



2-20-2022

## Community Mediation for a Divided Main Street

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### Recommended Citation

Dellamore, John, "Community Mediation for a Divided Main Street" (2022). *CJCR Blog*. 25.  
<https://larc.cardozo.yu.edu/cjcr-blog/25>

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## COMMUNITY MEDIATION FOR A DIVIDED MAIN STREET

*John Dellamore*

The political division across the United States has increasingly been documented over the last several years. Issues ranging from police brutality to COVID-19 restrictions have led many to take to the streets in protest. A unique feature of these protests, at least in terms of the last few decades, is that they are not isolated to major cities. In the context of Black Lives Matter, many have noted the increased prevalence of protests among small town residents.<sup>1</sup> While Black Lives Matter was likely a significant catalyst to the demonstrations in these towns, participation amongst residents has focused on a broad set of issues. The protests are not uniform in belief in these areas; to the contrary, counter-protests have become equally prevalent.<sup>2</sup>

A recent example of this occurred in Cortez, Colorado. Mayor Mike Lavey watched as protestors and counter-protesters clashed on issues including police brutality, COVID-19 restrictions, critical race theory in the school curriculum, and the 2020 election.<sup>3</sup> The weekly clashes have created significant divides among residents and have led many to avoid areas where the large groups interact.<sup>4</sup> Many in the community, including the mayor, have been concerned about the ensuing violence, particularly from a radical, right-wing militia group.<sup>5</sup>

Some within the community have suggested bringing in a mediator. Dawn Robertson, an organizer for Walk for Justice and Peace, has noted that she would be open to meeting with the Montezuma County Patriots, a right-wing group in Cortez, if there was a mediator present.<sup>6</sup> While the mayor decided against hiring a mediator, the consideration in Cortez presents an interesting and topical application of alternative dispute resolution.<sup>7</sup>

Community mediation is not a recent phenomenon in the U.S. Some have gone as far as saying that community mediation is ingrained in the American experience, as it is “truly dispute resolution ‘of the people, by the people, and for the people.’”<sup>8</sup> Community mediation became popular in the 1960s and 1970s, as traditional dispute resolution methods employed in smaller communities became unavailable to the populations moving to urban centers.<sup>9</sup> Along with urbanization, many felt that the overburdened court system was not the best tool to deal with more community-based disputes.<sup>10</sup> Alongside the popularization of community mediation, the Civil Rights Movement in the United States was gaining momentum across the country. Similar to

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<sup>1</sup> All Things Considered, *The Importance of Small Town Protests Against Police Violence*, NPR (June 7, 2020, 5:57 PM), <https://www.npr.org/2020/06/07/871751063/the-importance-of-small-town-protests-against-police-violence> [https://perma.cc/VT98-9HRN].

<sup>2</sup> Hayley Smith, Hannah Fry, & Anita Chabria, ‘White Lives Matter’ Rallies Fizzled. Hate Groups Still See Chance to ‘Fire Up the Base’, L.A. TIMES (Apr. 14, 2021, 5:00 AM), <https://www.latimes.com/california/story/2021-04-14/why-white-lives-matter-huntington-beach-rally-failed> [https://perma.cc/U67G-JBVK].

<sup>3</sup> Dan Frosch, *Political Divisions in Cortez, Colorado, Got So Bitter the Mayor Needed a Mediator*, WALL ST. J. (Sept. 26, 2021, 5:21 PM), <https://www.wsj.com/articles/political-divisions-in-cortez-colorado-got-so-bitter-the-mayor-needed-a-mediator-11632648602> [https://perma.cc/9VRJ-N3MU].

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> Timothy Hedeon, *The Evolution and Evaluation of Community Mediation: Limited Research Suggests Unlimited Progress*, 22 CONFLICT RESOL. Q. 101, 101 (2004).

<sup>9</sup> *Id.* at 102.

<sup>10</sup> *Id.*

today, these demonstrations were not isolated to major cities, as activism, such as “sit-ins” and voter registration efforts, occurred throughout the country.<sup>11</sup> The popularization of community mediation and the momentum of the Civil Rights Movement led to the creation of the Community Relations Service (“CRS”) as part of the 1964 Civil Rights Act.<sup>12</sup>

CRS, which continues to be a component of the U.S. Department of Justice, aims to be “‘America’s Peacemaker’ for communities in conflict by mediating disputes and enhancing community capacity to independently prevent and resolve future conflicts.”<sup>13</sup> CRS offers a variety of services to local communities, including third-party mediators, facilitation services, and mediation training.<sup>14</sup> CRS was active in Sanford, Florida, where they worked with community organizations, clergy, and the police department during the 2013 trial of George Zimmerman.<sup>15</sup> Among other things, CRS worked with relevant stakeholders to stop the spread of misinformation and help promote nonviolence.<sup>16</sup>

In addition to government programs, there are several organizations that provide community mediation services. The National Association for Community Mediation (“NAFCM”), a group formed by community mediation practitioners, states that the purpose of community mediation is “to preserve individual interests while strengthening relationships and building connections between people and groups, and to re-create systems that make communities work for all of us.”<sup>17</sup> To this end, NAFCM has proliferated nine “hallmarks” of community mediation, which focus on inclusivity and are used to guide community mediation efforts.<sup>18</sup>

There are issues in these communities that are difficult, if not impossible, to reconcile. However, the fear of violence is “no essential part of any exposition of ideas.”<sup>19</sup> Community mediation can be useful in reducing this fear by creating inclusive zones of debate and cooperation and by reducing the spread of misinformation.

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<sup>11</sup> *Social Protests*, CONST. RTS. FOUND., <https://www.crf-usa.org/black-history-month/social-protests> [<https://perma.cc/Z4CC-H8FR>] (last visited Feb. 20, 2022).

<sup>12</sup> *Community Mediation Basics*, RESOL. SYS. INST., <https://www.abourtsi.org/special-topics/community-mediation-basics> [<https://perma.cc/T5JG-5T6A>] (last visited Feb. 20, 2022).

<sup>13</sup> *Community Relations Service*, U.S. DEP’T JUST., <https://www.justice.gov/crs> [<https://perma.cc/2Q7N-LJ48>] (last visited Feb. 20, 2022).

<sup>14</sup> *Our Work*, U.S. DEP’T JUST., <https://www.justice.gov/crs/our-work> [<https://perma.cc/RE88-9TME>] (last visited Feb. 20, 2022).

<sup>15</sup> *See* Community Relations Service, *GodSquad | Keeping the Peace in Sanford, FL*, YOUTUBE (Nov. 23, 2016), <https://www.youtube.com/watch?v=ezMxLN6nzq8> [<https://perma.cc/63CY-ADAR>].

<sup>16</sup> *Id.*

<sup>17</sup> *Purpose*, NAT’L ASS’N FOR CMTY. MEDIATION (NAFCM), <https://www.nafcm.org/page/Purpose> [<https://perma.cc/A9X2-A9LC>] (last visited Feb. 20, 2022).

<sup>18</sup> *9 Hallmarks of Community Mediation Centers*, NAT’L ASS’N FOR CMTY. MEDIATION (NAFCM), <https://www.nafcm.org/page/9Hallmarks> [<https://perma.cc/MKW5-BUPA>] (last visited Feb. 20, 2022).

<sup>19</sup> *Chaplinsky v. State of N.H.*, 315 U.S. 568, 572 (1942).