



Greensboro Truth and Reconciliation Commission Final Report

Introduction

Failure to remember, collectively, triumphs and accomplishments diminishes us. But failure to remember, collectively, injustice and cruelty is an ethical breach. It implies no responsibility and no commitment to prevent inhumanity in the future. Even worse, failures of collective memory stoke fires of resentment and revenge.

– Martha Minow, “Memory and Hate”

In a country like ours, combating oblivion is a powerful form of doing justice. We are convinced that by rescuing the truth about the past – even a truth as hard, as difficult to bear as the one we were charged to search out – is a way of coming closer to that ideal of democracy that we Peruvians proclaim with such vehemence and practice with such inconsistency.

– Salomon Lerner Febres, President of the Truth and Reconciliation Commission of Peru, in the Preface to the Final Report (unofficial translation).

The Greensboro Truth and Reconciliation Commission’s identity and purpose are consciously modeled on – but differ from – a body of experiences of truth commissions around the world that have worked to “unbury” truths about past wrongs and to pierce the veil of longstanding denial and disregard for people who have suffered harm and deprivations of their rights. This chapter examines the truth commission idea that was a source of inspiration for the GTRC’s Mandate – exploring the common ground we share with other commissions, the courageous precedents we found in our own country, and the differences that made ours a unique process.

Common ground with other truth commissions

There are often enormous social and political pressures, or pressures that stem from the interests of specific groups and individuals, to turn the page and leave the past behind, in the name of peace or reconciliation. However, experience tells us that, generally, this will not make painful memories recede or allow a society to claim that it effectively recognizes the equal rights of all. For example, in Spain – a country often cited as the paradigm of a successful democracy that chose not to look back as it emerged from civil war and the Franco dictatorship that followed – grandchildren of victims are now pressing to fill the gaps in the nation’s official history, which skips over massive abuses and systematic crimes. In addition, Canada’s government recently acknowledged the need to document the truth and make reparations to survivors of the Indian Residential School system that forcibly removed aboriginal children from their homes, family and culture and subjected them to physical and sexual abuse during a hundred-year period spanning the 19th and 20th centuries.

From 1974, when what is believed to be the first truth commission was empaneled in Uganda, through 2005, about 40 such commissions have gathered testimonies from victims and witnesses, perpetrators and bystanders, and have reviewed written accounts and other evidence. Through their reports, these truth commissions have – with greater and lesser degrees of success – rendered insightful and more honest narratives about violent events in their nations’ histories.¹ From these experiences, we can make some general statements about truth commissions.²

Generally, when people talk about truth commissions they are referring to what are usually temporary bodies, officially sanctioned, authorized or empowered by the state. They are non-judicial in nature, and operate independently of government and other outside influences. Usually, truth commissions are created within some moment of political transition, focusing on the past and investigating patterns of abuse that have occurred over time, usually referring to violations of human rights. Typically, truth commissions complete their work with the submission of a final report that contains conclusions and recommendations.³

One of the best-known examples is the Truth and Reconciliation Commission of South Africa, which was authorized by legislation in 1995. The TRC came just two years after a new constitution marked a democratic beginning for a country that had been torn apart by the injustice and violence of apartheid. The constitution proclaimed the need to provide “a historic bridge between the past of a deeply divided society characterized by strife, conflict, untold suffering and injustice, and a future founded on the recognition of human rights, democracy and peaceful co-existence and development opportunities for all South Africans, irrespective of color, race, class, belief or sex.” In an often quoted passage that encapsulates the underlying premise of the South African Truth and Reconciliation Commission, the country’s constitution states: “There is a need for understanding but not for vengeance, a need for reparation but not for retaliation, a need for *ubuntu*⁴ but not for victimization.”

The South African TRC brought home to the world the reality of the horrific abuses inflicted upon thousands of victims. Through public hearings, family members, victims and perpetrators gave voice to their experiences of the violence against individuals that was part of the apartheid system. The TRC published a lengthy report in 1996 that contains the cumulative weight of thousands of testimonies, stories that taken together make it impossible to deny the patterns and structures underlying the atrocities – both those committed by the state against people who were standing up to apartheid, and the unlawful killings done in the name of the liberation struggle.

Other truth commissions have operated in Argentina, Chile, El Salvador, Guatemala, Peru, East Timor, Ghana, Sierra Leone and Morocco, to name some of the more prominent examples. While these truth commissions were all created through legislation or an executive decree of some kind, the GTRC is not alone in seeking the truth from an unofficial stance. As Louis Bickford of the International Center for Transitional Justice (ICTJ) has observed, such commissions “are ‘unofficial’ in the sense that they emerge from, and remain located in, civil society. They are ‘truth projects’ in the sense that they share with truth commissions the logic that by confronting the legacy of past human rights abuse and atrocity by elucidating the truth of the past, societies can build more just, more stable, and more democratic futures.”⁵

Some non-official truth-seeking processes have been similar to extensive official endeavors, and have occasionally arisen because of lack of trust in official truth-seeking. The Catholic Church’s Rescue of Historical Memory Project (REMHI) in Guatemala gathered information from thousands of victims and witnesses through its community networks. The Church initiated this work prior to that of the official Historical Clarification Commission, which some people feared would be weakened by the restriction in its mandate that required the Commission to not name names.⁶ In the Ardoyne community of Northern Ireland, victims’ family members

decided to record the testimonies of those affected by the violence in their community because they were dissatisfied with official inquiries into a series of killings that left almost 100 people dead in a small community in North Belfast between 1969 and 1998.⁷ In Brazil, lawyers and human rights groups worked together with the Catholic Church to copy documents that demonstrated large scale abuses, breaking through what had been official silence on these crimes.⁸

Truth commissions are not necessarily limited to contexts of marked political upheaval. In Australia, for example, a commission was empaneled only a decade ago to examine the policy of removing aboriginal children from their homes to be schooled in the Anglo culture, away from their own heritage, communities and families. That report, titled “Bringing them Home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families,”⁹ led to reconciliation efforts that reverberated across Australia. On May 26, 2000, an estimated 250,000 people turned out for a walk across the Sydney Harbor Bridge to support the reconciliation process on a National Sorry Day.¹⁰ This yearly commemoration continues, though many recommendations are still awaiting a response.

All of these truth commissions — whether official or unofficial, whether they emerge in new democracies or well-established ones — tell a version of history that includes the victims’ experiences and voices, recognizes their humanity and rights, and seeks to come to terms with abuse in all of its many dimensions. Truth commissions can help overcome false assumptions and myths about the past and identify policies and systematic practices at the heart of abuses. Often, governments claim that torture, for example, was the work of “a few bad apples” in the security forces. This was former President F.W. De Klerk’s contention in South Africa, but his version of history was untenable in the face of thousands of cases heard by the TRC that demonstrated otherwise.

By examining patterns of abuse, truth commissions can help a country come to terms with the dimension of what happened, which may not be readily apparent no matter how public the knowledge that some abuses were going on. For example, in Peru, the information the TRC gathered through approximately 17,000 voluntary statements, allowed the Commission to estimate that close to 70,000 people were killed or disappeared over a 20 year period by members of the state security forces or insurgent groups, about double the number usually quoted prior to that commission’s work. Information about the scale or depth of abuses can lead to other conclusions as well. When the Peruvian commission’s president, Dr. Salomon Lerner Febres, presented his TRC’s final report to the president of Peru, he said it revealed two scandals: “on the one hand, killing, disappearance and torture on a massive scale, and on the other, the indolence, ineptitude and indifference of those who could have stopped this human catastrophe and did not.”¹¹

In this way, truth commissions can help societies come to terms with how such a thing could happen and what must change in order to avoid similar abuses in the future. In Guatemala, the Commission of Historical Clarification explored a long history of marginalization of the indigenous population as part of the context that explained its finding that the Guatemalan state forces had committed genocide against the Mayan population in specific parts of the country.¹² The political elites in Guatemala have, for the most part, not yet acknowledged this conclusion, but genocide is now an accepted part of the debate about the past.

Finally, truth commissions can start to build trust among groups and across the divide of authorities and citizens, especially when the commission's report is acknowledged and treated with respect by authorities. In Chile, the president made public the Truth and Reconciliation Commission's report in a televised speech in which, speaking on behalf of the State, he begged forgiveness from the victims and stressed the need for the armed forces (responsible for most of the abuses) to "make gestures of recognition of the pain caused."¹³ This act, along with a reparations program and, eventually, prosecutions against the former dictator, Gen. Augusto Pinochet, helped the country move toward healing and a more solid democracy. In Argentina, the report of the National Commission on the Disappeared (CONADEP) became a best seller and helped to raise consciousness about the abuses of that country's "dirty war."¹⁴

We would be remiss if we failed to note that not all truth commissions are immediately successful or lead directly to reconciliation, which is a long-term and often difficult process. While the truth provides a strong foundation for forging new lines of trust and a commitment to respect for all, it is not a guaranteed result. As Martha Minow points out, "No human institutions are perfect. ... Truth commissions may be too tepid, too ineffectual, even while gathering stories of too-often silenced survivors."¹⁵ At the same time, we would be wrong to give into the temptation to say that criminal justice or reparations might, alone, deal effectively with the past. As the same author observes, "International criminal trials are marred by political wrangling, selective prosecution, the limits of discoverable and admissible evidence and the dangers of politicized justice (for example, domestic trials may be put on hold indefinitely precisely where terror has been most effective). Reparations risk trivializing atrocities and focusing on money when money can never redeem the past."¹⁶

While truth commissions can accomplish many things and set a country – or a community – on a path to a stronger and more respectful future, it is important to recognize that expectations for truth commissions can run too high. No temporary body can adequately address and redress structural divides that affect economic and power relations in a community, though they can help identify the reasons structural change is needed and point the way. Truth commissions in general, and the GTRC specifically, might be viewed most realistically as one part of a larger effort to achieve social justice, and can have the most impact when there are companion strategies underway or put in place to accomplish reform, address inequalities and deepen democracy. In some cases this takes years and even generations; when authorities are responsive and responsible in acknowledging the truth, change may be felt more quickly.

