



IDAHO  
LEGAL  
HISTORY  
SOCIETY

EST. 2005

# CHASE A. CLARK

## THE IDAHO LAWYER AS PUBLIC SERVANT

### CALENDAR

Idaho Legal History Society  
Full Membership Meeting  
October 14, 2015, 4:00 p.m.  
Parsons Behle & Latimer  
8th & Main, Suite 1300  
Boise, Idaho

### IN THIS ISSUE

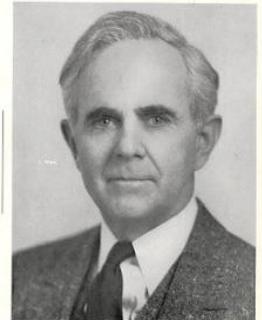
Chase A. Clark, The Idaho  
Lawyer as Public Servant, 1-2, 6  
City Officials Prosecuted  
During Prohibition, 3  
President's Message, 4  
Visiting Federal District Judge  
John Stanley Webster, 5

**Chase Addison Clark was the epitome of the civic-minded Idaho lawyer.**

He served as state representative from Custer County, adjutant general of the State of Idaho, candidate for the U. S. Senate, state senator from Bonneville County, mayor of Idaho Falls, governor of Idaho, and U. S. Federal District Judge. Chase Clark's commitment to public service never wavered. Few in Idaho public life have equaled his record of service.

Chase Clark was raised in a stern Presbyterian faith. He believed that to whom much was given, much was required; those gifted with talent, education, or wealth should take the lead in public service and reform. His dedication to public service was shared by other members of the remarkable Clark family of eastern Idaho. His father, Joseph Addison Clark, was the first mayor of Idaho Falls and the Prohibition Party's candidate for governor of Idaho in 1892. (Chase Clark himself was a staunch "dry" during the prohibition era.) Chase's brother, Barzilla, preceded Chase as mayor of Idaho Falls and as governor of Idaho. His cousin, D. Worth Clark, served Idaho as Congressman from the Second District and as United States Senator. Later, Clark's son-in-law, Frank Church, would continue the tradition, serving four terms in the United States Senate.

**Chase A. Clark**



**GOVERNOR**

Continued on page 2

## PRESIDENT ROOSEVELT APPOINTED CLARK TO THE FEDERAL BENCH, REPLACING LONG-TIME JUDGE C. C. CAVANAH

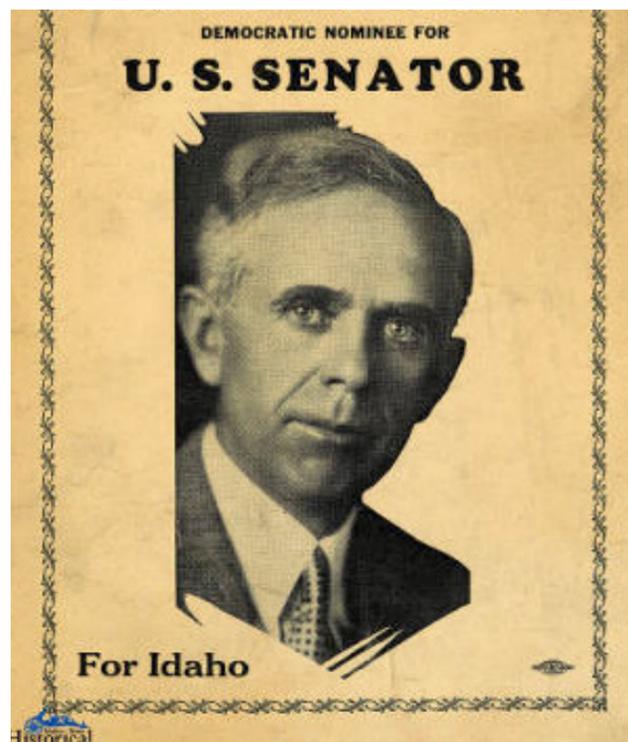
Chase Clark was born in Indiana in 1883 and moved with his family to Eagle Rock (later named Idaho Falls), in Idaho Territory, in 1884. He attended law school at the University of Michigan and was admitted to the Idaho bar in 1904. He established a law practice in mining and ranching law in Mackay, Idaho, where he married Jean Burnett in 1906. They had one child, Bethine, born in 1923.

