

**A Community Response to a 9/11 Hate Crime:
*Restorative Justice Through Dialogue***

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Abstract

Nearly two hours after the September 11th terrorist attacks, a hate crime was committed against the Islamic Cultural Center in Eugene, Oregon. Rather than following the conventional criminal justice process, the director of the Center and his wife chose to engage in a process of restorative dialogue with other community members and the offender himself. This case study of moving from hatred to healing occurred in the larger context of restorative justice, a movement that is now developing in many hundreds of communities in more than seventeen countries. Social workers committed to community practice have played an active role in the development and support of this social reform movement that has developed over the past two decades.

Key Words: Hate crime, restorative justice, terrorist attack, community justice, mediation, dialogue

Intolerance and violence persist at dangerous levels in American society today. In recent decades, incidences of hate crimes and criminal violence have increased at alarming rates. Crime often triggers heightened fear, intolerance and a sense of isolation in communities. As we enter the twenty-first century, Americans are divided on many thorny issues related to crime and punishment. Some cry for greater retribution and harsher penalties, while others emphasize the importance of rehabilitating criminals to prevent further crime and intolerance. People disagree over just what the basic purpose of the justice system is. Should the system attempt to rehabilitate and change offender behavior? Or should the purpose of sentencing be to simply incapacitate criminals by removing them from society for a set period of time? These and other questions reflect the conflicts surrounding any systemic response to violence and intolerance in our communities.

One thing is becoming increasingly clear, and that is that many victims of crime are frustrated, even alienated, by our current system of justice. Traditionally, crime is considered an offense against the state, and the state's interests drive the justice process. Individuals who find themselves victims of crime are left on the sidelines, largely ignored, without access to information about the simplest details of their case. Rarely do criminal justice professionals take the time to listen to their fears and concerns, let alone seek their input in sentencing the offender. As a result, victims of crime can often feel themselves twice victimized: once by the offender, and again by the justice system that their tax dollars are paying for.

Not only victims, but also concerned citizens are kept out of the justice process, even though the daily battles of hate and intolerance are waged in their neighborhoods. A single hate crime can terrorize a whole community, but without evidence that they have been directly harmed, community members have no legal standing in the courts. Under these conditions, cries for severe retribution, fueled by fear and frustrated rage, are a too common response. Few, if any, avenues exist for community reconciliation or healing in most locations. Where such agencies do exist, political opposition and poor financial support can undermine their effectiveness.

Sadly, we have learned that punitive measures rarely change criminal behavior. If severe punishment and incarceration were effective, America should be one of the safest societies in the world. Still, many citizens and politicians believe the United States is too lenient with criminals. In actual fact, among developed nations, America has one of highest per capita rates of incarceration. Sentencing standards in the U.S. are much harsher than those of other western democratic nations. For example, the U.S. is the only developed nation to routinely advocate the use of capital punishment. While at the same time, the sky-rocketing costs of incarceration are driving legislators and policy makers to re-evaluate the efficacy of a strictly retributive paradigm of justice.

The public debate over issues of intolerance and violent crime is often limited to positions informed by conservative or liberal solutions of the past. In the midst of these polemics, interest in restorative justice theory is gaining momentum. Restorative justice offers a fundamentally different framework for understanding and responding to violence, intolerance and victimization within American society. Restorative justice theory emphasizes the importance of holding offenders directly accountable to the people they harm, involving victims

and community members in the justice process, restoring both the material and emotional losses incurred by crime whenever possible, and providing a forum for dialogue, conflict resolution, and greater closure around painful events.

What is restorative justice?

Restorative justice (Bazemore & Umbreit, 1995; Umbreit, 1994, 2001; Van Ness & Strong, 1997; Wright, 1991, Zehr, 1990) is an international movement that is gaining support among a growing number of policy makers and practitioners, activists and victim advocates, court and law enforcement officials, who recognize that the system as it now exists isn't working. While our current system is offender-driven, restorative justice shifts the focus to include three client groups: crime victims, offenders, and community members. Rather than viewing the state as the primary victim, placing victims and offenders in passive roles, crime is recognized as actions that harm individuals, families and communities. While denouncing criminal behavior and intolerance, restorative justice approaches seek to treat offenders with respect and reintegrate them safely into the community. It represents a truly different paradigm based upon the following values and practices:

1. The victim is central to the criminal justice process, through increased involvement and services.
2. Offenders are held directly accountable to the person and/or community that they victimized.
3. The entire community is engaged in holding the offender accountable and promoting a healing response to the needs of victims, offenders, and the community as a whole.
4. Emphasis is placed on the offender accountability and making amends whenever possible, rather than the severity of punishment.
5. The community recognizes responsibility for social conditions which contribute to intolerance, hate, and criminal behavior.

