I n late May 1965, a bill landed on Minnesota governor Karl Rolvaag’s desk, one of many in the waning days of the legislative session. Governor Rolvaag had to determine the fate of HF 1400, authored by Representative Robert Renner.

The governor had three options at his disposal. The first was to sign the bill into law. The second was to veto it. But Governor Rolvaag exercised the third option: he did nothing. After a three-day waiting period, in accordance with state statutes, HF 1400 became Chapter 581 of the 1965 Session Laws of Minnesota. According to the Minnesota Legislative Reference Library, it is unknown how many bills have become law via the method utilized by Governor Rolvaag.¹

What was so special about HF 1400 that the governor decided to let it become law by essentially setting it aside on his desk? Chapter 581 amended State Statute 340.323, eliminating the ability of individual counties to restrict sales of intoxicating liquors. Half a century prior, Chapter 23 of the 1915 Session Laws brought to Minnesota counties the ability to put in place such restrictions. This law, known as county option, was enacted...
with tremendous fanfare following a multidecade effort, part of the broader temperance movement. Fifty years and two months later, county option came to a distinctly uneventful end. That Governor Rolvaag did not even feel compelled to sign the bill showed its relative lack of modern prominence.2

At the time of county option’s demise, 20 of the state’s 87 counties fell into one of two columns. Eleven—Chisago, Dodge, Faribault, Fillmore, Martin, Mille Lacs, Norman, Otter Tail, Swift, Watonwan, and Yellow Medicine—were considered “partially dry,” meaning that only municipal liquor stores—aka “munis”—could operate within their borders. Nine—Cottonwood, Grant, Isanti, Kandiyohi, Kittson, Lac qui Parle, Marshall, Pope, and Roseau—were considered fully “dry,” meaning no sales of any beverage containing more than 3.2 percent alcohol were permitted. Chapter 581 removed those restrictions, returning all the counties to a legal landscape regarding alcohol that was eerily similar to that found in the early months of 1915—one that was decades in the making.3

The Road to County Option

In 1852 the voters of Minnesota Territory passed a prohibition law. That law never came into effect thanks in large part to an advisory opinion of territorial supreme court chief justice Henry Z. Hayner.4

Following this discarded attempt at prohibition, temperance forces refocused, instead pursuing a local strategy. Their efforts resulted in passage of a local option law in 1870. This law allowed the residents of an incorporated municipality to ban their town council from issuing licenses for the sale of “intoxicating, spirituous, or vinous” beverages. While no firm numbers indicate how many villages this law impacted, considering that it took a petition of only 10 registered voters to put the issue on the ballot, the number of elections held each year was likely high. The Anti-Saloon League endeavored to track those dry villages in their annual publications.5

While the local option elections impacted communities, the larger issue of statewide temperance still lurked, driven in part by forces agitating for national prohibition. As Daniel Okrent detailed in his 2010 work Last Call: The Rise and Fall of Prohibition, the efforts of temperance forces, which had been at work since the earliest days of the republic, would take the nation through a sequence of curves and switchbacks that would force the rewriting of the fundamental contract between citizen and government, accelerate the recalibration of the social relationship between men and women, and initiate a historic realignment of political parties. Local option was a micro representation of this macro effort. In Minnesota the next step for broadening the movement meant pursuing county option.6

As the twentieth century dawned and support for national temperance showed even greater strength, so did county option in Minnesota. By 1912, according to the Anti-Saloon League Year Book, because of local option, “nearly half of the villages are dry and four-fifths of the cities that are permitted to vote are dry.”7

The county option issue came to a head in 1914, when Minnesota voters elected what seemed to be predominantly pro-option legislative majorities. Defying the state’s Republican tilt, voters also narrowly chose Democrat Winfield Scott Hammond as their next governor in a splintered election, which also featured Socialist Party and Prohibition Party candidates.8