In 1912, Clark was elected to the first of two terms as state representative from Custer County, one of only four Democrats (out of 60 seats) in the Idaho House of Representatives. He served as minority floor leader in the 1915 session. Strongly progressive in his political views, Clark supported many of the reform measures of Idaho's Progressive Era, including ratification of a constitutional amendment to provide for the direct election of U. S. Senators, Idaho's first workman's compensation law, and the establishment of a public utilities commission, among other measures. As minority leader, Clark established a strong political friendship with Idaho's Democratic governor, Moses Alexander, who appointed Clark adjutant general of the Idaho National Guard. When the Guard was called up during the border conflict with Mexico in 1916, Clark saw active duty under General Pershing. A serious injury in an automobile accident in 1917 prevented Clark from service in Europe after the U. S. entered World War I.

Clark continued his law practice in Mackay during the 1920s. He was the Democratic Party nominee for the U.S. Senate in 1928, losing to Senator John Thomas in that heavily Republican year. In 1930, he moved his law practice back home to Idaho Falls where, in 1932, he was elected to the first of two terms in the Idaho State Senate from Bonneville County. Clark thus had the distinction of serving in both houses of the Idaho legislature from two different counties. In the Senate, he was a strong supporter of Governor C. Ben Ross's legislative program as the governor, first elected in 1930, grappled with the effects of the Great Depression in Idaho. Clark did not run for re-election in 1936 (the year his brother Barzilla was elected governor of Idaho), but, following in the footsteps of his father and his brother, he was elected mayor of Idaho Falls in 1937. Barzilla lost the 1938 gubernatorial race to C. F. Bottolfsen of Arco, and in 1940 Chase Clark ran against Bottolfsen for governor. Clark won the Democratic primary against two opponents with over 63 per cent of the vote, then narrowly defeated Bottolfsen in the general election, 120,420 to 118,117 ~ a 2,303 vote margin, as President Franklin Roosevelt also carried Idaho on his way to an unprecedented third presidential term.

Clark's single term as governor, from 1941-1943 (governors served two-year terms prior to 1946), was dominated by war preparation and the United States entry into the war in December, 1941. He instituted civilian defense and other programs. He helped establish the Farragut Naval Training Center in Northern Idaho, Gowen Field in Boise, and the naval ordnance

Continued on page 6



(Above) While Clark did not get elected to the U.S. Senate, he did serve in the state senate from 1933-1936 before running for governor. (Cover photo) Chase A. Clark was elected governor of Idaho in 1940 defeating the Republican incumbent, C. A. Bottolfsen by less than 1% of the votes. Two years later Clark lost his reelection to Bottolfsen by less than 1% of the votes.

Clark supported many Idaho's progressive reforms, a constitutional amendment to provide for the direct election of U. S. Senators, Idaho's first workman's compensation law, and the establishment of a public utilities commission, among others.

## CITY OFFICIALS PROSECUTED DURING PROHIBITION

On August 14, 1929, over 600 gallons of bootlegged liquor was seized and confiscated in Idaho. The culprits: city officials in Mullan, Wallace and Kellogg. However, while the city officials were responsible for perpetuating an underground market for liquor, they were not lining their pockets with the profits—instead, they were putting the money into the city treasury to fund projects in the towns. The grand jury in Moscow “swore a complaint against soft drink proprietors, prostitutes, the entire Mullan board of trustees, Deputy Sheriff Charles Bloom, and Sheriff R.E. Weniger” for the actions that violated the National Prohibition Act. United States Attorney H.E. Ray chose to prosecute these officials in spite of the vast support the officials received from the public.

