

Like most of the women in the airy warehouse-cum-nightclub, Arwen Bird is dressed in all white. It is the TechnoDyke White Party, and the club is lit as if by the moon. Lesbian Fred Astaires and Ginger Rogerses sashay around the dance floor.

This is the second night in a row Bird has attended a glittery theme party. The evening before was her birthday, and she threw herself a gold lamé soiree.

Bird beams and sips her cocktail. She has had much to celebrate this year. Not only did she pass a major birthday milestone—the big 30—she was awarded a prestigious fellowship for her innovative work in criminal justice reform.

In January, Bird was selected to be a Soros Justice Advocacy Fellow by the Open Society Institute in New York City. A total of 300 applicants competed for the 11 grants. Bird is one of the first crime survivors to receive one of the fellowships, which are, according to the institute, given to “dynamic individuals working to restore fairness and discretion to the U.S. criminal justice system.”

Bird, who was named after the Lord of the Rings character Arwen Undómiel (which means “noble maiden”), has been concerned with social issues since she attended Milwaukie High School, where she was on student council and helped organize a blood drive. What turned her into a social activist, though, was an accident. Literally.



“There is really no one in the system designated to help survivors after the person who hurt them is off probation”

—Arwen Bird

A sudden glare of headlights

The evening of Feb. 28, 1993, began like any other weekend night. Bird had recently started her second semester at Lewis & Clark College. Though she lived on campus, she still hung out with her younger sister Sierra. On this particular evening, Bird was the designated driver for their outing to an off-campus party. The sisters had fun; Sierra had a few drinks, Bird didn't. When it was time to go home, their safe passage seemed well in hand.

Then came the sudden glaring lights in the rearview mirror, coming at them too fast.

“It was the biggest and scariest thing that had ever happened to me,” remembers Bird.

The car on their tail slammed into their tiny Le Car, collapsing the back seat into the front seat and rolling the car 360 degrees. A fireman would later say that Bird's car looked like a smashed orange soda can.

The man driving the tailgating car, Kevin Nielsen, had been racing with other men in hopes of impressing women in a third car. Bird says he was probably using her car as a “goal post.” And yes, he had been drinking.

The sisters were both severely injured. Sierra's head was crushed. The bruises to her brain would permanently impair her math and reading ability and dash her hopes to pursue space science. Bird was paralyzed from the ribcage down, which has resulted in osteoporosis and loss of bladder control, among other conditions.

Nielsen walked away without serious injury.

He was convicted of two counts of second-degree assault and drunken driving. He was sentenced to one year in a work-release program, his license was suspended, and he was ordered to pay restitution to Bird and her sister.

Bird says the crash had a “ripple effect that permeated to our parents, relatives and friends. We were suddenly thrust into the criminal justice system, of which we knew nothing.”

They were also put in the agonizing situation of having to fight for what the court said was due. To this day, Nielsen has not paid the full amount he owes the Birds.

Bird returned to school in the fall of 1993 and went on to earn her degree in biology. In time, she “realized that energy spent hating the man who hit us was better spent healing myself.”

Her family began to heal, too, and now the Birds celebrate “Crashiversary” every Feb. 28 because they are happy to have Bird and Sierra alive.

“We always say ‘I love you’ when we say goodbye, because we know we could go at any moment,” says Bird.

A slippery kind of justice

Her family's experience with the criminal justice system continued to nag at Bird. On the one hand, she says she feels safer knowing that Nielsen received drug and alcohol treatment while he was in detention.

On the other hand, she says the system failed her and her sister.

“It is up to my sister and me to try and get the restitution that Kevin owes us,” she says. “There is really no one in the system designated to help survivors after the person who hurt them is off probation.”

Bird saw serious flaws in a system that is set up only to punish, not to help survivors heal or to help perpetrators accept responsibility for their crimes and learn to make better decisions. “[It's] focused on retribution, not on working to prevent what happened from happening again,” she says.

As her frustration with the justice system grew, so did her ingenuity. In 1999, the same year she came out as a lesbian, she co-founded the nonprofit Survivors Advocating for an Effective System.

SAFES serves two basic purposes: to give voice to progressive-minded crime survivors and to advocate for criminal justice reform. Members from throughout the state work together on several main activities, including victim-offender dialogues, a speakers bureau and political advocacy.

“We see ourselves as part of a larger movement against violence,” says Bird. “We want everyone to be safe.”

One primary concern of the group is restitution reform. SAFES is part of the Oregon Attorney General Hardy Myers' Restitution Reform Task Force. This is an issue of particular importance to Bird because she feels restitution is one of the key ways Nielsen can take responsibility for the crime he committed against her.

SAFES has identified key ways in which the restitution system needs to be reformed.

First, survivors are expected to pursue their restitution payments, without help from the justice system. Second, offenders are given the ability to choose to make and complete payments to survivors. But some choose not to pay at all. Finally, state agencies are not empowered to help survivors collect restitution.

SAFES seeks to put healing for survivors and communities at the forefront of the justice system, rather than blame and punishment. Its philosophy is to reject mandatory sentencing, the death penalty, prison expansion and other “tough on crime” initiatives.


“My case illustrates the illogic of mandatory sentencing,” says Bird. “Under current law [Nielsen] would have received a minimum of five years...without any guarantee of drug and alcohol treatment—the very thing that likely helped him not recidivate!”

Bird sees “a huge discrepancy” in the criminal justice system. “As survivors we live with the effects of the crime for the rest of our lives,” she says. “The system is so bent on punishing people that the real needs of survivors—like restitution—and communities get lost in the process.”

Local steps toward a national goal

This focus on healing individuals and communities is what has earned Bird so much respect among colleagues and policy makers. She has testified before Congress in favor of a Victim's

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