



# Center for Restorative Justice & Peacemaking

An International Resource Center in Support of Restorative Justice Dialogue, Research and Training

## *First Year Report*

# COMMUNITY PEACEMAKING PROJECT: RESPONDING TO HATE CRIMES, HATE INCIDENTS, INTOLERANCE, AND VIOLENCE THROUGH RESTORATIVE JUSTICE DIALOGUE

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June 30, 2002

## I. INTRODUCTION

This report describes the first year work of a two year project by the Center for Restorative Justice and Peacemaking at the University of Minnesota on using community restorative dialogue as a response to hate. The work is funded by the Andrus Family Foundation.

The purpose of the project is to promote community reconciliation through identifying new responses to hate crimes, hate incidents, intolerance and violence. Of particular interest is the use of dialogue consistent with restorative justice principles.

Three perspectives have guided this project. First, we have drawn on restorative justice dialogue principles and practices, particularly as we have used them in our work with Victim Sensitive Offender Dialogue in crimes of severe violence (Umbreit, Bradshaw and Coates, 2001; Umbreit, Vos, and Coates forthcoming). Second, William Bridges' work on managing transitions resulting from change events (1991) has provided a useful lens through which to view how individuals and communities may respond to hate and hate-inspired violence. Third, the impact of hate crime, we believe, involves the community and its people more directly than other kinds of violent crime. Of course, all violent crime threatens individual safety and has an impact on the community at large. We feel violence motivated by hate more clearly endangers the community as a whole—its safety, its values, its connectedness, and even its identity as a community. Within the justice arena, this focus on the community both as resource and as victim draws on many of the tenets of the community-based movement of the late 60s and 70s and it brings into play action approaches consistent with community advocacy (Coates, 1981; Coates, 1989).

The initial task in this first year of the project was to identify and document community cases in which dialogue consistent with restorative principles formed part of a community's response to hate incidents. We sought a range of types of hate crime, types of communities, and uses of dialogue.

Through the network of contacts available to the Center staff, five community cases were identified. Each case used some form of dialogue to respond to the consequences of intolerance and hate. In some, the actual victims and offenders met face to face. In others, the dialogue occurred on a broader community level. The nature of the hate crime incidents ranged from physical threats to murder. The targets of hate

included a black family in a white neighborhood, black and white youth in a school, ongoing tensions between members of an Indian reservation and their neighbors, a gay/transgendered youth who was murdered, and an Islamic family and Mosque. These cases, then, involved hate targeted at race, ethnicity, religion and sexual orientation.

In-depth interviews were conducted with mediators/facilitators at each site. Newspaper articles and web sites were also analyzed.

The remainder of this report is divided into four sections: II. Case Study Descriptions; III. Case Analysis and Implications for the Use of Restorative Dialogue for Responding to Hate; IV. Responding to Hate Through Restorative Dialogue; and V. Next Steps.

## **II. CASE STUDY DESCRIPTIONS**

### **A. Cross-burning In An Upscale Community**

A series of escalating threats terrorized the Mapletons, an African American family in an upscale, professional community near Minneapolis/St. Paul. The terror began with hate mail and harassing phone calls. The letters had been signed "KKK." In a matter of weeks, it escalated to stuffed pillow cases hung from trees and culminated in a burning cross on the lawn.

The family included a very successful husband (James) who often traveled internationally on business, a wife (Mary), a teenage boy (Lanny), an eight year old girl (Joanie) and a baby. James' mother had also been in the house overnight when some of the harassments took place.

Increasing threats to safety changed this family's life. They had been well respected and well liked in their community. Their children played with their white neighbors' children. As the racial threats became more visible and intense, the father curtailed his travels and conducted all his business from home. Neighborhood children were no longer allowed to play with the eight year old and teenager. KKK symbols and acts of terror dredged up memories told by parents and grandparents of atrocities and slavery. Fear also enshrouded the neighborhood. The family withdrew, trying to create its own fortress, and neighbors were afraid of what might happen next.

After about a month, a turning point came within the neighborhood when neighbors learned how the threats were impacting the family, particularly the eight year old girl. Joanie had received a letter which said in part, "nigger, watch your back." The little girl did not know the meaning of the word "nigger," nor did she understand the warning. In order to watch her back, she walked backwards. She fell on ice going downhill and hurt herself. When this story was shared by her mother with a couple of nearby neighbors, individuals rallied to the family's support, including encouraging the police to press harder on the case. Neighbors took on the responsibility to help monitor the children coming and going from school. People stayed up late at night to watch the house.

From the outset, the police took these threats seriously and brought a lot of resources to bear on breaking the case. Two teenage boys were apprehended after about four months of terror.

According to counselors at the custody unit in which the boys were placed, one of the youthful offenders (Tom) had done so many different kinds of drugs that he had suffered some brain damage. He showed very little emotion at his sentencing and had difficulty expressing thoughts and feelings later during a dialogue session. The second boy (Danny), although the youngest, was the leader. His parents had immigrated to this country as newlyweds and had experienced their own pain of being outsiders. Racist jokes were part of this family's culture and one uncle wanted to be part of the Klan.

The boys had gone to the library to learn about the KKK, how KKK members wrote letters of hate and how they signed them, and other means by which the Klan would threaten people. According to Danny, all of this started out as a prank without the intention of hurting anyone. At first he thought it "was funny" and it "gave him a feeling of power."

Once in custody, Danny was placed in a wing where he was the only white youth. While the experience was initially frightening, it became a rather positive experience, opening the youngster to seeing the world through different lenses. Counselors were pleased with changes they saw and were hopeful for his future.

Seven months after the initial incident a community agency known by custody staff for their work with mediation was asked to become involved in this case and determine if the participants would be willing to meet. It was believed that such an experience could be helpful, at least for Danny.

The mediator initially met with the offending youths and their families to determine if they were willing to participate in a dialogue with the victims. Both boys were willing to meet. The youngster who was brain damaged had difficulty articulating his thoughts and feelings. The younger boy had learned a fair amount about different races while in custody and, according to counselors and the mediator, was quite aware of the pain that he had caused and appropriately remorseful.

The victims were initially contacted by letter explaining the opportunity to meet with the youth and their families and then the mediator called to determine if victims were willing to participate. They were eager to participate. Shortly thereafter, the mediator met with them in their home to listen to their story and to explain the dialogue format. Mrs. Mapleton showed the mediator a large box of letters of support received from the community and beyond. Both James and Mary talked about their grandparents who had lived in slavery and about never having lived, themselves, in a community where they had experienced such hatred. The husband wanted to know "what kind of people would do such things" and he also wanted the boy's parents to be involved. "Shame" and "embarrassed" were words the mediator attributed to the eight year old girl and teenage boy. Lanny said that he was shocked when he first discovered who had been threatening them because he had thought Danny was his friend and they'd played basketball together. It was now "hard for him to trust anybody." The Mapletons also wanted to know what was happening to the boys in custody and whether they were really aware of the terror they had caused.

The victims chose to meet first with the brain damaged boy and his mother. The youngster's social worker and counselor also attended. Although Tom said appropriate things, it was evident that he did not totally understand the pain he had caused. His mother cried a lot. It was clear that she'd not only lost her husband, she'd also lost this son to drugs. She expressed much care for the victims and apologized for her son's behavior. The Mapletons in turn shared their sympathies for the woman's losses. Lanny just shook his head and said, "I thought you were my friend."

In the meeting with the younger offender, Danny, everyone in both families spoke, including the grandmother from the victim family. Also in attendance was the offender's social worker, counselor, and the institutional psychologist. The Mapletons wanted the boy to begin so he did. He talked about what he did, why he did it, what had happened to him during his stay in the custody facility, what he had learned, and his plans for the future. The mediator indicated that she was "spellbound as she listened to Danny express the depth of his feelings."

Mr. Mapleton spoke first for the victim family recounting his own family's history with slavery and then turned to his wife who spoke of how her mother, as a little girl, had been terrorized by the Ku Klux Klan. They had boarded up the windows of her home and set the house on fire resulting in the girl's

grandmother being maimed for life. "That's why we're so afraid of the Klan," cried the wife. "That's what he did," she said, looking at the young offender.

Then it was James' mother's turn to speak. She spoke of her parents and grandparents surviving slavery and how she and her own husband "worked their fingers to the bone" to make it so their children could go to college. She talked of her faith in God. The woman asked the boy if he believed in God. He said yes, but that he had only recently learned what that meant. He accepted responsibility for what he had done without blaming the drugs for his actions. The Mapletons seemed to appreciate that.

Lanny, however, never looked Danny in the eye. He just said, "How could you?" Tears filled Danny's eyes and he moaned, "I'm sorry. I know better now, but I didn't then. I'm sorry."

When it was Joanie's turn to speak, the eight year old spoke directly: "You scared me badly, and you made my friends go away." "Danny seemed overwhelmed at that point," said the mediator.

The dialogue lasted for about two hours. The parents of the offender talked about their lives and what it had been like coming to a strange land and that they should have known better than to promote racist jokes and stories. An older sister to the offender chastised her family for their racist jokes and she talked about the embarrassment her brother's actions had caused her at work and the strain placed on her marriage. "Danny," she said, "has hurt everyone around him."

