

# **SOMETHING IN THE WATER**

## **Brainerd's Water Fluoridation Battle**

Paul Nelson

# **IN MEMORIUM**

## **FREEDOM**

Born in Philadelphia, Pa.

**1776**

Died in Brainerd, MN.

**FEB. 7, 1980**

Killed by Order of the  
Police State of MN.



**A**S WORKERS at Brainerd Power and Light injected a jolt of sodium fluoride into the city's drinking water on February 7, 1980, an onlooker shouted, "That's not fluoride, that's cyanide!" Brainerd, alone among Minnesota towns and cities, had fought a 10-year battle against a state law requiring fluoridation. Now the fight seemed lost.<sup>1</sup>

Battles to fluoridate or not to fluoridate had a long history, locally and nationally. By 1937, dental researchers had determined that fluoride had a remarkable (and mysterious) power to reduce cavities, especially in children's teeth. Public health officials took note. Major studies using fluoride in public water supplies in Michigan and New York produced cavity reduction of 60 percent or more. By the late 1940s, water fluoridation as a public health measure policy had begun to spread across the United States.<sup>2</sup>

Fluoridation in Minnesota expanded in the 1950s, community by community. Fairmont and Red Lake Falls took the lead, voluntarily adding fluoride to their water supplies in early 1951. St. Paul followed in 1952. Minneapolis, after a five-year fight, came aboard in 1957. By 1960, about half of Minnesotans (nearly 1.2 million) drank fluoridated water, with 67 municipal water supplies enrolled.<sup>3</sup>

Wisconsin became the first state to embrace fluoridation widely and without a state mandate, in the late 1940s, but the movement hit a boulder in Stevens Point—like Brainerd, a regional center proud of its pure water supply. When it came to a vote in Stevens Point in 1952 fluoridation lost, 3,705–2,166. What happened

there is what would happen in Brainerd, though at first it seemed the northern Minnesota city would be an early adopter. "Council Approves of Fluoridation Project" proclaimed the *Brainerd Daily Dispatch* on February 5, 1952. The city council's water and light committee noted, "no objections to fluoridation had been received." But no action was taken. Two years passed.<sup>4</sup>

On February 1, 1954, some citizens of Brainerd petitioned the city council to hold a fluoridation referendum. This thrust Brainerd into a political pattern that would be replicated myriad times around the country.<sup>5</sup>

The early chronicler of fluoridation, Donald McNeil, observed in 1957: "By 1953, the battle lines were drawn." Fluoridation efforts had three phases: (1) earnest importuning by dentists, physicians, and like-minded people, who accepted the consensus view that fluoridated water was good for teeth and otherwise harmless; (2) well-organized and emotionally



*Brainerd's leading fluoridation advocate, dentist Jack Echternacht.*

petition bearing 4,363 signatures (in a city of 12,000), and the city council got the message: it referred the question to the board of the municipal utility provider, Brainerd Power and

**"Harmless and good for kids!" wrote the proponents. "Poison and stealing our freedoms!" wrote the opponents.**

charged resistance, mostly from people not part of the city's professional classes; (3) elected officials leading from behind.<sup>6</sup>

The people of Brainerd dutifully performed their roles in the drama. Good-government types, led in some measure by dentist Jack Echternacht, brought their pro-fluoride petition. Letters on both sides of the issue filled the pages of the *Brainerd Daily Dispatch*. "Harmless and good for kids!" wrote the proponents. "Poison and stealing our freedoms!" wrote the opponents. Opponents delivered a

Light, "with a recommendation that the vote on fluoridation be postponed permanently." Seven years passed.<sup>7</sup>

This small-scale struggle took place against a backdrop of an attack on the teeth of America's children by the nation's breakfast cereal industry. Post's Sugar Crisp debuted in 1949. "Eat it like candy!" advised the first newspaper ads, and Americans complied. Sugar Crisp boosted Post's share of the breakfast cereal market from 19 percent to 25 percent. Post backed that up with a sugared rice cereal, Krinkles, in 1950.<sup>8</sup>

FACING: Anti-fluoridation forces took out this ad in the *Brainerd Daily Dispatch*, May 11, 1980.



*The NEW Cereal that has **EVERYTHING!***

# Post's SUGAR CRISP

**FOR BREAKFAST IT'S DANDY!**

Fluffy Puffed Wheat with a special honey flavored coating toasted on—so sweet you don't need to add sugar. Just pour on the milk or cream and watch the whole family go for this "honey" of a new cereal.

**IT'S A HONEY OF A TREAT YOU'LL EAT AND EAT!**

**FOR SNACKS IT'S SO HANDY!**

So quick, so easy. Perfect for 'tween meal, after-school or bedtime snacks. It's good for kids too—wholesome wheat for nourishment, the special honey and sugar coating for flavor, plus quick energy.

**OR EAT IT LIKE CANDY!**

It's fun to eat right out of the bag. It's so sweet and crisp you'll keep on nibbling and nibbling. You just can't leave it alone. Put Post's Sugar Crisp on your grocery list now. It's the new cereal that has everything!

**NEW! DELICIOUS! no sugar needed**

**Post's SUGAR CRISP**

Puffed Wheat... coated with Sugar and Honey

**FOR BREAKFAST IT'S DANDY— OR EAT IT LIKE CANDY!**

A Product of General Foods

Kellogg's responded with Sugar Pops, also in 1950. The company was owned by the W. H. Kellogg Foundation, which was ostensibly dedicated to children's well-being. But scruples could not compete with market share. Kellogg's Frosted Flakes appeared in 1952, Sugar Smacks in 1953; and then, to make children's breakfast tables even more of a candy land, Cocoa Krispies in 1958. Minnesota's own General Mills initially held back due to nutritional doubts, but not for long: Sugar Smiles came out in 1953, followed by Sugar Jets, Trix, and Cocoa Puffs, all offered by 1956 to America's millions of baby boomers.

The executives of these companies knew that sugar causes cavities and that children's teeth were especially vulnerable. But never mind: profit is profit. Sugared cereals were followed by the debut of another product, fluoride toothpaste. Crest, "with stannous fluoride," was introduced nationally in early 1956. "Triumph Over Tooth Decay," promised the newspaper ads. The logical next step, fluoridated cereal, almost happened: Post produced prototypes in 1950 and 1967, but none made it to market.<sup>9</sup>

One might call the situation grotesque. Dental caries (tooth decay) is readily preventable at no cost—retire the sugar bowl, banish the Sugar Pops. But in the 1940s and '50s, that was not the American way. Instead, the nation saw one industry, breakfast cereals, spending and reaping vast sums to promote tooth decay, and another, the toothpaste business, spending and reaping vast sums to fight it. Water fluoridation represented a third, civic front of the tooth wars.

In late spring 1961, fluoridation reappeared as a political issue in Brainerd. On June 5 the Brainerd Lions, Kiwanis, Rotary, and other

Newspaper ad, Minneapolis Star, June 8, 1950.



Now—1956—Procter & Gamble proudly announces...

# TRIUMPH OVER TOOTH DECAY

**Crest Toothpaste with Fluoristan —  
strengthens tooth enamel to lock out decay from within**

Fluoristan is Procter & Gamble's exclusive fluoride compound—far superior to fluoride alone



**Miracle of the Towns Without Tooth-aches.** For years, children growing up in certain Western towns were virtually without cavities. Then science learned why: nature's decay-preventive, fluoride, was present in their drinking water!



