

### Conclusions

The evidence and multiple interpretations that we have uncovered in our research reveal a richly complex story of how Nov. 3, 1979, happened and its meaning for the community. However, serious limitations in the resources available to us, as well as fear of and hostility toward our process have restricted our ability to review all the evidence available. The truth we have found is necessarily imperfect because new facts might later come to light that would demand new or altered conclusions. Indeed it is our hope that others who come after us will continue to perfect the collective truth of this event. This is the very nature of scientific inquiry. While the facts of the incident are indeed complex, through rigorous review and impartial weighing of available evidence and corroboration, we have arrived at well-documented and supported conclusions.

### CONSPIRACY

We find that on the morning of Nov.3, 1979, the members of the Klan caravan headed for Greensboro with malicious intent. At a minimum, they planned to disrupt the parade and assault the demonstrators (by throwing eggs), violating the marcher's constitutional rights to free speech and assembly. Further, we believe there is sufficient evidence to conclude that they intended to provoke a violent confrontation and that this was broadly understood among those present in the multiple planning discussions. Those who left their cars to engage in violence did so willingly. More importantly, Klan members have admitted since the event that they intentionally came prepared to use deadly force in order to be victorious in any violence that occurred.

We find that it was reasonably foreseeable that any contact between the Klan/Nazis and the CWP would result in violence, given

- the heated and armed confrontation in China Grove, in which the protestors had burned the Confederate flag and the Klan and Nazis had been forced to retreat inside the building;
- the long history of the Klan as a terrorist organization that stirs fear and passion in communities targeted by this violence;
- intense political opposition between the two groups;
- aggressive verbal challenges made by the CWP;
- discussions among the Klan and Nazis about bringing guns.

The Greensboro Police Department was fully aware of all this information, and in fact its own paid informant, the Klansman Eddie Dawson, acted in a leadership role in bringing the two sides into contact. Dawson's police handlers had full knowledge of this role. Based on the confrontation at China Grove, we believe that even a small but noticeable police presence would almost certainly have prevented loss of life on Nov. 3, 1979.

Nevertheless, police made decisions

- not to warn the CWP organizers about the known Klan and Nazi plans to confront and probably provoke physical violence, or that the Klan had obtained a copy of the parade permit;
- explicitly to be five to 20 blocks away, and in fact repeatedly direct officers away from the designated parade starting point, even after it was known that the caravan was heading there;

- among key event commanders not to monitor constantly the situation using hand radios;
- not to stop or even noticeably accompany the caravan as it headed to the starting point where police knew no officers were present;
- not to order tactical units to proceed toward the designated parade starting point in an attempt to get in between the Klan/Nazis and demonstrators, or even to get into standby position, after it was clear the caravan was heading toward the parade;
- not to intervene or stop most of the cars fleeing the scene after it was known that shots had been fired.

The intelligence that violence was likely combined with the lack of police action to prevent it clearly shows negligence by the police in their duty. Even though no legal basis for conspiracy was found in the trials, the majority of the commissioners believe that the strength of the totality of evidence reasonably suggests to the layperson that, among *some* in the department, there was intentionality to fail to provide adequate protection. Not every officer was party to either the information or these key decisions, but certainly Detectives Cooper and Talbott, Capt. Thomas, Capt. Gibson, Lt. Spoon, and Capt. Hampton were all aware of the information and all were involved in making these decisions.

While most of us find that the evidence that police were deliberately absent is strong, we also unanimously concur that how one perceives the weight of this evidence is likely to differ with one's life experience. Those in our community whose lived experience is of government institutions failing to protect their interests are understandably more likely to see "conspiracy" while those who have routinely benefited from government protection are more likely to see "negligence," or even "acceptable action" We believe this is one reason for the strong divisions in the community in interpreting this event.

## GREENSBORO POLICE DEPARTMENT PERFORMANCE

The GPD showed a stunning lack of curiosity in planning for the safety of the event. When informant Edward Dawson expressed a desire to cancel the march, Detectives Talbott and Cooper, and City Attorney Jesse Warren, did not ask why. Similarly, when Dawson requested a copy of the permit and admitted that he was a Klansman, Capt. Gibson did not inquire about his intentions.

We find that the GPD's decisions and records of planning discussions indicate that they accepted uncritically almost everything Dawson said. When Dawson reported that any confrontation would happen at the end of the march, Hampton, Gibson and Lt. Sylvester Daughtry decided that the backup tactical units would not be in position until 30 minutes before the noon starting time of the parade, even though the assembly time publicly advertised on posters was at 11 a.m..

