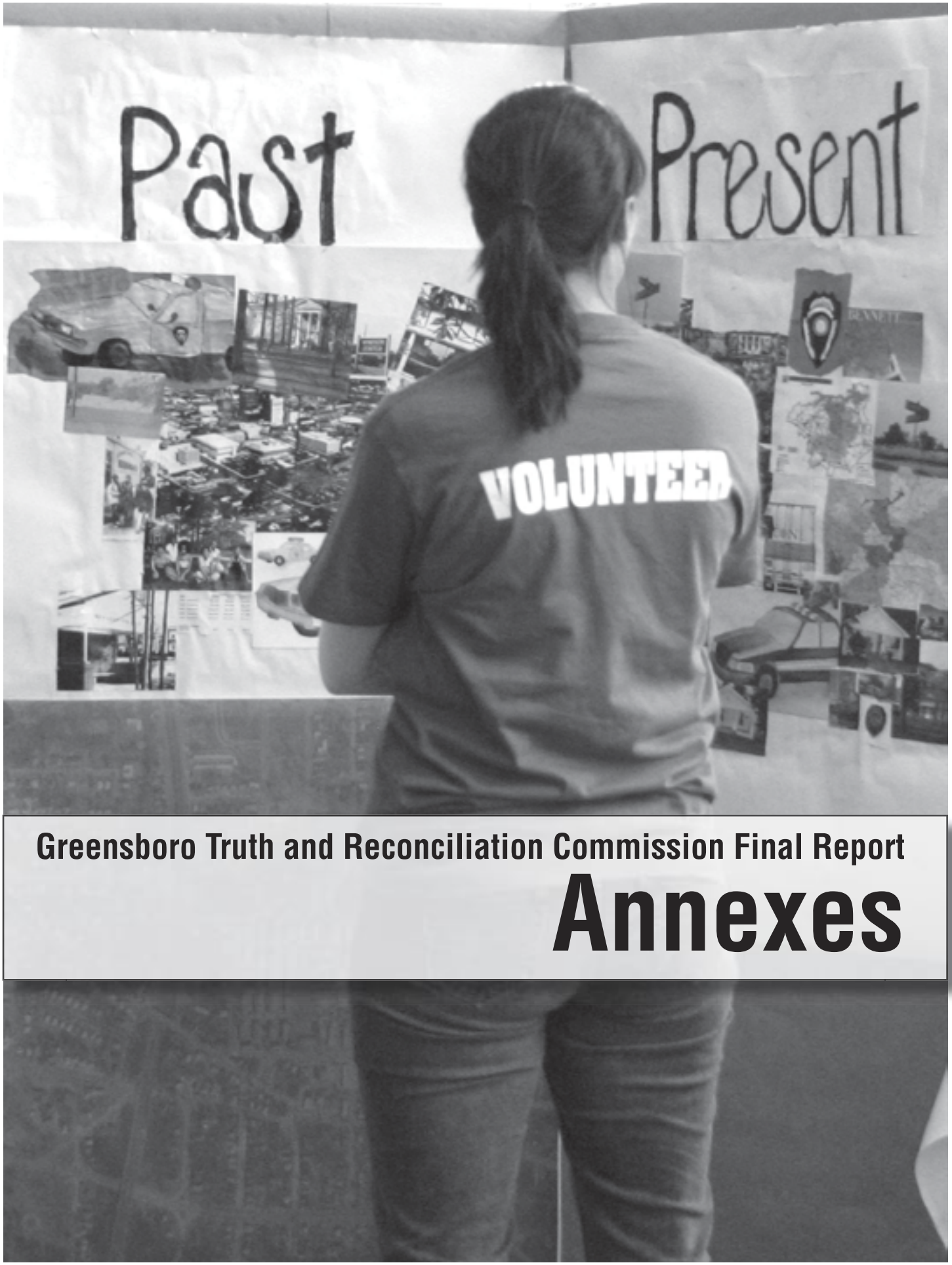

Greensboro Truth and Reconciliation Commission Final Report

Annexes

Photo courtesy of Kristi Parker

Commissioners, reflections and concurring opinion summary

Cynthia Brown

Durham, N.C.

Cynthia Brown is the principal consultant of The Sojourner Group, a business she founded to help non-profit groups strengthen their leadership and address their organizational development issues. For over 20 years, Cynthia has engaged community leaders in coalition building, organizing and advocacy on issues like worker's rights, worker health and safety, welfare reform, anti-oppression (racism, sexism, class-ism, hetero-sexism, etc.), living wage work, environmental justice, etc. Also, she is a grassroots organizer and leader, former Durham City Councilwoman and a 2002 candidate for the U. S. Senate. A native of Reidsville, N. C., she has an undergraduate degree in political science from Bennett College for Women and a Master of Public Affairs degree from the University of North Carolina at Greensboro. As a W.K. Kellogg National Fellow, Brown studied cultural, racial and economic justice issues in Australia, Brazil, Guatemala, South Africa, Zimbabwe, Ghana, Egypt, New Zealand and Chile. Brown's many organizational affiliations have included the Latino Community Credit Union, the N.C. Conservation Network, Democracy NC and Delta Sigma Theta Sorority.

PERSONAL REFLECTION

As a senior Bennett College student in November 1979, I remember the horror of seeing people gunned down on Greensboro streets on the six o'clock evening news. It was particularly horrifying to my college-age mind because I knew that this tragedy was taking place in Morningside Homes, in close proximity to my campus.

I don't recall learning that one of the victims of the shooting was a former Bennett student government president, which in retrospect is odd. I don't remember campus discussions among students or faculty about the issues related to this horrible event.

At first it seems difficult to imagine why a campus where students had historically engaged in social change activity would not have been rallying some kind of support for people who were attacked while participating in a public demonstration, especially since one of those killed was Bennett sister Sandi Smith. Now, in hindsight, I suspect my lack of involvement and that of other Bennett students might have been more than preoccupation with graduating or youthful ignorance and indifference. I wonder how much of a role was played by fear and silence about issues related to the tragedy that until now (as a result of the GTRC's work) were not discussed.

Prior to being nominated as a potential Commissioner, I served as a member of the National Advisory Committee to the Greensboro Truth and Community Reconciliation Project. I had only attended part of one meeting when I was asked if I would agree to be nominated to serve on the Commission. While I felt honored to be nominated, I *knew* it would be unlikely that I would be selected. That, to be honest,

is why I allowed myself to be nominated.

When I was informed I had been selected, I humbly accepted as a result of pride, curiosity and ignorance. You see, from 1982 when I completed graduate school until 2004 when I agreed to serve on the Commission, all of my work had been devoted to supporting grassroots community people in recognizing their individual and collective power to challenge establishment leadership – the status quo – and bring about political, social and/or economic change. I worked first with battered women and their allies to advocate for services and policies to address the needs of domestic violence victims. Since then, my journey has continuously led me into organizations working with low-wage workers and the poor to address issues including workers' rights, worker health and safety, and welfare reform, as well as to fight oppression (racism, sexism, class-ism, hetero-sexism, etc.), and advocate for a living wage, sustainable development and environmental justice.

As a result of my experience as an organizer, activist and advocate with and for working class people, I had long since learned that when you are working against oppression, you are targeted for attack by people who feel challenged by your activism. So, I was proud to become a Commissioner, because I had heard that the people who were killed in November 1979 were people who were organizing unions for workers' rights and interested in improving the lives of poor people. I was curious to learn more about the work of the people who were killed and injured that day, and to know what lessons could be gleaned from this historic and tragic occurrence for those of us still working on these issues. Finally, I became a Commissioner because of my ignorance about how much of a challenge it would be in terms of the time commitment, the risk of public attack, the patience this work would require and the self-transformation it would entail.

The context

Just as it is impossible to understand what happened in Morningside Homes on Nov. 3, 1979, without examining the context and causes that led to that tragedy, it is impossible to understand my learning over the nearly two years I have served on the Commission outside context of the work and volunteer experiences that shaped my consciousness before I assumed this role. Nor is it possible to discern how much of this learning was shaped solely by the Commission experience versus what I have learned from related trends and major events that occurred during this same period.

Since June 2004 we have witnessed:

- increasing big box development that has eroded the number of home-grown businesses in local communities;
- increasing job loss due to plant closings, corporate mergers and other trends, leading to greater economic and worker insecurity;
- a growing anti-worker climate and declining wages.

Also, anti-immigrant propaganda has diminished unity among all working people who continue to provide cheap labor to increasingly wealthy corporations and their executives. The economic divide between the wealthiest of us and those of us who provide labor to this economy continues to grow.

As a result of Hurricane Katrina, broken levees, government ineptitude and willful neglect of New Orleans' most vulnerable residents, just last year we witnessed one of the worst disasters in modern times – one that provided a vivid illustration of race and class oppression. Finally, our national leadership has continued expending enormous resources – resources this nation can't afford – on a war initiated on a fraudulent basis that, despite the massive loss of life, has not resulted in much of the public gaining any sense of greater security.

Despite conservative, right-wing rhetoric, we have not become a "kinder, gentler nation." In fact, for middle- and low-income working people it is a very "mean," inhumane and challenging time. The lessons I've learned – or had affirmed – during this period reflect my Commission experience in the context of these "bad times." These lessons include the following:

Self-transformation begins the journey toward the CHANGE we seek. It is my belief that we all have ingested racism, class-ism, sexism, heterosexism and other related toxins since we were in the womb. These "isms" and other forms of oppression are in the very fabric of all of our institutions. The effect of this oppressive environment is that those with power and privilege live in the illusion that economically and socially marginalized people are in their circumstances because of their own lack of personal responsibility. This analysis allows people of power and privilege to deny what institutions and unjust policies and practices contribute to people living on the edge. This process has taught me that it is difficult for people who benefit from the way the society is currently structured to recognize or acknowledge that they have a role in the oppression people experience, and therefore a responsibility in eliminating that oppression. People think they can't be agents of oppression because they are nice people. I know this is untrue.

