 18 the Board reiterated to the public that the State Board of Education was cooperating with the Board's edict and that if there was no vaccination then there would be no school.[274]

The local authorities in Salt Lake City also were awaken to the problem. President Wilson of the Board of Education and Cooper, Superintendent of schools had a conference with Dr. King, the city Health Commissioner. The current smallpox situation was serious, they concluded, that vigorous action was required.[275] A flurry of meetings

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[270]Ogden Standard, December 18, 1900, p. 7; Eastern Utah Advocate, December 20, 1900, p. 3.

[271]Wasatch Wave, December 14, 1900, p. 8; Springville Independent, December 20, 1900, p. 1.

[272]Ogden Standard, December 21, 1900, p. 5.

[273]Elsinore Town Minutes, December 4, 1900, p. 153.

[274]Ogden Standard, December 18, 1900, p. 7.

[275]Ogden Standard, November 23, 1900, p. 4; Salt Lake Tribune, November 24, 1900, p. 3.

resulted. In November and December Salt Lake County officials and the Utah County Medical Association met, followed by another meeting of the Salt Lake City Board of Health. The latter was composed of Mayor Thompson, Health Commissioner King, Dr. Fisher and Civil Engineer C. P. Brooks, the latter being absent. These men decided to instruct the local Board of Education "not to allow any person to attend school without a certificate from the medical inspector of the board of education showing that they had been successfully vaccinated."[276] Shortly thereafter, the Salt Lake City Board of Education concurred. It formally,

> decided that after January 1, 1901 no unvaccinated children would be permitted to enter the school, all who were not vaccinated would be barred. The city council of Salt Lake City also decided to vaccinate all school children free. This action, of course, eliminated from the schools all children whose parents refuse to have them vaccinated because of non belief in that practice.[277]

The Utah County Medical Association met in Lehi, and arrived at a different plan of action. The doctors concluded unanimously,

> there was no necessity for prohibiting any public gatherings or closing the public schools [in Lehi], and that the epidemic could be successfully controlled by continuing the present efficient individual quarantine...The disease will soon be stamped out [in Lehi]."[278]

Lehi, too, decided not to compel vaccination of school children.[279]

Provo presented yet another circumstance. Since smallpox was prevalent, Provo's Board of Health informed the city superintendent of the schools that all teachers and children attending the district schools must vaccinated, no exceptions. The city Health Board however, did not

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[276]Journal History, December 7, 1900, p. 5; Journal History, December 7, 1900, p. 5.

[277]Journal History, December 11, 1900, p. 2.

[278]Salt Lake Tribune, November 9, 1900, p. 7.

[279]Deseret Evening News, December 31, 1900, p. 14.

have the support of the quarantine physician, Dr. Taylor, who was unconvinced an epidemic was prevailing. Nor did the Health Board have the confidence of the local Board of Education. The latter body, claiming it did not have the authority to close the schools against all healthy, unvaccinated persons. It refused to act.[280]

The Provo Health Board, however, found an ally with the city council. Most of this body seemed to favor forced vaccination. Their inclination was buttressed by the arguments of Dr. Powers. He once more used the familiar arguments of the day, stressing the need for rigid quarantines and enforced vaccination. "Smallpox will never be blotted out of the list of existing diseases until the practice of vaccination and re-vaccination is extended and enforced," the doctor argued.[281] Convinced, the Council ordered the Board of Education to comply with the vaccination order. The Council, however, voted against paying for the preventative service.

Provo's Brigham Young Academy followed a similar policy. BYA students were urged to voluntarily stay away from school if they had been infected. Mayor Taylor personally spoke to them, urging them to take precautions to prevent the spread of the disease, including undergoing vaccination.[282] Professor George Brimhall, head of the Academy, stated that "although individual's had their own opinions regarding vaccination the school in general [was] in favor of supporting the [State] Board of Health."[283] On December 17 the Executive

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[280]Silver, 2:75, 79, 90, 111, 112, 121; Deseret Evening News, December 14, 1900, pp. 5, 8; Deseret Evening News, December 28, 1900, p. 7.

[281]Ogden Standard, November 23, 1900, p. 2.

[282]Brigham Young Academy Notes, Provo, Utah, November 2, 1900, p. 4, Microfilm.

[283]Ibid.

Committee of the Brigham Young Academy Board and the thirty-one teachers concurred. They voted to get vaccinated and "to use their influence among the students to do likewise."[284] The First Presidency's council in favor of vaccination was pivotal in the decision.

North, in Salt Lake City, students at the University of Utah were also required to be vaccinated. University President Joseph T. Kingsbury, a former chemistry professor, held a "vaccination meeting" with the students on December 20. The president explained that the University's Board of Regents wanted all returning students to the institution after the holidays to present a certificate of successful vaccination, or a statement certifying that the student has had smallpox. The report of President Kingsbury's remarks revealed the prevailing high passions. He continued to note,

> Nearly all the students will be vaccinated, some of them, however, much against their will. But some few will probably not return, rather than be vaccinated. The whole matter has excited heated discussion among the students the last two days. Dr. Wilcox then addressed the students upon the subject of vaccination. He endeavored to convince them that it is a preventive against smallpox, and therefore a duty not only of self but to other. Incidentally, he scored the *Deseret News* for its attitude toward vaccination and his strong language brought forth a few hisses. At the conclusion of his address, he was applauded apparently by most of the students...[285]

Despite all these efforts, the disease continued to spread in Salt Lake and Davis Counties. There were twenty-one cases on the first three days it spread, and a month later, November 13, 1900, the cases numbered a dozen. When the Salt Lake City Council was finally convinced that smallpox was so rampant all over the great west and that

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[284]Ibid., p. 128.

[285]Ogden Standard, December 21, 1900, p. 5; Salt Lake Tribune, December 19, 1900, p. 8; Salt Lake Tribune, December 16, pp. 3.

it afflicted people in more ways than one way, it voted to enforce the edit hoping to curb the contagion.[286]

The Salt Lake Board of Education held a session and the smallpox situation was the subject of much discussion. The Board considered advising further vaccination of children who were not vaccinated last spring. It decided to comply and to vaccinate the school children free of charge.[287]

A meeting for all Salt Lake County school trustees was called to consider the question. Of the one hundred and eight school trustees invited only fifty-one attended. These school leaders decided not to follow the policy of the State Board of Health to refuse admittance to the schools any teacher or pupil who can not produce a certificate of a successful vaccination. The group drafted a resolution to opposed the edict. The vote on the resolution was nearly unanimous against enforcing compulsory vaccination.[288] The main reason for opposing the policy was that the trustees felt that the State Board of Health did not have the legal power and that only ten percent of the pupils in Salt Lake County had been vaccinated. The resolution did not mean that the trustees would not adhere to the edict rather it was a sign of protest. The resolution was presented to the State Board of Health and the County Commissioner. Before the meeting adjourned, the trustees appointed a committee to influence the legislature in providing legislation

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[286]Ogden Standard, November 13, 1900, p. 7; Ogden Standard, December 21, 1900, p. 7; Salt Lake Tribune, December 19, 1900, p. 8.

[287]Ogden Standard, November 13, 1900, p. 7; Deseret Evening News, December 12, 1900, p. 5.

[288]The vote was 49 to 2. Silver, 2:56, 59; Salt Lake Tribune, December 25, 1900, p. 7.

which would curtail the authority invested in the Board of Health.[289]

Clearly, serious conflict existed in a number of communities between Boards of Education, City Councils and the State Board of Health. Some education officials refused to obey the State Health Board resolutions, while others resented being compelled to obey. Undoubtedly there existed an epidemic, but the efforts by the State Health Board to control the contagion (according to what the members believed to be the most successful way to stop the disease) were being undermined by the civil disobedience of school boards and school trustees. The anti-vaccinationists remained unconvinced that compulsory means were legal or necessary. Consequently, they took the question of compulsory vaccination to the upcoming legislative session and to a new and higher theater of action. They would appeal to the state legislature and to the powerful Supreme Court.

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[289]Silver, 2:56, 59.

CHAPTER 5

UTAH'S COURTS AND COMPULSORY VACCINATION

Before the Utah state legislature wrestled with the vaccination question, the state judicial system encountered it. Three judicial court cases impacted on the vaccination question, one a lower court decision and two Utah Supreme Court decisions. One determined proper pay for teachers during a mandatory closure of school. The other two trials defined the power of the State Board of Health and Boards of Education to enforce compulsory vaccination.

As previously seen, on January 4, 1900, the Salt Lake City Board of Health adopted and sent a resolution to the local Board of Education recommending that the public schools be closed for a period of thirty days and that schools extend their Christmas recess until January 15. However, on January 11, 1900 the city Board of Health, responding to changing conditions advised the Board of Education that an earlier opening was possible if only vaccinated teachers or pupils be admitted to school.

Nine days later the Salt Lake City Board of Education met to debate the issue. In a lengthy typewritten communication read to the Board, Daniel Harrington, attorney for the anti-compulsory vaccinationists, argued that the Board had "no legal authority to prevent unvaccinated children from attending school."[290] Attorneys Powers, Straup and Lippman also working for the anti-compulsory opposition

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[290]Journal History, January 22, 1900, p. 2; Silver, 2:95.

concurred with Harrington's communication. Oscar W. Moyle, a member of the school Board offered an amendment postponing the opening for a week, but opening the school's door at that time, to all children vaccinated or unvaccinated. The measure failed.

The Board, however, adopted a revised resolution. By a six to three vote, the Board declared that the schools would reopen on Tuesday, January 23, 1900, and "that no principal, teacher, pupil or employee be allowed to attend any school unless he or she be provided with a certificate from a qualified medical practitioner or from the Board of Health that vaccination has been performed."[291] The Board also mandated that the superintendent be given full power to enforce the necessary rules to carry into effect their order. The Board of Education acted in obedience to and under the authority of the Board of Health.

In compliance with the Board of Education's decision, Superintendent Cooper notified the principals at a special meeting held at his office on January 22, that they were required to enforce the policy of the Board of Education.[292] Only four days later, John E. Cox filed in the Third District Court, Salt Lake County, a petition for a writ of mandamus against the Salt Lake City Board of Education and Principal Doxey of the Hamilton school.[293] In accordance with the Board of Education's instructions, Doxey declined to admit Cox's ten year unvaccinated daughter, Florence, to Hamilton.[294] In this test case, Cox requested the issuance of a writ compelling the admission of his

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[291]Ibid., 2:95; Deseret Evening News, January 22, 1900, p. 4.
[292]Silver, 2:99.
[293]Ogden Standard, January 26, 1900, p. 3.
[294]Ogden Standard, January 26, 1900, p. 3; Utah Reports: Reports of Cases Determined in the Supreme Court of the State of Utah, February Term, 1900, 97 vols. Reporter George L. Nye, (Chicago: Callaghan & Co., 1901), 21:403.

daughter to school on the grounds the State Board of Health lacked legal authority to require the education board to exclude unvaccinated pupils. The A.C.V.L. funded the lawsuit. The *Ogden Standard* pointed out that there is no animus in the institution of this suit. The respective parties just wanted to clarify the legal issues. [295]

The case was heard in Third District Court by the Honorable Alfred N. Cherry, a believer in vaccination. Judge Cherry's decision, delivered January 29, held that the Board of Health and the Board of Education did not have the authority to compel vaccination. He explained that, for one thing, he was unconvinced that the city was experiencing an epidemic. But there was a larger issue. The State Board of Health lacked statutory authority, he declared. He sustained the Cox's petition by issuing a preemptory writ of mandate which nullified the compulsory vaccination order. Unfortunately, the summary of Cherry's decision was vague. The ruling by a West Virginian judge may have influenced Judge Cherry's decision. On January 5, 1900 Judge Paul of Wheeling, West Virginia held that the Board of Education of that state did not have the power to expel a healthy, but unvaccinated child from school. The court costs incurred by the A.C.V.L. left the society $500 in debt.[296]

Of course this lower court decision was not necessarily binding. The *Ogden Standard* predicted the case would be appealed. In the mean time the schools would be closed "until such time as the Board of Health decides that it is safe to reopen them to all children, or until the Supreme

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[295]Ogden Standard, January 26, 1900, p. 3.

[296]Utah Reports, p. 403; Journal History, January 5, 1900, p. 10; "Judge Cherry's Decision," Salt Lake Herald, January 27, 1900, pp. 4, 8; "Antis Hear Report," Salt Lake Herald, January 28, 1900, p. 5.

court reverses Judge Cherry's ruling."[297]

At first it seemed the newspaper would be correct. Secretary Beatty, keenly disappointed by the decision, urged the Salt Lake City Board of Education to appeal. The Board, for the moment, decided not to do so. Convening on February 1, it decided that all the city schools could open to pupils without any condition as to vaccination.[298] The *Deseret Evening News* voiced its approval. Continuing its fight for voluntary vaccination, the newspaper pointedly remarked that it would be remembered how Board members had voted when the school elections took place the coming next fall.

In Ogden the Board of Education and Superintendent Allison had to make its own decision. Some residents wanted the schools closed. But after several meetings with health officers, the Board decided differently. It reasoned that seventy-five to eighty percent of the children had already been vaccinated (unlike the fifty percent in Salt Lake City). Moreover, the Ogden schools seemed safe. Our "modern schools have very little to do with spreading contagion," the Board boasted. "We ought not [therefore] destroy our school attendance by unnecessary alarm."[299] In the Board's eyes, the Ogden schools were the safest place where many of the children could spend their time and their closing would not assist in stamping out the present contagion.

Thus both in Salt Lake City and in Ogden there was no disposition to challenge the Cox court case.

The second trial was not about compulsory vaccination or school

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[297]Ogden Standard, January 30, 1900, p. 7.
[298]Deseret Evening News, February 2, 1900, p. 4.
[299]Ogden Standard, March 30, 1900, p. 7.

closings, but centered on teachers' pay and contracts. Mrs. Mattie E. McKay, an employee for the Salt Lake City school district, claimed her teaching contract had been violated when her school had closed and she and other teachers were refused pay. Bennett, Harkness, Howat, Sutherland, & Van Cott represented McKay whereas Richards and Varian defended the Board of Education.[300]

The Utah Supreme court, consisting of three justices--Chief Justice George W. Bartch, Associate Justice James A. Miner and Associate Justice Robert N. Baskin--issued its decision on the McKay case March 28, 1900. It determined that the Board of Education had breached the provisions of the contract and ordered the Treasurer of the Board of Education to pay the plaintiff. The court acknowledged that the contract could be terminated for misconduct or any other reason if four week's notice had been given. The contract remained in force even though the schools were closed.[301] The court also held that the Board needed to stipulate "that the plaintiff should have no compensation during the time the school should be closed on account of the prevalence of contagious diseases."[302] The local Board had failed on this provision, too. Since the schools were not closed for any cause which made it impossible for the schools to remain open, the Board of Education had to honor the terms of the plaintiff's contract. The court declared that "nothing but the act of God or of a public enemy, or the interdiction of the law..." constituted the requisite conditions to legally terminate the teacher's contract.[303]

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[300]Utah Reports, p. 241.
[301]Ibid.
[302]Ibid., p. 246.
[303]Ibid., p. 247.

In deciding in behalf of Mrs. McKay, the court entertained a much more important, larger issue--the question of the authority of the various boards of health to force school closing. Here the judges were divided. Justice Baskin, the author of the decision, claimed that the Salt Lake City School Board had no such authority and therefore the school board did not have to follow its directive. These premises being established, Baskin claimed the Salt Lake Board of Education was not relieved of its responsibility to pay McKay. Justice Bartch concurred, but Justice Miner withheld his assent to this argument. Justice Miner believed that the Board of Health was indeed empower to close the schools. The disunity of the court suggested that the issue was by no means resolved.[304]

After the decision was rendered, the *Ogden Standard* argued that not only should the plaintiff receive her pay, but that all the teachers of the public schools were entitled to receive salary for three weeks and one day during the period the Board of Health ordered the schools closed on account of the prevalence of smallpox in the city.[305]

While the Supreme Court decided the proper pay for the school teachers during a smallpox epidemic and the Ogden school Board dealt with the possibility of closing the schools, the Salt Lake City Board of Education reversed its former position and voted to challenge Judge Cherry's decision by appealing to the Utah Supreme Court. The court heard the Board of Education appeal on March 5 and issued its decision on April 26, 1900. Daniel Harrington represented Cox. Richards &

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[304]Ibid., pp. 246, 248.
[305]Ogden Standard, March 30, 1900, p. 8.

Varian were the attorneys for the Board of Education and Doxey.[306] In a crowded court room, Harrington argued that "neither Boards of health nor Boards of education have a right to exclude unvaccinated children from schools, unless express authority is given by the Legislature or ordinance to that effect."[307] The compulsory vaccination order issued by the health Board was in effect a "legislative enactment."[308] Quoting from a California case, Abel v. Clark, Harrington argued that "It is for the Legislature to determine what is for the public good, and what are necessary and salutary burdens to impose upon a general class of persons to prevent the spread of disease, and its discretion can not be controlled by the courts," if its actions are lawful.[309] Rebutting the appellants claim that this was not a case of compulsory vaccination because children could stay out of school if they wished and thereby not be vaccinated, Harrington claimed that it "was compulsory when a person is stripped of his statutory rights and privileges for noncompliance."[310]

Richards and Varian argued that the police power of the state was "large and expansive to meet and satisfy all demands upon the government in this respect."[311] Indeed, the responsibility to preserve the public health against the spread of contagious diseases and infections was "enjoined upon the local authorities...[and] the decision whether an

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[306]Bennett Harkness, Howat, Southerland & VanCott, Snow and Powers, Straup and Lippman assisted in representing Cox. The same group that represented McKay. Journal History, March 5, 1900, p. 2; Journal History, March 5, 1900, p. 2; Utah Reports, p. 402; Silver, January 20, 1900, 2:95. Utah Reports, p. 403.

[307]Utah Reports, p. 405.

[308]Ibid.

[309]Ibid.

[310]Ibid.

[311]Ibid., p. 403.

emergency exists, [must be] left to them."[312] No legislature could in advance provide for all emergencies and "prescribe remedies to be applied by the local Boards or municipal bodies."[313] By the time legislature should convene again to deal with an emergency, the contagion would have already caused suffering and unnecessary death.

The defense also maintained that the Salt Lake City Council, by ordinance on May 20, 1890, had created a local Board of Health and conferred ample authority upon it "to make and enforce rules and regulations, under which the [defendant's] child was excluded from the Hamilton school."[314]

The court deliberated for almost two months before issuing two opinions. Chief Justice Miner wrote the majority opinion, Justice Bartch concurring. Justice Baskin dissented. Justice Miner held that the statute empowering local boards of health to preserve the public health included the right to adopt "necessary rules and regulations concerning cholera, smallpox..."[315] Citing specifically on Section 24, Chapter 45 of the Laws of Utah, 1899, Justice Miner found that the local boards of health had jurisdiction "in all matters pertaining to the preservation of the health of those in attendance upon the public and private schools in the city..."[316] Miner also based his decision on the revised ordinance of 1892. Citing this authority, he noted that the city Board of Health had power to enact "all due measures to prevent the introduction or spread within the city...of any malignant, contagious, or infectious diseases..."[317]

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[312]Ibid.
[313]Ibid.
[314]Ibid., p. 404.
[315]Ibid., pp. 409-410.
[316]Ibid., p. 410.
[317]Ibid., pp. 410, 413.

Since the demurrer admitted that the Boards of Health legally were empowered to prevent the threatened spread of smallpox, "the single question for determination is whether the statute confers authority upon the Board to prescribe and enforce the rule excluding unvaccinated pupils from school during the prevalence of smallpox, and so long as the emergency continues?"[318]

Justice Miner and Bartch held that the smallpox emergency demanded such immediate action, and the resolutions adopted by the Boards were "for the safety of the people and the public health."[319] There were over 12,000 children in attendance in the public schools throughout the city and less than one half of them had been vaccinated. Under these circumstances it followed that the contagion was "liable to spread into the schools unless controlled or eradicated," and to allow the students to congregate together at school would seem a ready way to spread the disease to others.[320] In passing the resolution, the State Board of Health "did not attempt to compel the respondent's daughter to be vaccinated. It simply gave the option to be vaccinated or remain out of school until the danger of smallpox had passed."[321]

Justice Miner also responded to the complainant's argument that the Board of Health was making an enactment of legislation. When Boards of Health adopt rules or by-laws by virtue of legislative authority and do so within their respective jurisdictions, wrote Miner then it followed that such laws "have the force and effect of a law of the

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[318]Ibid., p. 411.
[319]Ibid.
[320]Ibid., p. 412.
[321]Ibid., p. 413.