The GTRC has had the opportunity to meet with and have communication with a number of people associated with truth commissions around the world. We have been struck by the interest they have taken in our small process. From them, we have learned about the value of taking statements from a broad range of people, the positive effect of engaging the public through hearings and discussion forums, and, surprisingly often, what to expect in terms of challenges and opportunities as we moved forward. But perhaps most of all, the GTRC learned that we were not alone in the task of revealing the truth about the past; instead we joined a world in which many people are challenging unfinished and misshapen stories about past abuses and violence that continue to sow distrust and even hate in our nations and our communities today. By adapting the truth commission idea to our own conditions we were able to draw inspiration and some comfort that what seemed to be an impossible task might actually be something

we could accomplish. Along the way, we came to a deeper understanding of what a truth commission in Greensboro could add to our history.

Precedents in the United States

We believe it is important to reflect a moment on the important truth-seeking precedents that exist in the United States. We did not have the opportunity or the time to meet with people from all the various experiences in this country, but we have been inspired by many of them and pay tribute here to the spirit of truth-seeking wherever it lives in this country. These valuable precedents are reminders to us that we must learn from the violent history that has been so often ignored, denied or distorted in the United States.

One of the examples that investigated an important part of North Carolina's history is the Wilmington Race Riot Commission. This state-sponsored commission examined the events of 1898 in which white racist groups ousted a "fusionist" government that included African Americans, and brought a fury of violent hatred down on the city of Wilmington, burning out a newspaper run by an African-American man who had to flee the city for his life, killing a number of black citizens and changing the political scenery in the state for decades to come. This commission's report was published in draft form in December 2005.¹⁷ Similar cases of devastation were examined by historical commissions studying the Tulsa Race Riot of 1921¹⁸ and the events in Rosewood, Fla., in 1923. Each of these was an official body charged with examining events and creating a historical record that would break through the one-sided history that previously had been considered "the official story." All of these commissions were asked to formulate recommendations, including some measure of reparations for those affected. They differ from the GTRC and from most other truth commissions because of the length of time that has passed since the events at the heart of their investigations, but they share our concern with revealing the ways in which racism and violence, economic privilege and social class, have converged to tear apart African-American communities in particular.

These are not the only examples of truth-seeking in the United States, nor the only contexts in which commissions have operated. For example, at the national level, a government-appointed commission investigated the internment of Japanese Americans during World War II¹⁹ and President Clinton formally apologized to victims of the Tuskegee syphilis experiments and authorized a measure of reparation,²⁰ following a report on those abuses.²¹ Also, in a re-enactment of a 1946 lynching at Moore's Ford, in Walton County, Georgia, local citizens brought the truth home in a dramatic way.²² These and other efforts that take place outside of a formal truth commission process also inspire us. We join with all of these efforts to express our deep commitment to the importance of lifting up the truth in this country, even when it is painful to us.

Addressing some critiques and questions

We realize that many people have questioned the idea of a truth commission in a U.S. community. Some people have said that the Greensboro TRC is a misplaced use of a model that has primarily been used to address massive and widespread human rights abuses. Many have said that comparing the killings in Greensboro in 1979 to apartheid South Africa is a forced parallel and that the two have nothing in common. Yet, we have discovered similarities around questions of process and underlying issues.

While there is a difference in scale, much of what the GTRC has had to review is similar to incidents experienced on the local level in South Africa, where, like members of the Ku Klux Klan and Nazi party, individuals used race as a reason to treat others as less than human. We also found links between Greensboro and local experiences in Peru, where the economic and ethnic divide marked the terrain of vulnerability to violence and indifference. Greensboro's 1979 killings shared with international tragedies the pain felt by survivors, the impact on others directly involved in violence, and the unresolved nature of the legacy of these events.

The GTRC does not believe that Greensboro's tragedy can be directly likened to the thousands of state-sponsored disappearances and killings in places like South Africa or Peru, or the massive displacement, enslavement, starvation, torture and rape of women the population of East Timor faced under Indonesian occupation. But, as the president of the Peruvian TRC noted in his preface to that commission's final report, while the numbers are shocking, they are insufficient: they do not explain the inequities, the responsibility for what happened or the ways in which horror was inflicted upon the Peruvian population; nor do statistics illustrate the suffering of victims. It is this human picture at the local level that in many ways can be likened to the GTRC's exploration of restraints on labor organizing, anti-communism and deep-seated racism that were, in part, responsible for what happened here on Nov. 3, 1979.

We have been asked why a mechanism like a truth commission should apply in the United States, where no evident political transition is underway, and where there is a functioning court system and a vibrant media. We believe that, while some transitions are dramatic, like countries emerging from a civil war or a period of repressive rule, others are more subtle. In Greensboro, we believe that this effort arises out of a willingness to honestly move from a less respectful and less tolerant city to one that is more democratic and more inclusive. As Lisa Magarrell from the ICTJ has observed, "Any turn towards greater respect for all citizens of a community should be seen as a transition that can be aided by the truth."

The GTRC recognizes that for many in our society and in our community, the justice system and media are usually reliable and sufficient guarantees of respect for rights and avenues for discovering the truth about events and the people involved. This is not necessarily true for all. Even for those sectors that can reliably put their faith in the justice system and the media, these institutions are not always adequate for the task at hand. Trials are important and some criminal and civil investigations into events of our country's past continue. We believe, for example, that the successful prosecution in Mississippi of Edgar Ray Killen for the murder of three civil rights activists in 1964 was an important event.²³ Yet, even when a conviction is obtained, the limitations of the courtroom and the specific elements of a given crime may not tell us the whole story of what happened and who was involved. A truth commission like the GTRC can look more broadly at causes, context, consequences and the roles of other actors who may not have violated the law but whose actions or failures to act played an important role.

Likewise, investigative and honest journalism, as well as other means of informing the public such as documentary films, plays and other artistic expressions, are essential to our democracy and to lifting up the truth. But even a free and vigorous media reflects the opinions and biases of its time and, to a large extent, the interests of its owners. A look back years later by a truth commission may reveal a story different from the one media outlets originally told. We also believe that one of the strengths of the truth commission is that we have been able to engage many members of the community in the process of seeking and dealing with the truth in a way that is very different from the casual or momentary attention one may give to even the best reporting.

Some in Greensboro have questioned the role that the survivors of Nov. 3, 1979, played in creating the GTRC. In looking at other commission experiences around the world, including South Africa's, which has earned so much attention and credibility, we observe that those most affected – accompanied by

others who share their concerns – have almost without fail been the moving force behind truth-seeking initiatives. Truth commissions are victim-oriented – able to offer an outlet for people affected to tell their stories and to be heard in a new setting with new possibilities for understanding. But we are not victim-biased: we operate independently of the influence of the victims and their supporters. Wisely, those who crafted our Mandate foresaw that we would only truly be able to seek the truth from all sources if we were created through an independent selection process. In some ways, we are even less fettered than “official” commissions, which may feel pressured by authorities even when nominally independent.

Others have criticized our Mandate and suggested that we cannot operate as a truth commission because we have no power to compel testimonies or the production of evidence. It is true that this was a limitation, but it is one shared by a number of other truth commissions, including El Salvador, Guatemala and Peru. And where there have been commissions with greater power, often compulsion was not used. Rather moral suasion played a powerful role, as it has here, in moving individuals to come forward.

We have demonstrated this power in bringing to the table, against many dismissive predictions to the contrary, not only former communists, but former Klansmen and Nazis, residents of the Morningside neighborhood, police officers, judges, trial attorneys, city officials, journalists and citizens from all parts of the city. In the words of one attorney, we have demonstrated that this process can “begin to melt the ice” within which many in this community have been frozen and unable to reach each other.

This commission, like many others, also is unable to obligate anyone to implement its recommendations. Many truth commissions, even officially sanctioned ones, are undertaken without a prior commitment that recommendations will be put into immediate effect. Rather, truth commissions are premised on a belief in the compelling nature of the truth and well-grounded recommendations that help communities deal with that truth and turn in a new and healthier direction. As we discuss elsewhere in this report, we strive to make a meaningful contribution, and look to the community at large and its authorities to consider, debate, and implement our assessment of the measures needed.

We believe that there is a right to information – a right to the truth about Nov. 3, 1979, and its causes and aftermath – that we as citizens of a community and a nation should continue to protect and honor. We find that there is an accompanying duty to remember not only the good in our history, but our moments of shame, so that we might learn from them and seek to do better by our community in the future.²⁴ The United States often sees itself as being free from the kinds of human rights abuses that are usually brought to light when nations emerge from conflict or repressive rule. But we believe that it is important to recognize that impunity and injustice also exist at home.

