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The Summer of 2015

SEAN MANGAN*

On the morning of June 19, 2015, I sat in my car with my three young children at the corner of Murray Avenue and Erie Avenue waiting for the light to change. The intersection sits at a crossroads; turn left, and you head into Hyde Park. Turn right, and you head into Madisonville. As we waited, I saw a police car on my left racing down Erie towards Madisonville, lights flashing and sirens blaring. Nothing particularly unusual about that, given that we were less than a mile from the District 2 headquarters. And yet this was immediately different because the speed of the car was so shocking, much faster and more aggressive than the police normally seem to move. As the light changed green, I remained frozen at the intersection. Two more police cars were barreling down Erie from the same direction, heading the same way, going just as fast, almost desperate to get to their destination. A sense of dread began to descend on me, and even the kids intuitively sensed that this was something different. They were afraid, and so was I.

Later that day we learned why the police were speeding. Cincinnati Police Officer Sonny Kim, responding to a 911 call, was shot and killed by Trepierre Hummons at the corner of Whetsel and Roe in Madisonville.¹ The night before, Hummons learned that his girlfriend had filed rape charges against him. The next morning, a little after 9:00 am, Hummons made a call to 911 warning that a man was acting belligerently in his Madisonville neighborhood. At 9:10 am, he made another call claiming he'd seen a man with a gun. Hummons walked outside and talked briefly with his mother, who was trying to calm him down, and probation officer Mark Osika, who had responded to the call. Shortly thereafter, Sonny Kim arrived as the first police officer to the scene and spoke briefly with Hummons mother. Unbeknownst to any of them at the time, it was Hummons who had made the 911 calls that had brought law enforcement to the area. Without warning, Hummons pulled a gun from his waistband, stepped around his mom, and shot and killed Officer Kim. While his mother tended to Officer Kim, Hummons grabbed Kim's weapon and fired several shots at Osika, who had taken cover behind a vehicle and called in for backup. A few moments later, police specialist Tom Sandmann arrived at the scene and fatally shot Hummons.

There was, and remains, something unspeakably sad for me in the death of Sonny Kim. Maybe it is because we watched the first responders from that light on Erie. Maybe it's because he often worked traffic control at my

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¹ Amber Hunt et al., *'We Lost a Brother': Ominous Warnings, Then a Gunfight*, CINCINNATI ENQUIRER (June 20, 2015), <https://www.cincinnati.com/story/news/2015/06/19/officer-down-madisonville/28974101/> [<https://perma.cc/QJS5-WBRN>].

church. Maybe it's because he was a father, and taught karate at his own dojo, and seemed to infuse every area of his life with integrity and commitment. Maybe it's because of the anguish of Trepierre Hummons' mom, who tried to stop her son, then tried to comfort Officer Kim after he was shot, and then watched her son killed right in front of her. I don't know. But I think about Sonny Kim a lot.

A week later, on Friday, June 26, my children and I stood on Montgomery Road in Norwood to watch the funeral procession for Sonny Kim. A public funeral was held at 11:00 am at the Cintas Center, and then the body of Sonny Kim was to be laid to rest at Gate of Heaven Cemetery, fourteen miles away in a straight trip down Montgomery Road. It was a hot day, and we stood with many others in a parking lot. I suppose it looked the same as when folks gather on the side of the road during a Fourth of July parade, and kids scramble to catch candy thrown by local politicians and high school bands. I grew up in Montgomery, and couldn't help but think of the dozens of times I had stood on that road to watch a parade. But that day was different, and the sadness of Kim's death hung over all of us who came to pay our respects. People were reserved, polite. There was very little conversation. My kids did not want to be there.

Earlier that same morning, the United States Supreme Court had ruled in *Obergefell v. Hodges*² that the Fourteenth Amendment requires a state to license a marriage between two people of the same sex and to recognize a marriage between two people of the same sex when their marriage was lawfully licensed and performed out-of-state. The latter portion of the ruling was significant for Jim Obergefell, a Cincinnati resident who had married his longtime partner John Arthur in Maryland on July 11, 2013. When John Arthur died three months later (he suffered from ALS and was extremely ill at the time of the wedding), Obergefell was not listed as the surviving spouse on the death certificate because Ohio law did not recognize their marriage in Maryland. With his attorney Al Gerhardstein, Obergefell sued and won in federal district court. That decision was then reversed by the Sixth Circuit Court of Appeals,³ which had consolidated the *Obergefell* case with other similar suits originating in Michigan, Kentucky, and Tennessee. The Sixth Circuit held that a state has no constitutional obligation to license same-sex marriages or recognize same-sex marriages performed in a different state. In reversing this decision, the United States Supreme Court elevated the right to same-sex marriage to a constitutional imperative that could not be deprived by state law.