Likewise, although the GPD knew that the Klan had a copy of the parade route and planned to follow the marchers, heckle them, and possibly assault them by throwing eggs, no officer recalls any discussion in any planning meetings of the likely consequences of this assault on already emotionally charged anti-Klan demonstrators in a black neighborhood. In contrast, when the GPD received intelligence from a police officer that a Nazi from Winston-Salem planning to attend the march might bring a machine gun with the intent to "shoot up the place," the police summarily dismissed this information as an "unconfirmed rumor."

### *Role of GPD Informant Dawson*

The role of Eddie Dawson as a police informant within the Klan exceeded that of a typical informant.

- Dawson made the initial racist, virulently anti-communist speech at the Klan rally

- designed to incite a confrontation against the WVO/CWP;
- he arranged for the assembly point for Klan and Nazi members prior to going to the parade;
- he was in regular contact with Klan leader Virgil Griffin to discuss plans to disrupt the parade; he obtained a copy of the parade permit and route;
- he drove the route with Klansmen the night before the parade;
- he pointed out the route prior to leaving the Klan assembly point;
- he rushed people into cars at 11 a.m. to get to the parade.
- When Klansmen leaving the house asked, “Who’s running this thing?” Klan leader Virgil Griffin pointed to Dawson and said, “I guess he is.”
- Eddie Dawson got in the lead car and led the caravan to the parade starting point; and he shouted the first insults at the demonstrators gathered in Morningside..

Informants are by definition party to criminal activity, but we find that the decision to pay an informant and fail to intervene when he takes a leadership role to provoke and orchestrate a criminal act, with the full knowledge of police handlers, is negligent and unconscionably bad policing.

### *Low profile*

The GPD records and testimony show that it was Deputy Chief Walter A. Burch (not Hampton, as often asserted), who made the decision to take a “low profile,” keeping officers out of sight in order to avoid provoking a confrontation with the marchers. Given the enmity between police and the WVO/CWP, we find that some version of “low profile” was indeed reasonable. However, the police discussion of this low-profile approach in relation to Nov. 3, 1979, assumes that there were only two choices available: full presence in riot gear or removing officers to locations too far away to intervene when guns were fired.

There was, however, a range of intermediate positions that also could also have been considered “low profile.”

### *Change in parade starting point*

Police and city officials’ most often repeated reason for why there were no police present on Nov. 3, 1979, when the Klan and Nazi caravan arrived, was that the WVO/CWP had changed the location of the parade starting point and not notified the police. However, the Commission finds that the GPD’s own records and testimony reveal that this quite simply is not true. The WVO/CWP designated on its parade permit application that Everitt and Carver was the starting point. At the time that WVO/CWP parade organizer Nelson Johnson applied for the permit, he specifically explained to Gibson the discrepancy between the starting point and the information on WVO/CWP posters that mentioned Windsor Center as a gathering place. Indeed, internal police records show that the discrepancy was repeatedly discussed in several police planning meetings and that it was repeatedly emphasized that the starting point was to be at Everitt and Carver. We do not know with certainty the WVO’s reasons for having two starting points, but the GPD’s own records demonstrate that the police were well aware of the situation and did not take adequate steps to ensure both locations were protected.

### *Protecting unpopular and hostile citizens*

The Commission finds strong evidence that members of the police department allowed their negative feelings toward Communists in general, and outspoken black activist and WVO/CWP leader Nelson Johnson in particular, to color the perception of the threat posed by these groups. At the same time, we find that the GPD also exhibited a clear pattern of underestimating the risks posed by the KKK, which

amounted to a careless disregard for the safety of the marchers and the residents of the Morningside neighborhood where the rally took place.

We understand that police work is difficult, particularly in volatile social and political times. Complex decisions and rapid judgment calls are common, and police departments often have the difficult but crucial job of protecting those whose views are distasteful to the majority, who are hostile to the police, and who may act to obstruct protection. For example, two days before the march, Nelson Johnson publicly declared, “We say to Mayor Jim Melvin and the police, stay out of our way. We will defend ourselves.” On the morning of Nov. 3, 1979, as police officers attempted to contact Nelson Johnson to discuss the police arrangements for the parade, openly hostile protestors refused to speak with the officers and chanted “Death to the Pigs” instead.