We hope that our modest examination of a difficult chapter of Greensboro’s history and how those events shape the community today may serve as a profound and timely reminder of the importance of facing shameful events honestly and acknowledging the brutal consequences of political spin, calculated blindness and passive ignorance. While the GTRC recognizes the differences between Greensboro’s history and the abuses addressed by other truth commissions, we share a common aspiration: that the truth about the past will help us build a better, more just and more inclusive future.

Mandate for the Greensboro Truth and Reconciliation Commission

There comes a time in the life of every community when it must look humbly and seriously into its past in order to provide the best possible foundation for moving into a future based on healing and hope. Many residents of Greensboro believe that for this city, the time is now.

In light of the shooting death of 5 people and the wounding of 10 others in Greensboro, North Carolina on November 3, 1979, and

In light of the subsequent acquittal of defendants in both state and federal criminal trials, despite the fact that the shootings were videotaped and widely viewed, and

In light of the further investigations, passage of time and other factors which allowed a jury in a later civil trial to find certain parties liable for damages in the death of one of the victims, and

In light of the confusion, pain, and fear experienced by residents of the city and the damage to the fabric of relationships in the community caused by these incidents and their aftermath,

The Greensboro Truth and Community Reconciliation Project, including the signers of its Declaration, calls for the examination of the context, causes, sequence and consequence of the events of November 3, 1979.

We affirm that the intention of this examination shall be:

1. Healing and reconciliation of the community through discovering and disseminating the truth of what happened and its consequences in the lives of individuals and institutions, both locally and beyond Greensboro.
2. Clarifying the confusion and reconciling the fragmentation that has been caused by these events and their aftermath, in part by educating the public through its findings.
3. Acknowledging and recognizing people's feelings, including feelings of loss, guilt, shame, anger and fear.
4. Helping facilitate changes in social consciousness and in the institutions that were consciously or unconsciously complicit in these events, thus aiding in the prevention of similar events in the future.

This examination is not for the purpose of exacting revenge or recrimination. Indeed, the Commission will have no such power. Rather, the Commission will attempt to learn how persons and groups came to be directly or indirectly involved in these events; it will assess the impact of these events on the life and development of this community. It will seek all possibilities for healing transformation.

In addition to exploring questions of institutional and individual responsibility for what happened, as a necessary part of the truth-seeking process we urge the Commission to look deeply into the root causes and historical context of the events of November 3, 1979.

Members of this community, young and old, still find the events of November 3, 1979 nearly incomprehensible. We owe it to ourselves and to future generations to explain what happened and why. Many citizens and institutions of this city have acknowledged the wisdom of, and necessity for, such a process.

It is in this spirit that we affirm the South African Truth and Reconciliation Commission's motto: "Without Truth, no Healing; without Forgiveness, no Future."

Therefore, toward these ends,

1. *The Greensboro Truth and Community Reconciliation Project (referred to here as "the Project") hereby establishes a Greensboro Truth and Reconciliation Commission (GTRC), charged with the examination of the context, causes, sequence and consequence of the events of November 3, 1979.*

2. *The GTRC will consist of seven (7) Commissioners who shall be persons of recognized integrity and principle, with a*

demonstrated commitment to the values of truth, reconciliation, equity and justice.

The majority of the commissioners will be current residents of the Greensboro area; at least two commissioners will be from outside the Greensboro area. All will be selected in accordance with “The Selection Process for the Greensboro Truth and Reconciliation Commission” document, which is attached. The Commission will designate its chair(s).

Commissioners will serve on an honorary basis and in their personal capacity, but may be reimbursed for expenses incurred in the discharge of their responsibilities.

3. *The Commissioners will carry out their mandate by reviewing documents, inviting people to come forward with information, consulting with experts and by any other means, public or private, they consider appropriate.*

4. *The Commission may decide to carry out some activities in private in order to protect, to the extent possible, the security and privacy of individuals and the integrity of its ongoing truth-seeking, but in general the Commission’s activities will be carried out in a manner that is as public and transparent as possible.*

5. *The Commission will issue a report to the residents of Greensboro, to the City, to the Project, and to other public bodies, encompassing the items outlined in paragraph 1 and in keeping with the intentions and spirit of the mandate. The Commission will ensure that its findings are fair, based on the information compiled and reviewed, and adequately documented in its report. The Commission may take steps to protect the identity of individual sources, if requested. The Commission will also make specific, constructive recommendations to the City, to the residents of Greensboro, and to other entities as it deems appropriate, particularly to further the intentions set forth in the mandate.*

6. *The Commission will have no authority either to pursue criminal or civil claims or to grant immunity from such claims. Its focus is reconciliation through seeking, understanding and reporting the truth.*

7. *The Commission will convene a first meeting, as determined by the Commissioners, no later than 60 days from the date on which the Selection Panel confirms and announces the selection and acceptance of its members. From its first meeting, the Commission will have a period of 15 months to fulfill the terms of its mandate. This period includes initial planning and set-up, the determination of its internal procedures and selection and appointment of its key staff. The Commission may call upon the Project staff and other resources for administrative support during its initial planning and set-up phase. If absolutely necessary, the period of the Commission’s mandate may be extended for up to 6 more months, with the permission of the Project.*

8. *The Commission will carry out its mandate while operating independently from any external influence, including the Project. It may reach cooperative agreements with organizations, institutions and individuals in order to strengthen its capacity and resources, in so far as such agreements do not compromise the Commission’s independence. The Commission will have full authority to make decisions on its spending, within the limits of available funds, and may elect to have a fiscal sponsor through another institution so long as that relationship is consistent with the spirit of the mandate and the Commission’s substantive independence.*

9. *At the completion of its work, all documents of the Commission, its notes, findings, exhibits and other collected materials, shall be permanently archived in Greensboro in an institution whose purpose and tradition is in keeping with the objectives and spirit of the Commission mandate. The identity of this institution and the structure of the archive will be determined by agreement between the Commission and the Project. If deemed appropriate, multiple institutions and locations may be used for archival purposes. Such an archive shall, to the extent feasible and respectful of any recommendations by the Commission with regard to the continued confidentiality of records, be accessible to the public.*

The passage of time alone cannot bring closure, nor resolve feelings of guilt and lingering trauma, for those impacted by the events of November 3, 1979. Nor can there be any genuine healing for the city of Greensboro unless the truth surrounding these events is honestly confronted, the suffering fully acknowledged, accountability established, and forgiveness and reconciliation facilitated.



Photos courtesy of the Greensboro News & Record

Reflections on our Mandate

As we have engaged in our unique process of seeking truth and working for reconciliation around the events of Nov. 3, 1979, we have often looked to our Mandate as put forth by the Greensboro Truth and Community Reconciliation Project (GTCRP) for guidance. This document was thorough and served as a valuable tool for grounding us during many points in this difficult journey. We returned regularly to a few basic tensions that were addressed, but not completely answered, within the Mandate:

- Are truth and reconciliation opposing values, or are they inextricably linked?
- What is the difference between recrimination and establishing accountability? What is the difference between what we are doing and what happened in the three court trials around these events?
- Who were the victims from Nov. 3, 1979?
- How do we frame the “context, causes, sequence and consequence” of the events of Nov. 3, 1979, when the options are limitless?
- What does it mean to be an independent commission?

Are truth and reconciliation opposing values, or are they inextricably linked?

Our Mandate tells us that the GTRC’s focus should be “reconciliation through seeking, understanding and reporting the truth,” and we affirm this belief. However, we have experienced a great deal of tension both internally and with outside individuals and groups around the relationship between truth and reconciliation. Through this process, we have collectively come to understand truth and reconciliation more clearly, both generally and specifically with regard to the events of Nov. 3, 1979. We have sought truth in order to work towards reconciliation and hope that others will continue that discernment process with the same goals in mind.

Archbishop Desmond Tutu reminds people who are hoping for easy reconciliation of the need for establishing justice: “How can I reconcile with you when your foot is on my neck?” One theme we have noted in the community’s reaction to this process is a racial difference in the reasons those who have decided to support our work have chosen to do so. In general, many people in the white community who support this work report that they do so because of a belief in the importance of reconciliation. We have also noticed, in general, that African-American supporters of this process tend to be more passionate about its truth-telling and truth-seeking goals.

In an effort to clarify further our own collective understanding of the terms “truth” and “reconciliation,” we drafted a document early in our process articulating this connection:

We all want to live in a loving, just and sustainable community, where the rights, dignity and sacredness of all people are valued. When any person has been harmed by the actions of another, we all need to work together in order to find a way to help that person heal. This is especially important when someone harms a group of people. It becomes even more important when that harm has been both intentional and long-lasting.

Reconciliation means to bring together those parts that were torn apart and make them whole again, to repair the brokenness in our community.

Reconciliation does not happen all at once. The first step is to investigate the truth. What actually happened? This is not an easy task. Each person involved will have his or her own story about what actually happened. Each person may feel strongly that they are telling the truth, even when one person’s version differs from another person’s version. However, when all of the various versions of

the truth are told clearly, and carefully considered, we can finally understand the whole truth.