As the meeting concluded, the father of the offender invited the Mapletons to their house for dinner after Danny's release from custody which was to occur within the next month. The father wanted them to see how they lived and "that they weren't animals."

The victim family agreed to meet for a cup of coffee a few weeks later but wanted the mediator to be present. Their children did not go. When they arrived at the Danny's home, they were escorted through a very upscale house and discovered that they indeed had much in common with this family. The two families agreed to a time for dinner and that veal marsala would be the main course. By the end of this encounter, it was also agreed that the children would join their parents for the planned dinner. Danny's social worker was invited to the dinner and later reported that it was a "huge success."

Danny was requested to go to the victims' home one Saturday morning a month for coffee for five months. While the mediator is not privy to what transpired during those morning get-togethers, she reports that that's where it ended. Both families were grateful for her work with them.

To the mediator's knowledge, this young offender of an immigrant family has been in no further trouble with the law.

## **B. Racial Conflict In A School**

Fairmont high school fractured across racial lines reflecting the fear and tension within the larger community of Fairmont. A Minnesota town of some thirty thousand was being encroached upon by a larger metropolitan center. Once wide open farmland and stands of tall pine had been turned into condos and apartment complexes. Increasingly, more and more individuals commuted away from Fairmont for work. And, although small in number, minorities exiting from the inner city sought new opportunities in what appeared to be a pleasant bucolic community.

Resentments, fear and hate bubbled to the surface in the school environment. Minority youth were spat upon, pictures cut out of library books of persons being hung were taped to lockers with the letters "KKK" scratched underneath. Threatening letters "signed KKK" appeared in home mail boxes. A young African American was assaulted by five white boys with a baseball bat at a community celebration.

Although not seriously injured, he was seen by a doctor and was quite terrified. His enraged adoptive white parents complained to the school authorities about the ongoing harassment.

School personnel, concerned about the impact racial conflict was having on its social and educational environment, mounted an awareness campaign. African American studies were given including a look at the sixties and the peace marches. Speakers from the outside came in to talk about and lead exercises on what discrimination feels like. These concerted efforts had little impact.

These conflicts were fueled by and spilled over into the larger community. A local business man who had allowed his white daughter to date a black youth was visited by a group of adults from the community and told that his business would be boycotted if he continued to allow his daughter to date a black. It is also believed that the local press reporting on negative stories added to the feeling of loss of safety for the entire community.

A county organization experienced with mediation and conferencing was invited to a meeting by school personnel, a youth organization, and law enforcement to determine if they might be able to help reduce the racial tension in the school. The mediator explained large group community conferencing which in this case could involve the student body and parents and she was given the go ahead to proceed. Given the volatility of the school environment, it was decided to hold a meeting as quickly as possible. The meeting was set for three weeks later.

Although the timeframe was tight, the mediator brought her organizational resources to bear in an efficient and timely manner. A letter went out to families of school students which school personnel identified inviting them to participate in a pre-conference with trained mediators to explain the larger meeting and the guidelines to be followed there and to have an opportunity to share their concerns about and experiences with the racial conflicts that threatened the fabric of their school and community. Seven pairs of mediators worked on pre-conferences. Each pair worked with four families. These families were asked to invite to the pre-conference aunts, uncles, grandparents and even neighbors.

Invitations to potential participants snowballed. For instance, mediators learned of one white youth who had been expelled from school for taunting and harassment and, therefore, was not invited. His situation seemed relevant to the overall conflicts so mediators met with him and his family and invited them to the conference. The potential size of the community conference continued to grow as more persons were identified as having a stake in the underlying conflict and its resolution. It remained unclear how many wanted to be involved because they sought peace or how many wanted to meet "to get them the heck out of here."

By the end of the three week period, one hundred and fifty people came to the community conference and they each had been prepared through a pre-conference. Although the large community conference was open to any who wanted to attend, it was expected that with so many individuals prepared through pre-conferences that the group would hold itself accountable to the guidelines for the process such as exhibiting respect and not interrupting.

One family of a pregnant teenage girl refused to participate because of fear. The identity of the baby's father remained uncertain, though some thought it was a young man who had a possible football scholarship pending.. The girl had been threatened not to pursue the question and she and her mother had been victims of threatening phone calls. While neither went to the large community conference held at the school, they were referred by the mediators and received counseling .

The meeting took place in the school auditorium and was co-mediated by two mediators. The plan was to have a panel of five youth on each side. One panel was regarded as the instigators and the other as direct victims or youth who were simply disgusted with the whole mess. Initially, school administrators had

identified three white jocks as involved in much of the conflict and they had gone through a number of investigations. Jack, the black youth who had been spat upon and his best friend, Tim, a white youth sat on the second panel. The moderator asked for more volunteers informing the audience of youth and parents that they needed five youth on a side or they could continue living in an environment of hate and fear. The empty chairs were filled; more than enough young people volunteered. The only school staff person present for this meeting was the chemical dependence counselor who was widely trusted by the youth.

The ground rules were reviewed. There would be freedom to tell stories and share feelings, but this needed to be done in a safe manner where people were not verbally abused or interrupted. Purposefully, no microphones were used. "People hear or they don't hear," said the organizer of the meeting. "The quieter they are, the better they hear. You'd be amazed how quiet they can get."

One of the first questions was by a youth who was pre-conferenced late in the process. He looked at one of the boys across the way and said, "I don't know what happened. We used to be really good friends all through school. Suddenly it seems like you're my enemy." The boy sneered and responded, "We were never friends. You're just too dumb to know." The observing crowd laughed including the first boy's father.

The facilitator, appalled at the mean spiritedness of the crowd, leaned forward in her chair and said, "Stop. Wait a minute." The crowd became quiet and the mediator pointed out that what the crowd had done to the boy who had shared his feelings was exactly the kind of behavior that fueled the insults, bullying, and threats going on in the school and the community.

Panel members picked up on the renewed interest and began to open up. They told their stories of pain. A small black girl started to talk with her voice cracking about walking down a darkened hall in the school building on a late winter afternoon when she heard "footsteps behind me." Then she heard a voice, "There's that little nigger bitch. Let's give her a good fuck." She turned around but the light was behind the larger threatening figures; she could see no faces. The girl sobbed as she relived her fear.

On stage, three athletes over six feet tall slumped in their chairs with slackened jaws. Chagrined, one spoke, "Oh God, I'm so sorry. I didn't mean it. I just didn't think." The boys walked across the stage with outstretched arms. The girl with tears streaming down her face stood. They hugged in front of everybody.

That served to activate many students in the crowd who also stood and talked in twos and threes. There was handshaking and hugging.

Another crucial story was told. Tim, Jack's white friend, claimed that he probably started the whole thing. He had been riding in a car with "a bunch of jocks" as they passed Jack, Tim shouted out, "Hey nigger, we're going to beat the shit out of you." Then he ducked down. When Jack turned around he only saw the jocks.

Tim claimed that it started as joke but got out of hand. Then he along with some other kids blamed the jock who had been expelled. While these particular athletes had been involved in harassment, sending letters and spreading KKK graffiti, and the baseball bat incident, they were also blamed for things they were not doing. In some cases, they were being set up by students who had been intimidated by the larger more powerful jocks.

The next day, students met with school administration. It was agreed that suspensions would be rescinded, that nothing further would be done to punish those who had made false accusations, and that in the future when charges of sexual/racial harassment occurred those incidents would first be referred to

mediation/peer mediation to resolve the conflict. Because only the school board could reinstate those who had been expelled, two youth and two school personnel went to the next school board meeting to ask for the expulsions to be expunged. The school board agreed and supported the school's plans for handling future conflict.

While the students had made great strides toward understanding the fears and pain of others and taking some responsibility for their own actions, tensions within the community continued and were reflected as the large group mediation broke up. Two fathers—the white father of the adopted black youth and the white father of a jock—exchanged nasty words and appeared to be on the brink of a shoving match. A mediator stepped in and prevented that from happening. But the question remained what would be done in the larger community to quell some of the taunting behaviors mirrored within the school.

A community meeting, organized by community leaders, was held a while later. This meeting primarily consisted of key organizational leaders speaking about what they were doing to reduce conflict within the community. The extent of exchange and dialogue was minimal compared to that which had taken place in the school. Still, there were opportunities to break down stereotypes. For instance, the Sheriff provided a poignant opportunity for participants to deal with their own stereotypes. During the Sheriff's talk about what his department was doing to forestall harassment, a biker in leather, with torn sleeves, tattoos, chains, beard and disheveled hair had entered and stood in that back. After the conclusion of his remarks, the Sheriff remarked that he was not without prejudice. "Just tonight I experienced it," he said, "I know I was wrong. We all have these kinds of reactions and we have to deal with it. I saw the gentleman by the door in the back come in with his leathers on and immediately in my mind a warning flashed, 'here's trouble.'"

"Me?" the biker spoke up.

"Yes," replied the Sheriff, "I apologize, sir, but yes you."

"I prefer this dress. I'm a computer jock with two kids in the school. They've never been in trouble and never will be because I've raised them to accept all people."

