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Can Truth Commissions be Effective in the United States? An Analysis of the Effectiveness of the Greensboro Truth and Reconciliation Commission in Greensboro, North Carolina

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"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.

(Brown et al., 2006)."

Introduction

This paper outlines the work of the Greensboro Truth and Reconciliation Commission and considers its effectiveness. The events of November 3, 1979 are first highlighted, when 15 demonstrators from the Communist Workers Party were shot (5 of them were killed) by Ku Klux Klan and Nazi party members in Greensboro, North Carolina. While many of those shot were Caucasian, the conflict fit into wider southern race relations as the demonstrators were seen as supporting working-class African Americans, integrating with them, and challenging the Caucasian power structure. The place of this case in the field of Transitional Justice is then discussed, along with general characteristics of truth commissions including their strengths and weaknesses. Criteria for evaluating the work of truth commissions is then considered, followed by a discussion of the effectiveness of the Greensboro Truth and Reconciliation Commission in meeting those criteria.

The Greensboro Case

On November 3, 1979, in Greensboro North Carolina members of the Ku Klux Klan and the Nazi party jointly attacked participants at a demonstration organized by the Communist Workers Party at the Morningside public project (e.g. Brown et al., 2006). This attack was captured on film by the local news media (The.International.Cente.for.Tranisitional.Justice, 2007; Zucker, 2007a). The literature inviting demonstrators to protest textile mill conditions (Fisher, 2005) included "Death to the Klan" rhetoric (Brown et al., 2006; Zucker, 2007a). This rhetoric came on the heels of previous open antagonism by Communist Worker Party members directed at the Klan (Zucker, 2007a). The Communist Worker Party was made up of textile mill workers, approximately half of whom had African American descent and half who were Caucasian (Zucker, 2007a). The Klan members regarded them as "city-slickers" and outsiders who united members of the white and black communities (Brown et al., 2006; Fisher, 2005; Zucker, 2007a) and threatened their southern identity (Zucker, 2007a). There was a conspicuous absence of police presence at the demonstration (Brown et al., 2006; The International Center for Transitional Justice, 2007). After the incident, the residents of the Morningside housing project were inundated with the presence of police and the National Guard, while abiding by a curfew imposed on them, even though they had no previous knowledge of the event (Brown et al., 2006; Zucker, 2007a).

In response to the event, a state trial of the perpetrators was held in 1980 and all were acquitted by an all-white jury on the grounds of self-defense. A subsequent federal trial was held in 1984, and again all of the perpetrators were acquitted by an all-white jury (Brown et al., 2006; Ryals, 2007). Another civil trial was then initiated by Marty Nathan, whose husband Michael was killed at the demonstration. The court held that the Klu Klux Klan and Nazi party members were jointly responsible for the death along with the Greensboro Police Department and were ordered to pay approximately \$350,000 in damages (Brown et al., 2006; Ryals, 2007). The Greensboro Police Department had previously informed the Klan of the demonstrator's planned walking route and had a reciprocal relationship in exchanging information with their chief informant in the Klan, Eddie Dawson (Brown et al., 2006). They were noticeably absent from the scene of the shooting, even though they had stopped the Klan and Nazi party member caravan on their way to the demonstration (Brown et al., 2006). The city paid the damages but never apologized (Fisher, 2005). In fact, none of the perpetrators apologized for the incident (Johnson, 2007; Zucker, 2007a).

