Report on League Interviews of Police Chiefs and Sheriffs in Minnesota

At the beginning of this Firearms update study, our committee wanted to learn as much as we could about the impact of firearms in our own communities. We wanted to know if media reports gave an accurate picture of firearm injuries and deaths. Were there more than we realized, or fewer? The best way to find out, we reasoned, was to ask the chiefs of police and county sheriffs charged with safeguarding our communities. Consequently, we designed a survey and invited volunteers from Leagues across the state to interview their sheriff or chief of police. In this report, we share what they had to say.

The survey consisted of 20 questions addressing each of the issues in the League’s 1990 position on firearms and included questions about enforcement and the respondents’ opinions on the efficacy of existing laws and regulations. Two pilot interviews were done by committee members and after several revisions, the questionnaire was ready to be sent to local leagues. Survey interviews were conducted by League members in person, by phone or Zoom between October 2020 and July 2021. A few officers chose to self-complete the questionnaire. A total of 39 law enforcement officers participated. The questionnaire responses and participants’ comments were submitted to Martha Micks, committee co-chair, for tabulation.

The survey was not a scientific study. Rather, it was a way for League interviewers to hear the opinions of law enforcement officials in their communities. That goal was achieved. However, the ambiguous wording of some questions and law enforcement responses that do not fit easily into a defined category made it difficult to do justice to all the information shared by law enforcement.

The Firearms Update Study Committee decided to report the respondents’ responses to the interview questions in percentages and highlight some of the common themes that ran through their answers, rather than list all the comments pro or con. An appendix with all the comments is in a separate link. Our hope is that this approach does justice to the data and honors the time of both interviewers and interviewees.

 We are grateful to the law enforcement officers who made time to share their views and to the League members who volunteered to interview them. Most of the law enforcement interviewed worked in towns with populations of 10,000 – 50,000, with seven towns larger and 6 towns smaller. Interview appointments were difficult to get in very large cities. Six interviewees asked to be anonymous. Though some chiefs and sheriffs were wary of being interviewed, they were willing to share their views as long as they were aggregated with the others. Several were reluctant to share their views on issues they considered political or legislative in nature.

We learned more about our own communities and the diverse challenges faced by law enforcement throughout the state. Thank you to everyone who participated.

# Executive Summary

Though there was diversity of opinions, some areas had majority agreement. They were:

* Suicide is the greatest risk of firearms violence.
* Handguns are the type of firearm involved in most firearms incidents.
* Most firearms encountered were legally possessed, unless involved in crimes.
* Almost all police departments require training in Intimate Partner Violence Risk and Response or something similar.
* All law enforcement reported all firearms incidents to the Minnesota Bureau of Criminal Apprehension, which in turn reported that to the Federal Bureau of Investigation (FBI).
* Most law enforcement departments view background checks as a burden, but one they feel is necessary. Background checks are done for a permit to purchase (aka transfer permit) by local police and permits to carry are carried out by sheriffs. When there are seasonal spikes, it puts an extra burden on the staff to get the background checks done within the deadlines, (seven days for a permit to purchase and 30 days for a permit to carry).
* Almost all police departments receive reports of firearm wounds or fatalities from medical facilities in their city or county.
* Most sheriffs believe they only have partial control over who gets a “permit to carry”. The reason is that Minnesota is a “shall issue” state, meaning that unless there is a reason for denial, the sheriff must issue the permit. Even if the permit is denied, applicants can appeal the decision to the courts and often win that appeal.
* The strongest support for firearms legislation was for universal background checks and closing the loopholes of private sales at gun shows.
* The majority would support Extreme Risk Protection Order (ERPO) or “Red Flag” laws, but cautioned that care must be taken in how the legislation is written. Respondents expressed concern about due process, safety for the officers removing firearm(s) in a crisis situation and where to store the firearms. These concerns were shared by both those opposed and in support.
* Respondents supported limits on certain types of ammunition such as armor-piercing bullets or incendiary ammo, but noted those were already regulated.