Despite the perceived public support, getting the option bill to Governor Hammond’s desk proved challenging. C. J. Buell, in his thorough review of the 1915 session, began his first chapter by detailing how even the vote for house speaker was embroiled in the option debate. Yet, in Buell’s view, the option issue was the predominant one of the entire 1914 campaign. In both chambers of the legislature, the final tallies for the official bill were close: 36–31 in
the senate on February 4, 1915, and 66–61 in the house on February 24, 1915.9

Governor Hammond, as he had promised during the previous fall’s campaign, his status as a Democrat—which was considered the “wet” party—notwithstanding, signed the bill into law on March 1, 1915.10

The Aftermath of County Option Passage

Chapter 23, as the county option bill was designated, featured several requirements. The first was a much higher bar for petition signers. Instead of the 10-voter threshold seen in local option, county option required a petition equal to or exceeding 25 percent of registered voters from the county who voted in the most recent election for governor. Upon verification of the signatures, the election would be held within 40 to 50 days. A simple majority was required for passage. If successful, a six-month grace period would be allowed for existing licenses to expire. If unsuccessful, a subsequent vote could not be held for three years.11

At the time of the law’s signing, four counties—Becker, Cass, Hubbard, and Mahnomen—were already dry due to federal law regarding liquor trade in ceded territory that created certain Indian reservations in that part of the state. An additional four—Isanti, Kandiyohi, Kittson, and Norman—were dry due to local option; all municipalities in those counties had voted themselves dry.12

Following Governor Hammond’s signing, organized efforts moved swiftly to bring before voters the “option” question. On April 29, two counties—Kanabec and Lyon—held votes. One week later, three more counties—Chisago, Isanti, and Lac qui Parle—voted. All five voted themselves dry. Even though Isanti was one of the four counties that were dry by local option, apparently residents there must have thought, why take a chance?13

By the end of May 1915, a total of 10 counties had held votes. In all 10 cases, dry forces prevailed. Of the first 15 votes, only one county, Jackson, stayed in the wet column (see sidebar). By the end of July 1915, 51 votes had taken place, with 43 of them resulting in a dry victory. Half of the counties in the state were now in the dry column, equaling just under 30 percent of Minnesota’s population.14

While it might be tempting to presume the wet counties were clustered in and around the Minneapolis and St. Paul area, this was not the case. Wet counties included Crow Wing, Goodhue, Martin, Steele, and Wilkin, none of which in 1915 could have been described as urban or metropolitan by any measure.

In some of the counties the margins were never in question. In others they were both close and contested. One such case was Meeker County, located about halfway between Minneapolis and the South Dakota border. The original margin for its June 14 vote was 19 for the drys, out of 3,259 cast. The result was challenged by opposing forces, led by the proprietor of the Litchfield Brewing Company, which was at risk of closing if the county went dry. District court judge Gauthe E. Qvale ruled on a number of contested ballots, leading to another victory for the drys, this time by seven votes. Wet forces challenged once more, and the Minnesota Supreme Court brought another ruling in favor of the drys, this time by two votes. After six months of legal wrangling, Meeker County was added to the dry column—resulting in the permanent closure of Litchfield Brewing. Meeker would remain dry until 1953.15

A contrasting case was seen in a contested election in Pipestone County. The original tally showed it going wet by four votes. Dry forces appealed, and district court judge John F. Flynn ruled on a number of contested ballots, reversing the tally to a dry victory of three votes. Option opponents appealed, and their case was, like Meeker’s, heard by the Minnesota Supreme Court. Unlike Meeker’s outcome, however, the court ruled, also nearly six months after the initial vote, that wet forces did indeed attain a slim majority, keeping two saloons in the county open. One of those, in the village of Trosky, in 1917 was the site of a clash involving the infamous Minnesota Commission of Public Safety in one of many liquor-
related issues with which the commissioners dealt (see sidebar).16

