

ALCOHOL ANGST

Greg Burton and Joe Baird

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It was a Sunday in 1887 and Joseph Smith Huntsman, a long-ago relative of Utah Gov. Mike Leavitt, was under suspicion of selling liquor to young men from Pine Valley.

Huntsman, bishop of the Gunlock Ward of the LDS Church, received a stern written reprimand from his ecclesiastical superiors and then resigned from the bishopric.

Somewhat taken aback, the Zion Stake leaders in southern Utah told Huntsman that if his former congregation agreed, he would be reinstated as bishop.

But, according to a Leavitt history compiled by genealogical scholar Lyman D. Pratt, "when it was put to vote, not a hand was raised in his favor, the people did not want him . . .

Huntsman left Gunlock on Jan. 9, 1888, and moved to southern Nevada, a state that decades later would be known as the sin capital of America. Utah, for its part, remains the home of the Saints, where the distribution of alcohol is still rigorously managed and those who run afoul of the liquor laws are harshly punished.

Utah's liquor laws haven't changed much in 114 years, critics contend, having never entirely shaken the cultural and political influence of The Church of Jesus Christ of Latter-day Saints. Despite decades of modest moves toward liberalization, the laws continue to drive a nettlesome social wedge through a state desperate to project harmony and hospitality during the 2002 Winter Olympics.

Utah's rigid control of alcohol, together with polygamy, has been a prime distraction for journalists visiting in preparation for February's start of the Salt Lake Games. Olympic guests should "leave their livers at home," proclaims a report in FHM, an international men's lifestyle magazine.

Still, it's not that Utah's liquor laws are the strictest in the nation or even the quirkiest -- there are 83 dry towns and villages in Alaska and in West Virginia bars can advertise liquor prices, but not brand names.

It's that in Utah, liquor is largely a symbolic battleground where "nondrinker" is a euphemism for Mormon and "drinker" a code word for everyone else.

"In my view, the liquor laws are probably the greatest source of religious discord in our community," says Salt Lake City Mayor Rocky Anderson, who ruffled establishment feathers when he suggested Utah loosen its liquor laws for the Olympics.

"In this state, the clearest source of resentment along religious lines comes from the guy who has to jump through a hoop just to buy a beer on a Friday night. Or from the person who can't buy a bottle of wine on a Sunday," Anderson says. "It's unfortunate, but true."

Mormons and Alcohol: The LDS Church rarely takes a direct public position on political issues, but swiftly reacted to Anderson's plea.

"The Church is deeply concerned about the moral, social and health costs directly associated with the consumption of alcohol," LDS Church leaders said. "The Church opposes the liberalization of Utah's state or local alcohol regulatory laws to accommodate the 2002 Winter Olympics."

Anderson's claim that alcohol pits Mormon against non-Mormon is wrong, says LDS Church spokesman Dale Bills. "Regardless of religious faith, all Utahns enjoy the public health and safety benefits of existing alcohol laws . . . Changes that erode measurable benefits of current laws will harm society, particularly vulnerable youth."

Oscar McConkie Jr., a political lobbyist for the church and partner in the LDS Church-retained law firm of Kirton McConkie, faults The Salt Lake Tribune -- long identified by its Catholic owners -- for fostering ill will among drinkers in the community.

"The controversy sells a lot of papers," McConkie says.

But John W. "Jack" Gallivan, publisher emeritus of The Tribune and longtime civic leader, calls such insinuations "ridiculous. Any news about liquor in Utah has always been self-generated."

The governor also takes aim at The Tribune. He blames the perception that alcohol is forbidden in Utah on the newspaper, which in the late 1960s sponsored a referendum in support of liquor-by-the-drink. The LDS Church, led by President Gordon B. Hinckley (then a member of the Quorum of the Twelve Apostles) opposed any change.

"Your newspaper owes a lot of its heritage to this issue," Leavitt says. "Community feelings toward alcohol are part of the cultural fabric, part of the diversity of Utah. Every community has different diversity issues and this is one that we have always had. It's one that has become symbolic."

Political Power: The liquor issue plays out differently in Utah than any other place because of two factors: the LDS Church's status as a political power in the state and the church's view of drinking as a sign of disobedience among members. While an estimated 70 percent of Utahns are at least nominally members of the LDS Church, 90 percent of Utah lawmakers, Leavitt, Attorney General Mark Shurtleff and all five justices on the Utah Supreme Court are Mormon.

"It's not so much the laws that are the problem, it's the way they are enforced," says Dan Darger, owner of the Dead Goat Saloon in downtown Salt Lake City. "All [Utah's liquor authorities] want is their pound of flesh. . . . They want to satisfy the brothers on the hill and the brothers on South Temple."