**Science Long Tried to Capture Fluoride.**—only medically approved preventive of decay—is a toothpaste. At last, university scientists and Procter & Gamble found the answer: Fluoristan, exclusive fluoride compound, far superior to fluoride alone.



**Fluoristan Makes Possible Crest**—world's greatest weapon against tooth decay. Unless you get Fluoristan, you cannot get maximum protection against tooth decay with a toothpaste. Protects permanent teeth of adults and of children, big and over.



**Dentists Tested Crest** for three years, on 5,873 people. Crest set records of decay prevention never equaled by any other toothpaste. And Crest blocks out bad breath as it locks out decay... helps keep teeth white. You'll love refreshing Crest!

## IMPORTANT

Crest with Fluoristan is the only toothpaste ever developed that makes possible a major reduction in tooth decay, for people of all ages. Thereby, Crest marks the turning point in man's age-old struggle against this almost universal disease.

Instead of waiting helplessly for cavities to strike, Crest now makes it possible for you to build strong defenses against decay within teeth themselves... to actually fortify teeth so that they turn back the destructive attacks of decay (as opposed to the old-fashioned method of depositing a temporary coating of protection on the surface of teeth). With Crest, your family approaches the long dreamed-of day of healthy, decay-free teeth.



WORLD'S GREATEST WEAPON AGAINST TOOTH DECAY

Newspaper ad, Minneapolis Star,  
January 31, 1965.

of dire consequences. Political candidates for Brainerd's mayor and city council mostly avoided the issue.<sup>11</sup>

The pro-fluoride position relied on appeals to good government, mainstream science, and institutions of conventional authority, including the American Dental Association. Dentist Echternacht, Brainerd's leading fluoridation advocate, pointed to the ever-growing pile of studies showing the benefits of fluoridation: effective reduction of cavities, especially in children, and lower dental bills, all accomplished with no effort and at pennies per person. It was the argument that appealed to the brain—but not the gut.

The antis had the gut. They marshaled their own raft of studies, mostly disdained by mainstream medicine, showing that fluoride caused cancer, allergies, and mental retardation. But opposition did not rest on fear alone. There was resentment too: resentment of elites telling the people of Brainerd what to do, and resentment of government overreach. Tooth decay, after all, was not a communicable disease like smallpox, or a deadly disease at all. It was mainly a disease of lifestyle choice. People in Brainerd were proud of their pure, unchlorinated well water. Why should they be forced to change what was seemingly perfect?

Fear, resentment, and local pride were gut issues, and in referendums emotion often prevails over reason. The citizens of Brainerd went to the polls on December 6, 1961. The vote wasn't close: 1,427 voted yes to fluoridate municipal water; 2,846 voted no. The *Daily Dispatch* expressed the (vain) hope that the vote would settle the issue once and for all.<sup>12</sup>

And so it might have been but for a dentist from Hibbing and his

good-government clubs asked the city council to add an advisory fluoridation referendum to the next city election. The council agreed to do so. This was a petition the pro-fluoride people would come to regret.<sup>10</sup>

As the vote neared, the *Brainerd Daily Dispatch* received a torrent of letters. These mostly rehashed the points made in 1954. By now the debate had been replayed dozens of times around the country; there

was not much new to say. The two sides drew on their national networks of advocates, trading detailed assessments and defenses of epidemiological data, much of which must have gone over the heads of most readers and voters. President Dwight Eisenhower's personal physician, Dr. Howard Snyder, wrote to testify to Ike's belief in fluoride. The antis' leading physician, Dr. George Waldbott of Michigan, chipped in with assertions

colleagues in the Minnesota Legislature. On February 19, 1967, Senator Rudolph G. Perpich—the dentist from Hibbing—introduced a bill to require every municipal water supply in the state to add fluoride by January 1, 1970. This bill marched through the legislature without much notice or controversy and became law on May 23, 1967.<sup>13</sup>

## Brainerd ignores state law

Brainerdites who drank water on January 1, 1970, noticed no difference in its taste—not because fluoride in concentrations that the law mandated (one part per million) is tasteless, but because nothing about Brainerd's water changed that day. The reaction of Brainerd's elected officials to Minnesota Statute 145.45 was to ignore it.

It was not that city leaders had forgotten about the deadline. Instead, on July 7, 1969, a brash young lawyer—Brainerd native Winston Borden—appeared before the city council carrying a petition with 1,800 signatures opposing fluoridation. He advised city leadership not to worry about the state's deadline. Someone is sure to challenge the statute in court, Borden said, and it will almost certainly be ruled unconstitutional. Borden turned out to be right about the first prediction, and wildly, recklessly wrong about the second. No state supreme court in the country had (or ever would) rule against fluoridation on constitutional grounds. Borden was not quite 26 years old and had been out of law school for one year.<sup>14</sup>

The council had another convenient justification for inaction, its preferred policy. Under the city charter, direct authority over the water supply lay with the water and light utility. As City Attorney Dwane A. Larson drily pointed out at the July 7 city council meeting, the utility



Rudy Perpich, 1963.

was in no hurry to fluoridate. What more could a public body facing an unpopular decision want? At the same meeting it had heard the problem was going to disappear and that, moreover, it was somebody else's responsibility.

And so, for two more years, the taint of fluoride did not sully Brainerd's water. Something—a letter, perhaps, from the state board of health—occurred in early 1972, because on April 28 of that year Brainerd Power and Light installed the equipment necessary to implement fluoridation. But before the fluoride could flow, the lawyers got involved.

On April 25, 1972, Minnesotans Opposed to Forced Fluoridation (MOFF), a citizens group led by Irene Johnson, commenced a lawsuit against the state's commissioner of public health, Warren Lawson, to prevent enforcement of the law. Here, and here only, Winston Borden proved to be right. The Brainerd City Council, again following events rather than leading them, voted to delay fluoridation pending resolution of the case.

The lawsuit challenged the fluoridation statute on three



Winston Borden, 1975.

grounds—violation of the equal protection and due process clauses of the US Constitution; violation of the right of privacy declared in the US Supreme Court case *Griswold v. Connecticut* (1965) and soon to be expanded in *Roe v. Wade* (1973); and Minnesota's Environmental Rights Act (1971).<sup>15</sup>

The case came for trial before Judge Gordon McRae of Crow Wing County district court in December 1972, with more testimony given in May 1973. It was a battle of expert witnesses, the key one being George Waldbott of Michigan, who was making a second career of testifying that fluoride caused cancer and countless other bodily catastrophes. On August 30, 1973, Judge McRae dismissed all MOFF's factual claims and legal arguments. MOFF did not appeal.<sup>16</sup>

The State of Minnesota moved next, in April 1974, by seeking a writ of mandamus against the city's mayor, city council members, and officers of Brainerd Power and Light. A writ of mandamus is a rarely used court order directing a public official to carry out a specific duty. What defenses could the Brainerd officials have? At this moment, a new figure—another brash young





# DON'T LET THEM FORCE FLUORIDATION DOWN YOUR THROAT !

**MINNESOTANS OPPOSED TO FORCED FLUORIDATION, INC.**

*A bumper sticker from Brainerd's anti-fluoridation citizen's group, whose name was shortened to MOFF.*

lawyer—appeared on the scene, one who would, along with Irene Johnson, dominate the controversy for another 10 years or more.