Proposals for firearms restrictions that were not widely supported by law enforcement:

* There was mixed support for requiring firearm training before a firearm purchase in order to get a certification for a license. There was support for young people to go through training before they can be certified to own a firearm and refresher training for older people. But there were concerns about who would do the training.
* Respondents did not support the concept of allowing stricter firearm ordinances for local municipalities, except for the current ones regarding hunting and the discharge of weapons in municipalities. The concern was the difficulty in enforcing laws without consistency.
* Most respondents did not support registration of firearms. Those that did say it could help trace the owner of the gun, but those opposed were concerned about a registry of firearms owners. Also said it would be difficult in court to prove ownership even if there was a registry.
* Most did not support limits on certain types of firearms.
* Most did not support limits on magazine capacities, though 43% were in support.
* Most did not support limiting purchase of firearms to “one a month” to reduce gun trafficking. The main argument against was that it would result in more black market sales and didn’t address collectors who might want to buy antique guns.
* The majority did not support re-instating the ban on the manufacture, sale and importation of assault weapons and assault weapon parts. They said there are already so many out there. Also, there are other lethal rifles and pistols, which are not considered assault weapons.

One of the things we learned from these interviews is that the location and size of a city or county don’t explain the variation in the views of the chiefs and sheriffs.

Detailed summaries of replies to each question are below:

**#1 Do firearms pose a problem in your community?**

41% Insignificant

47% Moderate

12% Significant

**#2a Are firearms a growing problem in your community?**

30% Yes

65% No

 5% Mixed: Depends whether it’s the cities which sheriffs patrol or other cities in the county.

**#2b Can you estimate how many firearms-related calls your department responds to in a given year?**

The responses to the number of incidents involving firearms varied. In some suburban and Greater Minnesota cities, there were no firearms incidents reported. Other respondents questioned what constituted a “firearms incident.” In rural areas, there were reports of shooting/noise complaints, sometimes involving the illegal use of a firearm. Another question: If a gun without a permit is found during a traffic stop, does that constitute “a firearms incident?” Most of the cities were not experiencing the spike in firearms shootings.

**#3 Please rank in order of your assessment of risk in your community with “1” posing the greatest risk and “4” the least, the following types of firearm incidents: suicide, domestic violence, accident, crime:**

54% Suicide

16% Domestic Violence

 8% Accident

 22% Crime

**#4 Among incidents involving firearms in your community, which firearm is most frequently used: handgun, shotgun, rifle, or assault weapon?**

81% Handgun

 5% Rifle

 5% Handguns and rifles equally

 3% Shotgun

 3% Rifles and shotguns equally

 3% Handguns, rifles and shotguns equally

 0% Assault weapon

**#5 Are most of the guns you encounter in problem situations legally purchased, stolen, or of unknown origin?**

54% Legal

 9% Stolen

20% Unknown origin

 6% Legal, stolen, and unknown origin equally

 6% Stolen and unknown origin equally

 3% Legal and stolen equally.

At least one respondent noted an increase in unlawful possession of firearms discovered in drug arrests and traffic stops. A sheriff said that in hunting incidents, most firearms used were legally purchased; with crime incidents, most firearms used were stolen.

**#6 Does your department require “Intimate Partner Violence Risk and Response” training?**

81% Yes

19% No

All departments (except four) require special training in dealing with domestic violence situations but not necessarily the specific one referred to in the question. Those departments conduct their required training in conjunction with other agencies that deal with domestic violence. One department doesn’t require it, but offers training in it.

**#7 Do you support “red flag” laws (Extreme Risk Protection Order [ERPO]) permitting police or family members to petition a state court to order the temporary removal of firearms from a person who is a danger to others or themselves?** [Note: MN Chiefs of Police Assn. support “red flag” laws.]

68% Yes

22% No

 8% Mixed response

 2% No response

Among those respondents in support of such laws was the view that they could reduce the risk of suicide, the greatest cause of gun deaths in Minnesota. Another respondent said that it would be good to have another tool for reducing risk, both to a potential victim and to the owner of the gun.

While 68% of those answering Question 7 reported support for Red Flag laws, even among those answering affirmatively, there were concerns, expressed even more strongly by those in opposition. Among the concerns: potential danger to law enforcement charged with removing firearms from a fraught situation; emphasis on the need for due judicial process and procedures for appeals [these are built into proposed Minnesota legislation]; worry about groundless accusations of a person’s being a danger to self or others, based on inter-personal hostility; questions of where confiscated guns would be stored, and the need of solid definitions around who poses an immediate danger to self or others.