Legislature."[322] Justice Miner also pointed out that other state courts held that the boards of health had the power to compel vaccination as a condition of entering school.[323]

Both Justices Miner and Bartch agreed that vaccination was "the only safe preventive recognized and approved by medical science and by governments throughout the world."[324] Given this truth, the state laws simply required the State Board of Health to preserve the public health and it could not disobey such rules without incurring penalties.[325] The Justices made clear, however, the ruling had no effect beyond the existence of the emergency. Compulsory vaccination was not authorized by the statute, but the Board had the power to prevent one person from infecting another with smallpox.[326]

As already seen, Justice Baskin did not concur with the majority opinion. Baskin believed the state constitution and the acts of the legislature empowered local, not state authorities. The board of trustees of every incorporated town, and every city council therein, and the Board of county commissioners of each county hold the power to establish the rules and regulations necessary to promote the general health of the public and to prevent the outbreak or spread of infectious or contagious diseases.[327] Baskin also argued that Section 9, Chapter 45 of the 1899 laws of Utah did not authorize the Board of Health to make sanitary rules

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[322]Ibid., p. 414.

[323]Justice Miner cited Abel v. Clark, California; Bissell v. Davidson, Connecticut; Duffield v. School District, Pennsylvania; Morris v. City of Columbus, Georgia; Parker v. W. Public Health, Wisconsin; City of Salem v. Eastern R. Co., Massachusetts; and Blue v. Beach. Utah Reports, pp. 402-426.

[324]Utah Reports, p. 412.

[325]Ibid., pp. 415-416.

[326]Ibid., p. 418.

[327]Ibid., pp. 420-421.

and regulations. The Board's only authority was to execute the rules and regulations established by the city council.[328] Since the sanitary rules created by the city council do not authorize the exclusion from the schools of unvaccinated children, the Board of Health had no authority to exclude them.

Justice Baskin believed that minority rights were at stake.

> If the prevalence of smallpox in a city renders the school children who are not vaccinated liable to convey this disease to the attendants at the school, it follows that every person in the city who is not vaccinated is equally liable to communicate this disease to those with whom they habitually associate.[329]

The legislature, however, did not intend that individuals liable to communicate the disease to be quarantined or vaccinated unless they had been exposed to the contagion "as to render them directly liable to immediately (not remotely) infect others with whom they associate."[330] Florence Cox was excluded not because she had been exposed, but only because she belonged to a class of several thousand pupils who had not been vaccinated. This discrimination and violation of personal rights was unwarranted under the statutes of the state, Baskin thought. The act by the Board of Health was "an attempt, indirectly, to make vaccination compulsory. This can not be done, either directly or indirectly, in the absence of plain and explicit authority of the legislature"[331]

Finally, Justice Baskin took issue with the notion that "vaccination is shown to be the only safe preventive recognized and approved by medical science."[332] Baskin maintained that this notion had not been

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[328]Ibid., p. 421.
[329]Ibid., p. 424.
[330]Ibid., p. 425.
[331]Ibid., p. 428.
[332]Ibid., p. 425.

proven and that "...but few, if any members of that [medical] profession claim that it is a certain protection against the contagion of smallpox."[333] He also asserted that vaccination was frequently inefficient and there were numerous cases where vaccinated person had been infected with smallpox. Many of the vaccinated children attending school, therefore, could actually be carriers of the disease.[334] The split decision by the Utah Supreme Court reversed Judge Cherry's ruling and revoked the peremptory writ of mandate.

The *Deseret Evening News*, not surprisingly, found much to complain about the Court's majority decisions. The periodical called the court's findings a "queer decision." Challenging its readers to read both the majority and dissenting opinions. the *News* clearly found the latter more persuasive."[335] According to one *Deseret Evening News* editorial it was a "judicial mystery" how the majority could have arrived at its conclusions. Nor was it convinced that vaccination was the only and safe preventive of smallpox. It declared,

> We are sorry for the lack of medical knowledge this conclusion exhibits, but it is not to be expected, perhaps, that judges, who give their time to the investigation of legal questions, will acquire very much familiarity with progressive medical and sanitary science.[336]

The newspaper was much more sever with the State Board of Health, which it called an "appointed irresponsible body of physicians, very often with extremely limited experience..."[337] The smallpox scare, the *News* continued, Had been "started by some doctors who had never seen a case

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[333]Ibid.
[334]Ibid., p. 426.
[335]Deseret Evening News, "A Queer Decision," April 26, 1900, p. 4.
[336]Ibid.
[337]Ibid.

of smallpox in their lives."[338] The prevailing disease, whatever its cause, had rarely been fatal or even malignant. The *Deseret Evening News* concluded by venting its spleen over the issue of force. By shutting out the unvaccinated children from the states school the court and State Board had established a "kind of imperialism" worse than anything that is now being denounced in this country under that name."[339]

The Salt Lake *Tribune* wrote that the *Deseret Evening News* had over exaggerated the extent of the ruling and noted that the whole vaccination issue had not been decided as the *Deseret Evening News* claimed.[340] In reality the *Deseret Evening News* had overreacted to the impact of the decision.[341]

The newspapers debate revealed once more the depth of this controversy in the Utah community. People were concerned and not content to allow the judges to determine the issue. The opponents of compulsory vaccination prepared to move their fight from the court room to a more democratic location--the Utah legislature.

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[338]Ibid.
[339]Ibid.
[340]Salt Lake Tribune, April 27, 1900, p. 4.
[341]"The News and the Decision," Deseret Evening News, April 28, 1900, p. 4.

CHAPTER 6

LEGISLATION AND COMPULSORY VACCINATION

Now that the courts had ruled that the State Board of Health had the legal authority to require schools to implement its compulsory vaccination edict, the opponents of such a policy took their grievances to the legislative branch of government. The anti-vaccinationists were determined to eliminate any measures compelling smallpox vaccinations in the public schools. The legislature was their last hope. Their efforts, supported by thousands of Utah residents the legislature would be met by the progressive medical interest in the state organization and by a courageous governor, the issue was one of the most controversial at the turn of the century.

As previously seen, in October 1900 the State Board of Health ordered that no unvaccinated children should be allowed to enter public schools as of January 1, 1901. Many residents of the state protested and demanded the powers of the board be curtailed. Petitions were circulated and letters were sent to the local newspapers requesting that appropriate legislation be drafted because a majority of the state believed the Health Board's edict violated their "God given" constitutional rights.[342] Moreover, many citizens believed that compulsory vaccination did little to prevent the spread of smallpox.[343] These concerns and doubts reached their climax during the fourth session of the Utah State Legislature,

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[342]Deseret Evening News, December 26, 1900, p. 13.

[343]Deseret Evening News, December 11, 1900, p. 6; December 8, 1900, p. 7; Heber M. Wells, January 31, 1901, Wells Correspondence.

January-March 1901.

William McMillan, a Republican representative from Salt Lake City and second ranking member on the committee for Public Health, was one of the anti-vaccination leaders. He introduced H. B. No. 18 entitled "An Act to prevent compulsory vaccination in the public schools of the State of Utah"[344] While the so called "McMillan bill" was before the committee on Public Health, several supporting petitions were filed. On January 25 House Petitions 2-4 by McMillan, Mosiah Evans, and Seth A. Langton acting for residents of Scofield, Logan, and Lehi, filed these documents asked for legislation to stop the various local Boards of Health from making vaccination of school children compulsory and to repeal the law creating a State Board of Health. House Petition 5, took a different tact. Filed by Evans on behalf of the Salt Lake County Medical Societies and Weber County Medical Academy, this petition requested the legislature enact no laws to stop the State Board of Health from compelling school children to be vaccinated.[345]

On January 23, 1901 the committee chairman, W. N. Williams, presented the committee report. Which recommended the passage of the McMillan bill. Representative John T. Axton, a Salt Lake City Republican, who opposed the bill, moved to tabled it. The very next day, Mosiah Evans, representative of Lehi, a Republican and a Public Health committee member, moved to refer H. B. 18 back to committee. The motion carried. Meanwhile, on January 27, three more petitions were filed by Representatives Edward H. Anderson, Joseph F. McGregor and Seth A. Langton for residents of Huntsville, West Jordon, and Logan.

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[344] House Journal, 1901, pp. 85-6.
[345] Ibid., pp. 106-107.

These, too, requested the abolition of the State Board of Health and asked for legislation to restrain the Board from compelling school children's vaccination.[346]

The question also surfaced in the senate where eight formal petitions were reviewed Senators Abraham O. Smoot, John G. M. Barnes, Joseph Howell and Harden Bennion introduced Senate Petitions 2-9 on behalf of residents from American Fork, Kaysville, Layton, Provo, Alpine, Santaquin, Logan and Scofield. The petitioner "prayed" that an act be passed abridging the powers of the State Board of Health making it unlawful for any Board of Health to compel vaccination of public school teachers or pupils as a condition for their attendance at school. .Two of three petitions claimed to represent the "citizens" of Provo and Logan City. The others were signed by 2,608 protesters.[347]

In order to expedite the legislative process, the Senate Committee on Public Health held a joint hearing with the House Committee on Public Health. Dr. Beatty, testified emphasizing that Utah had a horrendous smallpox record. He noted that in the past three years three thousand cases of the disease had been reported and estimated another one thousand which had not been reported. He also pointed out that there had been 26 deaths and that the more severe types of the disease were increasing. Concluding, he claimed that the records showed that none of the smallpox cases involved a previous vaccination.[348]

On January 24, 1901, the following petition was presented to the joint legislative committee by Thomas Hull, N. Y. Schofield, and J. H.

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[346]Ibid., pp. 113-4.
[347]Senate Journal, 1901, pp. 61-62.
[348]Morrell, Vicissitudes, p. 114.

Parry of the A.C.V.L. The lengthy petition stipulated,

> We your petitioners, in mass meeting assembled in Salt Lake City, do solemnly protest against the action now being taken by the State Board of Health.
>
> Whereas, thousands of citizens of this State are conscientiously opposed to vaccination, having been taught from childhood to keep their systems free from contamination: and
>
> Whereas, the evidence for the alleged benefits of vaccination is far from convincing to the impartial mind; on one side being chiefly the statistic of one medical school, while on the other side are the protests of other medical schools and the experience of thousands of the common people in countries where vaccination has been enforced for half a century; and
>
> Whereas, vaccination differs from sanitary measures in that sanitary measures, no matter how rigidly enforced is a safe-guard for the people, while vaccination endangers the health and is a perilous operation, and the amount of suffering from vaccination is very frequently greater than that resulting from smallpox; and
>
> Whereas, the present law is being interpreted by the secretary of the State Board of Health as empowering him to institute what is virtually compulsory vaccination, whereby thousands of children now in school have been compelled to submit to what is to them an obnoxious practice, and which now operates to exclude thousands of other children from education privileges, who refuse to submit to vaccination.
>
> Now, therefore, We your petitioners...do hereby most emphatically protest against the present interpretation of the health law, and earnestly petition your honorable body to revise the statue of this State relating to public health, and to define and limit the powers now assumed by the State Board of Health.
>
> And we further petition for the immediate passage of some measure making it unlawful for any Board of Health or other board, or individual to compel vaccination, or in any manner to make it a condition precedent to attendance at public or private school, either as teachers or pupils and your petitions ever pray, etc.[349]

On January 28, 1901 the joint committee issued their findings.

Chairman Williams reported to the House that after considering H. B. 18,

> together with numerous petitions from different parts of the State praying for the passage of such a measure, and after hearing arguments, for and against the bill, from members of the State

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[349]"Opposition to Vaccination," Deseret Evening News, January 23, 1901, p. 2; Silver, 2:185.

> Board of Health, members of the medical profession and numerous citizens; ...[we] recommend that the act, as amended be passed.[350]

The amendment recommended by the committee added clarity to the title of the bill. The new bill's title now read - "An act to prevent compulsory vaccination *and to prevent vaccination being made a condition precedent to entering* the public schools *at* the State of Utah."[351]

Following the committee report in the House, Chairman Williams moved that the bill be placed up for its third reading and be passed. Representative John T. Axton moved that the vote be delayed until January 29, explaining that the public was interested in the matter and that proper notice should be given, so they might attend. Axton complained the committee had been debating the matter for eight days, some representatives now wanted the House to "pass on it in eight seconds."[352] Siding with the majority, Williams objected to any delay as did Representatives Langton, Levi N. Harmon, Edward R. South and Orson H. Hewlett. Hewlett pressed to avoid the delay because two lawyers, Representatives William Grant Van Horne and Frank Holzheimer, were absent. If these two gentlemen were present,[353] Hewlett felt there would be more discussion on the issue since both were opponents of the measure. At this point Representative Archibald Stuart requested information concerning how the passage of the anti-compulsory bill would impact the power of the State Board of Health if smallpox became an epidemic. Stuart's query manifested his disbelief that the current attack of smallpox was of epidemic proportions.

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[350] House Journal, 1901, p. 116.
[351] Ibid. Italics added to highlight the change.
[352] Salt Lake Tribune, January 29, 1901, p. 3.
[353] Ibid.

Williams replied that the proposed legislation only abridged the Board's authority concerning forced school vaccination.[354] As the day was far spent, the house finally adjourned, taking no action the supporters of the delay were victorious.

On January 29, debate on the House H. B. 18 began anew. Unfortunately, the *House Journal* was set up only to track votes and legislative chronology not to record the debates; however, local newspapers summarized key aspects. The *Salt Lake Tribune* reported that the leading opponents of the measure were Representatives Axton, Stuart, Van Horne, Benner X. Smith, and John R. Sharp. Van Horne was the first to secure the floor. He did not think that compulsory vaccination to a certain extent deprived citizens of their liberty, and hoped that "no action would be taken which would cast a slur upon the intelligence and progress of the commonwealth of Utah."[355] To document his position, Stuart claimed that 300 school children in Sandy had been vaccinated and without a single untoward circumstance.

Then the proponents of the McMillan bill took the floor. Evans protested that only the public schools had been closed, while Sunday-schools, theaters and socials were allowed to remain open. Representative Bench followed, noting that he received a letter from the town of Fairview "saying that vaccinated people, as well as unvaccinated had suffered with the disease, but that not a case could be traced to the public schools."[356] In their turn, Representatives Langton, Ephraim Homer, Sharp, Eugene Wallace Kelly, Edward H. Anderson, Don Carlos

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[354]Ibid., Ogden Standard, February 1, 1901, p. 4.
[355]Salt Lake Tribune, January 29, 1901, p. 3.
[356]Ibid.

Johnson and Rulon Seymour Wells each expressed themselves in favor of vaccination, but indicated their willing to support the McMillan bill because the overwhelming sentiment of their constituents. How these constituents views had been expressed is not clear. It is likely, the more vociferous opponents of vaccination had convinced the representatives that the tide of opinion rested with them.

There were other views Representative Peter Morgan Maughan felt that the State Board had assumed too much power. Representative Levi Nehemiah Harmon claimed many of his Emery County constituents had suffered greatly as a result of vaccination. Representative Henry Gardner asserted that twenty-seven people in Utah County had smallpox after being vaccinated. While Representative Archibald McFarland denied vaccination to be a preventive. Representative William Van Wagenen and (Nephi Lowell or David H.) Morris each held that when the physicians compelled vaccination they are infringed upon the rights of the people.[357]

Fearing defeat, Representative Smith, who supported the Board of Health, went on the offensive. He argued that the bill under consideration was not a compulsory act. All it could do is allow unvaccinated students to attend school. Evans asked Smith if he thought that children have more opportunity to take smallpox in the public schools than they have in Sunday-schools? "Yes," Smith quickly replied, "just five times as much...The House enjoyed a hearty laugh at Mr. Evan's expense."[358] Smith, battling a losing cause, at least looked bright as he responded to a poorly formulated question. The opponents of the measure were noticeably outnumbered.

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[357]Ibid.
[358]Ibid.

Representative Axton hoping to prevent the legislature from completely curtailing the power of the State Health Board proposed an amendment. He suggested the State Board of Health be given authority to separate vaccinated and unvaccinated children in the schools. It failed.[359]

Finally, the majority forced the third reading of the McMillan bill. The anti-compulsory measure passed with thirty-seven ayes, seven nays and two absent and not voting. The measure was sent to the Senate.[360]

On the day that H. B. 18 passed the House, the members of the Salt Lake City Board of Education voted to open all schools to children, vaccinated or unvaccinated. Dr. J. C. E. King, Chairman of the Salt Lake City Board of Health, was furious. He had W. J. Newman, Chairman of the Salt Lake City Board of Education, arrested for violating the health regulation. Obviously, passions were running high.[361]

As the Senate began its deliberation, it was apparent that many in the chamber hoped for a quick passage of H. B. 18. Chairman Richard Kendall Thomas of the joint Committee on Public Health proposed to "hustle it through to final passage...to relieve the members of the Salt Lake Board of Education under arrest or threatened with arrest."[362] According to Senator Thomas, a quick passage of the measure would force Salt Lake County Attorney, P. P. Christensen, to drop the charges. Senators Smoot and Murdock concurred and demanded immediate suspension of the Senate rules. Smoot was so displeased by the recent arrest that he publicly questioned King's sanity. Shouldn't Chairman

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[359]Ibid.
[360]House Journal, 1901, p. 245.
[361]Salt Lake Tribune, January 31, 1901, p. 3.
[362]Ibid.

King be put in an insane asylum? he mused angrily. To which Senator Edward M. Allison responded to the Provo senator, "You [just] want to increase the population of Provo."[363] The state asylum was located in Smoot's district. The moment of levity concealed the deep emotions of the hour. Senator Allison pressed further. He objected to the motion to suspend the rules, arguing that some Senators were not prepared to proceed with the measure. He went further. The bill had been in committee two days and in the House two days, "Do you think it fair to expect us to consider it in five minutes?," he asked.[364] He was successful in getting the vote delayed until the afternoon of January 31, 1901.

The additional debate brought few new items to the fore. Although the Senate debated the McMillan bill for two hours and a half, much of what was said had already been discussed in the house. The *Salt Lake Daily Tribune* asserted that "the vote would have been the same had not a single word been uttered either for or against the measure."[365] Despite the heavy tide flowing against them the opponents did attempt to defeat it. Immediately after the bill was taken up as a special order of the day, Senator Frederick J. Kiesel, the senior senator from Weber, moved that the enacting clause be stricken out. Kiesel stated that "he disliked being on the side of what promised to be a hopeless minority, but that he knew from experience that vaccination was conducive to the health and welfare of the community."[366] Kiesel finally withdrew the motion and the debate began. Chairman Thomas, a leading proponent of the measure, stated

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[363]Ibid.
[364]Ibid.
[365]Salt Lake Tribune, February 1, 1901, p. 8.
[366]Ibid.

that he did not care to prolong the discussion. Since the supporters of the McMillan bill felt no need to speak in its favor, Senator Allison took the floor.

The staunch vaccinationist presented valid, lucid arguments, that might have been persuasive if his colleagues hadn't already made up their minds. Allison believes,

> The bill to be an exceedingly vicious measure and thought that a great many people favored it without having considered what its effect might be. He quoted authorities on jurisprudence to show that the rights of the individual must yield to the general welfare of the public at large...He quoted from the reports of the clerk of the Board of Health to show that in Salt Lake there had been a steady decrease in the proportion of children afflicted with the disease since the compulsory order went into effect and also that an insignificant number of those afflicted had ever been vaccinated. He argued that if the State is threatened with a dangerous contagion, the Board of Health will [sic] be powerless to stop it. He believed that some were favoring the measure who were not opposed to vaccination.[367]

Indeed, Allison was correct about the inconsistency of some senators, but only to a certain extent. Only Senators Stephen Hunter Love and Orson F. Whitney admitted that they personally believed in vaccination. On the other hand, Senators Hans S. Larsen, Richard Kendall Thomas, Rollin R. Tanner, Harden Bennion, John G. M. Barnes openly conceded that they were anti-vaccinationists. Thomas, Chairman of the Senate Public Health Committee, emphatically remarked that he had opposed vaccination for twenty years. He also quoted copious alleged English authorities on the "injurious effects and utter uselessness of vaccination."[368] Realizing the logical extension of Thomas's evidence Senator Allison, mockingly, moved to amend the title of the bill to read,

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[367]Ibid.
[368]Ibid.

"An act to promote the spread of contagious diseases. It raised a laugh but nothing more. It was quickly voted down."[369]

As the senate debated the issue, the *Deseret Evening News* once more entered the fray. It ran an editorial suggesting that many vaccinated children actually contracted the disease. "Pass the McMillan Bill and deliver the state from the bondage that now bears it down, and the people will call you blessed," the newspaper opined.[370]

The pro-vaccinationists continued to try to persuade some of the Senators to change their stance. Senator Alder, who had at some time previously contracted smallpox and represented Sanpete county where many individuals were afflicted, explained that "the children of Utah were more precious than all other of the State's possessions and he honored the Board of Health for its efforts to protect them from this pestilence."[371] Alder's efforts were in vain. The efforts of the proponents of the McMillan Bill prevailed. The Senate passed the bill by vote of a thirteen to five. Senators Barnes, Bennion, Evans, Howell, Johnson, Larsen, Love Murdock, Smoot, Tanner, Thomas, Whitmore, and Whitney, voted in the affirmative. Senators Alder, Allison, Kiesel, Lawrence and Sherman voted in the negative.[372] With both houses of the legislature having approved the measure, the bill was sent on February 1 to be signed by the Governor.