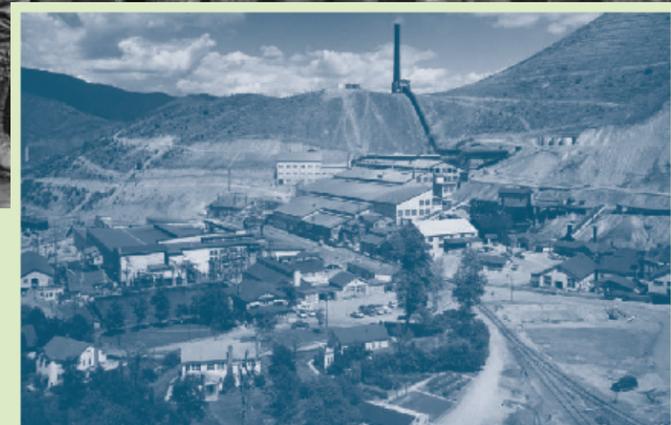
Since there was widespread support in the towns for the officials, the case was tried in Coeur d'Alene where the members of the jury would be less sympathetic to the town officials than the citizens of the towns themselves. The towns were mining towns and the citizens enjoyed a different life-style than other places such as Coeur d'Alene.

Hours in the mine were long, burdensome and dangerous and after a long day of work a lot of the miners enjoyed a free-and-easy lifestyle. Thus, when city officials helped bypass the prohibition laws it created a unique relationship that functioned well within their community. Regardless of the public support the cases went to trial.

Visiting federal Judge J. Stanley Webster presided over the cases. The federal district court was filled with people awaiting to hear the details of this unusual events and the lush details of debauchery. U.S. Attorney Ray chose to press charges of conspiracy to allow for hearsay evidence to be admissible. The defense focused on the officials' outstanding reputations in their communities, the lack of evidence of conspiracy, and the lack of credibility with the prosecution's witnesses. The defense went so far as to hire a detective that found evidence that the undercover agents were guilty of the same vices for which they were gathering evidence.

Ultimately the jury found the defendants guilty of violating the National Prohibition Act and some were shipped off to prison while others were fined. Appeals were filed and when some of the defendants had their convictions reversed on appeal U.S. Attorney H.E. Ray chose to end his pursuit on the matter. When the prohibition ended in 1933, President Roosevelt granted full pardons on August 16, 1934 for those involved.

Sources: *So Logical to Us*, Donna Krulitz Smith; *Prohibition in Idaho was hard to Swallow*, Syd Albright; “*So Logical to Us*,” Donna Krulitz Smith's *Account of the Complex and Compelling Story of the Prohibition Experience in Northern Idaho's Coeur d'Alene Mining District*, Ron Roizen.



(Top) Group of miners and mine executives standing at the station in front of the shaft with Governor H. C. Baldrige (standing at far right), Hecla Mine, Mullan, Idaho.

(Above) Bunker Hill Mine is Kellogg, Idaho. An electrolytic zinc plant can be seen behind the housing area.

ILHS ORAL  
HISTORY COMMITTEE  
Oral History Project Committee:

**Dianne Cromwell, Chair**  
dcromwell@cableone.net

**Chris Cuneo**  
ccuneo@parsonsbehle.com

**Ernest A. Hoidal**  
eahoidal@hoidallaw.com

**Libby Smith**  
clerk@id.uscourts.gov

IDAHO LEGAL HISTORY  
SOCIETY BOARD  
OF DIRECTORS

- Hon. Ronald E. Bush (co-chair)
- Ernest A. Hoidal (co-chair)
- Judy Austin
- Don Burnett
- Dianne Cromwell
- Hon. Candy Dale
- Ritchie Eppink
- Ron Kerl
- J. Walter Sinclair
- John Zarian

**OFFICERS**

- Ernest A. Hoidal, President
- Ritchie Eppink, Vice President
- Susie Headlee, Secretary
- J. Walter Sinclair, Treasurer

This newsletter published quarterly by:  
Idaho Legal History Society  
800 West Main St., Ste. 1300  
Boise, Idaho 83701

A MESSAGE FROM  
THE PRESIDENT  
ERNEST A. HOIDAL



ILHS President Ernest A. Hoidal

**The Idaho Legal History Society (ILHS) is pleased** to announce that we are moving forward with efforts to provide transcripts of the oral histories that have been taken over the past few years. With Dianne Cromwell's leadership and a contribution by the Margaret Reed Foundation, court reporters across Idaho will complete the transcriptions very soon. This is a very exciting project, and we will notify you when it is completed.