**#8 Would you support required firearm training before a firearm purchase, with the resulting certification of training resulting in a license for the purchaser?**

50% Yes

31% No

11% Mixed reactions

 8% No response

Among the 50% of those favoring required firearm training before a firearm purchase was one respondent who said that a 4-hour training course would increase everyone’s safety; another who said that required training would reduce injuries and deaths from accidents; two others who made the analogy with driving a car, saying that both can be lethal in untrained, unskilled hands. Some favored requiring training, but only for young buyers, not for experienced users. Another respondent suggested that refresher courses could be required for more experienced gun owners. Some would make an exception for young people trained by family members in hunting situations. One person responding in the negative said that requiring driver training didn’t keep people from getting into car accidents, so firearms safety training might not be help. Another person opposed to mandatory training favors limiting it to those applying for a permit-to-carry. A concern was expressed about the undue burden that might be placed on cities if they were required to be the providers of mandatory training.

**#9 Should local municipalities be allowed to enact stricter firearms than state statutes?**

34% Yes

49% No

 6% Mixed response

11% No response

The majority of respondents did not favor allowing municipalities to enact stricter firearms ordinances that state statues, although 34% would like to see cities able to tailor their laws to accommodate different levels of need. Several pointed out that cities do have the authority to regulate the illegal discharge of a firearm within city limits. Those opposed to allowing municipalities to pass laws that are stricter than those in effect at the state level say that compliance with the law and enforcement of it would be more difficult without uniformity.

**#10 Would it contribute to public safety if firearms were registered, so crimes committed with them could be traced?**

32% Yes

62% No

 6% Mixed response

The vast majority of respondents expressed opposition to the registration of firearms, although some said it could be beneficial in tracing gun crimes to their perpetrator. Some said that ATF, if asked, is able to do a gun trace if the serial number has not been scraped off. (The rise in 3-D-printed guns and unassembled firearm kits that are 80% complete with un-serialized frames or receivers have created a growing problem in untraceable or “ghost” guns.) Some of those in opposition said that it is too often the case that even tracing a crime gun back to its original purchaser does no good if the firearm in question has been stolen or has changed hands a number of times. Others pointed out that there are so many guns already in circulation; they could not be accounted for. Others in opposition were against it because they viewed it as an infringement of privacy.

**#11 Which firearms laws are the most difficult to enforce?**

46% Eligibility for possession of firearms/ Identifying illegal purchases

13% Permit-to-carry laws

13% Safe storage of firearms

 4% Determining whether a particular firearm is legal

21% None of the laws are hard to enforce

46% of respondents said that it was very hard to enforce laws governing eligibility to possess a firearm. Different reasons were given for the difficulties around this issue: Unless a felon in possession of a firearm is arrested or a search warrant issued, it is impossible to know if someone is possessing illegally, and criminal databases are not kept sufficiently up-to-date. If someone prohibited in one jurisdiction is picked up with a firearm in another jurisdiction, law enforcement can’t enforce the ban because of prohibitions against the sharing of information across jurisdictional lines. It’s hard to know who owns the firearm if one is found in a motor vehicle. Too many guns change hands in the secondary market. A gun may be purchased legally by a “straw purchaser” but turned over to someone prohibited from owning.

13% of respondents said permit-to-carry laws are the hardest to enforce because it’s hard to know who is carrying without a permit. Challenges to open carry are also difficult for law enforcement because those carrying unlawfully may become violent.

13% of respondents said there is no mechanism to monitor safe storage of firearms. It isn’t known until there has been an accident.

21% of respondents answered that no firearm law was hard to enforce but some were frustrated by the courts’ failure to exact penalties for infractions. There was concern about plea-bargaining and not enough enforcement of mandatory minimums. One respondent said that some who should be imprisoned are not because of pressures to reduce prison populations.