As 1915 carried on into the fall, that initial flurry of campaigns slowed noticeably, but not before the question was put to voters in the state’s largest county, Hennepin. Out of almost 70,000 votes cast on October 4, wet forces proved victorious by just over 9,000. Dry advocates were not pleased with the result, charging that wholesale election fraud was afoot. Anti-Saloon League state superintendent Rev. Dr. George B. Stafford was reported in press accounts as stating, “Not within memory of man has a municipality [Minneapolis] experienced such wholesale illegal voting.” The challenge was apparently never taken up, and as media reports noted, by law there could not be another vote on the issue for three years.17

The final tally of 1915 came in Le Sueur County on October 26, when wet forces prevailed by a sizable majority. Reporting on the vote noted, “There was little interest displayed by either side in the campaign.” Within two years of county option’s passage, 55 of the state’s 86 counties were dry.18

Ratification of the Eighteenth Amendment to the US Constitution (Prohibition) on January 16, 1919—a culmination of decades of advocacy that had not abated during the option battle—marked the end of this part of the tale. At the time of ratification, 63 of the state’s 86 counties were dry. It would be another 14 years before the next chapter of the story commenced.19

**County Option After the End of Prohibition**

The Twenty-first Amendment to the Constitution of the United States was simple and direct. Its first clause contained a mere 15 words: “The eighteenth article of amendment to the Constitution of the United States...”
is hereby repealed.” The next clause dealt with importation of liquor into areas where it would still be prohibited. The third and final clause was more intriguing.

Instead of making ratification contingent on the votes of the legislatures of the 48 states, clause three stated that approval would need to be done “by conventions in the several States, as provided in the Constitution, within seven years from the date of the submission thereof to the States by the Congress.” The rationale behind this third clause was concern about the entrenched power of drys in the various legislatures and the widely varied schedules of those legislatures, which would potentially inhibit action on the amendment.20

Minnesota’s statewide referendum was held on September 12, 1933, for the purpose of selecting the 21 delegates for its convention. Those who supported repeal prevailed in a low-turnout election with over 60 percent of the votes cast. The required convention was then held on October 10, 1933, where its members voted to approve the Twenty-first Amendment, making Minnesota the twenty-sixth state to do so. On December 5, 1933, Utah became the thirty-sixth and final state needed to ratify the amendment.21

Reacting to the amendment’s ratification, Governor Floyd B. Olson called the state legislature into special session on December 5, 1933. A 66-person citizens’ committee, appointed by Governor Olson shortly after the September referendum to make recommendations on the subject, had already been at work. Former US representative Andrew Volstead—author of the congressional act bearing his name, the Volstead Act, which enforced the Eighteenth Amendment—was enlisted as a committee member.

The session was contentious. One idea floated was to create a state wholesale liquor dispensary—a monopoly in effect. The governor himself remained detached, except to note that he was in favor of retaining local option and against the reemergence of traditional saloons. At one point as the session stumbled along, it seemed impossible that a bill would be resolved and adjournment threatened. The governor responded by indicating that he would simply call the legislators back into special session.22

Finally, on January 6, 1934, Governor Olson signed a liquor control bill into law. Stipulations of Chapter 46 provided for the opening of cocktail lounges—as they were described in contemporary press accounts—which solved the traditionally troublesome saloons that had so enraged and energized anti-liquor forces; properly licensed restaurants to sell liquor with meals; package stores to sell product off-sale—giving rise also to the “muni” stores, both the on- and
off-sale version; and no Sunday sales. A key component of the bill stated that any county that did not vote in favor of the September referendum could not manufacture or sell liquor within its borders. The catch, however, was that no matter if a county was wet or dry via county option prior to the start of Prohibition, how it had voted in the September 1933 referendum set its status moving forward. As a result, 28 counties were listed as dry, a number less than half of what it had been in late 1919. And of those 28, all but one—Martin—had been dry prior to Prohibition.