Communities are made up not only of people, but also of institutions. When people within a community are hurt by violence or oppression, institutions often play a role. This means that institutions must be part of the truth-telling and part of the reconciliation that follows.

Once we tell and understand the truth, we then can take the next steps toward reconciliation. We can describe clearly the harm that was done, to individuals and to groups. We can explain how the actions of the past caused harm, and can show how that harm continues to cause problems in the community. We can understand how the on-going harm leads to mistrust, fear and division. This is what we mean when we speak of a broken community.

Knowing the whole truth helps individuals, groups and institutions who caused the harm to face what they have done. Sometimes, until the whole truth has been uncovered, those who did the harm are unable to see how their actions hurt other people. They are not able to see that their actions also hurt the community.

Several things must happen for reconciliation to be fully achieved:

- Those who have hurt others need to understand just how their actions caused harm. Sometimes the harm is physical. Other times it is emotional, cultural or spiritual. Often, the harm has economic consequences.*
- Once those who hurt others understand the harm they have done, they should be supported in their efforts to apologize, and in so far as possible, to undo the harm.*
- The community that works for reconciliation should create ways in which those who have done harm and those who were harmed can talk honestly to one another. This will make it easier for there to be healing between them.*
- Sometimes, we will discover that certain social conditions or public policies allowed people to harm others. In some cases, community institutions may even have encouraged the harm. When this is the case, we should take steps to change these social conditions or public policies so they may never contribute to harming others again.*
- As more and more people learn the whole truth, they should be encouraged to see how they may have participated, unknowingly, in the problem. It may be that they stood by and did nothing to stop the harm. Perhaps they shared attitudes that indirectly suggested it was OK to act in harmful ways. When people know these things, they are less likely to support hurtful behavior in the future.*
- Once the people of a community have gone through a process of discovering the whole truth about a hurtful event in their past, they will be more aware of the signs that problems exist. In the future, they will be more able to prevent people from doing harm.*

We believe that we must work together in order to make our society more just. We think that justice is the way a society expresses love toward the people who are part of that society. In an ideal society, each person will act in a just and loving way toward all the other people in that society. When harm is done, we all work together to recognize and undo the damage. That is reconciliation. It also is real justice.

Unresolved, past hurtful events divide a community. We can help the people in such a community reunite in common purpose by seeking truth and working for reconciliation. A reconciled community will be a strong community, where people work together for the common good.

Many community members have raised questions about the need for a truth and reconciliation process around an event that occurred 26 years ago. Through this process, we have learned that the polarized ways residents remember the events of Nov. 3, 1979, reflect a deeper brokenness in Greensboro that can only be healed by a truth-seeking and truth-telling process. Along these lines, we affirm the words of our Mandate that read: “The passage of time alone cannot bring closure, nor resolve feelings of guilt and lingering trauma, for those impacted by the events of November 3, 1979. Nor can there be any genuine healing for the city of Greensboro unless the truth surrounding these events is honestly confronted, the suffering fully acknowledged, accountability established, and forgiveness and reconciliation facilitated.”

We believe that both truth and reconciliation are vital to our Mandate, but that our work has primarily been about seeking the truth, allowing various players to speak about it, making recommendations about working towards transformative justice and, thus, paving the way for reconciliation to occur in Greensboro. Justice in the broad sense of the word comes not only from trials, but from addressing the root causes of injustices that often leads to violence that rips apart communities. This is the justice towards which the Commission aspires in its search for the truth.

There is a necessary transition between truth-telling and reconciliation in which injustices that have been committed should be addressed, and we know that community reconciliation will not be achieved completely with the publication of this report. However, we believe this report lays the groundwork for community reconciliation because of the way it allows the city to honestly confront the truth surrounding these events, acknowledge the suffering that occurred, and establish accountability for these actions.

What is the difference between recrimination and establishing accountability? What is the difference between what we are doing and what happened in the three court trials around these events?

The Mandate reads, “this examination is not for the purpose of exacting revenge or recrimination,” but also says that we are mandated with “exploring questions of institutional and individual responsibility for what happened.” The distinction between recrimination, or blaming, and establishing accountability for past actions is a difficult one.

We believe it is important not only to present a recitation of facts but also to make judgments about where wrongs were committed and who committed them. Ideally, people who committed wrongs or made mistakes with regard to the context, causes, sequence and consequence of the events of Nov. 3, 1979, would come forward and admit to that wrongdoing. In some cases, this has happened during our public hearings and statement-taking processes. But, as already noted, some people are unwilling to engage in this process. Thus, in addition to truth-telling that has taken place in statements and public hearings, we have made our own judgments about individual and institutional responsibility and accountability. These judgments have been made based in large part on evidence provided us by the very institutions and individuals we have found responsible for various harms. Thus, even though many of these institutions and individuals have not voiced their own acknowledgment of their responsibility around these issues, and mechanisms such as trials and internal investigations have failed to hold them legally accountable, they have tacitly communicated that responsibility through their own documents. We hope that by making findings about responsibility, we can contribute to the community by holding individuals and institutions accountable politically and morally for their actions or failures to act.

Because this truth and reconciliation process has the goal of transformative, versus retributive, justice,

we also have been able to examine both individual and institutional responsibility for wrongs committed using moral and legal standards. By looking at issues more holistically, we believe that this truth-seeking effort can lead to a more complete and complex understanding of the underlying causes and consequences of events better than any trial ever could.

This process's ability to examine both individual and institutional or collective accountability creates another difficult tension. In all cases where we established responsibility for what happened, we struggled with understanding what role individuals played versus what role an institutional culture and history might have played. This was the case as we examined the actions of individuals in all organizations involved with the events of Nov. 3, 1979, among them: the Klan; the Nazis; the Workers Viewpoint Organization/Communist Workers Party; Greensboro Police Department; the City government of Greensboro; the Bureau of Alcohol, Tobacco and Firearms; the FBI; the Morningside Homes community; the justice system; the *Greensboro Daily News*, the *Greensboro Record*, the *Carolina Peacemaker* and other media outlets.

Each of the individuals in these different organizations or communities who bear some accountability for what happened on Nov. 3, 1979, were operating within a community or organization that had its own history and culture that made these events and their aftermath possible. The role that history and culture played in these events must be seen as a context within which these individuals made decisions and acted. But even when such an explanatory context exists, a history of institutional racism, classism and fear can never completely excuse the individual actions taken (or not taken) by various players in these events.

Who were the victims from Nov. 3, 1979?

Although our Mandate never uses the term “victim,” it does describe a primary category of people harmed when it refers to “the shooting death of five people and the wounding of 10 others ...” Later, the Mandate describes a much broader category of victim when it describes “the confusion, pain, and fear experienced by residents of the city and the damage to the fabric of relationships in the community caused by these incidents and their aftermath.”

We have struggled with the decision of whether or not to use this term for at least three main reasons. First, because the family and friends of those who died on Nov. 3, 1979, refer to themselves as “survivors,” we have hesitated to use the term “victims” to refer to them. Second, the term “victim” can be used or understood in a way that places the individual or group in a passive, “helpless” role, acted upon but incapable of speaking or acting in response to what happened and never taking on other roles in society. Although this is almost never the case, we have struggled with whether our using the term could perpetuate this notion and impact the “victims” or “survivors” themselves. Finally, there is a widespread belief within the community, discussed in detail throughout this report, that the people who died or were injured on Nov. 3, 1979, were perpetrators of the violence at least as much as they were victimized by it. Given this belief and the complexity of the events we have been researching, referring to anyone other than perhaps the people who died or were wounded and the residents of Morningside Homes as victims throughout this process could have been premature.

At the conclusion of our research, we have confidently made findings about who was harmed with regard to the context, causes, sequence and consequence of Nov. 3, 1979. We have divided these individuals and groups into two main categories – those who were harmed directly and those who were harmed indirectly. Given the loaded nature of the term “victim,” we have chosen not to use it, but instead to use the bulky, “people and groups who were harmed.”

How do we frame the “context, causes, sequence and consequence” of the events of Nov. 3, 1979, when the options are limitless?

Our Mandate reads: “In addition to exploring questions of institutional and individual responsibility for what happened, as a necessary part of the truth-seeking process we urge the Commission to look deeply into the root causes and historical context of the events of November 3, 1979.” We affirm this instruction. To look at the events of Nov. 3, 1979, without an understanding of its context and causes would not contribute to the “truth” of the event. Although this report will clarify many rumors and misinformation that have been perpetuated for the last 26 years, for the most part, Greensboro residents who have any interest already know many of the facts of the sequence of events of Nov. 3, 1979. Three court trials and hundreds of newspaper articles, films and other media portrayals have contributed to a large body of knowledge about the actual events. The greatest value in our report, we believe, is placing this information within a historical context and examining these events with a broader view of history to inform the “truth.”

That said, the mandate to examine the context, causes and consequence of the events is a broad one and we have been challenged to decide how to limit these otherwise boundless terms. Which context is the relevant one to highlight? What time periods and what events in history most usefully illustrate how and why Nov.3 unfolded as it did? This definition of the lenses through which to view the tragedy is by nature subjective, and different authors may have chosen different contexts to reveal. Ours is but one among a multitude of interpretations.