This left the survivors of the incident with an unrecognized trauma that had ongoing physical and emotions consequences for them, as well as a tremendous distrust of the judicial system and the police (Brown et al., 2006; Fisher, 2005; The International Center for Transitional Justice, 2007; Zucker, 2007a). Furthermore, the community of Greensboro never fully recovered from the incident (Fisher, 2005; Johnson, 2007; Wickham, 2004). With the assistance of Carolyn Allen, a former Greensboro Mayor, the survivors of the Greensboro incident sought extra-judicial means to gain some acknowledgement and healing, while giving the community a sense of redress (Ryals, 2007; Wickham, 2004). They decided to use the experiences of the South African Truth and Reconciliation Commission as a model and create a truth and reconciliation commission in their community (Brown et al., 2006; Zucker, 2007a). To this end, they collected the signatures of 5,000 residents of Greensboro to support the Greensboro Truth and Reconciliation Commission, which were brought to city hall (Fisher, 2005). The elected city officials voted 6-3 not to endorse the truth and reconciliation process (the 3 who voted for it were the African American representatives) (Brown et al., 2006; Fisher, 2005; Zucker, 2007a). The officials who voted against it had various concerns including: how bringing up the past would affect the community, the potential negative economic impact the findings could have on Greensboro, a concern that the survivor-initiated process might be biased, and an expressed desire to look to the future rather than the past (Ryals, 2007; Wickham, 2004; Zucker, 2007a). In spite of this lack of official support, the 7 members of the Greensboro Truth and Reconciliation Commission were sworn in on June 12, 2004 (Brown et al., 2006; Zucker, 2007a). They were charged with examining evidence from the court trials, investigating police and federal law enforcement documents, reading other historical documents, and conducting public and private interviews to create a report with a comprehensive historical narrative and recommendations for proceeding in light of that historical account (Brown et al., 2006).

The Greensboro Truth and Reconciliation Commission found that the Klan and Nazi party members attempted to disrupt the demonstration with "malicious intent" and that they "intended to provoke a violent confrontation," "prepared to use deadly force in order to be victorious (Brown et al., 2006, p. 6)." They also determined that the Greensboro Police Department was negligent in not warning the demonstration organizers about the plans for the Klan and Nazi party members to confront them, being at least 5 blocks away from the incident even though a violent confrontation seemed highly possible, not monitoring the demonstration, not stopping or accompanying the Klan and Nazi party members on their way to the demonstration, and not stopping cars fleeing the scene (Brown et al., 2006). In this way, "the single most important element that contributed to the violent outcome of the confrontation was the absence of police (Brown et al., 2006, p. 7)." For their part, the Communist Workers Party members who participated in the demonstration were found to bear, "some, albeit lesser, responsibility" for beating Klan and Nazi party cars when they came to the demonstration and for firing back at the Klan and Nazi party members with guns that they brought to the demonstration (Brown et al., 2006, pp. 6-7).

The Truth and Reconciliation also outlined some key issues which led to the violent confrontation and an insufficient city government and community response including: violent language and provocation, an unjust justice system, fear and silence in the community, the presence of firearms, the ever-present specter of racism, and grassroots organizing by the Communist Worker's Party that did not adequately consult with Morningside community members and used aggressive tactics (Brown et al., 2006). To address many of these areas of concern, the Truth and Reconciliation Commission put forth a host of recommendations including: official acknowledgment of the event and apologies issued to the victims and the Morningside community members, the creation of a public monument and museum exhibits in commemoration of the event, initiating anti-racism

training for government employees, public officials, and community members, staring police review boards, reviewing jury selection, creating a community justice center, incorporating the Truth and Reconciliation Commission's report into school curricula, making public any information on police corruption, and creating forums for community discussion and debate of these issues (Brown et al., 2006). It remains to be seen the extent to which the recommendations will be realized. It may be particularly difficult to get the recommendations implemented given the Commission's unofficial status and lack of endorsement by public officials.