It would take even more direct democracy to bring those counties back into the wet column. Two options were at their disposal: one for full repeal; the other to allow munis only. Some dropped dry status easily. Others, not so much.

The gap between statewide repeal to county decision via county option demonstrated the lengths to which people and businesses would go to circumvent the law. One example took place in Clay County on the Minnesota/North Dakota border.

Moorhead, the county seat, had earned a reputation as a “sin city” in its early years. North Dakota had officially come into existence as a dry state in 1889. As a result, Moorhead served as the watering hole for thirsty North Dakotans, much to the chagrin of city leaders in its neighbor across the Red River, Fargo, and, at least in word, Moorhead city leaders as well.

In the September 1933 referendum, Moorhead voters went for repeal, but they were outpolled by the rest of the county, leading to a 2,753–2,064 defeat. Subsequent headlines from the local papers reported numerous incidents of people trying to sneak liquor into the county for selling. Countless businesses of almost every type, including nearly all the 3.2 percent beer parlors in Moorhead and neighboring Dilworth, and even some of the local cigar shops, had been caught illegally selling liquor. Finally, on April 26, 1937, Clay County voted 3,625–3,012 to allow legal liquor sales—almost half the affirmative votes came from the city of Moorhead—marking the first successful move of a county from the original list of 28.

While Clay needed only a single attempt to move from dry to wet, others repeatedly brought the issue...
before voters. Clearwater County, in northwestern Minnesota, needed three tries. The first failed attempt came on November 4, 1935, with a margin of 284 votes, followed by another loss for wet forces on January 6, 1940, this time by 108 votes. Finally, on October 1, 1946, the county shed its dry status, doing so by a resounding 605-vote majority. The city of Bagley alone provided over half of that margin.26

Not all efforts resulted in eventual success. Pope County, in west-central Minnesota, tried and failed three times to leave the dry column. The first attempt was in 1948, the second in 1958, and the third and final failed attempt came in 1962.27

In addition to Clay and Clearwater, three other counties—Chippewa, Pennington, and Polk—voted for full repeal. Six more—Chisago, Douglas, Faribault, Mille Lacs, Swift, and Waconia—voted for munis. Two others, Otter Tail in 1939 and Norman in 1941, were permitted munis by legislative action utilizing statutory language so convoluted that it was likely challenging for a casual or even an astute reader to understand what those statutes allowed (see sidebar).28

In April 1953 Meeker County, which had trod a tangled path to becoming dry in 1915, succeeded on its second attempt in leaving that status behind. The first had come in 1947, failing by 86 votes. The 1953 vote was also close: 3,544 in favor, 3,295 against, a margin of 249, most of it coming from the city of Litchfield.29

Perhaps motivated by neighboring Meeker County’s success, Kandiyohi County attempted to revoke its dry status the next year, in May 1954. A petition containing just over 3,500 valid signatures got the issue on the ballot. The vote did not turn out quite the same, though; with 3,922 in favor and 7,371 against, a nearly 2–1 margin kept the county dry.30

One more county left the dry column shortly after Kandiyohi’s resounding defeat, as Freeborn County easily dropped its status. Freeborn’s vote stood as the final successful attempt by any county to revoke its dry standing. From that point forward, the list of 20 either partially or fully dry counties remained set.31

Exactly when and with whom the move to repeal county option began is not certain. According to the Legislative Reference Library, the only instance in which a bill was authored to rescind county option was in the 1965 session that produced Representative Renner’s bill. Media in Pope County, which had been one of the final nine fully dry holdouts, covered the repeal extensively, noting how it would put all the municipalities there on the same playing field. But for the bulk of the state the movement barely registered. Even in Cottonwood County, one of the final nine fully dry counties, local media did not cover this change in statute. The legislation passed easily in both chambers. Governor Rolvaag’s non-signing approval of the bill was buried on page eight of the May 21, 1965, Minneapolis 
Morning Tribune, a far cry from the intense attention paid to the 1915 legislation.32

Beyond scattered local reactions, county option went quietly into the legal twilight, a half century after the fractious debate that saw it become the law of the land in the North Star State.