Consequently, the notion of reconciling the "haves" (those with power and privilege) and the "have nots" (those who are marginalized, oppressed or disadvantaged) is a misnomer. We are not talking about bringing people together who have ever been together in a mutually beneficial way with equal power or control in our society. At best, since this relationship has never existed, we can aspire to have people who are in power, have privilege and control our institutions to gain more insight into the nature of oppression and all its manifestations. Until powerful people are willing to relinquish some power and control, to believe they have some self-interest in valuing the right of those less powerful to have more self-determination and control, there is no hope for reconciliation.

Until people who are oppressed undo internalized oppression, gain a greater sense of their individual and collective power, and have some basis to trust those in power (or are organized to force those in power to change), the prospects for coming together across lines of difference is slim. People on both sides must be transformed to take on the difficult work of transforming societal institutions. Only then can we hope for a more humane and just society where everyone is valued, protected, and has a decent quality of life.

In this process, I was proud that both the Commission and its staff agreed that we needed to engage in anti-racism training as a part of our work, and that we decided intentionally to have the final report provide an anti-racist perspective. We are clearly at different places on the path of undoing the effects of living in our toxic society. It is my prayer that we, along with the Greensboro community, will accept the ongoing challenge of being the change we seek in others.

Sometimes our personal values are inconsistent with or don't fit other people's reality. If you can imagine, in 47 years I have never been in a physical fight. I have often thought of myself as a nonviolent peace-lover. While I never used the word pacifist to describe myself, that would probably have been an appropriate term until I found my personal inclination in stark contrast to the historic and current realities facing many people living in poor, oppressed communities. This contradiction became more pointed as I vigorously debated my sister Commissioner, a self-described pacifist, about my emerging belief in the *necessity* of armed self-defense.

I conceded in our Commission report that if the Klan/Nazi and Communist Workers Party members had not had guns that November day, there would probably not have been fatalities. However, I could not agree that the presence of guns in *all* situations means that violence is inevitable. In fact, I know that

in the past, Klan attacks on African-American families and communities have been averted because the Klan realized the people they were prepared to attack were armed and fully prepared to defend themselves. In these instances, I know violence and death were prevented because those targeted for violence were armed.

While I support gun control, I am aware that a realistic approach to decreasing gun violence must go further than just implementing laws that would not impact those who have guns illegally. I know that countries with broad gun control have less violence than we do in the United States. Nevertheless, we live in a country where force and violence are used to dominate and exert power. I would like to see us become a pacifist nation where gun violence and crime are eliminated. However, I have been convinced by this and other experiences that until we live in ***that*** society, there are those of us who must exercise the right of armed self-defense.

Because it looks good to you, doesn't mean it is good for you. When people go to Wal-Mart and other "big box" stores to get cheaper prices because it is economical, they are participating in their own oppression. The equation goes something like this:

- Wal-Mart and other big box stores provide cheaper prices by purchasing massive amounts of foreign-produced items where cheap labor makes the item more affordable to U.S. workers.
- U.S. workers need to purchase cheaper products because of declining wages and U.S. job loss due to production of goods being moved out of their communities to foreign countries.
- Wal-Mart's massive purchasing power (because they have thousands of stores) and their ability to sell cheaply means that locally owned small businesses can't compete, so they have to close. This means a loss of locally owned business whose profits stay in the community, and a reduced tax base.

So what looks like a good deal – cheap prices at Wal-Mart – is a bad deal in the long run when you factor in the negative consequences for the local economy.

What does this have to do with the Greensboro Truth and Reconciliation Process? Several people who should have or could have participated chose not to do so. On the surface it looked like it would be a "*good"* thing to shun the process because they would not have to overcome their fear of economic reprisal, violent attack, or being perceived as providing support for an initiative they thought involved or was controlled by someone who, in the eyes of some, is a social pariah, namely Nelson Johnson.

In reality, the Greensboro Truth and Reconciliation Process has been a bold experiment – the first of its kind in the United States. It has the potential to be the catalyst for serious social change in Greensboro if people across the city take the risk of reading the report, dispel long-held myths about Nov. 3, 1979, and assume responsibility for implementing one or more of the recommendations. My participation in this process has been nothing less than a life-changing challenge. I have met people who will no doubt become lifelong friends and allies in my journey toward social change. I have had to confront fears and weaknesses, even as I had the opportunity to offer my gifts and strengths to the process.

I've thought a lot about this notion of people participating in their own oppression.
Throughout this process, it became increasingly clear that our work is historically important. George Orwell said, "During times of universal deceit, telling the truth becomes a revolutionary act." However, because we live in a culture dominated by those who are silent about all kinds of injustice, we allow dishonesty to prevail over truth. We need more people willing to be revolutionary and say, "The emperor has no clothes."

So, while it may have looked good to avoid this process, it cannot be good for Greensboro or any other

community to continue living in denial of the damage inflicted on masses of people when an elitist group determines what is best for everyone. It is not good for any of our communities to ignore the evil, destructive oppression that means some people will have more wealth than they can use in 15 lifetimes while others lack quality education, healthcare, decent housing, decent wages and other basic necessities. Whether we follow the dominant paradigm because of socialization or fear of economic consequences, until we are willing to challenge the status quo – working collectively with others who share our interests – the relatively few who have power will always dominate against the interests of the majority.

One final note

I hope those who were directly and indirectly affected by the events of Nov. 3, 1979, have felt respected and heard by the Commissioners throughout the process. I hope that those who have been silenced over the years – survivors, Morningside residents, Klan/Nazi members and others – have felt they benefited from having the space to tell their stories, in public or private, in their own words.

It is my prayer that the report – especially the recommendations – are read seriously, and that people will take to heart the need to implement them. I also pray that other communities will consider using this model now that our experience shows how it can bring light to a complex and tragic event in a community's life as a means to seek healing and make progress toward a more humane and just society.

Patricia Clark

Nyack, N.Y.

Pat Clark is a consultant with the Center for Policy, Planning and Performance. She recently served as the executive director of the Fellowship of Reconciliation, the United States affiliate of the International Fellowship of Reconciliation, an organization with programs that advocate for demilitarization and nuclear disarmament, racial and economic justice, and peaceful resolution of conflicts. A graduate of Smith College, Clark previously worked with the American Friends Service Committee as the National Criminal Justice Representative, focusing on such issues as the death penalty, hate crimes, prison reform, alternatives to incarceration, juvenile justice and restorative justice. She has served as the executive director of Death Penalty Focus of California, a statewide organization working to abolish the death penalty. Before that she was director of the Southern Poverty Law Center's KlanWatch Project. Her current community involvement includes service on the boards of directors of the Southern Poverty Law Center and Murder Victims Families for Reconciliation, which she chairs. She also is a member of the steering committee of the Interfaith Coalition of Advocates for Reentry and Employment. She worked with Habitat for Humanity International for nearly three years in Africa, followed by service on Habitat's Board of Directors. She is currently a member of Habitat for Humanity's International Board of Advisors.

PERSONAL REFLECTION

Over two years ago when I was nominated to serve on the Greensboro Truth and Reconciliation Commission, I was intrigued by the idea. Having heard so much about the important roles Truth and Reconciliation Commissions have played in other countries such as South Africa, Peru and East Timor, I often wondered if a similar process could work in the United States. Given that the United States isn't noted for paying attention to international policies or processes, I was pleased that a U.S. community would be using an international model to seek justice and reconciliation. I was hopeful that if successful in Greensboro, the truth and reconciliation process might be replicated in other communities in the United States that have also experienced painful tragedies that haven't been fully examined and reconciled.

For much of the last 25 years, I have engaged in work that has included monitoring the white supremacist movement with the Klanwatch Project of the Southern Poverty Law Center, working for reconciliation on the domestic level with Murder Victims Families for Reconciliation, where family members who have lost loved ones to murder oppose the death penalty, and on the international level with the Fellowship of Reconciliation which has worked for peace, justice and nonviolence since 1914. Because of this work, I have seen incredible examples of truth-telling, transformation and reconciliation. I have seen white supremacists who have perpetrated horrific violence against communities of color forgiven and befriended when shunned by members of their white supremacist families. I've seen death row inmates forgiven by the family members of those they have murdered. And I have seen those deemed as each other's enemies work side by side for peace and justice. None of this has happened without a willingness to discern the truth, to be held accountable, to seek healing, to ask for forgiveness, to work

for transformation, to facilitate reconciliation.

In truth, I never expected to be selected to the Commission, and it wasn't until the Greensboro Truth and Reconciliation Commission was sworn in June 12, 2004, with over 500 people in attendance that I began to appreciate the magnitude and responsibility of the endeavor we were undertaking. I was struck and humbled by the words of faith, hope and support we received and began to understand that in spite of the concerns and beliefs of some local residents and prominent city leaders that this work would be a wasted effort and potentially damaging to the city's image and human relations, that for others this process was a long time coming.

As others have noted, I could not have imagined the amount of time, energy and commitment it would take to fulfill our responsibilities. There's no way we could have come close to completing the task without the amazing gifts and contributions of staff, volunteers and supporters. I often have wondered how much better the process could have been if Commissioners didn't have full time jobs and other commitments. On the other hand, I'm very aware of the number of important causes and issues people don't get involved in because of the lack of time.