The theory of restorative justice provides a blueprint for moving into the 21st century by drawing upon the wisdom of the past. Dating back to 12th century England, following the Norman invasion, a major paradigm shift occurred. William the Conqueror's son, Henry I, issued a decree securing royal jurisdiction over certain offenses (robbery, arson, murder, theft, and other violent crimes) against the King's peace. Prior to this decree crime had always been viewed as conflict between individuals; repairing the damage by making amends directly to the victim was the common standard.

The principles of restorative justice are particularly consistent with those of many indigenous traditions (Pecos-Melton, 1995; Umbreit, 1997), including Native American, Hawaiian, Canadian First Nation people, and Maori people in Australia and New Zealand. The practice of *ho'oponopono* by native Hawaiians (Shook, 1989), family group conferencing by Maori people in Australia (Alder & Wundersitz, 1994), and healing circles and other practices

among aboriginal and First Nation people in Canada (Griffiths & Belleau, 1993) and Native Americans (LaResche, 1993) all provide beautiful examples of spiritually grounded forms of resolving conflicts through a journey of healing and peacemaking. These principles are consistent with values emphasized by nearly all the world's major religions, as well.

A wide range of restorative justice policies and practices --directed toward offenders, crime victims, and the community-- are expressed through the following: victim support and advocacy services, restitution and community service plans, victim impact panels, community dialogue groups, victim offender mediation, circle-sentencing, family group conferencing, community boards, victim empathy classes for offenders and community policing. Victim offender mediation is currently the oldest, best documented and most broadly used expression of restorative justice, with over 1,500 programs in 17 countries. More than 40 empirical studies (Umbreit 2001; Latimer et. al., 2001; Nugent et. al., 2001) in North America and Europe have documented its success over the past two decades in reducing recidivism, increasing victim satisfaction, and increasing offender accountability through payment of restitution. Little empirical data is available on most other restorative justice policies and practices, although a growing number of studies are getting under way.

Community Reconciliation and Restorative Justice

The concept of community reconciliation is at the core of restorative justice. While it is important to address the immediate needs of crime victims and offenders, involving community members in the process of doing justice helps to build stronger, more connected, caring communities, and is one of the foundational pillars of the contemporary restorative justice movement. Authentic community reconciliation involves acknowledging the harm and dysfunction that exist within the community as well as creating opportunities for personal accountability, making amends and offering forgiveness.

What is Restorative Justice Conferencing?

The purpose of restorative justice conferencing and dialogue is to provide a safe place for the people most affected by a specific hate crime, hate incident, or criminal act to enter into a direct dialogue with each other about the full impact of the crime on their lives. This allows them to address any lingering questions, and to develop a plan for responding to the harm caused to the greatest extent possible. Participants may include the victim, the offender, family members of each, and other support persons or community members. The four most specific examples (Bazemore & Umbreit, 1999) of restorative justice conferencing and dialogue, in the order of their years of experience and frequency of use, include the following: victim offender mediation; family group conferencing, peacemaking or sentencing circles; and community accountability boards before which offenders appear. Key elements central to victim-sensitive restorative justice conferencing and dialogue are:

- 1) All of those directly affected by the hate incident, act of intolerance, or crime are encouraged to participate.
- 2) The victim and offender choose which, if any, family members or support persons

are present.

- 3) The process of conferencing/dialogue is adapted to the expressed needs of the victim and offender.
- 4) Extra deference is shown toward the victim, while still treating the offender respectfully.
- 5) All of the primary parties are thoroughly prepared through in-person meetings prior to a joint conference.