However, the Commission strongly emphasizes that hostility and verbal abuse did not preclude the marchers’ right to police protection. The police knew this enmity existed. Furthermore, Capt. Gibson delivered the explicit promise of protection for the safety of the marchers and their First Amendment rights when Johnson was issued a parade permit. This promise of protection was even more significant given the requirement of the parade permit that the protesters be unarmed. Unfortunately for the whole community, the police failed to carry out the promised protection.

Police are public servants and have the duty to undertake due diligence to plan safeguards and provide protection even for people expressing unpopular points of view. Indeed, civil and human rights do not derive their meaning from their protection for the universally adored and cooperative. Rights only have meaning when they apply to everyone, even the most despised and hostile, whose views may be seen as threatening. Further, officers are surely trained to deal with this eventuality as it is a routine occurrence in police work. The inevitable tension between providing safety and protecting rights is territory that all healthy democracies must navigate.

#### *Permit process*

Gibson did not have any information on Oct. 19, 1979, about the Klan coming, when Johnson asked if the police expected trouble. However, when Johnson came to pick up the permit on Nov. 1, Gibson did have, as did all the police officers who had attended the intelligence meetings, information from an inside informant that 50-85 Klansmen and Nazis were planning to come to disrupt the march and potentially assault the demonstrators. Gibson said that he did not give the permit to Johnson on Nov. 1 when he came to pick it up but that he also did not feel the need to communicate any intelligence to him. Likewise, Hampton, whom Johnson encountered that day in relation to the march, also chose not to reveal this information to him. In fact, Hampton claimed that informing the WVO/CWP of this danger “served no purpose that I could see.” Hampton said this was because, “I had read his (Johnson’s) flyer. He was inviting them to come so, you know ...” We find police failure to inform the WVO/CWP of known threats to the marchers unconscionable.

#### *Failure to stop the caravan*

Cooper admits there was a “reasonable chance” guns were in the cars since he knew that Klansmen had specifically brought them from home to the gathering point and the caravan was “probably” heading toward parade assembly point. The Klan informant had communicated to Cooper the Klan’s intent to interfere with the march and assault the demonstrators. However, Cooper (and all other officers questioned on this topic) insisted there was no probable cause to stop the caravan.

Is “probable cause” or “articulable suspicion” needed to make a stop? Daughtry admits they had articulable suspicion but not probable cause. Gibson said, “if I had been there I would have ordered

them to stop it (the caravan)”.

We have seen legal and police opinions on both sides of this question: that there was and was not probable cause to stop the caravan. It is obvious that whether or not there was sufficient cause to make the stop was not a clear-cut issue and a judgment call had to be made. However, this circumstance was certainly not unanticipated, yet no tactical officers can recall any discussion about it. Again, the failure to anticipate reasonably foreseeable problems and discuss procedures indicates to us a stunning failure to prepare adequately for the march.

Police Attorney Cawn argued that for marked police cars to noticeably follow the caravan would have been “chilling” to the Klan’s free speech rights.

The Commission, however, finds that, given the nature of the confrontation in China Grove, the subsequent inflammatory propaganda distributed by both sides, the strong commitment of the WVO/CWP to proceed with the march and conference, the reliable specific intelligence received from the informant about the preparations of the Klan and Nazi members, and the common knowledge at the time of the proclivity of the Klan toward violence, the GPD would have been clearly justified in ordering a significant and visible police presence accompanying the caravan and at the parade assembly point to protect the public safety, including the safety of the demonstrators and the occupants of the caravan.

Such a police presence would not have contravened the First Amendment rights of the demonstrators to conduct a peaceful march and conference, or of the Klan and Nazi members to conduct a peaceful counter protest in a vehicle caravan. As long as the participants were permitted to engage in protected speech, even if that speech involved hateful insults and slogans, the police presence would not be considered an impermissible “chilling” of protected First Amendment freedoms. An adequate police buffer could have protected, rather than hindered the exercise of those freedoms.

### *Failure to stop fleeing vehicles*

The failure to stop cars fleeing the shooting resulted in loss of critical evidence and maybe even key witnesses. In addition to no directive being issued to cut off possible escape routes, at least two units (Sgt. Burke and Officer Wise) called in information or requests about fleeing cars and received no replies. Further, although by that point in the morning it was clear that these cars were fleeing a felonious shooting, neither officer opted to pursue the cars.

## **FEDERAL LAW ENFORCEMENT PERFORMANCE**

Although not legally bound to do so, we believe it was immoral and unconscionable for the FBI and the Bureau of Alcohol Tobacco and Firearms – which both had their own inside intelligence on the Klan and Nazis about the potential for violence on Nov. 3, 1979 – to fail to share that information with local law enforcement. This independent information, taken together with intelligence from Dawson, would have provided a more robust picture of the threat.