The Commission has met regularly over the last two years, sifting through transcripts, watching videos, holding public hearings and sponsoring a community dialogue. This intentional act of confronting Nov. 3, 1979 and the emotions and divisions that linger in its aftermath hasn't been easy. I certainly experienced this when taking statements and seeing the raw emotions of this those whose loved ones were killed and from those who hadn't been born in 1979, but felt an incredible burden to live up to the values, ideals and heroism of those who had been fighting for justice in 1979. I experienced this with people who were afraid to talk, didn't want to dredge up the past but given the opportunity surprised themselves with how much they had to say and how much confusion and fear remains for them today.

I have had the luxury and the limitation of being an outsider to Greensboro and to North Carolina. I had the luxury of not having to deal with the local media coverage or discussions about the importance/lack of importance; the impact/lack of impact; the courage/lack of courage of the Commissioners and the work of the Commission. I had the luxury of not losing friendships because of the fear that the work of the Commission might create even greater divisions in the city of Greensboro. I've had the luxury of being in a number of national venues that have been impressed and hopeful that Greensboro might provide a model for other U.S. communities.

I've also experienced the limitation of not understanding the power dynamics of the city – in terms of politicians afraid of too close an alliance with the Commission process.
I've had the limitation of not being able to engage in the spontaneous conversations about the work of the Commission or the face-to-face feedback following the public hearings and community dialogue.
I had the limitation of not fully appreciating the challenges that face communities of color and poor people in Greensboro.

For me, the Commission has been a microcosm of the city itself, diverse in terms of gender, race, ethnicity, class and life's experiences. Many of us had to come to terms with whether we were willing to stay at the table when emotions ran high, distrust seeped in and there was no apparent unanimity in sight. We constantly had to figure out ways to struggle to have our individual voices heard for the benefit of the collective process. We had to recognize the baggage as well as the unique insights and perspectives we each brought to the process. We had to understand that racism permeates every aspect of the tragedy of Nov. 3, 1979, the city of Greensboro today and the deliberations of the Greensboro Truth and Reconciliation Commission.

We struggled over our understanding/interpretation of the information we were reviewing. We struggled

over the meaning of "truth," "accountability" and "reconciliation." Can reconciliation happen if people aren't willing to own the pain and injustice of other people? I have appreciated the opportunity to test my own resolve to stay at the table through an emotional, tedious and often frustrating process. Out of this struggle, I have developed a profound and deep admiration and respect for the other Commissioners and staff. The process has been rewarding in ways I could not have imagined.

As a result of this process, I have sensed a shift and move towards healing and reconciliation. Children of the survivors (some who weren't even born in 1979) have been able share the impact of November 3rd on their lives. Residents of the Morningside housing project where the killings took place have been able to talk about the ongoing impact of November 3rd on them. Statements of apologies and remorse have been made by both former Communist Workers Party members and members of the Klan. Some may view these shifts as minor; I'm convinced that in many ways they are seismic in that these are critical steps towards social justice transformation.

It remains apparent to me that deep seated pain continues to exist in Greensboro because the past has not been fully confronted. The Commission process reiterated for me that Nov. 3, 1979 was not /is not an isolated event in Greensboro where harm has been done. The Commission has put in a lot of time and energy to determine the truth of November 3rd, with the hope that the Greensboro community will continue the analysis and discussions. The real test of a healthy community is the ability to take a hard look at its history, practices and policies with an eye to change those things that are flawed. I hope that the Commission has helped to facilitate this and that the city as whole will look at the recommendations offered and come up with additional recommendations.

I believe that the image of Greensboro can be one where the city leads the way in dealing with the past in ways that might not only help Greensboro to reconcile but also become a strong community where people work for a common good. Doing so will also provide an incredible model for the rest of the country.

Dr. Muktha Jost

Greensboro, N.C.

Muktha Jost is an assistant professor of curriculum and instruction in the School of Education at N.C. A&T State University. Her work focuses on areas including teacher education, instructional technology, and race and class issues in education. She also is active in the Community Dialogue on Education's efforts to improve and support public schools. A native of India, Jost has a Ph.D. in instructional technology from Iowa State University, a master's in journalism and mass communications from the University of Kansas, and a bachelor's degree in public relations from Madras University, Madras, India. Her research and practice areas include responsible use of technology, especially for children, and instructional use in education, cultural aspects of technology, technology and globalization, systemic barriers in education for children of color, and attitudes toward children and families in low-wealth neighborhoods. Jost, with her husband and two children, is a-member of New Garden Friends Meeting, and the Alliance for Childhood, Washington, D.C.

PERSONAL REFLECTION

I am a Tamil immigrant from India. Although I chose the journey to the United States from home in my 20s, this two-year journey of truth and reconciliation in my 40s chose me. I knew little about the history and the politics of Nov. 3, 1979, at the time, but was motivated by a belief that true service ought to happen in immediate and real communities.

The Commission's recommendations for change are part of the report. What I want to talk about here are the changes inside me – the ways in which searching the truth about November 3rd has altered me, and the ways in which the Gandhian path of love and nonviolence to the truth helped me integrate the issues surrounding November 3rd.

Some of the issues related to November 3rd were closer to my professional and personal life than others. As a native of a country with two states that had viable communist and leftist governments, I hold a somewhat neutral and less fearful perspective of communism. As a graduate student in the Midwest who engaged fully in a campus-wide protest against Klan presence on campus, I bring a partial understanding of Klan ideology and terrorist history. As an education professor in a historically black university, I constantly struggle with the stark race and class inequities in education, both in public school classrooms as well as in higher education, and the constitutional and legal roots of such inequities.

My engagement with white America is just as deep. I developed a friendship with my husband, who is white, over hours of conversation on the Klan issue on campus where we were graduate students. I worked and earned two graduate degrees from two predominantly white institutions. I lived, worked and raised children in predominantly white Iowa for 10 years. Like most people of color, I have a double consciousness about me from living in a monocultural society like America.

Part of this double consciousness is a consciousness about race. Although India is not exempt from discrimination and bigotry, I had no race analysis or identity until I landed on U.S. soil. The unfolding and understanding of race and poverty as consequences of the predatory game played by Europe for nearly 500 years in the name of colonialism is an earth-shattering and soul-wrenching exercise for people of color.

I was no exception. It was as if I had been seeing the world with one eye open and one eye closed. Since my work with the Commission, my vision of the world is different. I have depth vision. I now understood that when the world spoke about values, it was white values, and that "for the people, by the people, and of the people" really meant for the (white) people, by the (white) people, and of the (white) people. The index of humanity in such a context is a sliding scale based on race and color.

Part of this double consciousness also includes the sorrow from knowing that most people and communities, especially people in power, would have a blind spot when it came to these truths. It has taken me two years of work in this TRC process to see that the blind spot is caused by a lack of awareness and understanding of the history of people of color. What in the past was celebration, conquest, entrepreneurship and adventure for white communities now translates to indescribable loss of property, culture, language, lifestyle, values and self-respect for people of color.

When we talk about race and class inequities in the graduate classroom, we engage in a visceral experience that enlightens all participants regardless of race. We play a game of staggered Monopoly where some people start and play the game for a while before the others join the game at different points. The result is always the same. Those who start first are always the winners. Of those who start late, some play a spirited game of catch-up that keeps their finances barely under control while others are forced to wish for landings in prison in a quest to avoid paying rent.

After such an exercise, both white and black teachers agree that the race can never be equal because of the history of the race. After such an understanding, troubling current realities like the achievement gap, the disproportionate suspensions of black males, the disproportionate labeling of minorities, the school to prison pipeline, etc. all seem like natural consequences to a system built on unfairness and injustice.

The world has seen more than 20 truth commissions and the majority of them were put in place to explore the truth behind dictators and militaristic systems. What's invisible here is that the majority of the commissions were also put in place in countries and cultures that were brutally colonized, thus creating the instability and disparities that supported dictatorships and military regimes.

The experience of searching for the truth around November 3rd has been a toxic one. To talk about race, class, police, capital and labor all at the same time is not just divisive, but is a splintering and shattering activity that can leave you standing on a lonesome precipice for a long time. Such times and places help you either cling to your values or abandon them. What does it mean to hold all the above personal truths on one hand, and to believe in love, nonviolence, soul-power, and satyagraha on the other? (Satyagraha is a way to approach conflict and resolve it nonviolently, on many levels of human interaction.) What is it to judge violence and aggression without degrading the humanity of the wrongdoer? What is it to be true to your own experiences as well as honor the realities and conflicts of others?

As someone least familiar with the judicial system, I've spent hours attempting to understand the verdicts of the court cases, which shattered the community as much as November 3rd itself. I often resorted to examining the "first principles" about institutions. What is the "first principle" about the judicial system? Justice for all. What is the "first principle" about law enforcement? Safety for all. What

is the "first principle" of community? A place to belong, for all. I'm convinced that every one of these "first principles" were at least compromised, if not grossly violated.

Gandhian perspectives such as the following offered me clarity and conviction – a platform for some clean air as I was swimming in the toxic and confusing world of prosecutions, juries, plaintiffs, self-defense and footage of legalese. After a particularly difficult case that Gandhi persuaded to be settled out of court, he said, "I had learnt the true practice of law. I had learned to find out the better side of human nature and to enter men's hearts. I realized that the true function of a lawyer was to unite parties riven asunder."

We are all torn apart in so many ways and in so many directions because of the past. That we lack a shared understanding of what happened in the past splits us farther apart. Without that shared awareness of the past, we lack the vocabulary or the language that we need to speak together. To speak respectfully about differences and the conflicts that arise out of those differences, we do need that common vocabulary.

A good example is the vocabulary related to race and racism. People of color didn't assign race identities to themselves. It is a labeling of humans that was created and maintained for the sole purpose of maintaining a system based on white privilege. The stinging truth is that the inherent and unearned virtue of humanity is apportioned based on skin color. When we talk about race and racism, we are engaging in a deeply painful conversation about the poison in the system for which we must develop an immunity from birth. Antiracism is the antibody to our survival. To dismiss that conversation with references to using the "race card" is to use white privilege to end the conversation, and simply ups the venom in the system.