In order to focus our task, we asked ourselves, “Who played the biggest roles on Nov. 3, 1979?” and “What influenced these people to act as they did?” Different players had different roles at different points in the story, but we investigated the roles of the WVO/CWP, the Klan and Nazis, local and federal law enforcement, the city government of Greensboro, the residents of the Morningside community and local media. We attempted to look at how these groups operated in relation to each other both as groups of institutions, as well as the interacting roles of key individuals. In choosing our timeframe, we have chosen largely to limit our examination to local events occurring within the lifetime of most of those involved in the confrontation on Nov. 3, 1979. But because historical events at larger scales often figure prominently in community consciousness, we have also examined key events that loom large in collective memory such as the importance of the United States’ history of Constitutional rights, slavery, white supremacy, key labor or civil rights organizing efforts and geopolitical conflicts.

Likewise, it is impossible to distinguish completely the consequences of the events of Nov. 3, 1979, from the brokenness that already existed in Greensboro and the nation prior to this day. Our process has been to seek transformative justice by recognizing the need to address the many injustices and disparities that existed before Nov. 3, 1979, that created an environment ripe for fear, mistrust and violence. Therefore, other than recognizing the deaths of five and injuries to at least 10 people on that day, to say with any certainty that other community realities are consequences of the event is impossible. In an effort to allow people to be heard and to encourage people to listen to the experiences of others, we have chosen to limit our own reporting to sharing as many quotes from individuals as possible about how they understand the consequences of these events. We also speak specifically to the community’s response to these events, including our experiences throughout this process.

What does it mean to be an independent commission?

Our Mandate reads, “The Commission will carry out its mandate while operating independently from any external influence, including the [GTCRP].”

There has been much speculation in the community about undue influence on the GTRC by the

GTCRP, especially by its leadership, which includes, but is not limited to, people who were active in the Communist Workers Party in 1979. Our relationship to this organization, which initially created a vision for a truth and reconciliation process in Greensboro, crafted our Mandate, and put into place a democratic selection process, clearly is a unique one. Because of the depth of personal experience and pain some of its members brought to this process, and because of its role in initiating the GTRC, the GTCRP had more of a commitment to the success of our work than other bodies and saw itself as a supporter of this process throughout our Mandated work. That support has taken several different forms, including gathering signatures on a petition asking the City Council to endorse the truth and reconciliation process, soliciting grassroots financial donations, organizing various worship services prior to some of our public events, and making a commitment to foster dialogue and work towards the other recommendations in this report, even though they have no prior knowledge of what is included herein. We affirm that we have conducted our research and community engagement in accordance with our mandate to operate independently of any external influence, including the GTCRP.

In response to the GTCRP's petition – signed by more than 5,000 residents – the City Council voted, along racial lines, to oppose the truth and reconciliation process. We chose to view this opposition as an affirmation of our independence. Unlike other truth and reconciliation commissions around the world, ours has been a process independent of even government sponsorship. This independence has arguably made some aspects of our work more difficult (for example, some city employees have not felt comfortable giving statements). However, given the high levels of fear among some residents that they will face serious retribution if they participate in this process, its grassroots nature and independence from government control made it seem more trustworthy to others.

Though our independence has proven necessary for the kind of research and community engagement we have conducted, it does have a few significant liabilities. The first difficulty we faced as an independent Commission was finding the resources to support this work. Independence from any external influence required that we spend a great deal of time to raise our own operating funds. Given the opposition to this process from some of the most powerful people in this community, finding local support was difficult, to say the least. Many local individuals, businesses and foundations who regularly fund other non-profit entities in Greensboro were reluctant to support this process in a significant way because of fear that they would face negative repercussions.

As a commission, we feel very strongly that this report should become a dynamic, living part of the Greensboro community. We hope that our findings will foster meaningful community dialogue around issues relevant to these historical events and to issues the community still is facing. Our independence from governing forces, however, means that no individuals or institutions are bound by any of our findings or recommendations except through the moral and political pressure we trust will be brought to bear by community members who recognize the value of the work we have done, and the fair and impartial manner in which we have done it. The GTCRP and other groups that have agreed to be GTRC Report Receivers already are committed to fostering dialogue around the report, and have the power to make sure this community's institutions will take our findings and recommendations seriously and put them into action.

■ Notes

¹ See Office of the UNHCHR, Study on the Right of Truth; Report of the Office of the United Nations High Commissioner for Human Rights, UN Doc E/CN.4/2006/91, 8 February 2006. For a more in depth view, refer to Hayner, Priscilla *Unspeakable Truths*, New York: Routledge, 2001.

² Truth commissions are one of several tools encompassed by what has come to be known as the field of “transitional justice.” According to a Report of the UN Secretary General, transitional justice is defined as “the full range of processes and mechanisms associated with a society's attempts to come to terms with the legacy of

large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation.” UN Secretary General, *The Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies*, UN Doc. S/2004/616, 3 August, 2004. We also refer in our report to the notion of “restorative justice” and “transformative justice”. The overriding goal of restorative justice is one of rebuilding social relationships rather than isolating and punishing those involved in a crime. Transformative justice has as its goal recognizing and addressing the societal problems that allowed an injustice to occur. Transitional, restorative and transformative justice are not synonymous, but the three contexts can coincide and we found all three to be helpful to our understanding of our mandate and our work.

³ See *Unspeakable Truths* (Routledge, 2001).

⁴ Ubuntu, from the South African lexicon, refers to “humaneness, or an inclusive sense of community valuing everyone.” Minow, Martha, *Between Vengeance and Forgiveness: Facing History After Genocide and Mass Violence*, Boston: Beacon Press, 1998: p.52

⁵ Bickford, Louis, *Unofficial Truth Projects: a discussion paper*, International Center for Transitional Justice, Draft: March, 2004.

⁶ For more information about the project see, The Foundation for Human Rights in Guatemala at <http://www.fhrg.org/mambo/index.php?option=content&task=blogsection&id=4&Itemid=28>.

⁷ The Ardoyne Commemoration Project, *Ardoyne: The Untold Truth*, Belfast: BTP Publication Ltd, 2002.

Excerpts Available: <http://cain.ulst.ac.uk/issues/victims/ardoyne/ardoyne02a.htm>.

⁸ *Brasil, Nunca Mais* Rio de Janeiro: Editora Vozes, 1985 published in English as *Torture in Brazil: A Shocking Report on the Pervasive Use of Torture by Brazilian Military Governments, 1964-1979*, trans. Jamie Wright, Austin: University of Texas Press, 1998. The report is available on the internet (in Portuguese) at: <http://www.dhnet.org.br/dados/projetos/dh/br/tnmais/index.html>. For English see: <http://www.utexas.edu/utpress/books/cattop.html>.

⁹ Human Rights and Equal Opportunity Commission, *Bringing them Home: National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families* April, 1997. The full report and information about the process can be accessed on the internet at: <http://www.austlii.edu.au/au/special/rsjproject/rsjlibrary/hreoc/stolen>.

¹⁰ For examples see the information available at: <http://www.reconciliationaustralia.org/i-cms.jsp>; for information about Sorry Day see <http://www.alphalink.com.au/~rez/Journey/>.

¹¹ Preface to the Final Report of the Truth and Reconciliation Commission, Vol. I (2003).

Comisión de la Verdad y Reconciliación Perú, *Informe Final: Primera Parte, El Proceso, Los Hechos, Las Víctimas* Lima: CVR, 2003. Accessible in Spanish at www.cverdad.org.pe; a translation of the conclusions and recommendations of this commission can be found at www.ictj.org.

¹² See Commission for Historical Clarification, *Guatemala: Memory of silence, Report of the Commission for Historical Clarification, Conclusions and Recommendations* CEH, 1999.

¹³ *Unspeakable Truths*, at 37, citing “Discurso de S.E. El Presidente de la Republica, Don Patricio Aylwin Azocar, al dar a Conocer a la Ciudadania El Informe de la Comision de Verdad y Reconciliación, March 4, 1991; Published in English as “Statement by President Aylwin on the Report of the National Commission on Truth and Reconciliation,” in Kritz, *Transitional Justice*, vol. 3, 169-173.

¹⁴ *Unspeakable Truths*.

¹⁵ Minow, Martha *Cycles of Hatred: Memory, Law, and Repair* Princeton, NJ: Princeton University Press, p. 29.

¹⁶ Ibid.

¹⁷ North Carolina Department of Cultural Resources *Press Release” Wilmington Race Riot Draft Report Offers Revelations* 8 December, 2005 Available at <http://www.ah.dcr.state.nc.us/1898-wrrc/>

¹⁸ Oklahoma Commission to Study the Tulsa Riots of 1921, *Tulsa Race Riot*, 2001, available at <http://www.ok-history.mus.ok.us/ttrc/>.

¹⁹ In 1980, the Commission on Wartime Relocation and Internment of Civilians was established by Congress. This commission reviewed the impact of the internment of Japanese-Americans and determined that they were the victims of discrimination by the Federal government. On August 10, 1988, President Reagan signed the Civil Liberties Act of 1988, which authorized \$20,000 each to victims (see <http://www.usdoj.gov/> for more detail).

²⁰ See “The Presidential Apology,” available at http://www.healthsystem.virginia.edu/internet/library/historical/medical_history/bad_blood/apology.cfm.