Although other communities in other states control or ban alcohol altogether, nowhere else is an entire system of state controls associated with the beliefs of a particular church or group. No one blames the Amish for Pennsylvania's strict liquor laws. The closest parallel might be an Islamic nation like Pakistan, which prohibits drinking among its Muslim population and closely monitors it among Christians and Hindus.

By contrast, Utah's liquor laws point to the dominance of the Mormon majority, who take abstinence as an act of faith and righteousness, not just health.

"I tell my children alcohol is a substance that they should avoid -- it's a personal choice," says Leavitt, who appoints commissioners to the state's five-member liquor control board. Currently, the board is comprised of four nondrinking Mormons, each well aware of LDS founder Joseph Smith's scriptural Word of Wisdom -- "Strong drinks are not for the belly."

"The position of the state toward liquor is . . . a reflection of the general will of the majority of people of this state," Leavitt says. "If that reflection ever changes, so will the law."

But there is more uneasiness about alcohol than unity among faithful Mormons, many of whom will never know the difference between a martini and a Manhattan or between Merlot and Mad Dog 20/20, a fortified wine.

Utah's laws are needlessly confusing, says Andrea Raush of Provo, who manages Gap stores in University Mall.

"As a Mormon, the liquor laws are embarrassing," she says. "They don't prevent anyone from drinking. There seems to be no reason for them."

Cammy Fuller, a Mormon who recently moved to Utah from Cambridge, Mass., says her non-Mormon friends who do drink "feel the laws are absurd. But I wonder if there aren't some non-Mormons who appreciate the laws, too."

Yes, You Can: Yes, you can get a drink in Utah.

Excluding beer with an alcohol content of 3.2 percent or less (which isn't regulated by the state and is available at most grocery stores) Utah sold 3.9 million gallons of heavy beer (greater than 3.2 percent), wine and distilled spirits last year, roughly 300,000 more gallons than in 1999. This year, Utah will sell even more.

In 2000, on \$138 million in total state liquor sales, Utah claimed \$28.7 million in profits, collected another \$7.4 million in sales tax and delivered another \$14 million in liquor taxes to the state school lunch program.

Leavitt, who acknowledged conducting some research before sitting for a recent interview, boasted that within an hour's reach of all the Winter Olympic venues "there will be 250 private clubs, more than 375 restaurants [that serve alcohol], 343 bars and 76 state liquor stores."

"There will be more places to buy a drink in this state by far than in Nagano [Japan, host of the 1998 Winter Olympics] and Lillhammer [Norway, host of the 1994 Winter Games] combined," he says. "So the idea that this isn't a place to buy alcohol is simply not true."

The misperception that Utah is dry, or almost dry, more likely stems from laws that restrict liquor advertising outside private clubs. For instance, it is against Utah law to advertise drink prices, liquor brands, to show a "drinking scene," promote happy hour, advertise free food, solicit private club memberships or to even tout a private club on a highway billboard. Restaurant owners are forbidden from furnishing wine and drink lists unless a customer asks.

In a federal lawsuit that has languished on state U.S. District Judge David Sam's desk for four years without a trial, Salt Lake City attorney Brian Barnard argues that most of Utah's alcohol ad bans violate free speech protections in the First Amendment.

On July 24, the 10th U.S. Circuit Court of Appeals ordered Sam to issue an injunction temporarily blocking enforcement of two of the state's advertising statutes until the lawsuit is resolved. The appeals court called Utah's "scheme of advertising regulation . . . irrational."

Reduce Temptation: Utah Department of Alcoholic Beverage Control Commissioner Larry Lunt, a former president of the LDS Church's Louisville, Ky., Mission, says Utah's advertising laws are designed both to protect the sensibilities of nondrinkers and to reduce temptation for the underaged.

"The official policy of the state of Utah is to not encourage the consumption of alcohol but to make it relatively available to those who want to drink," Lunt says. "The purpose is not to make it particularly easy."

Zeke Wigglesworth, travel editor for the San Jose Mercury News, put it this way: Utah has "some of the most misunderstood liquor laws in the country -- and [wants] to keep them that way. Those of us who have spent a lot of time in Utah know how to get a drink. It's a lot like cricket: easy to understand once you know the rules."

For a nominal fee, drinkers can join or buy a guest pass to a private club. Anyone over 21 can enter a tavern that sells 3.2 beer or order a drink in a licensed restaurant. And every day except Sunday, heavy beer, wine and hard liquor are available at one of 36 state liquor stores or 56 package agencies (state liquor stores operated inside a for-profit business).

"Sometimes I really wonder what's the big deal," says Frank Budd, an ex-police officer from California who joined the ABC Commission this year after a stint as Salt Lake Community College president.

"I've seen friendlier laws, sure," he says, "but I don't know that I would change the ones we have."

Former Iomega President Bruce Albertson and current AlphaGraphics chief executive Michael Witte would disagree. Both raised hackles this year by assailing Utah's liquor laws as a roadblock to greater economic development.