The BATF had an undercover agent among the Nazis, Bernard Butkovich. Although he certainly did nothing to prevent it, based on the information available to us we do not find that agent Butkovich acted to provoke the violence. Acting undercover often requires an agent to feign support for violent ideas, but the facts we have do not lead us to believe Butkovich incited these feelings where they did not already exist. However, federal agencies exercise very tight control over evidence relevant to their operations and agents. Therefore, as a general problem, citizens often find it extremely difficult to document any inappropriate behavior by federal agents.

*Were Victims Targeted?*

Many of the former CWP members believe that those who were killed were targeted for their leadership roles in union activism. With evidence available to us, we cannot make a clear determination on this point.

The testimony of Chris Benson, a high ranking officer in Virgil Griffin's Klan, that the night before Nov. 3, 1979, he, Griffin, Pridmore and Jerry Paul Smith used photos of China Grove to choose who they were going to "beat up" offer compelling evidence. However, even if it were their explicit plan to beat up selected CWP leaders, we cannot know if that plan extended to actually shooting them.

The affidavit of Daisy Crawford that, prior to Nov. 3, 1979, men identifying themselves as FBI agents came to her home and showed her photos of Sandi Smith and other men she now believes to be Waller and Sampson is also inconclusive. The FBI has offered no reports or agent testimony of this visit. Based on this evidence, we cannot know for sure who was in the photos, who the men were who showed them to her, for what purpose they did it, and what, if anything, this visit had to do with the deaths of the five victims.

The fact that, when many others were there, the five who were killed were union leaders is often used as evidence that they must have been targeted. However, their leadership role in itself is not evidence that they were deliberately singled out. We suspect that those who were killed were those who were in the front of the fray, perhaps because of their leadership roles. The possible exception is Sandi Smith. She was near two people firing guns, Claire Butler and Bill Sampson. It is very possible that these two drew return fire that hit Sandi instead.

## **VIOLENT LANGUAGE & PROVOCATION**

Much of the public debate about the causes of the Nov. 3, 1979, incident has centered on the role of aggressive speech in bringing about violence.

The Klan's racist rhetoric was plainly intended to provoke. Just prior to the confrontation, Klan leader Virgil Griffin publicly told the audience at a Klan rally, "If you loved your children, you would go shoot 100 niggers and leave their bodies in the street." Eddie Dawson's poster, plastered in black public housing communities prior to the confrontation, bore the image of a lynched body with the warning to "communists, race mixers and black rioters. Even now the cross hairs are on the back of YOUR NECK. It's time for some old fashioned American justice." The message of the film "Birth of a Nation" and of the speeches made at Klan and Nazi rallies glorified the oppression and murder of black people. These words are immoral and demand public rebuke. However, they also are words that are protected by the U.S. Constitution. The Klan and Nazis have the right to express these views.

Opponents of those views share the same rights. Therefore, the rhetoric used by the WVO/CWP was also constitutionally protected speech. Yet there is no doubt that the WVO/CWP embraced inflammatory language and identified with violent symbols. "Death to the Klan" was an unfortunate slogan for the parade. Although most have expressed regret for this language, survivors have argued that such language was common at the time and was intended to threaten an institution and ideology, rather than individuals, but such nuance was likely lost on Klan members.

Other language is more troubling. The WVO/CWP made a militant challenge to the Klan via posters, and Paul Bermanzohn said at a news conference, "(The Klan) can and will be crushed ... They must be physically beaten back, eradicated, exterminated, wiped off the face of the earth. We invite you and your two-bit punks to come out and face the wrath of the people." One of the WVO/CWP fliers urges that "The dogs have no right to exist! They must be physically beaten and run out of town. This is the

only language they understand.”<sup>1</sup>

Although both groups indulged in violent rhetoric, the cultural context of the time made the intent and effect of the rhetoric inherently unequal. Despite the inflammatory language and the ideological identification with violent international figures, the Communist Party within the United States does not have a historical pattern of terrorist acts.<sup>2</sup> What’s more, communism has never been the dominant ideology in any part of the United States, nor has it ever enjoyed the support, direct or indirect, of law enforcement authorities. The same cannot be said of the KKK. Founded specifically as an insurrectionist terrorist organization, the Klan has counted among its members many elected and law enforcement officials, including at least one U.S. president.