Heber M. Wells was Utah's first governor. Born August 11, 1859, he served as Deputy City Recorder from 1881-3 and recorder of Salt Lake City from 1882-1890 being re-elected three times, but losing the election

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[369]Ibid.
[370]Deseret Evening News, January 23, 1901, p. 4.
[371]Salt Lake Tribune, February 1, 1901, p. 8.
[372]Ibid.

in 1890. In 1892, along with the rest of his Republican ticket, he was defeated in his bid for the mayor of Salt Lake City. He had served two terms as a member of the board of public works; secretary of the constitutional convention of 1887; chief clerk of the upper house of the territorial legislature in 1888; and as a member of the constitutional convention of 1895. He was nominated by the Republican state convention of that year for governor and was elected on November 5, 1895 at the young age of 36.[373] He was a savvy politician. Now in his second term, he faced a difficult decision on a very popular piece of legislation that could damage his political career.

As Wells decided to sign or veto the McMillan bill, he received at least 29 letters giving him conflicting advise. Letters came from educated folk, businessmen, school teachers, political supporters, a boilermaker, a sheriff and physicians. On January 31 Richard R. Lyman, a member or the University of Utah's Drawing and Engineering department, and future LDS apostle, wrote,

> Please, Governor Wells, I beg of you, sign this bill; release me and my fellow teachers and fellow students from our bondage; do not allow the Board of Health to demand of us what it does not request of you, or even of its' own members...Do this one great kindness in answer to the almost unanimous voice of the people of the state...[374]

Joseph F. Merrill, also future apostle and current Director of the Physical and Electrical Laboratories at the University of Utah wrote,

> Pardon me for the liberty I take but my interest in the education of our young people impels me to take this method of urging you not to veto the McMillan Bill...Do not, I respectfully urge, deprive

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[373]Noble M. Warren, ed., Utah Since Statehood, (Chicago: S. J. Clark Pub. Co., 1919), pp. 107-8.

[374]Richard R. Lyman, Salt Lake City, to Heber M. Wells, Salt Lake City, January 31, 1901, Wells Correspondence.

> thousands of healthy children in this state of the privilege of attending school because their parents will not allow them to be vaccinated. Rigid quarantine regulations and a virulent type of smallpox will, in my opinion, furnish all the compulsion needed to make nearly all parents; now opposed to vaccination, seek the protection afforded by successful vaccinations. The idea of compulsion is repugnant to most people and I firmly believe from my observations that some parents refuse to allow vaccinations because of this idea. Trusting you will comply with the wishes of the great majority of your constituents...[375]

Horace Cummings, Director of the Nature Study department at the University of Utah sent this letter on February 4, 1901.

> In giving this bill your official sanction I firmly believe you would meet the wishes of ninety percent of the people, and prevent the outburst of much ill-feeling, and expensive litigation. The people are not so much opposed to vaccination as to the manner in which it has been thrust upon them, and it is almost alarming to see to what extent their feelings are wrought up on this matter. People are generally much more sensitive concerning what affect their children than what affect themselves, and a law compelling general vaccination would be preferable to present conditions, as it looks like the school children were singled out and the general public remain unnoticed.
>
> In writing this voice, at their request, the sentiments of a number of teachers here at the University besides myself, and we will be most happy if your convictions of what will be best of the public welfare will allow you to approve the bill referred to.[376]

John Z. Brown, a resident of Pleasant Grove, asked the governor to sign the bill. Commenting for Utah County, he asserted that "we do not object to vaccination, but we are not in favor of excluding healthy unvaccinated children from our public schools. Compulsion to us is very offensive."[377]

Popular feelings were strong. Governor Wells received petitions

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[375]Joseph F. Merrill, Salt Lake City, to Heber M. Wells, Salt Lake City, February 4, 1901, Wells Correspondence.

[376]Horace Cummings, Salt Lake City, to Heber M. Wells, Salt Lake City, February 4 1901, Wells Correspondence.

[377]John. Z. Brown, Pleasant Grove, to Heber M. Wells, Salt Lake City, February 1, 1901, Wells Correspondence.

signed by at least 241 individuals who opposed compulsory vaccination, 180 coming from Providence.[378] On the other hand, the letters sent urging the Governor to sign the bill frequently were in behalf of friends and family.[379] John Telford wrote on February 7,

> I much regret to hear it reported that you propose vetoing the McMillan bill which has passed both departments of the legislature. I sincerely hope that you will never allow it to go down in Utah History that you did so. which would be signing away the liberty of the subject - Let everybody who wants it. Vaccinate when and where they please, but never make it compulsory.[380]

W. J. Stevens of Oakly, Utah wrote a contrary view,

> Being a citizen of this state, having worked in the state convention and in the late election and have had the pleasure of seeing the success of our party, I should be further delighted to see that infamous anti-vaccination measure vetoed. P.S. in behalf of 11 voters in my family [381]

Wells resisted this barrage. More concerned about the well-being of the public and especially the children than his own political future, Wells, after deliberating for one week, returned the bill without his approval, He sent with his veto a statement of reasons and an expression of views, together with a substitute bill.[382]

After the action the Governor received still more correspondence.

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[378]Petition from Providence, to Heber M. Wells, Salt Lake City, February 8, 1901, Wells Correspondence; Petition to Heber M. Wells, Salt Lake City, February 2, 1901, Wells Correspondence; B. Goddard, Salt Lake City, to Heber M. Wells, Salt Lake City, February 6, 1901, Wells Correspondence; Petition to Heber M. Wells, Salt Lake City, February 8, 1901, Wells Correspondence.

[379]John S. Thorrup, Salt Lake City, to Heber M. Wells, Salt Lake City, February 4, 1901, Wells Correspondence; Samuel Holmes, Salt Lake City, to Heber M. Wells, Salt Lake City, February 6, 1901, Wells Correspondence; George J., Silver City to Heber M. Wells, Salt Lake City, February 4, 1901, Wells Correspondence.

[380]John Telford, Salt Lake City, to Heber M. Wells, Salt Lake City, February 7, 1901, Wells Correspondence.

[381]W. J. Stevens, Oakly, Utah, to Heber M. Wells, Salt Lake City, February 4, 1901, Wells Correspondence.

[382]House Journal, 1901, p. 177.

Frank X. William congratulated him on his "very intelligent stand."[383] R. G. McNiece, Dean of the faculty at Sheldon Jackson College wrote,

> I wish to express my hearty appreciation of your veto of the anti vaccination bill. Your discussion of the whole subject is most convincing and satisfactory, and will, I hope, save our State from the calamity which would fall upon it if that bill should become law. I was glad to vote for your second term.[384]

Robert S. Joyce, a doctor at the Ogden General Hospital, composed a letter on behalf of that institution. The Governor's veto met the approval of 95 percent of the employees of the hospital.[385] San Francisco Polyclinic superintendent, D. Albert Hiller, M. D. also complimented Wells on the veto. "Progressive Humanity should & will honor" you. He included copies of pro- vaccination literature.[386]

There were other favorable comments. William F. Knox of Beaver sent a telegram complimenting the governor for the veto. "You have shown yourself worthy of the high office you hold and have rendered Utah a great service."[387] L. E. Abbott, Sheriff of Farmington wrote,

> Permit me to express my for appreciation and approval of your action towards the anti-vaccination bill your reasons are expressed in language that will become classic unto us and the arguments are irrefutable.[388]

Wallace R. White, Deputy Attorney General, State of Utah, wrote,

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[383]Frank X. William, Salt Lake City, to Heber M. Wells, Salt Lake City, February 8, 1901, Wells Correspondence.

[384] R. G. McNiece, to Heber M. Wells, Salt Lake City, February 9, 1901, Wells Correspondence.

[385]Robert S. Joyce, Ogden to Heber M. Wells, Salt Lake City, February 9, 1901, Wells Correspondence.

[386]D. Albert Hiller, San Francisco, to Heber M. Wells, Salt Lake City, February 9, 1901, Wells Correspondence.

[387]William F. Knox, Beaver, to Heber M. Wells, Salt Lake City, February 10, 1901, Wells Correspondence.

[388]L. E. Abbott, Farmington, to Heber M. Wells, Salt Lake City, February 10, 1901, Wells Correspondence.

> I desire to commend in the highest terms your exhaustive, convincing and unanswerable veto of the vaccination bill...Nearly all here [in Ogden] also think that the board of health have no difficulty here in enforcing their demands that all school children be vaccinated or not be allowed to attend school.[389]

Dr. King wrote,

> It was with unmixed satisfaction and real pleasure that I read your manly and heroic veto message to the legislature on the "McMillan Bill." Those who do not agree with you must realize that they can not answer you, and your most vigorous opponents can not fail to admire a man who comes out bold for what he considers right and does his duty regardless of consequences.
>
> I hear on every had words of commendation and admiration for this and of the best of many good and sensible acts in your public career.[390]

Wells even picked up political support,

> Allow me to congratulate you on your very intelligent stand regarding the bill...While the love of liberty is to be commended on the part of any class, it is equally certain that a proper regard for the health of the general public should be left to those as wise, or a little wiser than the ordinary class. There are those who did not support you at the last election who will do so at the next for the manly stand you have taken.[391]

While many wrote to commend Wells, he also had his nay- sayers.[392] He was reprimanded by J. C. L. Lund, who wrote.

> You have my emphatic disapproval in your recent action with the McMillan house bill no 18...Trusting you will here after show yourself a servant of the people and not a master. I am or was a delegate from Sanpete Co. at the Republican State Convention held at Provo last fall.[393]

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[389]Wallace R. White, Salt Lake City, to Heber M. Wells, Salt Lake City, February 1901, Wells Correspondence.

[390]J. C. E. King, M. D., Salt Lake City, to Heber M. Wells, Salt Lake City, February , 1901, Wells Correspondence.

[391]Item 9218, Salt Lake City, to Heber M. Wells, Salt Lake City, February 4, 1901, Wells Correspondence.

[392]Charles P. Gable, Salt Lake City, to Heber M. Wells, Salt Lake City, February 13, 1901, Wells Correspondence; J. F. Critchlow, M. D., Salt Lake City, to Heber M. Wells, Salt Lake City, February 14 1901, Wells Correspondence; Herbert Myzack, Vernal, to Heber M. Wells, Salt Lake City, February 14, 1901, Wells Correspondence.

[393] J. C. L. Lund, to Heber M. Wells, Salt Lake City, February 14, 1901, Wells Correspondence.

The Office of The Groesbeck Company, also dissented,

> ...I do want to add to this expression a protest against what I conceive to be class discrimination by those whose duty it is to execute the health laws of our State, and who, in my opinion have forced an incorrect construction of laws to effect something not intended by former legislatures, and aimed that false construction against a class who have no voice yet in public affairs, who cannot yet mark their disapproval of any public act by the casting of a ballot, and who alone are effect by said construction. I am not speaking against vaccination, but am protesting against its being made compulsory, especiall [sic] when its being made so by a Board not appointed to legislate for the people.[394]

The majority of letters sent to the governor opposed a veto. Even publicly individuals expressed their view concerning the governor's actions. In Provo the Governor encountered an unpleasant situation. When the state legislature and other dignitaries visited the Utah County town, a huge banner had been hung across the street. Which read,

> The McMillan Bill...beneath it hundreds of children and their parents loudly voiced their approval of the measure introduced in the legislature to prevent compulsory vaccination. Governor Wells was present, and calmly witnessed the demonstration intended as a rebuke for him.[395]

Governor Wells, however, refused to capitulate to public pressure. His lengthy veto message explained that "probably no question of social policy...has ever attracted so much interest or been so fiercely debated as this same question of vaccination during the last few months."[396] Nearly every resident of the state had an opinion on the subject, and under these circumstances, the governor believed he should be free from prejudice, and "exercise calmness of judgment in the face of any amount

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[394]Groesbeck Company, Salt Lake City, to Heber M. Wells, Salt Lake City, February 4, 1901, Wells Correspondence.

[395]Logan Journal, February 14, 1901, p. 1.

[396]House Journal, 1901, p. 178.

of popular clamor."[397] Governor Wells fully understood the divisiveness of the issue. Reasoning for the benefit of the public good, he explained the motives behind veto. Wells claimed that the main object of the bill was to rebuke the State Board of Health for compelling vaccination."[398] Furthermore, he argued that the bill was a direct response to the petitions forwarded to the Legislature from the localities where the School Board edict was warmly resisted. These localities claimed the order was a "...menace to personal liberty and a blow at education... [and were] asking relief from its enforcement or perpetuation by some legislative enactment."[399]

According to the Governor, four questions needed to be addressed:

> 1. Is vaccination a preventive of smallpox?
> 2. Is compulsory vaccination an infringement upon the sacred rights of the individual?
> 3. Should Board of Health be vested with discretion to determine when the public safety demands the enforcement of compulsory measures?
> 4. With the present laws and regulations on the subject, and under the conditions that now exist, has the State Board of Health of this State been over-officious or unreasonable in its requirements?[400]

In order to obtain the answer to the first question, the Governor relied upon the highest medical authorities. After studying the available medical opinions (some of which he included in the report to the legislature), Wells concluded,

> that almost the entire fraternity of regular practitioners of any school of medicine in every part of the world are so nearly unanimous in their views on the efficacy of vaccination as to leave only an absurdly insignificant minority to oppose it...practically the

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[397]Ibid.
[398]Ibid.
[399]Ibid., p. 179.
[400]Ibid., p. 180.

> entire scientific world agree...that vaccination and re-vaccination properly performed with reliable virus is a certain preventative of smallpox.[401]

Concerning the second question, Governor Wells argued that there was no guarantee of rights when those rights interfered or conflicted with the welfare of others. He observed,

> The public safety is the supreme law. It is consistent that if a person may be restrained who is already infected with the disease, another may be compelled to do an act which will prevent him from becoming infected...it is the public safety which justifies it.[402]

According to Wells, the answer to the third question was that the authority to invoke such actions should only be resorted to when the necessity existed and in this State the discretion concerning when to act rested with the Board of Health.

Answering to the last question, whether the State Board of Health had acted unreasonably, Wells noted that since the state compelled the children to attend school, it therefore should promise to take measures to provide the greatest possible protection from disease. He argued that contrary to the complaints of some citizens, the State Board of Health, had not insisted that every child be vaccinated. Rather, the State had refused to accept responsibility for those who would not allow the State to protect them from becoming infected, thereby refusing to allow them to attend school until they demonstrated that they have been vaccinated.[403]

After answering the four questions, the Governor proceeded to demonstrate how Utah's position concerning compulsory vaccination compared to other states. Wells had surveyed other American governors

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[401]Ibid., pp. 180, 182.
[402]Ibid., p. 182.
[403]Ibid., p. 184.

by telegram. Were their health authorities empowered to prohibit unvaccinated children from attending the public schools?, he asked Forty-one Governor's answered the telegram. The overwhelming response being "force with compulsory discretion".[404]

Concluding his written statement, Governor Wells entreated the representatives to refuse "to place upon the books a statute which to the world may look like an advertisement that Utah is an unsafe place for children to dwell in."[405] He also submitted a substitute bill which he believed the legislature should approve. That bill specified the powers of the State Board of Health concerning vaccination. Notwithstanding his courageous actions in striking down the measure, it seems the Governor's arguments and actions had no influence on the Senators and little, if any, on the Representatives.

On February 12, only four days after the Governor returned the bill to the House, the committee on Public Health reported,

> We have carefully considered said veto and said substitute bill, and recommend that said substitute bill No. 112 be not passed, and that H. B. No. 18 become a law, for the following reasons: First--That it is an infringement upon the inherent and Constitutional rights of the people. Second--Our constituents demand that the substitute bill be not passed. We regret very much to differ from his Excellency, the Governor; [however], the substitute bill No. 112 rather precludes and attempts to destroy the inalienable rights of the people.[406]

The legislative report also argued that the Supreme Court of the United States had "repeatedly ruled that it is not necessary for the law to interfere with the liberty of the individual untils [sic] it breaks out into

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[404]Table 13 summarizes the states compulsory vaccination laws in 1901.

[405]House Journal, 1901, p. 192.

[406]The substitute bill, submitted by Axton, was an alternative measure submitted by the Governor since he had vetoed H. B. No. 18. Ibid., p. 204; Salt Lake Tribune, February 13, 1901, p. 3; House Journal, 1901, p. 195.

overt acts against peace and good order."[407] Furthermore, the report continued, the healthy, unvaccinated children had been comparatively free from contracting smallpox and the spread of the disease had not been traced to the schools. "If compulsory vaccination has any logical or legal force," the report went on "it is the general public who should be forcibly vaccinated and not the class which is virtually exempt."[408] Finally, the report stated that the Governor did not stipulate one provision of the law that authorized,

> The State Board of Health or its secretary to assume the powers against which 85 per cent of the people protest, and that want of authority and assumed power would continue should the Governor's veto prevail...The Legislature of 1898 rejected a compulsory measure and intended to define the powers of the Board of Health and make them ample to meet the demands of sanitation, quarantine, isolation and prevention of contagion. The [McMillan] bill simply makes definite that which the former Legislature left open to strained constructions.[409]

In addition to the committee report there were three more House petitions filed by Homer, Evans, and Gardner for residents of Provo asking for the defeat of H. B. 112 and passage of H. B. 18, bringing the total amount of petitions filed on this issue to an amazing eighteen. The eight petitions filed in the Senate and the ten in the House represented an unprecedented amount of representations being filed on a single legislative issue being addressed. No earlier issue in Utah's history had ever provided such remonstrance.[410]

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[407] Salt Lake Tribune, February 13, 1901, p. 3.

[408] Ibid.

[409] Ibid.

[410] Utah. Laws of the State of Utah, 1896, (Salt Lake City: Deseret News Publishing Co., 1986); Utah, Laws of the State of Utah, 1897, (Salt Lake City: Star Printing Co., 1897); Utah, Legislature: House of Representatives Journal, 1896, (Salt Lake City: Deseret News Co., 1896); Utah, Legislature: House of Representatives Journal, 1897, (Lincoln, Nebraska: State Journal Co., 1897); Utah, Legislature: House of Representatives Journal, 1899, (Salt Lake City: Tribune Job Printing Co., 1899);

A majority of the full House agreed with its Public Health committee's recommendations and the advice of the petitions. On February 12, the assembled representatives rejected the substitute bill. Six days later, without further discussion, Representative Axton moved that House sustain the Governor's veto. Twelve votes were cast for the veto and thirty-three against it. It was a close vote. The Governor needed only three more aye votes to sustain his veto. Representative Van Horne moved that the names of the supporters of the veto be listed in the House Journal.[411]

A minor controversy occurred the day after the House voted to override the veto. The House had voted on Representative Axton motion to sustain the veto, not technically in support of H. B. 18. Speaker Glasmann, however, ordered the chief clerk to alter the *House Journal* to read, "The Speaker put the question: 'Shall House bill No. 18 pass notwithstanding the veto of his Excellency Gov. Heber M. Wells?' Roll-call was ordered, with the following results: Ayes 33, nays, 12..."[412] Representative Benner X. Smith noticed the change and complained that his vote to sustain the veto had been changed and appeared as a vote against the McMillan bill. He demanded an explanation since no vote had been called on the bill. The embarrassed Speaker explained that he knew the House intended to vote on the bill, whatever the actual form of

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Utah, Legislature: House of Representatives Journal, 1901, (Salt Lake City: Star Printing Co., 1901); Utah. Legislature: Senate Journal, 1896, (Salt Lake City: Deseret News Co., 1896); Utah, Legislature: Senate Journal, 1897, (Lincoln, Nebraska: State Journal Co., 1897); Utah, Legislature: Senate Journal, 1899, (Salt Lake City: Tribune Job Printing Co., 1899); Utah, Legislature: Senate Journal, 1901, (Salt Lake City: Star Printing Co., 1901).

[411]The votes in favor of the veto were Axton, Davis, Hall, Hamlin, Holmgren, Lambert, Phillips, Redd, Sharp, Smith, Stuart and Van Horne. Salt Lake Daily Tribune, February 19, 1901, p. 8; House Journal, 1901, p. 229.

[412]House Journal, 1901, p. 245.

the motion, and he had ordered the clerk to make the change. On February 20, Speaker Glasmann, acting upon Axton's motion, appointed Representatives McMillan, Williams and Evans to form a committee to amend the minutes of the *House Journal* relating to the action taken on H. B. 18. Glasmann intentionally ignored placing Smith on the committee who first had called attention to the alteration, on the committee.