But are they?

Thayne Robson, director of the University of Utah's Bureau of Economic Research, is skeptical. If the state's alcohol statutes are such a drag on the economy, he asks, why did the state's growth mirror or exceed that of other western states in the past decade?

"We've grown right along with Colorado, Nevada and Idaho," Robson says. "I doubt anybody can offer any solid evidence on one side or the other. There are a lot of quality-of-life issues that do not affect the functioning of markets or the creation of wealth and income."

But liquor control certainly is a cross to bear for the state's tourist industry -- particularly for those trying to sell Salt Lake City as a preferred destination.

In charge of marketing Utah skiing nationally and internationally, Ski Utah Director Skip Pitou says the state routinely gets hammered by competitors -- particularly arch-rival Colorado -- over the liquor issue.

"It's not the reality so much as the perception," Pitou says. "People who live here and who have visited here know you can get a drink. But trying to sell Utah skiing to those that haven't been here, it's always the first question that gets asked. 'Can I get a drink? Is it any fun there?'"

Conversely, Dianne Binger, interim president of the Salt Lake Convention and Visitors Bureau, says she has never been flatly turned down by a prospective client because of the liquor issue. "It's never just one thing, it's a lot of things -- hotels, restaurants, shopping, service and the ambiance of a city all come into play."

At the same time, Binger acknowledges she must work harder than her convention competitors in Denver, Seattle and Portland because of the "perception" issue.

No Problem: Personifying this dilemma is Sheldon Metz, who scouts convention sites for the National Nutritional Foods Association. Based in Newport Beach, Calif., Metz loved his recent visit to Salt Lake City and had no great difficulty finding a cocktail. But he admits he had to be dragged here.

"I didn't want to come," he says. "The perception is that the town rolls up at 8 [p.m.]. But my sales rep was very persistent. Now I'm going to recommend Salt Lake City. I don't think our people will have any problem finding the bars."

For every Sheldon Metz, who came after having his arm twisted, there are uncounted others who will never consider Salt Lake City as a convention locale. And at least part of that is based on the state's bad rap because of the liquor laws.

"It doesn't help," says Salt Lake County Councilman Randy Horiuchi, who as a former county commissioner was active in selling the county-owned Salt Palace as a convention destination. "The unfortunate thing about this is perception does become reality. . . . People who come here, do find you can get a drink. But it's a big hurdle you have to jump."

Of the late J. Willard Marriott's vast network of hotels and restaurants, where alcohol is readily available despite Marriott's LDS credentials, President Richard Nixon once said: "They don't drink the stuff, but they sure make a lot of money selling it."

Romney Dilemma: Nixon would probably appreciate Olympic czar Willard Mitt Romney's current dilemma. After taking over the reins at the Salt Lake Organizing Committee, Romney stepped firmly into Utah's liquor law quagmire, challenging Anderson over the mayor's urging that beer be served at the Winter Olympic medals plaza, a parcel donated by the LDS Church for the Games.

Romney, a Mormon who is named after family friend Marriott, later helped convince Provo to allow Budweiser, a huge financial supporter of SLOC and the Olympics, to sell beer at The Peaks, a venue for the men's quarterfinal hockey matches.

The debate renewed calls for Utah to overhaul its liquor laws. Advocates for the status quo, however, point out the laws have been rewritten at least twice in recent years.

"How quickly we forget how vast the changes were -- it was a quantum leap," says Earl Dorius, a former assistant Utah attorney general who manages the compliance division at the Department of Alcoholic Beverage Control.

Prior to 1969, patrons were forced to store their liquor -- purchased from the state -- in a locked cupboard at their favorite watering hole. The creation of private clubs that same year eliminated the so-called "brown bag" dispensary, but gave rise to another Utah peculiarity: the mini-bottle.

After 1990, the 1.7-ounce minis were replaced with automatic 1-ounce liquor dispensers at private clubs and restaurants. And, for the first time, restaurant patrons could be served cocktails and wine with a meal.

Further modifications are inevitable.

Dorius admits Utah's private club law is often ignored, by patrons and clubs, and at times is ineffective.

But proposals for wholesale revisions aren't likely to be heard anytime soon on Capitol Hill.

"People who use alcoholic beverages are able to figure out how to get a drink," says Sen. D. Edgar Allen, an Ogden Democrat. "The point that is missed in all this discussion is that the liquor laws are a really positive thing. That people of all faiths are attracted to this culture because of the laws. There are a lot of people who would want to raise their children in this environment."

There are also a lot of children who move away as adults for the same reason, Anderson says. "We don't have to be this obsessive about alcohol."

Tribune reporter Peggy Fletcher Stack contributed to this story.
gburton@sltrib.com jbaire@sltrib.com and pstack @sltrib.com