I want to take a moment to express our gratitude to Holland & Hart for Nancy Hammond's assistance with the Treasurer's (Walt Sinclair) responsibilities, and Parsons Behle & Latimer for Susie Headlee's role as Secretary. The ILHS Board is grateful for their generosity.

Additionally, the ILHS Board is grateful to Judge Dale's former extern John Wiltse for his extensive work on the newsletters, and to Michael C. Moore for his recent article regarding Chase Clark. As you can see, the ILHS's success is made possible by many individuals and we are sincerely appreciative for their contributions and hard work.

Please join us at our next ILHS meeting on Wednesday, October 14, 2015 at 4:00 p.m. at Parsons Behle & Latimer, located in the Zions Bank Building, 8th & Main, 13th Floor in Boise. If you would like to participate by telephone, please let Susie know via email at sheadlee@parsonsbehle.com. We hope you are able to attend.

VISITING FEDERAL DISTRICT  
JUDGE JOHN STANLEY WEBSTER

**J. Stanley Webster (Feb 22, 1877 - Dec 24, 1962)** was born in the town of Cynthiana, Kentucky, where he attended public school and the Smith's Classical School for Boys as a child. He later went to study law at the University of Michigan at Ann Arbor between the years of 1897 and 1899. After graduating from the University in 1899, he was admitted to the bar in his home state of Kentucky. He practiced law in his hometown, and was later elected as prosecuting attorney of Harrison County in 1902, serving until 1906.

For health reasons he moved to Spokane, Washington in 1906, where a year later he was elected as the chief assistant prosecuting attorney, upholding the law even in his poor health. In 1909 he became a judge of the Superior Court in Spokane County, where he served for seven years, and was also the first teacher of criminal and elementary law at the Gonzaga University School of Law in Spokane.

In 1916, there was a vacancy for an associate justice of the State Supreme Court in Olympia, Washington where he was elected early, on November 20, by Governor Ernest Lister to fill the space. He served for two years before resigning in 1918 to run for a Republican in Congress, in the fifth district. He was re-elected twice, in 1920 and 1922, then later resigned on May 8, 1923 when he became a judge for the U.S. District Court for the Eastern District of Washington, located in Spokane, where he served for sixteen years.

As a visiting federal judge, he presided over some of the most controversial cases in Idaho at the time, held at the federal district court in Coeur d'Alene. City officials were charged with violating the National Prohibition Act and there was a severe split where many of the citizens supported the city officials and protested the criminal charges placed against them. The jury found the officials guilty and they were sentenced to prison. Some of the cases were reversed on appeal, though, and eventually the prohibition was completely eradicated.

On August 31, 1939 he retired at the age of 62 from declining health issues. Although he was retired, he was still an active member in the court until his death on December 24, 1962 when he was 85 years old.

Sources: *Biographical Directory of the United States Congress*; *So Logical to Us*, Donna Krulitz Smith; *Guide to the John Stanley Webster Papers, 1901-1963*.



Judge J. Stanley Webster was a federal judge in Washington who served as a visiting judge in Idaho during the prosecution of city officials for violating the National Prohibition Act.

plant in Pocatello. Historians credit him as a sound administrator with a good record as governor. His record is somewhat marred by his wartime remarks about Japanese-Americans. In February, 1942, President Roosevelt signed an executive order giving military leaders the authority to remove people of Japanese descent, including U. S. citizens, from the West Coast to inland relocation centers, one of which was the Minidoka camp in Jerome County, Idaho. In a speech in Grangeville in May, 1942, Clark said that “the Jap problem” could best be solved by returning all people of Japanese descent to Japan and “then sink the island.” He went on to say that Japanese people “live like rats” and declared “I don’t want them in Idaho.” Though his remarks probably expressed the common racism and war hysteria of the time, they sound terrible in retrospect. They are a flaw on an otherwise commendable record. He may have changed his mind as the war went on, as Minidoka internees served as agricultural workers in Idaho during the wartime labor shortage, probably saving Idaho’s 1942 sugar beet crop. Many young men from Minidoka also enlisted and served honorably in the U. S. armed forces during the war.