Were the Speaker's actions in tampering with the *Journal* irresponsible or "full of guile...a sign of a dangerous man in authority" as described by the *Salt Lake Daily Tribune*? Not necessarily. It appears that Glasmann was up against a "poser" which occurred in the House and attempted to remedy the problem by altering the House record. In the process, he had violated the House rules. Since the State constitution stipulate that the house vote on the veto separate from the vote on the bill, the House had to vote again, but this time it took place only on the bill much to the embarrassment of the Speaker.[413] The final House vote on the McMillan bill was thirty-four in favor, nine opposed and two absent and not voting.[414]

The Senate over-ride vote on the McMillan bill took place February 21. This chamber seemed much more subdued than the House. Without much discussion it approved the measure: thirteen ayes, four nays, and one absent and not voting.[415] Two more nay votes would have

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[413]The House Journal record shows the third and final vote in the House as "Ayes, 34; Nays, 9; absent and not voting, 2." House Journal, 1901, p. 245.

[414]The nays were: Davis Hall, Holmgren, Lambert, Phillips, Redd, Sharp, Smith and Van Horne. Holzheimer and South were absent.

[415]Those who voted in the affirmative included: Barnes, Bennion, Howell, Johnson, Larsen Love, Murdock, Smoot, Tanner, Thomas, Whitmore, Whitney, and the President of the Senate. The votes cast in the negative were Alder, Kiesel, Lawrence, and Sherman. Mr. Allison was absent.

sustained the veto, a very close margin. On March 2, 1901, James T. Hammond, Utah Secretary of State certified to the house that he had received and filed H. B. No. 18 since it had passed by the necessary two-third vote of each House. The *Salt Lake Tribune* printed the picture of all the senators who voted to override the veto. The newspaper quipped that they should be "carefully preserved. They will be a great curiosity fifty years hence, if in the Providence of God, Utah shall by that time become civilized."[416]

Why didn't any of the Senators change their votes while four Representatives did? Had the legislators voted according to party, religious affiliation, or occupation? Although many of the legislators argued their viewpoints and rationale for either supporting or opposing the compulsory vaccination bill, an analysis of voting behavior presents additional insight into the positions.[417] In the Senate, the party cohesion for the Democrats was significantly high (80). The Senate Republicans, however, were split equally. Among the Republicans who voted for the McMillan bill, all four were LDS, but two were business men, one raised livestock and another was a fruit grower. Of the four Republicans who opposed the bill, three were non-LDS. The supporters of this progressive issue were two lawyers, a farmer and a president of an insurance and real estate company. Even more interesting is the fact that all the Democrats who supported the McMillan bill were LDS (13). The only non-LDS democrat voted against it.

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[416]Salt Lake Tribune, February 22, 1901, p. 4.

[417]Tables 14-20 contain the statistical data on the legislatures voting behavior.

Table 1.--Utah Senate Voting Cohesion on H. B. 40[418]

	First Vote	Override Vote
Republicans	0.0	14.2
Democrats	80.0	80.0
Senate Republican LDS	70.0	70.0
Senate Republican non LDS	100.0	100.0
Senate Democrats LDS	0.0	0.0
Senate Democrats non LDS	0.0	0.0

[418]The larger the number (on a scale of 0 to 100) the more cohesive was the group's voting pattern.

Table 2.--Utah House of Representatives Voting Cohesion on H. B. 40[419]

	First Vote	Override Vote
Republicans	65.6	31.0
Democrats	85.1	75.0
House Republican LDS	66.6	77.8
House Republican non LDS	27.2	45.4
House Democrats LDS	71.4	85.8
House Democrats non LDS	100.0	100.0

An analysis of the various votes of House of Representatives shows interesting patterns. On the initial vote, House Democrats voted more cohesively than did Senate Democrats (85). However, that cohesion fell ten points on the override vote. Not surprisingly, almost all the House Democrats favoring the McMillan bill were LDS.[420] The only Democrat who switched his vote and voted against the bill was LDS. The occupation of the Democrats ranged from business men, lawyers and merchants to farmers and land owners, these occupational categories reveal no consistent voting patterns.

The House Republicans, however, were a much more diverse group and it was within the ranks of these men that most of the vote shifting took place. On the first vote, the House Republicans were a reasonably

[419]The larger the number (on a scale of 0 to 100) the more cohesive was the group's voting pattern.

[420]Almost all the democrats were LDS except for Holzheimer, but he was absent during the first vote.

cohesive voting party (65). Although sixteen of the eighteen LDS Republican favored the measure, eight of the 11 non-LDS did too. However, four of the non-LDS and one of the LDS Republicans switched their votes to sustain Well's veto. These individuals were not business men, but included a farmer, land owner, contractor, postmaster and chaplain. Those who changed their votes joined a group of men whose occupations were primarily working with land, although two were lawyers and one a tax revenue collection agent. One representative, Stuart, switched his vote again on the third vote because he wanted it known that he voted to sustain the veto, but also that he voted for the McMillan bill.[421] Finally, inter-party homogeneity in the House was very high (90).

In essence, the House votes typified the occupational pattern of the legislators of the turn of the century who voted for progressive issues based on occupation.[422] However, it appears that religious persuasion influenced the legislators voting behavior more than occupation or party affiliation. Only one LDS in the Senate opposed the McMillan bill and twice as many non-LDS changed their votes to oppose the measure. Since the LDS Church supported vaccination, it follows that the votes for the bill were not based on one's religious affiliation. However, since the Church remained silent concerning compulsory measures, it appears that most LDS members felt at liberty to vote for the McMillan bill.[423]

Religion and occupation influenced the legislators, but other factors were more significant. The two dominant identifiable factors that

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[421] Salt Lake Daily, February 21, 1901, p. 3.

[422] Thomas G. Alexander claims that legislators who were business men were more likely to oppose progressive issues, whereas, farmers and rural legislators would support change. Thomas G. Alexander of Provo, Utah, Interview by the author, June 11, 1992, Provo, Utah.

[423] Deseret Evening News, November 19, 1901, p. 4. Silver, 2:117.

influenced the voting behavior of the Senators and Representatives, was their own knowledge concerning the effectiveness of vaccination or their desire to appeal to the demands of their constituents. For example, four representatives who believed in vaccination voted against compulsion because of the will of the members of their district. Democracy proved to be deadly in Utah concerning the smallpox problem. The legislature acted according to the narrow demands of a misinformed public.

Contrary to the advice of the Governor and medical authorities, the legislature, by passing H. B. 18, weakened the fledgling State Board of Health. In January, 1901, as a part of his speech to the legislature, Governor Wells had done his best to vindicate the Health Board's course and retain its powers.[424] The State Board of Health, argued the governor, had found county authorities to be apathetic in organizing local boards of health until the smallpox epidemic broke out the previous a year. "It is a deplorable fact," he continued,

> that the disease had become firmly entrenched in various parts of the State...The expense and interference with business and other affairs has already amounted to vast proportions, to say nothing of the loss of life, suffering and hardship involved.[425]

The Governor reminded legislators that the State Board of Health had the support of the "best medical authorities in the State; and the highest State tribunal, the Supreme Court of Utah...[had] decided that the board was acting properly and within the limits of the law."[426] Further, he pleaded that they should not curtail the powers of the Board. It was his

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[424]House Journal, 1901, p. 32.

[425]Ibid., p. 31.

[426]The Supreme Court case was Cox v Board of Education of Salt Lake City. The Court ruled that it was legal for the School to prohibit an unvaccinated child from attending school if there was an outbreak of the contagious smallpox disease in the area. Laws of the State of Utah, 1901, p. 401-421.

opinion that the State Board of Health by issuing the edict "has in no manner transcended its duties, but on the contrary, has labored intelligently and conscientiously for the eradication of the epidemic which still menaces the health of the people in almost every county of the State."[427] All this was in defense of the board's prerogatives. In due time, Wells believed "the sentiment of hostility to existing health regulations will pass away and the disease be permanently stamped out."[428]

Governor Wells wanted to protect the health of the school children even though his actions were extremely unpopular. Perhaps his acts had something to do with the challenging experiences in his personal life. When twenty-one years old, Wells had married Mary Elisabeth Beatie. Eight years later, on October 12, 1888, she passed away. Wells then married Teresa Clawson, who died July 11, 1897. Although single when re-elected to serve a second term as Governor, Wells remarried a third time, July 5, 1901, to Emily Katz.[429] Undoubtedly, Wells had developed compassion and concern as he had witnessed the pain, suffering, and death of two important and extremely close individuals in his life. This background, in some minor way, may have influenced his acts during the smallpox controversy in the winter of 1901.

Furthermore, Wells was known for acting according to his conscience and convictions. Orson F. Whitney, Utah historian and former member of legislature who opposed compulsory vaccination, noted that "...while his [Wells] uncompromising integrity and rugged

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[427]House Journal, 1901, p. 32.
[428]Ibid.
[429]No Author, Sketches of the Inter-Mountain States: Utah, Idaho, Nevada, (SLC: Salt Lake Tribune, 1909), p. 95.

bravery in doing what he believes to be right, regardless of pressure or persuasion, have endeared him to those who admire honesty in politics..."[430] Andrew Jenson, a biographer of Utahns, described him as "a man of ability and good judgment, [who] possesses the moral courage to carry into effect his honest convictions.[431] It is most ironic that Jenson would write,

> how satisfactory his [Wells] administration was to his constituents is shown in the fact that at the close of his first five years of service, he was renominated by acclamation, and triumphantly reelected for a second term of four years...It is safe to say there has never been a native son of Utah who has been so highly and universally respected as Governor Wells. The confidence, honor, and esteem which the people of this State have seen fit in their judgment to confer upon him, has not been unmerited.[432]

Concerning the controversial vaccination question, however, Wells constituents did not support his courageous stance against the anti-vaccinationist.

After the legislature curtailed the power of the State Board of Health, the divisive and controversial compulsory vaccination issue subsided. Public health booster Ralph T. Richards believed that,

> Salt Lake City [was] like hundreds of other American cities. They all [suffered] from too much democracy; a system that [permitted] politicians to interfere with boards of health, and their endeavors to eliminate communicable diseases. Office holders would rather feather their own nests, than give aid to scientific progress.[433]

Even though the legislature had the opportunity to begin the new century as a supporter of progress, it chose to disregard the emerging

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[430]Orson F. Whitney, History of Utah, 4 (Salt Lake City: George Q. Cannon & Sons, Co., 1904): 619; Sketches, p. 95.

[431]Andrew Jenson, Latter-Day Saint Biographical Encyclopedia, 3 (A. J. Historical Co., 1901): 723.

[432]Jenson, 3:723; Whitney, 4:619.

[433]Richards, Typescript draft, Of Medicine, Hospitals, and Doctors, p. 4.

scientific advances by curtailing the State Board of Health. It ignored the reasonable arguments and recommendations made by Governor Wells. The result was yielding to the public clamor and passage of the McMillan Bill, which pacified the anti-compulsory vaccinationists but allowed the deadly contagion to continue to spread. Preventable suffering and death continued to plague Utahns for forty-four more years. The last case of smallpox occurred in 1945.[434]

[434]Tables 7, 8, 10, 12 contain the statistical data of the prevalence of smallpox in Utah.

CHAPTER 7

OPPONENTS, PROPONENTS, CONCLUSIONS

With the passage of the McMillan Bill, the legislature put to rest the controversial compulsory vaccination question. Why was there such widespread opposition to a medical practice that promised to prevent the contraction and spread of a potentially life-threatening disease? Did the legislature too easily acquiesce to the will of the majority? Was the opposition religiously motivated? Did Utahns lack faith in the medical profession? Did Utahns rely too heavily on antiquated evidence which emphasized the negative aspects of vaccination? The opposition to compulsory vaccination was influenced by a number of these factors. Many of these questions find answers in the editorial writings of Charles W. Penrose, editor of the *Deseret Evening News*, the chief anti-vaccination vehicle of the controversy.

The religious factor played a minor role in the controversy. The LDS Church periodically emphasized that members should exercise faith and administer to the ill with consecrated olive oil.[435] For instance Charles W. Penrose spoke of the efficacy of prayer and the healing power of the priesthood at a meeting in the Assembly Hall in January 1900.[436] The *Salt Lake Herald* belittled Penrose's remarks. The newspaper asked, "Do we understand our esteemed evening contemporary, the *Deseret*

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[435]Bush, Caring and Curing, pp. 401-2

[436]Journal History, January 6, 1900, p. 5; "The Truth of the Matter," Deseret Evening News, January 15, 1900, p. 4.

Evening News to say that smallpox may be cured by the laying on of hands and that it would recommend this treatment?"[437] Penrose responded the following day to the *Herald's* ridiculing question with an editorial entitled "Faith as a Curative."[438] Penrose testified that he and many Elders in Salt lake City had "laid hands upon persons afflicted what the malignant as well as the mild form of smallpox, and the patients ...[had] recovered while the Elders administering have escaped the contagion."[439] Such was the doctrine and practice of Christ, Penrose affirmed, though reserved to "them that believe."[440] The *Salt Lake Tribune* editor, C.C. Goodwin, always anxious to challenge LDS beliefs, was quick to chastise Penrose for professing such a "wicked falsehood."[441] The *Tribune* challenged Penrose "to go to the pest house today and ...[prove] his power on men of his faith, or, made to publish in this evening *Deseret Evening News* that he has lost the charm."[442] Warming to the topic The *Tribune* continued,

> We believe [Penrose] is a liar, that he possesses no such power, and hence when they permit him to spread such stuff among the credulous and unprotected people outside: they [the LDS church] are accessories after the fact to his crime. We understand that a physician of his own religious belief recently denounced him as an ignoramous teaching barbarism. What do sensible and decent Mormons think of that kind of talk going out with the danger of an epidemic of smallpox hanging over the city?[443]

Privately, Penrose believed the *Tribune* indulged in "blasphemous utterances" by ridiculing the sacred principles of the Gospel of Jesus

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[437] Journal History, January 16, 1900, p. 2.
[438] Ibid., January 17, 1900, p. 3.
[439] Deseret Evening News, January 16, 1900, p. 4.
[440] Ibid., January 16, 1900, p. 4; Deseret Evening News, December 22, 1900.
[441] Journal History, January 17, 1900, p. 3; Alexander, p. 244.
[442] Journal History, January 17, 1900, p. 3.
[443] Ibid.

Christ and that the editor of the "contemptible" *Tribune* hated the "Mormon" people and their faith with all his heart.[444] Publicly, Penrose was more discrete In his *Deseret News* columns he wrote that faith as a curative was the doctrine and practice of the Church. However, the Church recognized Penrose wrote, that "none of its ministers lay claims to any such power as which the *Tribune* says that assume to have. They simply perform a duty which is enjoined upon them by divine command."[445] Penrose emphasized that faith was the force behind the healing and not the power held by men. As such, its results were not sure, Penrose cited the experience of the ancient apostle Paul, who failed to heal some infirmities Goodwin, Penrose countered, would have called the ancient apostle Paul a liar or demanded that he had "lost the charm."[446] The debate led N. Pratt to send a letter to the *Deseret Evening News* detailing how thirty-two years ago he had been healed of a severe case of smallpox while living in Great Britain.[447]

B. H. Roberts, a LDS historian, presented an other account of smallpox healing. In 1878 during an epidemic in Utah, Elder Llewellyn Harris had visited a village of Zuni Indians in New Mexico. His health blessings, it was claimed, had cured some four hundred native Americans then suffering from smallpox.[448]

LDS Church members had traditionally been apprehensive about physicians.[449] According to one authority, there existed a "general

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[444]Ibid.

[445]The divine command is explained in the King James Version, James 5: 14, 15. Deseret Evening News, January 17, 1900, p. 4; Bush, Caring and Curing, p. 403.

[446]Deseret Evening News, January 17, 1900, p. 4.

[447]Journal History, January 19, 1900, p. 16.

[448]B. H. Roberts, A Comprehensive History of the Church, 7 vols. (Provo: Brigham Young University Press, 1965) 5:587.

[449]Dr. John Cook Bennett, a supposedly converted LDS member, contributed

conviction that the Church was antagonistic toward medical practice."[450] This antipathy was still current at the time of the turn of the century smallpox debate. In December, 1900, Charles L. Olsen, M. D., asked Penrose to explain the LDS position. To Olsen, "there seems to be among the members of the Church a general and conventional antipathy toward...doctors."[451] Olsen claimed to have heard many derogatory LDS remarks, some from church authorities, about physicians. Olsen believed these comments raised doubts in some members minds whether it was possible for a Mormon doctor "to be sincere in his religion or that he can enjoy as great a degree of the Spirit of God as he would were his calling in life another."[452] The *Deseret Evening News* editor wondered if the writer, like other gentlemen in his profession, wasn't a little too sensitive on the question.

Yet almost despite himself, Penrose betrayed what seemed his own anti-medicine bias. His writing emphasized faith-healing. According to Penrose,

> While the Church teaches the doctrine of Christ that faith is potent in the healing of the sick, and that the ordinance of anointing with only oil and the laying on of hands, is efficacious...it recognizes the fact...that all have not faith and therefore such persons are to be nourished with all tenderness, with herbs and mild food and that not by the hand of an enemy."[453]

Penrose thought many doctors had brought upon themselves

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extensively to the "Mormon" distrust of doctors. His immoral and deceitful antics, performed under the guise of a doctor, left deep emotional scars on the Nauvoo membership. Robert T. Divett, Medicine and the Mormons: A Historical Perspective," Dialogue: A Journal of Mormon Thought, 22 (Fall 1979): 21-22.

[450]Morrell, Utah's Health and You, p. 118.

[451]Deseret Evening News, November 20, 1900, p. 4.

[452]Ibid.

[453]Ibid.

opprobrium by their "air of condescension and arrogance."[454] Morrell asserted, without documentation, that it was known that Penrose did not highly respect the profession. To Morrell, his response to Olsen was "more an apology for the doctor, who, it seemed must be tolerated although not with any degree of enthusiasm."[455] Penrose reminded his readers, however, that a few members who "probably are opposed to medicine and give expression to their notions in rough and offensive manner to sensitive minds" do not constitute the position of the LDS Church.[456] "The church has ever been a friend of education in the fullest sense."[457] By 1902 LDS Church President and Prophet, Joseph F. Smith, counseled that when faith was insufficient to produce a cure,

> Let a reputable and faithful physician be consulted. By all means, let the quack, the traveling fakir, the cure-all nostrum and the indiscriminate dosing with patent medicine be abolished like so much trash.[458]

In January 1900 some wondered if the LDS Church taught its members to oppose vaccination. The *Salt Lake Herald*, ran an editorial that alleged that many in the state had the "impression that vaccination was contrary to the teachings of Mormonism, and that its practice was condemned by the head of the dominant church."[459] The *Herald* asserted that the impression had been created, "unconsciously and unintentionally, no doubt, by the attitude of the *Deseret Evening News*, which, being the official organ of the church, is supposed by many to

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[454]Ibid.

[455]Morrell, Vicissitudes, p. 134.

[456]Deseret Evening News, November 20, 1900, p. 4.

[457]Deseret Evening News, November 20, 1900, p. 4. Morrell, Utah Health and You, p. 119.

[458]Smith, p. 50.

[459]"Not a Church Matter," Salt Lake Herald, January 26, 1900, p. 4; Salt Lake Herald, January 25, 1900, p. 7; Alexander, p. 28.

speak authoritatively upon every topic that it treats."[460] The *Herald* requested that the *Deseret Evening News* ought to correct,

> This prevalent impression that the church or the church authorities are making this fight against vaccination, and that it is a religious duty to oppose the Board of Health. [Furthermore], it is hardly fair to take advantage of religious sentiment to make a fight upon the Board of Health...the *News* had been giving them anti-vaccination gospel for a month or more.[461]

In reply, Penrose pointed out that the LDS Church had not given an official declaration or opinion on the subject of vaccination. "We have reason to believe," wrote the editor, "that the leading spirits to whom the people look for guidance in doctrine, have refrained from touching on the benefits or otherwise of vaccination."[462] Penrose then made a distinction between the official position of the LDS Church and the anti-vaccination editorials of the *News*. The newspaper, he claimed, was simply voicing the "sentiments of a large majority of the people of this city and state" who opposed compulsory vaccination.[463] The anti-vaccination or anti-compulsion movement was not spear-headed or led by the LDS Church. "Anti compulsion," he wrote,

> is not to be classed as a Mormon movement, by any means. The Anti-vaccination society which has been organized, is a fair sample of the various elements that are uniting against the despotism attempted by a few pubic officials, Mormon and non Mormon are joined in that society. Some of the most prominent Elders of the church believe that vaccination is a preventive to some extent at least, of smallpox Others do not take the same view, and others are in the position of thousands of intelligent people, who are in doubt because of the contradictory evidences offered on either side.[464]

No official LDS Church direction given to the church members "to

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[460]"Not a Church Matter," Salt Lake Herald, January 26, 1900, p. 4.
[461]Ibid.
[462]Deseret Evening News, January 25, 1900, p. 4.
[463]Ibid.
[464]Deseret Evening News, December 10, 1900, p. 4.

influence people to resist direction or edicts from any board or public officer in this city or State," Penrose concluded. "The church does not engage in that kind of interference."[465] The LDS Church may not have directed its members to resist edicts, however, it had encouraged its followers to get vaccinated. Penrose interpretation of the First Presidency directive, that vaccination was considered voluntary, allowed him enough leeway to continue his opposition toward compulsory vaccination.