November 3rd was not an isolated event. It is the consequence and a culmination of the "rifts" that were in our midst, and of the inability to speak together about it. In retrospect, November 3rd deepened the rifts and created canyons of mistrust, anger, hostility and sorrow. While I hope that our work helps bridge some divides, I am somewhat skeptical. I am skeptical because the foundation of November 3rd is the foundation of all division: race, racism, colonialism, labor, white privilege and inequities. The harm of colonialism and racism cannot be undone in two years.

We all want to move on, but to move on without a significant pool of people is an inhuman endeavor. The efforts to reconcile and move on must match the effort that it took to divide, and that's why I'm not a big supporter of programs and activities that simply bring different people together for a short while in some sort of celebratory note. We must first ask why people of all races and ethnicities are not natural neighbors. It's easy to say that we "love our neighbors as we love ourselves" when we know that the system ensures that our neighbors look like us.

One of my own "first principles" is to lead my life in a way that affirms the humanity of everyone. If your professional and personal life involves speaking your truth as a person of color, then you know that it's a tall order. Yet, it must be done. The GTRC process did strain and stress my own "first principle."

I was especially tested in Klan-related issues and issues of free speech. I had no problems seeing members of the Klan as human beings who at some moment of vulnerability adopted a deeply inhuman philosophy. What I had problems with was the fact that they acted repeatedly on their philosophy for more than a hundred years and took thousands of innocent lives. What I had serious problems with was the fact that the Klan was allowed by communities and institutions to carry out its actions of hatred and murder with no consequences.

It was that systematic and collective action that went unchecked that pitted me in a deep conflict with myself. How could they snuff human lives in such a gruesome manner and be allowed to walk away as

if they had only engaged in some boyish act of truancy? What is the nature of the illness in a community that allows such evil to be committed against groups of people? What does it say about the heartless arrogance of a system that never apologizes for the wrongs, for the genocide, for the lynchings, for the deaths?

Communities shape humans just as much or more as individual humans give character to a community. What is our share of the blood on the hands of the Klan?

One of the Klansmen, Roland Wood, gave us a statement (details are included in the report). I left that meeting with two thoughts: Roland Wood could be the middle schooler in our schools today, confused and bewildered by differences, economic hardship, rifts and silences in the community, and with the potential to get pushed into simplistic solutions to discomfort, blame and hatred. My second thought was that as Gandhi said, hatred, oppression, and injustice hurt and destroy both sides.

The findings of the TRC process for me are quite sinister. Rifts among people ended in death. Institutions failed the promises of their first principles: the courts failed to serve justice to the people, the police failed to protect, and the leaders simply asked the people to keep believing in those institutions. The community for the most part failed to make institutions accountable.

The sheer numbers of massive democracies make accountability a hard problem to understand, much less resolve. Here I offer Gandhi's spiritual teaching behind nonviolent noncooperation: "As long as a people accept exploitation, both exploiter and exploited will be entangled in injustice. But once the exploited refuse to accept the relationship, refuse to cooperate with it, they are already free."

What we need is a vision of our character as citizens and of the character of the institutions that are supposed to serve the interests of all citizens. Without such a vision, and collective action based on that, we will all perish.

Angela Lawrence

Greensboro, N.C.

Angela Lawrence is a counselor, certified nursing assistant and community activist with a long history of work focusing on education and neighborhood development. She is an advocate for children in the public schools and a priestess-in-training, focusing on aspects of Yoruba culture including rites of passage, self-sufficiency and sisterhood. A former residents council vice president of the Ray Warren Homes public housing community, Lawrence's experience includes serving as a cheerleading coach, as a relocation assistant for Montagnard immigrants and as a caregiver for the elderly. Born and raised in Greensboro, Lawrence graduated from Page High School and earned her CNA license from Guilford Technical Community College, where she currently is pursuing a degree in psychology.

PERSONAL REFLECTION

Before I was nominated, I had not heard about the Greensboro Truth and Community Reconciliation Project; therefore, I feel I have a fresh perspective coming in. The swearing-in ceremony is when I realized the magnitude of the task before us. I could not understand why everyone was so grateful to us and we had not even begun our work. I better understand why now.

Initially, I feel as if we spent a great deal of time focused on logistics. Although these logistics were necessary, it would have been great if these things were in place for us prior to our swearing in. For example, our first difficult task was to find money to support our efforts. Next, we had to find office space to accommodate the work of the Commission. This task wasn't as easy as one might think. We differed in our opinion about location, but we came to a consensus. This was the beginning of us learning how differently we perceived things – from location of office space to the details of our findings.

The next major task for us as a Commission was hiring our staff. This was a tedious, but important process. By the time our staff was hired, we were well into the time allocated to us to complete our investigation.

The next phase of our process involved statement-taking from the community which included walking door-to-door to talk to people about their knowledge of November 3, 1979.

I know there were times when the media and the community felt isolated from the process. However, the complexity of our work forced us to focus on so much documentation, film footage, reading materials as well as having conversations in our everyday lives with people around November 3, 1979, that to open up our findings prematurely for review could cause more damage than good. The public hearings were a time for the community at large to be present while experts, victims, survivors, perpetrators, and others shared their perspectives.

As a commission, we are from different walks of life. I brought a grassroots perspective to the Commission. My commitment to this process was informed by truth, life and survival not by degrees, paychecks or common organizational structure. There were many times when I felt like I stood alone

and advocated for a different perspective that was not the status quo.

My plight is for the well-being of people of color. November 3, 1979, was just one of millions of acts of violence perpetuated by racism, hatred and greed. For me, the outcome of the three trials confirmed the acceptance of this type of behavior by those in power in our society. Thus the need for a democratic process such as ours, not governed by any legal body.

Even through this process, trust was not established between the police department and the community. Where is trust to be found when the police used intimidation tactics to try to stop our community forum from happening? In addition, their surveillance of this process instead of participation adds to a climate of mistrust.

Our being in this process 26 years after the tragedy occurred speaks to the necessity and importance of truthfully facing the past - no matter how painful – to holistically move forward. I do not have any unrealistic expectations of people in power positions to jeopardize their privilege by admitting their wrong in this and many other tragedies. However, I challenge the citizens of this city to form relationships with people from other parts of the city to dialogue and act on this and other injustices. We should reclaim power as a people and hold our elected officials as well as agents of the city of Greensboro accountable for their actions or lack thereof.

I am aware of the responsibility I hold as I stand on the shoulders of my ancestors to seek truth, educate, fight injustices and provide an unshakeable foundation for future generations. I carry with me everyday in this walk the lessons instilled in me by my elders and mentors that have transitioned: Ervin Lee Brisbon, Mother Constance Lane, Renea Means and my grandmother, Inez Harvey Lawrence. I am grateful to my mother, Hattie Lawrence, my father, Thomas Lawrence, and my aunt, Dorothy Lawrence, Uncle Ben, and Aunt Brenda for molding me into the strong woman I am today.

There is a community unseen by many people that supports me in my endeavors. To name a few: my daughters, Mercedes Neal and Shantaye Swaringer, my sons, Tony Neal and Jerry Neal, my sistah Ayorinde Onasile, my spiritual family, my dear friend Gladys Smith, Caitlin and Matthew Spencer, Valerie and Todd Warren, Brian and Heather Kilpatrick and my Racial Justice Network family, I love and appreciate you all.

To our magnificent, diligent never-wavering staff, I am eternally grateful for you.

While I may not have the material wealth to leave behind, I shall have a legacy unscathed and a light that will forever shine in truth.

May the spirits of Sandra Smith, César Cauce, Dr. Michael Nathan, William Sampson, Dr. James Michael Waller rest in peace.

Atty. Robert Peters

Greensboro, N.C.

Robert Peters is a retired corporate attorney who spent more than 40 years with eight different companies in the AT&T system. A Michigan native, Peters has an electrical engineering degree from the University of Detroit, a law degree from Georgetown University and a master's of law from George Washington University. He was admitted to practice law in the District of Columbia, New York, Pennsylvania and North Carolina, and has lived and worked in many different states. While living in Pennsylvania he was the recipient of an award for providing ten years free legal services to people of color and the poor. After retirement he worked for several years on litigation for AT&T and Lucent, and also taught Commercial Law and Intellectual Property for AT&T in a joint venture with Arizona State University. In addition, he works part time as an arbitrator for the N.C. District Court and the Better Business Bureau. As a volunteer, he interviews applicants for undergraduate admission to Georgetown.

CONCURRING OPINION SUMMARY

Introduction

Seven Commissioners with racial, socio-economic, religious, professional and sexual diversity were selected to serve on the Commission to examine the November 3, 1979, shooting deaths of five victims (four white men and one African-American woman) and the injuring of at least ten others in the short time span of 88 seconds. Much agreement exists with the Final Report among the Commissioners. However, in view of these diverse backgrounds and the controversy surrounding this tragedy, understandably some different perspectives developed. I, as the only attorney on the Commission, have a perspective that differs in some respects from that of the majority of the Commissioners. My perspective is set forth in this summary as an opinion that concurs in part with the majority.

My principal conclusion is that many critical mistakes, missteps, poor judgment and wrongdoing occurred on November 3, 1979, with deadly consequences. However, the main wrongdoing must lie with the Nazi/Klan due to their violent hate language and their use of excessive force in the deaths and injuries. My conclusion is based on evidence, including among other items, videotapes made by several TV stations, available at the time of the capital murder trial of the Nazi/Klan for the killings and injuries.

Three trials resulted from this tragedy, and a more complete analysis of these trials and related facts was simply not possible with the limited time (almost two years) and other resources available to the Commission and its staff.

