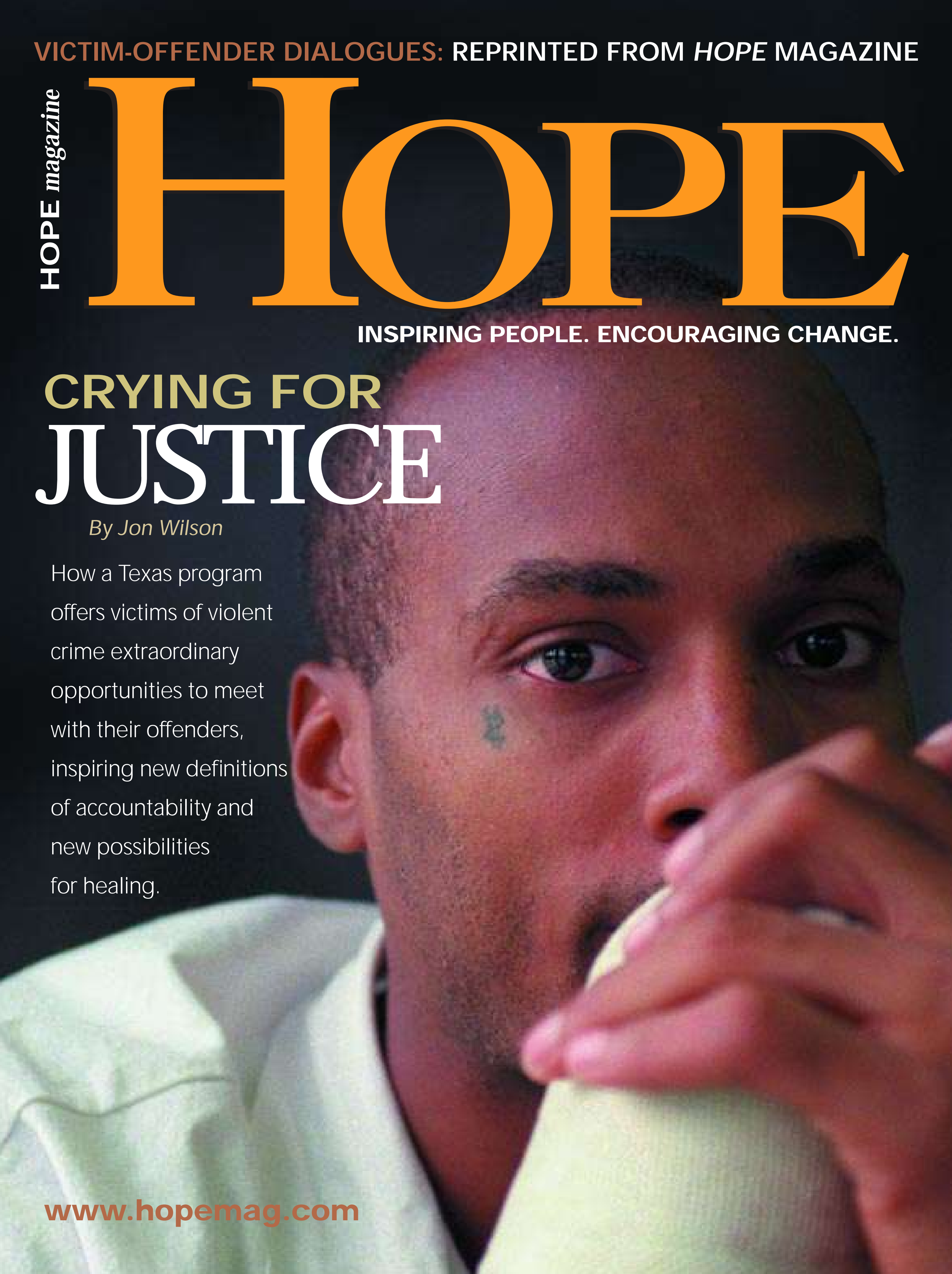
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CRYING FOR
JUSTICE
By Jon Wilson
How a Texas program offers victims of violent crime extraordinary opportunities to meet