

## **NACRJ: 5<sup>th</sup> National Conference on Community and Restorative Justice (June 1-3, 2015)**

By Michael J. Gilbert, Ph. D., Executive Director  
National Association of Community and Restorative Justice

Written for  
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At the Request for Christoph Willms

The National Association of Community and Restorative Justice (NACRJ) is now a little over two years old as a non-profit association. It was fully formed on June 21, 2013 which was the last day of 4<sup>th</sup> National Conference on Restorative Justice in Toledo, OH. The purpose of the NACRJ is defined as:

... a professional association for educators, practitioners and others interested in restorative and community justice. The Association will use principles of social and restorative justice to assist educators, practitioners and others to seek transformation in the ways justice questions are addressed within the United States in our lives, neighborhoods, communities, institutions, and social structures. The Association will promote effective forms of justice and peacemaking that are equitable, sustainable and socially constructive.

The most recent conference was the 5<sup>th</sup> National Conference on Community and Restorative Justice held on May 31 through June 3, 2015 in Ft. Lauderdale, FL. Over 550 people from across the United States and five other countries attended. About half were middle school and high school educators. The conference theme was “The Future of Restorative Community Justice: Building Sustainable Communities”. Over 140 presentations, in addition to the keynote speeches, were held in breakout sessions structured into six tracks: *Transforming the Criminal Justice System; Building*

*Sustainable Communities; The Role of Spirituality in Restorative Justice; Healing Racial Injustice; Restorative Justice in Schools; and, Confronting Historical Harms.*

The tone and tenor of the conference was exemplified in the keynote speeches. Each in different ways focused attention on some “hard truths” about conflict, racism, discrimination, historical harms, victimization, “zero-tolerance” policies in schools and society, punitive attitudes, and others. Recordings are available at [www.narcj.org](http://www.narcj.org) (“Conferences” tab, click on “Keynote Speakers”).

*Dominic Barter, Rio de Janeiro, Brazil*

Dominic Barter shared a deeply personal story of his journey from awakening to understanding of the violent conflict and human suffering he saw in the shanty towns (“favelas”) surrounding Rio de Janeiro. He wanted to assist in finding peace but came to recognize that any assistance he might offer also required that he move closer to, not away from, the conflict. It required relationship building through presence, listening and dialogue leading to shared meaning with those involved. Without really knowing it at the time he experienced the power of dialogue and circle processes first hand. Later he understood that in overcoming his fears by walking into the favelas with only with an open heart, genuine concern and acceptance that he was engage combatants in dialogue.

He argues that violent communities are produced when people lack the human connections to be heard and understood by others – particularly the larger society around them. Persistent marginalization, exclusion, and sense of hopelessness create frustrations and anger rooted in felt injustice that easily morphs into anti-social

innovation (crime) or rebellion (creation of criminal gangs and street warfare). Before conflicts can be meaningfully addressed, people must have a way to engage in respectful dialogue that provides the basis for trust and shared meaning between them. Once this infrastructure is in place deeper discussions can occur and the roots of conflict can be heard, understood, explored and addressed.

Dominic Barter's work to help communities in conflict provided important lessons for those working to broaden the application of relational justice in the United States and other nations. The construction and maintenance of sustainable, peaceful and safe communities depends on inclusive communication in which diverse perspectives are included, heard and engaged in the pro-social life of the community where serving the common good is a shared goal.

*Dr. Cornel West, Professor of Philosophy and Christian Practice*

*Dr. West* linked the "*Black Prophetic Justice*" movement with the emerging *restorative and community justice* movement. Each of these perspectives calls on people to see injustice whenever it occurs and promote a more just, equitable, and loving society. Each call on us to confront and repair harms of injustice at personal, social, economic and political levels. As Cornel West poignantly noted "*...justice is what love looks like in public.*" Justice begins with "...love and the steadfast commitment to the well-being of all people; especially, the least of us and the wretched." Using four questions raised by W. E. B. Du Bois', Dr. West wrestled with their meaning:

(1) *How shall integrity face oppression?* This question considers what it means to be human. Restorative practices call on us to engage others without

relying on the traditional concepts of power, supremacy and domination which are typically rooted in race, ethnicity and class.