Transitional Justice

Transitional Justice is generally regarded as both judicial and extra-judicial responses to past human rights abuses, political repression, and state crimes after a political change to a less repressive regime (Bickford, 2004; Minow, 1998). In general, these responses are initiated by temporary official institutions that focus on past patterns of political repression and abuse over time (as opposed to a single incident), who attempt to stabilize their nation in the interest of peace (Hayner, 2002). While the genesis of the field is generally regarded as with the Nuremburg and Tokyo trials after World War II (Bickford, 2004; Minow, 1998), the field of Transitional Justice is still new and developing, and is now just as concerned with preventing future crimes and upholding just social norms as in confronting past abuses (Ocampo, 2007; Roht-Arriaza, 2006). Examples of Transitional Justice can be seen in the work of countries around the world, such as South Africa, Rwanda, Yugoslavia, Argentina, and Chile, who have sought to rebuild their nations after the repressive governments who ruled there were removed from power (Bickford, 2004; Hayner, 2002; Roht-Arriaza, 2006). Transitional Justice has blossomed due in part to the growth of the human rights movement, globalization, and the universal need to see the victims of past abuses receive some measure of justice (Bickford, 2004).

Generally, Transitional Justice is thought to be a means for groups to receive some justice after a major national political transformation (Bickford, 2004). There is a range of ideas about how broad or narrow Transitional Justice processes should focus, from the narrowest view, attempting to address certain violations of specific civil and political rights, to a much broader view, addressing not only violations of civil and political rights, but also the full range of social and economic rights, as well as reconsidering historical accounts, reforming political and legal institutions, and improving underlying societal inequalities (Roht-Arriaza, 2006). The range of strategies employed in transitional justice can therefore be vast but the most common include: reconciliation initiatives, reforming institutions, prosecuting perpetrators, establishing historical truth, creating reparations policies, and finding means to honor victims (Bickford, 2004). The societal goal for these measures is to achieve a response to massive abuses of the past that achieves some sense of both justice and truth for victims whose experiences continue to haunt them well after the abuse (Minow, 1998). The therapeutic goals of reconciliation and healing must be balanced against the need for societal retribution in seeking accountability and establishing a just, peaceful, democratic society (Bickford, 2004; Minow, 1998).

The Greensboro Truth and Justice Commission represents an innovative, unique, local response to deal with a particular incident of human rights abuse in the United States (The International Center for Transitional Justice, 2007). Various historical truth commissions have certainly had a great societal impact operating in a targeted fashion, considering the concerns of certain racial or ethnic groups, requiring only a quasi-official status to go about their work investigating and documenting the past than national investigations require (Hayner, 2002). Local-level responses to persistent ongoing repression are not unheard of in the field of Transitional Justice, particularly in confronting ethnic conflict between neighbors (for example in Rwanda) (Roht-Arriaza, 2006) and not-for-profit organizations have initiated some unofficial Transitional Justice processes (Hayner, 2002; The International Center for Transitional Justice, 2007). In fact, local-level responses to repression can result in flexible processes that match the culture of the people affected, promote greater community ownership of the process and its outcomes (including reconciliation and the rebuilding of social networks), while making the processes more understandable (Roht-Arriaza, 2006).

This more local-level vision of Transitional Justice fits with the work of the Greensboro Truth and Reconciliation Commission, who dealt with a specific community incident. However, should this commission's work be considered a part of the field of Transitional Justice if it is a response to a single, specific incident in the past of one local community, where no great political transition has taken place? I believe that it should fall within the Transitional Justice framework as the incident ought to be placed within the broader historical context

of race relations and the repression of African Americans in the United States. With this broader frame of reference, the Greensboro incident represents a specific example of a human rights abuse against African Americans and their supporters in gaining greater equality in the nation as a whole (Johnson, 2007; Ryals, 2007; Wickham, 2004). The Ku Klux Clan and Nazi party members who perpetrated the attack were clearly motivated by their passionate dislike of racial equality, desegregation, and social justice for African Americans. As well, the incident occurred in the American south, which has been a central focus for the African American civil rights movement from its inception. In fact, the Greensboro Truth and Reconciliation Commission emphasized placing this incident in the greater historical context of southern race relations (Brown et al., 2006). In this way, the Greensboro incident can be seen to be part of a greater transition of African Americans out of a state of political repression, perpetrated by the government and the people of the United States, toward a more democratic, peaceful, desegregated society with greater racial equality.