with their offenders, inspiring new definitions of accountability and new possibilities for healing.
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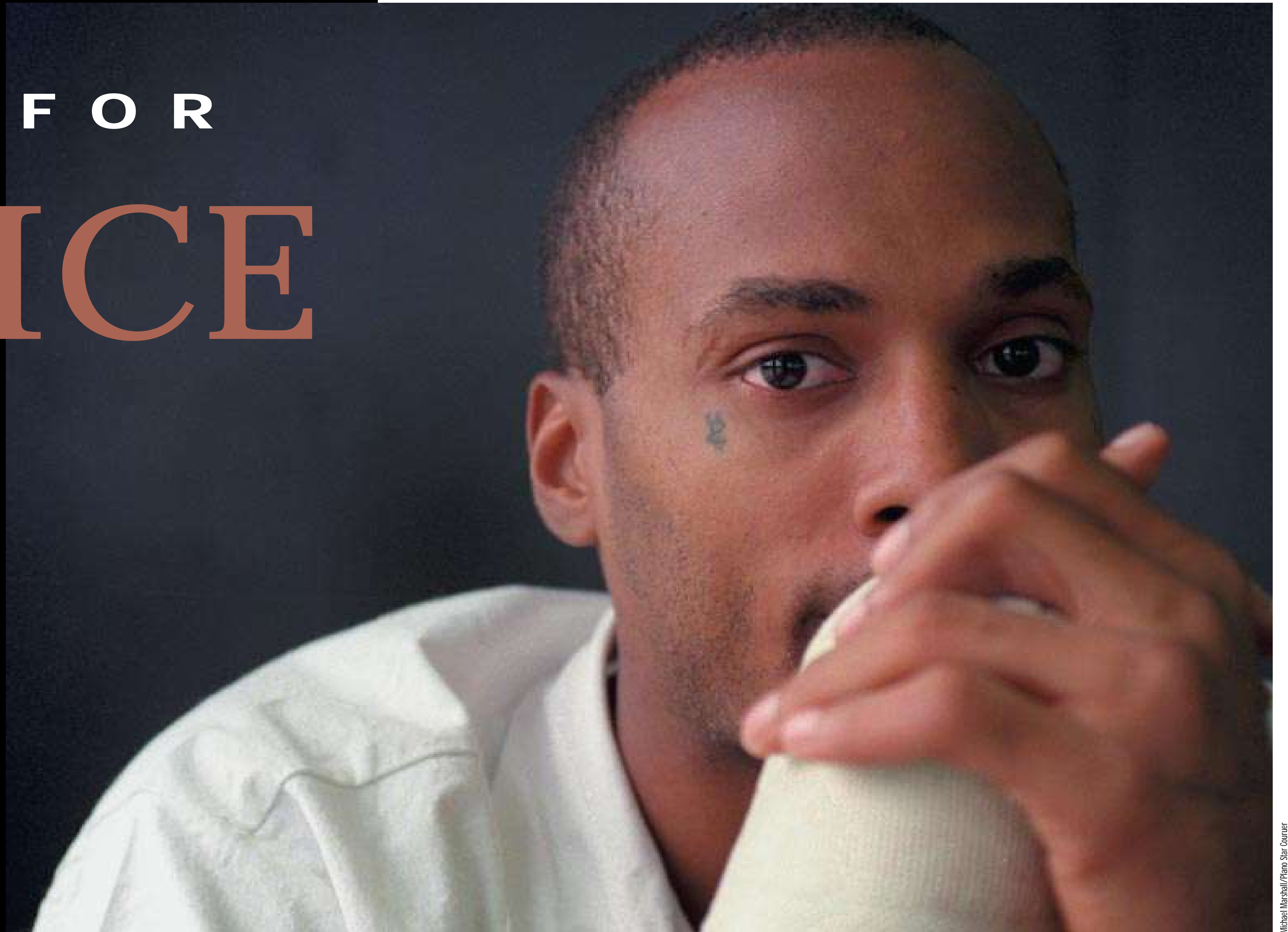
CRYING FOR JUSTICE