A longer range by-product of the efforts to ameliorate the harassment within the school occurred in the junior high school. Students there sought help from the same mediators. Another larger group conference was done encouraging students and parents to speak to one another about harassment and threats of violence in their school setting.

Soon after a girl and her friends decided that they needed to form a group to help prevent the kind of prejudice that can lead to violence. The group was name STAR (Students Together Against Racism). They took their ideas to some teachers and received encouragement. More students were recruited. They sought diversity—they wanted all colors, backgrounds, academic abilities, jocks and nerds—they even wanted the kid with green hair. They wrote a song and developed a STAR bracelet. In 1997, the Student Peace Prize Award for the state of Minnesota was given to the Star group.

Today the STAR program remains vibrant. Different students, teachers, and counselors are involved the group, but it remains an active force for peace within the school and the community.

### **C. Promoting Dialogue On Racism Across Reservation Boundaries**

The Pine Ridge Indian Reservation in southwestern South Dakota is the second largest in the U.S. and home to about 38,000 Oglala Lakota (Sioux).

The 150 year history of the Lakota since contact with the encroaching settlers and gold seekers is a familiar story of wars with the United States, the taking of lands, the confinement to a reservation, the

breaking of treaties by the U.S. government and attempts to stamp out Lakota language and culture. The legacy of U.S. government policies has reduced the Oglala Lakota to the poorest people in the country. The 1990 US Census shows that Shannon County, which covers most of the reservation, has:

- lowest per capita income (U.S. Census 1990)
- highest percentage of families below poverty level
- highest percentage of persons below poverty level (63.1%)
- 2nd highest percentage of children under 18 below poverty level

The impetus for a dialogue on racism and historical oppression and conflict involving members of the Pine Ridge Reservation and residents of Rapid City, South Dakota was a series of heinous acts. There had been several cases of Lakota men found drowned in Rapid Creek in Rapid City. It was never clear what happened. Some believed that the drownings had the look and tone of racial killing, or hate crimes. The U.S. Civil Rights Commission came into the area to hold hearings on violations of civil and human rights.

Through the efforts of a few individuals opportunities were developed for persons to learn how to carry on a sustained dialogue process to foster relationship building and reduce conflict. The conceptual framework for this process is laid out in a book, *A Public Peacemaking Project: Sustained Dialogue to Transform Racial and Ethnic Conflict*, by Harold Saunders. Its intent is to help individuals form a group of 12-18 people in dialogue for a 18-24 month period. Although the design called for the group to meet at least four hours a month, the group formed in the Rapid City area was able to meet two hours. It had a core group of eight to ten participants with additional individuals coming and going.

Persons ranged from 28-60 years old. The mayor and sheriff participated for over a year during the first dialogue group. Later they became more active in the mayor's Undoing Racism Task Force. Leadership for the first dialogue cycle came largely from a native woman. This was probably critical not only for disseminating information regarding how to dialogue in sustained ways, but also for gaining acceptance in the native community, both on the Pine Ridge Reservation of the Oglala Lakota Nation and among Native Americans living in Rapid City. The second cycle involved much more of a team approach. Co-facilitators, a native man and a white woman, were envisioned although due to illness the man was unable to co-facilitate. The group has accepted the white woman as facilitator for this cycle.

Over time the group has settled upon a form of communication which opens in circle or around a table with prayer. There is check-in time. Then the facilitator poses challenging questions for the group to dialogue about. The dialogue is a form of storytelling with probing to get at what lies underneath the story. In the first cycle, it was difficult to get an equal number of native participation to that of the whites. The second cycle ended with a couple more natives than whites.

Participants believe that the dialogues have served to transform key relationships. "We have learned to ask different questions of one another," says one participant. "We are building a new habit of being together, a new way of interacting. We see one another as resources where before we might see one another as enemies. So we've really re-imagined one another."

During recent months, these dialogue sessions have been inactive. Numerous community activists, particularly among the Oglala Lakota Nation and its supporters, are interested in re-initiating a sustained dialogue process to continue to address issues of historical and current oppression of native people and to strengthen communication and relationships among Native Americans and non-natives in the Rapid City area.g

#### **D. A Community's Response to the Murder of a Transgendered Youth**

On June 16, 2001, Fred Martinez, an openly transgendered sixteen year old Navajo was brutally murdered near Cortez, Colorado. This case received considerable national press attention. While the police department was reluctant to label the crime a hate crime, they pursued it as if it were and many in the local community and surrounding area believed firmly that it was the result of hate and intolerance of differences.

The community response to the Martinez murder was varied. A vocal portion of the population refused to see his death as inspired by hate. Others were horrified that a youth might have been killed because he was transgendered and Navajo. Many wanted a thorough investigation. And concern for safety of GLBT youth and adults in the region was heightened.

The local Four Corners Gay and Lesbian Alliance for Diversity (4cGLAD) played a pivotal role in responding to the Martinez family, helping the community come to grips with what had happened, handling outside press interests, and channeling the resources of national and regional groups such as PFLAG and GLAD in ways that would assist the family and local community without overpowering them. The Alliance is spread across a wide geographic region. Its coordinator lives over a hundred miles away from Cortez.

Local press coverage in Cortez and Durango was perceived by at least some members of the Alliance as fair and consistent with their own, that is, that the Martinez murder needed to be investigated and prosecuted thoroughly and competently. Editorials spoke "clearly, very honestly and in a moving way" about the case without ducking the possibility that Martinez had been killed because of his gender identity. The local newspapers came under attack in numerous letters to the editor for writing about Martinez's gender and sexuality. Writing letters to the editor was an initial avenue for 4cGLAD members as well as others to make public their positions regarding the Martinez family and the pain they were experiencing, to encourage a thorough investigation and prosecution, and to address the public's discomfort with and often misinformation about gays and the gay community.

The Alliance received crucial support and guidance from state and national organizations including the Colorado Anti-Violence Program, PFLAG and GLAAD. Local Alliance members realized right away that outside organizations could either be of great help or be quite problematic. It was felt that local matters should be managed by local people. Early on, outside interests were informed that they should first talk with representatives of the Alliance before trying to contact Fred Martinez's mother or the police. A concern for which the Alliance explicitly sought help was how to handle the press, particularly the national press, and how to relate to national organizations. Personal and professional relationship networks were relied upon across Colorado and the nation to orchestrate a balance of support for the Martinez family, the Cortez community, and the GLBT community within the region, without national agendas overpowering the needs of local individuals and communities. Occasionally, this required telling a representative of a national organization "to back off" in deference to local concerns and what might best fit in a lightly populated sprawling corner of the Southwest, or "to wait" because the timing wasn't right.

Two major organized community events occurred in response to Fred Martinez's slaying. First, more than 100 persons attended a candlelight vigil about a month after his death. Much support was offered to Pauline Mitchell (Fred's mother) and her family. At the vigil, individuals from the Cortez region spoke of Fred Martinez's death, his life and his legacy. They were joined by such nationally known figures tragically impacted by sexually oriented hate crimes as Judy Shepherd and Carolyn Wagner. Participants described the vigil as "poignant," "moving," "powerful", "hopeful." Part of the poignancy and hopefulness can be summed up in the words on one woman's T-shirt: "Hate is not a family value."

The vigil brought together groups that did not have a strong history of working collaboratively previously. This was "particularly true of the Native American two-spirit community, loosely the same as gay, lesbian, bisexual, and transgender folk in the white world. They often aren't accepted by either

community." Yet they were involved in participating in the vigil. Likewise, leaders from the American Indian Movement spoke. Perhaps Fred Martinez's mother, Paula Mitchell, summed up these tensions best at the vigil for her son, "Not only was he Navajo living in a world that does not honor and respect different ways, he was nadleeh—two spirits—and poor." *Cortez Journal*, Aug. 14, 2001 An observer is quick to point out that although the vigil brought disparate individuals and groups together in "closer working relationships," on the other hand, "where there were problems, it didn't solve those problems. We were able to come together around particular pieces."

The following day a community forum was held entitled "Hurt, Hope and Healing: Our Community Responds to Fred Martinez's Murder." The Four Corners Gay and Lesbian Alliance for Diversity had sponsored and planned to sponsor community forums in the Four Corners region "encouraging dialogue with the lesbian, gay, transgender community and the community at large." It is part of the group's missions and is accomplished through ongoing community dialogue. Thus planning a community forum to help the community cope with the Martinez murder was a natural course of action for the Alliance and was consistent with what the group had been doing for the past two years.

This two hour forum attracted a diverse group of about 150 people. A series of speakers included gay/lesbian activists, a state representative who co-sponsored hate crime legislation, and a member of the Martinez family. During a segment of the forum anyone could speak if they clearly identified themselves and spoke for no more than two minutes. A kind of "covenant" existed that there would not be "personal attacks or rants." Comments raised awareness of the mix of feeling present in the community toward the possible motive behind the Martinez murder, toward gay, lesbian, bisexual and transgendered persons, toward sexual discrimination in the schools, and toward individual rights to belief. Biblical passages were cited supposedly supporting anti-gay positions. A local pastor declared that "homosexuality was a matter of choice." A gay man responded that he "couldn't recall ever choosing to be gay." Others contended that one's understanding of homosexuality, whatever that might be, cannot and should not justify hate and murder.