Further the Klan and Nazis who were in the caravan backed up violent language with violent actions. For example, there were criminal convictions for shooting into a home reportedly serving liquor to both blacks and whites in Alamance County, conspiring to blow up a union hall in Cherryville, organizing paramilitary training camps for inciting a race war, and planning to blow up a gas storage facility in Greensboro. There also were admissions of breaking the legs of a black man who was living with a white woman and talking about blowing up “race mixing” clubs and bookstores, and burning crosses on the lawns of blacks who had moved into white neighborhoods. In contrast, the most violent documented acts of the WVO/CWP were to engage in target shooting and karate training.

Since its founding, the Klan has been a terrorist group that carried out its threats. With two such divergent histories, the majority of Commissioners conclude that it is not reasonable to give the threats made by the two groups equal weight as they are not equivalent in intent or effect.

### **CITY GOVERNMENT AND COMMUNITY RESPONSE**

Although the GPD Internal Affairs report was ostensibly released publicly to “make the facts known” about Nov. 3, 1979, we found that the public investigation report contradicts the police department’s own internal documentation in the following ways:

- It downplayed information about the number of Klansmen and Nazis expected to come to the rally and discounted the discussions of guns the groups had in their planning.
- It concealed that an informant in the Klan had provided the police with this information for almost a month prior to the march.
- It concealed knowledge of the prior confrontation between the WVO/CWP and Klan/Nazis and China Grove and the aggressive challenges made by the WVO/CWP to the Klan.
- It denied knowledge of two gathering points for the parade.
- It omitted key officer testimony and left out several crucial transmissions from the radio transcript.

Based on this evidence the majority of Commissioners finds that both the GPD and key city managers deliberately misled the public regarding what happened on Nov. 3, 1979, the planning for it and the investigation of it. The majority of Commissioners conclude that this was done to shift the responsibility away from the police department.

This report fits into an unfortunate pattern of official City response to the tragedy. In the wake of the killings, city leaders (formal and informal) appeared more concerned with protecting the city’s image and clamping down on citizen protest in the interest of “security,” than with meeting the needs of its most vulnerable citizens and helping the community process the event and heal. Evidence of this includes

- attempting to influence media coverage;

- marginalizing findings of the Citizen Review Committee established after the shootings;
- attempting to stop the Feb. 2, 1980, march against racist violence;
- attempting to intimidate and discourage people from participating in public protests.

For the majority of Greensboro residents, this response by city leaders reinforced the city's image of civility and distanced them from this event. Likewise, the interpretation of the violence as a "shootout" between two "hate groups" who were "outsiders" is so often repeated by officials and in the media that it has become the dominant community attitude. The rush to find a simple answer for the question, "Why Greensboro?" conveniently kept the community from looking at the complexity and at its own role or responsibility. This response effectively polarized the community, despite changes that did occur, such as the enactment of anti-discrimination efforts in city employment and the change to a district system for representation on City Council.

For the disempowered communities in Greensboro, the city's response served to compound suspicions that the police had some hand in the violence and city officials were unwilling to undertake a good faith investigation into wrongdoing. Further, the underhanded manner in which the city attempted to suppress citizen protest worked to foster additional suspicion and fear. These responses fit with a larger pattern that persists today and can be seen in the city's relations with the GTRC (see below).

The media also played an important role in the community's response to this tragedy. While the newspapers fulfilled their duty to report on the basic facts of the event, in general we find the mainstream newspapers failed to provide in-depth coverage of the context of the shooting. There was little coverage of why the conflict happened in Greensboro or of police involvement. Rather, the daily coverage tended to focus blame on the two "outsider extremist" sides: the CWP and Klan/Nazis. On the other hand, we found the weekly African American-owned *Carolina Peacemaker*, which has a predominantly African American readership, provided more in-depth contextual coverage, better allowing its readers to decide for themselves the meaning of the event.

## INJUSTICE IN THE JUSTICE SYSTEM

We find one of the most unsettling legacies of the shootings is the disconnect between what seems to be a common sense assessment of wrongdoing and the verdicts in the two criminal trials. When people see the shootings with their own eyes in the video footage, then know that the trials led to acquittals, it undermines their confidence in the legal system.

We also appreciate that, given the imperfection of our legal system, it is necessary to err on the side of acquittals of the guilty to avoid conviction of the innocent. However, when the justice system fails to find people responsible when wrongs were committed, it sends a damaging signal that some crimes will not be punished, and some people will not be protected by the government. In addition, the majority of us believe that the system is not just randomly imperfect; rather it tends to be disproportionately imperfect against people of color and poor people.