If we have intellectual integrity we must face the truth of marginalization of minority interests around the world and throughout U. S. history. We must face injustice and inequality created by discriminatory marginalization. To confront these issues without hating the oppressors represents a commitment to living within the world in a way that values diversity and seeks the betterment of all. Integrity calls on us to see the injustices perpetuated by institutions and hold them up for examination. Both restorative and community justice practices do this.

(2) *What does **honesty** do in the face of dissent against traditional power?* To be

honest and committed to justice requires courageous non-conformists who question tradition and stand against injustice perpetuated in the name of either tradition or justice. Restorative and community justice, by definition, are non-conformist and call for the courage to work for a more just society.

(3) *What does **decency** do in the face of insult on humanity?* If we love justice

how do we channel the rage and frustration of persistent injustice into love and meaningful justice? As he noted, "If we drink constantly from the cup of bitterness" it is easy to fall into hate and revenge. The theory, principles, values and practice of community and restorative justice provide a source of hope rather than bitterness, reparation of harms rather vengeance, and love rather than hate.

(4) How does *virtue* meet *brute force*? This question calls on us to stand for justice in the face of injustice even when it is imposed in the name of “justice”. It calls on those who seek a fair and equitable society to stand publicly against injustice even when the coercive power of the state and social structures are arrayed in opposition. It asks, “What are we willing to sacrifice in the effort to promote a more just and equitable society.” Dr. Martin Luther King had to address this question within himself many times as he led the civil rights movement. He faced the certainty of abuse, arrest, incarceration and assassination with courage and commitment which inspired his followers and eventually a nation.

*Jeremy Travis, President of John Jay College of Criminal Justice*

The title of President Travis’ speech was “*Community Justice: Building a Movement from the Ground Up to End the Era of Mass Incarceration*”. It focused on the injustice of mass incarceration for its disparate impacts by race, ethnicity and class; and, the threat presented by mass incarceration to American democracy. He called on attendees to help end mass incarceration by using restorative justice and community justice practices which provide more constructive and effective forms of justice. In doing so, he announced a new bi-partisan effort has emerged to challenge the dominant “tough on crime” orientation known as “Cut by 50” which refers to the goal of cutting incarceration rates by 50% within a decade.

President Travis pointed out that the U. S. is an outlier among western democracies on the severity of criminal sanctions for street crimes. These sanctions led

to the mass incarceration of people who are mostly young, minority, male, and poorly educated. This outcome is due to American voters between 1970 and 2000 who repeatedly demanded harsher sanctions and electing “tough on crime” politicians who promised to give voters what they wanted. These politicians lived up to that promise. There primary drivers of mass incarceration are now widely understood to be:

- (1) Policy decisions that made already long sentences longer (e.g., less use of probation, more time at sentencing, or reduction in parole practices);*
- (2) Restrictions on judicial discretion with laws that mandated incarceration (i.e., “mandatory minimum sentences”) for offenses that would have previously been handled in the community; and,*
- (3) Aggressive drug enforcement policies and exceptionally harsh sentences for drug offenses designed to fight the “War on Drugs”.*

The consequences of mass incarceration are profound and carry huge direct and indirect costs for American society. The primary groups impacted by these policies are young, male, high school dropouts who happen to be people of color. *Before* the era of mass incarceration young African Americans who were also high school dropouts had a *14% probability* of spending a year in prison before age 35. Alarmingly, that probability is *now about 68%*. The loss of so many young men due to criminal conviction and incarceration changes basic expectations about life and creates a gender imbalance with 62 males for every 100 females. This guarantees formation of single parent families without a male parent and perpetuates both poverty and crime. In addition, “invisible sanctions” on people with a criminal record creates a permanent underclass who have

very limited employment, housing and educational opportunities. Their marginalization and exclusion is exacerbated by loss of the vote. These factors permanently excluded them from a viable role in society even if they want to rebuild their lives in a lawful manner.