**#12 Should there be limitations on the availability to the general public of any of the following:**

1. **Kinds of firearms**

31% Yes

53% No

 6% Mixed

11% No response

Regarding limitations of particular kinds of firearms:

31% of respondents favored limitations or bans on semi-automatic assault rifles, commenting, for example, that “assault rifles don’t serve a purpose for the average citizen,” or that those firearms designed for “offensive purposes” should be restricted, unlike those used for hunting or self-defense.

Among the 53% answering in the negative were those who found it meaningless to distinguish among types of firearms, that the appearance of a firearm has no relation to its function, or believed that lethality is lethality, regardless of what type of firearm is used.

1. **Limitations on magazine capacity**

43% Yes

41% No

 5% Mixed

11% No response

Among the 43% responding yes, was the comment that “the impact and level of destruction is greatly increased with magazine capacity and the type of ammunition.” Among the 41% arguing against limiting magazine capacity, at least one respondent didn’t see the point, saying that knives are involved in lots of violent incidents but they are not banned. The same respondent urged more attention to mental illness than to the instrument used in killings. 5% of respondents mentioned that currently they opposed limitations, but would change their opinion should that issue become more of a problem. 11% of respondents chose not to respond.

1. **Limitations on types of ammunition**

53% Yes

33% No

 3% Mixed

11% No response

The majority of those responding did favor banning certain kinds of ammunition, with specific reference to armor-piercing bullets, which pose a danger to law enforcement. Among the 33% of the negative responses was the view that the expense of armor-piercing bullets meant that they were used rarely and others said that type of bullet was not allowed to be sold to the public. Another respondent said that bans wouldn’t be effective since people generally find a way to get what they want regardless of limitations. The mixed opinion said large magazine capacities and certain types of ammunition make firearms more dangerous to law enforcement, but said you won’t see law enforcement take a stand on this as it’s not the police department’s decision.

**#13 Do you support universal background checks for the purchase of all firearms? (This would involve background checks through the National Instant Check System, even for private sales at gun shows.)**

74% Yes

 9% No

14% Mixed

 3% No response

By the largest margin of any other question answered in the affirmative, 74% of our respondents said that they were in favor of a universal background check to keep guns out of the wrong hands. The check would be conducted through the National Instant Check System (NICS) for the purchase of all firearms, including those sold by unlicensed dealers at gun shows. The exception, mentioned by several respondents, would involve change-of-ownership transfers within a family or through inheritance. The 9% expressing opposition or reservations thought existing regulations were sufficient or worried that requiring more checks or safeguards would burden law enforcement. Of the 14% who gave mixed responses, one was supportive of background checks if it didn’t lead to a national registry, another asked if this was a mental health issue and the others wanted to know the logistics of how private parties would do this outside a gun show with selling or gifting between friends or family members.

Note: The Minnesota Chiefs of Police Association supports “preventing individuals who are legally able to purchase a gun from doing so without background checks at gun shows, online or in private transactions.”

**#14 Would gun trafficking be reduced if there were a one-firearm-a-month law limiting the quantity of firearms a person can purchase at one time?**

11% Yes

78% No

11% No opinion

78% of respondents answered in the negative, saying that limiting gun sales to one per-person-per-month would not significantly reduce gun trafficking. Among the reasons for opposing: reference to systems already in place, requiring the reporting (to the National Tracing Center of ATF or local law enforcement) of two or more firearms purchased by the same buyer within a 5-day period and the belief that even if large bulk sales were prohibited among legal sellers, bulk sales would still occur in the black market. There was also concern that limitations on gun sales on a given occasion might pose an unfair burden on legitimate firearms collectors.

11% said it would reduce the legal sales, which could reduce some guns on the street, but commented that gun traffickers would not obey the law.

**#15 Do you receive reports of firearms wounds or fatalities from medical facilities in your city/county?**

94% Yes

 6% No

Almost all respondents replied that their departments do receive reports of firearm injuries and deaths from the medical facilities in their city of county, as mandated by state law. Monthly reports are sent to the BCA.

**#16 To whom do you report incidents of firearms injuries and fatalities?**

100% The BCA (Bureau of Criminal Apprehension)

It is mandatory to report incidents of firearm injuries or deaths to the BCA, which then reports to the FBI.