The process of allowing interested victims of hate incidents or crimes to meet with the offender in the presence of a trained mediator/facilitator has been found to have many positive impacts. Victims are able to let the offender know how the crime affected their lives, to receive answers to any lingering questions they may have, and to be directly involved in the process of holding the offender accountable. Typically, victims also take part in drawing up a plan for the offender to restore losses and repair the harm. Offenders learn of the human consequences of their criminal behavior—that victims are people, not just objects or targets—and they are offered an opportunity to take responsibility for their actions through some form of making things right with the victim. Family members and other support people of the victim and offender have the opportunity to learn more about what actually happened, to express the impact of the crime on their lives and to assist with the process of holding the offender accountable and helping the victim. Interested community members can be trained to serve as volunteer mediators and facilitators.

A Case Study

The unforeseen ripple effect from the September 11 terrorist attacks in Washington D.C., New York City and Pennsylvania, has been enormous, impacting countless people beyond those trapped in the targeted buildings that day. One of those ripples found its way to the west coast, provoking a hate-crime that led to a surprisingly positive encounter between cultures due to a restorative justice intervention and a community's courageous response. The following account is based on details provided in local news reportage and notes taken by the facilitator of the face-to-face meetings that took place between the victims and the offender in the case.

A few hours after watching footage of the terrorist attack on television, a man in Eugene, Oregon, went to his phone book, looked up the Islamic Cultural Center in his area, and made a call. The director of the center, a prominent leader of the local Muslim community, answered the phone. The caller, raging and spewing profanities, made a death wish to all Muslims. Later, he made a second call to the community mosque, leaving a similar message on their answering machine.

The director of the Islamic Cultural Center, Tammam Adi, immediately contacted the Human Rights Commission to enlist their help and protection. They were able to trace the call and by that evening the caller had been identified. He was taken into custody, and after a short time, released. Soon after, the District Attorney's office noted that the offender lived in the

Bethel neighborhood where a new Community Accountability Board was operating in conjunction with the Restorative Justice Program of Community Mediation Services. The assistant to the DA was a strong restorative justice advocate and had worked with the Community Accountability Board on previous cases. She played a key role in getting the case referred to them.

That's how Ted Lewis, Director of the Restorative Justice Program of Community Mediation Services in Eugene, Oregon, got involved as a facilitator of the case. Two other important factors helped bring the case to restorative conferencing: 1) the caller told the prosecuting attorney of his intent to apologize and make amends, and 2) the Muslim leader and his wife expressed willingness to speak with the man who had threatened them.

Lewis recognized, however, that before a face-to-face meeting could be considered, separate intake meetings with each party would need to be arranged. Lewis and two other mediators met first with the caller, a 33 year-old man named Christopher Younce. Younce described for the mediators how he had acted out of rage, yelling into the phone, wanting to blame and to scare the Muslim leader. He explained that the news had run stories implicating Osama Bin Laden that morning, and that he confused Arab Muslims with terrorist extremists in his thinking. Afterwards, he felt badly about what he had done. The next day, however, the local press picked up the story and the incident was on television and in print, even making national headlines.

Younce spoke of his long history of anger problems, describing a steady build-up over the years that reached crisis levels after the death of his son and a recent job loss. Although he had felt the need for counseling he had never taken that step. Just hours prior to meeting with the mediators, however, he had finally called a counselor. Opening the phone book to find the number, he turned to the same page where he had found the number for the mosque. He had a jolt of insight. "I went to the very page looking for help that I went to in order to create the problem," he explained.

The mediators talked with the caller about restorative justice and its focus on repairing the harm done to specific victims. Younce said he wanted to apologize in person to the Muslim leader and his family, and do whatever was asked of him to make things right. He wanted the opportunity to show them that he was a better man than his actions suggested. "I'd like a peaceful solution," he said.

This preparatory meeting enabled the mediators both to listen to Younce's side of the story and find out if he was really ready to meet with the people he had offended. The next step would be to meet with the Muslim victims in this case, and have a similar discussion. A few days after this meeting, Lewis called to check in with Younce and learned that he was following through with his plans for positive change: he had just gotten a new job and was scheduled for his first counseling session. This was a promising sign that Younce would continue to take his commitment to repair harm seriously.