The *Tribune*, always anxious to see the hidden hand of the LDS in Utah affairs, questioned Penrose statements on LDS Church involvement. On February 1, 1901, the newspaper noted that, "The thirteen [in the Senate] who voted for the [McMillan] bill belong to the Mormon church, the organ which has been the most active supporter of the McMillan bill. The five who voted in the negative are non-Mormons."[466] The newspaper was only partly correct. Senator Alder, a Mormon, had voted against the measure. This wasn't the only misrepresentation. The *Tribune* had selected the voting behavior only of the Senate to justify its accusation. The same case could not be made in the House because both Mormon and non-Mormon had voted against the bill.

Contrary to the *Tribune*'s accusation, there was no organized, LDS Church opposition to vaccination. Even the *Deseret Evening News* had been inconsistent on the topic. Before Penrose became editor, his predecessor, George Q. Cannon, had printed favorable notices about vaccination. In 1870 and in 1878, Cannon discussed the advantages and potential dangers of vaccination. "If the evidence can be relied

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[465]Deseret Evening News, January 25, 1900, p. 4; December 8, 1900, p. 4.
[466]"Thirteen Voted Aye," Salt Lake Tribune, February 1, 1901, p. 8.

upon," wrote Cannon, "vaccination is an excellent preventive, and people should avail themselves of it as a guard against smallpox."[467] Several years later, Cannon again sustained the practice.

> Respecting vaccination its advocates quote statistics to prove that the danger of death from smallpox is almost annihilated by this system. We have felt that we would rather run some risks than to vaccinate a child. Medical statistics, based upon practical and extended experiments in various countries, have demonstrated that vaccination is the great foe and preventive of that loathsome disease, smallpox...the facts that have been collated concerning its triumphs, all over the world, are too well supported to leave room for doubt of its efficacy.[468]

According to Cannon, vaccination had improved.

> It has been asserted that by the system of vaccination... little less if any worse than the small pox, are not infrequently transmitted into the bodies of healthy. This has been vehemently disputed by some learned physicians. It has been pronounced impossible. Yet so many parents have been firmly convinced that vaccination alone has caused the corruption of the blood of their children, sometimes attended with fatal results, that the system has met with violent opposition in several places, and in England, where vaccination is made compulsory by the law, there are not wanting several cases of persons who have preferred suffering the penalty impose, repeatedly, rather than permit their little ones to be inoculated with vile diseases conveyed with the vaccine virus."[469]

The rest of the Cannon's editorial warned against careless or incorrect inoculation.[470]

The official organ of the LDS Church Relief Society also printed a favorable piece about vaccination during the Utah epidemic of 1878.[471] The Relief Society was an all female organization organized during the

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[467] Deseret Semi-Weekly News, June 29, 1870, p. 246

[468] "Improvement in Vaccination," Deseret Evening News, July 31, 1878, p. 2.

[469] "Improvement in Vaccination," Deseret Evening News, July 31, 1878, p. 2; Daniel H. Ludlow, ed. Encyclopedia of Mormonism, 1 (New York: Macmillan Publishing Co., 1992): 377.

[470] "Improvement in Vaccination, " Deseret Evening News, July 31, 1878, p. 2.

[471] Sherilyn Cox Bennion, "Sisters under the Skin: Utah's Mormon and Non-Mormon Women and Their Publications, BYU Studies 33 (1993): 112.

first years of the church, by Joseph Smith, founder of the LDS Church. Said the, *Woman's Exponent*,

> [Vaccination] is a subject which, by us as a people, is much neglected, and there is a great deal of prejudice against it, perhaps not without some cause. But if someone who understands would take the interest in it, and attend to it in the proper way, there need be no fear of transmitting disease from one to another.[472]

The article, written by Dr. Ellis Shipp, was endorsed by the LDS First Presidency, but it availed little.[473]

Another article printed in the *Woman's Exponent* in 1873 described how to properly vaccinate. The author recalled how in Spring 1852 her husband contracted the disease and having three children desired to vaccinate them. A neighbor, who was a doctor, inoculated one of their cows with the smallpox virus, obtained a pure serum and administered it to the woman and her children. None were attacked by smallpox. Although there was no smallpox in 1873, the author recommended that "in time of peace prepare for war."[474]

In addition to these voices, the LDS First Presidency personally encouraged vaccination in its official statement on November 17, 1900.

> To the members of the Church of Jesus Christ of Latter-day Saints. The widespread feeling of fear and anxiety concerning the prevalence of smallpox in this city has caused us to advise that the Latter-day Saints college be closed for a short time, until the excitement is allayed concerning that institution of learning and others where people are in danger of exposure to this dreaded disease. We take this opportunity of suggesting to the people generally that they employ every precaution to prevent the spread of the contagion, but seeing to it that those who are or have been exposed exclude themselves strictly from public association with others, lest they be the means of communicating the disease. To the question of vaccination we have given careful thought and

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[472]"Vaccination," Woman's Exponent, 7 (August 15, 1878): 43.

[473]Smith, p. 51; Divett, p. 157.

[474]Ibid.

> consideration; and our conclusion is that where care is taken as to cleanliness and purity of the vaccine matter, the treatment is beneficial, in that if it does not prove a preventive, it at least acts as a palliative--that is, it robs the plague of much of its terror by causing it to assume, in the case of a vaccinated person, a lighter form. We are aware that there is a difference of opinion in the community as to the merits of this question; and, while we have regarded it largely as a matter of individual choice, we have felt reluctant to express ourselves publicly upon it. Now, however, we feel to publish the foregoing as our conclusion; and we therefore suggest and recommend that the people generally avail themselves of the opportunity to become vaccinated, using the utmost care to procure the services of those who are competent and will be conscientious in supplying only the purest virus that can be obtained. We feel in our own minds justified in making this recommendation, and trust that it will be generally adopted.
>
> Lorenzo Snow
> Geo Q. Cannon[475]

The First Presidency, however, stopped short of supporting compulsory vaccination.

Some anti-vaccinationists objected to the First Presidency's statement. Hoping to persuade the First Presidency to reverse its stance, William J. Silver gave LDS Church President Lorenzo Snow, Vaccination a Delusion: Its Penal Enforcement a Crime by Alfred R. Wallace on December 3, 1900.[476] Silver even went to President Snow's office to present his case against vaccination, but failed to see the church leader. He went with other A.C.V.L. members that included Mr. Geoghegan, Mr. Axton, T. Hull and H. Parry, but since Dr. Douglas, who was to present the case could not come, they went home.[477] Silver finally sent a letter to Presidents Snow and Joseph F. Smith: "Dear Brothers," it began,

> I as well as hundreds of others in this City who are members of the Church are opposed entirely and intelligently on principle to the

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[475]Deseret Evening News, November 17, 1900, p. 4.
[476]Silver, 2:120.
[477]Ibid., 2:122.

> practice of vaccination on us or our children believing it to be a vile practice and one decidedly opposed to religion and common sense. I am informed by the *Deseret News* that they are not at liberty to publish any articles against this practice thus shutting the people of the City out entirely from the public press, as both the other papers are sold to the interests of the vaccination advocates, and the news has been so far the only paper to defend the rights of the people in this matter. Now I ask you as a favor to permit a full and free discussion of this subject , and I am satisfied that the more this subject is discussed and understood the more light and intelligence will be brought to bear upon it. I am aware that those who are in favor of <u>compulsory</u> measures are opposed to any discussion that will expose their fallacies; knowing as they do that in a full and free discussion they will have the worst of it, but are endeavoring to so influence our legislators that compulsory legislation shall be enacted which I would consider disastrous and disgraceful to our state and would of itself as a tyranny create the right of resistance. I do not ask the *News* to take sides in this controversy, but to publish the statements of both parties thereto without excluding either. We left our native countries, and in doing so, we endeavored to leave behind their corrupt practices, and it does seem oppressive in the highest degree to be in any manner compelled to again have such practices forced upon us at the bidding of Gentile doctors and their followers.

President Snow acknowledged receipt of the letter and informed Silver that he was unaware "that the columns of the *News* were closed to corespondents on the subject of vaccination" and that it was his opinion that there must have been some misunderstanding and that he would take steps to correct it.[478]

There had been a misunderstanding. The columns of the newspaper had not been closed. Silver misrepresented what Penrose explained were his conditions determining what could be published. After the First Presidency had issued its statement on vaccination the *Deseret Evening News* no longer "felt at liberty to publish articles on vaccination" except in opposition to compulsory means of vaccinating.[479]

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[478]Ibid., 2:138.
[479]Ibid., 2:122, 138.

The latter, Penrose believed, could still be addressed in the columns of the newspaper. The First Presidency's letter, however, made little difference to the regularity of editorials opposing compulsory measures, even though President Snow had notified Dr. Beatty that "the opposition from certain quarters would be withdrawn."[480] Nevertheless, there was a change in tone Dr. Beatty claimed that "since the Church Authorities had advised differently from the *Deseret Evening News*, there had been a change for the better in the sentiment [towards vaccination]."[481]

Penrose also clarified the respective positions of the newspaper and the LDS Church. The *Deseret Evening News* was acting independently from the church on the vaccination issue, he told reader, and that he alone was responsible for his editorials. "Some of the most prominent Elders of the church believe that vaccination is a preventive, to some extent at least, of smallpox," he went on.

> Others do not take the same view, and others still are in the position of thousands of intelligent people who are in doubt because of the contradictory evidences offered on either side. But most of them are opposed to the compulsion which is attempted upon people who strongly object to submit their children to something abhorrent to their feelings and opinions.[482]

Lorenzo Snow and George Q. Cannon of the First Presidency and Elders Brigham Young Jr., Joseph F. Smith and John Henry Smith of the Quorum of Twelve Apostles were among the prominent leaders who supported vaccination.[483] Cannon's sister-in-law, Martha H. Cannon, a

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[480]Morrell, Vicissitudes, p. 113; Lester E. Bush, Jr. M. D. Health and Medicine among the Latter-day Saints, (New York: Crossroads Publishing Co. 1993), p. 65.

[481]Morrell, Vicissitudes, p. 113.

[482]Deseret Evening News, January 25, 1900, p. 4; Deseret Evening News, December 22, 1900, p. 4; Morrell, Vicissitudes, p. 111.

[483]Joseph F. Smith was a supporter of the creation of a U. S. Department of Public Health in 1910, Letter to Nephi L. Morris from Reed Smoot, April 27, 1910, Nephi L. Morris collection, Brigham Young University, Provo, Utah; Alexander, p. 195; "Talk on

member of the State Board of Health, voted to require vaccination in December 1899. She was a strong advocate of vaccination, believing children especially should be protected from contagious diseases.[484] Penrose, who would later serve in the highest quorums of the LDS Church leader, as a member of the Quorum of Twelve Apostles and later of First Presidency held no presiding office of in the LDS Church at the time 1901. His role was simply editing the *Deseret Evening News.* With most of the prominent church leaders' diaries and journals are inaccessible to research, the identification of individual viewpoints on vaccination is difficult. Thomas G. Alexander, author of *Mormonism in Transition*, believes that a majority of the church leaders disagreed with Penrose. Alexander also argues that the church used the editorial pages of the *Deseret News* to persuade public opinion to one position or another. No doubt this may have occurred on other occasions, but this was not the case concerning the smallpox controversy.[485]

Only two sermons on the subject of smallpox or vaccination were given by General Authorities at the LDS General Conference's from 1897-1901. Apostle Brigham Young, Jr. commented that the people were easily agitated over the issue. He expressed astonishment over the desire of the people, at that time, to want to fight somebody or something. He also related an experience he had in Liverpool in 1860s. He had been ordered by English health authorities to vaccinate his children. He refused and was called before a magistrate to be fined. He told the Justice that he could fine him as often as he liked, but he could not

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Vaccination," Salt Lake Tribune, February 11, 1901, p. 8.

[484]Deseret Evening News, December 19, 1899, p. 8; Rose, "History of Medicine, p. 63.

[485]Alexander, pp. 195-6.

vaccinate his children. Young interjected, however, that he had repented of that long ago.[486]

President George Q. Cannon expressed his sentiments immediately after Apostle Young. Cannon suggested that he did not recall anything in the history of Utah that was equal to the smallpox question agitating the public mind. "So much division and contention, not quarreling but approaching quarreling," he said.[487] He counseled the people to be undisturbed by the pending action of the legislature on the matter and referring to the First Presidency letter urging vaccination, stated that they had hoped the letter would stop further discussion of the controversy. Perhaps due to the varied opinions of the members of the two highest organizations of authority in the LDS Church-the First Presidency and the Quorum of Twelve Apostles-the issue of compulsion was neither publicly condemned nor supported at the pulpit.

Smallpox played a tragic role in the life of one prominent young LDS leader and his wife. While traveling in Mexico during a severe smallpox epidemic in 1904, Elder Abraham O. Woodruff of the Twelve Apostles and his wife, Helen May Winters Woodruff, contracted smallpox and died. Neither had been vaccinated.[488] The traumatic and unexpected deaths of the young apostle, who was only thirty-one (his wife was thirty), illustrates how the disease could dramatically influence the lives of individuals and create the fear of an epidemic.[489] Kate Pearl

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[486]"Talk on Vaccination," Salt Lake Tribune, February 11, 1901, p. 8.

[487]Ibid.

[488]Morrell, Vicissitudes, p. 115. Interestingly enough, the remains of Elder Woodruff and his wife were recently exhumed and brought to Salt Lake City to be reinterned in the prominent Salt Lake City cemetery. Church News, July 24, 1993, p. 2.

[489]Frank Esshom, Pioneers and Prominent Men of Utah, (Salt Lake City: Western Epics, Inc., 1966), pp. 1256, 1261; Jenson, 3:796-7.

Spilsbury, a medically-savvy woman who cared for the ailing couple, described the experience,

> On an excursion to Mexico City costing $50.00 Anthony W. Ivins, his family, Leona Taylor, Apostle Abraham O. Woodruff, Helen Woodruff, Liza Clayson and I traveled together. We stayed at the home of Hyrum S. Harris who was president of the Mexican Mission.
>
> One Sunday afternoon, after we had visited all day in the little branch of Amecameca, we were coming home on the train, and Sister Woodruff took violently ill with a high fever and headache. We arrived in Mexico City at noon from Amecameca and she was still very sick, and gradually getting worse. They called in the Doctor who diagnosed her sickness as Black Small Pox. This was just like a bomb shell exploding in our midst. President Ivins moved his family out of the Mission home immediately, and headquarters were transferred to Toluca. Brother and Sister Harris and all the children went over there also. If the city Health officials had known about Sister Woodruff's illness, they would surely have taken her to the pest house to die, so they dared not let it be known at all. Elder Alonzo L. Taylor had just been vaccinated for this dread disease, and Elder Heming had had it, so they volunteered their services to Apostle Woodruff to assist him in the illness of his wife. Her baby was just five months old and they were not able to find a wet nurse to care of it for them. They left Liza Clayson and I there alone. After much consideration she decided to go home with the Ivins family so I volunteered my services to Apostle Woodruff to help care for the baby. Apostle Woodruff was most grateful and appreciated so much my offer to help, and he gave me a beautiful blessing and promised me in the name of the Lord that if I would stay and help him that I would not contract the dreaded disease. From that time on, I had absolutely no fear of it. We had a lot of difficulty in finding food that would agree with the baby. Brother Woodruff and Elder A. L. Taylor would take turns coming to see us every other day, and did whatever they could to help us out, certainly they did much in giving me encouragement and moral support.
>
> Sister Woodruff was getting steadily worse. They didn't have a doctor these two men were taking care of her the best they could. She finally lapsed into a coma, and after two weeks illness, she died. Plans were made immediately to return to the U. S. after burying here there. Bishop Derby Johnson and his wife and three daughters were visiting in Mexico, and they held a lovely graveside service for her. That night, Brother Woodruff, A. L. Taylor, the baby and I got on the train to return to El Paso. He telegraphed his mother and Brother-in-law to meet him there, which they did. Brother Woodruff was sick with a high fever all the way to El Paso.

> He was breaking out with small pox, too. After traveling 48 hours, we arrived in Ciudad Juarez and were led immediately to the home of brother James Mortensen. The next A. M. arrangements were made to smuggle Brother Woodruff across the line and he was put in a pest house in El Paso. Brother Woodruff's mother took the baby, and they took A. L.. and me and got us a room in a hotel in Juarez. A. L. was sick all day, he too was coming down with the dreaded disease. Still, I was not afraid of taking it, as I had been promised by an Apostle of the Lord that I would not.
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> The next morning A. L. was smuggled over to El Paso and put in the pest house there. Sister Woodruff took the baby and went back to Salt Lake, and I took the train and came home. Father met me at the train, and I was taken to the Ranch to stay alone until all danger was past. A. L. and Brother Woodruff both stayed in the pest house in El Paso. Brother Woodruff was suffering intense pain and had such a high fever. He passed away on the 7th of June, 1904. A. L. was kept in the pest house until he completely recovered, and was released and given new clothes and train fare and sent home. He was met in Dublan by his family, and what a hero he was proclaimed, I was still at the ranch in quarantine.[490]

The emotional trauma of discovering that a beloved friend had succumbed to smallpox was immense. Close associates of the Woodruffs found it difficult to express their sorrow. A. W. Ivins wrote to Abraham's plural wife, Avery Clark Woodruff, June 21, 1904,

> It is almost an impossible task for me to write you. Bro. Woodruff's death was so unexpected, so sudden, apparently so uncalled for that I cannot recover from the shock.
>
> He had every attention, every care that human wisdom could suggest and appeared to be getting along so nicely until just a few moments before his death.
>
> Day before yesterday, the doctor, the nurse, and President Hukes (from Maricopa Stake) all assured me that all dangers was passed, in fact they thought that he had at no time been in danger, and I wrote you to this effect knowing how anxious you were.
>
> The doctor was there but nothing they could do gave him any relief, he just quietly and without a struggle passed away.
>
> You know how broken hearted he was, and how worn out with his long vigil. It was this rather than the disease which led to his death. The disease was at no time alarming. It is impossible to

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[490]Viva Skousen Spilsbury Brown, The Life and Posterity of Alma Platte Spilsbury, (Provo, Utah: Viva S. Brown, 1983), pp. 159-161.

send the remains home.[491]

Ivins continued to express his sorrow the next day,

> I have thought of you many times and know how badly you feel because of not having been here. Do not blame yourself for having gone home...You could have rendered no assistance, could not have seen him, and to have been here under such circumstances would have been worse than being away. Everything that human wisdom could suggest was done for him. The doctor, the nurse, Bro. Harkes were all attentive and in sympathy with him.
>
> ...it was late in the afternoon when he suddenly developed alarming symptoms and died almost without warning. He was simply worn out and so reduced in strength that he could not bear up under the strain.
>
> I know it would have been a great source of comfort to you to have had the remains sent home but this was not possible the law absolutely prohibiting it.[492]

When Rudger Clawson, a fellow apostle, learned of the tragedy he expressed his sorrow to Abraham's mother, Emma S. Woodruff.

> I was deeply shocked in learning to day for the first time of the death of Owen in El-Paso. This news coming so soon after the departure of his beloved wife Helen was doubly painful to me. I have no language to express my feelings of sorrow, for our association in the Quorum of the Twelve had greatly endeared him to me...[493]

Mattais F. Cowley, member of the Twelve, sent these kind remarks to Emma,

> I feel that I have lost, so far as the present life is concerned the very best friend I had among the Twelve, we were born into the Apostleship the same day and have enjoyed unbounded love and confidence in each other ever since...When I heard of Helen's death, I was shocked terribly but little did I think that he would follow in so short a time.[494]

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[491]A. W. Ivins, Mexico to Avery Clark Woodruff, Utah, June 22, 1904, Woodruff Collection.

[492]A. W. Ivins to Avery Clark Woodruff, Utah, June 23, 1904, Woodruff Collection.

[493]Rudger Clawson to Emma S. Woodruff, Utah, June 23, 1904, Woodruff Collection.