Truth Commissions

Truth commissions have become an important means of attaining justice and reconciliation in post-repressive political contexts. Frequently, South Africa is considered the pioneer in developing truth and reconciliation commissions but their work was pre-dated by similar processes undertaken in Argentina and Chile (Hayner, 2002; Minow, 1998; Roht-Arriaza, 2006). Truth commissions are temporary bodies charged with investigating abuses which occurred during a specified period in the past to create a narrative of that historical period, recommend means to support reparations for survivors, and propose ways to prevent future abuses (Roht-Arriaza, 2006). Their investigations involve both public and private testimony by victims and perpetrators in the hopes that their truth-telling will heal the society and legitimate the current government, ideally fostering reconciliation (Hayner, 2002; Minow, 1998; Roht-Arriaza, 2006). The recommendations coming out of the investigation are always subject to political constraints (Minow, 1998). The commissioners need to be fair and impartial in getting beyond a narrative that may be replete with myth and falsehoods (Minow, 1998). In spite of their best intentions, their account must always be considered an interpretation of the "truth" that could change in light of new evidence or differing emergent interpretations (Roht-Arriaza, 2006). As truth commissions are not designed to determine guilt or innocence, they do not need to meet legal standards for due process and the proceedings are not considered a trial, though participants may sometimes be granted legal amnesty in exchange for their testimony (Hayner, 2002; Minow, 1998; Roht-Arriaza, 2006).

By their very nature, truth commissions attempt to go beyond assessing individual blame to healing the wider society to the greatest extent possible, determining the causative forces that led to the political repression in an effort to prevent it (Minow, 1998). However, the process of truth-telling has also been found to be therapeutic for individual victims (Hayner, 2002; Minow, 1998). However, there are a wide range of concerns with truth commissions including; concerns about the fairness and impartiality of their investigations, the granting of amnesty which could induce confessions and reduce perpetrator accountability, the potential for the exploitation and re-victimization of witnesses, the political and personal difficulty faced by commissioners, challenges in getting community and official cooperation and establishing legitimacy, knowing what to do with people who may be both victims and perpetrators, conducting a complete analysis under tight time constraints, having witnesses remember things that happened long ago, and dealing with intentional deception (Amnesty International, 2003; Hayner, 2002; Minow, 1998; Roht-Arriaza, 2006). In general, however, truth commissions are thought to be better than trials at addressing past abuses when prosecution is not possible, developing a historical narrative, healing individuals and the fabric of society, focusing specifically on victim needs, and creating a sense of safety for victims and the wider community (Minow, 1998). These strengths of truth commissions aligned well with the needs of the community of Greensboro, particularly after the court system had failed them.

Effectiveness of Truth Commissions

Truth commissions have a wide range of goals in attempting to attain societal justice and reconciliation. They attempt to overcome official and community denial in reconstructing a new, more complete historical narrative. It is hoped that this effort will accomplish a wide range of goals, such as: preventing further violence, establishing a foundation for a stable and democratic social order, legitimizing the present political regime, promoting reconciliation, assisting people to psychologically heal, restoring human dignity to victims, providing a measure of punishment and public shaming for perpetrators, and connecting the community to the wider

international community in supporting human rights (Minow, 1998). Of all of these given goals, a particular commission may prioritize some or all of them to varying degrees, depending on their needs and context (Hayner, 2002).

Hayner (2002) provides 5 central rationales for the work of truth commissions:

- 1. To acknowledge and clarify the historical truth;
- 2. To respond to the needs and interests of victims;
- 3. To contribute to justice and accountability;
- 4. To outline institutional responsibility and recommend reforms;
- 5. To promote reconciliation and reduce tensions.

As central aims for the work of truth commissions, these rationales can provide a framework for considering the effectiveness of a truth commission. I will therefore use these 5 aims as a structure for an analysis considering the effectiveness of the Greensboro Truth and Reconciliation Commission.