John Remington Graham had been born and raised in Brainerd and been a top wrestler and musician in high school. He majored in philosophy at the University of Minnesota, whose law school he also attended. After graduation, he maintained a private practice in Minneapolis. In the early 1970s Graham helped found the Midwest School of Law, a predecessor of Mitchell Hamline School of Law in St. Paul. Brainerd mayor Tom O'Brien was a longtime family friend of Graham's, so when O'Brien called for help defending the city against the writ of mandamus, Graham said yes.<sup>17</sup>

Brainerd's legal predicament was dire. The conventional defense—public officials need not comply with an unconstitutional statute—seemed to be gone, already decided in the MOFF case. But the man and the hour had met. Graham abounded in legal imagination, and the case soon took a turn no one could have predicted.

In college, Graham, a Civil War enthusiast, had imbibed the constitutional nullification theories of South Carolina's John C. Calhoun (1782–1850), which, as we will see,

provided Graham with a novel strategy. He persuaded Brainerd's city council to hold another referendum, which took place on July 3, 1974. This one presented the voters with two yes-or-no questions: Should Brainerd fluoridate its water? Should it appoint a Convention of the People, consisting of the mayor and city council, to declare invalid Minnesota Statute 145.45? The Convention of the People was Graham's adaptation of a Calhounian concept.

tional for the same reasons offered in the MOFF case: The US Constitution forbids government to take "life, liberty, or property, without due process of law," and state-mandated fluoride in drinking water kills people. Brainerd's Convention of the People had nullified the fluoridation statute so far as Brainerd was concerned. This is where John C. Calhoun's theory of nullification came in. The people, the source of all political authority, are sovereign. The people had created

**"The issue today is liberty, not fluoride.  
I disagree thoroughly with letting  
the elite tell us what to do."**

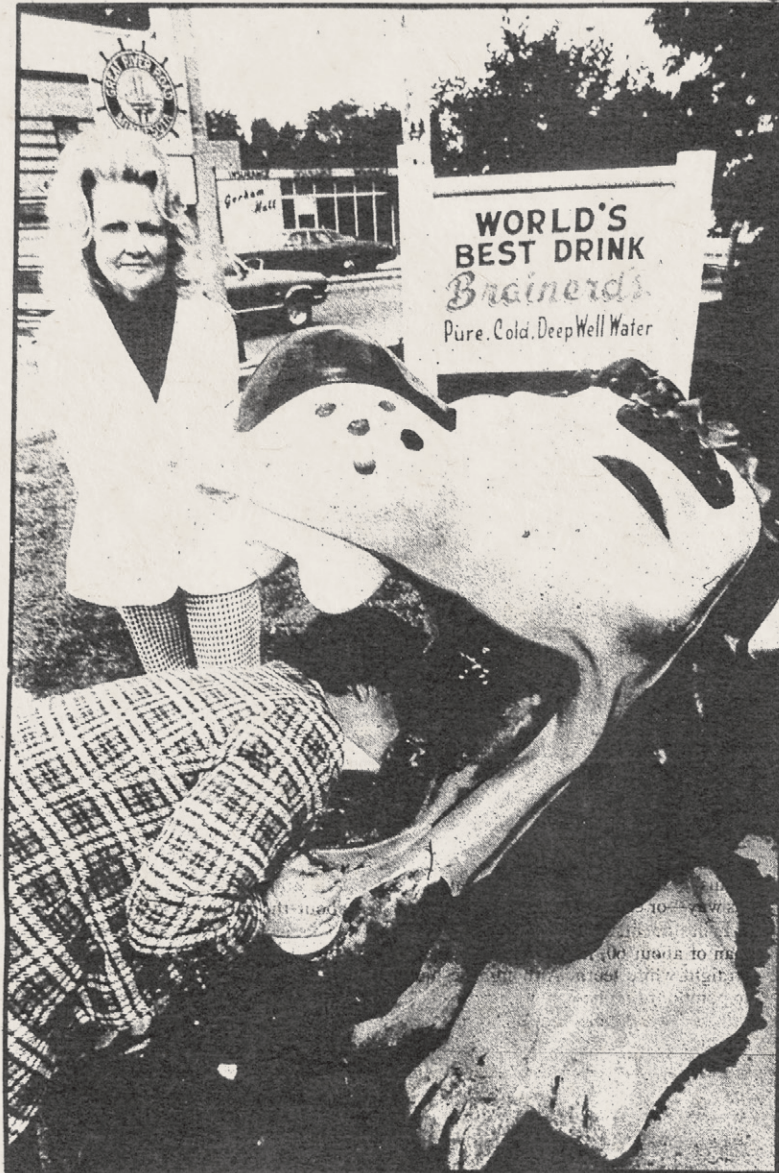
The vote resulted in a resounding No on the first question (1,863–199) and Yes on the second (1,697–325). The Convention of the People met two days after the referendum was held and declared Minnesota's fluoridation statute invalid in Brainerd. Said Mayor O'Brien, "The issue today is liberty, not fluoride. I disagree thoroughly with letting the elite tell us what to do."<sup>18</sup>

Graham then laid out his plan for Brainerd's legal defenses. Minnesota's fluoridation statute was unconstitu-

their state governments. Therefore, as historian William Freehling phrased it, "The people, in unlimited constitution-making convention assembled, had the right to transfer their state's consent to be governed to another limited agency."<sup>19</sup>

Graham took this a giant leap further: the people of Brainerd, in convention assembled, had the right to withdraw their consent to be governed by the State of Minnesota on this particular issue. This way of thinking was reflected in the

## Brainerd is fighting flouride and communism—and winning



MOFF leader Irene Johnson poses with attorney Jack Graham at a Brainerd fountain, 1977.

title, the Convention of the People, and the language of the resolution: "And therefore this Convention doth explicitly and peremptorily declare by the sovereign power of our society which no climate, no time, no constitution, and no contact can ever destroy, that Minnesota's fluoridation statute was void in Brainerd." This was the theory Graham argued to the

court. On the face of it, his theory looks nutty.<sup>20</sup>

But it wasn't—a little extraterrestrial by conventional legal standards, yes, but calculated. Because of the MOFF case, the next court to hear the case could have declared the issues *res judicata*, that is, already decided. But Brainerd's strategy all along was to delay, then hope for changes in



John Remington "Jack" Graham.

circumstance somewhere—in public opinion, in scientific findings, in the legislature. Time could be bought only by keeping the case alive, and to do so required distinguishing this case from the MOFF case. Adding a new issue—nullification—was one way to try to do that. Delay.

The next legal round came to Crow Wing County district court judge James Preece of Bemidji, in the fall of 1974. On December 5 he dismissed—as Judge McRae had done—all of Brainerd's arguments and issued the writ of mandamus: the city council must obey the law. Brainerd's city officials now faced fines and even jail if they failed to implement fluoridation. But lawyer Graham bought time—more than a year, as it turned out—by appealing to the Minnesota Supreme Court.