A Cincinnati case, with a Cincinnati plaintiff, and a Cincinnati attorney, had just granted the right to marry to same-sex couples throughout the country. I watched on television as celebrations broke out around the country, impromptu gatherings of people spontaneously embracing strangers and

² 135 S.Ct. 2584 (2015).

³ *DeBoer v. Snyder*, 772 F.3d 388 (6th Cir. 2014).

friends alike, united in their relief and joy. It reminded me of the kind of celebrations that Americans usually partake in when a sports team wins a championship. I was surprised by the outpouring of emotion, and while I had been aware that the case was before the Supreme Court, I had not given it a great deal of thought before that day. Gradually I began to realize that I had missed something. Not that day, not that year, but my whole life: I had missed the pain felt by those who could not marry the person they loved because they shared the same gender. I thought back to the summer of 1993, when as an intern with Senator John Glenn, I had researched the implications of President Clinton's new "Don't Ask, Don't Tell" policy for gay service members in the military. My indifference to the *Obergefell* case could not easily be chalked up to ignorance, or being busy with other things, or the defense that it was not my area of the law. The issue had been before me for over twenty years, and yet I had missed the pain and humiliation of being denied the right to marry the person you love. And as I watched the celebrations, read the social media posts, and learned the heroic story of Jim Obergefell and John Arthur, tears began to roll down my face.

I don't know why. Perhaps it was my shame at having ignored those denied the right to marry, or the pleasure of watching so many people celebrate with such raw emotion. Perhaps it was the sadness of a funeral procession on a road that carried with it so many childhood memories. Or the loss of a courageous police officer, and the lifelong journey that lay ahead for his family. Perhaps it was learning of the mental health issues that plagued Trepierre Hummons, knowing that I had my own mental health problems I had yet to confront. Maybe it was the realization that no court ruling could dampen the pain Jim Obergefell felt at losing the love of his life, or the realization that John Arthur did not live to see the freedom he helped unleash. But I was moved that day by news events in a way that I hadn't felt since 9/11.

I thought about the Mayor of Cincinnati, John Cranley, and the emotions of his day. He spent the morning at the funeral for Sonny Kim. After the funeral, he returned downtown late that afternoon and married five same-sex couples on Fountain Square, twenty-five years after and one block away from the Robert Mapplethorpe exhibit that painted Cincinnati as a city of intolerance. While the weddings were taking place, a police unit which was investigating a drug transaction shot and wounded a suspect who had brandished a gun at the corner of Main and Orchard in Over-the-Rhine. Just twenty-four hours earlier, a man had been arrested for shooting heroin in the bathroom at the Graeter's ice cream store on Fountain Square. An officer laid to rest, a landmark constitutional ruling, a police shooting, heroin addiction—all within twenty-four hours, all within a few miles of my home. I began to think of my children; they were too young to understand any of this, but I wanted them to know. There are beautiful things in this world, and there are ugly and painful things, and sometimes they're all illuminated one right after another in a single city in a single day.

A few weeks later, on July 14, 2015, Cincinnati hosted the Major League Baseball All-Star Game. The game is held at the midpoint of the professional baseball season, where the normal schedule of games yields for a few days so that the best players in each league can play against each other. In recent years the game itself has been overshadowed by the Home Run Derby, held the night before, where the top sluggers in the game compete to see who can hit the most home runs. The entire event is really a chance to celebrate—the players, the game, the host city, and to some extent the country itself. For the host city, it is a chance to put on its best public face, welcome the eyes of the world, and host a spectacle that brings over \$60 million in economic impact to the region.

