

Grandma Fights the City

Clara Esplin Spencer was tough. Most people in the small southern Utah town of Kanab realized that. But in 1948, Kanab city fathers picked a fight with my grandmother anyway. That was a battle they lost.

After her husband died in 1933, Clara set to work farming. To her and her children, their 116 acres in Kanab meant everything. For 14 years, the family squeezed a living from the ranch. But it was in May 1947 that Clara learned just how valuable her land was. That's when the city decided to build an airport.

Clara agreed to sell for \$100 an acre. She knew that's how much the Kanab Airport Authority had paid when they bought nearby private land from city officials.

Airport bosses, however, had other plans. They offered the widow Spencer just \$25 an acre. Or else, they threatened, they would condemn the land and she would get nothing.

What the city's good old boys didn't bargain on was the strength of Grandma Clara. She was the kind of woman who knew a little about a lot of subjects. When she taught summer school, she taught her students to garden and then trained them

to sell the fresh vegetables to travelers. With the garden, Clara taught investing, accounting, mathematics and inventory control. "We should be taking care of things," she liked to say. And like other local women, Clara thought the good old boys sometimes let things get out of control.

She wasn't the first to question city leaders. Back in 1912, voters had elected not only a female mayor but an all-female city council. Local historians credit Kanab as the first equal-opportunity political city in the country.

And the way some people remember history, it only took the women politicians one term to get Kanab straightened out. Clara had the legacy of these strong women to draw upon when she and two other widows decided to fight a condemnation suit.

The city hired a big-gun law firm: Cedar City's Morris and Matheson—Matheson as in Scott, Sr., a lawyer who became governor and whose son now acts as the U.S. Attorney for Utah. During a preliminary hearing, the mayor testified that the airport was backed by the Lions Club and 80 percent of Kanab residents. It looked as

if the whole town was lining up against her, so Clara filed to have the lawsuit transferred to another court. That motion was denied.

Local politicians were confident about the outcome of the trial. They were so confident, in fact, that in June 1948, two months before the trial was scheduled, city officials tore up Clara's ranch and built a landing strip.

Once the battle lines were drawn, Clara called home her eight children. One son left Los Angeles and a three-day-old marriage to drive home to Kanab. Another son, Loren, arrived from Fillmore.

The trial judge was John L. Sevy, Jr., an old friend of Clara's from her college days at Brigham Young Academy. After the first morning session, Clara invited him to her house for lunch. As the two friends left the courthouse, questions flew: Wasn't that a conflict of interest? "Not as far as I'm concerned," the judge replied. "The trial will go on."

The first legal hurdle was finding a jury. Clara was one of nine children of a polygamous father; her father's other wife had 12 children. Now that those children had had children, there was little



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chance of finding jurors in the small town of Kanab who weren't either related to Clara or friends of hers.

The court tried looking for jurors in the nearby town of Orderville, but the problem remained. Clara had been a schoolteacher there, so most prospective jurors were former students. Finally, some apparently impartial lumberjacks from Cedar Mountain were enlisted to serve on the jury, and the trial began in August 1948.

Lawyers for the airport claimed the Spencer land was useless for farming. A telephone company employee testified that he had dug a hole for a telephone pole and the hole immediately filled with water. Thus, he alleged, the water table was too high to grow alfalfa and wheat. The land had never produced anything, and so it was worth only \$25 per acre, a generous offer, the city's lawyers claimed.

When the Spencers offered their defense, the telephone company employee was forced to admit that his story wasn't quite complete. In fact, he now

recalled, the hole had been dug in the bank of an irrigation ditch when it was flowing with water. Since the pole was still planted there, he couldn't deny the location. A couple of jury members were heard snickering.

As for the claim about the productivity of the land, Clara offered home-grown evidence. There was a picture of Loren harvesting wheat as a teenager; then there was an even bigger exhibit: his seven healthy brothers and sisters, all raised on food harvested from Spencer land. That display sparked more snickers as the jury retired to decide the case.

In the end, deliberations took less than an hour. William Heaton, the jury foreman, delivered the unanimous verdict: Clara's colleagues received \$100 per acre for their land; Clara was awarded \$100 per acre, plus damages. While the judgment appeared to have been an easy decision, it wasn't universally popular. One juror recalls being spat upon as he filed out of the courtroom.

The award of damages complicated Clara's claim. After all, an airport now

operated down the middle of her ranch, which made it difficult to calculate the economic value of the Spencers' land. To cross their property meant ducking airplanes; to move irrigation water from one side to the other would require digging a new ditch. Clara's award was figured at \$8,593.10.

Officials asked her to wait for payment. "Clara, you know we can't pay you that much money," said Kanab Mayor George "Doc" Aiken. "You'll have to wait and we'll pay you as we go."

"No, George," my grandmother replied. "You started this and I'll take my money now." When Clara refused to wait, the city was forced to hold a special bond election to pay her. The motion passed easily.

Doc Aiken, now in his late 90s and a local legend, says the fuss didn't end with the legal decision but stretched on for two decades. City fathers asked Arizona Air Force officials for a military visit to celebrate the airport's opening, but the commander proclaimed the new runway too [CONTINUED ON PAGE 101]

small for military planes.

Then city fathers discovered that wind currents shifted at noon every day, from north-south to east-west. That shift made it difficult for planes to land on the north-to-south-facing runway, so another, smaller strip was built, this one running east-west.

“By then we had a new mayor,” Doc Aiken recalls, “and he was still so angry over the whole thing he refused to pay the bill. I was on the county commission by that time, so we paid it out of county funds. This made the mayor hopping mad, so the council called the state attorney general down to Kanab to see if he could put someone in jail. [The attorney general] stayed a few days, talked to everyone and then left, saying, ‘A law has been broken here somewhere, but I can’t find it.’”

More than 45 years later, an airport still operates on Clara Spencer’s ranch. But the biggest thing my grandmother left behind is a family story about one woman who was determined enough to fight an entire town. ■