Conclusion

The county option battle was revisited during the 2015 Minnesota legislative session, as the move to open off-sale liquor establishments on Sundays was being hotly debated. As the deliberations ebbed and flowed over the years, culminating with passage of those additional hours in March 2017, it was hard not to notice parallels with the county option debates: a long-sought change to the state’s liquor laws; passionate and fervent arguments made by both sides; economics versus morality; small towns versus big cities; small operators versus bigger businesses; both sides claiming they had the correct answer to the best direction for the state’s future. The scrum served as another reminder of the state’s many tussles over the sale and distribution of alcohol.33

As Minnesota moves into the third full decade of this century, residents can be assured of other liquor-related questions coming to the fore: sales in grocery stores; later closing hours for both on- and off-sales; strong beer sales in gas stations; expanding sales by tap houses—aka “Free the Growler.” The state’s complicated
relationship with alcohol is not going to end any time soon. The ghosts of Governors Hammond, Olson, and Rolvaag, of wets and drys in general, will watch with great fascination. And we will be able to add another chapter to this multidecade tale.

Notes

Within two days of moving to Cokato, Minnesota, in 1993, I learned it was a "dry" town. I had grown up in a community one-third the size (900 people) yet home to five bars and a "muni" off-sale; that a town with no off-sales and only one bar—which served nothing stronger than 3.2 beer and wine coolers—could even exist was a shock. If I wanted to have a "real" drink, I had to drive to the next town east, Howard Lake. More than one Howard Lake local told me there had been a sign on the eastern edge of town that proclaimed "Last Chance Liquor 'til South Dakota." Cokato and Howard Lake both were in Wright County, a wet county after Prohibition ended. Yet Cokato was a dry town, and at one time every county along US Highway 12 as it wended its way west from Cokato to the border was dry. The claim could be accurate: that Howard Lake really was the last chance for liquor until South Dakota. Was the tale of the sign true? No photographs exist, and I never found a reference to it in any newspaper. Additionally, the timeline is difficult to reconcile, as at least one of the counties on US 12 became wet shortly after World War II. Was the tale of the sign apocryphal? Most likely. Yet the thought remains amusing. And so the alleged quote seemed appropriate as a title for this article.

3. This and other lists of counties considered "dry," selected votes and vote tallies, and certain dates taken from information supplied by the Minnesota Liquor Control Commission (later the Minnesota Alcohol and Gambling Enforcement Division), hereafter referred to as MN Liquor Control Commission.
5. Chapter 32, Session Laws of Minnesota (1870); The Anti-Saloon League Year Book: An Encyclopedia of Facts and Figures Dealing with the Liquor Traffic and the Temperance Reform (Westerville, OH: Anti-Saloon League of America, [various dates]).
7. Anti-Saloon League Year Book (1912), 175. In 1912 “village” and “city” were not interchangeable terms under state law; each had unique characteristics.
9. C. J. Buell, The Minnesota Legislature of 1915 (St. Paul: C. J. Buell, 1915), 6–10, 49–55. "Why was the question of county option the supreme issue on the selection of a speaker of the House of Representatives? Are there not other state questions of equal or greater importance? Perhaps, but the one overwhelming issue in the campaign of 1914 was the question whether the people of the several counties of the state should be permitted to vote and determine the policy of the county as to the licensing of the liquor traffic. In almost every legislative district of the state county option was either the one vital issue or else it was one of the few questions around which the contest was waged for Senator or House members.”
18. Howard Lake Herald, Oct. 28, 1915; Anti-Saloon League Year Book (1917). The discrepancy in the number of counties, 86 versus 87, is that Lake of the Woods County did not incorporate until January 1, 1923, following a vote by the residents of Beltrami County’s northern townships to form their own county.
19. Anti-Saloon League Year Book (1919).
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