Cincinnati had last hosted the game in 1988, when the Reds played their games in the cavernous Riverfront Stadium. The Home Run Derby was cancelled that year because of rain, and our team was led by two local legends, shortstop Barry Larkin and manager Pete Rose. It was expected that we would not host another All-Star Game for at least thirty years, and other national events like the Super Bowl or political conventions never come here. Our last big moment in the national spotlight had come in 2001, when riots broke out in the city following the shooting of an unarmed African American man, Timothy Thomas, by a white police officer, Steven Roach.⁴ So the 2015 All-Star Game was the city's best chance to show off its new baseball stadium, its new riverfront development called "The Banks," the redesigned Fountain Square, and the revitalized Over-the-Rhine, all while paying homage to our historical status as the home of the oldest professional baseball franchise and the legendary Big Red Machine of the 1970s. We placed handlebar mustache statues throughout the city, turned the top of the Scripps Center into Mr. Redleg, and proudly displayed a newer and better Cincinnati to the nation.

At the Home Run Derby the night before the game, Reds third baseman Todd Frazier put on an electric performance. Frazier was a fan favorite, an old-school player who rarely got injured, smiled frequently, and played Frank Sinatra over the loudspeakers each at-bat as he walked to the plate. In front of his home crowd, he advanced to the finals by winning the first round of the competition in overtime and winning the second round with a 444-foot homer on his last swing. The sold-out stadium went nuts, chanting his name and reveling in the amazing performance. In the final round against Joc Pederson of the Los Angeles Dodgers, Frazier broke the tie with his first swing in overtime and was crowned the Home Run Derby Champion in what many considered the most entertaining derby in the history of the event.

And yet, the adrenaline of the night was tinged with sadness at the elusiveness of the moment. The Reds were not doing well and were set to lose some of their best players due to the economics of the sport. The team

⁴ Howard Wilkinson, *Violence Spreads; Officer Shot*, CINCINNATI ENQUIRER (Apr. 12, 2001), at A1, <https://cincinnati.newspapers.com/image/102469239/>.

was headed for several years of losing while it was rebuilding, and the ballpark would not rock like it did at the Home Run Derby for several more years to come. There was also an ESPN report just weeks before the All-Star Game that Pete Rose had bet on the Reds during his playing career—contradicting Rose’s decades-long claim that he only bet on baseball during his managing career.⁵ The player most identified with, reflective of, and revered by Cincinnati would remain banned for life from Major League Baseball. The celebration of our reinvigorated city through the prism of baseball was constrained by the knowledge that our storied baseball history was, at least for the foreseeable future, firmly confined to the past.

By the time of the All-Star game, the summer had moved on. A fight on Fountain Square the night of July 4.⁶ The removal of the Confederate flag from the South Carolina Capitol grounds.⁷ Four Marines killed at a recruiting depot in Chattanooga.⁸ More rainfall in the Cincinnati region from June 15 to July 15 than we had received in over a century.⁹ News and events continue to happen, and before we have really digested one issue or one tragedy, another takes its place. It seemed like I had moved on as well, and though my soul had been stirred on the day that *Obergefell* was issued and Sonny Kim laid to rest, my emotions likely would have dissipated over time. We all have moments of clarity and resolve that fade under the relentless crush of the ordinary: novels are not written, feelings are not shared, and conversations are not started because our emotions drift away while more immediate tasks consume our attention. If things had continued that way, maybe 2015 would have been just another summer.

And then came Sunday, July 19. At 6:30 pm, University of Cincinnati Police Officer Ray Tensing was patrolling near the intersection of East Hollister and Vine, just south of the UC campus.¹⁰ He noticed a green Honda Accord with no front license plate. Officer Tensing recorded the rear plate number and learned that the vehicle was registered to a female with a suspended driver’s license. Tensing followed the car and initiated a traffic stop on Thill Street; the car eventually pulled over after turning onto Rice

⁵ William Weinbaum & T.J. Quinn, *Entries in Long-Hidden Notebook Show Pete Rose Bet on Baseball as Player*, ESPN (June 22, 2015), http://www.espn.com/espn/otl/story/_/id/13114874/notebook-obtained-lines-shows-pete-rose-bet-baseball-player-1986 [https://perma.cc/GH6K-YT4N].

⁶ Henry Molski, *After Fountain Square Assaults, Is City Ready?*, CINCINNATI ENQUIRER (July 6, 2015), at A11, <https://cincinnati.newspapers.com/image/115656745>.