On March 26, 1976, the Minnesota Supreme Court rejected all of Brainerd's defenses: "The Minnesota Legislature has determined that the health, welfare, and safety of the public is best served by providing fluoride through the public drinking water. While we have great respect for the strong and sincerely held opinion of many of the citizens of Brainerd, . . .



it is not this court's function, absent a clear violation of constitutional rights, to reconsider the wisdom or necessity of a legislative decision." The opinion did not mention nullification. When the US Supreme Court declined to hear the case on October 4 of that year, Brainerd had exhausted its legal remedies. The fluoride soon must flow, or so it seemed.<sup>21</sup>

But two months later Graham returned to court, seeking to reopen the case based on "newly discovered evidence." Judge Preece, perhaps surprised to be back on the case, held a hearing in Brainerd on December 9, 1976. The following March, he rejected the city's request to reopen the case: the "new evidence" wasn't new at all—it was the same evidence, by the same anti-fluoridation proponents, that had been touted since the early 1950s. The City of Brainerd appealed this decision. The case was headed back to the Minnesota Supreme Court when the Minnesota Legislature stepped in.<sup>22</sup>

## Perpich steps in

The day before Judge Preece's decision, Brainerd mayor (and former Minnesota governor) C. Elmer Anderson received a letter from now-governor Rudy Perpich, who wrote: "I will support legislation changing the fluoridation law under the following condition: A municipality must fluoridate its water supply until a referendum is held and the public votes against fluoridation." This was an astounding turnabout from the dentist who had sponsored the 1967 mandatory fluoridation statute. If Perpich's position prevailed, the way was clear for Brainerd's anti-fluoride forces to turn their six-plus years of delay into victory.<sup>23</sup>

But Perpich did not carry the day. During the end-of-legislative-session scrum, Brainerd's representatives



*Crow Wing County Courthouse, site of multiple skirmishes in the fluoride battle.*

in St. Paul, Winston Borden (elected to the senate at age 27 in 1970, 14 months after his misguided presentation to the Brainerd City Council) and Representative Don Samuelson, succeeded only in passing a measure giving Brainerd a two-year moratorium on treating its water. This

The governor's commission reviewed thousands of pages of data and took two days of testimony in October 1977. Dr. Waldbott was back, along with anti-fluoridation's other national star witnesses, Dr. John Yiamouyiannis and Dr. Dean Burk, who insisted that fluoride was respon-

**"The Commission finds that the claims that fluoride is allergenic, mutagenic, or carcinogenic are not supported by the preponderance of available scientific data."**

bought Brainerd time until July 1, 1979. Meanwhile, a governor's commission would study the safety issue. Though this fell short of total victory, it was a remarkable turn of events, possible only because of the delays engineered in the courts by John Graham: Brainerd's lawyers and expert witnesses had made their case to Judge McRae, and lost; then to Judge Preece, and lost; been reviewed by the Minnesota Supreme Court, and lost; and gone back to Judge Preece, and lost again. And yet they still had not lost.<sup>24</sup>

sible for tens of thousands of cancer deaths. And just as almost every court around the country had done, the governor's commission rejected such testimony in favor of mainstream science: "the Commission finds that the claims that fluoride is allergenic, mutagenic, or carcinogenic are not supported by the preponderance of available scientific data." Another defeat for Brainerd's forces of fluoride resistance. But Brainerd still had 18 months before Judge Preece's stay of the writ of mandamus would expire on July 1, 1979.<sup>25</sup>



In the spring of 1979, Graham filed yet another lawsuit, this time in Minnesota's federal district court. Normally questions of state law must be heard in state courts. Federal courts may get involved only in circumstances set by Congress, one of them being when a "substantial federal question," such as a violation of the US Constitution, or an Act of Congress, is presented. In this case, the imaginative Graham chose the Civil Rights Act of 1871 as the federal statute that would get his case into federal court.

Section 1983 of that act provides in relevant part: "Every person who, under color of any statute . . . subjects . . . any citizen of the United States . . . to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws . . . shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress."

It is not hard to see what Graham was getting at by invoking the Civil Rights Act, passed to protect the rights of enslaved people emancipated by the Civil War; namely, that Governor Al Quie (who succeeded Perpich in 1979) and other Minnesota officials, under color of state law, were acting to deprive the people of Brainerd of their rights to life by demanding that a lethal chemical be added to their water.<sup>26</sup>

The case came before federal district court judge Donald Alsop on June 15, 1979. Alsop, a native of Duluth and graduate of the University of Minnesota Law School, was a Republican appointed to the bench by Richard Nixon in 1974. His clear, concise (10-page) summary of the case concluded, "It is simply too late for the plaintiffs to now attempt to litigate their claims through the federal court system. Plaintiffs have exhausted their appeals without success and have no cause of action



*Brainerd mayor (and former Minnesota governor) C. Elmer Anderson, ca. 1960.*

to review those decisions under the Civil Rights Act." Alsop dismissed the lawsuit on June 28, 1979, three days before the July 1 deadline. Now, nine and one-half years after the original fluoridation deadline of January 1, 1970, Brainerd's time REALLY seemed to be running out. Graham called Alsop's ruling "hypertechnical gobbledygook."<sup>27</sup>

When the Brainerd City Council met on July 2, it is probably safe to say that tensions ran high. City Attorney Dwane Larson told the council members that their options had been narrowed to two: authorize fluoridation or face contempt of court—daily fines of \$250 and possible jail time. Jack Graham urged them not to give in, saying that another lawsuit was possible and no court would hold them in contempt while they pursued legal action. He also told the council that, in his view, health commissioner Dr. George Pettersen was guilty of medical malpractice and genocide for pursuing fluoridation. The council then voted 5–2 against fluoridation. City Attorney Larson informed the five that, in the event of a contempt

citation, he would not represent them in court, nor would Brainerd pay their fines. They were on their own. The table had been set for a climax.<sup>28</sup>

State health commissioner Pettersen waited a week, then moved on August 9 to have Brainerd's mayor, the five city council resisters, and the administrators of its power and light authority held in contempt. Judge Preece, perhaps in an act of self-mercy, recused himself from the case. The Minnesota Supreme Court then appointed Ramsey County district judge Harold Schultz, a down-to-earth, lifelong St. Paul East Sider (his father had worked as a watchman in a foundry), to take over. Schultz had served in the navy during World War II, including at Omaha Beach on D-Day. He had also served in the Minnesota Senate from 1951 to 1963, when Governor Karl Rolvaag appointed him as a judge.<sup>29</sup>

On October 12, 1979, Judge Schultz drove to Brainerd for a public hearing. He introduced himself to the defendants and the large public that was gathered in the Crow Wing County Courthouse as a veteran judge of 16 years, who, from his years in the



*State senator Don Samuelson.*

legislature, knew Mayor Anderson well. Schultz told his audience that he liked Brainerd and knew it well; two of his grandchildren lived there. After the four lawyers involved in the case spoke, Schultz got to the point. The five resisters had no legal basis to continue holding out. He gave them until noon on October 19 to take the appropriate action or face the consequences.<sup>30</sup>

The city council met on the morning of October 19. Mayor Anderson urged the members to “face reality.” City Attorney Larson told them it was their duty to obey the law. They disagreed. As the *Brainerd Daily Dispatch* reported, “The council’s decision not to act on the fluoridation matter was greeted with enthusiasm by members of Minnesotans Opposed to Forced Fluoridation who filled the council chambers last night. They expressed their satisfaction with a chorus of ‘My Country Tis of Thee.’” Reached by telephone in St. Paul, Judge Schultz told a *Daily Dispatch* reporter that he was appalled. “There is no valid ground by which they can defy this



Judge Harold Schultz.

argued, the United Nations Charter forbade genocide, and fluoridation—poison in drinking water—equaled genocide. The third defense he gave was “full faith and credit,” based on Article IV of the US Constitution, which requires every state to honor the laws and judicial decrees of other states. A judge in Pittsburgh

**“The people of Brainerd do not feel they are in violation of a law. They are challenging a bad law.”**

court order.” He ordered the five resisters to appear before him on October 23.<sup>31</sup>

On that day, the Brainerd courtroom was filled to overflowing. Graham made a passionate attempt to expand beyond any recognized precedent the bounds of defense for a public official on trial for contempt of court. There was a higher law than the statutes of Minnesota, he explained: the safety of the people. Obeying that higher law, the council members could not justly be held in contempt. What’s more, Graham

had ruled that fluoridation was dangerous. The council members, said Graham, owed full faith and credit to the courts of Allegheny County, Pennsylvania. This amounted to taking a county court decision in a single case in western Pennsylvania and imposing it on an entirely unrelated case in Minnesota, a uniquely Grahamian expansion of the doctrine. Schultz listened with interest to Graham’s extraordinary speech, then gave the five council members their turns to speak. Their common theme: we are representing our constituents.

