

Conflict Without Chaos:

A Look Back at Conflict Intervention Initiatives During the Nation's Civil Rights Era

ANNOTATED CHAPTER CONTENTS

Chapter 1 A CONFLICT PERSPECTIVE

This opening chapter brings attention to the human heritage of self-interest, faulty perception and conditioned loyalties at the expense of fairness and equity, leading to confrontation and conflict. There is examination of dysfunctional group relationships of every sort—from the most personal within families and among neighbors to those most pervasive that affect peace among nations. The emergence in recent decades of intervention mechanisms to mitigate discord arising from these earthly imperfections is summarized.

Chapter 2 THE SHAPE OF MEDIATION: A FEDERAL MODEL

Here is an overview of the Community Relations Service (CRS) of the U.S. Department of Justice, the agency that facilitated the author's career as a mediator. Following thereafter are maxims of mediation, definition of terms, illustrated field activity, essentials of the neutrality role and use of outside resources during negotiations.

Chapter 3 MEDIATION GUIDELINES (PART I) – BEFORE COMING TO THE TABLE

The critical importance of preparations by the mediator before the contending parties ever meet in joint session is highlighted in details of the dynamics involved. These preliminary activities focus on the nuances involved in contacting the parties, initial consultations, site selection, timing and determining participants in negotiations, issues concerning dealing with the media, and related matters.

Chapter 4 MEDIATION GUIDELINES (PART 2) – JOINT NEGOTIATIONS AND RESOLUTION TOOLS

A second phase of procedural implementation centers on the period of interaction when negotiating teams apply their strategies face-to-face across the table in attempting to reach mutually agreeable accommodation and resolution of differences. Principal consideration is given to joint session format variations, use of caucus and recess procedures, optional presence of non-participating observers as witnesses to negotiating sessions, preparation/content/enforcement of any written, signed agreement as an instrument to implement remedies, and post-mediation follow-up, as necessary, to settle any problems that may arise regarding fulfillment of party obligations under an executed agreement.

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Chapter 5

INMATE ALLEGATIONS/LOUISIANA STATE PENITENTIARY AT ANGOLA

Referred to CRS by a federal court, this case was the first to bring corrections policy-makers together with prison inmates in a negotiation format to address allegations of unconstitutional treatment of those incarcerated. It was a bold and unlikely experiment that most political observers would characterize as being beyond contemplation. As in all case activity to follow, this chapter is a condensation of actual field experience. It is an account of unprecedented departure from long-established practices in corrections administration generally considered as unwritten law. In many ways, it is a striking commentary on the sometimes remarkable adaptability of institutional managers who recognize opportunity for innovation.

Chapter 6

INMATE ALLEGATIONS/JEFFERSON PARISH JAIL, LOUISIANA AND FURTHER COMMENTARY ON SELECTED STATE PRISON CASES

The mediation precedent set at Angola (chapter 5) led to heightened interest by other federal judges whose dockets in the early seventies were clogged with petitions from convicts in state and local penal institutions seeking redress of perceived civil rights violations. Rather than again describing elements of the *mediation process*, this segment gives greater emphasis to *external perceptions* of the proceedings. Included are reports on mediation conducted at corrections facilities in Jefferson Parish, Louisiana and in Reidsville, Georgia.

Chapter 7

SCHOOL DESEGREGATION/LITTLE ROCK, ARKANSAS

The 1957-58 Central High School desegregation crisis in Little Rock has long been seen as one of the most unrelenting episodes of resistance to change in public education history. More than 25 years later that same issue persisted although within an entirely different context. In rather unusual circumstances for federal court referral to mediation, the plaintiff party was the city's urban school district bringing a cause of action against two adjacent suburban districts. In a further departure from typical referral practice, the court called upon the mediator for a fact-finding assignment prior to facilitating negotiations.

Chapter 8

POLICE ABUSE ALLEGATIONS/PORT ARTHUR, TEXAS

The dilemma of crime prevention and control resulting in overreaction by law enforcement authorities in which innocents are victimized was one of the tinderbox issues of the civil rights movement. The 1960s and 70s were indelibly marked by countless instances in which minority communities erupted in rage and violence when police appeared to go beyond their lawful mandate under the influence of racial

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stereotyping, profiling and other overtly discriminatory practices. It was such an incident that led city officials of Port Arthur, Texas to face an inflamed black community by diverting tensions away from turmoil on the streets in favor of an unfamiliar process of dialogue. The results of that experience opened the way for nontraditional approaches to resolving civil unrest.

Chapter 9

POLICE-COMMUNITY RELATIONS/STATEWIDE, TEXAS

By the late 1970s police-community relations had become a dominant feature of law enforcement training programs across the country. Black and Hispanic alienation and open hostility toward “the establishment” and its security apparatus had brought an urgency to introspection and a willingness to examine new ways to restore order and return to some semblance of interracial harmony. Initiatives by the U.S. Community Relations Service served as a catalyst to a previously unknown level of communication between police-citizen antagonists. Texas police leadership took a calculated risk that resulted in lasting benefits.

Chapter 10

STUDENT BOYCOTT OF PUBLIC SCHOOLS/CRYSTAL CITY, TEXAS

In a small community deep in the heart of the Texas Rio Grande Valley, with a Mexican-American majority population in late 1969 of more than 90%, Anglo domination of government, schools and economic underpinnings was the established order. It was there that a bold uprising of public school students became a platform from which arose a new Latino consciousness and a demanding voice for self-determination. The ultimate outcome of this youthful rebellion was the sparking of a reform movement that would overcome what was perceived to be dehumanizing control of their lives by an insensitive and oppressive “gringo” establishment. Objectives were achieved in large measure through third party intervention in one of the earliest precursor applications of a mediation process in resolving a momentous interethnic conflict.

Chapter 11

A DISPUTE SETTLEMENT CENTER IN DALLAS, TEXAS

The phenomenal birth, adolescence and growing maturation of the community dispute settlement movement, in this country and abroad, has made a remarkable impact on the way in which opposing interests resolve contention. Within a period of some four decades there has developed a systematic, voluntary procedural alternative to litigation and other forms of adversarial confrontation. This chapter is devoted to a detailed description of the planning and community mobilization that was initiated in launching one of the early efforts to establish such a resource.

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Chapter 12

THE NEUTRAL INTERMEDIARY AS A FACT-FINDER

When mediation was introduced to the nation's federal and lower courts as an alternative to the judicial process, the need for a corollary supplement arose. Among the earliest jurists to experiment with external intermediary involvement were several who recognized that before committing to such a procedure, they would need a preliminary inquiry into whether the contesting parties and the circumstances of a dispute would likely accommodate the nonadversarial negotiation format. As a proclaimed neutral and objective third party who knew the process best and who would have to be accepted by the parties as a competent and impartial facilitating agent, the mediator was seen to be a logical choice to perform such a preliminary assessment.

Chapter 13

A RETROSPECTIVE ON THE CLIMATE OF RACE RELATIONS IN DALLAS, TEXAS DURING THE EMERGENCE OF THE CIVIL RIGHTS ERA

Among America's major cities, Dallas had its share of distinctions when it came to dealing with racial inequities and striving for peaceful relations in a time of growing intergroup unrest and sometimes threatening activism. It had more than its entitlement of dedicated and resourceful leadership. It had for years, in the earliest stages of the civil rights struggles for equal opportunity, maintained what was then considered by many to be an enlightened approach to interracial relations. Yet, in the unfolding years of increasing calls for direct action and confrontational tactics by many in the reform movement, the city could not escape the stress and resulting trauma associated with minority agitation and a noteworthy level of civil disorder.