

Restorative Justice

by Tag Evers

When her son was murdered in a hold-up attempt, all Thomas Ann Hines could think about was revenge. But a face-to-face meeting with her son's killer changed both of their lives.

Burying her son and walking away from his grave were the hardest things Thomas Ann Hines had ever done. Meeting her son's killer 13 years later was the second hardest.

In 1985, Paul Hines, Thomas Ann's only child, was a student at the University of Texas in Austin when he was murdered three months before his graduation. He was 21 years old.

It took Hines three years of mental and emotional preparation before she felt ready to meet Charles. The result, for both parties, was profound.

Thomas Ann was devastated. She wanted the death penalty for the offender, but due to his age, he was given a 40-year sentence instead. "I was filled with rage, anger,

fear, and pain," says Thomas Ann.

She vented her grief through letter-writing. Mother's Day, her son's birthday, her own birthday, and the anniversary of Paul's death all became opportunities to express her anger and loss. The letters fattened the offender's file, adding testimony upon testimony against the occasion of his possible parole.

Thirteen years later, this past June 9th at the Alfred D. Hughes Correctional Institute in Gatesville, Texas, Thomas Ann sat across from "Charles," her son's murderer, now a 30-year-old man. "I wanted him to look in the eyes of the mother of the boy he had killed," says Hines. "I wanted him to know there is love in the world."

She met with Charles under the auspices of the Victim Offender Mediation/Dialogue program operated by the Texas Department of Victims' Services. She had decided to participate in the program in 1995, and it took Hines three years of mental and emotional preparation, both on her own and in consultation with people from the Mediation/Dialogue program, before she felt ready to meet Charles. The result, for both parties, was profound.

"The intensity and depth of emotion ran the whole gamut—from hopelessness and sheer despair to hope and a sense of faith," says Dave Doerfler, who mediated the session. "Charles was locked in his pain, saying there was nothing he could do to bring back Paul's life. But Thomas Ann was relentless—she broke through—and insisted that although Charles couldn't do anything about her son's life, he could do something about his own."

At the close of their emotional six-hour session, Thomas Ann and Charles reached an agreement whereby Charles would indeed do something about his life. He agreed to work on his GED and pursue vocational training. Additionally, with Thomas Ann's support, Charles listed personal and spiritual goals that might strengthen him as he prepared for his eventual release from prison.

Up to that point, Charles had amassed 148 disciplinary violations, losing up to 10 years of possible "good time." But he now had two things he did not have before: hope and the knowledge that someone loved him.

From punishment to healing

Restorative justice recognizes the need for a three-dimensional response that includes victims, offenders, and communities. The victim in the

Charles was locked in his pain, saying there was nothing he could do to bring back Paul's life. But Thomas Ann broke through and insisted that although Charles couldn't do anything about her son's life, he could do something about his own.

restorative justice framework becomes an active participant in defining the harm caused by the crime. This often involves a face-to-face encounter—a mediated dialogue between the victim and the offender.

It's not an easy process for offenders to go

through. When Charles walked into the room with Hines, she saw "the pain in his eyes." After explaining how difficult it was to finally meet the man who killed her son, she said, "But I will not be unkind to you in any way."

Charles began crying, a flow of tears that continued for nearly the entire session. Victims often have questions for which they need answers. Hines, as a victim survivor, wanted to know how her son died.

"Charles," she said, "you were the last person to see my son alive. Tell me what happened that night." At that point, Hines relates, "It wasn't about me anymore, it was about Charles."

Charles recounted the details of the fateful evening as they both cried and took turns wiping away each others tears. "I thought you'd holler and scream at me," said Charles. "I thought you'd want me dead."

"Yes, I did. I once wanted you dead," said Hines. "But you never had a chance, Charles." In her preparation for the dialogue, Hines learned how Charles had been put out on the streets at the age of 13, how he had taken up a life of crime

and drug-dealing to survive. "My little boy went to bed every night," said Hines, "tucked in by a mother who adored him. You never had that, Charles."

By addressing the harm done to victims and developing accountability and competency in the offender, restorative justice efforts such as Texas's Mediation/Dialogue program are on the cutting edge of the growing peacebuilding ethos taking root in contemporary society.

"Hope is the foundation," reiterates Doerfler, "but it's just the foundation. We can't expect too much of the process, nor can we be overly simplistic, but if we build on hope, emphasizing education, self-esteem, and a social and spiritual support system for both the offender and the victim, good things can happen."

Just ask

Thomas Ann Hines. "At the close of our session, I said to Charles: 'I had a choice—I could spend the rest of my life hating you. But

"As we parted, Charles reached out and wrapped his arms around me. I've had lots of hugs in my life, but besides Paul, I can't think of a person in the world I'd rather have hug me."

I don't hate you. I just want you to move forward with your life."

"As we parted, Charles reached out and wrapped his arms around me. I've had lots of hugs in my life, but besides Paul, I can't think of a person in the world I'd rather have hug me."

Tag Evers is a freelance writer from Madison, Wisconsin.

*Excerpted from YES! magazine, PO Box 10818, Bainbridge Island, WA 98110. Subscriptions: 800-937-4451
Web: <www.yesmagazine.org>*