Truth commissions are neither mandated nor capable of "re-trying" court cases. Instead, our purpose was to take a fresh and more dispassionate look at the procedural and substantive issues involved in these trials and make our own assessment of what transpired and whether there were noticeable flaws in the process, either in violation of legal standards or basic notions of justice. Another of our aims in this inquiry is to reveal how the legal system inevitably reflects and also is influenced by the prevailing social and political contexts, and how in this particular case the system failed some expectations for justice.



## Overall conclusions & recommendations

The chief purpose of a trial, whether criminal or civil, is not to uncover the “truth” of the events about which it is concerned. In this way, trials are fundamentally different from the task the GTRC has undertaken. Understanding the inherent limitations of what was accomplished in the courts helps us clarify and distinguish our own mission.

Three trials addressed the wrongdoing of Nov. 3, 1979: a state criminal trial on capital murder charges; a federal criminal trial on charges that the shooters were motivated by racial hostility to violate the victims’ civil rights; and a civil suit brought by widows of the victims and some of those were injured or arrested on Nov.3.

Both criminal trials resulted in acquittals by all-white juries and brought widespread public outcry. We find many problems with the jury selection process that led to producing panels unrepresentative of the community due to many factors including the following:

- until 1986, it was entirely legal to strike a potential juror from the panel based on his or her race;
- sources of jury pools under-represent the poor and people of color.

We believe that the unrepresentative juries undoubtedly contributed significantly to the verdicts.

Further, although an often repeated explanation for the acquittals is the CWP members’ failure to testify, we find that view is flawed for the following reasons:

1. The CWP members did cooperate with the federal criminal trial, which also resulted in acquittals.
2. The State had other witnesses available to give testimony of the shooting and to “humanize the victims.”
3. The view does not take into account the environment of pervasive anti-communism in which the trials took place, nor the fact that CWP members faced pending felony charges for riot that gave them reason to believe they could incriminate themselves or their associates by testifying.

The civil trial, which had a jury with one black member, resulted in the nation’s first finding that members of a U.S. police department (Klan informant handler Det. Cooper and parade event commander Lt. Spoon), were jointly liable with white supremacists for a wrongful death. While a victory in this regard, the outstanding moral question of the failure to find for the other four victims remained.

The City paid nearly \$400,000 in settlement for all defendants, including Klan and Nazi defendants, in exchange for plaintiffs’ release of all defendants from future civil action. This settlement meant that the litigation had been resolved, but the pain and moral issues had not. The City’s payment of this settlement on behalf of the police officers as well as Klan and Nazi defendants gave the appearance to many, rightly or wrongly, of the City’s support for or alliance with the Klan and Nazis. We find that this decision of joint payment, coupled with the city’s denial of any responsibility for wrongdoing resolved the legal suit but not underlying questions, hurt and feelings of injustice in the community. The litigation may have been settled, but the moral issues were not.

The three trials have illustrated each in their own way, the limits of our court system as it is structured. The “retributive justice” model of the U.S. legal system confines judicial inquiries to the proof of a defendant’s guilt (criminal cases) or liability (civil cases), under a narrowly defined set of laws and rules of procedure. As a result, the examination of the role of individuals and institutions, outside of the particular defendants on trial, is limited solely to their relevance to those particular

proceedings. Similarly, the scope for defining and addressing other types of harm and other stakeholders in the incident is also very narrow. The courtroom is the realm of technical knowledge and expertise, with little leeway for richness of context or consequences that surround wrongs.

The promise of “transformative justice” is in drawing the community to the table to discuss what wrongs were done and to whom and by whom. Transformative justice also facilitates exchange of diverse perspectives on why these wrongs occurred and what should be done. In this way, transformative justice works in concert with retributive justice, not as a repeat or replacement of it. By looking at the issues more holistically, truth commissions can better diagnose the underlying causes and consequences, which may not be relevant to particular legal proceedings.

## FEAR & SILENCE

Increased fear after Nov. 3, 1979, has had devastating effects on our community. Morningside residents were victimized by the shooting happening in their midst, and again by the curfew and clamp down on protest. Neighborhood residents felt sanctioned by the city because this tragedy occurred in their community. Subsequent rumors of violence and red-baiting suppressed protest. Fear of economic backlash for being associated with those clearly singled out for the city’s ire, the Communists, further traumatized residents of Morningside and people throughout the city. People who were friends and associates of CWP members, or who even encountered them in restaurants or on the street, were afraid even to be seen with them because they risked loss of jobs, homes, funding for their community projects and the like.

