

**From:** Creamcity78s LLC

**Sent:** Thursday, July 9, 2020 2:54 PM

**To:** Dennis McBride; James Moldenhauer; Matthew J. Stippich; Kathleen Causier; John Dubinski; Tim Hanson; Nancy Welch; Ernst-Ulrich Franzen; Michael Walsh; Heather Kuhl; Joel Tilleson; Meagan O'Reilly; Allison Byrne; Mike Morgan; Jason Kofroth; Jason Wilke; Craig Wilson

**CC:** kmotley@motleylegal.com; Melanie Kollmansberger

**Subject:** [External] Letter from The People's Revolution to Mayor McBride and the 16 Alderpersons of The Common Council

**Attachments:** Letter to the Mayor & Common Council.pdf

Mayor Dennis McBride & Alderpersons,

Attached is a letter that was just delivered in person to the City Clerk. This was also just sent out to local media. Please refer all questions or responses to this email address and they will be passed on to the appropriate person.

Regards,

Brian Anderson, Wauwatosa Resident, on behalf of the people of The People's Revolution.

Attachment: Written Communication received for PFC\_7.15.20 (Opening Statements - PFC meeting 7.15.20)

Mayor Dennis McBride  
 Ald. James R. Moldenhauer  
 Ald. Matt Stippich  
 Ald. Kathleen Causier  
 Ald. John J. Dubinski  
 Ald. Tim Hanson  
 Ald. Nancy Welch  
 Ald. Ernst Franzen  
 Ald. Michael G. Walsh  
 Ald. Heather Kuhl  
 Ald. Joel Tilleson  
 Ald. Meagan O'Reilly  
 Ald. Allison L. Byrne  
 Ald. Mike Morgan  
 Ald. Jason Kofroth  
 Ald. Jason Wilke  
 Ald. Craig Wilson

July 9, 2020

Mayor McBride and Members of the Common Council,

The winds of history are blowing swiftly on the side of justice—and as elected officials of the City of Wauwatosa, you stand in a moment where you must decide whether to move with those winds or to continue moving against them. For 42 straight days, the People's Revolution has marched all over Milwaukee and the surrounding cities and suburbs. During this time we have taken a special interest in the City of Wauwatosa because of the actions of Officer Joseph Mensah and the obstruction and lack of compassion displayed by the Chief of Police Barry Weber.

On July 7<sup>th</sup> we assembled at Mayfair Mall and The Cheesecake Factory to peacefully protest. As you are aware, this was the site of the murder of Alvin Cole by Officer Mensah five months ago. Mayfair Mall is a driving economic and retail hub for the city that attracts people and money from all over southeastern Wisconsin; in particular, it is a popular destination for people of color in Milwaukee County, who visit this mall to spend their hard-earned dollars and time with friends and family. Mayfair Mall and the City of Wauwatosa are well aware of the demographics of their shoppers. They have duly embraced and welcomed retail stores and small business owners who market and appeal to the consumer needs and desires of people of color. This makes it all the more upsetting, disheartening and, frankly, ironic that Mayfair Mall and the City of Wauwatosa have continually and methodically targeted, discriminated against, and harassed people of color who reside in or visit the community.

The protestors who have assembled in Wauwatosa and at Mayfair Mall, on July 7<sup>th</sup> and in the preceding weeks, have been nothing but peaceful. While you may not appreciate the disruption or agree with our tactics, we have the right, guaranteed by the First Amendment, to make our voices and grievances heard. You should also be aware that these protestors are not outside agitators with

no stake in the community. Many of us reside, work, and frequent places of commerce and entertainment in the City of Wauwatosa. This is our community, too.