Clark lost his bid for re-election in 1942 to the man he had defeated in 1940, C. A. Bottolfsen. It was a bad year for Democrats, and voting turn-out was half what it was in 1940. Clark carried northern Idaho and did well in the southwest, but lost southern and southeastern Idaho. One of the issues in the election was Clark’s management of the liquor laws. Idaho’s prohibitionists, organized as the Idaho Allied Civic Forces, accused Clark of lack of aggressive enforcement of the state liquor laws and mounted a strong campaign against him. It probably cost Clark the election, as Bottolfsen defeated him by only 434 votes, 72,260 to 71,826. Ironically, Clark, an old prohibitionist himself, may have been defeated on that very issue.

Chase Clark’s return to private life did not last long. President Roosevelt appointed him to the federal bench, replacing long-time Judge C. C. Cavanah. Clark served as U.S. District Judge in Idaho from 1943 until his retirement in 1964. Idaho lawyers regarded Judge



**Michael C. Moore** grew up in Lewiston, Idaho, graduated from Dartmouth College in 1964, attended night law school at Georgetown University while working in Senator Frank Church’s Washington office, and transferred to the University of Idaho College of Law where he graduated in 1968. He was admitted to the Idaho State Bar in 1968 and practiced in Lewiston and Boise. He retired in 2013, and he and his wife Linda now live on Whidbey Island, Washington.

## A SERIOUS INJURY IN AN AUTOMOBILE ACCIDENT IN 1917 PREVENTED CLARK FROM SERVICE IN EUROPE AFTER THE U. S. ENTERED WORLD WAR I

Clark as courteous and courtly, tough but fair, and they genuinely liked and respected him. He was known to have a soft spot for youthful offenders, but could be very tough on violators of the selective service laws.

In 1947, his daughter Bethine married Frank Church, who was elected to the U.S. Senate in 1956 for the first of four terms. Frank and Bethine Church carried on the Clark family tradition of public service into the 1980s and, with the establishment of the Frank Church Institute at Boise State University, well into the 21st century as well.

Judge Clark died on December 29, 1966, at the age of 83. Legislator, mayor, governor, federal judge - Chase Clark’s record of public service is matched by few if any in the annals of Idaho.

Sources: Robert C. Sims and Hope A Benedict, *Idaho’s Governors, Historical Essays on Their Administrations* (Boise state Univerisity, 1992); Boyd A. Martin, *Idaho Voting Trends: Party Realignment and Percentage of Votes for Candidates, Parties and Elections, 1890-1974* (The Idaho Research Foundation, Inc., 1975); Michael P. Malone, *C. Ben Ross and the New Deal in Idaho* (University of Washington Press, 1970); Bethine Church, *A Lifelong Affair: My Passion for People and Politics* (2003); *Lewiston Morning Tribune*, December 31, 1966, p. 1; *The Idaho Statesman*, July 23, 2015, pp. D-1, D-3.

## IDAHO LEGAL HISTORY SOCIETY 2015 MEMBERS

### LIFETIME FELLOWS

Don and Karen Burnett  
Paul and Susie Headlee  
Ernest A. Hoidal  
Nancy Luebbert  
Charles A. “Skip” Smyser

Jim Dale  
Craig Durham  
Jamie Ellsworth  
Richard Eppink  
Deborah Ferguson  
John A. Finney  
Trudy Hanson Fouser

Dave Leroy  
H. James Magnuson  
John F. Magnuson  
William and Kathleen McCurdy  
Robert H. McQuade, Jr.  
Diane K. Minnich  
Michael C. Moore

Elizabeth “Libby” Smith  
Judge N. Randy Smith  
Richard Smith  
Charles A. “Skip” Smyser  
Jane Spencer  
Judge Kathryn A. Sticklen  
Erik Stidham