Judge Schultz found all five—Mary Koep, Mildred Michaelis, Don O’Brien, James Wallin, and James Brown—in contempt of court and fined each \$250 for every day they failed to act to implement fluoridation. He also ordered them to appear in his courtroom in St. Paul the next day. The following morning, Michaelis, the city council president, telephoned Schultz to capitulate on behalf of the five council members, leading the judge to rescind his order that they appear in St. Paul.<sup>32</sup>

As a special council meeting convened at 1 pm, feelings of defiance and resignation competed for domination. All five of the resisting council members spoke against state-mandated fluoridation. “The people of Brainerd,” proclaimed Michaelis, “do not feel they are in violation of a law. They are challenging a bad law.” Ben Schultes, a leader in the antifluoride fight, told the group, “We’ll never give up. We’ll continue to fight until we get back our freedom of choice.” A Father Larkin, “speaking in a slow but firm voice, decried the loss of freedom . . . and said he wanted to warn ‘that cavity conscious crew in the capitol . . . that man doth not live by tooth alone.’” But rebelliousness gave way to reality, and the council voted 6-0 to implement fluoridation. MOFF’s Irene Johnson responded, “If they think this town is going to return to normal, they are mistaken. It is going to be torn asunder.”<sup>33</sup>

### Last gasp of resistance

It took weeks for Brainerd’s city workers to acquire and prepare the necessary equipment; the devices in place back in 1972 had become obsolete. The date so long dreaded by many and hoped for by some arrived at last on February 7, 1980. Sodium fluoride at a concentration of approximately one part per million flowed



into Brainerd's city water supply, and a witness shouted, "That's not fluoride, that's cyanide!" Brainerd's long resistance to water fluoridation was over. Except for one thing: it wasn't over.

In 1983 the antis went back to the Minnesota Legislature and won another surprising victory. With Don Samuelson—now in the senate seat formerly held by Winston Borden—leading the way, Governor Perpich (returned to office in 1983) signed a bill authorizing Brainerd to propose an "alternate dental health plan." If the commissioner of health, "in consultation with the governor," approved the plan, Brainerd would be exempt from the statewide fluoridation requirement.<sup>34</sup>

The phrase "in consultation with the governor" must have looked good to the antis; if Perpich would have abided by a no-fluoridation referendum in 1979, surely he would approve a compromise plan in 1983.

On November 8, 1983, the Brainerd City Council approved its "alternate dental plan." The city would provide fluoride pills for all pregnant women and for every child in the city schools under age 12, putting responsibility for the prevention of children's cavities on the shoulders of parents. The city also pledged to put up a public tap of fluoridated water. The plan then went to state health commissioner Mary Ashton.<sup>35</sup>

Ashton appointed a panel of five—all dentists, with the exception of US Surgeon General C. Everett Koop—to evaluate Brainerd's plan. On April 24, 1984, Ashton reported to Governor Perpich that the panel had unanimously disapproved of the plan, and that she concurred. The reasons were practical: studies showed that people could not be relied on


to make their children take fluoride pills consistently and Brainerd's plan included only schoolchildren, leaving out children under age five. Commissioner Ashton reported her findings to Brainerd City Council president Mildred Michaelis on May 10.<sup>36</sup>

It will come as no surprise that the response from Brainerd was another lawsuit. In July 1984, John Remington Graham, representing Irene Johnson, sued to enjoin Commissioner Ashton from enforcing the fluoridation law. This lawsuit, brought in Crow Wing County district court, ended up being heard in Minneapolis because nothing in this controversy could be straightforward.<sup>37</sup>

The case was assigned to Judge Clinton Wyant, but on the morning of the hearing—September 17, 1984—Wyant recused himself. The Minnesota Supreme Court then

assigned it to Ramsey County district court judge Otis Godfrey. Graham filed an affidavit of prejudice, knocking Godfrey out of the case. And so, one month later, on October 19, the case made its way across the river to Hennepin County judge Patrick Fitzgerald. Richard A. Wexler, an assistant attorney general who had appeared in every one of the six Brainerd proceedings, locked horns with Graham once again.

Most people would quickly lose interest trying to understand the legal theories that Graham advanced on behalf of Johnson that day. Judge Fitzgerald's memorandum gives the impression of a man straining to keep his patience: "This Court cannot conceive of any legal theory"; "This argument by plaintiff is fatally flawed"; "To use this principle . . . is a logical and legal non sequitur"; "This



**LEST WE FORGET!**

The hostages in Iran are not alone. We in Brainerd are victims of Ayatollah Quiemeini.

**The Jonestown killed a little That's all. potion quicker.**

"The plain fact that fluorine is an insidious poison, harmful, toxic and cumulative in its effects, even when injected in minimal amounts, will remain unchanged no matter how many times it will be repeated in print that fluoridation of the water supply is 'safe.'"

Ludwik Gross, M.D.  
Chief Career Research, Veterans Administration Bldg., Bronx, N.Y.

"Heart deaths rose ten times faster during the period of fluoridation than in the decade prior to fluoridation."

Isabel Johnson, R.N.  
The True Floodation Story, Antigo, Wisconsin

"The conceivable role of fluoride as an insidious factor in chronic disease has been evaded by the proponents."

A. Allen London, D.D.S.  
Sec., Medical-Dental Committee on Evaluation of Fluoridation

"It has long been a grave question whether any government, not too strong for the liberty of its people can be strong enough to maintain its existence in great emergencies."