Goal: Healing, Reconciliation by Truth

Principal question: What do I want from the Commission? I want to affirm and emphasize the first

intention of its Mandate. That is, I want "Healing and reconciliation of the community." And this can be achieved by examining and acknowledging the truth about the November 3 tragedy in an impartial and balanced manner.

Why is the truth important? Because by examining the truth, a lot can be learned. And hopefully with the benefit of this truth, we will learn to avoid some of our past horrendous mistakes, missteps, poor judgment and wrongdoing.

Further, by acknowledging the historical truth, including the pain and suffering of the victims, healing and reconciliation can start.

Also, I want a process that is "fair, balanced and open" in the words of Judge Lawrence McSwain, who asked me to serve on the Commission.

I am hoping that we can make some strides toward uniting disparate parts of our community to make it a better place for all of us. I want what's good for Greensboro.

What I don't want is to punish anyone for what happened 26 years ago, for our Mandate is not for the purpose of exacting revenge.

Truth

In seeking the truth about the November 3 tragedy, much effort was employed, especially by a highly dedicated and capable staff and many volunteers. I especially applaud the efforts of both our Executive Director and Research Director who often worked eight- to 16-hour days, seven days per week for over a year. About 200 interviews were held and statements taken from a variety of individuals, and six days of public hearings and several public dialogues were held.

All those who gave statements, including those publicly made at the six hearings, appeared to be sincere and credible despite different viewpoints. In a professional and apparently objective way, many presented different perspectives, bringing some skeptics to believe in the process. One can not help but acknowledge and be moved by the often passionate, heartfelt expressions of pain, suffering, isolation and trauma. Many have stated in deep emotional terms the effect the November 3 tragedy had on them, even though it was 26 years ago. Nor can one help but be sympathetic to the victims, their families and the residents of Morningside Homes where the tragedy occurred. Only victims can truly understand their own sufferings. One must recognize some of the moral goals (not the violent ones) of the Communist Workers Party (CWP) and its predecessor, the Workers Viewpoint Organization (WVO). These included working for racial and economic justice.

I, among others, spent many hours with the prosecutors, defense counsel and the judge in the capital murder trial. In my opinion, they displayed acumen, professionalism and dedication to doing the best possible job with a high profile case fraught with extreme emotions and controversy. In particular, about five lawyers on opposing sides of the murder trial characterized the judge, James Long, as the epitome of fairness. The prosecutors expended much effort to convict the Nazi/Klan, working seven days per week, eight to sixteen hours a day for an entire year. Despite claims to the contrary, Judge Merhige, Jr., a highly respected U.S. District Court judge, concluded that claims of "false and inflammatory public statements" made by the District Attorney were not sufficiently supported by the facts. I believe any rumors that the prosecution did not want to see the Nazi/Klan defendants convicted must be dispelled as false.

Counsel for the plaintiffs in the third trial exerted extraordinary effort, passion and dedication to win

substantial damages for the families of the victims.

Of the six defense lawyers appointed by the Chief Judge of the local District Court from his list of available lawyers, two of the most highly respected and most successful criminal defense lawyers in Guilford County were selected to defend the six indigent Nazi/Klan defendants. All six lawyers were required to serve for the minimal statutory legal fees. While counsel vigorously defended the Nazi/Klan to make certain their Constitutional rights were not infringed, they were vehemently opposed to the principles and actions of the Nazi/Klan. So far as could be determined no one other than Nazi/Klan members supported the Klan. Even those belonging to a despicable organization such as the Nazi/Klan and charged with serious crimes are entitled to effective representation under our justice system.

In addition, many documents, including some trial transcripts, newspaper articles, various texts, etc. were researched primarily by our Research Director and others under her supervision. Some trial transcripts were destroyed or otherwise unavailable. However, with over 300 feet of documents, obviously all documents could not have been researched. One text that appeared to me to be impartial was Code Name Greenkil: the 1979 Greensboro Killings (1987) by Elizabeth Wheaton, who was in daily attendance at both of the federal trials. This text was read by at least some of the Commissioners and staff and referenced in some of the Commission's source materials (*e.g.,* the legal analysis of the trials by the University of Virginia School of Law).

As a result of the statements, documents and other evidence, I became aware of multiple truths, all deserving of respect. In my opinion, there is nothing wrong with different points of view and even disagreements that give rise to multiple truths. These differences, rather than being detrimental to the process, are an important benefit for it. They challenge and enrich us as we strive to learn the truth about the November 3 tragedy. The Commission's independent and impartial view of these multiple truths will not satisfy everyone. Nothing will. Regrettably, many people will only believe what they want to believe; they will not be open to the truths of others.

Nevertheless, with a thoughtful analysis of these multiple truths, we were able to ferret out some common truth to develop some conclusions and recommendations.

Opportunity to be Heard

Healing can be helped by giving people an opportunity to be heard, and by actively listening to what they have to say. Of what value is freedom of speech if you do not have the correlative right to be heard?

Providing this opportunity coupled with active listening is especially important for those who experienced much pain and suffering as a result of the November 3 tragedy. In this way, we can demonstrate our caring for them and acknowledge their hurt. Our six days of public hearings coupled with our community dialogues provided such an opportunity.

Success

In my view, the major success of our truth and reconciliation process comes not so much from any final report but from the process itself. As a result of our interviews, statement taking, public hearings, and community dialogues, a number of apologies and regrets have surfaced from some of the individuals personally involved in the tragedy. Even a member of the Nazi party has expressed deep felt sorrow to the Commission and to the widow of one of those killed in the November 3 tragedy. Also, some

members of the CWP have expressed heartfelt sorrow over their words and actions in this tragedy. For example, Nelson Johnson, who was injured during the tragedy, has apologized for what happened on November 3, and he and his wife Joyce have moved beyond that event, doing much good work for our community. They have worked to improve the living conditions of those suffering from poverty and those without homes and jobs. I believe this is an important step toward reconciliation. Eventually, obtaining reconciliation can help unite our community from some of its divisions.

Mistakes, Missteps, Poor Judgment, Wrongdoing and Fault

An important part of our Mandate is to establish accountability. Clearly, nobody had a monopoly on mistakes, missteps, poor judgment or wrongdoing; many of which were critical. There are so many examples of these that it is difficult to list them all, but some of the more salient ones follow:

- The absence of the Greensboro Police Department (GPD) at the November 3 rally despite the reasons given by the police for a low profile in an African-American community, thereby failing to protect the CWP, the demonstrators and the residents of Morningside Homes.
- The invitation by the CWP to the Klan to attend the rally.
- The acceptance by the Klan of the CWP's invitation and the Nazi/Klan's attendance.
- The bringing of guns to the rally by the Nazi/Klan.
- The bringing of guns to the rally by the CWP despite the parade permit's prohibition against guns and the claimed need of them for self-defense.
- The discharging of guns by both the Nazi/Klan and to a much lesser extent by the CWP or demonstrators.
- The violent language used by the Klan, especially in view of its violent and racist background. For example, from their vehicles at the rally it was reported that the Klan shouted to the CWP and other demonstrators, "Dirty kike!" "Nigger!" "Nigger lover!" "Show me a nigger with guts and I'll show you a Klansman with a gun." The Klan also posted a "NOTICE to . . . COMMUNISTS [and] RACE MIXERS and BLACK RIOTERS, Even now the cross-hairs are on the back of YOUR necks. KKKK."
- The violent language use by the CWP; e.g., "Death to the Klan" posters and chant, "Smash the Klan," "They [the Klan] should be physically beaten and chased out of town." "Armed self-defense is the only defense." The Klan "is one of the most treacherous scum elements. …" "You … deserve the full hatred and wrath of the people." You "are nothing but a bunch of racist cowards." "Yes, we challenged you to attend our November 3rd rally in Greensboro. We publicly re-new that challenge." AN OPEN LETTER TO JOE GRADY, *et al*., Oct. 22, signed by Workers Viewpoint Party (WVO) 1979. On that date, the WVO changed its name to the Communist Workers Party (CWP). Some say the CWP did not literally mean "Death to the Klan." This moniker was just a way to express contempt for the Klan. Although we all have wide latitude in exercising our freedom of expression, nevertheless we are responsible for what we say, and we can not hide under the faulty notion that we did not really mean what we said.
- Burning of the Confederate flag by the WVO at China Grove on July 8.
- At least one of the Nazi/Klan vehicles reportedly threatening the demonstrators.
- A demonstrator hitting the trunk of a Klan car with a piece of firewood, and then another kicking at the rear and side panel of one of the Klan cars.
- The CWP's failure to effectively testify for the prosecution at the Nazi/Klan's capital murder trial.
- Two members of the CWP disrupting the capital murder trial by shouting against the trial process and the government and by leaving a vial of foul-smelling oil on the floor of the courtroom.
- The GPD, the FBI, the Bureau of Alcohol, Tobacco and Firearms failing to take their informants more seriously, not communicating among themselves about possible violence

and taking steps to prevent it. In hindsight, this failure is deemed unconscionable.

It is difficult to say which of these failures were paramount. For example, if the police had been present at the November 3 rally, arguably the killings and injuries would not have resulted. Also, if the Nazi/Klan had not accepted the CWP's invitation to attend its Death to the Klan rally, the tragedy would not have happened. If the Nazi/Klan and the CWP had not used such violent language against each other, violent actions may not have resulted. If the WVO (later changed its name to CWP) had not gone to China Grove months before November 3 and confronted the Klan, perhaps the confrontation on November 3 would not have occurred. Almost endless scenarios can be constructed of "if only." But we must conclude that many awful failures occurred in connection with the November 3 tragedy.

Also, we know there is enough fault to go around to all involved parties, but the major fault must lie with the Nazi/Klan for they are the ones who had the most firepower and used it excessively to kill five people and wound at least ten others.