⁷ Tim Smith et al., *S.C. Gov. Haley Signs Bill to Remove Confederate Flag*, USA TODAY (July 8, 2015), <https://www.usatoday.com/story/news/nation/2015/07/08/south-carolina-house-debates-confederate-flag/29855017/> [https://perma.cc/ZUY4-UV53].

⁸ Richard Fausset et al., *Gunman Kills 4 at Military Site in Chattanooga*, N.Y. TIMES (July 16, 2015), <https://www.nytimes.com/2015/07/17/us/chattanooga-tennessee-shooting.html> [https://perma.cc/9KF3-L4RV].

⁹ Patrick Brennan, *Rain Totals the Highest for Area in 144 Years*, CINCINNATI ENQUIRER (July 17, 2015), at A11, <https://cincinnati.newspapers.com/image/116152167>.

¹⁰ Sharon Coolidge, Kevin Grasha, & Dan Horn, *UC Cop Charged with Murder*, CINCINNATI ENQUIRER (July 30, 2015), at A4, <https://cincinnati.newspapers.com/image/118419604>.

Street. The driver of the vehicle was a man named Sam DuBose. After a few minutes of questioning, the traffic stop goes bad quickly and tragically. Tensing tries to open the driver's door. DuBose tries to close the door with his left hand while turning the ignition key with his right hand. Tensing pulls his weapon and fires a single bullet into the head of Sam DuBose from point blank range. The vehicle travels up Rice Street and comes to rest at the corner of Rice and Valencia. The engine is running, and Sam DuBose is dead.

Tensing was wearing a body camera, and the shooting was captured on video. Ten days later, on July 29, a Hamilton County Court of Common Pleas Grand Jury indicted Officer Tensing on charges of murder and voluntary manslaughter. In an emotional press conference, Hamilton County Prosecutor Joe Deters announced the charges and released video of the shooting.¹¹ The video is excruciating to watch. The day it was released, the University of Cincinnati initiated a lockdown out of concern that outraged citizens would riot much like 2001. My daughter was participating in a soccer camp on campus that day, and parents were instructed to immediately retrieve their children. I arrived at Fifth Third Arena around noon to find four police SUVs parked on the sidewalk in front of the doors, with fifty kids in the lobby and a dozen University Police Officers surrounding them. The fear and tension seemed to escape the children. It did not escape the adults. The campus police, under siege, were expecting the worst.

While protests and demonstrations came, riots did not. That evening, my church held an impromptu prayer service led by our African American pastor. We sang, we prayed, we talked. I thought of my city, the University where I worked, and the other events of that summer. It was sad, confusing, and disorienting. And once again, the nation turned its attention to Cincinnati, if only for a brief moment: less than a year after the shooting of Michael Brown in Ferguson, Missouri; two days after the first anniversary of Eric Garner's death in Staten Island; three months after the death of Freddie Gray in Baltimore. Police, race, and violence collided again in a national conversation that now featured the city in which I live and the University where I work.

In the ensuing weeks and months, the reverberations of the shooting seemed to extend into several corners of the city. Tensing was tried twice, and a mistrial declared both times. It emerged that he was wearing a Confederate flag t-shirt under his uniform the night he shot DuBose.¹² We learned that, in the three years preceding the shooting, the size of the University Police Department had grown by over 50% while traffic stops had

¹¹ Kevin Grasha, *A Determined and Angry Prosecutor*, CINCINNATI ENQUIRER (July 30, 2015), at A8, <https://cincinnati.newspapers.com/image/118419608>.

¹² Kevin Grasha & Sharon Coolidge, *Confederate Flag Shirt Under Uniform*, CINCINNATI ENQUIRER (Nov. 5, 2016), at A13, <https://cincinnati.newspapers.com/image/239358669>.

almost tripled.¹³ The University Chief of Police resigned,¹⁴ and eventually, both the Provost¹⁵ and the President of the University¹⁶ left for other institutions. For me, the thoughts that came the evening of Sonny Kim's burial were hardened into a mission to understand my city.