²¹ US Department of Health, Education, and Welfare: Public Health Service Final Report of the Tuskegee Syphilis Study Ad Hoc Advisory Panel, 1973. Available at <http://biotech.law.lsu.edu/cphl/history/reports/tuskegee/tuskegee.htm>

²² Dewan, Shaila. 2005. Group Lynching is Re-created in a ‘Call for Justice’. New York Times, July 26, Sec. A.

According to the New York Times, the FBI is now reviewing the four killings, though it has not decided whether or not to reopen the investigation. Brenda Goodman, 2006. Georgia: FBI is Reviewing a 1946 Killing of 4 Blacks, New York Times, April 14, A18.

²³ Killen, a former Ku Klux Klansman, was sentenced in June 2005, to three counts of manslaughter in the Klan killings of three civil rights workers in Philadelphia, Mississippi: James Chaney, 21, Andrew Goodman, 20, and Michael Schwerner, 24.

²⁴ The right to the truth about gross human rights violations is recognized in international law and closely linked to the State's obligation to ensure the enjoyment of human rights equally by all its citizens. See, for example, UN Doc. E/CN.4/2006/91, 8 February 2006, "Study on the right to the truth Report of the Office of the United Nations High Commissioner for Human Rights," paragraph 56: "The right to the truth is closely linked to the State's duty to protect and guarantee human rights and to the State's obligation to conduct effective investigations into gross human rights violations and serious violations of humanitarian law and to guarantee effective remedies and reparation. The right to the truth is also closely linked to the rule of law and the principles of transparency, accountability and good governance in a democratic society."

Methodology

RESEARCH METHODS

A high level government official in East Timor once commented to that country's Truth Commission, "I am all for reconciliation, it is truth-seeking that I am not so sure about." The truth is frequently hard to determine with clarity, and is often painful both to tell and to hear.

However, while it does not require the findings of a truth commission to grasp that there have been harms done in the community and that there is a need for healing and dialogue, we believe truth-seeking is a necessary precondition to meaningful dialogue and lasting reconciliation. As discussed elsewhere in this report, clarification about what exactly happened is necessary in order to understand the event around which groups are reconciling. If we aim to achieve acknowledgement of wrongs and meaningful steps to repair those wrongs and prevent similar events from occurring in the future, it is clear that we must first know what wrongs were committed, to whom and by whom, as well as why and how. This is what we have aimed to accomplish in our report.

This section outlines how we went about conducting our research, engaging with the community and reaching our findings, which we hope will act as a basis for further community discussion, exchange of ideas and plans for the future.

Is the Truth knowable? Whose truth?

Entire disciplines of philosophy, history, science and cultural studies are devoted to the debate on whether humans are capable of knowing "the Truth" and the examination of the politics and power relations embedded in any endeavor claiming to reveal it. Engaging these epistemological debates is beyond the scope of this report. We note that it would not only be arrogant but factually incorrect for any commission (or historian or scientist) to claim to have discovered the complete and perfect Truth about any event. The nature of scientific or historical investigation is that one can draw a sound conclusion from available evidence, but that it is always possible that new evidence might come to light that could support a different conclusion. Nevertheless, as a general matter, with substantial weight and increasing abundance of evidence already available, the likelihood that new evidence will refute the existing conclusion becomes increasingly small.

One need not be a philosopher to appreciate the inherent limitations of the GTRC's task of truth-seeking. We faced the same constraints in our research that all truth commissions face, including (among others):

- gaps in available evidence;
- imperfect memory;
- inadequate time, funding;
- lack of sufficient staff.¹

Reluctance to offer statements

In our research effort, we had to contend with gaps in our information that stemmed from reluctance to give statements because of many potential statement givers' fear of retaliation or distrust of our process. In some cases, there is evidence that potential statement givers were explicitly discouraged by people outside the Commission from speaking to us (see chapters on City Response and Conclusions). As a result, our report is not as complete as it could have been. However, we made every effort to address

these gaps by consulting trial transcripts, depositions and other available recorded interviews. Where full transcripts were no longer available, we consulted secondary literature (see Data Sources below).

Many (but not all) truth commissions were able to address gaps in information by using subpoena power that we, as a grassroots commission, did not have. However, we note that a subpoena is no guarantee that complete or truthful information will be produced. Moreover, we believe that the voluntary offering of statements by many parties who were openly suspicious or hostile to our process is more meaningful than forcing statement givers to the table; the fact that these people offered statements is a testament to the integrity of our process not only as a truth-seeking exercise but as a step toward reconciliation.

Control of information

There are always significant challenges to fact-finding related to government agencies that maintain strict control over information. This was especially true with regard to federal agencies that released documents under the Freedom of Information Act (FOIA) that were nearly blacked out completely with redactions. In addition, we found that “discovery” allowable in the civil suit (i.e. the release of internal information to the plaintiffs) was limited by broad federal immunity.

Imperfections of memory

Eyewitness testimony is notoriously fluid and idiosyncratic.² Memories of details are vulnerable to erosion by time (especially after 25 years), influence from other sources of information, and shifting political and social pressures that encourage the recollection of some facts and discourage the expression of others. Therefore, for the purposes of fact-finding, we preferred, when available, testimony taken closer in time to the event. However, memories also provide insights into the human cost and experience of the events and paint a richer picture of how the event lives on for people today.

Although we faced limitations and challenges in our research, they do not negate the possibility that rigorous fact-finding from the available evidence can produce a well-supported public record of what happened. We asked these fundamental questions of the evidence:

- Does the statement of a single witness sufficiently support a claim as fact?
- If not, how much information is needed to corroborate a fact?
- How do opposing and similar facts fit together? Can seemingly opposing evidence in fact describe different aspects of the same picture, or does accepting one preclude the veracity of the other?
- Jumbled recollection is often a symptom of traumatic stress. Does inconsistency among an individual’s recollections, especially one who was an eyewitness to a traumatic event, taint any particular observation?

We have consulted a wide variety of sources to corroborate evidence as much as possible and have noted in the text where corroboration was not possible. However, witnesses can also provide truthful accounts that are not corroborated. Occasionally, information is not subject to multiple observations and conversations between important actors on contentious topics usually take place with a limited number of participants and observers. If the statement provides sufficient detail, subject to other indices of credibility noted below, we believe it is appropriate to accept its claims.

We made every effort to fact check, corroborate and impartially weigh evidence (see below). These facts were assembled to produce one cohesive story of what we believe transpired. This skeleton of verifiable facts is what the South African commission refers to as “forensic truth.”³

However, the “forensic truth” alone was not sufficient to understand what happened in all its complexity.

Rather, this framework of a sequence of facts is brought to life by the accumulated narratives from individual statement-givers. Their different viewpoints make up what the South African Commission referred to as “narrative truth.”⁴ In addition to adding a human dimension to verifiable facts, public testimony also provides the benefit of allowing a space for people who have not had the opportunity to share their experience and perspective in the past.

Statements from people who know about the events, the background causes, and the consequences reflected a wide variety of perspectives, in people’s own words. Interviews were conducted without rigid closed-end protocols in order to allow the statement-taker to tailor the interview to the individual, follow up on unexpected information and to make the statement-giving process itself an instrument of healing by allowing some leeway for the statement-giver to pursue areas she wished to express. This approach meant that the number of statements we took was small in comparison to other truth commissions, but the depth of the interviews allowed for rich detail. Some interviews were four hours or more in duration and we met with key statement-givers multiple times.

Narrative information helps us understand how individuals experienced these events and what facts different people see as relevant to telling the story. Why did different actors do what they did? How did events change them? These perspectives cannot be cross-checked and reconciled into one coherent account – in fact, revealing their diversity was precisely the point. This difference in perspective is often (though not always) why misunderstanding and conflicts occur. Exposing some of the differences in experience and perspective provides a human, lived dimension to the framework of fact-finding, and was an explicit aim of our research.

Data sources

Our research drew on a variety of data sources. In addition to our own interviews, we consulted GPD internal records (including statements, investigation reports, physical evidence, medical examiner reports, internal memos; Internal Affairs interview summaries; police and news photos and slow-motion news footage); selected trial testimony from all three court cases; federal Grand Jury testimony; civil suit depositions and criminal case pre-trial interviews; and a wealth of civil suit discovery material including internal records from the GPD, FBI and BATF.

Because the official copies of trial transcripts from the criminal trials have been destroyed, availability of copies was idiosyncratic. We were granted access to transcripts through the personal collections of Judge James Long and playwright Emily Mann, as well as those available in the UNC Wilson Archive because they were used as part of the civil trial. Where transcripts were not available, whenever possible we supplemented with secondary sources such as newspaper reports and books. However, because they were secondary sources and filtered through the authors’ own interpretations, these accounts of testimony were not given as much weight as primary accounts.⁵

Procedural fairness

As stated previously, the GTRC is not a judicial body. There are no adversarial parties, no cross-examination of witnesses in our hearings or statement taking, although many of the documents we used in our research were court documents that had been the subject of cross-examination.

However, anyone was free to offer a statement and we considered all statements and evidence impartially, as explained above. The need to provide an opportunity to pose questions was partially addressed by asking statement-givers whether they had questions they wanted the Commission to address or to have other key players answer. In addition, for all parties who were to be named in association with wrongdoing in the report and from whom we had not yet received a statement, we made every

attempt to re-contact them to offer one final opportunity to offer a statement. Indeed, one key police officer accepted this invitation and offered his statement in the final days of report writing.