When victims in grief meet offenders in shame, profound new healings take place.

by Jon Wilson


Michael Marshall/Plano Star Courier

Robert Charles White in 1998, thirteen years after the murder of Paul Hines.

THE CALL THAT AWAKENED Thomas Ann Hines in the middle of that February night in 1985 was from the Texas Medical Examiner's office in Austin. The caller asked if she knew a Paul Hines. Her son, Paul, twenty-one, was a senior at Austin Community College, four hours south of her Plano home. She had once worked in the Dallas Police Department, and she knew what a call from the Medical Examiner meant. "Someone shot him a couple of hours ago," said the caller. "He's dead."

Her heart in her throat, she pleaded into the darkness, "Paul Hines is a common name. My Paul has red hair and blue eyes and a scar across the bridge of his nose and a birthmark on his chest.... Could you just go in there and check? Maybe it isn't him...." Footsteps echoed away, then

Traci Bowen

Thomas Ann Hines, with a treasured early photo of herself and Paul.

returned. "Yes," the caller said, "it's him." The police would be in touch, he said, about identifying and picking up the body.

The body. The words hit hard. A single mother with a scarred and haunting past of abuse, Thomas Ann Hines had focused all the love she could muster on her only child. If he was gone, she thought, there was no reason for her to live, either. "Alright," she remembers thinking, "I can do this. I can go down to Austin. I can bury my son. But when I'm done, I don't want to live anymore."

In Austin, questions seared through her grief. "Why would anyone shoot him?" she asked the homicide detective. "Paul was everybody's friend; he never met a stranger." But the truth was that a stranger had shot her son; a stranger for whom Paul was doing a favor.

Robert Charles White was a seventeen-year-old drug dealer, and he needed a car. Believing he was about to be arrested for a burglary, he wanted out of Austin fast. He had too many felonies on his record. Near a video arcade, he spotted Paul Hines's Camaro Berlinetta and its lone driver. White asked Hines for a ride to his mother's home, saying she was deathly ill, and Hines agreed. White directed Hines to an apartment complex—and then ordered him out of the car. What happened next is not exactly clear, but seconds later, Paul Hines lay slumped in the driver's seat, bleeding to death, shot through the lungs and heart. White bolted from the car and the scene, hiding the gun along the way. Police found the gun, and, a few days later, White.

Thomas Ann Hines endured the investigation and the trial, hoping for the death penalty. White was convicted of murder, but he was too young for Death Row. He was sentenced to thirteen years "flat time," and probation until age forty. Hines watched silently as the judge read the sentence, adjourned the court, and left the room. Then she watched as White was led away in handcuffs. Slowly, the courtroom emptied. Only a news reporter stayed behind. Hines had never felt so terribly alone.

In our system, this is traditional justice. At the trial's conclusion, most victims are still left grasping, in pain and anger, for closure. It's called secondary victimization. This is part of what restorative justice is designed to prevent, by seeking ways of restoring meaning and purpose to the lives of victims, or their families. Amazingly, it can also restore meaning and purpose to offenders.

In her aloneness, Hines began thinking about how to end her life. Not only did she feel lost without her son, but she couldn't shake her feelings of guilt. Paul had wanted to come home to Plano the night before he was shot, to check on his mother, who was sick with a cold. But she discouraged him. It was too long a drive, she said. From the moment of the medical examiner's call, she was tortured by why she just hadn't let him come home. "My guilt was overwhelming," she says. "I just couldn't live anymore."

Straightening out her personal affairs, she bought a one-way ticket to Jamaica on Labor Day Weekend, 1985, intending to just walk into the water, one calm night. She is not a swimmer, and she is terrified of water. She readied herself, and walked to the water's edge. In desperation, she called out once again to her son.