After the forum came to an end there were clusters of individuals engaged in ongoing conversations, many of whom would not have spoken to each other before. There was "the conservative Reverend having a conversation directly with GBLT people and other members of his community about hate crime. There was the one-on-one conversation between a fundamentalist Christian young man and a transgendered woman. There was the national PFLAG board member addressing a southwest Colorado gathering. And there were conservative old time community members talking directly with their legislator who was a sponsor of hate crime legislation."

Considerable effort had been made to create a safe environment for exchange. Persons attending the forum had to sign in and were required to follow the ground rules for making brief statements. A security officer came in and out of the meeting area. An organizer reports that she and her co-planners were "thoroughly amazed and gratified" by the level of community participation—"People didn't march out with their minds completely changed. But what they did do is exist in a room where there were other gay people. And I'm sure for some of them that was a first."

Yet, clearly the forum was but one small step in responding to the Martinez death and in dealing with underlying factors which may have contributed to his death--one step in a long string of steps. Forum participants were greeted as they exited the building by a poster on a truck which read: "No Gays in the FourCorners."

A participant notes that the forum "created a tone for the dialogue that, I think, is ongoing. There was more restraint in the letters to the editor. It became clear that we weren't just pursuing a narrow agenda but were attempting to create a climate in which a conversation about tolerance in our community can continue."

And the Cortez story does continue. Before Fred Martinez's death, the Colorado Anti-Violence Program provided training opportunities to regional police departments. Many observers believe that this training on handling hate and hate crime provided a valuable basis of understanding for the police in this case. That training is ongoing. In addition, 4cGLAD and the local PFLAG Chapter have intensified their efforts to provide helpful information to schools and to be present to support GLBT students. And, as with the Martinez case, 4cGLAD promotes ongoing opportunities for discussion and dialogue as a means of helping the gay, lesbian, bisexual, transgender community and the community at large find common ground and mutual understanding.

## **E. Response to A Post 9-11 Hate Crime**

Within hours of the attack on the Trade Center in New York City, Tammam Adi, director of the Islamic Cultural Center in Eugene, Oregon, received a phone call. The man screaming at him swore death on the Muslim community in retaliation for the NYC terrorist attacks of 9/11. Later that afternoon, the same man made a similar call to the Mosque. That call was left on a message machine which was initially retrieved by Adi's wife.

Police were able to trace the second call and a man was arrested later that evening. Adi also contacted the Human Rights Commission which assisted with additional safety measures. The Commission also collaborated with an assistant DA who was a strong restorative justice advocate and who had been working with Community Accountability Boards on several cases. Through these conduits, the Director of the Restorative Justice Program of Community Mediation Services in Eugene, Oregon became involved with the case.

The Adis, like many in the Muslim community, were fearful for their personal safety and that of their friends. A police officer was assigned to protect them and opened the family's mail and routinely checked their car. Mrs. Adi, like many Muslim women fearing retaliation, gave up wearing the traditional scarf around the head. A boy approached their daughter at high school and told her, "We should round up all the Muslims and shoot them." The simple sound of a ringing phone brought about shivers. Yet in the midst of hate and threat there was an outpouring of support from many in the community, including church leaders and inter-faith groups. The threats on the Adis and the Muslim community became a focus of ongoing discussions at the University. Media coverage was extensive and for the most part representatives of the Muslim community found the reporting to be satisfactory. However, media coverage would be a concern throughout this case as the Adis feared that the press would only promote stereotypical images of Muslims.

Early on, the Adis expressed interest in meeting the man who had so upset their lives. They wanted to know why they had been singled out. Also, the offender had expressed to the prosecutor a desire to apologize for his actions and try to make amends. Thus the prosecuting attorney, who had had experience with the Community Accountability Board operating in the neighborhood in which the offender lived, also initiated efforts to seek mediation.

Three mediators met first with the offender, who acknowledged that he had been enraged by the pictures and stories of the Twin Towers attack and that he had made the threatening phone call to scare the Muslim leader. Later, he claimed, he was mortified by his own actions. He'd had his own experience of grief and loss with the death of his son and the recent loss of his job. He welcomed the opportunity to meet with the Adis so he could apologize and show them that he was a decent man. Hours before meeting with the mediators, the offender finally took a long needed step—he called a counselor. Ironically, he said, "I went to the very page looking for help that I went to in order create the problem (to find the phones numbers for the Adis and the mosque)." Now, he wanted to do whatever the Adis wanted him to do to make things right. He hoped for a "peaceful solution."

A week later the mediators met with the Adis who detailed the trauma they had been through and were continuing to experience. They, too, desired to find some way of mending the harm. They had felt "like sitting ducks" and continued to wonder, "Why did he do it to us?" The Adis were appalled by the fact that for too many Americans the enemy had become "all Muslims." "Everyone knows about stereotypes," said Mrs. Adi, "but nobody knows about the religion." Thus the Adis wanted the meeting with the offender to be shared in some public way to educate the community and to promote healing across the broader community which had also been attacked by the enraged man's actions.

On October 10, a face to face meeting between the Adis and the offender took place. In addition to the mediators, twelve community members of the Community Accountability Board were present, as were the prosecuting attorney, a police officer, a representative from the Human Rights Commission, an assistant DA and a probation officer.

The meeting lasted two and a half hours. Initially it had been agreed that the victims would speak first, then the offender, and then community representatives after which more questions would follow. However, the victims were very nervous and when the mediator asked who would like to speak first, Mr. Adi said that he definitely would not like to go first. The offender began and tension was palpable among the participants sitting in an open circle. About a sixteen individuals sat in the circle with several more in an outer ring. These latter were observers only.

Rather than telling the story of what led to his actions, the offender began with an apology and tried to explain his emotions and his anger issues. Although the offender had invited his sister to attend, she'd had a crisis that day and was not able to stay for the meeting, thus the offender was alone, which may have contributed to his tension. The focus of Mr. Adi's comments and questions were on why the offender made the threatening call. He also tried to explain how death threats in the Middle East culture are very serious and have much potential for follow through. Mr. Adi was not able to make eye contact with the man who had threatened his life and that of his family.

During the course of the meeting, community members expressed empathy for the Adis and also made it clear that they were prepared to help hold the offender accountable as well as support him within the community. Although some of these individuals were used to speaking more and providing more direct leadership, they worked within the framework of the dialogue format. The mediator estimated that members of the community spoke about a third of the time.

Tension remained at the conclusion of the meeting. The victims were not completely satisfied with the candor of the offender, and they were still unable to trust what they had heard and experienced. Mrs. Adi, however, was able to point to areas of potential healing and resolution. As planned initially, the group agreed to meet a second time on October 30 to deal with unresolved questions and to determine what the offender could do to help heal some of the pain he had caused the Adis and the Muslim community. During a debriefing with the offender, the mediator learned that he had not only been surprised about having to speak first, but was uncomfortable with the DA's office being represented. He felt "overwhelmed" and "under pressure to provide the right response." He had also been deeply offended by a comment made by a community member who had indicated that the offender wasn't fit to raise children. Six years prior in mid-September, the offender had lost a baby son. His grief remained turbulent and he experienced bouts of depression each September. The mediator encouraged him to share his story at the next dialogue session. His loss did not excuse his behavior, but his sharing his story might add a level of genuineness that the Adis had not seen in the first meeting.

The Adis used the time between the two meetings to sharpen their own questions regarding the man's actions as well as firming up their requests for restitution. They still wanted to know if the man had "acted alone" and whether he had "a pattern" of racist behavior. They need to hear the offender say

clearly why he made the calls and that he wouldn't do it again. It was agreed that the first hour of the next meeting would be used to address continuing concerns regarding the hate call and the second hour would focus on reaching some kind of resolution. A newspaper reporter, at the request of the Adis, was invited to attend because they wanted the offender to apologize publicly for his actions and that would likely involve the press. While the meeting was "off the record," the reporter would be doing a follow-up story about the case.

At the second meeting the Adis were prepared with a list of questions including whether the man acted alone and what had gone on in the man's mind before picking up the phone. Community members spoke again of expectations and of the impact of the crime on the larger community. The offender informed the group of his counseling progress and of his new job. And he spoke directly about his own loss of his baby son. It was the sharing of this loss that seemed initially to connect with the victims. After asking a series of questions, Tamman Adi said, "I'm satisfied with what I've heard. I think we can move forward." He was now able to look into the eyes of the offender.

The Adis asked for a public apology from the offender to which he agreed. A community member wondered if a public apology would jeopardize the offender's job. Mr. Adi indicated that he would speak personally with the employer to help the offender keep his job. The offender said he was prepared to accept whatever consequences occurred. The Adis also wanted the man to attend two upcoming lectures on Islam. He was also requested to cooperate with news coverage of the case, continue his counseling, and speak to teens in juvenile detention about his experience. At the conclusion of the meeting, Mr. Adi leaned over and shook the hand of the offender. A feeling of relief permeated the room.