All statement-givers, whether their statements were delivered in writing or orally, were asked to sign a statement affirming that there was nothing in their statement that was willfully false.

Standard of evidence

Our standard of evidence, like many truth commissions,⁶ is the “balance of probabilities,” also known as “preponderance of evidence” This means that based on the totality of evidence before us, if an individual piece of evidence was judged “more likely than not” to be true, we took it as fact. For simplicity of language, we at times express this standard as “common sense” or “reasonableness.” This standard was applied uniformly to every statement regardless of the content of the information or identity of the witness.

The GTRC was not a court. Accordingly, it was not bound by rules of evidence. The production of a single statement on a contested issue could easily satisfy the preponderance of evidence standard if it is judged to be credible (see below on weighing evidence). Before the statement, there were no facts. Now with the statement, regardless of whether or not the witness is sworn, there are new facts that might tip the scales in favor of a finding. We indicate the finding has met the standard of “more likely than not” by saying that “we find there is sufficient evidence.”

In some cases, the “preponderance of the evidence” standard is greatly surpassed where multiple sets of information aggregate, for example when multiple witnesses present similar versions and/or there is corroboration of evidence from other sources (including videotape or physical evidence), as we note in our findings by indicating that there is “substantial” evidence.

One possible disadvantage of the “preponderance of the evidence” standard is the exclusion of some information. A fact that is unreasonable or not credible may be excluded from consideration. How we made that determination is outlined below.

Weighing conflicting evidence

In assessing the probability that a piece of evidence was likely to be true, we used the same means that everyday people use when assessing credibility of a claim, including:

- What was the person’s ability to remember and relate details about the observation he/she is presenting? If asked in multiple ways, does he/she relate the details in a consistent fashion?
- Is the source in a position to know the evidence he/she presents? That is, did the source hear or see the evidence directly or is she/he reporting something she/he heard from somewhere else? ⁷
- Is the evidence presented against the source’s interest? That is, does the source have a reason to lie? Is there any noticeable bias toward any particular version of events?
- What is the past record of the source’s version of events? Has it been consistent?
- Is the evidence consistent with other evidence from different sources?
- Is the evidence logical/reasonable?
- Was the evidence sworn? Cross-examined?⁸

Clearly, this is not a checklist of criteria that all evidence must meet in order to be assigned credibility. For example, because a source presents evidence that might be in his or her interest is not in itself

sufficient reason to doubt its credibility. However, if the evidence is against the source's interest, it adds significant weight to its credibility. This list enumerates considerations we used in weighing evidence and illustrates that weighing evidence is an unavoidably subjective exercise. But when done in an explicit way, testing information against these indicators, the process of fact finding can be made much less arbitrary.

Findings of fact and interpretive conclusions

Our primary research goal was to provide an accurate public record of what happened so that people could begin a dialogue about what these facts mean and what should be done to address them. However, as a Commission, we also felt that a neutral recitation of facts was insufficient. People who have been wronged do not need a truth commission to merely record and repeat their stories, telling them what they already know. We believe it is the obligation of the Commission to go further and make conclusions that interpret the larger significance of events, assess where there have been wrongs committed and assign responsibility for those wrongs. As most truth commissions have also done, we make assessments of the significance of these facts using both legal (according to constitutional and N.C. state law) and moral principles as standards.

Some wrongs are not necessarily a violation of law but may constitute a moral or ethical breach. For example, we considered some wrongs of omission and commission to be inconsistent with a modern democratic society and morally or ethically wrong.

A basic distinction is made between those who passively allow unjust systems to persist and those who actively contribute individually wrongful acts, either of omission or commission. Moreover, we believe that the attribution of moral responsibility differs for individual and state actors. The latter should be held to a higher standard, not only because of the power with which they are entrusted by the community (including the monopoly on the use of force and the power to arrest and detain) but also their responsibility to protect citizen rights and wellbeing. When wrongs are committed by agents of the state or when institutions designed to protect basic ideals of justice fail in that mission, the consequences are often more widespread harm to the body politic and the continuation of a corrosive atmosphere of fear and threatened violence (see chapters on City response and Injustice in the justice system)

In addition to individual actors, the Commission also discussed more broadly how the very system of racial and class injustice contributed to negative outcomes. Ethical or moral standards today, or even an evolution in the law, can also serve as a basis upon which to make judgments about things that occurred in the past. For example, the Commission explored not only what the law was that allowed lawyers to strike potential jurors based on their race, but also why such a jury does not satisfy the ideal of justice and why this has changed to a different standard today.

An anti-racist framework

Often the truth of what happened in an ugly chapter of history may be in large part already known, and it is the *acknowledgement* of the truth that is lacking. We believe that the unacknowledged “elephant in the room” that continues to haunt social relations in Greensboro is the role of race. In the experience of the black community, survival in a dominant white culture means that race and racism are always present and therefore always in question.

The majority of Commissioners approached this work from their conviction that race is the fundamental social variable that structures power relations in the United States and particularly in the South. Race poses a significant barrier to acknowledging the truth and moving toward reconciliation. Consequently, we wanted our work to specifically address racial inequality and to foster a long-awaited and sorely

needed dialogue on race and how racism affects all of us. From the earliest stages, as a slave-owning nation, our country's laws and policies have been founded on a systematic disadvantage to people of color.

When we speak of adopting an “anti-racist” orientation in our approach to our mandate and in writing our report, we refer to an analysis of how this systematic disadvantage based on race contributes to the context of Nov. 3, 1979, how and why it unfolded as it did, and what race contributed to the consequences of the events and how institutions and policies respond or fail to respond to the needs of people of color in any set of circumstances.

COMMUNITY ENGAGEMENT

By seeking to engage the community in meaningful ways in this truth and reconciliation process, we improved the quality of our research and the likelihood that our report will be a “living document,” generating dialogue and action in the grassroots community. Reaching out to as many different groups of people as possible helped to ensure that our information was as complete as possible and our research questions impartial and relevant. Broad community engagement is one aspect of procedural fairness that helps to protect accessibility and inclusiveness of our process. Because for many the events of Nov. 3, 1979, are surrounded by fear and distrust, the GTRC faced a challenge in communicating our sincerity in our intention: to seek truth and work for reconciliation. In order to face this challenge, we created a community engagement strategy that was designed to:

- a) educate the public about our the work;
- b) encourage public dialogue about the truth and reconciliation process;
- c) mobilize community residents to offer statements;
- d) provide a non-threatening and supportive platform for people to share their relevant stories;
- e) facilitate the *hearing* of the various perspectives and stories; and
- f) contribute to the community's collective understanding of what happened and why.

Because of the deep community divisions around Nov. 3 and our own process, we had to develop multiple strategies to reach and build trust with varied groups and individuals. We did this by developing our own media, engaging the local and national media, hosting public and private gatherings, conducting a door-to-door campaign, and soliciting a wide range of organizations to be GTRC Report Receivers.

(As an initial effort to examine the success of these efforts, we conducted surveys of participants in different programs. See appendix for a description of those survey responses.)

GTRC media

Instead of relying solely on external media outlets to educate the community about the truth and reconciliation process, the GTRC created its own media to communicate about our work and encourage community members to engage in it. In addition to a general website with basic information, we maintained a web log (or a “blog”) with regular updates and reflections. With such a small staff, we were unable to maintain the blog in the active way we would have liked, but the strong blogging community in Greensboro engaged actively in the truth and reconciliation process and local bloggers maintained a steady stream of dynamic conversations about the process. Ed Cone, a local blogger and News & Record columnist, wrote in a May 1, 2005, column about the ways blogging and the truth and reconciliation process complement each other:

(T)he commission report is unlikely to be the last word on the subject, and it may not even end up as the No. 1 Google search result. Already there is an online chorus of voices discussing the

project, and the conversation and commentary seems likely to continue growing. The Truth and Reconciliation process is playing out on the Web in real time, and the result will be an archive of thoughts, facts, disagreements and conclusions that may help redefine the way we address knotty political issues.

This is a city writing its own history and practicing a new kind of journalism ... Part of the challenge of this project has always been the complexity of its subject matter, of the events and economics and social dynamics of 1979 and their echoes in the present day. The Web gives us a way to distribute the problem, to break it up among any number of writers and thinkers, to let individuals speak, listen and learn for themselves. There will be some central places on this network, including news articles and the commission report itself. But the Truth and Reconciliation process should be larger and more inclusive than the traditional media and a formal document can make it, and that may be the key to its success.

We also communicated through the weekly electronic newsletter “Ubuntu Weekly,” which was sent to more than 800 recipients, and a public access television program called “TRC Talk.” “Ubuntu Weekly” contained updates about the GTRC’s progress including information about volunteers, funding, interviews and public events. “TRC Talk” featured interviews with several Commissioners and staff members.

Local, regional and national media

In order to ensure broader community education about our progress, we also spent time fostering relationships with representatives of local, regional and national media outlets. In addition to a breakfast with media representatives designed to answer questions and seek feedback about how to make the process more accessible to reporters, we communicated with these representatives regularly through news releases, our newsletter and other communications. Nearly 150 journalists covered the process at some point and were included on our media list.