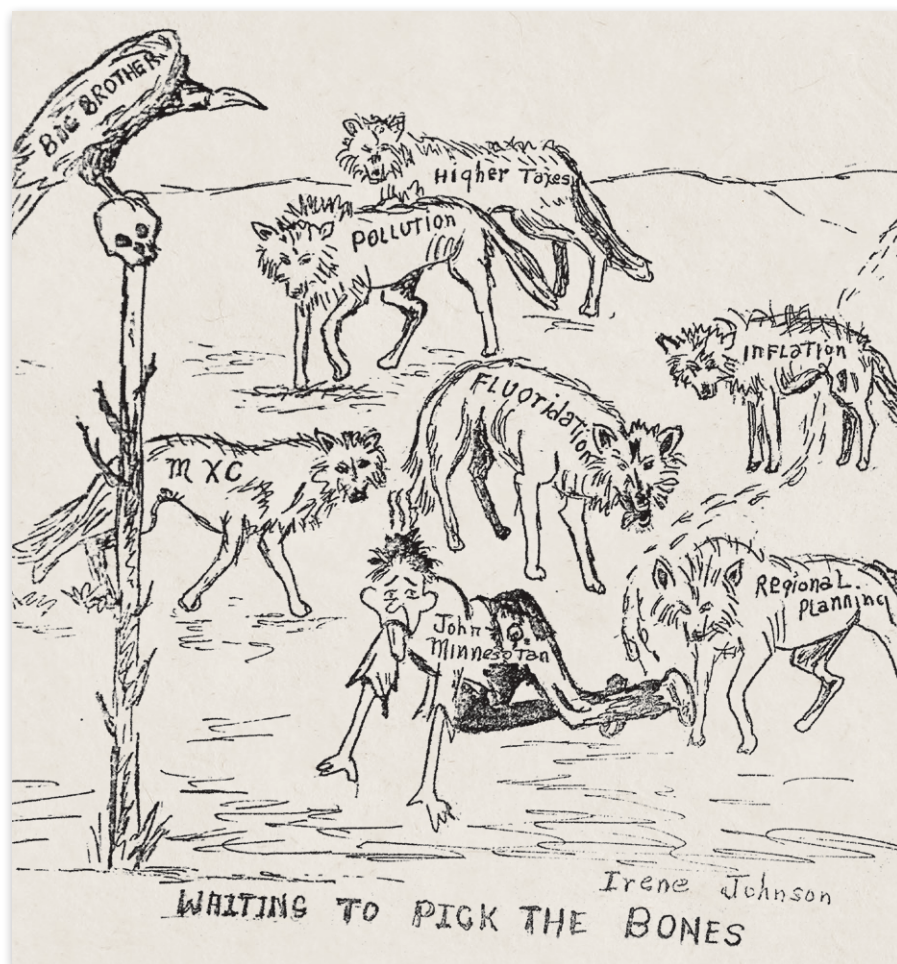
A. Lincoln

"I'm going to enforce the law. I support Dr. Peterson's efforts completely."

Governor Alben Quie

ADVERTISEMENT INSERTED BY Minnesotans Opposed To Forced Fluoridation Inc., Irene M. Johnson-Pres., 1610 Penn. ave., Brainerd.

Another ad taken out by MOFF in the Brainerd Daily Dispatch, May 11, 1980.



Undated cartoon by MOFF leader Irene Johnson.

Court is aware of no authority for such a novel proposition.”<sup>38</sup>

Fitzgerald dismissed Johnson’s lawsuit on January 2, 1985, 15 years and one day after Brainerd’s original fluoridation deadline. Incredibly, 33 years had elapsed since the Brainerd City Council had—so innocently—announced its intention to implement fluoridation. But now the struggle had really, truly come to an end. “We live in a police state,” responded Irene Johnson.

ON JULY 5, 1974, the *Minneapolis Tribune* published a panel by its star cartoonist, Richard Guindon, featuring Karl Marx and Vladimir Lenin. The wild-haired Marx sits with a mass of his writings, stroking his voluminous beard. Lenin stands, looking

down at an open page. “If I understand you correctly, Karl,” he says, “the whole idea is to get Brainerd’s water supply fluoridated?”<sup>39</sup>

The cartoon is funny, and probably does capture the general public’s view of resistance to fluoridation around the country—an obsession of cranks. But it gets Brainerd wrong. Though the struggle sometimes did reach for extreme claims, Communist conspiracy was rarely one of them.

Let us look to the words of Brainerd’s most effective antifuoridation organizer, Irene Johnson. In 1971, she wrote a long letter to her “cousin Jim,” a dentist, explaining her position: “[W]e believe compelling water fluoridation by law is in violation of our personal freedom of choice as provided for in the US Constitution. We know tooth decay is not contagious

and that our toothaches will not hurt anyone else. . . . We do not know the long term effects of drinking fluoridated water. . . . We just don’t think medication . . . should be forced into our drinking water at our expense and in uncontrolled dosage.” This letter was typed, with a handwritten postscript: “I’m not a John Bircher—if that’s what you’re wondering. Just for the record, I oppose them also.”<sup>40</sup>

One of fluoridation’s firmest Brainerd advocates, dentist Robert Uppgaard, agreed with Johnson’s central point. In 1982, he wrote this assessment to Governor Quie: “The anti’s main theme is not fluoridation—it is ‘big brother’—big government telling them what they must do.”<sup>41</sup> □

## Notes

1. Tom Crawford, “Switch Flicked, Brainerd Water Fluoridated,” *Brainerd Daily Dispatch* (hereafter, *Dispatch*), Feb. 7, 1980, 1.
2. Allan R. Freeze and Jay H. Lehr, *The Fluoride Wars: How a Modest Public Health Measure Became America’s Longest-Running Political Melodrama* (Hoboken, NJ: John A. Wiley & Sons, 2009), 94–102; Donald R. McNeil, *The Fight for Fluoridation* (New York: Oxford University Press, 1957), 3–43. An important series of experiments took place in Minnesota. In 1942 John Knutson of the US Public Health Service and Wallace Armstrong, professor of physiology at the University of Minnesota, arranged to apply a two percent fluoride solution directly to the teeth of 392 schoolchildren, ages 7–15, from Arlington, North Mankato, and St. Louis Park—7 to 15 applications yearly for three years. The treatments worked: the kids who got fluoride suffered cavities in 36.7 percent fewer teeth than those in a control group. For the last of three articles, one for each year of this study, see John W. Knutson and Wallace D. Armstrong, “The Effect of Topically Applied Sodium Fluoride on Dental Caries Experience,” *Public Health Reports* 61, no. 47 (Nov. 22, 1946): 1683–89.
3. Freeze and Lehr, *Fluoride Wars*, 94–102; McNeil, *Fight for Fluoridation*, 3–43; Minnesota Department of Health, “New State Fluoridation Law to Bring Dental Benefits to 2.2 Million Persons,” *Minnesota’s Health* (Dec. 1967), Lieutenant Governor Perpich Subject Files, E-H, box 7. According to that report, Fergus Falls, Granite Falls, Hallock, Montevideo, Thief River Falls, West Concord, and Winnebago also began



fluoridation in 1951. "City Adds Fluorinator to Water System Wednesday," *Red Lake Falls Gazette*, Apr. 26, 1951, 1; *Minneapolis Star*, Dec. 16, 1952, 21; "Council Approves of Fluoridation Project at Meet," *Dispatch*, Feb. 5, 1952, 1.

4. By 1950, some 50 Wisconsin towns and cities had adopted fluoridation by local initiative: Catherine Carstairs, "Debating Water Fluoridation Before Dr. Strangelove," *American Journal of Public Health* 105, no. 8 (Aug. 2015): 1559–69; "Council Approves of Fluoridation Project at Meet," *Dispatch*, Feb. 5, 1952, 1.

5. Brainerd City Council Minutes, Feb. 1, 1954; McNeil, *Fight for Fluoridation*, 85–105, puts vote numbers at 98. Some 605 signatures reached the city council that day: 70 for fluoridation, 175 against, and 360 seeking a referendum. The council, also setting a pattern, referred the matter to the city's water and light board.

6. McNeil, *Fight for Fluoridation*, 167.

7. Brainerd City Council Minutes, Apr. 5, 1954.

8. Here and below, Scott Bruce and Bill Crawford, *Cerealizing America: The Unsweetened Story of American Breakfast Cereal* (Boston: Faber and Faber, 1995), 103–13; Gary Taubes, *The Case Against Sugar* (New York: Alfred A. Knopf, 2016), 79–83, 128–32.

9. *Minneapolis Star*, May 21, 1950, 22 (Sugar Crisp ad), Jan. 31, 1956 (Crest ad). In the Crest ad, in smaller type Procter & Gamble promised: "Crest marks the turning point in man's age-old struggle against this almost universal disease."