The same day that Cincinnati hosted the Major League All-Star Game, the book *Go Set a Watchman* by Harper Lee was posthumously released almost exactly fifty-five years after the release of her first novel, *To Kill a Mockingbird*.¹⁷ *Mockingbird* achieved what few novels do—it became part of the national culture, embedded in our collective conscience in a way that art rarely is in America. The novel was hailed by blacks for its depiction of racial injustice and institutional racism in the American South while whites treasured the solitary heroism of Atticus Finch. Told through the eyes of Atticus' six-year-old daughter Scout and memorialized in the film starring Gregory Peck, *Mockingbird* stood as a cultural landmark that influenced our views of race, justice, and ourselves.¹⁸

Watchman was published with great anticipation and some controversy, as the book was discovered and published several years after the death of Harper Lee. The book returns to the same characters and the same small town twenty years later, but anticipation of the novel quickly gave way to the shocking disappointment that the hero Atticus Finch has become a bitter and closed-minded racist. Scout, no longer a wide-eyed six-year-old girl but a mature woman returning home from New York City, is disillusioned by the smallness of her father and her hometown.¹⁹ The book is a disturbing and unsettling dose of reality about the human condition, the frailty of childhood memories, and the deep hold our cultural programming has on us. Things that seemed clear, heroes that seemed infallible, lines between right and wrong that seemed well defined, dissolve into the reality of adulthood where dreams are less vibrant and reality more complex and heroes more flawed than we had ever considered as children. We are surrounded by the same people, the same intuitions, the same events, and yet our footing is less sure.

As I look back to the summer of 2015, and my relationship with Cincinnati, I connect more with the Scout of *Watchman* than I do the Scout

¹³ KROLL ASSOCIATES, INC., REVIEW AND INVESTIGATION OF OFFICER RAYMOND M. TENSING'S USE OF DEADLY FORCE ON JULY 19, 2015: UNIVERSITY OF CINCINNATI POLICE DEPARTMENT 10 (2015), <https://www.uc.edu/content/dam/uc/publicsafety/docs/Reform/documents/Kroll%20Report%20of%20Investigation%208.31.2015.pdf> [<https://perma.cc/GF7C-T6TM>].

¹⁴ Kate Murphy, *UC Police Chief, Major Resign*, CINCINNATI ENQUIRER (Feb. 27, 2016), at A1, <https://cincinnati.newspapers.com/image/156462784>.

¹⁵ Kate Murphy, *UC's Interim President Heading to Tennessee*, CINCINNATI ENQUIRER (Nov. 22, 2016), at A9, <https://cincinnati.newspapers.com/image/248681976>.

¹⁶ Kate Murphy, *After 4 Years at Helm, UC's Ono Moving On*, CINCINNATI ENQUIRER (June 14, 2016), at A1, <https://cincinnati.newspapers.com/image/193674763>.

¹⁷ HARPER LEE, *TO KILL A MOCKINGBIRD* (1960); HARPER LEE, *GO SET A WATCHMAN* (2015).

¹⁸ See LEE, *TO KILL A MOCKINGBIRD*, *supra* note 17.

¹⁹ Michiko Kakutani, *Review: Harper Lee's 'Go Set a Watchman' Gives Atticus Finch a Dark Side*, N. Y. TIMES (July 10, 2015), <https://www.nytimes.com/2015/07/11/books/review-harper-lees-go-set-a-watchman-gives-atticus-finch-a-dark-side.html> [<https://perma.cc/T2NJ-5PC2>].

of *Mockingbird*. A little disillusioned. A little uncertain about my beliefs. A little unsure about my childhood memories. A little troubled by the hold of my own cultural programming. A little wary of heroes that once seemed impregnable. It all seemed more complex than I had remembered or expected, and at the same time, I wondered if we, individually and collectively, had really changed much between the release dates of Lee's two novels. As one event followed the other that summer, I began to have a vague awareness of my own biases, flaws, and misjudgments. And while in the past I typically fled from difficult questions and grey controversies to the safety of bright lines and clear judgments, this time I felt myself drawing closer to the uncomfortable and the unknown. A deeper love of my city took hold, a more mature love where the flaws and scars of me and my city were laid bare and yet we remained intertwined. Although I have lived here most of my life, I did not really embrace Cincinnati as my own until the summer of 2015.