The recent book by Michelle Alexander (2010), titled *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* makes it clear that the racialized historical harms of the “Jim Crow” era (1865-1965) in the American south are endemic to American history and culture; and, are still with us today. In the modern context, having a criminal history or period of incarcerations perpetuates many of the same forms of racial discrimination imposed on African Americans. When subjected to pervasive discrimination and exclusion “offenders” cannot rebuild their lives and are pressured toward reoffending just to survive. When they reoffend they create new victims and ultimately end up back to prison. This dysfunctional pattern suggests that the American justice system has gone off track and produces a host of injustices in the name of “justice.”

The National Academy of Science recently reinforced this perception with a report on the public safety impacts of these policy choices. They found the impacts mass incarceration and “tough on crime” policies to be near zero. They also concluded that criminal sanctions in the American justice system were no longer proportional to the harms caused or attempted. This is particularly evident with drug offenses where the sanctions had increased 10 fold. The lack of proportionality has now created a “crisis of legitimacy” for law, law enforcement and formal justice systems. President

Travis suggested that restoring legitimacy will be politically difficult since it will require reversing “tough on crime” policy decisions by shortening sentences, returning judicial discretion to judges and ending the “War on Drugs”.

He suggested a four phase strategy linked to restorative and community justice theory and practice:

1. Identifying the direct fiscal costs of incarcerated men from particular areas within our communities under current policies,
2. Envisioning what could be done within our communities to cut the number of people sent to prison from those areas by 50%.
3. Specifying different policy preferences on how to invest the savings to reduce the odds of offending conduct.
4. Engaging in an organized expression of democratic demand for something new that could be strongly based on the theory, principles, values and practices employed in restorative and community justice.

Those working in restorative and community justice have unique skills and are positioned well to help the society uncover, confront and repair harms of the present and the past. President Travis called on attendees and the NACRJ to support the “Cut by 50” effort and help save the American democratic experiment.

Professor Margaret Burnham, School of Law at Northeastern University

The final keynote speaker was Margaret Burnham, Professor of Law at Northeastern University in Boston, MA. Unfortunately technical difficulties prevented recording her speech which was titled “*Getting Past the Past: Restorative Practice and*

*Racial Harm.*” She argued that the United States will never be a just society unless it acknowledges, addresses and strives to repair historical harms rooted in racism and ethnocentrism which are deeply embedded in the institutional and structural DNA of the nation.

At Northeastern University, School of Law Professor Burnham started the Civil Rights and Restorative Justice Project. They work to heal historical harms related to civil rights abuse cases that occurred during the “Jim Crow” era from 1930 to 1960 because relatives of those victimized are often still alive. With each case reinvestigate the evidence where the justice system appears to have been complicit with the harm (i.e., failure to investigate a lynching, conviction of the innocent, failure to prosecute white perpetrators, racial bias at trial, incompetent legal representation, and malicious prosecution). In several hundred cases over they have uncovered new evidence that was missing or hidden at the time, reveal the truth about the event and identified the people responsible. In some cases they have been able to refile charges to obtain justice that was long denied. In this way they have been able to repair the reputation of victims of injustice, restore their reputation and dignity, help their family members with the vindication of their loved one, and heal suffering from historical injustice.

One case, involved the kidnapping, torture and murder of two 19 year old men – Henry Dee and Charles Eddie Moore. During the reinvestigation of this Mississippi cold case, they discovered new evidence revealing that law enforcement officials in Franklin County had facilitated local members of the Ku Klux Klan in carrying out the murder and its cover up. A federal civil rights case was filed on behalf of the victims and their

families. The county settled the case in 2010 vindicating the young men who had been murdered and brought long delayed healing to their loved ones.

Each case was stark reminder that justice systems have been complicit in egregious cases of historical harm. However, Professor Burnham's message was clear - *healing historical harms is a societal responsibility*. She advocated nationwide efforts to conduct "truth and reconciliation" processes across all segments of society. As Professor Burnham said so eloquently stated, "...a just nation owns up to historical injustices carried out in its name and strives to make right the wrongs of the past"

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The next NACRJ conference will be in 2017 in Oakland, California. To learn more about the NACRJ visit us on the website or on Facebook. You may also contact the Dr. Michael J. Gilbert, NACRJ Executive Director, at [exec.director@nacri.org](mailto:exec.director@nacri.org).