The offender's apology letter to the Adis and the Muslim community appeared on the editorial page of the Register-Guard on November 18. In that same edition a feature front-page article appeared covering the Adi's story. After attending the first two lectures on Islam, the offender decided to attend more. The victims have expressed their satisfaction and gratitude for the dialogue process and its outcomes.

### **III. CASE ANALYSIS AND IMPLICATIONS FOR THE USE OF RESTORATIVE DIALOGUE FOR RESPONDING TO HATE**

Much of this analysis will be guided by William Bridges' framework regarding personal and organizational change as presented in his book, *Managing Transitions*. The analysis is also shaped by the authors' experience with restorative justice dialogue in the criminal justice process (Umbreit 2001; Umbreit, Vos and Coates, forthcoming), and with the process of systemic change (Coates, 1989).

A simple overview of Bridges framework is as follows. An event causes change which leads to transition for persons, organizations and/or communities, who eventually must incorporate the meaning and consequences of the change and move toward a new beginning. The change event marks an ending of something—perhaps a way of doing things or of self-identity. This ending is usually partial. A part of the way of doing things is altered or a part of self-identity is impacted.

Handling the change event which often results in losses as well as gains is where the notion of transition comes into play. That transition process, according to Bridges, involves letting go of what was, moving through a chaotic but potentially creative neutral zone, and ultimately seeding a new beginning.

Bridges acknowledges that this linear transition path is not as straightforward as it appears. Additional change events may re-direct the path. Vestiges of past reactions to change may hamper, slow down, or even block this transition process and may be part of the work to be undertaken while in the neutral zone.

#### **A. Restorative Dialogue within the Transition Process.**

The yearning for dialogue by individuals, organizations and communities undergoing the consequences of change as witnessed in the five cases described briefly above suggest to us that restorative dialogue can be used in each of the three phases of transition—in helping individuals, organizations and communities let go of a past that is no more, in helping them find their way in the confusion of the neutral zone, and in them define and redefine new beginnings, that is, new ways of being with one another and with oneself.

Once individuals come to grips with letting go of some important part of the past which the change event altered, they must be encouraged to be patient and take their time in the neutral zone which is often characterized by heightened anxiety and loss of motivation, ambiguity, and vulnerability to baggage from the past. Yet this phase is also a time for breathing deeply, for refocusing and for being creative.

Similarly, with restorative dialogue (Umbreit, Vos, Coates, forthcoming), a rush toward dialogue and resolution may sabotage the process itself. Restorative dialogue may involve a lengthy process of staff/volunteers helping prepare participants: in addition, potential participants have much preparation to do on their own. While participants have hopes and goals, each is also encouraged to be open to new possibilities, and to be open to flexible timeframes.

While restorative dialogue may be helpful in assisting individuals, organizations and communities let go of what has been altered and may also have a useful place in providing forums for forging new beginnings, we believe that it may most effective in those knotty neutral zones. Often, at least in the use of restorative dialogue with victims of severe violence, much work has already taken place around issues of letting go before victims seek a meeting with the person who has caused so much grief and pain in their lives. While they have let go of some of the hold of the crime event on their lives, they may remain stuck with such questions and as "why?" "Why my daughter?" "Does he feel any remorse?" Often victims described themselves as searching, not so much for closure, but for some means of integrating what has happened to them—what has changed their lives forever—in workable ways that permit them to move on. This desire to meet the offender may take place quickly or may not be voiced for years. There are no time limits on pain or on grieving or on making one's way through the labyrinth of the neutral zone.

## **B. Scope of Restorative Dialogue Responses.**

In the five cases described here, dialogue took several forms demonstrating that it can be used in a variety of settings. In the "cross burning" case, dialogue was used to bring individual family members together to talk about their experiences of being targets of hate with the youth who perpetrated the hate crimes, as well as their families. In the "Post 9-11" case, victims and offender were brought face to face along with a dozen members of the offender's neighborhood and representatives from the justice system. In the "promoting dialogue on racism across reservation boundaries" case, a small focus group was gathered for monthly dialogue on issues that impinged upon the quality of relationships between Indians and whites. In the "racial conflict in a school" case, panels of youth shared their stories of being intimidated and abused while parents, community members, and other students observed. After the formal dialogue small groups popped up across the auditorium carrying on informal dialogues. In the "community's response to the murder of a transgendered youth" case, concerned community members gathered for a vigil and then later for a forum where panel speakers first laid out reactions and responses to the killing. Pro-gay and anti-gay sentiments were aired as community members were invited to participate. And, as in the previous case, with the framework and tone set for formal dialogue, at its conclusion, significant dialogue occurred informally between groups that had seldom acknowledged each other before.

The notion of bringing individuals or even large groups of persons together to share their stories of pain and hope arising from a shared hate crime or climate of hate and to ferret out possible ways of resolving conflicts with an eye toward improving future interactions among diverse people is a common ground across these five cases. The dialogue may have been thought of differently and played out differently

from place to place, yet in each case people with often radically different ways of viewing their environment and themselves were brought face to face to initiate an important step in their individual and/or community transitions.

In each case, individuals and groups used dialogue to help cope with loss. In each case, some individuals feared for their safety—they had lost their sense of security. In each case, the community was changing. In Eugene, Muslims had become a significant population group within the community. Over the years a significant gay community had developed in the Cortez and Four Corners regions. The ensuing crisis around Fred Martinez' death provided an opportunity for the gay community to address ongoing issues, and it also meant that they had become more visible within their communities. In both Minnesota communities, what had been fairly stable rural or small town communities had recently experienced rapid growth and an influx of new populations. While most of these new settlers were white, they came from other places and didn't share all the values or the history of the communities to which they moved. They were urban oriented. And then there were those of color who sought new lives in a new land of opportunity. To the old time resident, the result was the same. Their community was losing its moorings. And the Pine Ridge Rapid City connection has been characterized by loss of identity and ways of being for over a century.

### **C. Cumulative Restorative Dialogues.**

Multiple dialogues over time afford more opportunities for exploring transition possibilities. In the Four Corners region of Colorado, given that the 4cGLAD was already involved in conducting community forums across the region to promote solidarity among gays and understanding between gays and straights, there was a foundation upon which to forge an avenue for community members to responded to the murder of Fred Martinez. Furthermore, his death and the response to it served to generate more commitment to promoting ongoing dialogue in the Four Corners area. In a very real practical way, the stage had been set for responding to such a heinous event. In Eugene, Oregon, the initial dialogue with the man who had threatened their lives and other Muslims provided the Adis with a glimpse of the perpetrator. They needed more time to sort through their questions and to consider possible ways for the offender to make amends before participating in the second meeting. The Pine Ridge/Rapid City group has met monthly, albeit with different players over time, for about two years. And in the "racial conflict in the school" case, the dialogue at the school was followed up with an attempt to have dialogue at a community meeting.

We expect that the potential cumulative impact of ongoing dialogue cannot be overestimated. The continuity of dialogue allows for more in depth understanding and intimacy, for more opportunities for clarifying misunderstanding and promoting tolerance, and for finding common ground among peoples who initially consider themselves to be "worlds apart."

### **D. Preparing a Climate for Dialogue**

The capacity for responding constructively to hate depends a great deal upon the development of relationships among key community individuals and interest groups. As one participant in this study put it, sustained dialogue begins by "figuring out who really wants to engage." Engagement in ongoing conversation provides a basis for relationship building over time. The desire to engage may be prompted by having shared concerns regarding the future of the community. Or it might be driven or intensified by an immediate crisis.

Murder served as a catalyst for increased engagement in both Pine Ride/Rapid City and in Cortez, Colorado. Violence and the threat of violence in the three other cases studied here generated a level of community concern and response that brought together in dialogue persons who would normally avoid one another. A common threat to security and stability altered world views, at least for the moment, in such ways that it became possible to do things that might otherwise have been inconceivable.

For a moment in time, persons are encouraged to share their own views while listening to those of others; persons are provided windows through which they may take the role of the other and attempt to understand what living in the community may be like for others who are seemingly different from themselves; and persons are invited to share responsibility for solutions that impact how they are to live together.

Sustained relationships and ongoing dialogues can, hopefully, increase levels of mutual tolerance and diminish the probabilities of acts of hate. Yet, it is difficult to imagine a community in which all members will choose to participate in such relationships and dialogues or one in which the members of the community are not at risk to hate from the outside. At the very least, ongoing attention to relationship building and dialogue will provide a platform for individuals and community groups to the next crisis.

While a crisis can seemingly shatter a community, it also offers individuals and groups a pressing opportunity to come together, even tentatively, to shape the quality of the community in which they live. It behooves individuals and groups who desire to promote tolerance and respect to be prepared, not just to *react* but to *act* constructively and in a timely fashion in the face of a crisis.

Such preparation can begin in times of relative calm or even after a community has floundered through the shock of a hate crime occurring in its midst. Relationships, personal and professional, are at the heart of living out tolerance and respect and of forming a foundation from which to respond to the next crisis fueled by hate.

#### **E. Pivotal Influences on the Use of Restorative Dialogue.**

While there are many factors which may influence the viability of restorative dialogue in any given conflict situation within a community, several are immediately apparent from the cases considered in this study.