"If I just knew where you were," she cried, "and that everything was alright, I'd be okay." What she heard, she says, was "…a voice that wasn't a voice, but it *was* Paul, and he said to me, 'I'm where I was before I was with you, and I am alright.'" It was a profound moment; it released a new promise of peace in her, and she decided to return to Texas. "It wasn't that I didn't cry anymore, or didn't miss him," she recalls, "but that night was the beginning of my survival."

In fact, years would pass before she began truly to recover. By the next February, she says, "I'd been crying for a year, but it wasn't getting any better. I had to *do* something." At the urging of a friend, she began reading books on the soul and the spirit, and on the criminal mind. The more she read, the more she wanted to know. She regularly wrote letters to the Parole Board to ask if her son's murderer "had died yet," and to remind them that she would fight his release at every opportunity. Her hope was that Robert Charles White would rot in prison for what he'd done to her son. But the more she read, the more interested she became in who these offenders actually were. Struggling to heal, she read voraciously. In 1990, she began working with other parents of murdered children, assisting them through their own ordeals. "It felt great to be able to help others through their pain," she says, "because I didn't have anyone to help me when I was there." But it would ultimately take an encounter with White to ease her inescapable grief and her unrelenting anger.

THE STATE OF TEXAS is often considered, especially by outsiders, to be a paragon of all that is retributive in criminal justice. Its prison population is high, and its renowned death penalty is the subject of wide debate. Yet, before the mid-1980s, the state's criminal justice system barely addressed the needs of victims. It was only ten years ago that the Parole Board had established an office of victim services, a change due largely to the untiring efforts of Nell Myers, an Austin mother whose twenty-year-old daughter Cydney had been raped and murdered in 1979. Myers knew from hard experience how much help victims need—a number to call, a person to listen, and resources to call upon. She had also struggled alone in the aftermath of Cydney's murder, driven mostly by the ferocity of her anger, but she managed to transform the state's entire approach to victims. The founder of the victim-advocacy group, People Against Violent Crime, Myers wrote the first draft of the Texas Crime Victims' Bill of Rights, which was finally amended to the state Constitution in 1989. Texas state representative Terry Keel, the former Travis County prosecutor who brought Cydney's murderer to justice after more than nine years—thanks to Myers's tenacity and to DNA analysis—says, "The system today is radically different because of her."

With the new victim awareness, the Parole Board in 1989 appointed a parole and probation officer named Raven Kazen to run the first office of victim services. Kazen, who had a tiny room, a phone, and a part-time assistant, had worked for years with victims seeking monetary restitution in primarily non-violent crimes, and she was now to work with victims whose offenders were about to be paroled. In 1990, Governor Ann Richards took two important steps: She consolidated the Parole Board into a new Texas Department of Criminal Justice (TDCJ), and she appointed Ellen Halbert, a victim of rape and attempted murder, to the Board of Criminal Justice, which oversees the state's massive system. Halbert was the first victim to serve on the Board.

Earlier that same year, a young woman named Brenda Phillips had been raped and murdered, and her mother, Cathy, wanted desperately to meet face-to-face with the murderer, Anthony Yanez. There was no victim-offender program in place, then, and no procedure for allowing such a meeting. Undaunted, Phillips pressed all the way to the governor's office, leaving no stone unturned, and no ear unbent. Finally, in late 1991, Kazen was allowed to bring in a mediator from Oklahoma. Kazen believes Ellen Halbert's presence on the Board made it possible. It was Texas's first victim offender mediation in a crime of violence, and preparation was minimal. The night before the meeting, the mediator talked with Phillips and Yanez separately for only an hour, allowing little processing for what was to come. But Phillips got to look Yanez in the eye, to let him know how precious her daughter had been to her, and to express some of her emotions. Yanez showed some remorse. It was only a step, but an important one. A year later, the Board of Criminal Justice established a statewide Victim Services Division—with Kazen as Executive Director—under the auspices of TDCJ. Kazen suddenly found herself dealing with victims throughout the state, and calls came in at a rate of 1,000 a month. (They now come in at 3,000 a month.) She had already drafted a proposal for a full-time victim offender mediator, and now she pressed forward with it.