The third trial, based on civil law, validated the existence of the wrongdoing by a wrongful death award against two officers of the GPD and the Nazi/Klan. While the plaintiffs did not fully achieve the results they sought, nevertheless they had some success due to a partially favorable jury verdict for damages. In this way the defendants were held at least partially accountable for their wrongdoing.

Much fault must also lie with the police. Certainly the GPD had knowledge that there was a potential for violence. Anyone with any sense would know that if the Klan is coming to counter demonstrate against a militant anti-Klan group, the CWP, the potential for violence is extreme.

Self-Defense and the Jury Verdict in the Capital Murder Trial

Probably, one of the most controversial aspects of the Commission's work revolves about the verdict of acquittal in the capital murder trial of six Nazi/Klan defendants. The defense of self-defense played a dominant role. Based on the following, I disagree with the verdict.

On this issue, we interviewed lawyers who either presided over a number of capital murder cases as judges or tried these kinds of cases before a jury either as prosecutors or as defense counsel. The interviews also included the plaintiffs' lawyers in the civil law trial (the third trial). Time was also spent with a criminal law expert with teaching and defense experience and a civil law expert also with teaching and trial experience.
In addition, much time was spent researching the facts and law on the issue of self defense. Many times we viewed videotape of the November 3 tragedy made by cameramen of four TV channels present at the tragedy. Some of the available trial transcripts were reviewed.

In my opinion, the facts surrounding the issue of self-defense are at best murky. Abundant provocation permeated both the Nazi/Klan and the CWP. The impact must be considered from the standpoint of both common sense and the law of self-defense.

To describe some of the provocation: months before the November tragedy, both sides used violent language against each other at China Grove, the Klan displayed guns there, the CWP (then known as the Workers Viewpoint Organization) claimed in a leaflet that they were armed with rifles. The WVO also burned the Confederate flag (a symbol of the Klan). It is believed the presence of the police prevented actual violence between the parties at China Grove. The China Grove confrontation set the stage for the later violence on November 3.

Other provocation resulted from the violent language used in connection with the November 3 tragedy,

as previously explained.

Still other provocation is believed to have resulted from the Nazi/Klan; even though invited, they drove their caravan of vehicles into a predominantly African-American neighborhood at the November 3 rally. And the Nazi/Klan shouted racial slurs at the demonstrators, which included members of the CWP and a number of African Americans. Evidence of provocation includes a report that one of the cars accelerated and swerved erratically towards the demonstrators. Not clear is whether this was done to close a gap between cars or to pass cars or to intimidate the demonstrators.

Evidence of other provocation includes demonstrators hitting the Nazi/Klan vehicles with two-by-two inch sticks and firewood, kicking the vehicles and trying to open the vehicle doors.

One defendant said he fired several shots in the air. While some called these shots "friendly," it's reasonable to conclude that the white Nazi/Klan provoked the demonstrators by firing these shots in an African-American neighborhood.

One woman in one of the Nazi/Klan vehicles was frightened by the violence against the vehicle and started screaming. One member of the Nazi/Klan yelled "my wife's in one of those cars," and a group of Nazi/Klan got out of the vehicles and engaged in a stick fight with the demonstrators.

Then, according to their sworn testimony, the defendants did not carry guns when they got out of their vehicles to engage in the stick fight. While engaging in the stick fight, the defendants testified that the demonstrators were the aggressors and they pointed guns and fired shots at them; whereupon, they went back to their vehicles, got their guns and returned gunfire in self defense.

Since the CWP and other demonstrators refused effectively to testify in this case, their testimony was unavailable to contradict the defendants' testimony.

A person who starts a fight and kills another in the process can't claim self-defense. In this case, each side provoked the other side. The defendants testified that the CWP and other demonstrators provoked them and started the fight by beating and jumping on their cars and pointing and shooting guns at them. But there was some contradictory evidence by cameramen at the site.

What role did this provocation play in determining who started the fight? As to the violent provocative language, it is not clear who shouted what first. Also, another problem is that the precise sequence of events and who started the fight is not clear. Was it white Nazi/Klan men driving their vehicles in an African-American neighborhood in response to an invitation and yelling racial slurs at the demonstrators? Was it the Nazi/Klan firing the first shots into the air? Was it the Nazi/Klan vehicles used to allegedly threaten the demonstrators? Was it the demonstrators kicking the Nazi/Klan vehicles and striking them with sticks and firewood? Was it pointing and shooting guns at the Nazi/Klan as they testified? Who started the fight was a question of fact for the jury to decide.

The judge was faced with the Nazi/Klan defendants' testimony that the demonstrators provoked them and started the fight. Some witnesses such as cameramen from the TV stations testified against this Nazi/Klan testimony. But as indicated the CWP refused to testify. Also, physical evidence was admitted in the trial in the form of videotapes, tending to show that one member of the Nazi/Klan fired the first shot by discharging a black powder pistol into the air. This arguably was further evidence that the Nazi/Klan started the fight. But an FBI expert witness stated in sworn testimony later shots came from locations of the CWP and demonstrators. Hence, the judge was left with conflicting evidence as to who started the fight. Further, when there is conflicting evidence, the judge must construe it favorably to the defendant in a criminal trial in deciding whether to submit the evidence as a question of fact for the

jury's decision. The judge can not decide such conflicting evidence, for if he did he would be usurping the prerogative of the jury. Hence, the judge submitted the fact question to the jury.

To convict, the prosecutors had the burden of proving, among other things, the absence of self-defense beyond a reasonable doubt. And the verdict of all 12 jurors had to be unanimous. Ultimately, the jury acquitted the defendants.

I appreciate that it is easier to be critical than to be correct. Nevertheless, as a result of this research effort, I have concluded, as stated above, that I must disagree with the jury verdict of acquittal in this case. However, as a matter of fairness my opinion (and that is all it is, an opinion, and not fact) must take into account the following: (1) my lack of first-hand knowledge by my failure to be at or near the scene of the killings, (2) the voluminous, complex and confusing facts and opinions surrounding this case, (3) the more than 26 years since the killings, (4) my failure to attend any part of the capital murder trial that lasted over 20½ weeks (including over six weeks of jury selection), (5) my failure to review the over 10,000 pieces of physical evidence used at the trial, (6) my failure to review the complete transcripts of the trial, (7) the unavailability due to death or otherwise of individuals involved in or familiar with the circumstances of the case, and (8) the Commission's time constraints and lack of resources.

Judge Long who presided over the trial indicated that the case was properly presented to the jury. He concluded that there was enough evidence to convict as well as enough evidence to acquit.

I conclude that based on the evidence, especially the videotape (available at the time of the trial) that the Nazi/Klan used excessive force and this would have at least subjected them to the felony of voluntary manslaughter.

Conspiracy

Much has been written and spoken about conspiracy in connection with the November 3 tragedy.

Under North Carolina law a conspiracy is an agreement between two or more persons to commit a criminal act or to commit a legal act in a criminal manner. It is a specific intent crime that requires the alleged conspirators reach a common objective or understanding of the scope of the conspiracy.

The first step is to determine the persons about whom conspiracy is alleged. These persons include: (1) the individual Nazi/Klan members among themselves, (2) the Nazi/Klan members and the officers of the GPD, (3) the Nazi/Klan members and the FBI, (4) the Nazi/Klan members and the Bureau of Alcohol, Tobacco and Firearms, (5) the Nazi/Klan members and the District Attorney's Office.

With regard to the above parties, to find a conspiracy to commit riot or murder (or one of its lesser included crimes) facts (not speculation or conjecture) are required which demonstrate an agreement between or among the parties to riot or kill the CWP. The agreement can be express or implied from the facts, but objective manifestations of the agreement must exist.

While speculation and rumors abound, after much research I have found no evidence which, in my opinion, would support conspiracy to commit riot or murder. Arguably, the Nazi/Klan among themselves conspired to commit a misdemeanor by agreeing to throw eggs at the demonstrators. This agreement might be inferred from their plans and purchase of several dozen eggs on their way to the rally. Although before it in the federal civil trial, the jury of six, including one African American who was foreman, did not find a conspiracy.

When the Nazi/Klan defendants were being tried for capital murder, with the possibility of death penalties, the prosecutors would have diluted their case by trying the defendants for a misdemeanor. Further, the prosecutors convincingly stated that separate interviews of each defendant indicated the defendants did not conspire to commit riot or murder. For the prosecutors to indict for this crime in the absence of evidence would have been unethical.

Before and at the time of the November 3 tragedy, a number of circumstances existed that created a strong belief among some that the GPD, the FBI, the Bureau of Alcohol, Tobacco and Firearms were complicit in not taking appropriate action to prevent the killings and injuries. These circumstances include the pervasive environment of anti-communism, these government organizations not taking their informants more seriously, and not communicating effectively among themselves about possible violence. While this belief is understandable in view of these circumstances, I have not been able to substantiate any such complicity. But that does not mean that such did not exist; it simply means that with the limited time and resources, I was not able to substantiate such complicity.

The Justice System

I have a profound respect for the Rule of Law, for in its absence we only have the Rule of the Gun, the Rule of the Dictator, the Rule of the Street Mob, or the Rule of Anarchy. But we must recognize the shortcomings of law and of law enforcement. Just because something complies with the law, doesn't mean it is necessarily right. Sometimes the law is wrong, sometimes it's unjust and sometimes even if the law is just, it's application is unjust. Sometimes, you must act contrary to the law and suffer the consequences.