**1. Media.** Local, regional and national media can add stress to community groups seeking ways to respond sensitively to hate crime. Handling the press requires time and skill and even when well managed can be frustrating. In the Oregon and Colorado cases, the local and regional presses were regarded as positive and helpful, although even in those situations there remained ongoing concern about the media response. Leaders within 4cGlad were concerned enough about managing media relations that they sought outside help from individuals and groups who had extensive experience in working with the media.

With hate crime, there is especially concern over the possibility that the national press will somehow overpower the local and regional response and that some national media outlets might inadvertently fuel the flames of hate. Yet there are certainly instances in the past when it was the presence of the national media that permitted the story of hate to be told as local and regional outlets chose to ignore it or worse defended it.

The dialogue group in South Dakota, at least for a time, had participants from *Indian Country Today* and the *Rapid City Journal*. In some communities considered here, the local press was regarded as more resistive to the changes occurring in their communities, often promoting a view that conflicts emerged because newcomers did not share the values and heritage of those who had

Thus media can be a positive influence in the response to hate and it can be a negative influence. Most observers would agree that at best its impact, while potentially huge, is unpredictable. The media's interest and role underscores that fact that hate and the response to hate does not take place in a vacuum. Actions of individuals and groups will be subject to scrutiny. Having an individual or individuals skilled in managing media outlets is a major asset to any group interest

**2. Outside interest groups.** Hate crimes often not only attract media from afar but also attract interest groups that have considerable experience and stake in battling discrimination. This was certainly true in the Colorado, Oregon and South Dakota cases. Pflag and GLAAD were acknowledged as having very positive influences on the response to the murder of Fred Martinez. Yet, even in that case, locals were at least wary of letting such groups have too much influence because the community response needed ultimately to percolate from and be shaped by local resident groups.

Local groups will need to look carefully at the agenda of outside groups to evaluate to what extent they match those of local community groups. Working with powerful outside groups and leaders will require considerable attention to balancing interest, stake, responsibilities, and visible presence.

It should be noted that the tension between local community groups and outside interest groups, including media, is in part a matter of how broadly community is defined. National and even global interests are involved in many hate crimes. All may be impacted at least by the question, "What kind of world are we trying to foster?" and "what threats do acts of hate bear upon the larger communities as well as the local ones?" As we have indicated, tension will likely arise as local communities attempt to draw on the experience of outside groups while maintaining a balance of control over what local community members want and need.

**3. Auspices.** The auspice of a group seeking to promote the use of restorative dialogue can be quite varied. In our five cases, auspices range from local government [the school system and the district attorney's office], to private not for profit interest groups, to a collection of concerned citizens with no particular organizational structure or identity. Each group will bring its own resources and limitations to bear on responding to hate through restorative dialogue. But no auspice can be discounted, out of hand, as being outside the restorative arena. Often, we have observed distrust between government and private groups and between government, private groups and informal collections of citizens. Part of the relationship building process described above involves establishing certain fundamental levels of trust among and between groups that may at times hold each other accountable. Turf battles, organizational jousting, and personal squabbles need to be set aside temporarily, or least reduced in intensity, in order to respond in a healing way to the consequences of hate. The response to hate is not the sole responsibility of any one group or one collection of individuals—it can be a shared responsibility of all individuals, groups and organizations, public and private.

**4. Preparing for the Natural History of a Case.** When is a case or an incident finished? It may never be finished. Individuals interested in restorative dialogue options need to keep in mind the natural history or progression of a case. Initially, there is the event, then apprehension, a trial, and sentencing. Each of these steps in the legal process may be separated by months if not years. It took nearly a year for Shaun Murphy, who eventually pled to a second degree murder charge in the killing of Fred Martinez, to be given a sentence of forty years. The various court hearings and pleas marking that year served, in part, to keep a community wound open.

Then, in most instances, there will be parole board hearings and the return of the offender to the community. Each step of the process can cause additional trauma to victims and communities. Each step may cause a reliving of the initial event. And, of course, there will be anniversary reminders of the hate that changed lives. Yet each of those points in the process may offer opportunities for some form of dialogue with the victims and offenders and/or with members of affected sub-communities. Being aware of the steps in the process and their potential for renewed pain as well as new opportunities for dialogue will help individuals and groups be proactive toward the lingering consequences of hate rather than constantly being in a reactive position.

It should be noted that the natural history of cases where perpetrators are not apprehended and held accountable can be even more murky.

## **F. Summary.**

By looking at the cases of five communities responding to hate within the broad brush framework of William Bridges consideration of change and resulting transition processes as well as being aware of restorative dialogue practices, we have begun to see the potential for restorative dialogue as a component of a community's response to hate. It seems to us that opportunities for restorative dialogue emerge in various ways as victims, systems and communities attempt to cope with the consequences of hate and violence.

We now turn to fleshing out a generic approach to restorative dialogue which may be of use to communities either attempting to prevent crimes of hate or in the position of having to respond to crimes of hate.

## **IV. RESPONDING TO HATE THROUGH RESTORATIVE DIALOGUE**

Much of what we propose here has to do with planting seeds for encouraging dialogue among and between individuals and groups who often misunderstand and distrust one another and at worst hate each other and on occasion act upon that hate. We have blended what we have learned about responding to hate crime from the five cases described above, from William Bridges work on managing transitions, and from our own experiences with restorative justice dialogue practices to produce an approach that we believe has promise for community groups attempting to reduce hate in their midst or to respond to acts of hate.

These three information sources share much in common, most importantly a widely shared value base which will be highlighted below, but each has made a unique contribution toward conceptualizing dialogue in the context of hate. The case studies, particularly those in Colorado and Pine Ridge/Rapid City and contextually each study, point to the ongoing, continual nature of responding to hate. This is different from most cases currently handled within restorative justice approaches where a single encounter between offender and victim is the norm. An exception would be the occasional restorative peacemaking circle where community members commit themselves to support an offender for years. However, within restorative justice dialogue practice as a whole, the norm is for fairly swift singular intervention. In contrast, dialogue responses to hate and hate crime as exemplified in the five case studies demonstrate that actions to forestall hate are likely never completely finished—they may need to be freshened and adapted to the ever changing environment, but it is difficult to conceive of a time when we will not need to be prepared to respond to hate. Thus we must take a much longer view of restorative dialogue in the context of hate. That will have implications for relationships within and across groups.

Bridges' notion that it is transition from change events that matters most has led us to consider restorative dialogue as an ongoing vehicle for helping with those transitions. The letting go of what was while honoring it and grieving when necessary; the yearning for meaning, for new identities (individual and community); the acknowledging of an ending and claiming of a new beginning are useful ways of framing how individuals respond to violent crime and also how both individuals and community groups experience change thrust upon them by acts of hate. These stages are evident in our work with victims of violent crime. Often much of the letting go of anger at how the violence has unalterably changed their lives has taken place before victims seek a meeting with the perpetrator, yet vestiges of anger and fear lurk just below the surface. Many who seek dialogue with the offender have been wandering through "neutral zones" trying to find ways to "move on," to find "new meaning" for their lives. Many victims after meeting with the offender express tremendous relief at being able to get some answers to questions, or at telling the offender of their pain and loss, or at seeing remorse on the face of the offender. Many have described participation in dialogue as a step toward a new beginning. In some ways, Bridges' emphasis on managing transitions has provided us with a different lens for describing what we see day by day.

And what do restorative dialogue practices add to the mix? Across our communities there are many kinds of efforts to promote dialogue between individuals and factions that disagree. We believe that restorative dialogue emphasizes more than most other forms of planned dialogue the preparation of participants. Careful preparation that draws on the interests and strengths of the participants creates an understanding that the ensuing dialogue/s will occur in a safe environment and that participants will have the opportunity to talk about issues and concerns that matter to them. Preparation often involves discovering how victims and offenders are handling losses and how they are finding their way through the morass of discovering who they now are. Coupled with preparation is follow-up post dialogue—and it is here where victims, and sometimes offenders, often express relief, renewed hope, and a vision of a new beginning.

Just as change is constant, making managing transitions constant, we realize that no single approach will solve longstanding conflicts; we do hope that this restorative dialogue approach can be a useful addition to the range of options available to individuals and community groups who are trying to make a positive difference.

The dialogue approaches described below focus on 1) preventing conflict by reducing the potential for hate through fostering increased understanding and respect between frequently hostile groups and 2) promoting healing in the wake of a hate crime incident. Thus the first is directed at prevention and the second at response to a crisis.

### **A. Shared Values**

Within the case studies described above and within restorative dialogue practices, in general, there is a widely shared value base. We believe that many, if not most of these values, also implicitly undergird Bridges' discussion of managing transitions. The following list is not meant to be inclusive but rather illustrative.

1. All persons share common humanity despite conflicts and differences.
2. Most people want to live peacefully.
3. Personal story is at the core of connectedness and conflict resolution.
4. A dialogue process whereby participants share their stories, feelings, concerns and needs has healing power.
5. The restorative dialogue setting is a safe, if not sacred place.
6. Restorative dialogue, in whatever form, is a process of respectful listening.
7. Each individual's journey is honored.
8. Each individual has an equal opportunity to participate and is equally responsible for process and outcome.
9. Participation in restorative dialogue should be voluntary.