A week later Lewis and the other two mediators met with the victims, a husband and wife who ran the Islamic center. They were joined by the director of the local Human Rights

Commission. Two main concerns emerged from this meeting: first, the Muslim couple had been traumatically affected by the hate call, and second, they were committed to finding some way of mending the harm. After responding sensitively to the first concern, listening respectfully to the victims' experience of harm, the mediators were able to address the couple's second concern, building trust in the potential for a peaceful resolution of the traumatic event.

Tammam Adi talked about how the phone call had impacted him directly. He had tried to converse with the caller saying, "Maybe we should wait to see who really did it." But when the caller continued his tirade threatening death to all Muslims, Adi hung up. His immediate feelings were fear of retaliation and a strong sense of vulnerability. In the Middle East, where he came from, death threats are taken very seriously. He described feeling frozen with fear and uncertainty. His wife, who later received the message at the mosque, was not impacted to the same degree, but was nonetheless stunned by the harmful words. They described feeling "like sitting ducks." At the heart of the husband's concerns was motive: "Why did he do it to us?" He explained that he was a scientist, needing to account for the causes behind actions. He wanted to meet with the offender and hear him say why he did it and, hopefully, why he wouldn't do it again. He could even envision an embrace after exchanging words of reconciliation.

The meeting included some discussion of the current political climate and the way it was affecting the Muslim family. Their experience was being repeated in other areas of the state and around the nation. New hate crimes were being reported daily. The nation was at war and Muslim Americans were being mistaken for the enemy. As a result, the Adi's lives changed drastically overnight. A police officer was assigned to protect them; he would open their mail, check their car, and accompany them to speaking engagements. Mrs. Adi, like many Muslim women fearing retaliation, stopped wearing the traditional scarf around the head. A boy approached their daughter at her high school and said, "We should round up all the Muslims and shoot them." A simple phone call could mean another potential hate crime. Yet in the midst of this frightening climate, scores of local people were calling to express their support and solidarity with the Adi's.

Throughout this intake meeting, the victims repeatedly turned the conversation to the topic of stereotypes fostered by popular media. They referred to examples from movies and news stories that equated 'Muslim' with 'terrorist'. The events of September 11 had brought these underlying prejudices to the surface. From the Adi's perspective, in order for this matter to be resolved, the issue of negative stereotyping would need to be addressed. "Everyone knows about the stereotypes," said Mrs. Adi, "but nobody knows about the religion." As a means of helping to restore some balance in media reporting on the American Muslim experience, it was agreed that this meeting could be shared with the public in some way.

The first joint meeting was set for October 10, nearly one full month after the tragedy. Twelve community members of the accountability board attended the meeting. The prosecuting attorney, the assigned police officer, a representative from the Human Rights Commission, and two others who helped to launch the board – the assistant district attorney and a probation officer—were also present. Lewis served as lead facilitator, and made sure that the victim and offender parties along with their support people could sit in separate areas accompanied by a

staff person familiar to them. This was meant to ease the stress of entering a room bustling with people before the conference.

The meeting took place over two full hours, and was characterized by a significant amount of emotional tension. Introductory statements by Lewis acknowledged the unique aspects of this case in light of the September 11 attack. Noting that harm was caused by destructive words, he highlighted the importance of using constructive words in a restorative justice process that sought to repair these harms. There was some concern that Younce was not offering the kind of responses hoped for by the Adi's and the community board. He apologized early on, but the Adi's were dissatisfied with his answers to their questions and doubted his sincerity. Younce, however, knew that if this process did not succeed, the prosecuting attorney was prepared to file criminal charges against him. Inviting the prosecuting attorney to be present at the meeting likely inhibited Younce from giving the more candid responses the Adi's had hoped for. Nevertheless, the victims had welcomed the attorney's presence.

The community members present had some important things to say to both parties. They made several empathetic statements to the Adi's who later expressed their appreciation for their involvement. Community members also conveyed to Younce that they were there to support his process of accountability and reintegration. Younce, though appreciative of the process, was overwhelmed by all of their questions, and felt under pressure to provide the right response. At one point, a community member pointed out that Tammam Adi was not able to make eye contact with the offender, though his wife was able to. He acknowledged that this was so. It seemed that he came into this joint meeting feeling more fearful, more vulnerable than he had during the intake meeting.

