



April 26, 2021

Sheriff Chris Fitzgerald
Barron County Sheriff's Department
1420 WI-25
Barron, WI 54812

Dear Sheriff Fitzgerald,

I am writing on behalf of the Lawyers' Committee for Civil Rights Under Law ("Lawyers' Committee") in support of Embrace Services, Inc., ("Embrace"), a program that provides services to domestic and sexual violence survivors. As you know, last year, in the wake of George Floyd's murder, Embrace posted "Black Lives Matter" ("BLM") signs at its offices and publicly issued an anti-racism statement. We are concerned that the Sheriff's Department has interpreted "BLM" to represent hostility toward law enforcement and has consequently distanced itself from Embrace and from the Black community.¹ We hope to contextualize and explain the significance of the term "BLM," not as an attack on police, but as a symbol of solidarity with, and accountability to, people of color.

If you are not familiar with the Lawyers' Committee, we are a nonpartisan nonprofit, formed in 1963 at the request of President Kennedy to enlist attorneys to help combat race discrimination. The James Byrd Jr. Center to Stop Hate at the Lawyers' Committee supports communities targeted for hate and challenges white supremacy. We regularly work with our partners in law enforcement, including with the International Association of Chiefs of Police (IACP) and with local departments, to ensure that they have the tools necessary to best respond to hate crimes. We have trained hundreds of officers on how to better build trust with communities frequently targeted for hate.

BLM and Systemic Racism in Wisconsin

So, what *is* BLM and why are we talking about racial justice in 2021, when we already have laws that prohibit discrimination? First, it's important to note that while BLM has become a diverse and global movement that includes a variety of viewpoints, it is also just three basic words: Black Lives Matter. When a person, business or other entity says "Black Lives Matter" they are not necessarily endorsing specific policies or a particular platform. For instance, Embrace's

¹ In your October 20, 2020 statement on the issue, you expressed a belief that some of the platform issues in the Movement for Black Lives "are about defunding the police and advocate for violence," and that Embrace's support for BLM could create the sentiment that there is an attack on police in Barron County. See Chris Fitzgerald, *Sheriff's statement on Embrace issue and creation of 'Citizen Advisory and Action Team,'* The Chronotype (Oct. 20, 2020), https://www.apg-wi.com/rice_lake_chronotype/free/sheriffs-statement-on-embrace-issue-and-creation-of-citizen-advisory-and-action-team/article_6ed6616e-12e1-11eb-9be2-57029f8d7bff.html.

racial justice statement calls for an end to the “cycle of trauma created by racism and violence;” it does not endorse any official organization or policy, nor does it call for violence or the defunding of police.

Second, to better understand the BLM movement, one needs to understand where it came from. The BLM movement arose in response to deep racial inequities, not just in the criminal justice system, but also in healthcare, education, and housing. The term “systemic racism” describes the policies and practices that have helped sustain these inequities; recognizing that Black Lives Matter is about acknowledging systemic racism and these racial inequities. Importantly, supporting BLM does *not* mean that other lives do not matter. Rather, the BLM movement is meant to focus our collective attention on the lives of those who have been historically marginalized. As others have described it, if you went to the doctor with a broken arm and the doctor told you “all bones matter, not just your arm” you would probably want a different doctor. When you have a broken arm, you want the doctor to focus on what is broken: your arm. BLM is a movement to bring attention to what is broken in society.²

Sadly, the need to recognize that Black Lives Matter is particularly relevant in Wisconsin. Wisconsin consistently ranks among the worst in the nation for racial disparities. A 2019 report found that, while white Wisconsinites had “relatively good” economic, health and educational outcomes, Black residents had the worst outcomes in the country.³ In fact, many call Wisconsin the worst place in the nation to raise a Black child.⁴

The evidence of systemic racism in Wisconsin is pronounced:

- Health: From their first breaths, Black babies in Wisconsin are three times more likely to die than white babies.⁵ Wisconsin ranks last in the country in the well-being of Black children, and the Wisconsin Public Health Association declared racism a state public health crisis in 2018.⁶
- Income Disparities: Wisconsin is the third worst state for income disparities – while the median white household has an annual income of about \$59,500, the median Black household earns less than half of that.⁷ As a result, about one in three Black children in

² @ Semaj Mitchell, Twitter (May 28, 2020),

https://twitter.com/semajmitchell12/status/1266052688917213184?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1266052688917213184%7Ctwgr%5E%7Ctwcon%5Es1_&ref_url=https%3A%2F%2Fwww.godhousekeeping.com%2Flife%2Fa32745051%2Fwhat-black-lives-matter-means%2F

³ See *COWS Report Highlights Racial Disparities in Employment, Education*, WisBusiness News (Oct. 15, 2019), <https://www.wisbusiness.com/2019/cows-report-highlights-racial-disparities-in-employment-education/>.

⁴ See e.g., Julian Emerson, *Part Three: System Fails Black Students*, Up North News (Jun. 19, 2020), <https://upnorthnews.com/2020/06/17/wisconsins-public-education-system-sets-up-black-students-to-fail/>.

⁵ See Shamane Mills, *Wisconsin's Infant Mortality For African-Americans Highest In Nation*, Wisconsin Public Radio (Jan. 5, 2018), <https://www.wpr.org/wisconsins-infant-mortality-african-americans-highest-nation>.

⁶ See Wisconsin Public Health Association, *2018 Resolution, Racism is a Public Health Crisis*, (May 2018), https://cdn.ymaws.com/www.wpha.org/resource/resmgr/2018_folder/WPHA_Racial_Equity_Resolution.pdf.

⁷ See COWS UW-Madison, *Wisconsin's Extreme Racial Disparity: Vast Chasm Separates Whites and African Americans in the State*, (Jan. 2017), <https://cows.org/wp-content/uploads/sites/1368/2020/04/2017-Wisconsins-Extreme-Racial-Disparity-2017.pdf>.

Wisconsin lives in poverty, a troubling rate that is 3.8 times higher than that of white children.⁸

- Housing: A history of racially exclusive mortgage programs and policies that forbade Black families from moving to white neighborhoods, caused lasting segregation in the state.⁹ These programs resulted in the physical separation of communities that is still evident today, and are the main reason that Milwaukee remains the most segregated city in the country, and Wisconsin remains much whiter than the rest of the nation.¹⁰
- Education: Nationally, Black students are three times more likely to be suspended than white students, even for the same or similar infractions.¹¹ In Wisconsin, Black students are 7.5 times more likely than white students to face suspension, the second worst disparity in the country.¹² Wisconsin also ranks last for the disparity between Black and white residents with a bachelor's degree; Black students made up only 2.1% of undergraduates at UW-Madison in 2019, even though they represent about 7% of the state population.¹³
- Incarceration: Wisconsin locks up Black men at a higher rate than any other state. Thirteen percent of Black men over age 16 in Wisconsin are imprisoned, compared to the 6.7% national average.¹⁴

American Support for BLM

In addition to the fact that a majority of Americans support Black Lives Matter,¹⁵ numerous businesses and organizations have voiced their support for BLM and racial justice. In the wake of George Floyd's murder, Wisconsin companies, such as Kohl's, put out racial justice statements similar to Embrace's. Like Embrace, Kohl's recognized that "Racism is not a new

⁸ See *id.*

⁹ See e.g., Samiha Bhushan, *From redlining to gentrification: A history of Wisconsin's urban neighborhoods*, The Badger Herald (Nov. 21, 2019), <https://badgerherald.com/opinion/2019/11/21/from-redlining-to-gentrification-a-history-of-wisconsins-urban-neighborhoods/>; see also Kayla Blado, *White Wisconsinites must reckon with the deep racial inequities in our state*, Wisconsin Watch (Sept. 2020), <https://www.wisconsinwatch.org/2020/09/white-wisconsinites-racial-inequities-wisconsin-racism/>.

¹⁰ See Bhushan *supra* note 23.