The CWP members themselves, in addition to losing friends, jobs and more, also felt victimized by being denied justice in the court system, being placed under surveillance and being demonized in the mainstream media.

The fear surrounding these killings has not gone away. In our own process, we have had many citizens who insisted on confidential statements – not because of the content of their statements, but because they feared economic or social retaliation simply for talking to us. After “talking with people,” several key figures who originally agreed to speak changed their minds, leading us to conclude that they were discouraged from participating. There are many people who could have come forward with information but who did not, presumably because of this fear. Fear and the use of vengeful backlash or even its threat hampers the community’s understanding and ability to move forward. We find it ironic that so many of the city’s leaders insisted that there was no point to establishing the GTRC because, in the words of one city council member, “The real truth is that it’s a big yawn for this community.”<sup>3</sup> Such a statement leads us to believe many of our elected leaders are either horribly out of touch with, willfully blind to, or simply unconcerned about the lingering pain and the stifling workings of power in this community.

## GRASSROOTS ORGANIZING AND CONNECTION TO COMMUNITY CONCERNS

Although the WVO/CWP felt that they fully engaged with the Morningside community, it is apparent that many residents felt uninformed or disagreed with the confrontational activities taking place in their community. While the WVO/CWP issues were grounded in the community’s concerns, their tactics and politics differed significantly from those of many community residents. The WVO/CWP party-building agenda was not shared by most of those living in the Morningside community. Further there are those from the WVO/CWP’s own membership who raised concerns and offered critiques and were then overruled and marginalized by the top-down leadership of the party. We believe these leadership styles were hierarchical, not empowering, and ultimately they failed as an organizing tactic.

There has already been much public debate about the WVO/CWP's ill-advised use of violent rhetoric and their regrettable leadership style. These shortcomings notwithstanding, we recognize and want to raise up the legitimacy of union organizing as well as the moral necessity of confronting unjust economic and social conditions, including those with which the WVO/CWP was engaged. We believe it is common to demonize those in the community who threaten the status quo and look the other way when they are mistreated. Unfortunately, this tendency only served to fuel the polarizing sectarian rhetoric of the WVO/CWP and pushed those members working to confront legitimately unjust conditions toward more and more radical and confrontational action.

### FIREARMS

We believe that when guns are present, particularly in the hands of strongly opposed groups confronting each other, the likelihood of violence is often increased.

However, while the idea of armed self-defense is accepted and deeply imbedded in our national identity and tradition, there is a double standard by which armed black people are seen as an unacceptable threat. Klan and Nazis' propensity for carrying heavy firearms was not discussed in intelligence meetings. On the other hand, even after intelligence briefings that the Klan and Nazis intended to come to Greensboro to have revenge for a nearly physical confrontation with the CWP, police planners were more concerned about Nelson Johnson's "history of inciting riots." As Capt Gibson put it, "There was nothing in those (intelligence) briefings (about the Klan and Nazis plans) that concerned me a whole lot." Further, the fact that jurors accepted the dismissal of the first two shots on Nov. 3, 1979, fired by the Klan, as "calming" shots in their consideration of the self-defense argument is astonishing.

One positive legacy of Nov. 3, 1979, is a city ordinance that forbids anyone from carrying a firearm within 500 feet of a public demonstration.

### RACISM

We have been constantly asked during our process, "Was Nov. 3, 1979, really about race?" Labor organizer Si Kahn offered a clear answer when he said in our first hearing, "Scratch the surface of any issue in the South and you will find race."

We found that the events of Nov. 3, 1979, are woven through with issues of race and class. Consider these elements:

- A group of demonstrators aiming to empower laborers in a poor black neighborhood were holding a "Death to the Klan" rally.
- The leading organizer of the rally was a local black activist who was outspoken on issues of racial inequality. This leader was widely demonized for his role in the city's traumatic 1969 incident of mass racial unrest prompted by the "Dudley/A&T Revolt."
- The "Death to the Klan" marchers were shot down by Klan and Nazis who were twice acquitted by all-white juries.
- The city acted to try to prevent subsequent citizen protest against the Klan and white supremacist violence.

Imagine for a moment that these elements were racially reversed, viewed as a photographic negative.