THE WORDS MEDIATOR and mediation are imprecise. These are not disputes in search of resolution. The offense has been committed, and the offender must already have owned up to it. In victim offender mediation/dialog (VOM/D), what is actually being worked toward is "mediated dialog." What Kazen wanted was unique: a person not only deeply sensitive to the needs of victims, but one experienced in dealing directly with offenders; someone who understood criminal thinking and behavior. She needed a person capable of enabling honesty, courage, and trust in both the offender and the victim, so that each might express not only what is truly on their minds, but in their hearts.

The right person was David Doerfler. Now the Victim Services Division's State Coordinator of Victim Offender Mediation/Dialog, Doerfler, fifty, is a former Lutheran minister, football coach, counselor of sex-offenders and their victims, and father of a daughter who was permanently injured by a drunk driver. Doerfler, who believes the TDCJ program to be the first "in-system" approach in the nation for victims and offenders in violent crimes, has the ability to work effectively on both sides of the table. Of medium stature and rugged build, Doerfler has a warm gaze and soft-spoken demeanor that belie the power of his mission and tenacity. He has been responsible for mediating twelve violent crime cases and overseeing two others during the six years he has been at TDCJ. Also involved in grant-writing, he has designed a program for training much-needed new mediators. (There are almost 400 cases now awaiting mediation in Texas, including ten offenders on Death Row. The rate of victim interest in mediation is growing by about sixty per year. Thirty volunteer mediators have now been trained, and more trainings are scheduled.) Doerfler's strength, says Minnesota counselor and former social worker Marilyn Peterson, who is researching ways in which victims' families find meaning after losing loved ones to homicide, is that he understands how to help participants go deep within themselves. "He is very gifted and very spiritual," she says, "and he can access that yearning that people have for their own healing."

"The thing to remember," says Doerfler, "is that healing is sloppy work; it's *really* sloppy. It depends on facing your feelings, and that means it's not going to be in one-two-three order. People have to be given the opportunity to *process*."

Ha Lam

David Doerfler's experience and sensitivity enable him to work well with both victims and offenders toward mediated dialog.

THOMAS ANN HINES continued to nurse her hatred for White while struggling to keep anger from overpowering her life. She had become an outspoken advocate for victims and their families as Executive Director of Nell Myers's People against Violent Crime from 1992 to 1998. In 1994, Raven Kazen invited her to join a panel of violent crime victims speaking at one of the state prisons. The idea is that victims tell their stories to inmates—not the offenders in their own cases—in an effort to show the human consequences of their crimes. Hines was already convinced that inmates had it too easy, and she thought they ought to be facing "real guilt and pain." If she could make them do that by telling her story at prisons, she was ready. But as she sat there at the front of the room, awaiting her turn to speak to the 200 assembled inmates, she noticed a red-haired young man sitting not far from her who, she says, "could easily have passed for Paul's brother. I looked at him, and suddenly thought to myself, 'what would his *mother* want to say to him if she could say something?' I realized that if *my* son was in this room, I'd want someone to reach out a hand to him." It was a moment, she says, as profound as that on the beach in Jamaica, because she was instantly transformed from an angry lecturer to a compassionate mother. "In that moment," she says, "I realized that, even though victims have every right to their pain, we can also turn it around."

When she began her story, she did so not with her usual edge, but with a sense that she could actually touch these men. Instead of merely reminding them of the pain they had caused, she talked about how they could change their lives, and the lives of those they loved. She talked from her heart about how their lives were redeemable. She also talked about the abuses she had suffered, growing up. When she saw tears in their eyes instead of the blank stares she expected, she knew she was onto something important. By showing them the human in herself, she was unlocking the human in them.