No reasonable person will deny that shortcomings permeate the law. We have too many examples from our history to list them all, from the Jim Crow laws of the past, the lack of equal protection of the law for African Americans in schooling to the more recent laws that made it permissible for trial counsel to exclude African Americans from a jury because of their race, as was the case in the first trial for capital murder. In that trial the prosecution had accepted 31 African Americans for jury duty. But the defense dismissed them probably because of their race by using its 84 peremptory challenges leaving an all white jury. This was entirely legal at the time. This shortcoming was not corrected until the U.S. Supreme court handed down the Batson case in 1986.

Martin Luther King reportedly said that under an unjust law, the only place for a just man is jail. When we isolate an unjust law, we must all work for a solution; we must strive to change laws that are wrong – an ideal goal which may never be reached but that doesn't excuse us from trying. A benefit of a representative form of government is our ability to seek redress through our legislatures. A public grassroots protest may be one way to seek change. But we still need the Rule of Law, for the alternatives are not options.

Regrettably, in the past the justice system has failed African Americans, the poor and the labor movement, and some of these shortcomings remain today. Timothy Tyson well documented a glaring example of such failure in North Carolina in his book "Blood Done Sign My Name" (2004). In 1964 Martin Luther King said "The struggle to eliminate the evil of racial injustice constitutes one of the major struggles of our time." All one has to do is read the newspapers or watch TV to realize that events of racism are alive and well today. Few reasonable people will ever deny that African Americans have been victims of slavery, victims of injustice, victims of hate, victims of discrimination, victims of the lack of equal protection of the law and victims of racism. The important thing is to recognize this, and attempt to do something constructive about it; something that will unite rather than divide.

While acknowledging racism of the past, Rev. Gilbert H. Caldwell recently indicated that we can celebrate the progress on matters of race that have taken place since his niece graduated from Grimsley High School in 1958. Also, at one of our public hearings City Councilwoman Yvonne Johnson recognized that we have made some progress on matters of race but more remains to be done.

One example of injustice of the past and progress in the future is the experience of William Bryant who was the first black chief judge of a U.S. federal district court. He said "If not for lawyers, I'd still be three-fifths of a man." He died at 94 in November, 2005.

Leonard Pitts, an African-American columnist, recently pointed out two frustrating truths on matters of race. The first: Many white Americans labor under the self-justifying fantasy that racism just up and disappeared 40 years ago. The second is that many black Americans labor under the equally vexing belief that racism explains everything, that it is the all-purpose excuse any time one of "us" gets in trouble, gets criticized or just gets rude service in the checkout line. He further pointed out that "When everything is racism, then nothing is racism."

Recommendations

The Commission has made a number of recommendations that I support. In addition, my principal recommendation follows:

- Education. Education is the key to overcoming racism and poverty. Many excellent programs already exist. We can start with programs to improve parenting. Resources should be made available to single parent families and those in poverty for this purpose. It could be patterned after MegaSkills, a parental leadership program based in Washington. A positive resource is William Raspberry's "Baby Steps" program "to renew faith in the magic of education and to spark a faith in the efficacy of community." He believes that "pulling a community together around the future of its children can do wonders to transform both." Since he presently teaches part time at Duke, he may be readily available.

  Pursue classroom programs for grades K-12 based on those of the Center for Diversity Education in Asheville. This includes diversity education programs that emphasize respect for those who are of different races and cultures, those who are burdened with disabilities, and those who have been subjected to bullying.

  In contrast to the November 3 tragedy, the book, "The Best of Enemies" by Osha G. Davidson and the documentary videotape, "An Unlikely Friendship" by Diane Bloom could be part of any such education program. This tape powerfully shows how an African-American activist and the head of the Klan reconciled and healed to improve their community.

  Educate about the history of slavery because we all live with the consequences of slavery.

  As part of this educational program, classroom anti-violence workshops should be established to demonstrate how violence is not the answer to problems. For example, violent language often leads to violent actions. What better example of this is there than the November 3 tragedy where both sides engaged in horrific violent language that led to the death of five people and the injuring of at least ten others? A workshop by Marshall Rosenberg on "Nonviolent Communication" could make a meaningful impact on the dangers of violent language.

  The life and words of Gandhi and Martin Luther King Jr. are excellent examples of practicing non-violence. Especially the words of Dr. King are exemplary. He said "Violence ... is both

impractical and immoral. ... Violence is impractical because it is a descending spiral ending in destruction for all. It is immoral because it seeks to humiliate the opponent rather than win his understanding."

Programs to Encourage Physical Proximity. Michael Battle has pointed out that such programs encouraging physical proximity can help achieve community reconciliation. We are more apt to like those we know; it's easier to dislike those we don't know. As Leonard Pitts has stated, "Isolation breeds ignorance. And ignorance unchecked, breeds fear." Often what divide us are not so much our differences, but our unwillingness to talk about them.

The Social Capital Benchmark Study, March, 2001, indicated that Guilford County ranks below national averages when it comes to trusting one another, socializing with friends and playing an active role in the political process. Social trust can inspire building relationships to work for community improvement.

Examples of social capital programs that help bring about this physical proximity include Greensboro's Mosaic Project, Asheville's companion church program and Winston-Salem's program Crossing Barriers (using artists for healing). The week of November 3 each year could be a time to recognize individuals who have increased Greensboro's social capital and to demonstrate the progress made in our community.

Conclusion

We can all agree that the November 3 tragedy resulted from many failures. However, the time has come to move on, acknowledging the past and working for a better future for all. We can't change the past but we can do a lot about the future. We can emphasize healing and reconciliation encouraged by our Mandate to improve the future by helping unite disparate parts of our community.

Rev. Dr. Mark Sills

Randleman, N.C.

The Rev. Dr. Mark Sills is executive director of FaithAction, an interfaith center for inclusive community based in Greensboro. FaithAction provides opportunities for people to form a united community of many cultures through cross-cultural education, celebration of diversity, and service to neighbors in need. Sills earned his bachelor's degree in religion and philosophy from Greensboro College, his Master's in World Christianity from Duke University, and his doctorate in comparative social ethics from the Wesley Theological Seminary of American University in Washington, D.C. Sills is the former executive director of the Greensboro Urban Ministry and former president of the Human Services Institute.

PERSONAL REFLECTIONS

I first came to Greensboro in the early 1960's in order to attend Greensboro College. It was a time of great upheaval as the city, and indeed the entire nation, was struggling to come to terms with a long history of racial oppression. For a young idealist, it was an exciting time to be in Greensboro. I not only received a first rate education here, but I also formed many of my most cherished ideals in the halls of academia, in the streets of the city, and in the various churches of the city were I worked in one as choir director, another as youth minister, and yet a third as janitor.

Later, as a graduate student attending Duke University, I continued to live and work in Greensboro, working a swing shift in the Sears Warehouse. It was there that I learned how dangerous it was to even mention the word "union." One night, after watching an extreme injustice take place, I suggested to a co-worker that we should form a union. The next day, a middle level manager called me aside and told me in no uncertain terms that to discuss unions again would end my much needed job at Sears.

In the late 1970s, I once again found myself in Greensboro, on the staff of Greensboro Urban Ministry. It had become clear to me that my ministry was to be one of serving the poor and marginalized in our society. It was my privilege to work for several years in that ministry of compassion, first as an associate director and later as executive director. Since leaving Urban Ministry, I was blessed for several years to serve as a planning consultant and trainer for health care and human service organizations throughout the United States. Now, once again I am executive director of a faith-based nonprofit that is working to bring together a diversity of people in peace, harmony, and loving service to others. It was because of my life-long commitment to bringing people together in the hopes of forming a more inclusive, just community that I reluctantly accepted a seat on the Greensboro Truth and Reconciliation Commission. It was not something I actually *wanted* to do, but with my long-suffering wife urging me on, it became clear that it was something I *ought* to do. It was evident to me that Greensboro needs truth.

Throughout my ministry, I have strongly believed in the teaching of Jesus concerning "truth." As recorded in the Gospel of John, Jesus taught that "you shall know the truth, and the truth shall set you free." However, as South Carolina writer Sue Monk Kidd, whose spiritual memoir *The Dance of the Dissident Daughter* puts it, "The truth might set you free, but first it will shatter the safe, sweet world

you live in."

Perhaps that is why so many people in Greensboro, and especially those in high and important places, have seemed somewhat reluctant to support the work of the Greensboro Truth and Reconciliation Commission. Through life experience they have discovered, in one way or another, that while truth really does free, it also dispels our most cherished myths, discloses unattractive realities, and sometimes upsets our well-established order. Life is sometimes simpler and less complicated if lived in denial.

The two years spent on the Commission have been extremely rewarding. I feel, without any qualification, that there had to have been divine guidance in the selection of the seven commissioners. None of us knew one another prior to our selection. We each have come from very different backgrounds. We are from different faith traditions, have followed different career paths, and have had very different life experiences. It would be difficult to assemble a more diverse group of people than we, even if one were to attempt such a feat on purpose. Yet, we have managed to come together to pursue a common task with mutual respect and a vibrant willingness to share responsibilities according to each of our unique abilities and skills. There were moments we would not have been able to proceed without the insights of one member or another, or without the technical knowledge of one member or another. It seemed that at each hurdle we needed to cross, there would be one among us who had the specific information, way of asking questions, or sensitivity that we all needed in order to proceed. Quite frankly, I've never in my life been so honored to have been among a group of people as I have through my participation on this Commission.

If the community was divinely guided in the selection of the seven commissioners, the commissioners were also guided by a holy hand in the hiring of staff. Among the commissioners, I was perhaps the most naïve in first thinking that we could accomplish our Mandate with a minimal budget and a part-time, mostly volunteer staff. This naïveté was soon shattered, as we began to assess the vast amount of data we would have to consider. It quickly became clear that we needed a very skilled administrator to coordinate the many aspects of our work. It was equally clear that we needed a very experienced researcher to guide us in our consideration of so much data, so many different perspectives, and such divergent narratives. We needed legions of assistants to take and transcribe statements, to sort through thousands of documents, to review hours of testimony from other sources, to organize hearings and public meetings, to review legal proceedings and make sense of court transcripts, to synthesize data from scores of sources. It soon became evident that each of the commissioners had taken on a second full-time (through uncompensated) job, and that it could have been much worse, if not impossible, had we not had the amazing staff that we were able to assemble. Now, seeing how much we accomplished with so few staff members, I am more convinced than ever that our work was directed and supported by God.

