

One White Man's Reflections on 15th Anniversary of Collaborative

Al Gerhardtstein

The beer bottle was nearly full. And open. It flew through the open window and struck the middle of my chest with full force. The blow took my breath away and sprayed beer all over the inside of my car. I guess it was the wrong time and wrong direction to travel as I left New Prospect Church at the beginning of the unrest. And I guess I was the wrong color. White.

Through most of my 40 years as a civil rights attorney I have not worried about my color. I have a skill. I know how to sue people in power. I have always tried to use that skill in support of people on the margins, including Blacks. But that bottle thrower in 2001 did not know me. He did know my color. Cars were burning. People were yelling. Color was easy to see.

Just the month before, on behalf of The Black United Front and Black residents, workers and travelers, Ken Lawson, Scott Greenwood, and I had filed a class action in federal court giving Cincinnati a choice - a trial that would force police reforms or a collaborative process that would still end with a court order but with terms framed by all the stakeholders who cared about equal justice. But we were too late. Too late for Roger Owensby. Too late for Jeffrey Irons. Too late for Timothy Thomas. Too late for the Black community that had just waited too long.

The fires were soon extinguished but emotions stayed raw; people demanded real change and refused to be placated by the suits with another commission. They were ready for the Collaborative. Even the FOP membership voted to join the effort (thanks in large part to the leadership of their courageous attorney, the late Don Hardin). The resulting negotiated court order changed rules on use of force, tracking the race of those stopped by the police, tracking officer conduct, investigating officers, filming officers, and including community members in problem solving as an alternative to reactive, arrest-based policing.

The Cincinnati Archbishop, Baptist ministers, community members, and many others testified before Judge Dlott at the fairness hearing. The order she approved became a model for the orders which eventually emerged from the many cases filed by the Civil Rights Division of the Justice Department when Barack Obama became President. But now, fifteen years later, we are still calling for full implementation. One of our main goals was to promote public safety through strategies that reduced arrests of people of color. We made progress. We eliminated sweeps and banned "zero tolerance" policing that made criminals of people in the West End for conduct that went unnoticed in Hyde Park. But we still arrest Blacks disproportionately. Are we asking why? Are we committed to strategies that ensure fairness? PIVOT is a hopeful and creative step in the right direction.

I am part of the legal team that represents the Sam DuBose family. The unrest here following the DuBose murder, the unrest in Ferguson, Baltimore, New York, Chicago and Cleveland make

it evident that even people of good will continue to arrive too late. Injustice makes people impatient. As it should. We have a chance now at UC with the reforms they will implement and in Cincinnati under Chief Isaac to make the promises of the Collaborative come true. Let's do it.

When I arrived home in Kennedy Heights my son Adam agreed to clean up the beer that was all over the inside of the car. Now he is a civil rights lawyer in our office suing police and seeking justice. On bad days I feel like I let him and those in his generation down. We simply have not changed enough that is wrong with policing and racial oppression. On good days I see that people are finally ready to hold police accountable and police themselves are ready to be more transparent. I am still white. I know that only with white allies will Blacks secure justice. Given the history of slavery and discrimination against Blacks in this country these fifteen years are but one step on a long path. May we all – Black and White - stay vigilant and seek peace and justice together.