¹¹ See UCLA Civil Rights Project, *Lost Opportunities: How Disparate School Discipline Continues to Drive Differences in the Opportunity to Learn*, (Oct. 2020), https://www.civilrightsproject.ucla.edu/research/k-12-education/school-discipline/lost-opportunities-how-disparate-school-discipline-continues-to-drive-differences-in-the-opportunity-to-learn/Lost-Opportunities_v12_EXECUTIVE-SUMMARY.pdf.

¹² See Henry Redman, *Wisconsin Schools' Racial Inequality Worst in U.S.*, Urban Milwaukee (Jun. 27, 2020), <https://urbanmilwaukee.com/2020/06/27/wisconsin-schools-racial-inequality-worst-in-u-s/>.

¹³ See *id.*

¹⁴ See Gene Demby, *Why Does Wisconsin Lock Up More Black Men Than Any Other State?*, National Public Radio (NPR) (April 24, 2013), <https://www.npr.org/sections/codeswitch/2013/04/24/178817911/wisconsin-locks-up-more-of-its-black-men-than-any-other-state-study-finds>.

¹⁵ Zack Budryk, *Poll finds majority support for Black Lives Matter, but opposition to defunding police, reparations*, The Hill <https://thehill.com/policy/508254-americans-largely-support-black-lives-matters-but-dont-back-removal-of-monuments-poll> (July 21, 2020).

crisis, it is a long-standing systemic problem that has yet to be solved.”¹⁶ Kohl’s also sold t-shirts and other merchandise with logos associated with the BLM movement. Similarly, the National Basketball Association (NBA) put the words “Black Lives Matter” prominently on its court and social-justice messages on players’ jerseys for the 2020 season. Hundreds of other companies – including Nike, Netflix, Citigroup, Target and Walmart - have taken similar steps to show their support for BLM and racial justice.¹⁷

Supporting BLM Allows Both Embrace and Police to Better Serve the Community

Embrace’s support for BLM helps fulfill the shelter’s mission of ensuring that every survivor in its service area feels welcome. Embrace’s service area includes the Black residents of the City of Barron, which make up about 13.7% of its population, and the 7% of non-white residents in Barron County.¹⁸ For reasons rooted in unequal access to employment and economic opportunities, racism, and sexism, women of color disproportionately suffer from abuse. Black women are almost three times as likely to experience death as a result of domestic violence than White women, and domestic violence is one of the leading causes of death for Black women ages 15 to 35.¹⁹ At the same time, many women of color are less likely to report or seek help when they are victimized, due to factors that may include a lack of trust with a provider, high rates of poverty, poor education, limited job resources, language barriers, and possible fear of deportation.²⁰ For Embrace to post BLM signs is to signal to communities of color, including Black and Native communities, that the shelter fully supports them.

Similarly, as the IACP has noted, trust between police departments and the communities they serve is “vital to effective policing.”²¹ Yet, study after study indicates that Black people are disproportionately stopped, searched, and arrested by police²² and that Black men have a 1-in-1,000 chance of being killed by police.²³ Reflecting these realities, less than half of young Black

¹⁶ *A Message from CEO Michelle Gass to Kohl’s Associates*, (June 1, 2020)

<https://corporate.kohls.com/news/archive-/2020/june/a-message-from-ceo-michelle-gass-to-kohl-s-associates>.

¹⁷ Tiffany Hsu, *Corporate Voices Get Behind ‘Black Lives Matter’ Cause*, NY Times,

<https://www.nytimes.com/2020/05/31/business/media/companies-marketing-black-lives-matter-george-floyd.html> (Jun 10, 2020); Mercey Livingston, *These are the major brands donating to the Black Lives Matter movement*, CNET <https://www.cnet.com/how-to/companies-donating-black-lives-matter/> (Jun. 16, 2020).

¹⁸ See DataUSA, *Barron, WI.*, <https://datausa.io/profile/geo/barron-wi#demographics>; United States Census Bureau, *Quick Facts: Barron County, WI.* (Last updated July 1, 2019).