She began speaking to inmates at prisons all over the state, volunteering whatever time she could find for it. Occasionally, she still gets up at 2:00 A.M. to drive her Geo to a prison three or more hours hours away so she can talk for an hour or two. The more she did this work, the more she believed in it, and the more she connected with inmates. The effects were as visible among juveniles as among adults. She could see that most had grown up in bad family circumstances, and that they'd made bad choices. She wasn't forgiving their crimes, or seeing them as innocent; she was simply seeing new possibilities. But for all her understanding of these inmates, many of whom were in for the most vicious of crimes, she held her ground against Charles White. She was not permitted in prisons where he was an inmate.

One day in 1996, after one of her sessions, an inmate approached her. "You have no idea how important what you said was to me," he told her, saying, at seventeen he had killed a man in order to steal his car. Hines, suddenly caught between compassion for the man and the knowledge that he could just as well have been the murderer of her son, thought again about White. Maybe she should talk with him, she thought. His release date would be coming up, and once he got out, she'd never have a chance to ask him anything about Paul's death. She'd long struggled with a dreadful image of Paul begging for his life at gunpoint. As one who had known the terror of having a cocked gun held to her head by a threatening drunken husband, this image tore at her. If she could actually sit down with White, he might tell her about some of Paul's last moments.

By this time, Doerfler had conducted several successful sessions with victims and offenders. As a matter of procedure, Victim Services had notified Hines that mediated dialog was available to her, but she had not been interested. Now that she felt ready, she contacted Kazen's office. Doerfler asked White if he'd be willing to meet, and he agreed. Doerfler then invited Hines to come in and view a videotape of an early mediation session. When she saw the tape, however, it seemed that not enough was resolved in the session. "I had to get up and leave," she says. "I didn't want to do it."

But by late 1997, Hines again realized that she needed to talk with White. As it happened, a media class at Midwestern State University in nearby Wichita Falls wanted to produce a video documentary on the VOM/D program, and they contacted the office. They wanted to videotape a victim who had managed to turn tragedy to good, somehow, and the office called Hines, who agreed. But then White withdrew.

"This is where the mediator is so important," says Hines. "Charles had a real attitude at first. But David was able to take my *pain* to him—and he just hadn't really thought about it." Before long, White again agreed, and Doerfler began meeting regularly with them.

Doerfler's job is to prepare the participants very thoroughly for the meeting. He begins by asking them to examine their deepest feelings—their griefs and fears—not only about the crime itself, but about their lives. These "inventories" help them to identify and connect with their feelings. He asks that the offender take responsibility for his offense and be *accountable*—to both himself and the victim. If the offender tends to blame others, or circumstances, for his actions, Doerfler urges him back to an understanding of his own choices. In this way, Doerfler coaxes that yearning to *do right*, which he believes we all have, into the consciousness of the offender. The process involves reading, writing, and talking, and he gives the offender a thick binder full of narrative, questions, and quotations. The offender works through the material, understanding that his feelings actually matter.

The victim works with similar material, designed to encourage deeper introspection and insight, and especially to connect with the pain and issues that the trauma of victimhood can swiftly sublimate. Bringing such feelings to the surface allows for greater understandings, and the mediator works closely with each to keep them feeling as safe as possible as they explore these realms. The process is deep, and also slow. Doerfler's approach is to bring potential realities to each before they meet. His task of conveying to Hines a sense of the human being inside the killer wasn't that easy. White was considered one of the more violent inmates in the system. During the nearly thirteen years that he'd been in prison, he'd had 148 major disciplinary actions, and was placed in solitary confinement twenty times.