Analysis

1. To acknowledge and clarify the historical truth. Certainly the Greensboro Truth and Reconciliation Commission was able to clarify and explain historical events in a comprehensive fashion. Individual members of the community and the city government contend that the document is biased, reflects only the victim's point of view, and that very few new facts were uncovered (Fisher, 2005; Johnson, 2007; Wickham, 2004; Zucker, 2007a). The comprehensiveness of the investigation cannot however be denied. The Truth and Reconciliation Commission undertook over 200 public and private interviews (including interviews with several police members, as well as Klan and Nazi party members), in addition to their extensive document review (Brown et al., 2006; Clark, 2007).

The resulting report has been officially received by 47 official and community groups (Greensboro Truth and Reconciliation Commission, 2007b) and it has been utilized in community education efforts in local churches, museums, and schools (Clark, 2007). It has had a significant impact in establishing a sense of truth concerning the events of November 3, 1979, for victims and community members alike. The Truth and Reconciliation Commission sent information out to the community via a weekly newsletter, as well as in local TV and radio programs, and provided an internet forum for discussion on their website (Greensboro Truth and Reconciliation Commission, 2007a). In fact, the Truth and Reconciliation Commission website is a kind of memorial for the event, broadening the potential audience who could learn about the events of November 3rd and the work of the Commission that followed them. Screening of the film, "Greensboro: Closer to the Truth" in Greensboro, other cities in North Carolina, and across the United States, further extends the reach of the Commission (Alexander, 2007; Zucker, 2007b). One can therefore surmise that the impact that the Commission had on acknowledging and clarifying historical truth was great.

2. To respond to the needs and interests of victims. The Truth and Reconciliation Commission was initiated by the victims who participated wholeheartedly as witnesses in the investigation. They were satisfied with both the findings of the Commission and the community support that they received, though they were disappointed with the official response (Zucker, 2007a). They were particularly pleased with the interest that other American cities demonstrated in replicating the project (Alexander, 2006; Zucker, 2007a). One concern of the Commission, that participation would be limited by community members other than direct victims, was clearly unfounded as indicated by the level of participation from non-victims. In addition to the large number of witnesses who testified, over 400 other community members came to witness the first public hearing (Fisher, 2005). This occurred in spite of the lack of official powers to subpoena witnesses or offer them immunity (Ryals, 2007). In essence it demonstrated that the community did share concern over the events of November 3rd and that they would acknowledge the harms and wrongdoing.

As noted above, this community support can have a tremendous healing effect on victims. The community support in Greensboro was solidified in a re-enactment of the proposed November 3rd demonstration route by the victims and hundreds of community members (Zucker, 2007a). Victims were also particularly moved when one of the perpetrators apologized to them during the Commission proceedings (Zucker, 2007a) though others showed no remorse and urged the victims to "forget it and move on (Fisher, 2005)." The aim of responding to the needs and interests of victims was met in gaining community support and acceptance and in receiving an

apology from a perpetrator, though the negative official response was clearly dissatisfying and the lack of remorse by some perpetrators was disappointing.

3. To contribute to justice and accountability. The work of the Truth and Reconciliation Commission fell somewhat short in addressing this aim. The unofficial status of the Commission hampered efforts to engage witnesses, community members, and officials in the process and they had no ability to sanction or seek redress from those responsible. However, if justice is thought of as accountability to one's community, then the work of the Commission was effective in this regard. Many of the perpetrators testified both publicly and in private (Brown et al., 2006; Clark, 2007; Zucker, 2007a). The report generated dialogue in community churches, schools, and amongst public officials, which promoted some discussion regarding appropriate justice and accountability in Greensboro. Responsibility for the event was also outlined in the Commission's report and, to the extent that it could, this contributed to a sense of justice for the victims and the community, particularly as the justice system had failed them.