[494]Mattais F. Cowley to Emma S. Woodruff, Utah, June 28, 1904, Woodruff Collection.

The Woodruff's children were left to be cared for by Avery.[495]

There is apparently no first-hand evidence that Elder Abraham O. Woodruff publicly preached against vaccination. Privately, he probably was an ardent opponent of vaccination, consequently, he refused to be vaccinated before his trip to Mexico.[496] Woodruff's belief in obeying God's laws precluded him from supporting vaccination. In a sermon delivered on the importance of obeying the LDS Health Code, the Word of Wisdom, he taught,

> If the Word of Wisdom were more strictly observed among the people, there would be less need for calling in a doctor for every trivial affair than there is today. We are willing to trust in God for the minor matters, but when something confronts us, which appears to be impossible with us, then we will call in human aid, and thereby we show our lack of faith. It is true that all the assistance and all the skill that we can produce is necessary, perhaps, at times to remove the obstacles which lie in the ways of nature, and I believe that it is the will of God that we should do all we can for ourselves, and then he will add his blessing.[497]

It is puzzling that Kate Spilsbury lived, after receiving a blessing from the Apostle, yet after Abraham and Helen received blessings, they did not survive. Nevertheless, the Woodruffs, like other Utahns, paid a tremendous price for not being vaccinated. Charles W. Penrose replaced Elder Woodruff in the Quorum of Twelve Apostles.

Despite such tragedies, for two years the *Deseret Evening News*

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[495]A. W. Ivins, Mexico to Avery Clark Woodruff, Utah, June 22, 1904, Woodruff Collection.

[496]Woodruff did not preach against smallpox vaccination in any of his 21 recorded LDS Conference talks. In October 1984 Theron Luke, editor Daily Herald told Brigham Young University Professor Duane Jeffrey that he had talked with Heber Grant Ivins, son of Anthony W. Ivins. Heber made a definite point of the irony that Abraham O. Woodruff preached against immunization so strongly and then both he and his wife died from it. Private journal entry by Duane Jeffrey in possession of author. L.D.S. Conference Reports, Salt Lake City: Church of Jesus Christ of Latter-day Saints, 1897-1904; Smith, p. 52.

[497]Conference Reports, 1897, pp. 56-58.

championed the battle against vaccinations and compulsory vaccination. The newspaper along with other opponents of compulsory vaccination stressed the controversial nature, efficacy and safety of vaccination. This often proved to be the most persuasive! The *Deseret Evening News* held that the doctors themselves were divided concerning the benefits and effectiveness of vaccination.[498] The *Deseret Evening News* wrote,

> Of course there are intelligent, educated and influential men and women, who have become convinced that vaccination is what has been claimed in the medical world as a preventative of smallpox. They have, perhaps, observed in their own experience the decline of that disease since vaccination has been introduced. While they may be entirely mistaken, in attributing to cause and effect that which is but coincidence and traceable to sanitary and hygienic regulations, their opinions are entitled to respect, and if they choose to resort to the now widely disputed practice of vaccination, that is their right and they are at least to some extent in the fashion.[499]

The newspaper continued with this theme repeatedly. It charged that "the facts" espoused by physicians did not establish the truth of the vaccination hypothesis, that many physicians in both hemispheres denied that vaccination was a preventive; that the process at times was "not only fallacious, but promotive of disease;" and that medical opinion was constantly shifting from one unsure cure to another.[500] Many of these positions were contained in a long report published in January 1900.

> There is a dogmatism among the lessor lights of the medical fraternity...The epithets used by them based merely upon books they have read and statistics they have copied, and not from

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[498]Journal History, January 15, 1900, p. 6; "Smallpox Facts," Deseret Evening News, January 18, 1900, p. 4.

[499]Deseret Evening News, January 23, 1900, p. 4; Deseret Evening News, January 24, 1900, p. 4.

[500]Deseret Evening News, December 18, 1899, p. 4; Deseret Evening News, October 3, 1900, p. 4.

> practical experience in the special diseases under consideration, are to say the least, unworthy of their profession and add nothing to the weight of their alleged arguments...it is wrong to force upon the public something that experience may prove to be fallacious.

The report continued,

> A hundred years ago inoculation was the great medical remedy for smallpox [and] it was enforced by law and custom. The practice spread the disease it was designed to check. It was abolished. The doctors were wrong. No sane medical man would now resort to it. It was just as vile and ridiculous when forced upon the public as it is today. The horrible practice was supplanted by arm to arm vaccination [and] was made compulsory by law. The system spread all kinds of diseases ..and is now thoroughly discarded. The next method was vaccination with "points." It has been demonstrated that germs of disease have been carried by this style of vaccination into the bodies of the victims. The present system...is vaccination with pus (miscalled lymph) from an inoculated calf, which is conveyed in glassed tubes sealed so as to exclude the air and avoid infection from bacteria. Objections to this system have been raised all over the civilized world and societies have been formed to resist the compulsory method employed in its practice...The great objection of the anti-vaccinators is to forcing people to submit to the repulsive practice of putting disease into healthy bodies. They believe it wrong in theory. They are sure that it is not efficacious in practice.[501]

In contrast, the opposing view was also actively argued. The Utah Medical Society and the State Board of Health stated as their unanimous opinion that vaccination was the only known preventive, and that if properly performed was a harmless and sure preventive of smallpox.[502]

The anti-vaccinationists militantly promoted that the arrest of smallpox was due to other causes than vaccination.[503] They held mass meetings all over the state and adopted resolutions of protest.[504] The *Salt Lake Herald* described the Leagues success,

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[501] Deseret Evening News, January 12, 1900, p. 4.
[502] Silver, 2:40; "Favor Vaccine Plan," Salt Lake Herald, January 5, 1900, p. 5.
[503] Deseret Evening News, December 20, 1899, p. 8.
[504] Morrell, Vicissitudes, p. 113.

> But although individual apathy has had much to do in the falling off of the among to vaccination, some of the baneful influence is attributable to the opponents of the system, who persistently disseminate gross misrepresentations calculated to create a distrust of vaccination. It has been truly said that if persons who so readily neglect vaccination at the bidding of a few energetic, but not too scrupulous agitators could look on the sight, common in every smallpox epidemic of a family living together in the same house and under precisely the same conditions invaded by smallpox, the disease in all its loathsome virulence, the recently vaccinated or revaccinated escaping altogether, and those who years previously have been vaccinated more or less efficiently escaping with a few spots and slight constitutional disturbances, the perverted statistics and the sophistries of the anti-vaccinators would be brushed aside forever.[505]

Dr. Beatty agreed with the *Herald*. Hoping to counter the influence of the anti-vaccinationists, he asserted that the opposition to vaccination was by the ignorant, misinformed and obstinate. The *Deseret Evening News* responded,

> the ignorance is on the part of medical men who simply float with the current of orthodoxy, and take for granted the statistic quoted or manufactured by the faculty for business purposes, without investigating the proofs furnished by opposing physicians and health officers, who have become thoroughly convinced that vaccination is an error and a fraud.[506]

One year later at an anti-vaccination rally, J. H. Parry noted that "The doctors are endeavoring to convince the legislators that there are nobody but a few insignificant ignoramuses and mossbacks who are opposed to compulsory vaccination."[507] It appears the ignoramuses convinced the legislature to trust their side of the controversy.

Four prominent newspapers took divergent stands concerning the vaccination question. The *Deseret Evening News* nearly always supported the anti-vaccinationists viewpoint. The *Ogden Standard* and

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[505]"Favor Vaccine Plan", Salt Lake Herald, January 5, 1900, p. 5.
[506]Deseret Evening News, January 8, 1900, p. 4.
[507]"Opposition to Vaccination," Deseret Evening News, January 23, 1901, p. 2.

Salt Lake Herald promoted the safety of the community viewpoint concerning compulsory vaccination.[508] The Salt Lake *Tribune*, however, supported the pro-vaccinationists and compulsory vaccination.

The smallpox controversy provided yet another chapter in the continuing contest between the *Deseret Evening News* and the *Salt Lake Tribune*. Their respective editors, Charles Penrose and C.C. Goodwin, often affirmed opposite positions on controversial issues. Once, the *Tribune* attacked Penrose's rather common comment that there were no affirmed cases of smallpox in Salt Lake City. Penrose retorted by clarifying his comments and by impugning the character of Goodwin, whom he labeled as "unscrupulous" and one of the chief movers "in the strife over compulsory vaccination..."[509]

The conduct of the *Deseret Evening News* also drew epitaphs. The newspaper was accused of contributing to the spread of smallpox. According to the *Salt Lake Tribune*, it's rival unscrupulously influenced individuals ride around town while afflicted with smallpox. The morning newspaper also asserted that the *Deseret Evening News* opposition to vaccination, in general, had made it impossible to stamp out the disease since last winter.

The *Deseret Evening News*, the *Salt Lake Tribune* continued, was looked upon as the words of "God's vicegerent on the earth" and was read by thousands and tens of thousands in the State thereby resulting in the negative opinion most of the people of this state carried towards

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[508]On January 9, 1900 the editor of the Ogden Standard urged the parents of Ogden to have their children vaccinated. The newspaper notified the parents of doctors who administered a pure virus and who had already successfully vaccinated patients. It also identified smallpox conditions around the country. Ogden Standard, January 9, 1900, p. 4.

[509]Deseret Evening News, February 10, 1900, p. 4.

vaccination.[510] In response the *Deseret Evening News* claimed that in such matters as prevention of disease it at least gave both sides of a disputed proposition, instead of dogmatically holding to one side and never investigating the other, a fault that is common to the *News'* critics, the *Salt Lake Tribune*.[511]

And so it went, the swapping of attacks not only continued, but became more personal. The *Tribune* wrote that "the editorial management of the *Deseret Evening News* is totally depraved and a curse to the State."[512] Penrose was "an old liar. Why don't they kill the old cuss?" the *Tribune* wondered out loud.[513] In reply, Penrose wrote,

> The wish that is father to the thought [that he be killed] has been manifested for a long time. If we had any sentiment of retaliation, we would simply hope that the soured soul, which cherishes such malice, may live long while the feeling ranks and torments with its ungratified craving."[514]

The *Beaver County Blade* picked up on the feud between the two newspapers,

> The *Tribune* editor denies that he is praying for the death of the *Deseret Evening News* and *Herald* editors, but religiously remarks that if it is the will of the Lord that they should die, it is not for him to murmur."[515]

The *Tribune* admitted that the death wish was more a trick than a threat. Even though the *Tribune* impugned the editor of the *News* just as it had in times past, this time the accusations were not vindictive. Goodwin was genuinely concerned about Penrose's influence on public opinion

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[510]Ibid.

[511]Deseret Evening News, December 10, 1900, p. 4.

[512]Deseret Evening News, December 18, 1900, p. 4; "The News and the Ruling," Deseret Evening News, April, 27, 1900, p. 4.

[513]Deseret Evening News, December 18, 1900, p. 4.

[514]"Warring Editors," Ogden Standard, January 12, 1900, p. 4.

[515]Beaver County Blade, January 20, 1900, p. 1.

concerning vaccination. The *Tribune* cared primarily for the welfare of the community and not on lampooning the character of his counterpart at the *Deseret Evening News*.[516]

Usually the controversy between the two newspapers centered on the question of vaccination as well as compulsory vaccination. Repeatedly, but perhaps disengenously the *Deseret Evening News* denied it was challenging the vaccination-- but rather the issue of compulsion. The *Tribune* refused to accept such denials,

> The *News* having made its bitter and unscrupulous fight against vaccination, now denies the meaning of its own words and professes to see no proof in them of its hostility to vaccination it is a plain case of mendacity on its part; its hostility to vaccination is and has all along been fully apparent; the public that relies upon it has been betrayed and injured by its false counsel, and that public fully understands that the *News* is the most efficient ally of the plague of smallpox in this state. The course of threat paper is responsible for the present situation, and for the deaths from smallpox already and to come, and for the trouble and expense and disarrangement of social and business affairs that ensue.[517]

Did the *Deseret Evening News* support or oppose vaccination, the *Salt Lake Tribune* repeatedly asked? The Park City newspaper, *Park Record* joined the fray,

> The *Deseret News* is evidently in serious labor. For more than a week it has been trying to hedge on its former attitude relative to vaccination, which it declared not long ago to be filthy, dangerous, an any other old thing. But the naughty *Tribune* will not let it take back its assertions of the pretext that it was just funnin." [518]

Unsatisfied with the continued denials by the *Deseret Evening News*, the *Salt Lake Tribune* deplored,

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[516]"Only a Joke," Salt Lake Herald, January 2, 1900, p. 4.

[517]Salt Lake Tribune, December 22, 1900, p. 4; Deseret Evening News, January 24, 1900, p. 4; Journal History, January 11, 1900, p. 11; "Thinks Doctors Much Mistaken," Deseret Evening News, December 19, 1899, p. 8.

[518]Park Record, December 22, 1900, p. 4.

> Last night the *News* with an injured air, as if it were the abused party, returned to its resistance to the quarantine and sanitary regulations adopted by the State Board of Health, so far as vaccination, is concerned. It persists in its misrepresentations and seems deadly anxious to discredit the officials in their knowledge, purposes and acts. For a paper that pretended not to be opposed to vaccination it is a freak; it puts one in mind of the darky who ate axlegrease for cheese, and pronounced it: the ransomest cheese I eber et." So with the *News*; its position in not opposing vaccination is the "ransomest" thing in Utah.[519]

Four days later the *Deseret Evening News* published a letter to the editor entitled "Fallacies of Vaccinations."[520] Notwithstanding its denials the *Deseret Evening News* had been disputing the effectiveness of vaccination. On April 26, 1900 it wrote,

> It has been demonstrated beyond reasonable dispute, that sanitary and hygienic rules have proven fare more powerful in stamping out zygotic diseases, including smallpox, than all the inoculations of various kinds that have been adopted by the medical fraternity.[521]

Dr. Beatty joined the newspaper war by sending an official statement to the *Salt Lake Tribune*, January 5, 1901,

> It is not the present purpose to criticize the course pursued by the Editor [Penrose], but it is only just to state that the proprietors of the paper, and the organization they represent [the LDS First Presidency], are not party to the agitation, but on the contrary, they have issued a public proclamation endorsing vaccination as a preventative of smallpox, and reminding the people of the state to avail themselves of it for their protection.[522]

Why did Penrose so adamantly and vociferously oppose vaccination? Perhaps a partial explanation can be found in his English nativity. During his youth and early manhood in England, compulsory vaccination laws were passed and enforced. In 1869 Penrose, then an editorial writer for the *Millennial Star* quoted at length articles from the

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[519]Salt Lake Tribune, December 25, 1900, p. 4; Silver 1:201, 2:29.
[520]Silver, 1:205-8.
[521]"A Queer Decision," Deseret Evening News, April 26, 1900, p. 4.
[522]Salt Lake Tribune, January 5, 1901, p. 4.

Liverpool Mercury.[523] At the time, many British citizens carried an intense dislike for the laws, which were viewed as a violation of human rights. Even at the time, Penrose believed that vaccination kept alive the smallpox disease,

> A child is healthy born. What more need you do than allow it to have pure air, wholesome food, and bodily cleanliness to keep it healthy? Is not health the best preventative against disease? Vaccination is a medical theory. The medical profession confounds medical theory with laws of health. After the introduction of the ulcerous discharge from the smallpox patient into the health circulation of people, it was the cause of millions dying of the disease during the peak of eight years, during which time the medical profession fought for it as one of its greatest blessings.[524]

Two years later, and on other occasions, the not always consistent *Millennial Star* provided supportive information regarding vaccination. It stated that the safe vaccine lymph was obtained from calves and the old deadly procedure had been abandoned. The article was not written by the same person who wrote the editorials.[525]

Penrose viewpoint concerning vaccination was probably contrary to one of his plural wife's educated opinion. Penrose was married to Romania Bunnell Pratt Penrose, who served as a member of the General Board of the Relief Society, 1892-1921. She was the first female physician in Utah to practice medicine after attending medical school. She graduated from the Women's Medical College of Philadelphia in 1877 at the age of 38. She taught practical nursery to many Utah women and as a part of her teachings she promoted the efficacy of vaccination. Her background almost certainly put her at odds with her husband's

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[523]Millennial Star, 31 (October 27, 1869): 704; "Smallpox and the Judge," Millennial Star, 33 (November, 1971): 550-551; "Vaccination in Ireland," Millennial Star, 31 (October 27, 1869): 704-5.

[524]"Smallpox and Vaccination," Millennial Star, 33 (January 7, 1871): 38.

[525]Morrell, Vicissitudes, p. 118; Smith, p. 51.

vaccination views.[526]

The influence of the *Deseret Evening News* concerning the vaccination question was significant. The editor of the *Intermountain and Colorado Catholic* newspaper wrote, "It is so seldom anything appears on that [editorial] page of the [*Deseret*] *News* which might add to the world's knowledge, that the habit of skipping it comes natural."[527] However, in Utah, that editorial page (the many articles and the letters to the editor) influenced thousands to oppose compulsory vaccination. The *Salt Lake Herald* described the influence of the editor,

> But although individual apathy has had much to do in the falling off of the among to vaccination, some of the baneful influence is attributable to the opponents of the system, who persistently disseminate gross misrepresentations calculated to create a distrust of vaccination. It has been truly said that if persons who so readily neglect vaccination at the bidding of a few energetic, but not too scrupulous agitators could look on the sight, common in every smallpox epidemic of a family living together in the same house and under precisely the same conditions invaded by smallpox, the disease in all its loathsome virulence, the recently vaccinated or revaccinated escaping altogether, and those who years previously have been vaccinated more or less efficiently escaping with a few spots and slight constitutional disturbances, the perverted statistics and the sophistries of the anti-vaccinators would be brushed aside forever.[528]

Penrose, a prolific and popular writer, penned over 57 editorials about vaccination and marshaled an overwhelming majority to oppose compulsory vaccination, 1899-1901. Penrose's opposition to vaccination was his only aversion to medical progress. The *Deseret Evening News*, "always before and since, supported wholeheartedly any policies looking

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[526]Morrell, Utah's Health and You, p. 115; Ludlow, 1:375; Morrell, Vicissitudes, p. 132; Ralph T. Richards, Doctors, p. 16; Robert T. Divett, "Medicine and the Mormons," (January 1963): 9, 157, 163; Rose, "History of Medicine," pp. 57-58; Rose, "Medical Practices," pp. 28-29.

[527]Intermountain and Colorado Catholic, (December 7, 1900), p. 4.

[528]"Favor Vaccine Plan", Salt Lake Herald, January 5, 1900, p. 5.

toward the betterment of community health."[529]

The defeat of compulsory vaccination, according to Joseph Morrell, dealt a "hard blow below the belt" to public health in Utah and left Dr. Beatty mighty depressed. Beatty felt that the state had "deprived itself of a life saving measure."[530] Nor were Beatty's troubles at an end. The *Deseret Evening News* continued to attack the Health Commissioner for some time using such biting expressions as "one man power," "fanaticism bordering on insanity," "monomania," and "incubus and oppression."[531] The results of these attacks were long lived; creating a "strong public sentiment against both the Health Commissioner and the State Board of Health, and this meant much to [Utah's] general progress in all health activities for a long time."[532] None of this was unique to Utah. Wilson D. Smillie, author of Public Health Administration in the United States, concluded in 1947,

> Compulsory vaccination which has proved time and again to be a simple and effective procedure in preventing smallpox in any community is gradually losing ground [in the United States]. Its enforcement meets with constant opposition from the general public for a variety of reasons, most important of which is that a regulation enforcing vaccination is an infringement on personal liberty.[533]

The issues of the 1899-1901 controversy continue to this day. Special interest groups and activists continue to promote the spread of diseases while they claim the right to personal liberty-whether it be the incurable "HIV," the Acquired Immune Deficiency Syndrome virus, or

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[529]Morrell, Utah's Health and You, p. 102.
[530]Morrell, Vicissitudes, p. 117.
[531]Ibid.
[532]Ibid.
[533]Wilson D. Smillie, Public Health Administration in the United States, (New York: The Macmillan Co., 1947).

something less deadly. When does the collective community take precedence over irresponsible action in the name of personal freedom. Morrell concluded his section on smallpox with what seems a modern note.