Among the questions Doerfler asks Hines to consider: "What if you find out that 'Charles White *did* hold Paul at terrified gunpoint while he begged for his life?'" Confronted with the question, Hines realized that she'd been living with this image for so long that she *could* handle it. (She would learn that Paul probably never even saw the gun, it happened so fast.) In this way, the participants usually engage in exploration and dialog through the mediator for perhaps a year or more, before they ever sit down together. The ideal outcome before meeting, in fact, is one in which they *want* to sit down together, but don't *have* to in order to move on with their lives—because the preparation has already enabled them to begin moving on.

ON THE MORNING of June 9, 1998, in the chapel of the Alfred D. Hughes Correctional Facility in Gatesville, Texas, where White was an inmate, Thomas Ann Hines sat across the table from the murderer of her son. David Doerfler sat at the side. He had prepared them for this moment, and now there was no turning back. They sat in silence for a few minutes, as Hines sought the strength to speak, dabbing at unceasing tears. "This is so hard for me," she said to him at last. "And I know it's hard for you.... The hardest thing, though, was to bury Paul...." White, who had been waiting apprehensively and listening intently, hung his head as tears welled up in his eyes. Hines choked back her sobs. "I appreciate your doing this," she said, "and please know that I will not be unkind to you in any way. That's not why I'm here...." White's head lowered more. "You were the last person to see Paul alive, and it's really important that I know the last things he said and the last things that happened in his life."

It took White a few moments to reply. "I don't know how to start," he said, in barely more than a whisper. "I don't know how to explain. It was just a stupid thing. Just stupid...."

And so commenced a conversation that was to begin to restore two individuals whose lives had become inextricably entwined thirteen years before.

"I don't blame you for how you feel about me," he said. "I didn't know I was going to cause so much pain."

The emotional session lasted eight hours, with a forty-minute break for lunch. "I went in there totally for *me*," admits Hines, "but it changed for me as he *listened* to me, and I *listened* to him. At one point I remember saying, 'If you knew how much I loved him you wouldn't have shot him, I just know you wouldn't,' and he just folded.... That sad, troubled boy let me see inside his soul. I began to feel such compassion."

White talked about his life, and about growing up on the streets. By the time he was thirteen, his mother told him she could no longer feed and clothe him. She could give him a place to sleep, but that was all. At the time of his arrest for the murder, he was smoking more dope than he was selling, and living with a thirty-something prostitute. He talked about feeling hopeless after he went to court. Knowing he didn't want to spend his life in prison, he considered suicide, but then he thought of the pain he'd cause his mother if he ended his life.

He asked Hines why she wanted to help him. She told him, "If the only thing good that comes out of burying Paul is that you turn your life around, then Paul will not have died in vain." Her tears flowed as she continued, "If it had not been Paul, it would have been someone else."

White reached across the table, gently took the tissue she was holding from her hand, and wiped her tears.

She'd been telling him from almost the beginning that he could change his life, and now she began to tell him that he was valuable, and important. He started to cry again, overwhelmed. "I can't be your mother," she said as she handed him a tissue, "but hopefully, I can help you get some direction in your life. There's a good person inside you; don't give up on yourself."

"I just hate it," he said, "that I brought all this pain in your life."

David Doerfler has seen this before, and he knows it's the real thing. "When an offender," he says, "has to look directly into the eyes of the person he hurt the most, or the aftermath of the hurt in the case of a homicide, it's hard to *hide*; it's hard *not* to face yourself. This is where the healing happens. And when the tears of the victim intermingle with the tears of the offender, healing takes place for both parties. In the face of a past that cannot be changed—when a victim gets sick and tired of being sick and tired, and the pain is so debilitating—letting go is the only thing we *can* do to move on."

As the end of the session drew near, Hines was unsure of what to say, or how to say it. In her outreach work, she makes a point of shaking the hand of every inmate she speaks to, but the thought of shaking the hand that held the gun that killed her son seemed a

betrayal. Yet she couldn't help herself, when the moment came, and almost involuntarily, she reached across. When their hands touched, she lowered her head to the table and sobbed. After a few minutes, they stood up. White leaned over and kissed her cheek. Hines left the room so that Doerfler could debrief him on the session. When she was gone, he sat down again in tears, saying, "Stupid... stupid... stupid."