I felt a deep longing to convey this love of Cincinnati to my children, but slowly realized that I was inadequate to the task because I didn't actually know Cincinnati at all. All I knew was the Cincinnati that I grew up in as a child (suburban, white, Catholic) and the Cincinnati I created for myself as an adult (privileged, white, Protestant), both of which were isolated and homogenous. My Cincinnati wears a Wasson Way t-shirt and visits Over-the-Rhine for the restaurants and shopping. My Cincinnati hasn't had a front license plate on the car in fifteen years and yet has never once been pulled over because of it. I had isolated myself in a world that grew up like me, looks like me, and does the same things as me because it is comforting and convenient to do so. And I began to awaken to the reality that I had been silently and indelibly shaped by a singular experience in ways that I didn't admit or understand. I didn't know what it was like to be an African American pulled over by the police, or to be a Korean American police officer, or to be denied the right to marry, or to be an EMT responding to a drug overdose. Which meant that I didn't know my own city.

So my hope for my children has become a project to learn about Cincinnati and the individual and institutional perspectives that shape it by examining the events that occurred in 2015 between June 19 and July 19. This inquiry is framed by the shooting of Sonny Kim on June 19 and the shooting of Sam DuBose on July 19. I will also explore the All-Star Game on July 14, the *Obergefell* ruling on June 26, and the other events that occurred during these thirty-one days that have some bearing on our understanding of the city and the impact of that summer. For example, in the week following the death of Sonny Kim, three shootings occurred in less than twenty-four hours in Over-the-Rhine.²⁰ The day before the *Obergefell* ruling, police officers in Kenton County began carrying Naloxone in an effort to

²⁰ Rebecca Butts, *'It's Madness': 3rd OTR Shooting in 24 Hours*, CINCINNATI ENQUIRER (July 24, 2015), at A13, <https://cincinnati.newspapers.com/image/113471732>.

fight the opioid epidemic.²¹ During the week before the All-Star Game, a six-year-old African American girl was shot and critically wounded in Avondale;²² a white man was assaulted by four African American men on Fountain Square during a Fourth of July concert;²³ and a local landscaping company was raided by the FBI as part of an investigation into fraudulent minority contracting.²⁴ And just three days before Sam DuBose was shot by a police officer wearing a Confederate flag t-shirt under his uniform, the Ohio State Fair announced that it was banning the sale of Confederate flag merchandise for the first time in the fair's history.

Perhaps these events and these thirty-one days are not remarkable or unusual in the life of Cincinnati or any American city. A cascade of news descends on us each day, far more information flowing to us in more forms than ever before in human history. In this cacophony of information, perhaps the summer of 2015 in Cincinnati isn't really as momentous as it seems to me. Nevertheless, the city experienced a number of seismic events in a short period of time; each event has undercurrents that relate to the others; each has particular cultural significance within certain communities; and each has an institutional component. My sense is that these thirty-one days provide a unique window into Cincinnati, as it was then, as it was before, and as it might be in the future. My hope is that as we learn more about these events and the people who experienced them, we will learn more about ourselves, our city, and the relationships that bind us and push us apart.

I do not bring any particular qualifications to this project. I do not have expertise in criminal or constitutional law; I am not active in city politics; I have not been subjected to racial or sexual orientation discrimination; and I have never known poverty. But for whatever reason, the grip of the summer of 2015 has strengthened rather than loosened over time, as has my affection for this city and its people. I want to listen to their stories and learn their perspectives, openly and without judgment, rejecting the naiveté of *Mockingbird* as well as the cynicism of *Watchman*. My simple hope is that by giving voice to all of the stories of Cincinnati bound up in the events of 2015, the unseen textures of our Cincinnati become more tangible and more intimate than we have experienced before.

²¹ Cameron Knight, *Naloxone Issued to All Kenton Co. PD Officers*, CINCINNATI ENQUIRER (July 26, 2015), at A23, <https://cincinnati.newspapers.com/image/113472255>.

²² Rebecca Butts & Cameron Knight, *Avondale Prays After 6-Year-Old Shot*, CINCINNATI ENQUIRER (July 7, 2015), at A9, <https://cincinnati.newspapers.com/image/115656786>.

²³ Sharon Coolidge & Rebecca Butts, *'We Are Not Panicking' City Police Chief Says*, CINCINNATI ENQUIRER (July 7, 2015), at A1, <https://cincinnati.newspapers.com/image/115656778>.

²⁴ James Pilcher, *Newtown FBI Raid Steeped in Mystery*, CINCINNATI ENQUIRER (July 8, 2015), at A1, <https://cincinnati.newspapers.com/image/115656819>.