> The obstinacy of the human being is exercised, however, as a sacred heritage, and when misapplied as 'personal liberty', it makes a tremendous appeal. For the right to have our own way, at the expense of having a deadly enemy within our gates, we sacrifice much peace of mind, endure panics at the appearance of the disease, and sacrifice many lives which might easily be saved. We impose the death sentence for the armed bandit who takes the life of his victim. One who exercises his right of personal liberty, and passes a fatal case of smallpox on to another, has just as effectively taken his life as though he had done it with a gun. Yet we haggle over what to do with him and usually end up by ~~electing him to public office~~ [sic] doing nothing at all."[534]

Morrell continued,

> Later the attitude of the editor (of the *Deseret Evening News*) was, as we have seen, a potent factor in arousing suspicions against doctors. He was a prolific writer, carried much influence in the church, and discussed all phases of medical services with little regard for the consequences. He had written in many periodicals for many years, and had talked much to the people in his official position in the church. His influence was a powerful factor in undermining confidence, not only in medicine, but in public health as well. Our failures to make progress, early, in health matters was attributed to this source in no small degree.[535]

Penrose's viewpoints concerning vaccination and especially compulsion were not only held by many Utahns, but were prevalent worldwide.[536]

Dr. Lester Bush, in his book, Health and Medicine Among the Latter-day Saints, asserts that "only rarely did Mormon belief itself obstruct public health progress. When this occurred, there usually was a perceived conflict with individual freedom of personal choice (or, as

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[534]Morrell, Vicissitudes, p. 120.
[535]Ibid., pp. 135-6.
[536]Hopkins, pp. 2, 10.

termed by Mormons, "free agency")."[537] To prove his point, Bush cited the compulsory vaccination controversy of 1899-1901. But it was not the LDS Church that led this fight. As early as 1870s until 1978, the First Presidency encouraged its members to be vaccinated.[538] On December 11, 1921, Elder James E. Talmage, a member of the Quorum of Twelve Apostles of the LDS Church, stated his views on vaccination which were similar to the First Presidency's statement of 1900.

> Do everything you can to obviate the attacks of disease...I have studied the vaccine bacillus, the process of inoculation which is commonly known as vaccination. There may be those who do not believe in vaccination. I do not try to force my views upon them at all...I have seen the smallpox bacillus. I know it, I have experimented with it, I have bred it, I have fed it, I have learned how to kill it...I know to my own satisfaction that inoculation with the bovine bacillus is a preventive of the ravages of smallpox bacillus. If I or any of my family are in danger of contracting smallpox through exposure, I shall do what I have done on former occasions-see that they are vaccinated, because I know that I will have a great deal more faith, invoking the blessing of protection from the Lord upon me and mine, if I have done what to me appears to be the thing I ought to do by way of prevention.[539]

The anti-compulsory vaccination battle was waged and led solely by a newspaper editor and scores of Mormon enthusiasts. If by "Mormon belief" Bush meant the views of the general populace in Utah, then, it is true that many Latter-day Saints opposed compulsory measures. In this, however, they were like many people elsewhere. The "loss of liberty" argument, as was shown, was not uniquely Mormon. The argument owed its ongoing to the anti-vaccinationist campaigns of Victorian

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[537]Bush, Health and Medicine, p. 64.

[538]"LDS Scene," Ensign, July 1978, p. 79.

[539]James E. Talmage, "Dr. James E. Talmage Urges Vaccination Against Smallpox," Utah Public Health Journal, Vol. 2 no. 1 (January-February, 1922): 1-3; James E. Talmage, Deseret Evening News, December 17, 1921, p. 11.

England.[540]

As late as the 1940s, Utah still had a smallpox problem because a large percentage refused vaccination. Neither Utah nor Wisconsin had compulsory vaccination laws, while New York and Massachusetts did. The following chart shows the comparative incidence of the disease.[541]

Table 3.--Smallpox Case Rate per 100,000 Population[542]

Year	Utah	Wisconsin	Massachusetts	New York
1920	1131.2	124.2	0.7	2.9
1925	23.5	54.2	0.1	2.5
1927	181	32	0	3.1
1930	24.6	32.4	0	2.6
1935	7.4	22.3	0	0

[540]Fenner, p. 270; MacLeod, pp. 107-128, 189-211.
[541]Studt, pp. 34-5; Morrell Vicissitudes, p. 122.
[542]Studt, pp. 34-5; Morrell, Vicissitudes, p. 122.

Utah's failure to require vaccination led to the spread of the disease abroad. Since nineteen-year-old Latter-day Saint Utahns were called to serve proselytizing missions for their church, many men served in foreign countries. Consequently, at least one smallpox outbreak was traced directly to a missionary who went to labor in New Zealand in 1913. The disease lasted for about a year, during the time 1,892 Europeans and Maoris were attacked by smallpox resulting in fifty-five Maoris losing their lives.[543] On April 27, 1901 the British Medical Journal received a letter from Philip Boobyer of Nottingham claiming that smallpox had been introduced in the "Mormon headquarters in this city, apparently by letter or other formites [sic], from Salt Lake City."[544] Since the mission home in Nottingham had been frequently receiving large parcels of papers and other goods from Salt Lake City, Boobyer concluded that the infection had traveled from Utah. Boobyer was the first authentic description of the Variola minor in Britain, however, he was incorrect concerning the source. More likely, a missionary from Utah brought the infection, spread it to LDS members who attended a small LDS conference on March 24, 1901 in Nottingham. The disease spread to Leicester, Loughborough, Derby, Sheffield, Liverpool as the infected members returned to their homes.[545]

Utah's inability to control smallpox brought criticism from health officers from all over the country.[546] On October 5, 1920 Dr. W. A. Evans wrote in his health column that "it is a pity that the splendid

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[543]Dixon, p. 207.

[544]P. Boobbyer, "Smallpox in Nottingham," British Medical Journal, 1 (April 27, 1901): 1054, 1245; Fenner, p. 324.

[545]Dixon, p. 207; Smith, p. 51.

[546]Morrell, Vicissitudes, p. 110.

health record of Utah should be marred by the excessive smallpox record."[547] Morrell argued that if common sense had prevailed and,

> a few over active enthusiasts against vaccination could have been suppressed, Utah would have been spared the bitter fight later which encouraged rebellion not alone against smallpox vaccination, but against state control of the individual in the prevention of all communicable disease. We paid the penalty for many years for our determination to have our own way in this matter.[548]

In 1920 Utah still had "an anti-vaccination law [the McMillan Bill] of the widest scope, making it unlawful for any public board to enforce vaccination or for any school of any character to make vaccination a condition of influence."[549] In 1931 the United States legislature passed compulsory vaccination law which forced Utah to finally vaccinate school children. Prior to that federal mandate, Utah suffered with one of the highest rates of smallpox, albeit small in comparison to the nineteenth-century.[550]

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[547]Ibid., p. 122.
[548]Ibid., p. 112.
[549]E. Bettles, Sanitation Theory of Vaccination, (1920), p. 8.
[550]Bush, Health and Medicine, p. 64; Joseph R. Morrell, "Medicine of the Pioneer Period," Utah Historical Quarterly, 23 (1955): 139.

Appendix

Table 4.--North America: Reported Cases of Smallpox, 1921-1950

Year	United States	Mexico[a]	Canada
1921	108,487		
1922	33,305	*11,966*	
1923	30,890	*13,074*	
1924	56,513	*12,964*	2,791
1925	39,381	*11,008*	1,248
1926	32,694	*5,477*	1,535
1927	37,977	*6,639*	2,845
1928	39,396	*8,794*	3,337
1929	42,341	*11,304*	1,952
1930	48,329	*17,405*	1,292
1931	30,151	*15,003*	865
1932	11,194	*8,456*	347
1933	6,491	*6,094*	100
1934	5,371	*9,430*	17
1935	7,957	*5,205*	34
1936	7,834	*4,651*	62
1937	11,673	*3,538*	59
1938	14,939	*3,343*	120
1939	9,877	*2,205*	198
1940	2,795	*1,341*	11
1941	1,396	*2,529*	26
1942	865	*4,115*	6
1943	765	*4,011*	6
1944	398	3,516	0
1945	346	1,718	5
1946	357	600	2
1947	176	1,123	0
1948	57	1,541	0
1949	49	1,030	0
1950	0	769	0

Source: Frank Fenner, M. D., et. al, Smallpox and its Eradication, (Geneva, Switzerland: World Health Organization, 1988), p. 328.

[a] Only deaths by smallpox (figures in italics) were report between 1922 and 1943.

Table 5.--United States: Reported Cases of and Deaths from Variola Major, 1900-1934

Year	Number of cases	Number of deaths	Case-fatality rate (%)
1900	3,328	603	18.1
1901	5,332	980	18.4
1902	10,334	1,841	17.8
1903	6,113	752	12.3
1904	5,539	866	15.6
1905	1,798	272	15.1
1906	669	44	6.6
1907	359	23	6.4
1908	391	27	6.9
1909	193	36	18.7
1910	1,216	252	20.1
1911	359	76	21.2
1912	1,164	204	17.5
1913	354	98	27.7
1914	195	66	33.8
1915	578	177	20.2
1916	300	78	26.0
1917	973	174	17.9
1918	311	63	20.3
1919	1,121	172	15.3
1920	1,214	157	12.9
1921	3,152	320	10.2
1922	2,650	643	24.3
1923	301	65	21.6
1924	4,782	633	13.2
1925	2,633	536	20.4
1926	1,560	238	15.1
1927	0	-	-
1928	0	-	-
1929	59	11	18.6
1930	0	-	-
1931	0	-	-
1932	0	-	-
1933	0	-	-
1934	0	-	-

Source: Frank Fenner, M. D., et. al, Smallpox and its Eradication, (Geneva, Switzerland: World Health Organization, 1988), p. 330.

Table 6.--United States: Reported Cases of and Deaths from Variola Minor, 1900-1934

Year	Number of deaths	Number of deaths	Case-fatality rate (%)
1900	17,736	291	1.6
1901	57,042	396	0.7
1902	62,612	669	1.1
1903	46,624	828	1.8
1904	26,158	416	1.6
1905	17,619	134	0.8
1906	14,554	46	0.3
1907	18,618	73	0.4
1908	33,607	81	0.2
1909	23,367	119	0.5
1910	30,038	177	0.6
1911	22,685	98	0.4
1912	22,402	101	0.5
1913	38,046	161	0.4
1914	40,279	150	0.4
1915	37,803	130	0.3
1916	19,440	169	0.9
1917	46,535	146	0.3
1918	80,023	351	0.4
1919	61,755	155	0.3
1920	109,458	291	0.3
1921	105,335	438	0.4
1922	30,655	258	0.8
1923	30,589	100	0.3
1924	51,731	263	0.5
1925	36,748	188	0.5
1926	31,134	152	0.5
1927	37,977	151	0.4
1928	39,396	141	0.4
1929	42,282	145	0.3
1930	48,329	170	0.4
1931	30,151	104	0.3
1932	11,194	52	0.5
1933	6,491	35	0.5
1934	5,371	21	0.4

Source: Frank Fenner, M. D., et. al, Smallpox and its Eradication, Geneva, Switzerland: World Health Organization, 1988, p. 330.

Table 7.--Salt Lake City, Utah: Annual Numbers of Vaccinations, Reported Cases of Smallpox and Deaths from Smallpox, 1900-1934

Year	Vaccinations	Number of cases	Number of deaths
1900		433	
1901		584	4
1902		84	0
1903		391	2
1904		235	2
1905		419	1
1906		251	-
1907		36	0
1908		182	0
1909		502	3
1910		195	1
1911		89	0
1912	916	885	1
1913	1,623	588	0
1914	60	327	0
1915	258	76	0
1916	44	17	0
1917	1,059	177	0
1918	0	576	2
1919	476	68	0
1920	1,612	1,059	4
1921	1,254	733	1
1922	445	136	3
1923	28,977	52	12
1924	63	9	0
1925	18	1	0
1926	123	22	0
1927	1,153	148	0
1928	4,825	197	0
1929	1,989	111	0
1930	191	9	0
1931	47	2	0
1932	21	0	0
1933	9	1	0
1934	23,000 (?)	26	0

Source: Morbidity and Mortality 1900-1936, Utah Department of Vital Statistics, Salt Lake City, Utah State Archives, Department of Health.

Table 8.--Salt Lake City, Utah: Monthly Reported Cases of and Deaths (in parenthesis) from Smallpox, 1899-1934

Year	January	February	March	April	May	June
1899	0	0	0	0	0	0
1900	24	8	17	10	14	8
1901	136	101 (1)	175 (2)	79	33 (1)	20
1902	0	0	6	2	11	11
1903	25 (2)	79	89	45	28	34
1904	7	4	26	54	21	9
1905	51	62 (1)	79	76	44	27
1906	49	62	68	32	16	13
1907	0	0	0	1	5	12
1908	0	2	2	5	5	13
1909	110 (1)	85	62	37	56	56
1910	35	19	36	19	20	7 (1)
1911	23	6	7	7	3	9
1912	96	105	123	83	91 (1)	51
1913	114	120	94	67	40	41
1914	51	34	46	28	22	25
1915	14	9	9	8	6	6
1916	1	0	1	1	0	0
1917	1	5	16	17	8	20
1918	76	104	82	52	48	55
1919	6	14	24	43	19	16
1920	29	50	94	176	181 (3)	98
1921	142	173	120	94	62	50
1922	45	24	17	7	7	9
1923	28 (5)	15 (6)	2	2 (1)	0	0
1924	1	1	0	0	0	0
1925	1	0	0	0	0	0
1926	1	2	3	6	5	2
1927	1	1	10	12	12	16
1928	25	15	24	37	34	14
1929	23	7	10	20	9	28
1930	2	2	0	0	2	2
1931	0	0	2	0	0	0
1932	0	0	0	0	0	0
1933	0	0	0	0	0	0
1934	2	2	0	3	16	2

Source: Morbidity and Mortality 1900-1907, Ralph T. Richards Collection., University of Utah Library Archives, Salt Lake City, Utah.

Table 8.--Continued

Year	July	August	September	October	November	December
1899						1
1900	9	6	21	27	100	189
1901	10	9	8	2	6	6
1902	11	2	2	10	1	28
1903	10	4	0	8	6	3
1904	6	0	0	34 (2)	31	41
1905	18	13	4	11	18	17
1906	7	2	0	1	1	1
1907	5	3	52	1	0	4
1908	10	3	15	14	36	77
1909	26 (1)	17	9	4	22 (1)	16
1910	3	1	1	16	10	29
1911	6	2	0	0	2	24
1912	25	22	24	54	97	119
1913	9	8	4	18	50	27
1914	9	11	26	70	38	18
1815	15	7	2	0	0	0
1916	0	0	0	3	8	3
1917	17	23	15	12	26	21
1918	59 (1)	38	21	16 (1)	11	14
1919	7	8	4	2	7	7
1920	70	47	47	53	120	94 (1)
1921	21	9	5	23	37	47 (1)
1922	1	0	0	1	7	18 (3)
1923	1	0	0	0	4	0
1924	2	0	0	1	3	1
1925	0	0	0	0	0	0
1926	0	0	0	2	0	2
1927	22	8	22	13	8	22
1928	11	0	3	8	15	11
1929	11	2	4	1	2	2
1930	0	0	0	1	0	0
1931	0	0	0	0	0	0
1932	0	0	0	0	0	0
1933	0	0	0	0	0	1
1934	0	0	0	0	0	1

Source: Morbidity and Mortality 1900-1907, Department of Vital Statistics in Ralph T. Richards Collection., University of Utah Library Archives, Salt Lake City, Utah.

Table 9.--Populations of Salt Lake City, Salt Lake County, and Utah, 1900,1910, 1920, 1930

Year	Salt Lake City	Salt Lake County	Utah
1900	53,605	-	276,749
1910	93,605	131,426	373,351
1920	119,414	159,282	449,396
1930	140,810	194,102	507,847

Source: Ralph T. Richards Collection., University of Utah Library Archives, Salt Lake City, Utah.

Table 10.--Record of Contagious Diseases in Salt Lake County, 1921-1926 (Deaths in Parenthesis)

Disease	1921	1922	1923	1924	1925	1926
Smallpox	187	225	13 (1)	1	3	9
Chickenpox	561	429	228	972	477	302
Measles	1,554	2	26	2,406(9)	5	430 (1)
Whooping Cough	687	39 (2)	144 (1)	89	172	948 (1)
Mumps	256	211	481	447	440	95
Diphtheria	49	42	55 (5)	64 (3)	99 (8)	106 (7)
Scarlet Fever	106	37	27	33	52	63
Typhoid	14	14 (1)	5	20	9	
Tuberculosis			1 (1)			
Meningitis				5 (3)	10 (2)	6 (1)

Source: Utah State Division of Health, Record of Contagious Diseases in Salt Lake County, Utah State Historical Archive.

Table 11.--Males, Females and Teenagers in Salt Lake City, 1901

Year	Males	Females	Teenagers
1901	30,161	29,701	57,690

Source: Ralph T. Richards Collection., University of Utah Library Archives, Salt Lake City, Utah.

Table 12.--Utah: Reported Cases of and Deaths from Smallpox, 1920-1945

Year	Number of cases	Number of deaths	Year	Number of cases	Number of deaths
1920	5123		1935	39	
1921	3499		1936	232	1
1922	578		1937	51	
1923	168		1938	29	
1924	123		1939	17	
1925	113		1940	18	
1926	341	3	1941	1	
1927	891	2	1942		
1928	964	2	1943	1	
1929	577	1	1944		
1930	125		1945	3	
1931	82				
1932	31				
1933	31				
1934	86				

Source: Utah State Division of Health, Vital Statistics, 1954 and 1967 Annual Reports, Series 10561, Publications of Health Department, Utah State Historical Archive.

Table 13.--A Summary of the Authority of State Boards of Health in the United States Concerning Compulsory Vaccination Laws, 1901

Governor's Responses	# of States
Health authorities have no power	5
No law, but local districts have rules	1
No power, law found unconstitutional	2
No power, but legislation pending	2
No power, but teachers require it anyway	1
No law, but have power to exclude in infected areas	2
Board of Education has the power	7
Yes, but the local boards may suspend it	1
The health board has the power and deemed constitutional	1
Municipalities have the power	2
Health board no, health officer yes, if exposed to smallpox probably	1
In county schools no, in city schools yes	1
The health board has the power	14

Source: Utah. Legislature: House of Representatives Journal, 1901. (Salt Lake City: Star Printing Co., 1901), pp. 185-190.

Table 14.--Utah Legislature Data

Senate	LDS	non LDS
8 Republicans	5	3
10 Democrats	9	1
House of Representative	**LDS**	**non LDS**
29 Republicans	18*	11
16 Democrats	14	1**

* Don Carlos Johnson was an apostate Mormon.

** D Page's religious affiliation is unknown so he is not included in the religious analysis of voting behavior.

Table 15.--Overall Votes on H. B. 40 by Utah Legislature

	Yea	Nay	absent	total
Senate total first vote	13	5	18	
Senate total override vote	13	4	1	18
House total first vote	37	6	2	45
House total override vote	33	12	45	
House total third vote	34	9	2	45

Table 16.--H. B. 40 Vote Breakdown of Utah Legislature by Religious Affiliation

	Yea	Nay	absent	total
Senate LDS total first vote	13	1	0	14
Senate non LDS total first vote	0	4	0	4
Senate LDS total override vote	13	1	0	14
Senate non LDS total override vote	0	3	1	4
House LDS total first vote	29	3	0	32
House non LDS total first vote	8	3	1	12
House LDS total override vote	27	5	0	32
House non LDS total third vote	5	7	0	12
House LDS total third vote	27	4	1	32
House non LDS total third vote	6	5	1	12

Table 17.--H. B. 40 Legislative Vote by Party Affiliation

Senate Votes by Party	Ayes	Nays	total	
Republican votes	4	4	8	
Republican override votes	4	3	7	1 absent
Democrat votes	9	1	10	
Democrat override votes	9	1	10	

Table 18.--Utah Senate Votes by Party and Religious Affiliation on H. B. 40

First Vote	Aye	Nay	Absent	Total
Senate Republican LDS	4	1	0	5
Senate Republican non LDS	0	3	0	3
Senate Democrats LDS	9	0	0	9
Senate Democrats non LDS	0	1	0	1
	13	5	0	18
Override Vote				
Senate Republican LDS	4	1	1	6
Senate Republican non LDS	0	2	0	2
Senate Democrats LDS	9	0	0	9
Senate Democrats non LDS	0	1	0	1
	13	4	1	18

Table 19.--Utah House of Representatives Vote by Party Affiliation on H. B. 40

House	Aye	Nay	Total	
Republican votes	24	5	29	
Republican override votes	19	10	29	
Democrat total votes	13	1	14	2 absent
Democrat override votes	14	2	16	

Table 20.--Utah House of Representatives Vote by Party and Religious Affiliation on H. B. 40

	Aye	Nay	Absent	Total
First Vote				
House Republican LDS	16	2	0	18
House Republican non LDS	8	3	0	11
House Democrats LDS	13	1	0	14
House Democrats non LDS	0	0	1	1
Demo unknown religion	0	0	1	1
Total	37	6	2	45
Override Vote				
House Republican LDS	15	3	0	18
House Republican non LDS	4	7	0	11
House Democrats LDS	12	2	0	14
House Democrats non LDS	1	0	0	1
Demo unknown religion	1	0	0	1
Total	33	12	0	45

Table 21.--The Effect of Vaccination Laws on the Incidence of Smallpox in Various States in the US, 1919-1928

Reported Cases per 100,000 Inhabitants	6.6	51.3	66.7	115.2
Vaccination Laws	Compulsory	Local option	None	Compulsory vaccination prohibited
Number of States	10	6	28	4
Population	32,434,954	17,930,882	59,923,117	4,002,888
Cases of Smallpox	21,543	91,981	393,924	46,110

Source: Frank Fenner, M. D., et. al, Smallpox and its Eradication, Geneva, Switzerland: World Health Organization, 1988, p. 332.