Doerfler reminded White how Hines had told him that, while we can't undo anything, this can be a new beginning, and he must try to move forward. When his debriefing was finished, White asked Doerfler if it would be okay to hug Hines. "I may never see her again," he said. Doerfler said it would be alright. She returned to the room, and White got up to leave.

"As Charles was walking out," Hines recalls, "I offered my hand to him again, and he took it, but then he reached out and almost picked me up in a hug. I was totally shocked and taken aback—my first thought was that he'd get in trouble with the officers—but then I gave him a hug back. I was crying uncontrollably. He just said, 'I'm sorry, I'm sorry.' And then he left."

In the year-and-a-half since the meeting, White has changed. "Charles has not only *received* hope, but *given* it," says Doerfler. The inmate who averaged more than ten serious infractions a year before the meeting has had just two minor ones since. He and Hines correspond regularly, and he tells her he wants to get his GED. Some of the rules are crazy, he says, but he's working to follow them. Hines has become a kind of godmother to him, and her letters reflect her compassion, her sorrow, and her mission. No day passes without her thinking of her lost son—"a victim's sense of victimization never really goes away," says Doerfler, "but its *intensity* changes"—but her work with others, particularly victims and inmates in need, keeps her going. White wants her to visit again, and she intends to, but Victim Services discourages such visits without a mediator, and Doerfler has been swamped. Hines, busy herself but notoriously determined, will probably surprise no one if she finds a way to take the matter into her own hands.

STORIES OF RESTORATION are happening everywhere, with many different endings; indeed, they are more about beginnings. The pain of loss never leaves these victims, and neither does the shame and guilt of offenders. But how they move on with their lives is very different from before mediation. Cathy Phillips, whose determination launched the Texas program, worked with Doerfler and offender Yanez in a second, more productive session, and she hopes for a third meeting, sometime. Ellen Halbert, the rape victim who was left for dead, and was later appointed to the Board of Criminal Justice, thinks it *might* be productive to meet with the rapist, but he refuses. Among the more heartbreaking cases are those in which a victim wants to meet with a willing offender on Death Row, but lack of funds and resources prevents the assigning of a mediator before the offender's execution. On the other hand, Nell Myers, the woman whose untiring efforts indirectly resulted in the creation of the Texas VOM/D program, has never liked the idea of mediation, and doesn't believe in its capacity to heal. "Why would we need to do that?' she asks. "We can work to help other victims. *That's* what we should be doing."

Then there's Paula Kurland, whose daughter Mitzi was murdered in 1986 by Jonathan Nobles, who ended up on Death Row. With Doerfler mediating, she met with Nobles two weeks before his execution in 1998. After carrying her grief and anger for twelve years, she just wanted to get the meeting over with. But what arose in her from seeing the remorse in Nobles was an unexpected compassion. Nobles, well aware of her anger, was overwhelmed by her mercy. The five-hour experience thoroughly transformed Kurland. "David and Raven absolutely allowed me to take *my life* back," she says of the experience. "After mediation, because Jonathan had taken total responsibility, I walked out a new person. I became a person I didn't know I was capable of being." She now volunteers in two programs where groups of victims find healing by meeting with groups of offenders in prisons.

"We can never put a price on a human life," says Doerfler, "but in a strange twist of logic, we ask for nothing of real substance when we just incarcerate offenders, even for the rest of their lives. Yet, in this restorative process, where offenders face their victims, themselves, and their shame, it *is* possible to give something back: hope.

"When we stop reacting only out of anger, and instead ask, 'what is the most *healing* thing we can do?' we'll find an answer in victims screaming to have their grief acknowledged, and in offenders screaming to be accountable. If we're really looking for healing and accountability, we'll find it where it can truly happen—between victims and offenders in dialog together." ▲

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