### **B. Restorative Community Dialogue Aimed at Prevention of Acts of Hate**

The shape and content of a particular dialogue among community members will be determined by the specific needs and desires of participants. Here we outline a process which can be used for identifying potential participants, for preparing them, for framing the dialogue, and for follow through. There is a dictum within the restorative justice movement which claims that restorative justice is not a program or a particular set of content but is a process. Similarly, William Bridges makes clear that managing transitions resulting for change events is not a matter of specific content but involves working through a dynamic process.

We offer some guideposts for making one's way through the process. Often the guideposts mark important decision points which can only be made by those who are implementing this approach in a given community and situation.

**1. Identifying potential participants.** No matter the auspices of the individuals or group seeking to offer an opportunity for dialogue, careful attention will need to be paid to identifying potential participants. The auspices may be a governmental agency, a school, a church, a neighborhood group, or a collection of concerned individuals, but the first step is to not over estimate their knowledge of who might be interested in participating or of why individuals would choose to participate or not. Even community based groups that have a track record of doing one thing well will not necessarily know where to turn to identify a group of participants to engage in meaningful dialogue about hate. The community based service movement is replete with examples of public and private agencies with long experience providing service in one domain, such as juvenile delinquency, who attempted to expand into another domains, such as mental health services, and assumed they knew the community and counted on its continued support. Instead, the new plans often were rejected and the long established services were cast in jeopardy. Such groups worked on assumptions without doing their homework. The first step toward developing a dialogue is doing the necessary homework.

Who will likely be interested in participating in an ongoing dialogue about hate and the consequences of hate in the community? Will there be individuals and groups who will likely speak out against such dialogue? Is there stake in such participation for particular individuals, groups, and government agencies, and what might that stake be?

How is this information gathered? Careful attention to the local newspaper for the past six to twelve months is a beginning point. Who has taken actions to promote tolerance in the community? Who has raised complaints about injustice? Have there been hate incidents? Who has responded, and how?

Perhaps from newspaper accounts, perhaps from existing relationships, key contacts can be identified who will become important windows into sub-communities who might have significant stake in dialogue and its outcomes. These key contacts can begin to help shape both the process and the content of dialogue. Will certain settings have particular positive or negative appeal? Some groups may be more comfortable meeting in a civic center than in a school.

Will the anticipated dialogue be large scale or small? Perhaps it will begin with a dozen people in a circle at a home or church and then grow into larger community wide dialogues. Or it could go the other way—beginning with a large group with the expectation that smaller, more intimate groups would emerge from that.

Will participants be asked to represent sub-communities such as Palestinian, Jew, and Christian? And if so, will the representation be formal or informal? How will such individuals be selected?

Will participation in the dialogue be invitational or open? If open, will most participants identify themselves before the actual meeting, in order to be involved in the preparation phase?

These are but a few of the questions which must be addressed at the outset. The answers to these questions may change over time. Expectations regarding the initial dialogue may differ from those that follow. Individuals and groups who participate over time develop ongoing relationships which will continue to reshape the dialogue experience.

**2. Preparation for dialogue.** The facilitator of restorative community dialogue will spend considerable time engaged in preparation. Once potential participants are identified personal face to face contacts will be initiated. Potential participants may prefer to meet in their own homes or at a neutral site. Seldom will the facilitator expect potential participants to travel to his/her office. The purpose of the planned dialogue will be explained, but the bulk of preparation involves listening to and attempting to understand how the potential participants view and think about their world.

During preparation, individuals should be encouraged to speak about their concerns regarding hate in their community, of past experiences of being targets of hate, or of harboring their own hatreds. Attention should be paid to each person's hopes and fears regarding participating in an ongoing dialogue. Perhaps there is skepticism that others will be honest and open, or fear that one might be shouted down in a public forum, or that what one says may bring about retaliation.

The ground rules for dialogue should be laid out. Potential participants should be informed that dialogue must take place in a safe environment for all: it will be a time of respectful listening. Verbal abuse will not be tolerated. Speakers will not be interrupted. Each individual—each story—must be heard. Anyone who cannot abide by the ground rules will be asked to leave. It has been our experience with restorative dialogue, even between victims of violent crime and their perpetrators, that these guidelines are adhered to. If people commit to meet understanding what is expected of them, they tend to stay within those guidelines. Potential participants must be assured that while a free exchange of ideas and sentiments among dialogue participants is desired, facilitators will take control if the dynamics threaten a safe environment.

Preparation takes as long as it takes for potential participants to feel comfortable with engaging in dialogue. There may be several contacts as facilitators work with other potential participants and learn about what they want to talk about. Information can be shared back and forth until there is clarity regarding the scope of the proposed dialogue, who will actually participate, the ground rules, and expectations regarding speaking. These latter expectations may include whether or not the participants will sit in a circle and how exchanges will be managed. For example, there may be an initial round where each person would have a set brief time to offer what he/she wants regarding his/her own experience of or concerns regarding hate. A back and forth exchange monitored by a skilled facilitator may follow. In larger dialogue settings involving larger numbers of people, the dialogue may initially be restricted to a panel of participants followed by comments by the larger group of observers. Again, clarifying time expectations in each of these settings is crucial in order for participants to be comfortable before hand and during and to afford equal time for engagement.

By the time the actual dialogue takes place, there should be few surprises regarding the format, structure and major issues. Of course, there likely will be some, which can enhance the richness of the dialogue and challenge the facilitator/s.

**3. Dialogue.** While dialogue forms the pivot and is the most visible aspect of this approach, it is not necessarily the most time consuming element nor is it necessarily the most helpful component for all participants. In our work with victims and perpetrators of violence, many participants indicate the preparatory work and the follow-through was at least as important and helpful to them as the actual dialogue. Yet it is the dialogue potential that initially drives this approach and can yield tremendous benefits for participants. As we have indicated above, it is the ongoing nature of community around issues of hate that seems most promising for promoting understanding among persons and groups who see each other as different and therefore not trustworthy and, in extreme situations, as legitimate targets of hatred.

The generic dialogue process would begin with welcoming participants and acknowledging the courage and compassion required for individuals to come together and talk about things that really matter. The ground rules should be restated so that everyone gathered knows that everyone else has heard them and is committed to them.

Persons would then be invited to speak to the issues and concerns they identified during the preparation phase. They would be encouraged to share their concerns, initially, by sharing part of their personal story. It is hoped that the dialogue will not be merely a debate among talking heads, but rather a sharing of feelings, pains and hopes. Individuals may be encouraged to address a particular issues such as "What is

it like sending your child to a school when you are concerned for his/her safety because of the color of his/her skin.?" That is why preparation begins with listening to the individual's story and it is why dialogue begins there. In a circle, the initial order of speakers may simply be left to right, perhaps additionally guided by a talking stick. In larger groups, initial speakers may be pre-identified so that the process does not become immediately mired down in who is willing to speak first. It is expected that across a series of dialogues, each dialogue would begin with the sharing personal experiences.

After this time of sharing and listening to personal experiences with hate there may follow a time of engagement where individuals may pose questions to one another or to the group as a whole. These questions may be as general as "why do some people hate gays" to "why am I a target of hate", or "what does it feel like to be seen as representative of a despised group rather than as an individual."

Or the questions may take a different form entirely. They may look more like the following: "What can I do to ensure that my child is safe at school?" "How can I teach my children how to be tolerant of kids who look different from them?" "What can our community do to foster respect among and between its diverse population?" "What would we do if one of our loved ones became a victim of a violent hate crime?" "What would want our community to do if that happened?" These kinds of questions move the dialogue into its third phase, which addresses potential resolution of conflict or pending conflict.

It highly likely and expected that dialogue around issues and consequences of hate needs to be ongoing. While it is tempting to think that community restorative dialogue might be set up in three distinct sessions focusing first on personal experiences within the community, second on addressing questions, and third on finding resolutions, we would discourage that practice. Dialogue, in our experience, is not that discrete. The phases overlap and are recursive. Furthermore, participants in dialogue will come with different hopes and expectations. Just as some will not want to rush to discuss possible solutions without first establishing the kind of relationships that sharing personal stories does, others will not want to get bogged down in personal stories to the point that "nothing is ever done but talking." By seeing each dialogue session move through the three phases, participants will know that there is a commitment to interweaving the grounded personal experience with possible solutions and actions.

**4. Follow-through.** Facilitators will meet with participants between dialogue sessions to receive feedback regarding participant experiences with the dialogue format. There may be repressed anger at something someone said or at least something they thought they heard. Participants may want to identify additional topics for the next dialogue session. They may encourage facilitators to be more active or less active. Facilitators will want to impress upon participants the importance of each individual speaking as openly as they can. It would be helpful to have a particular comment in mind that each participant made for which the facilitator can thank the person. Part of what is happening in dialogue is participants recognizing common ground that they share with other participants and developing stake in communal solutions. During this follow-through phase, individuals may want to discuss and press a particular position upon the facilitator. It is the facilitator's task to listen and encourage the individual to share those views during the next dialogue session. The facilitator cannot allow himself/herself to be cast in the role of some kind of final decision-maker. The facilitator is a steward of a process, not of a particular outcome.