In spite of the limited success of the first meeting, everyone agreed to meet again in order to work toward a better sense of resolution. The next meeting would take place two weeks later, October 30. In the meantime Younce would be able to meet with a counselor and work on addressing some of his concerns around anger as agreed.

Following the meeting, after everyone else had left the room, Younce hung back to speak with Lewis alone. He shared his apprehensions about the meeting and how he had felt a bit under fire. He also confided that it had hurt him deeply when a community member expressed reservations about Younce raising a child given his rage and racial prejudice. During the intake session, Younce had told the mediators about the loss of his 20-month old son six years before, following surgery. He had died on September 14, and every year at this time Younce suffered bouts of anger and depression. Lewis encouraged Younce to share this at the next meeting with the Adi's.

This raised another matter that clarified concerns about Younce's reticence throughout the meeting. Issues of recurring loss had led Younce to develop fears of losing other good things in his life. Having the chance to meet with the community and the Adi's was a good thing, and he was afraid that the prosecutor might "take it away" by pursuing criminal charges in the case. Lewis acknowledged his concerns, and encouraged Younce to focus on what he could do to make amends in this case and improve his own life.

During the following weeks, Lewis checked in with the parties by phone, and was encouraged to learn that everyone was invested in a positive resolution to the case. Younce kept his commitment to see a counselor. The Adi's needed to spend time going over the questions they wanted answered, and firming up their requests for restitution. They were still struggling with questions like, "Did he act alone or as a member of a racist group?" "Was this a first-time racist act, or part of an ongoing pattern?" "What went on in his mind between the time of seeing the news and picking up the phone?" In short, the victims needed to hear Younce state why he did it, and why he wouldn't do it again. They also wanted very much to know whether negative stereotypes in the news media played a role in the offense. The importance of Mrs. Adi's role became especially clear during this time. Although she had been impacted by the hate call, she was farther along emotionally in her processing of the event, and thus able to help her husband move toward trusting the process, as well.

During one of these conversations, Tammam Adi wanted to know what Lewis thought was most important to address in upcoming meeting. Lewis suggested that, since it might be difficult for Younce to fully account for his actions psychologically and socially, it would be helpful to focus on reaching an agreement with clear, achievable goals. He proposed that in the first hour they address any remaining concerns related to the impact of the hate call, and that the second hour be devoted to reaching some kind of resolution.

On October 30, the parties came together for the second meeting. As before, each party waited in separate rooms while the community members took needed time to debrief the previous meeting and to get oriented for the follow-up session. Lewis proposed the agenda for the two-hour meeting in which the parties would attempt to complete the discussion of harm and motives during the first hour, and move into the resolution stage in the second hour.

The court reporter from the region's primary newspaper was present at this meeting. Lewis explained that the reporter was there "off the record," but would likely be involved in follow-up interviews and future coverage.

The community members opened with a brief discussion of community expectations for neighborhood residents, and the impact of the crime on the community. Younce then began by providing an update on his progress with counseling, with his family and relatives, and with his job. He mentioned that he had told his employer about the whole situation, which impressed the victims. Most importantly he brought up the death of his infant son, helping the Adi's understand the very real, human suffering behind Younce's misdirected rage.

Tammam Adi responded, addressing a string of questions to the offender. Younce did his best to answer, covering much of the same ground he had covered in the first meeting. Only this time, Adi was better able to take in the answers offered. "I'm satisfied with what I have heard," he said in response. "I think we can move forward." A palpable shift took place in the room. The prevailing tensions were exchanged for a lighter, more optimistic mood that prevailed throughout the rest of the meeting.

After a short break the group began to discuss options for restitution. The Adi's asked for a public letter of apology to the Muslim community. They also wanted Younce to attend

two upcoming lectures on the religion of Islam. After further discussion three more agreements were added: that Younce would cooperate in news coverage of the case, commit to continue his counseling, and (at the request of one community member) speak to teens in juvenile detention about his experience. The Assistant District Attorney created a written document that was signed by all parties.