10. MN Dept. Health, "New State Fluoridation Law"; Brainerd City Council Minutes, June 5, 1961, 40.

11. More than 20 years later, the *Dispatch's* role in the fluoride controversy provoked a controversy of its own. On March 11, 1977, pro-fluoride dentists Robert Uppgaard and Jack Echternacht made a formal complaint with the Minnesota Press Council against the *Dispatch* for antifluoridation bias, especially in its Open Forum section. After considering comments from an April 29 hearing, the council ruled against the *Dispatch* on June 10, 1977, stating that the newspaper "has fallen short of desired journalistic standards in its overall coverage of the prolonged controversy." In such a situation, "a newspaper has an obligation to assemble the most authoritative evidence available . . . to assure that the issue is contested fairly, with facts, not fantasies." The council faulted the *Dispatch* for passivity, saying it was acceptable "to offer a forum to citizens from all walks of life," but it was not acceptable "to insist that citizens from all walks of life have equal standing to argue the medical value or hazard of a substance that has been subjected to countless scientific studies, and on which there is near unanimity among scientists." Minnesota Press Council Determination No. 24 (1977), "In the Matter of the Grievance of Drs. Robert Uppgaard and Jack Echternacht v. the Brainerd Daily Dispatch," Minnesota Press Council Records, 1971–92, MNHS.

12. "Water Fluoridation Loses, 2–1," *Dispatch*, Dec. 6, 1961, 1. A December 1 *Dispatch* article

titled "Tuesday Vote Should Decide Brainerd Fluoridation Issue" noted, "Probably no issue has ever been as thoroughly explored in Brainerd as the Fluoridation question."

13. Minnesota Statute 145.45 originated as Senate File 739: *Journal of the Senate* 1967 (St. Paul: Webb Publishing Co., 1967), 490 (introduction and sponsors), 1753 (vote); *Journal of the House* (St. Paul: Webb Publishing Co., 1967), 1:407 (introduction and sponsors), 2:2953 (vote.); "LeVander Signs Fluoridation Bill," *Minneapolis Tribune*, May 24, 1967, 15. The bill passed with a vote of 39–24 in the senate; 77–49 in the house. Brainerd's representatives, Sen. Gordon Rosenmeier and Rep. John Laurian, voted against it. According to the *Tribune*, 125 Minnesota communities were already in compliance.

14. Brainerd City Council Minutes, July 7, 1969, 632; "Councilmen Asked to Ignore State Fluoridation Law," *Dispatch*, July 8, 1969, 1; Freeze and Lehr, *Fluoride Wars*, 316–21; Arlen Erdahl, *Legislative Manual 1971–1972* (St. Paul: State of Minnesota, 1972), 53 (Borden biography).

15. The due process and equal protection claims were, in essence, that no legislature has the power to make laws that endanger the people. The privacy argument was that fluoridation was a medication and an invasion of bodily privacy, beyond the legislature's lawful power. The Minnesota Environmental Rights Act declared, "each person is entitled by right to the protection, preservation, and enhancement of air, water, land, and other natural resources." Adding a possibly toxic chemical to Brainerd's hitherto-untouched water supply, so went the argument, violated this act so far as the people of Brainerd were concerned. MOFF's lawyer was Howard Vogel of Minneapolis.

16. "Findings of Fact, Conclusions of Law, and Order for Judgment," *State of Minnesota ex rel. Minnesotans Opposed to Forced Fluoridation v. City of Brainerd, et al.*, Crow Wing County District Court case no. 37168, Aug. 30, 1973. Judge Gordon McRae wrote:

Dr. Waldbott's conclusions and opinions have found very, very limited support among the members of his profession or in any field of expertise concerned with the matter of fluoridation. . . . Having in mind the number of symptoms and effects which Dr. Waldbott attributes to chronic fluorosis, and these include migraine headaches, arthritis, colitis, gastric disorders, goiter disorders, interference with carbohydrate metabolism, spastic bowels, nausea, vomiting, diarrhea, back pain, bleeding kidneys and uterus, scotomata, maculae, weight loss, convulsions, incoherence, parathesia [sic], weakness and others, it is impossible to conceive of practically no other qualified medical expert having observed and diagnosed chronic fluorosis among the millions of persons who have been consuming fluoridated water for more than 20 years.

17. Personal communication with John Remington (Jack) Graham, Mar. 22, 2019.

18. "Fluoridation Vote Scheduled July 3," *Dispatch*, June 4, 1974, 1; "People's Convention Set to Go Today," *Dispatch*, July 5, 1974, 1; "Fluoride Labeled Unconstitutional," *Dispatch*, July 6, 1974, 1 (quotation, 2). On the day of the vote, Assistant Attorney General Richard Wexler informed the city that the state health department planned to take legal action to force compliance: see "Legal Papers Served on City," *Dispatch*, July 3, 1974, 1. The Brief of Appellants, *MN State Board of Health v. City of Brainerd*, 241 NW2d 624, contained the resolution adopted by the Convention of the People:

That among the natural inalienable rights of mankind is the freedom of the individual to choose the means, which to him is best calculated to secure and maintain health of mind and body, for himself and his children. . . . The only possible qualification to the principle would be in cases of imminent hazards to the safety of the community as a whole, such as might result from industrial pollution of the air or water, epidemic, or plague. . . . It follows that no power to abridge this infeasible blessing of liberty ever was, or could have been diverted from the People and delegated to the legislature of this state by the Minnesota Constitution. Any attempted exercise of such non-existent legislative authority must necessarily be absolutely unconstitutional, null and void, and of no lawful force and effect.

19. William W. Freehling, *The Road to Disunion: Volume I: Secessionists at Bay, 1776–1854* (New York: Oxford University Press, 1990), 258.

20. Freehling, *The Road to Disunion*, 257–58. Graham relied on Article 4, section 4 of the US Constitution, which requires every state to have a "republican form of government." With his characteristic dryness, Brainerd City Attorney D. A. Larson called Graham's theory "a rare and unusual defense." "If Mr. Graham is successful," he continued, "his name will be known throughout the U.S." Brief of Appellants, *Minnesota State Board of Health v. City of Brainerd*, 241 NW2d 624: copy available in Minnesota Attorney General, Health Division Litigation Files, MNHS. "Fluoridation Vote Scheduled July 3," *Dispatch*, June 4, 1974, 1. In representing clients lawyers may certainly make arguments they don't believe in, but this was not the case here with Graham. Among his several books are *A Constitutional History of Secession* (2002), *Free, Sovereign, and Independent States: The Intended Meaning of the American Constitution* (2009), and *Principles of the Confederacy: The Vision and the Dream and the Fall of the South* (1992).

21. *Minnesota State Board of Health v. City of Brainerd*.

22. "Judge Says 'No' to New Hearing on Fluoridation," *Dispatch*, Mar. 15, 1977, 1; J. Alsop, "Memorandum Order," *City of Brainerd, et al. v. State of Minnesota, et al.*, US District Court, District of Minnesota, Third Div., case no. 3–79 Civ. 207, June 28, 1979.

23. Rudy Perpich to C. Elmer Anderson, Mar. 14, 1977, and Anderson to Perpich, Feb. 14, 1977, box 2, Fluoridation collection, Crow Wing County Historical Society. Perpich was replying to Anderson's letter asking him to support local option legislation. Stephen Fisher, "Fluoride Headed for Another Appeal," *Dispatch*, Mar. 16, 1977, 1. Brainerd's state senator, Winston Borden, introduced local option legislation in 1971 and fluoridation repeal legislation in 1973. In 1975 Borden and state representative Don Samuelson proposed "alternative dental plan" legislation. All of these failed.