This follow-through phase, clearly, is also in part preparation for the next dialogue.

### **C. Community Restorative Dialogue as Response to a Hate Crime**

In moving from prevention approaches to approaches for use in responding to hate crimes, it is important to recognize the significant differences in context brought about by the commission of an overt act of hatred. Harm has been committed rather than merely threatened; there are more clearly identifiable "victims" of such harm, and in many instances, also more clearly identifiable "perpetrators;" and

community tensions, fears and other emotions are likely to be even more intense than in situations which have led to prevention efforts.

Within this context, two major dialogue approaches are viable. The first, made possible when both victims and offenders can be identified, is the more classic response of victim offender dialogue. The second is a variant of the community dialogue described above as a prevention approach, but adapted to the specifics of the crime which has taken place. Either of these broad approaches can emerge as an appropriate starting point for dialogue in a particular hate crime situation, and either may ultimately lead to some variant of the others, or to a combination of both.

The steps involved in responding with victim offender dialogue mirror those described above in the community prevention approach. Such a dialogue could easily include family members and/or non-family member support persons of both victim and offender.

The key participants are determined by the crime, that is, victim(s) and offender(s). Typically preparation would begin with the offender, in part to determine his or her willingness to participate. If the offender is unwilling there is no need to raise the hope of a victim who may strongly desire to meet with the offender. Dashed hopes would only amount to another kind of victimization. If the offender is willing, similar preparatory steps are taken as in the approach above. The facilitator solicits the offender's story regarding the crime and feelings about what he/she has done. The ground rules for dialogue with the victim are explained. And the offender has the opportunity to indicate what he/she is willing to talk about or unwilling to discuss. The exception to meeting with the offender first is if the victim has initiated the need for dialogue, rather than referral of an offender from the formal justice system.

Next the facilitator meets with the victim to explain the dialogue process and to determine if the victim is willing to participate. If so, that individual's story is solicited. What was the immediate and long run impact of the hate incident? How does victim now feel about the crime and the person who acted out of hate? What kinds of questions might the victim want to ask the offender? Or what might the victim want to tell the offender? Again, ground rules governing the dialogue will be explained. The victim will usually decide who should speak first and the offender will be informed of that decision.

The dialogue progresses as described above. The facilitator will welcome participants and review the ground rules for dialogue. If the victim begins, that individual will usually talk about how the crime impacted him/her, often speaking of fear, anger, and loss.

The offender will then have an opportunity to explain what triggered the event and express remorse, after which the victim is frequently prepared to ask a number of questions.

The third phase of this dialogue will address how the offender can make amends for his or her actions which may involve doing something for the victim directly or for the community at large. It may also include asking the offender to participate in anger management or learn more about the group he had grown to hate.

Depending upon the complexities of the situation, the victim and offender may desire to meet one or more times to continue engaging one another or they may decide that a single meeting was sufficient to meet their needs. Usually it is the victim who leads in making that decision.

Whether or not there are more meetings, the facilitator will meet separately again with the victim and the offender to hear how the dialogue experience went for them, to what extent there may be continuing questions and issues that can be addressed by further dialogue, and to help each integrate this dialogue experience.

Community dialogue as a response to a hate crime might arise as a follow-up to such a victim offender dialogue. Several scenarios are possible. This initial dialogue between victim and offender could be expanded to include community members. Or perhaps the initial dialogue would include victim and offender and their families, and a second dialogue might include additional community members with an emphasis on how the crime of hate impact specific community groups and the community at large. Again, these participants would be prepared and the dialogue process would unfold as described above. As we have stated earlier, it is the process that remains fairly similar, while the content changes depending upon the needs and desires of the participants.

In other instances, community dialogue may be the first or even the only dialogue response to a hate crime. Victim offender dialogue depends at least upon the positive identification of the offender, and usually, upon the offender's admission of responsibility as well as willingness to participate. In many hate crimes, these two conditions may prove difficult or too time consuming to satisfy, and a more immediate may be seen as appropriate.

In such instances, the community dialogue approach might be adapted on a small scale or large scale and the offender essentially left out for the time being. One could envision a support circle offering the surviving victims an opportunity for sharing their pain and grief and for receiving emotional support and help from circle participants. Larger groups of individuals could be invited to gather as was done above under community restorative dialogue aimed at preventing acts of hate. The process of selecting participants, preparing participants, dialogue and follow-through would be the same—the purpose and content would vary.

At some later point, perhaps years later, surviving family members may desire to meet the offender and a more classic victim offender dialogue could take place.

It should be evident that not only is the community restorative dialogue process dynamic, so is the process of choosing what to do first. That choice may vary depending upon the auspices of the group initiating a response. Some agencies may be most comfortable dealing with a small collection of victims and community members. Others may be more comfortable with large scale public forums, as well as dealing with the press which such forums are likely to attract.

How to develop a dialogue response to a particular hate incident will involve assessing not only the needs of victims, community members, and offenders, but also the skills available to the group trying to coordinate a response. At least some individuals must have the ability to facilitate dialogue in a potentially volatile situation. Skills of facilitators will include those which we consider to be part of a humanistic approach to mediation whereby a mediator/facilitator is focused on facilitating a dialogue rather than on being settlement driven. Being adept at building rapport and trust, at listening to and honoring pain, at identifying and tapping into participants' strengths, at coaching communication skills if necessary, and having a nondirective style of mediating/facilitating are essential skills. Others in the group may be more skilled at handling the media, or at working through the paperwork of bureaucracies, or at managing interest groups from outside the community.

## **V. NEXT STEPS**

Phase II of this project entails around working closely with three carefully selected sites that desire to work with the Center for Restorative Justice & Peacemaking to implement the approaches to hate described above. We are currently involved in discussion with representatives of five groups. The groups/communities include: 1) Pine Ridge/Rapid City, South Dakota; 2) Mil Lacs Band of Ojibway located in central Minnesota; 3) District Attorney's Office in Milwaukee, Wisconsin working on relationships between Palestinians and Jews in the greater Milwaukee area; 4) A local community activist

in Minneapolis, MN focused on tensions between black and whites in the inner city; and Seeds of Hope in Northern Ireland seeking community reconciliation between Catholics and Protestants.

Ironically, throughout the past year there has been some interest on our part in using existing contacts to look at the Northern Ireland experience as part of this effort. That interest was set aside until recently a new contact has emerged when Seeds of Hope contacted Dr. Umbreit for assistance as they attempt to establish a process that they hope will lead to dialogue, healing and community reconciliation. This relationship is developing rapidly. Two trips to Northern Ireland are already planned with more likely to follow. The project will provide training, technical assistance, and possibly a co-facilitator as well as document the process and response to it.

This is also the process we envision with the other two US based sites. While we are engaged in ongoing discussion with several sites, the crucial determining factors for site selection are two: 1) sites through their representatives invite our participation, and 2) there is some demonstrated capacity for follow-through. Site groups must demonstrate the kind of leadership that will provide us with confidence that they are likely to implement the training and technical assistance within the life of the project. Obviously, circumstances change and crises occur which can make completion of such implementation difficult within a set timeframe.

We would expect that training in the community restorative dialogue approach will either occur on the selected project sites or at the University of Minnesota. Assessment of continuing interests within the sites will continue after training and a plan for promoting dialogue regarding hate and the consequences of hate will be developed with local community leaders taking the lead. Center staff will be available to provide technical assistance.

It is anticipated that by the end of the project each site will initiate at three dialogue efforts, hopefully even more. Unless a crisis occurs during the life of the project, these dialogue efforts will focus on prevention. If a hate incident takes place, we will shift into the mode of using dialogue as one option for responding to acts of hate.

As with the Northern Ireland site, center staff are prepared to co-facilitate dialogues if requested, but will play secondary roles even then. An objective of the project is to transfer skills and experience with restorative approaches to local community members while building on their own strengths and experiences.

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## ACKNOWLEDGEMENTS

We wish to acknowledge those individuals who have contributed by sharing with us their insights into the cases which formed the foundation for this work. These persons not only provided descriptions of processes used to respond to hate, they took the time to help us wrestle with what it means for communities to foster and engage in dialogue to further tolerance and span the differences which so often separate us.

Our thanks go to:

Denise De Percin, Director, Colorado Anti-Violence Program, Denver, Colorado  
Kathy Keyes, Coordinator, 4cGLAD, Durango, Colorado  
Ted Lewis, Director, Victim Offender Mediation Program, Eugene, Oregon  
Carolyn McLeod, Community Justice Program Coordinator, Victim Offender Conferencing, Department of Court Services, Washington County, Minnesota  
John Peters-Campbell, Board Member, 4cGLAD, Cortez, Colorado  
Ruth Yellowhawk, Community Activist, Consultant, and Trainer, Rapid City, South Dakota

We hope that our work in some small way will advance the efforts of these individuals and the communities of which they are part as well as others in the important undertaking of planting seeds of dialogue.