At one point the concern was raised that Younce's new job might be jeopardized by the press coverage. Adi said that if it came to that he would personally talk to the employer to help the offender keep his job. Younce was moved by this, but simply said that he was willing to accept any and all consequences for his actions. At the close of the meeting, Tammam Adi unexpectedly reached across the table to shake the Younce's hand. It was a moving gesture that spoke eloquently of the progress the two parties had made. Once the agreement was signed, those present got up and began shaking hands with one another in good spirits, buoyed by the sense of relief and reconciliation in the room.

Since then, Younce has attended the two lectures on Islam. Attending the first lecture, he was met by Adi at the door. They shook hands, and the court reporter was present with his camera. Inside, Younce sat next to his wife. He later spoke to Lewis by phone saying that he had enjoyed being there, had learned a lot, and was motivated to attend additional lectures on his own. He also submitted his apology letter, which was printed on the editorial page of the Register-Guard on November 18. The same edition featured a front page account of the Younce-Adi story.

Concluding Thoughts

A number of factors contributed to a successful resolution of this conflict. A remorseful offender who was willing to make things right, and a victim committed to peaceful dialogue made the prospects for a good outcome quite promising. The community had an established program for addressing conflict restoratively, and collaboration between the agencies providing services to victim and offender helped pave the way for a face-to face meeting. Finally, once the parties were brought together, committing to work through the tense emotions toward eventual resolution was essential to a positive outcome.

In the midst of the volatile cultural climate following the September 11 terrorist attacks, the case involving Younce and the Adi's embodied the courageous journey from hatred to healing. It offered hope for peaceful, creative solutions to conflicts rising out of misguided rage and racial prejudice. It allowed a grieving Oregon community to play a cathartic role in responding to a local hate crime that had great symbolic meaning in the context of a national tragedy. Their story and others like it, shows how community reconciliation and personal growth can emerge from some of our most painful life experiences.

References

- Alder, C. and Wundersitz, J. (1994). Family Conferencing and Juvenile Justice. Canberra, ACT: Australian Institute of Criminology.
- Bazemore, G. and Umbreit, M.S. (1999). Conferences, circles, Boards, and Mediations: Restorative Justice and Citizen Involvement in the Response to Youth Crime. Washington, DC: Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice.
- Bazemore, G. and Umbreit, M.S. (1995). Rethinking the Sanctioning Function in Juvenile Court: Retributive or Restorative Responses to Youth Crime.Crime & Delinquency,41(3):296-316.
- Griffiths, C.T. and Belleau, C. (1993). "Restoration, Reconciliation and Healing: The Revitalization of Culture and Tradition in Addressing Crime and Victimization in Aboriginal Communities." Paper presented at the 11th International Congress on Criminology in Budapest.
- LeResche, D. (1993). "Native American Perspectives on Peacemaking, Editor's Notes." Mediation Quarterly, 10 (4), 321-325.
- Latimer, Dowden & Muise (2001). The Effectiveness of Restorative Justice: A Meta Analysis. Canadian Department of Justice.
- Nugent, W.R., Umbreit, M.S., Wiinamaki, L. and Paddock, J.B. (2001). Participation in Victim-Offender Mediation and Re-Offense: Successful Replications? Journal of Research on Social Work Practice, 11(1), 5-23.
- Pecos Melton, Ada (1995).“Indigenous Justice Systems and Tribal Society.”Judicature,79(3), 126-133.
- Shook, E.V. (1989). Ho'oponopono. Honolulu: University of Hawaii Press.
- Umbreit, M.S. (2001). The Handbook on Victim Offender Mediation: An Essential Guide for Practice and Research. San Francisco, CA: Jossey-Bass Publishers.
- Umbreit, M.S. (1997). Humanistic Mediation: A Transformative Journey of Peacemaking. Mediation Quarterly, 14(3): 201-213.
- Umbreit, M.S. (1994). Victim Meets Offender: The Impact of Restorative Justice & Mediation. Monsey, NY: Criminal Justice Press.
- Van Ness, D. and Strong, K. (1997). Restoring Justice. Cincinnati, OH: Anderson Publishing Company.
- Wright, M. (1991). Justice for Victims and Offenders. Philadelphia, PA: Open University Press.

Zehr, H. (1990). Changing Lenses: A New Focus for Crime and Justice (Scottsdale, PA: Herald Press).