As such, we are deeply troubled by the actions of the Wauwatosa Police Department and Chief of Police Barry Weber at The Cheesecake Factory at Mayfair Mall on July 7<sup>th</sup>. We are troubled, too, by the actions of Mayor McBride and the Common Council who, according to officers, instructed the Wauwatosa Police Department to show incredible force and arrest, detain, harass, and intimidate peaceful protestors. Further, the request (by an unnamed official) for assistance from the Brookfield Police Department, West Allis Police Department, Wisconsin State Police, and Milwaukee County Sheriff's Department—seemingly intended to heighten intimidation—put the lives and well-being of the general public at risk. In his haste to assist the Wauwatosa Police Department, the driver of an unmarked Brookfield Police Department truck ran a red light at the intersection of North Avenue and Mayfair Road, causing a serious three-car accident that resulted in injuries. Even more upsetting—and notable given the dozens of police officers from multiple jurisdictions who were present outside The Cheesecake Factory—is that not one officer initially responded to the accident or called for medical assistance. Instead, our protestors were the first responders. Our protestors ran to the accident to help. Our protestors called for medical assistance. Is this what following orders looks like? Is the harassment and intimidation of peaceful protestors worth putting the public at risk? Pure and simple, this was a demonstration of gross negligence by the assembled police departments.

Are you proud of your Chief of Police, who was present at The Cheesecake Factory, for his use of taxpayer dollars to intimidate peaceful protestors? Chief Weber's actions that afternoon—the excessive and overwhelming show of police personnel, the unnecessary call for outside jurisdictions, and the senseless arrests of peaceful protestors—are at the heart of Wauwatosa's policing problems. This Chief has once again demonstrated that he is not fit for the job.

Later on July 7<sup>th</sup>, following the protest at Mayfair Mall, our group assembled at City Hall for the Wauwatosa Common Council Meeting. One of the items on the published agenda was the receipt of a Citizen Complaint from Attorney Kimberley Motley on behalf of the Jay Anderson Family. At the bare minimum we expected the complaint to be read, acknowledged by the Council, and then referred on to the City Attorney and Police and Fire Commission. We did not expect the Common Council or Mayor to debate the complaint, act on the complaint, or offer any opinion or judgment on the merits of the complaint. Again, what we observed was a lack of compassion and decency from Mayor Dennis McBride—and stunning silence from the Members of the Common Council, especially those present (not participating remotely via Zoom).

We did not come to the Common Council meeting with the intention of being disruptive, nor of stopping the city from conducting the business of their lengthy agenda. Quite the opposite. But given the actions of the Wauwatosa Police Department that day, and the Mayor's comments during the meeting—implying that paving roads is as important as addressing the murders of three people of color by officer Joseph Mensah—we determined that no Common Council meeting should go on until the elected officials of Wauwatosa begin taking our concerns seriously and making true commitments to fight for justice and change. Paving roads is important, but our lives and the lives

of our friends, family, and neighbors must take precedence. What a sad day when this priority needs to be spelled out.

At this time, there will be no business as usual in Wauwatosa. The urgency of now requires you to act. Nothing is more pressing in the City of Wauwatosa, Milwaukee County, the State of Wisconsin, or the United States than ending police brutality and misconduct, holding police officers accountable when they engage in wrongdoing, and making real, meaningful changes that begin to fix the scourge of systemic racism in this country. Wauwatosa's police department continues to demonstrate a gross lack of accountability, so it is critical that Wauwatosa be a part of this necessary change. The City of Wauwatosa has a very ugly past when it comes to racial discrimination, and Chief Weber's record, and the length of his tenure, indicate that he is still operating his police department under the assumption that the color of one's skin somehow relates to the likelihood of their criminality.

At the July 7<sup>th</sup> Council meeting, the Mayor suggested that if all of us present would simply be silent, the Council could get back to the business of making the improvements we demand. Well, we beg to differ. While we appreciate the creation of ad hoc committees and discussions between the Mayor and Council members regarding the diversification of hiring practices in the City, the implication that tokens such as the formation of committees with no actual authority will placate us is a clear indication that you are still not listening to what we are saying. We will not be silent until we are assured that you are listening, and that real action is underway.