SELECTED BIBLIOGRAPHY

PRIMARY SOURCES

Abbott, L. E. Farmington, to Heber M. Wells, Salt Lake City, February 10, 1901, Utah State Archives and Records Service, Governor Wells, Correspondence, 1895-1905, Series 235. Microfilm Reel 11.

Biennial Report of Attorney General of the State of Utah, 1899-1900. Salt Lake City: Deseret News Press, 1901.

Biennial Report by the State Board of Health, 1901, Utah State Archives and Records Service, Secretary of State, Public Documents, Series 240, December 31, 1901.

Brigham Young Academy Faculty Minutes. Brigham Young University Library, microfilm, Provo, Utah.

Brown, John. Z. Pleasant Grove, to Heber M. Wells, Salt Lake City, February 1, 1901, Utah State Archives and Records Service, Governor Wells, Correspondence, 1895-1905, Series 235. Microfilm Reel 11.

Bunting, James L, Kanab, to L. John Nutall, April 15, 1883, L. John Nutall Collection, Special Collections, Brigham Young University, Provo, Utah.

Critchlow, J. F., M. D., Salt Lake City, to Heber M. Wells, Salt Lake City, February 14, 1901, Utah State Archives and Records Service, Governor Wells, Correspondence, 1895-1905, Series 235. Microfilm Reel 11.

Cummings, Horace Salt Lake City, to Heber M. Wells, Salt Lake City, February 4, 1901, Utah State Archives and Records Service, Governor Wells, Correspondence, 1895-1905, Series 235. Microfilm Reel 11.

Drumm's Manual of Utah 1896. Salt Lake City: The Church of Jesus Christ of Latter Day Saints Historical Department Archive. 1896.

Elisinore Town Minutes, December 4, 1900.

Gable, Charles P. Salt Lake City, to Heber M. Wells, Salt Lake City, February 13, 1901, Utah State Archives and Records Service, Governor Wells, Correspondence, 1895-1905, Series 235. Microfilm Reel 11.

Goddard, B. Salt Lake City, to Heber M. Wells, Salt Lake City, February 6, 1901, Utah State Archives and Records Service, Governor Wells, Correspondence, 1895-1905, Series 235. Microfilm Reel 11.

Grosbeck Company, Salt Lake City, to Heber M. Wells, Salt Lake City, February 4, 1901, Utah State Archives and Records Service, Governor Wells, Correspondence, 1895-1905, Series 235. Microfilm Reel 11.

Hiller, D. Albert San Francisco, to Heber M. Wells, Salt Lake City, February 9, 1901, Utah State Archives and Records Service, Governor Wells, Correspondence, 1895-1905, Series 235. Microfilm Reel 11.

Holmes, Samuel Salt Lake City, to Heber M. Wells, Salt Lake City, February 6, 1901, Utah State Archives and Records Service, Governor Wells, Correspondence, 1895-1905, Series 235. Microfilm Reel 11.

Item 9218, Salt Lake City, to Heber M. Wells, Salt Lake City, February 4, 1901, Utah State Archives and Records Service, Governor Wells, Correspondence, 1895-1905, Series 235. Microfilm Reel 11.

Ivins, Anthony R. Journal. Salt Lake City: The Church of Jesus Christ of Latter Day Saints Historical Department Archives, 1900-1901.

Jenson, Andrew, compiler. Journal History of the Church of Jesus Christ of Latter-Day Saints. Salt Lake City: Historical Department, 1906.

Johnson, Willie D. Jr., Kanab, to L. John Nutall, March 30, 1883, L. John Nutall Collection, Special Collections, Brigham Young University, Provo, Utah.

Kenner, S. A. Album of State and Other Public Officers. Salt Lake City, March 30, 1901.

King, J. C. E., M. D., Salt Lake City, to Heber M. Wells, Salt Lake City, February , 1901, Utah State Archives and Records Service, Governor Wells, Correspondence, 1895-1905, Series 235. Microfilm Reel 11.

Knox, William F. Beaver, to Heber M. Wells, Salt Lake City, February 10, 1901, Utah State Archives and Records Service, Governor Wells, Correspondence, 1895-1905, Series 235. Microfilm Reel 11.

L.D.S. Conference Reports, Salt Lake City: Church of Jesus Christ of Latter-day Saints, 1897-1904.

"LDS Scene," Ensign, July 1978, p. 79.

Letter to Heber M. Wells, Salt Lake City, February 8, 1901, Utah State Archives and Records Service, Governor Wells, Correspondence, 1895-1905, Series 235. Microfilm Reel 11.

Letter to Heber M. Wells, Salt Lake City, February 9, 1901, Utah State Archives and Records Service, Governor Wells, Correspondence, 1895-1905, Series 235. Microfilm Reel 11.

Lund, J. C. L. to Heber M. Wells, Salt Lake City, February 14, 1901, Utah State Archives and Records Service, Governor Wells, Correspondence, 1895-1905, Series 235. Microfilm Reel 11.

Lyman, Richard R. Salt Lake City, to Heber M. Wells, Salt Lake City, January 31, 1901, Utah State Archives and Records Service, Governor Wells, Correspondence, 1895-1905, Series 235. Microfilm Reel 11.

McNiece, R. G. Salt Lake City, to Heber M. Wells, Salt Lake City, February 9, 1901, Utah State Archives and Records Service, Governor Wells, Correspondence, 1895-1905, Series 235. Microfilm Reel 11.

Merrill, Joseph F. Salt Lake City, to Heber M. Wells, Salt Lake City, February 4, 1901, Utah State Archives and Records Service, Governor Wells, Correspondence, 1895-1905, Series 235. Microfilm Reel 11.

Myzack, Herbert. Vernal, to Heber M. Wells, Salt Lake City, February 14, 1901, Utah State Archives and Records Service, Governor Wells, Correspondence, 1895-1905, Series 235. Microfilm Reel 11.

Penrose, Charles W. Personal Papers. Salt Lake City: Utah State Historical Society, 1900-1901.

Petition from Providence, to Heber M. Wells, Salt Lake City, February 2, 1901, Utah State Archives and Records Service, Governor Wells, Correspondence, 1895-1905, Series 235. Microfilm Reel 11.

Petition to Heber M. Wells, Salt Lake City, February 8, 1901, Utah State Archives and Records Service, Governor Wells, Correspondence, 1895-1905, Series 235. Microfilm Reel 11.

Petition to Heber M. Wells, Salt Lake City, February 8, 1901, Utah State Archives and Records Service, Governor Wells, Correspondence, 1895-1905, Series 235. Microfilm Reel 11.

Shaw, Annie Hermin Cardon. "Autobiographical Sketch," p. 4., Madeline R. Mcquown Papers, Mss 143, Box 22, Manuscripts Division, Special Collections, University of Utah Marriott Library, Salt Lake City, Utah.

Silver, George J. Salt Lake City to Heber M. Wells, Salt Lake City, February 4, 1901, Utah State Archives and Records Service, Governor Wells, Correspondence, 1895-1905, Series 235. Microfilm Reel 11.

Silver, William J. Scrapbooks, 2 vols. Provo: Brigham Young University Archives, 1900-1901.

Sketches of the Inter-Mountain States: Utah, Idaho, Nevada. SLC: Salt Lake Tribune, 1909

Stevens, W. J. Oakly, Utah, to Heber M. Wells, Salt Lake City, February 4, 1901, Utah State Archives and Records Service, Governor Wells, Correspondence, 1895-1905, Series 235. Microfilm Reel 11.

Talmage, James E. "Dr. James E. Talmage Urges Vaccination Against Smallpox," Utah Public Health Journal, 2 (January-February, 1922): 1-3.

Telford, John Salt Lake City, to Heber M. Wells, Salt Lake City, February 7, 1901, Utah State Archives and Records Service, Governor Wells, Correspondence, 1895-1905, Series 235. Microfilm Reel 11.

Thorrup, John S. Salt Lake City, to Heber M. Wells, Salt Lake City, February 4, 1901, Utah State Archives and Records Service, Governor Wells, Correspondence, 1895-1905, Series 235. Microfilm Reel 11.

Utah. Laws of the State of Utah, 1896. Salt Lake City: Deseret News Publishing Co., 1986.

Utah. Laws of the State of Utah, 1897. Salt Lake City: Star Printing Co., 1897.

Utah. Legislature: House of Representatives Journal, 1896. Salt Lake City: Deseret News Co., 1896.

Utah. Legislature: House of Representatives Journal, 1897. Lincoln, Nebraska: State Journal Co., 1897.

Utah. Legislature: House of Representatives Journal, 1899. Salt Lake City: Tribune Job Printing Co., 1899.

Utah. Legislature: House of Representatives Journal, 1901. Salt Lake City: Star Printing Co., 1901.

Utah. Legislature: Senate Journal, 1896. Salt Lake City: Deseret News Co., 1896.

Utah. Legislature: Senate Journal, 1897. Lincoln, Nebraska: State Journal Co., 1897.

Utah. Legislature: Senate Journal, 1899. Salt Lake City: Tribune Job Printing Co., 1899.

Utah. Legislature: Senate Journal, 1901. Salt Lake City: Star Printing Co., 1901.

Utah. Public Health Department Records. Salt Lake City: Utah State Historical Archives, 1900-1902.

Utah. Utah Reports: Reports of Cases Determined in the Supreme Court of the State of Utah, vol. 21, Chicago: Callaghan & Co., 1901.

Utah. State Board of Health, Circular. Archives of the Church of Jesus Christ of Latter-day Saints, Salt Lake City, Utah. November 1900. Microfilm.

Wells, Heber H. Utah State Archives and Records Service, Governor Wells, Correspondence, 1895-1905, Series 235. Microfilm Reel 10.

White, William. Sir Lyon Playfair Taken to Pieces and Disposed of: Likewise Sir Charles W. Dilke. London: Edward W. Allen, 1884.

Woman's Exponent. Salt Lake City (August 15, 1878): 42

Woodruff, Abraham O. Diary, Special Collections, Brigham Young University, Provo, Utah.

NEWSPAPERS

Beaver County Blade. November 18, 1899-January 26, 1901.

Coalville Times. September 1, 1899-April 5, 1901.

Deseret Evening News. 1897, 1887, ;August 1, 1899-June 30, 1901.

Eastern Utah (Price) Telegraph. January 3, 1901-April 25, 1901.

Ephraim Enterprise. January 1, 1900-May 9, 1901.

Intermountain and (Denver) Colorado Catholic, December 7, 1900.

Grand Valley (Moab) Times Independent. November 30, 1900-April 5, 1901.

(Logan) Journal. January 1, 1901-March 5, 1901.

Manti Messenger. January 5, 1901-April 6, 1901.

Park Record. November 3, 1901-April 27, 1901.

Salt Lake Herald. September 1, 1899-April 28, 1901.

Salt Lake Daily Tribune. November 1, 1900-January 12, 1901.

Semi-Weekly Ogden Standard. September 5, 1899- June 30, 1900; November 2, 1900-March 1901.

Springville Independent. November 1, 1900-April 4, 1901.

Watsatch Wave. December 7, 1900-March 22, 1901.

SECONDARY SOURCES

Alexander, Thomas G. Mormonism in Transition: A History of the Latter-Day Saints. Urbana: University of Illinois Press, 1986.

Alexander, Thomas G. & James B. Allen. Mormons and Gentiles: A History of Salt Lake City. Boulder, Colorado: Pruett Publishing Co., 1984.

Allen, James. Story of the Latter-Day Saints. Salt Lake City: Deseret Book, 1976.

Baron, J. The Life of Edward Jenner. 2 vols. London: Cobourn, 1838.

Baxby, Derrick. Jenner's Smallpox Vaccine: The Riddle of the Origin of Vaccinia Virus.. London: Heinemann Educational Books, 1981.

Bennion, Sherilyn Cox. "Sisters under the Skin: Utah's Mormon and Non-Mormon Women and Their Publications, BYU Studies 33 (1993): 111-129.

Bettles, E. Sanitation Theory of Vaccination, 1920.

Boobbyer, P. "Smallpox in Nottingham," British Medical Journal, 1 (April 27, 1901): 1054.

Booth, Amos. A Beautiful Arm: A History of the Vaccination Delusion. London: Sampson, Marston & Co., Ltd., 1909.

Brown, Viva Skousen. The Life and Posterity of Alma Platte Spilsbury. Provo, Utah: private publication, 1983.

Bush, Lester E. Jr., M. D. Health and Medicine among the Latter-day Saints. New York: Crossroads Publishing Co. 1993.

_____. "The Mormon Tradition" in Caring and Curing: Health and Medicine in Western Religious Traditions by R. Numbers and E. Amundsen. 1986.

_____. "A Peculiar People: The Physiological Aspects of Mormonism 1850-1975" in Dialogue: A Journal of Mormon Thought, 22 (Fall 1979): 61-83.

Cannon, George Q. Cannon Family Historical Treasury. Salt Lake City: George Cannon Family Association, 1967.

Church Educational System. Church History in the Fullness of Times. Salt Lake City: Church of Jesus Christ of Latter-day Saints, 1989.

Clark, James R., ed. Messages of the First Presidency. 6 vols. Salt Lake City: Bookcraft, 1965.

Clarke, Robin. The Silent Weapons. New York: David McKay Co., 1968.

Creighton, C. Jenner and Vaccination. London: Sonnenschein, 1889.

_____. The Natural History of Cow-pox and Vaccinal Syphilis. London: Cassell, 1887;

Crookshank, Edgar. History and Pathology of Vaccination. 2 vols. London: H. K. Lewis, 1889.

Crosby, Alfred W. Ecological Imperialism: The Biological Expansion of Europe, 900-1900. Cambridge: Cambridge University Press, 1986.

Divett, Robert. Medicine and Mormons: An Introduction to the History of Medicine in Utah. Salt Lake City: Bookcraft, 1981.

_____. "Medicine and the Mormons: A Historical Perspective" in Dialogue: A Journal of Mormon Thought. 12 (Fall 1979): 16-25.

_____. "Medicine and the Mormons" in Bulletin of the Medical Library Association. 51 (January 1963): 1-15.

Dixon, C. W. Smallpox, London: J. E. A. Churchill, Ltd, 1962.

Ellsworth, Samuel George. The New Utah's Heritage. Salt Lake City: G. M. Smith, 1985.

Esshom, Frank. Pioneers and Prominent Men of Utah. Salt Lake City: Western Epics, Inc., 1966.

Fenner, Frank, M. D., et. al. Smallpox and its Eradication. Geneva, Switzerland: World Health Organization, 1988.

Ferry, Mont W. The History of Salt Lake County Chapter of American Red Cross-1889-1919. Salt Lake City: American Red Cross, 1919.

Grover, E. Victoria. "The History of Medicine and Public Health in Territorial Utah." Honor Thesis. University of Maryland, 1975.

Holder, Angela Roddey, J. D. "Compulsory Immunization Statutes," Journal of American Medical Association, 228 (May 20 1974): 1059-1060.

Hopkins, Jack W. The Eradication of Smallpox: Organizational Learning and Innovation in International Health. Boulder, Colorado: Westview Press, Inc., 1989.

Hunter, Milton R. Utah in her Western Setting. Salt Lake City: Deseret Evening News Press, 1959.

Hutton, Arthur Wollaston. The Vaccination Question. London: Methuen & Co., 1894.

"Immunization Statutes," Journal of American Medical Association, 228 (May 20, 1974): 1059-1060.

Jenson, Andrew. Latter-day Saint Biographical Encyclopedia. 4 vols. SLC: Arrow Press, 1920.

Lawbaugh, George W. Vaccination: The World's Greatest Humbug. Davenport, Iowa: Mossman & Vollmer, Co., 1900.

Ludlow, Daniel H., ed. Encyclopedia of Mormonism. vols. 4. New York: Macmillan Publishing Co., 1992

MacLeod, R. M. "Law Medicine and Public Opinion: the Resistance to Compulsory Health Legislation 1870-1907." Public Law. (1967): 107-128, 189-211.

McBean, Eleanora. The Poisoned Needle: Suppressed Facts About Vaccination. Mokelumne Hill, California: Health Research, (no date).

McCloud, Susan Evans. Not in Vain. Salt Lake City: Bookcraft, 1984.

Middleton, George W. Memoirs of a Pioneer Surgeon. Salt Lake City: Richard Middleton, 1976.

Milnes, Alfred. What about Vaccination? Third Edition. Westminister: National Anti Vaccination League, (no date).

Morrell, Joseph R, M. D. Health, Wealth and Vicissitudes, unpublished manuscript, 1947, Utah State Historical Society Archive, Salt Lake City, Utah.

_____. "Medicine of the Pioneer Period" in Utah Historical Quarterly. 23 (Spring 1955): 127-144.

_____. Utah's: Health and You: A History of Utah's Public Health. Salt Lake City: Deseret Book, 1956.

Nibley, Preston. Brigham Young: The Man and His Work. Salt Lake City: Deseret Evening News Press, 1936.

Noall, Claire. "Medicine Among Early Mormons" in Western Folklore 18 (1959): 157-164.

Noble, Warrum. Utah Since Statehood. Chicago: S. J. Clark Publishing Co., no date.

Parish, Henry. Victory with Vaccines. Edinburgh: E & S Livingstone, 1968.

Poll, Richard D. ed. Utah's History. Provo: Brigham Young University Press, 1978.

Razzell, Peter R. Edward Jenner's Cowpox Vaccine: The History of a Medical Myth. Firle, England: Caliban Books, 1977.

Richards, Ralph T. Of Medicine, Hospitals and Doctors. Utah: University of Utah Press, 1953.

Roberts, Brigham Henry. A Comprehensive History of the Church of Jesus Christ of Latter-day Saints. 6 vols. Provo: Brigham Young University Press, 1965.

Rose, Blanche. "Early Medical Practices in Utah" in Utah Historical Quarterly, 10 (January 1942): 14-33.

_____. "The History of Medicine in Utah" Master Thesis, University of Utah, 1939.

Rosenburg, Nancy. Vaccines and Viruses. New York: Dunlap, 1971.

Smith, N. Lee. "Herbal Remedies: God's Medicine?" in Dialogue: A Journal of Mormon Thought, 22 (Fall 1979): 37-60.

Smillie, Wilson D. Public Health Administration in the United States. New York: The Macmillan Co., 1947.

Stout, Wayne. History of Utah. 4 vols. Salt Lake City: no publisher listed, 1968.

Studt, Ward B. Medicine in Intermountain West. Salt Lake City: Olympus Publishing Co., 1976.

Sutton, Wain, ed. Utah, A Centennial History. 3 vols. New York: Lewis Historical Publishing Co., 1949.

White, Benjamin. Smallpox and Vaccination. Cambridge: Harvard University Press, 1924.

Whitney, Orson Ferguson. Popular History of Utah. Salt Lake City: Deseret News, 1916.

_____. History of Utah. 4 vols. Salt Lake City: Deseret, 1899.

Winterburn, George William. The Value of Vaccination: A Non-Partisan Review of its History and Results. Philadelphia: Hahnemann Publishing House, 1886.

Pus, Pox, Propaganda and Progress: The Compulsory Smallpox Vaccination Controversy in Utah, 1899-1901

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ABSTRACT

This thesis examines the compulsory smallpox vaccination controversy in Utah, 1899-1901. It looks at the two smallpox epidemics during 1899-1901 and follows the boards of health attempts to eradicate smallpox primarily by compelling the vaccination of school children.

Dr. Theodore B. Beatty, secretary of the State Board of Health, championed the effort to vaccinate all Utahns; however, the opposition led by Charles W. Penrose, editor of the *Deseret Evening News*, produced anti-compulsion and vaccination information which influenced Utahns to generally oppose vaccination. Consequently, the legislature passed an anti-compulsory vaccination statute over the governor's veto to annul the courts decision that the health boards had the authority to compel vaccination.

The research reveals that Utah's opposition to compulsory vaccination impeded medical progress. It also claims that this was the first controversy experienced by the members of the dominant religion in Utah which resulted in the expression of divergent viewpoints.

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