Door-to-Door campaign

In order to educate, learn from and find potential statement-givers in various communities around Greensboro, the GTRC conducted a door-to-door campaign in several neighborhoods around the city. Teams of volunteers walked around the Ray Warren Homes and Smith Homes (two public housing communities) and the White Oak and East White Oak neighborhoods (two former mill villages). Volunteers talked to residents, explained and distributed literature about our work, listened to residents’ thoughts about Nov. 3, 1979, and encouraged people to attend our public hearings and conversations.

Conversations with specific groups

The GTRC chose to have closed conversations with four groups – former residents of Morningside Homes, former members of the WVO/CWP, former and current textile mill workers, and media representatives who covered Nov. 3, 1979, or any of its aftermath. We felt some groups most directly involved needed to understand more about the truth and reconciliation process and build a relationship with Commissioners before feeling comfortable enough to give individual statements. We also recognized that some of the most thorough “truth-telling” may come from conversations in which statement-givers can feed off of each others’ comments. Because the majority of the GTRC’s statement-taking was done by staff and volunteers, these conversations also gave Commissioners an opportunity put human faces on these groups so integral to their research. Although we had planned to have similar conversations with former and current Klan and Nazi members, and with members of the Greensboro Police Department, these conversations did not happen for various reasons.⁹

Each of these conversations had a decidedly different tone. The guests at the meetings were able to

make their own collective decision about how or if the meeting could be recorded and, if so, what would be done with the collected information.

In spite of extensive efforts, the conversation with Morningside Homes residents drew a fairly small group – eight former residents – who were collectively unwilling to have the meeting recorded and did not want the conversation to be “on the record.” This decision was in line with the fear that existed in the Morningside Homes community before, during and after the 1979 shootings, about which we heard in depth in that conversation.

Former members of the WVO/CWP were willing for the conversation to be recorded and to speak on the record, and they expressed the hope that the recording would be made available to the public at the conclusion of the GTRC’s work. Because that conversation included such a large number of participants, the time allotted to it was not sufficient for a complete conversation. But because most of those participants gave follow up individual statements to the GTRC, the conversation was just a beginning that allowed the demonstrators to hear portions of one another’s stories, sometimes for the first time.

The conversation with current and former textile mill workers produced an even smaller turnout than the conversation with former Morningside Homes residents: four former workers. Still, the conversation was dynamic and covered a wide range of topics, all central to the GTRC’s research. This group allowed for its conversation to be recorded, but wanted to remain confidential. A local writer attended the conversation and each of the attendees agreed to allow his presence.

The final conversation, with media representatives, yielded a healthy turnout of many journalists who have covered the events of Nov. 3, 1979, sometime in the past 26 years. In the hopes of having a more open conversation, these media personnel chose to have their conversation “off the record.”

Overall, the GTRC considered the conversations helpful¹⁰ in building trust and giving Commissioners and staff a broader knowledge base of knowledge. Had time allowed, we would have scheduled more conversations with more groups.

Public hearings

Taking our lead from international truth and reconciliation commissions, we hosted three two-day public hearings. The goals of these hearings were

1. to affirm the humanity of the five people who died as a result of Nov. 3, 1979, the other people directly involved, and all those whose lives were affected.
2. to provide a safe public space for invited speakers to tell their stories and for community members to hear them.
3. to increase – through personal stories – community understanding of the event, the issues surrounding the event, the complexity and the range of impacts.
4. to encourage other individuals to participate in the truth and reconciliation process.
5. to help create a foundation and context for community reconciliation by encouraging individuals to recognize the relevance of these events to their own lives.

Our three hearings addressed the following three topics:

- “What brought us to Nov. 3, 1979?”
- “What happened on, and after, Nov. 3, 1979?”
- “What does the past have to do with the present and the future?”

Although most of our 54 speakers' stories overlapped hearing topics, we attempted to find speakers for each hearing who could speak directly to the title question. We determined to have different speakers at each hearing, and established criteria for our ideal public hearing speaker, seeking the following characteristics:

1. Have already given a statement or published relevant work that
 - a. is clear and illustrative of the scope of issues surrounding Nov. 3, 1979
 - b. has the potential to generate community dialogue
2. Have direct, personal knowledge of the hearing topic and the ability to educate or help the community make connections between the events and the surrounding issues
3. Contribute to the complexity and diversity of our speakers with regard to race, gender and age, as well as offering diverse viewpoints and perspectives, particularly those not heard previously.

Our hearing speakers indeed represented a wide spectrum of people who offered different perspectives. They included one Klan leader who was involved in the China Grove events and another who was in the Klan/Nazi caravan on the day of the shootings; WVO/CWP members who were injured, widowed or otherwise involved in the demonstration; police officers who were working that day; the judge in the first trial and attorneys involved in all three trials; former residents of Morningside Homes; other activists involved in labor and community organizing in the 1970s; children of the WVO/CWP members; ministers who spoke to the brokenness created or exacerbated by the shootings and subsequent trial verdicts; current city and county elected officials; academics and other writers who could speak to the historical context of the events. Our research showed that the majority of these speakers felt like they had the opportunity to speak their truths and be heard in a safe setting at the hearings.¹¹

In order to encourage a wide spectrum of community members to attend, we hosted the events in three different locations: the Weaver Educational Center, a public high school; N.C. A&T State University, a historically black public university; and the University of North Carolina at Greensboro, a historically white public university. Participants were asked to sign a book upon entering each hearing and we estimate that 300-500 people attended each of the two-day events.¹²

Given the high level of tension related to Nov. 3, 1979, security was a concern for our hearings. Several Commissioners felt uncomfortable with having the Greensboro Police Department – as a group being researched – provide our primary security in these events. But given the GPD's responsibility to protect residents, and given the history of the events we were researching, we chose to have the GPD work in concert with our primary security teams in each of these locations. With the exception of one minor scuffle outside our first public hearing, there were no security problems.

Attended by more than 60 different journalists, our hearings received local, national and even international media coverage.

Community dialogue

A month after our final public hearing, the GTRC hosted a day-long community dialogue designed to encourage community members to reflect on the public hearings and begin thinking about what community reconciliation looks like in Greensboro around the events of Nov. 3, 1979. These discussions primarily took place in small groups with trained facilitators and note-takers. More than 100 community members attended the dialogue, during which many ideas for community reconciliation issues and recommendations were generated (see appendix).

Report receivers

Our Mandate instructed us to issue a report to the “residents of Greensboro, to the City, to the [GTCRP], and to other public bodies.” Attempting to broaden the number of local organizations and individuals who feel some sense of ownership over the GTRC’s report, we solicited religious and civic organizations, schools, book clubs, and more to become GTRC Report Receivers,” which meant they agreed to “read the report or the executive summary as a group, then engage in open and honest dialogue about the Commission’s findings,” “assess the report’s findings and recommendations, then work to help implement any of the recommendations [they] agree will further the cause of community reconciliation and healing.”¹³ In order to explain what it meant to be a receiver, we hosted a gathering of these organizations at which representatives also had the opportunity to share how their organizations would use the report to work toward community healing.

Notes

¹ See also Audrey Chapman and Patrick Ball, (2001). “The Truth of Truth Commissions: Comparative Lessons from Haiti, South Africa, and Guatemala” *Human Rights Quarterly*. 23: 1–43

² See Elizabeth Loftus, (1996), *Eyewitness Testimony* (Cambridge, MA: Harvard University Press) for an empirical review of the literature on how perception, storage and retrieval of memory are subject to error; See also Daniel Schacter, (1997), *Memory Distortion* (Cambridge, MA : Harvard University Press).

³ Truth and Reconciliation Commission of South Africa Report (London: MacMillan Reference Limited, 1998), Volume 1, 111.

⁴ *Ibid*, 112.

⁵ Elizabeth Wheaton observed the federal and civil trials and conducted interviews for her book *Codename Greenkil: The 1979 Greensboro Killings* (Athens, GA: University of Georgia Press). Unfortunately, she has since destroyed all her primary data (interviews tapes and transcripts).

⁶ South Africa, East Timor, Sierra Leone, Ghana.

⁷ Hearsay evidence is not admissible in court, but we accepted hearsay evidence if it was otherwise judged credible.

⁸ Not all of the evidence we considered was sworn or cross-examined because we are not a court. But some of the trial documents that we reviewed were indeed both sworn and cross-examined, which is an aspect we considered in weighing the credibility. Trial and Grand Jury testimony, civil suit depositions, and written answers to plaintiffs’ interrogatories are all sworn. For trial (but not Grand Jury) testimony and depositions, attorneys for both sides are present and can cross-examine and make objections. Statements to GPD and GTRC are not sworn and attorneys are not present; pre-trial interviews for criminal cases are not sworn, nor are FBI interviews. FBI interviews are summarized by the interviewer and are not transcripts. GPD statements are most often summarized by the interviewer, but sometimes transcripts for the more extensive interviews with suspects were provided.

⁹ We attempted to pull together a small group of current or former Klan and Nazi members, but could never get more than one or two people to agree to attend at any time. We also explored the option of having the Human Relations Commission call and facilitate a discussion between members of the Greensboro Police Department and the GTRC, but this also did not happen.

¹⁰ See annex the results of the surveys.

¹¹ See annex for more information about speaker responses.

¹² See annex for more information about audience responses.

¹³ Taken from the Report Receivers Agreement Form (see appendix).