Mayor McBride and Members of the Common Council, we will be at the next Council meeting on July 21<sup>st</sup>. We will also be at the Fire and Police Commission meeting on July 15<sup>th</sup>. We know that you would like to avoid a repeat of the July 7<sup>th</sup> meeting, and we do not wish for any elected official to violate Wisconsin's Open Meetings Law. It is our sincere hope that you will be able, going forward, to take up the business of the city at these meetings without continual interruption. **Therefore, we are calling on the Mayor and the Members of the Common Council to call a Special Session of the Wauwatosa Common Council next week, on any day from Monday, July 13<sup>th</sup> to Saturday, July 19<sup>th</sup>. We also ask that the rules of this Special Session be amended to allow public comment.** No Wisconsin State law prohibits public comment at a public meeting. Therefore, it is fully within the power of the Common Council to amend the rules and grant this request for the Special Session. We ask that the points of concern and discussion listed below be on the Agenda for this Special Session. And finally, we ask that the declaration of a Special Session and its Agenda be posted and published no less than 24 hours prior to commencement of the Session, in compliance with Wisconsin's Open Meetings Law. These actions are all within your authority to undertake, and it is our earnest hope that you do so.

#### SPECIAL SESSION ITEMS FOR DISCUSSION

1. Public Comment must first and foremost be allowed from Attorney Kimberley Motley and/or Attorney Deja Vishny, who represent the families of Alvin Cole, Jay Anderson Jr., and associates of Antonio Gonzales.



2. The Common Council and particularly Mayor McBride must issue a formal apology to the above-named Attorneys and families for the disrespectful treatment of them by public officials at recent public meetings.
3. The Mayor and Common Council must recommend to the Fire and Police Commission to immediately open an investigation into the harassment of the Cole family, protestors, and attorneys by the Wauwatosa Police Department. We specifically ask that the Commission undertake an investigation into the assault of Alvin Cole's sister by Officer N. Stahl on July 7<sup>th</sup> at The Cheesecake Factory.
4. The Mayor and Common Council must formally request that Chief Barry Weber and the Fire and Police Commission fire Officer Joseph Mensah. While you cannot fire Mensah, no Wisconsin law prevents you from urging the Fire and Police Commission to do so.
5. Chief of Police Barry Weber has held his position since the 1980s with seemingly little oversight from the Fire and Police Commission. For months he has purposely withheld critical information from the agencies investigating Alvin Cole's death. He is not the police chief we need for this critical moment that Wauwatosa faces. We ask the Mayor and Common Council to issue a formal statement to the Fire and Police Commission declaring a loss of faith and confidence in Chief of Police Barry Weber.
6. While the Mayor and Common Council do not have the legal authority to fire officers or the Chief of Police, they do hold the much more powerful authority of the City's purse. We ask that a permanent hold be put on any increase in the budget to the Wauwatosa Police Department. Further, we ask that the Common Council pass a resolution declaring that the Wauwatosa Police Department is barred from purchasing or accepting any surplus military equipment from the U.S. Department of Defense under the Military Cooperation with Civilian Law Enforcement Agencies Act or any other State or Federal legislation. If exigent circumstances occur that the Chief of Police finds it necessary to still obtain this equipment, he must personally appear before the Common Council to explain and justify the need, and the Common Council must approve by a majority the purchase.
7. We ask that the Common Council immediately take up and consider *all* items that were unanimously agreed upon at the Equality and Inclusion Commission Meeting held on June 25, 2020. We do not wish for any of these items to first be referred to committee.
8. We ask for full transparency on which Wauwatosa elected official(s) instructed the Wauwatosa Police Department to make arrests and respond excessively to the peaceful protestors at Mayfair Mall and The Cheesecake Factory on July 7<sup>th</sup>. We ask for a breakdown of the costs of this response, particularly the request of assistance from four outside law enforcement agencies and the costs of the accident that was caused by the reckless response of one of these outside agencies.
9. We ask that the Wauwatosa City Attorney immediately dismiss any municipal citations issued to the two protestors who were arrested and detained on July 7<sup>th</sup> at The Cheesecake Factory. It should also be noted that one of the arrests resulted in significant bruising and contusions to the forearm of a protestor due to the excessive force used by your officers.
10. Finally, we demand a commitment from the Mayor and the Common Council that any future changes in policing that have the potential to increase the Police Department budget (i.e. purchase and implementation of body cameras) be offset in equal measure from the

Police Department budget. No monies from schools, public works, or other public services should be diverted in order to hold our police accountable.