Imagine a group of demonstrators is holding a demonstration against black terrorism in the affluent white community of Irving Park. A caravan of armed black terrorists are allowed to drive unobstructed to the parade starting point, and photos are taken by the police as a fight breaks out and demonstrators are shot dead. Most of the cars are then allowed to flee the scene, un-pursued, even as they threaten neighborhood pedestrians by pointing shotguns through the windows. The defendants are tried and acquitted by an all-black jury. The first shots – fired by the black terrorists screaming “Shoot the Crackers!” and “Show me a Cracker with guts and I’ll show you a black man with a gun!”– are described by defense attorneys and accepted by jurors as “calming” or “non-hostile” shots. Meanwhile, the city government takes steps to block citizen protest of further black terrorist violence including a curfew in the white neighborhood. The scenario is so unlikely as to be preposterous. Yet, in racial reverse, it is exactly what happened.

Racism, it goes without saying, divides our community and suppresses dialogue. It also routinely acts through institutions to disadvantage entire groups of people. This is often so in the justice system, which was created by white leaders to protect the interests of the majority power structure. The GTRC applauds the efforts of those in our community working to bring down these divides. It is our sincere hope that we, by analyzing our history and identifying the impediments to reconciliation, have provided guidance for our community to evolve into one where people of all races are equally respected and protected.

## CONSEQUENCES

The consequences of Nov. 3, 1979, were both immediate and long-lasting. As we gathered statements in private settings and public hearings, we heard about the magnitude of consequences directly or indirectly affecting those who were in Morningside Homes on that fatal morning, as well as people who were not present, including family members and even those yet unborn. We heard how Greensboro residents and social justice activists nationwide were impacted by that day.

Both negative and positive consequences emerged. Beyond the deaths and physical injuries themselves, negative consequences included:

- Individual psychological trauma, depression, anger and fear;
- Strained relationships, broken marriages and estranged children;
- Economic retaliation and social isolation against CWP members and their associates, including loss of jobs and economic hardship, surveillance and a feeling of being under siege;
- General distrust of police, the justice system, elected officials and the media;
- Exacerbated race and class tensions;
- An upsurge in racist violence and hate group activity;
- Chilled organizing and political activism
- Increased distrust of outsiders, denial of responsibility for problems;
- Tacit approval of violence against political dissenters.

Positive consequences that emerged included:

- A strengthened resolve for political activism for some;
- A clearer view for many privileged residents of concerns about the justice system held by many poor and minority residents.
- A decision on part of some community leaders to drop opposition to the district system for political representation and City Council elections.

### TRUTH SEEKING AND RESISTANCE

Finally, as a grassroots citizen effort that challenges the status quo, we have learned firsthand that a pattern of resisting change and suppressing the efforts of those who seek it continues in Greensboro. It became clear for the entire city with revelations that prompted the police chief's sudden resignation early this year. The revelations involved allegations of high-level misconduct including institutionalized racial profiling and admissions of police wire surveillance of private citizens including our own executive director. Other elements of the city's official response to our process included the following:

- City Council voted 6-3, with the three black members dissenting, to oppose the truth and reconciliation process;
- Council members promoted rumors about the GTRC intimidating opponents and sowed confusion about our funding and our relationship to the GTCRP;
- Information known only to the GTRC, police and city officials was leaked to the media, jeopardizing the public hearing testimony;
- Police officials met with representatives of Mount Zion Baptist Church without GTRC staff about a GTRC event planned there;
- Prospective statement givers and community dialogue participants indicated being discouraged to participate.

Our experience, which also included mysteriously broken file cabinets containing research documents and personnel files, leads us to believe even more strongly that our process is relevant and important for revealing the deep brokenness in our community and leaders' tendency toward suppression of truth-seeking and other efforts to insist on accountability. Although done in the name of protecting community stability, this end does not justify the means. Stability is not the same as justice, which must be established if the city hopes to restore trust and to heal.

As the GTRC met with surveillance, intimidation and rumor-mongering at the institutional level, at the personal level we found indifference, fear and resistance. The mayor once commented to us that he found it "unappetizing" to engage in a process that speaks openly about issues of poverty, labor, capital, race and hate. It appears that many in our community share his distaste.

This discomfort and its roots must be honestly examined by individuals and the community as a whole. As Thoreau said, it takes two to speak the truth: one to speak and one to hear.

#### ■ Notes

<sup>1</sup> Emphasis in original.

<sup>2</sup> The Weathermen are an exception.

<sup>3</sup> "Inquiry shaping how city is perceived," *News & Record*, March 23, 2005.