¹⁹ See Institute on Domestic Violence in The African American Community, *Facts about Domestic Violence African American Women*, (2015), <http://idvaac.org/wp-content/uploads/Facts%20About%20DV.pdf>.

²⁰ See Jameta Nicole Barlow, *Black Women, The Forgotten Survivors Of Sexual Assault*, American Psychological Association (Feb. 2020), <https://www.apa.org/pi/about/newsletter/2020/02/black-women-sexual-assault>; Women of Color Network, *Domestic Violence: Communities of Color*, https://www.doj.state.or.us/wp-content/uploads/2017/08/women_of_color_network_facts_domestic_violence_2006.pdf.

²¹ See e.g., IACP, *Community-Police Relations*, <https://www.theiacp.org/topics/community-police-relations>; see also U.S. DOJ Office of Community Oriented Policing Services (COPS) and IACP, *Building Trust Between the Police and the Citizens They Serve*, (Oct. 16, 2019), <https://cops.usdoj.gov/RIC/Publications/cops-w0724-pub.pdf>.

²² See e.g., *A Large-Scale Analysis of Racial Disparities In Police Stops across the United States*, Nature of Human Behavior (May 4, 2020), <https://www.nature.com/articles/s41562-020-0858-1>; see Frank Edwards, Hedwig Lee, and Michael Esposito, *Risk of Being Killed by Police Use-Of-Force in the U.S. by Age, Race/Ethnicity, and Sex*, Proceedings of the National Academy of Sciences. <https://www.pnas.org/cgi/doi/10.1073/pnas.1821204116>.

²³ See Edwards et. al., *Risk of Being Killed by Police Use-Of-Force in the U.S. by Age, Race/Ethnicity, and Sex*, Proceedings of the National Academy of Sciences (2020), <https://www.pnas.org/content/116/34/16793>.

Americans have a great or fair amount of confidence in police.²⁴ As the IACP explains, these statistics, along with “prior decades of real or perceived mistreatment by police and the justice system, has led to underlying fear, resentment, and anger, culminating in distrust.”²⁵ To address this problem, the IACP stresses that police departments must acknowledge “historical racism and the enduring socioeconomic disparities between white and non-white communities.”²⁶

Barron County law enforcement should follow the example set by leaders in law enforcement, Wisconsin businesses, and Embrace, and acknowledge the importance of racial justice and the ideas underlying the need to say “Black Lives Matter.” As Americans, we should support the meaning of “Black Lives Matter,” even if we do not endorse every solution advanced by activists. We appreciate your willingness to listen to community feedback and we are happy to discuss the general nature of BLM further. To have a conversation, you can reach our office by emailing byrdcenter@lawyerscommittee.org.

Sincerely,

Arusha Gordon
Associate Director - James Byrd Jr. Center to Stop the Hate
Lawyers’ Committee for Civil Rights Under Law

CC:

Stacey Frolik, Barron County Health and Human Services Director
Louie Okey, Barron County Board Chairman
Donald Horstman, Barron County Vice Chairman
Bun Hanson, Barron County Second Vice Chairman

Barron County Board Supervisors:

Bob Rogers
Terry Lee
Pam Fall
Bill Schradle
Gary Taxdahl
Jim Gores
Gary Nelson

²⁴ See Hannah Gilberstadt, *A Month Before George Floyd’s Death, Black and White Americans Differed Sharply in Confidence in the Police*, Pew Research Center (Jun. 5, 2020), https://www.pewresearch.org/fact-tank/2020/06/05/a-month-before-george-floyds-death-black-and-white-americans-differed-sharply-in-confidence-in-the-police/?utm_source=Pew+Research+Center&utm_campaign=d930a0a729-Weekly+2020+06+06&utm_medium=email&utm_term=0_3e953b9b70-d930a0a729-400906701.

²⁵ See IACP, *IACP Communities of Color Toolkit*, <https://www.theiacp.org/projects/iacp-communities-of-color-toolkit>.

²⁶ *IACP National Policy Summit Report*, pg. 16-20.

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