Members of the Common Council and Mayor McBride: We are not your enemies, and you are not ours. We are asking you to be our friends and allies in this fight to improve the community where we all live, work, and spend our time and money. Unfortunately, what we have encountered so far is a complete and collective unwillingness to listen; a gross disregard for the families of victims of police violence; a police department that has harassed, intimidated, and threatened protestors; and an elected body in the City of Wauwatosa that has undertaken no meaningful actions in the past 42 days. Where is your sense of urgency? If you think you can wait us out or that we will tire and go silent, you are mistaken. We will not be silent until the families of Alvin Cole, Jay Anderson Jr., and Antonio Gonzalez receive the long-overdue justice they seek and deserve. And we will not be silent until this Common Council and this Mayor begin making much-needed systemic changes in the City of Wauwatosa. The time to act is now. Be our allies.

Respectfully Submitted,

### **The People's Revolution**

Khalil Coleman	Betsy Wendelberger	Madison Pecha
Brian Anderson	Angelica Boston	Kayla Okonu
Caleb Crossot	Damion Patrick	Hana May
Eric Ajala	Paige Radke	Sedan Smith Sr.
Adante Jordan	Ethan Taman	Mahogany Givens
Carmen Palmer-Sanders	Rose Thomas	Jake Riley
Brendan Jordan	Marcus Brown	Robert Curry
Gia Smith	Ronald Bell	Ryan Berg
Mariah Smith	LaVita Booker	Ben Varga
Terrance Raffet	Jeremy Henderson	Elena Maxwell
Zak Wosewick	Gabriella Vitucci	Jennifer Glueckert
Brandon Penn	Jackie Bogenberger	Deshwanda Bailey
Zachary Pick	Ellie Piper	Sandy Solomon
William Gallman	Ken Triana McDade	Leah Karioris
Joseph Koepp	Jack Hoeffel	Nicosha Harris
Tamuel Hendricks	Daniel Su	Walter Townsend

Maureen Post	Madeleine Schweitzer	Victoria Vitucci
Heather Rose Wojner	Amanda Beyersdorf	Ariana Bohorquez
Anthony Boyd	Hailey Krahn	Trisha Wilson
Bierra Binter	James Eric Claiborne	Brandon Wilborn
Connor Nash	Rachel Adair	Trisha Castillo
Alexia Baertlein	Krista Jackson	Noga Faith Salomon
Diana Schmidt	Nadine Serchen	Esperanza Gutierrez
Kelly Hickman	Tanya Pick	Taylor Wagner
Emily Donahue	Zak Lenski	Jamie Page
Joanna Beining	Nick Iannone	Maxwell Hey
Kathleen Kat	Amanda Swan	Angela Hayes
Dazee Melendrez	Patrick Conlin	Klose Kashian
Ariana Bohorquez	Magdalena Diaz	Mya Baertlein
Amanda Derewicz	Alex Brambila	Agana Baertein
Courtenay Harnett Teska	Meagan Dunn	Arabella Welhouse
Hana May	Kimberly Dodd	Sonora Larson
John McHugh	Kayla Ehlen	Sarah Bingenheimer
Joshua Rangai	Christina Dresang	Nino Cerda
Todd Leech	Nadine Serchen	Jane Sarah
Low End Ssg Ron	Katelyn Harvey	Alex Larson
Ilene Gibler	Kamila Ahmed	Holly LaVora
Kelly Marie Fox	Tabitha Sander	Nathan Sabel
Mara Kachelski	Wen Drous	Kayla Whittenberger
Tiffany Henry	Whitney Rise Roberson	Alana McDonald
Amy Taylor	Mareza Esthefani	Nicole Wagner
Jane Sarah	Jason Kern	Mary Hood
Sayf Amin	Tiffany Henry	David Brown
Mary Hood	Isaiah Santiago	Nani Marie
Christine Groppi	Zaynab Baalbaki	
Dana Zurek	Curtis W. Bennett Jr.	

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