While reconciliation in our community is the ultimate goal of the Truth and Reconciliation Commission, the truth-seeking aspect of our work was what seemed, for me, to be the first order of business. I sincerely believe that reconciliation will be the fruit of the truth-telling, provided the people (and especially the leadership) of Greensboro will embrace the truth and begin reaching out to one another in honesty. However, I know that truth is not a simple thing. From life experience I have seen how complex and often confusing "truth" can be, especially when viewed from radically differing perspectives. My office and home are filled with images of elephants. It is because of my love for the ancient Sufi story about the blind men and the elephant. Each man touched the same elephant at different points, and each described as honestly and clearly as humanly possible the "truth" of his experience. Yet, in spite of touching the same elephant, for one it was like a snake, for another like a tree, and for another like a large heavy stone. Truth is often like this, and it is for this reason that we began to speak of "multiple truths."

No doubt, for each of the seven commissioners, different aspects of the truth of this tragic event emerged to dominate our own personal "sense of truth." Perhaps the most astounding aspect of this entire process has been the fact that seven such different individuals, from such different backgrounds and perspectives, having considered such a vast amount of sometimes contradictory information concerning an event that was, in itself very complex and controversial, could *essentially* agree on so much. Surely, no one of us agrees with every word in our final report, and perhaps there are those among us who disagree with the way some aspects of our conclusions have been presented. Yet, there is sufficient agreement among us that all of us felt comfortable signing our name to this historic report.

For me, the most significant aspect of our work has to do less with what happened on that fateful day in 1979, as tragic and painful as it was, than with the way in which our community has systematically failed to deal with that event, its context, and the continuing legacy of division in our community. Clearly and obviously, had the police done their job well, this tragedy would not have taken place. I think there is ample evidence to support that conclusion. To me this is the most significant "truth." Also clearly and obviously had members of the Klan and Nazi party not come to confront the demonstrators, the tragedy would not have happened. Equally clear and obvious, had the members of the Workers Viewpoint Organization (which at the time of the demonstration publicly changed its name to Communist Workers Party) not held such an event, the tragedy would not have happened.

What so often gets lost in all of this is that even if those specific shootings had not happened that day, *the conditions that led up to that fateful moment would have remained the same*. Indeed, in all too many ways, similar conditions persist to this day. Every day in our community, low-income workers suffer from unhealthy working conditions. Every day, white people wake up unaware of the vast amount of unearned privilege that benefits their lives, paid for by the persistent injustices suffered by people of color. Every day, institutions of government, including all too often those of law enforcement and justice, treat some people differently from the way others are treated, most usually in ways that benefit the well-to-do at the expense of the poor and people of color. And, as we are all too aware in this community, there continue to be serious questions about the trustworthiness of some within the police department.

I think that we can learn much from what happened in 1979, and from the way we all have responded to the effort to seek truth about that event. I am very proud of the way in which members of the Klan, former communists, widows and children of the slain, academic researchers, police officers, and ordinary citizens have all been warmly received and treated with the utmost respect. Public apologies offered by Klansmen and former Communists during our public hearings have set an example that others should note and follow. Tears have been shed as stories were told, and this emotional sharing can be the basis for the formation of open community. Indeed, the very process of truth-seeking has, in many ways, initiated the real possibility of reconciliation, not only among individual actors in the event, but throughout our whole community.

It is my sincere hope and prayer that the spiritual leaders of Greensboro will take the lead in drawing into an on-going discussion people from all social and economic sectors, so that we can have a fruitful dialogue. The issue before us is less about what specifically happened than it is about what we, as a community of caring people, can do to make sure that all people of goodwill are welcome and included in all aspects of our community life. How can we assure that no one benefits unfairly or suffers unjustly due to race, or national origin, or sexual orientation, or gender, or age, or any other external factor? How can we learn to draw on the talents and insights of all those who wish to share in the formation of an inclusive and equitable society? How can we work together to make sure our highest religious principles of just treatment, love of neighbor, and care for those who cannot care for themselves are translated into public policy and supported by both public and private budgets? What steps do we need to take to assure that newcomers, whether from across the state or around the globe, are warmly welcomed

into our community? Where there is a lack of trust, among individuals, within neighborhoods, or in institutions of power, what must we do together to create a basis of trust and respect?

I think the Greensboro Truth and Reconciliation Commission has set forth some recommendations that can guide us in a search for answers to some of these questions. Personally, I am most interested in those recommendations that really move us toward becoming a more trusting (because of having become more trustworthy) community, as well as those that address the needs of those who are most likely to suffer due to racial, economic or social injustice. In particular, I will be doing all that I can do to advance the recommendations dealing with a living wage ordinance for our city, and for those that stress the systematic undoing of racism. However, I do not intend to stop with those. My experience on this Commission has made me more committed than ever to working in my ministry and in my private life to assure that every aspect of my life is focused on the formation of a more inclusive, equitable, and just community. I invite the readers of this report to make a similar commitment.

May God bless the work we have done, and give continued guidance to those who now take our work as one tool for moving Greensboro in the direction of that holy kingdom where God's will is done.

Barbara Walker

Greensboro, N.C.

Barbara Walker is a retired manager with Wrangler Corporation and remains active on the board of the YWCA of Greensboro, where she previously served as board president, the National board of the YWCAUSA, and the League of Women Voters. Walker is a graduate of what is now Grimsley High School (formerly Greensboro Senior High School) and has an English degree from what is now the University of North Carolina at Greensboro (formerly Women's College). In addition to her work on the board of the YWCA of Greensboro, Walker was formerly a member of the board of directors for GCTV (Public Access Cable 8), and a member of the Family and Children's Services Advisory Committee.

PERSONAL REFLECTIONS

The report to the community from the Greensboro Truth and Reconciliation Commission is the product of two years of hard work. The seven commissioners took our Mandate seriously, and if we seemed to wander a bit at times, Bob Peters, one of our co-chairs, would remind us of the Mandate. We took our charge to be: to review all facts we could obtain from all sources, to ask the public for their recollections of Nov. 3, 1979, to try to reach all people directly and indirectly involved with the slayings, and, finally, to examine the aftermath. In the process we were to look for the history behind it. This led us to examine what was happening in the nation and its reflection in Greensboro. Then we examined the actual causes. What were the conditions in Greensboro for many of its citizens? At the same time we were looking for the sequence of events and the consequences of that fateful day.

But first we had to take care of business. This included: finding an office; finding a fiscal agent since incorporating as a non-profit was not feasible; hiring staff after preparing their job descriptions, then interviewing a number of good candidates; finding office equipment; and at the same time getting to know the other commissioners. This last was made much easier by the leadership of Cynthia Brown, our other co-chair.

It all seems like a hundred years ago, a time suspended in time.

I can only speak for myself but I have been through depressions, anxieties and a feeling of unworthiness to work on so momentous an undertaking. I have learned a lot about myself and it has not always been a boost to my ego. I have so much respect for the other commissioners who brought their sensitivities and life experiences to our task.

The staff has been truly remarkable. The hours and hours they have worked were killers. This was no nine-to-five job. The skills and talents each brought with them got all of us through the two years. It was easy to see they were as devoted to our mission as was any commissioner. We hired the best!

I have given much thought to each section of the report. In reading them again, I realized how carefully crafted each is. We, both commissioners and staff, spent many an hour discussing words and phrases

in our effort to arrive at as fair and balanced a statement as we could, one that would express our conclusions based on what we had learned. Sometimes this took hours. It was grueling but with much thought and focus we made it. Every section taught me something about the people of Greensboro and their characters, about Greensboro history, and about the history of the many efforts made to achieve better lives for our neighbors. Most of all I have been thinking about the nature of humanity. I have seen once again our propensity to accept a popular stance (for example, that all black leaders are communist and all Communists are bad) without giving it our own critical thinking.

One chapter in particular made an impact on me that I think will last forever. This dealt with the consequences for the victims' families, several Klan members, police officers, residents of Morningside, and others. So many people were deeply wounded, people that I had not realized were damaged until they came forward with statements either at the public hearings or in interviews. I believe each narrative served to relieve some of their hurt, frequently not expressed until they had the opportunity to talk to and through the Commission. Several spoke of their relief at finally being able to talk freely and safely about a scar on their souls. The fear they expressed is hard for me, a white woman living in my white privilege, to realize and understand. Their stories clutched my heart in a vise I think will never be released.

I have been a longtime member of the YWCA of Greensboro and its larger bodies: the YWCA of the USA and the World YWCA. I am awed by the fact that the YW can be found in 122 countries around the world. And all of us work for peace, justice, freedom, and dignity for all people. It was the YW that raised my awareness of the struggle everywhere for these four principles. And finally we work for the elimination of racism. Maybe my grounding in the YW contributed to my appointment to serve on the Greensboro Truth and Reconciliation Commission. I know the seven commissioners were chosen through a democratic process. I'm sure it started out that way but the bringing together of people of such diverse talents and backgrounds has made me wonder. I think the integrity of each of us has been our binding force.

When I was asked if I would serve as a commissioner, I knew I had no choice. This was my chance to work for something I believe in so strongly, and to give back to Greensboro something of value, to try to repay it for all the good things it has given me. Now we are done. I can not imagine ever again having such an enriching and rewarding experience.