

April 21, 2020
The Honorable Ralph Northam
Governor, Commonwealth of Virginia
1111 East Broad Street
Richmond, VA 23219

Dear Governor Northam:

On behalf of the American Civil Liberties Union and the American Civil Liberties Union of Virginia, we write to urge your office to collect and release aggregate race/ethnicity and other demographic data of COVID-19 infections and deaths to the extent consistent with medical and health privacy laws. As other jurisdictions release racial data of COVID-19 infection and death, it is becoming increasingly urgent to protect all communities and identify communities that are in particular need of support. In order to protect everyone in the Commonwealth and to save as many lives as possible, we are urging your office to begin collecting and releasing this data.

At least 15 states and Washington D.C. have begun releasing racial breakdowns of COVID-19 in their jurisdictions.¹ The data released so far has shown that by in large Black people are dying at disturbingly disproportionate rates. For example, Black people represent 43 percent of COVID-19 deaths in Illinois, but make up only 14 percent of the state's population.² In Louisiana, Black people make up 32 percent of the state but



701 E. Franklin Street
Suite 1412
Richmond VA 23219
(804) 644-8022
acluva.org

Claire G. Gastañaga
Executive Director

1 See Characteristics of Laboratory-Confirmed Cases of COVID-19, Alabama Public Health (April 9, 2020), <https://www.alabamapublichealth.gov/infectiousdiseases/assets/cov-al-cases-040920.pdf>; COVID-19 Statistics, Illinois Department of Public Health, www.dph.illinois.gov/covid19/covid19-statistics (last accessed April 9, 2020); Coronavirus (COVID-19), Louisiana Department of Public Health, ldh.la.gov/coronavirus/ (last accessed April 9, 2020); Coronavirus Disease 2019 Outbreak, Maryland Department of Health, <https://coronavirus.maryland.gov> (last accessed April 9, 2020); Coronavirus Disease 2019 Cases in MA, Massachusetts Department of Public Health (April 9, 2020), <https://www.mass.gov/doc/covid-19-cases-in-massachusetts-as-of-april-9-2020/download>; Michigan Data, Michigan.gov, https://www.michigan.gov/coronavirus/0,9753,7-406-98163_98173---,00.html (last accessed April 9, 2020); Coronavirus Disease 2019, Mississippi State Department of Health (April 9, 2020), https://msdh.ms.gov/msdhsite/_static/14,0,420.html; Fatalities, New York State Department of Health, <https://covid19tracker.health.ny.gov/views/NYS-COVID19-Tracker/NYSDOHCOVID-19Tracker-Fatalities?%3Aembed=yes&%3Atoolbar=no&%3Atabs=n> (last accessed April 10, 2020); NC Cases COVID-19, North Carolina Department of Health and Human Services (April 9, 2020), <https://www.ncdhhs.gov/divisions/public-health/covid19/covid-19-nc-case-count#by-race-ethnicity>; COVID-19 in Virginia, Virginia Department of Health, www.vdh.virginia.gov/coronavirus/ (last accessed April 10, 2020); Kenya Evelyn, 'It's a racial justice issue': Black Americans are dying in greater numbers from Covid-19, The Guardian (April 8, 2020), <https://www.theguardian.com/world/2020/apr/08/its-a-racial-justice-issue-black-americans-are-dying-in-greater-numbers-from-covid-19> ("On Monday, Washington's Mayor Muriel Bowser published coronavirus numbers by race for the first time: of the District's 24 deaths, 14 were of black patients."); COVID-19 Wisconsin Data, Wisconsin Department of Health Services, <https://www.dhs.wisconsin.gov/covid-19/data.htm> (last accessed April 9, 2020); COVID in New Mexico, New Mexico Department of Health <https://cvprovider.nmhealth.org/public-dashboard.html> (last accessed April 16, 2020); County of San Diego Daily 2019 Novel Coronavirus (COVID-19) Race/Ethnicity Summary, <https://www.sandiegocounty.gov/content/dam/sdc/hhsa/programs/phs/Epidemiology/COVID-19%20Race%20and%20Ethnicity%20Summary.pdf> (last accessed April 16, 2020); Situation Update for Coronavirus Disease 2019, Minnesota Department of Health, <https://www.health.state.mn.us/diseases/coronavirus/situation.html#case2> (last accessed April 16, 2020).