In general, truth commissions are hampered with similar limits in attaining justice and accountability, having limited or no powers to sanction wrongdoers (Minow, 1998). Justice and accountability were more clearly recognized in initiating community discussions regarding appropriate sanctions, articulating an alternative historical account to what emerged in the court hearings, and establishing a forum for strengthening the community and shaming those responsible. In attempting to contribute to justice and accountability, the results of the Truth and Reconciliation Commission were thus mixed.

- 4. To outline institutional responsibility and recommend reforms. The Truth and Reconciliation Commission outlined a wide variety of recommendations that would acknowledge what happened on November 3rd, diminish racism in Greensboro, and make a repeat of the massacre far less likely. In this way, they performed admirably. However, the lack of official status and the lack of endorsement by the city of Greensboro made realizing many of those recommendations unlikely, at least in the short-term. However, as this process was initiated from the community and sustained with community support, it seems far more likely that many of the recommendations could be realized by community groups. Finding funding and administrative support for such efforts could prove difficult. However the Commission started with a budget of \$15,000 managed to raise over \$200,000 to support their work from foundations and donations and receive the in-kind support of many community members and international experts (Clark, 2007). This leaves hope for realizing many of the recommendations even without official support, though great challenges remain. Some of the recommendations, like incorporating the Commission's report into the educational efforts of schools, churches, and museums are already being addressed (Clark, 2007). While the aim of outlining institutional responsibility and outlining reforms was in a sense realized then, it will take a strong effort on the part of the community or a change in local leadership to implement many of the proposed recommendations.
- 5. To promote reconciliation and reduce tensions. The Commission did seem to reduce anger and animosity on the part of the victims (Zucker, 2007a). They also seemed to experience a sense of reconciliation and community support (Clark, 2007; Fisher, 2005; Zucker, 2007a). The Commission also allowed several perpetrators to testify, one perpetrator to apologize, and police officers to voice their recollection of events (Brown et al., 2006; Clark, 2007; Fisher, 2005; Zucker, 2007a). Some members of the community and the city government would have preferred not to have had a Commission investigation that looked more deeply at the events of November 3rd, fearing that it would impede the community from moving on (Fisher, 2005; Johnson, 2007; Ryals, 2007; Wickham, 2004). This view does not seem to accord with the amount of public support received for the Commission. Apparently, the people of Greensboro had the need to address this event in their history and come to terms with it. It appears that the work of the Commission has assisted in this process, supporting anti-racism work and heightening the awareness of racial tensions, as well as Greensboro's tragic history. One can therefore conclude that hopes for reconciliation and reducing tensions were advanced by the Commission. However, even with heightened awareness of the events of November 3rd, racial tensions and the efforts of the Ku Klux Klan continue in Greensboro, though the Klan of the present day insists that they disagree with violent tactics to achieve their ends (Fisher, 2005).

Conclusion

I would regard the work of the Greensboro Truth and Reconciliation Commission as a success. In meeting the aims of acknowledging and clarifying the truth, responding to the needs and interests of victims, and promoting reconciliation and reducing tensions, the Commission seemed particularly successful, with some reservations. In contributing to justice and accountability and outlining institutional responsibility and reforms, the results were more mixed but promising. The former aim, of contributing to justice and accountability, is a challenge for truth commissions to meet in general. The latter aim, of outlining institutional responsibility and reforms, was particularly hard to meet given the Commission's unofficial status. However, regarding justice as a process of fostering community integration and healing rather than as a process of attaining legal redress and sanctions for perpetrators, would mean that the Commission was much more successful in contributing to justice and accountability. This way of viewing justice is particularly important in this case given that the justice system to failed to meet these goals.

In implementing the reforms proposed by the Commission, the community of Greensboro may have to continue to advance the mission of the Truth and Reconciliation Commission without official support, a task that they have admirably done to date. Perhaps a change in local leadership would open the door to more official cooperation and support. Even given these successes however, perhaps the greatest success of the Truth Commission was having conducted it to begin with. It is a kind of memorial and acknowledgement for victims unto itself, and clearly the process was important and therapeutic for the witnesses, supporters, and community members who participated in it.

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