### ILHS 2015 MEMBERS

Amie L. Anderson  
Baxter Q. Andrews  
Ingrid Andrulis  
William Appleton  
Howard Belodoff  
Brook Bond  
J. Lynn Brooks  
Cameron Burke  
Judge Ronald E. Bush  
Judge Russ Comstock  
Cassandra Cooper  
James B. Crowe  
Chris Cuneo  
Judge Candy Dale

Laurie Litster Frost  
Jack Gjording  
John Glenn Hall  
Judge Timothy L. Hansen  
Joseph and Teresa Harbacheck  
Joel Hazel  
Judge Debra A. Heise  
Dana M. Herberholz  
Judge Mick Hodges  
Justice Joel D. Horton  
David Jensen  
James and Linda Judd  
Ron Kerl  
Debora K. Kristensen  
Pam Larsen

Katherine & Tom Moriarty  
Judge Terry L. Myers  
Christine Nicholas  
Nick L. Nielson  
Marcus W. Nye  
Judge Mike Oths  
Linda Pall  
Kelly Parker  
Jason Prince  
William S. Ramey  
Kimberly Evans Ross  
Lance Salladay  
Professor Richard Seamon  
Mahmood U. Sheikh  
J. Walter Sinclair

Laird B. Stone  
Thomas G. Walker  
Larry Westberg  
Bradley Williams  
Judge Mikel H. Williams  
John Wiltse  
Judge B. Lynn Winmill  
Judge Barry Wood  
William F. Yost  
John N. Zarian

## MEMORIAL CONTRIBUTIONS IN 2015

**Don Burnett** in memory of Richard C. Fields

**James B. Crowe** in memory of Scott W. Reed

**Judge Candy Dale and Jim Dale** in memory of Fritz and Elaine Wagahoff

**Craig Durham** in memory of Richard C. Fields

**Deborah Ferguson** in memory of Richard C. Fields

**Joel Hazel** in memory of Harry C. Hazel

**Judge Debra A. Heise** in memory of Jeffrey A. Jones

**David Leroy** in memory of Abraham Lincoln, the Lawyer

**William & Kathleen McCurdy** in memory of Judge Robert Brower

**Scott Reed** in memory of Margaret Reed Foundation

**Larry Westberg** in memory of Oral History



# IDAHO LEGAL HISTORY SOCIETY MEMBERSHIP

**Please join us** in preserving the legal history of Idaho for posterity. Annual membership and contributions advance the understanding and appreciation of our shared legal history.

- Annual Membership \$25
- 2-Year Membership \$45
- 5-Year Membership \$100
- 10-Year Membership \$200
- Lifetime Fellow \$500
- Other \$ \_\_\_\_\_

## IDAHO LEGAL HISTORY SOCIETY MISSION STATEMENT

To foster and promote public knowledge of, and interest in, Idaho's legal history;

To promote and encourage research of Idaho's legal history;

To collect and preserve records, relics, oral histories and other things of interest to Idaho's legal history, and to make the same accessible for public examination;

To encourage interest in Idaho's legal history through meetings, presentations, lectures and other public forums;

To procure or publish and distribute historical material for educational purposes, the proceeds of which, if any, are to be used exclusively for the express purposes of the Association.

Member Name: \_\_\_\_\_

Address: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Email: \_\_\_\_\_

Telephone: \_\_\_\_\_

- This is a Memorial Contribution

Contributed in memory of: \_\_\_\_\_

Contributed by: \_\_\_\_\_

**Please make check payable to:** Idaho Legal History Society

### Send to:

J. WALTER SINCLAIR

Holland & Hart, LLP

800 West Main Street, Suite 1750

Boise, ID 83701

[jwsinclair@hollandhart.com](mailto:jwsinclair@hollandhart.com)

[WWW.ID.USCOURTS.GOV/CLERKS/ILHS/WELCOME.CFM](http://WWW.ID.USCOURTS.GOV/CLERKS/ILHS/WELCOME.CFM)

*Membership contributions to the Idaho Legal History Society are tax deductible within the limits of the law.*

Idaho Legal History Society, 800 West Main Street, Suite 1300, Boise, Idaho 83701