2 See Kat Stafford, Meghan Hoyer & Aaron Morrison, *Outcry Over Racial Data Grows As*

represent over 70 percent of COVID-19 related deaths.³ Similarly alarming, in Mississippi, Black people make up 38 percent of the population but represent 52 percent of COVID-19 cases and 71 percent of reported deaths.⁴ Cities with larger Black and Latino communities are especially seeing the inequalities in COVID-19 cases and deaths. In Milwaukee, Black people make up 67 percent of people who have died from COVID-19, while making up only 39 percent of the city's population.⁵ In New York City, which now has more confirmed cases than anywhere else in the world, Latinos make up 29 percent of the population but 34 percent of COVID-19 deaths and Black people make up 22 percent of the population but 28 percent of deaths.⁶

Existing health disparities and other social and economic inequalities make Black and brown people particularly vulnerable to contracting and dying from COVID-19. While public health officials recommend working from home to stop the spread of the virus, only 20 percent of Black workers and 16 percent of Latino workers are able to work from home.⁷ Black people are also more likely to be uninsured and live in communities without access to quality healthcare facilities, leading to disproportionate rates of chronic diseases such as asthma, hypertension, and diabetes.⁸ Black and Latina women are overrepresented as essential workers with Latina women making up 22 percent of women grocery store workers and Black women making up 27 percent of women home health aid workers.⁹ In addition, people of color are overrepresented in industries that are rapidly laying off workers, leaving many uninsured.¹⁰



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Virus Slams Black Americans, AP (April 8, 2020), <https://apnews.com/71d952faad4a2a5d14441534f7230c7c>; *COVID-19 Statistics*, Illinois Department of Public Health, www.dph.illinois.gov/covid19/covid19-statistics (last accessed April 9, 2020).

3 See Kat Stafford, et al., *Outcry Over Racial Data Grows As Virus Slams Black Americans*, AP (April 8, 2020), <https://apnews.com/71d952faad4a2a5d14441534f7230c7c>, Louisiana Department of Public Health, ldh.la.gov/coronavirus/ (last accessed April 9, 2020).

4 See Emily W. Pettus, *African Americans more than half of Mississippi virus deaths*, AP (April 7, 2020), <https://apnews.com/c45118f1f0e98e35a3d89742c751a7f2>; *Coronavirus Disease 2019*, Mississippi State Department of Health (April 9, 2020), https://msdh.ms.gov/msdhsite/_static/14,0,420.html.

5 *Milwaukee County COVID-19 Dashboard*, Milwaukee County, <https://county.milwaukee.gov/EN/COVID-19> (last accessed April 10, 2020); *Milwaukee city, Wisconsin*, United States Census Bureau, <https://www.census.gov/quickfacts/milwaukeecitywisconsin> (last accessed April 10, 2020).

6 *Fatalities*, New York State Department of Health, <https://covid19tracker.health.ny.gov/views/NYS-COVID19-Tracker/NYSDOHCOVID-19Tracker-Fatalities?%3Aembed=yes&%3Atoolbar=no&%3Atabs=n> (last accessed April 10, 2020).

7 See *Economic News Release*, U.S. Bureau of Labor Statistics (Sept. 24, 2019), <https://www.bls.gov/news.release/flex2.t01.htm>.

8 See Reis Thebault, Andrew Ba Tran, & Vanessa Williams, *The Coronavirus Is Infecting and Killing Black Americans at an Alarming High Rate*, Washington Post (April 7, 2020), <https://www.washingtonpost.com/nation/2020/04/07/coronavirus-is-infecting-killing-black-americans-an-alarming-high-rate-post-analysis-shows/?arc404=true>.

9 See *The Wage Gap Has Made Things Worse for Women on the Front Lines of COVID-19*, National Women's Law Center (Mar. 30, 2020), <https://nwlc.org/blog/the-wage-gap-has-made-things-worse-for-women-on-the-front-lines-of-covid-19/>.

10 See Dan Burns, *How The Coronavirus Job Cuts Played Out by Sector and Demographics*, Reuters (April 4, 2020), <https://www.reuters.com/article/us-health-coronavirus-usa-jobs/how-the-coronavirus-job-cuts-played-out-by-sector-and-demographics-idUSKBN21M0EL> (showing that Asians and Latinos faced the highest rate of increase of unemployment and that the rate of unemployment for Black people is now 65% higher than the rate of unemployment for white people).

Given the vast disparities across the country, it is likely that Black people and other communities of color are dying disproportionately in Virginia, too. In order to effectively address this pandemic and direct resources where they are most needed, government officials and entities must standardize, collect, and release race and ethnicity data surrounding COVID-19. Without knowing the breadth of how COVID-19 is affecting communities in the Commonwealth, public health officials, advocates, and affected members of the public will not have the tools necessary to tackle the inequalities this pandemic is exacerbating. Government entities must also provide adequate protections for all essential workers, especially those most vulnerable to the threat posed by COVID-19, including ensuring the equitable distribution of PPE/ventilators.

We urge your office to collect and release aggregate race/ethnicity and other demographic data of COVID-19 infections and deaths, to the extent consistent with privacy laws, so that we may better protect all communities and identify those that are in particular need of support.

Very truly yours,



Claire Guthrie Gastañaga
Executive Director



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acluva.org

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