24. "1-Billion Hospital Bill Clears Senate," *Minneapolis Tribune*, May 22, 1977, 18B; "Passage of Fluoridation Measure Appears Certain," *Dispatch*, May 22, 1977, 1. Samuelson must get most of the credit: he was chair of the conference committee on the omnibus appropriations bill, and the moratorium appeared in the late hour of the session as an amendment.

25. Report of the Governor's Commission on Fluoridation, Records of the Governor's Citizens Advisory Commission on Fluoridation, MNHS. The commissioners were Professor Marion Anders, University of Minnesota veterinarian and pharmacologist; physician Peter Dorsen of Minneapolis; and William Mitchell law professor Michael Steenson. The commission took testimony from 16 witnesses and heard argument from John Graham.

26. Governor Quie inadvertently garbled the situation further in 1979 by first telling Mayor Anderson, and then telling the public, that "I would not prevent Brainerd from obtaining an exempt status regarding fluoridation if that is the will of the legislature and the citizens of Brainerd": Quie to C. Elmer Anderson, Jan. 18, 1979. This came out in the *Minneapolis Tribune* at the very time that health commissioner Pettersen was demanding immediate compliance with the law: "Pouring Fire on a Water Controversy," *Minneapolis Tribune*, July 28, 1979, 4. It is clear from Quie's papers that he entertained doubts about the wisdom of mandatory fluoridation. In early 1979, he had his aide Steven Ahlgren research whether he had authority to do what John Graham urged him to do: suspend enforcement of Minnesota Statute 145.45. Ahlgren concluded that Quie did not. Though the governor's commission report dismissed health threats from fluoridation, Quie nevertheless wrote Michigan governor William Milliken asking for the results of Michigan's similar study (which produced identical results). Quie's public waffling on fluoridation went on for six months and prompted a host of impassioned letters from both sides of the controversy. Correspondence, *Brainerd v. Quie*, Attorney General, Health Division Litigation Files.

In his ample correspondence with Quie (who also consented to a meeting at the capitol), Graham repeatedly accused Pettersen of professional malpractice, deceit, and participation in bribery. Graham sincerely believed, and still believes as of the date of this writing, that fluoridation is a public health catastrophe, having

caused now over one million excess cancer deaths. From this point of view, the accusation of malpractice makes sense: a physician who knowingly participates in poisoning the public has obviously violated the maxim *primum non nocere*. Graham duly filed a complaint against Pettersen with the state board of medical licensure. As for bribery, Graham seems to have been goaded by Bernard Flahvan, assistant commissioner of health for dental health, into involving the FBI. The Crow Wing County Historical Society holds a transcript of a wiretapped phone call between Graham and Flahvan, in which Flahvan tells him that his earlier reference to being bought for "five big ones" referred to five golf balls, and was done for the purpose of getting Graham's goat. Correspondence, *Brainerd v. Quie*, Attorney General, Health Division Litigation Files; *Dispatch*, Feb. 2, 1980, 1.

27. J. Alsop, "Memorandum Order," *City of Brainerd, et al. v. State of Minnesota, et al.*, US District Court, Minnesota Third Division, case no. 3-79 Civ. 207, June 28, 1979; "Graham Issues Fluoride Statement," *Dispatch*, July 1, 1979, 1.

28. Brainerd City Council Minutes, July 2, 1979.

29. "Harold Schultz, 85, was District Judge," *St. Paul Pioneer Press*, July 1, 2003, 4B.

30. George R. Pettersen, MD, *Minnesota Commissioner of Health v. City of Brainerd, et al.*, Crow Wing County District Court, file no. 38183, transcript of contempt hearing, Oct. 12, 1979, folder 19d, Attorney General, Health Division Litigation Files.

31. Mike O'Rourke, "Council Takes No Action to Fluoridate," *Dispatch*, Oct. 19, 1979, 1.

32. Pettersen, *Minnesota Commissioner of Health v. City of Brainerd, et al.*, Crow Wing County District Court, file no. 38183, transcript of contempt hearing, Oct. 23, 1979, folder 19e, Attorney General, Health Division Litigation Files; Mike O'Rourke, "Five Aldermen Guilty of Contempt," *Dispatch*, Oct. 23, 1979, 1.

33. Brainerd City Council Minutes, Oct. 24, 1979; "Fight Over! Council Votes to Fluoridate," *Dispatch*, Oct. 24, 1979, 1.

34. Minnesota Laws 1983, Ch. 312, article I, section 7(1).

35. "Council Agrees on Fluoride Option," *Dispatch*, Nov. 8, 1983, 1.

36. Mary Ashton to Rudy Perpich, Apr. 24, 1984, and Ashton to Mildred Michaelis, May 10, 1984, "Fluoridation," Minnesota Department of Health subject files, MNHS. Ashton's five experts were Donald Bentley, a dentist and president of the American Dental Association; P. Jean Frazier, associate professor at the University of Minnesota School of Dentistry; Stanley Heifetz, dentist and senior field director in the clinical trials section of the National Institute of Dental Research; Surgeon General C. Everett Koop; and Leon Singer, director of the biochemistry program at the University of Minnesota School of Dentistry. For reasons not made clear in the file, Ashton also sought an evaluation from Dr. Wallace D.

Armstrong, retired from the University of Minnesota, who was unable to participate due to ill health. By letter, Commissioner Ashton asked the five to evaluate Brainerd's plan by ("but not limited to") seven criteria: 1) effectiveness in preventing cavities; 2) cost-benefit analysis; 3) practicality of implementation and maintenance; 4) potential for long-term participation and compliance; 5) "program equity" based on costs of participation; 6) appropriateness based on research; 7) predicted effects on future dental-care costs. *Evaluation of the City of Brainerd's Alternative Dental Health Plan*, 1984, Attorney General, Health Division Litigation Files.

37. Jim Sloan, "Action Against Ashton Warned," *Dispatch*, Sept. 18, 1984, 1; here and below: Irene Johnson, et al. v. Sister Mary Ashton, Commissioner of Health for the State of Minnesota, Crow Wing County District Court, File no. C-84-398, Order, Jan. 2, 1985, in folder "Brainerd—Alternative Dental Health Plan," Attorney General, Health Division Litigation Files.

38. Mike O'Rourke and Jim Sloan, "Fluoride Suit Turned Down," *Dispatch*, Jan. 3, 1985, 1.

39. Richard Guindon, "Another View," *Minneapolis Tribune*, July 5, 1974, 10B.

40. Irene Johnson to cousin Jim, Feb. 26, 1971, box 1, Fluoridation collection, Crow Wing County Historical Society

41. Correspondence, *Brainerd v. Quie*, Attorney General, Health Division Litigation Files.

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Images on p. 56, 66, *Brainerd Daily Dispatch*; p. 57, 62 (left), photos by Boyd Hagen, *Metropolis*, Aug. 16, 1977 (used with permission); p. 58, 59, *Minneapolis Star*; p. 60, 63, 64 (top), MNHS Collections; p. 61, 67, Crow Wing County Historical Society; p. 62 (right), Natural Philosophers Wikipedia (<https://creativecommons.org/licenses/by/4.0/legalcode>); p. 64 (bottom), 65, Minnesota Legislative Reference Library.





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