**#17a Is the control you have over who receives a Minnesota permit-to-carry in your city or total, partial, or non-existent?**

Sheriffs

Total: 43%

Partial: 57%

Non-existent 0%

There is a discrepancy between those sheriffs saying that their control is total and those who say it is only partial. Both, in a sense, are correct. Those saying their control is total refer to the fact that they are the ones in charge of issuing the permits. Those who say it is only partial are referring to the fact that Minnesota is a “shall-issue” state and the sheriffs’ discretionary power to deny is limited. As one sheriff noted: “Our office is required to issue a permit to any person meeting the statutory requirements.” If one of the legal requirements is not met, the sheriff can deny and the applicant can go through a court process, but judges usually rule in favor of the appeal, according to the respondent who raised this concern.

Police chiefs

Total: 7%

Partial control: 17%

Non-existent control: 76%

Police chiefs have authority over the permit to purchase process, and sheriffs have authority over the permit to carry process. A reason for non-unanimity among the chiefs about their lack of control over the permitting process is that according to MN Statute 624.713, Sub2, Sec d: “A sheriff may contract with a police chief to process permit (to carry) applications…The sheriff remains the issuing authority and the police chief acts as the sheriff’s agent.”

**17b) Would you like to see changes in the permitting process?**

Yes: 28%

No: 50%

No response: 22%

The most serious concern among those saying they would like to see changes is that they wished for more say in decisions in which their knowledge of community members would be relevant and helpful. Another concern was that while cities issue permits to purchase and sheriffs issue permits to carry, there is little exchange of information between them. And with the rise in applications for permits-to-purchase, more staff time has been required to process the permits. One respondent worried that not all disqualifiers are considered sufficient grounds for denial of a permit, so there is sometimes confusion about eligibility. One respondent would like to see the responsibility for permits reside in a well-staffed state agency for the sake of greater consistency.

**#18 It has been argued that requiring background checks for transfer permits and permits-to-carry imposes a heavy burden on police and sheriff departments. Do you agree? If yes, what creates the biggest burden?**

61% Yes

33% No

 6% No response

Of the majority answering that the work involved in doing background checks is burdensome, most pointed to the doubling of applications for permits-to-carry this year and that staff needed to process the permits had not increased correspondingly. [BCA reported that 51,404 permits-to-carry were issued in 2019, and 96,554 were issued in 2020.] They said that the requirement for a permit to purchase application to be acted upon within seven days (or the permit would be granted by default) creates added pressure especially since purchases tend to be cyclical in volume and that they are not paid fees to cover staff costs. Sheriffs noted that permit-to-carry applications have to be acted on within 30 days (or the permit would be granted by default). Though applicants for permits to carry pay a $100 fee, it doesn’t adequately cover the time and personnel needed in carrying them out.

Those answering no said that their current staffing was adequate for the task and the process was simple and the state database reliable.

**#19 Would reinstating the ban on the manufacture, sale, and importation of assault weapons and assault weapon parts make policing and our communities safer?**

31% Yes

56% No

14% No response

Among those answering in the affirmative, one respondent noted that the federal assault weapon ban [in effect from 1994 until it expired in 2004] had been helpful. Another respondent pointed out that these weapons fire off many rounds in a short time, delivering maximum damage quickly. Those opposed stated that it would be hard to come up with an agreed-on definition of an assault weapon and that legislative debate on such a ban would end up in a deadlock. Further, opponents say there are so many existing assault weapons out there that the horse is already out of the barn and it would take a long time for the supply to be diminished by a ban on new sales.

**#20 Are there other concerns that our questionnaire did not cover?**

The concerns that surfaced in response to this question covered a wide range of issues. Some argued for better enforcement of existing laws and stiffer penalties for crimes committed with guns; others urged more resources for mental health; a lifetime ban on firearm ownership if there has been a conviction for a violent crime; more education and gun safety training; legislation requiring safe storage [Minnesota statute 609.66 covers negligent storage of a firearm]; standardized training for those purchasing firearms; information from law enforcement in other states about their citizens using guns in Minnesota; more cooperation between law enforcement and social services. At least two respondents voiced concern about the difficulty in getting and retaining new recruits, given the criticisms leveled across-the-board at police. And several worried that permits-to-carry were too easy to get and that too many people had them.

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