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PERSPECTIVE

We have a choice

By Sidney Kanazawa

As a mediator and citizen, I'd like to underscore the courageous choices of a few police chiefs (Chris Swanson, Flint, Michigan; Andy Mills, Santa Cruz, California; Kenneth Miller, Petersburg, Virginia; Anthony Ambrose, Newark, New Jersey; Joe Wysocki, Camden, New Jersey; Art Acevedo, Houston, Texas) who have put down their batons, taken off their helmets, listened, knelt and walked with the protesters. Heeding the words of Martin Luther King, Jr., "a riot is the language of the unheard," they have listened past the chaos and shown that respect makes more of a difference than all the guns and tear gas and armored vehicles a government can bring against its unarmed citizens.

The video recording of white former Minneapolis police officer Derek Chauvin fatally kneeling on the neck of black citizen George Floyd for eight minutes after handcuffing and pulling him out of a car parked in front of the store where Floyd allegedly passed a counterfeit \$20 bill has sparked protests, deaths, looting and property destruction. Video on social media and in live broadcasts have recorded both peaceful marches and confrontations marked by violence.

Some police chiefs have reacted in fear. They donned riot gear, brought out guns, pushed, tear-gassed, and pelted unarmed crowds with rubber bullets. They sought dominance and submission and could not hear the crowds' protest of the lawless display of power by Derek Chauvin. The result? The unarmed crowds keep forming.

While we are reciprocal by nature ("an eye for an eye"), Mahatma Gandhi, Martin Luther King, Jr. and Nelson Mandela have shown us that we can choose how we respond. To reflexively respond may be crazy. As Gandhi once noted, "An eye for an eye makes the whole world blind." Gandhi chose to fast rather than take up arms and won India's independence. King chose nonviolent protest that brought sweeping civil rights legislation. Mandela unified his country by choosing to promote the Afrikaans sport of Rugby rather seek revenge against those who imprisoned him for 27 years.

Like Gandhi, King and Mandela, several police chiefs' and officers across the country have courageously refused to escalate the unarmed protesters' outrage with greater outrage and dominating force. They listened. They knelt. They demonstrated

identity with and respect for the protesters' anger. Genesee County Sheriff Chris Swanson did not hide behind barriers or shoot tear gas or rubber bullets at protesters. Instead, he took off his helmet, put down his baton, and told the crowd that he was there "to make sure you have a voice." "I want to make this a parade, not a protest." The crowd high-fived him, smiled and asked him to walk with them. And he did. In peace.

As a lawyer, I have seen this same type of dramatic turnaround when we choose to listen. Several years ago, I was called to defend a ship-owner in the largest oil spill in the Port of Los Angeles. The floating oil slick contaminated seven miles of shoreline and forced a sudden closure of the port for five days. Two days after the spill, my claims manager stepped up to the podium and faced an angry crowd of potential claimants. He tried to explain how we would process the claims but was shouted down. I took the podium, apologized for the situation, and asked the next person who yelled at me, "what do you think we should be doing now that we are not doing already?" He responded with a comment about communication. We wrote that down on a white board behind me. When the next person got up and yelled at me, I asked the same question, "what do you think we should be doing now that we are not doing already?" Another suggestion. We wrote that down. Pretty soon, the white board was filled with comments. Then a burly fellow in the back of the crowd stood up and snarled, "we don't give a damn about all of this!" "Where's my money?" With that a woman in the front row jumped up. She was with a group that was collecting contact information from all the claimants before the meeting and was planning to bring a mass action against my client. The woman turned to back of the crowd and firmly said, "Sit down and shut up." "These guys are trying to help." And with that, this sea of angry enemies turned into an ocean of collaborators. The group organizing against us became our liaison with the claimants and we settled 600 of the claims within two weeks, and all two thousand claims within three months, of the spill. By just listening, without judgment, the crowd became a part of our team.

In mediations, I have seen the same phenomenon in the hostile environment of family disputes where parents are fighting over the co-parenting of their child. The parents commonly do not trust or like each other, have unresolved baggage, would like



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Protesters march in Los Angeles, on Monday, June 1, 2020.

to take revenge against the other, and often have restraining orders against each other. But by just listening to each of the parents, without judgment, over 96% of the parents agree to a written parenting plan within a few hours.

On April 4, 1968, presidential candidate and attorney Robert Kennedy landed in Indianapolis, Indiana, for a campaign stop and learned that a white man had shot and killed Dr. Martin Luther King, Jr. Although warned to avoid a black neighborhood, Kennedy proceeded directly from the airport to that black neighborhood and stood on the back of a flat-bed truck to inform the unaware black audience of what he had just learned. He acknowledged that a white person had shot and killed Dr. King and said, "you could be filled with bitterness, and with hatred, and a desire for revenge. We can move in that direction as a country, in greater polarization filled with hatred toward one another. Or we can make an effort, as Martin Luther King did, to understand, to comprehend, and replace that violence, that stain of bloodshed that has spread across our land, with an effort to understand, compassion, and love. For those of you who are black and are tempted to be filled with hatred and mistrust of such an act, against all white people, I would only say that I can also feel in my own heart the same kind of feeling. I had a member of my family killed. He was killed by a white man."

In one of the most remarkable impromptu speeches of all time, Kennedy heard the pain of the crowd, recognized his singular ability to create a common bond, and took the crowd to a higher plane in the memory Dr. Martin Luther King, Jr. and his own brother John F. Kennedy. While other cities burned, there was calm and no rioting in Indianapolis.

Current calls to "dominate" and "take control" of our cities with armed forces against unarmed protesters reflects the same deaf fear that Derek Chauvin displayed with his knee on the neck of handcuffed and unarmed George Floyd. It killed George Floyd and ignited outrage. Victims of bullies know they must sometimes submit to overwhelming force. But that submission does not quench their resentment. It fuels a determination to be heard.

We have a choice. To stay silent. To yell. To destroy. To blame. To not see. To not hear. Or — like Gandhi, King, Mandela, Kennedy and several heroic police chiefs across our country — to boldly listen and share narratives of respect and kindness and unity that can lift us all to a higher plane. Let's not react and ignore what has happened before. Let's choose. Let's listen. Let's join together for a better tomorrow. ■

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