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Truth and Reconciliation at the Grassroots: Community Truth Processes in the
Southern United States

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COMPULSORY DECLARATION

This work has not been previously submitted in whole, or in part, for the award of any degree. It is my own work. Each significant contribution to, and quotation in, this dissertation from the work, or works, of other people has been attributed, and has been cited and referenced.

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Date: 15/02/08

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Abstract: Truth and Justice at the Grassroots: Community Truth Processes in the Southern United States

Truth commissions are implemented in order to “deal with the past” in the context of a transition in government from authoritarian to democratic rule. At the center of a truth commission is a truth process that attempts to establish the experience of gross human rights abuse at the hands of the state, and does so in a way which places the victims of such abuse at the center of the process, through valuing victim testimony as “truth.” It is done with the assumption in mind, that in order for a society, or community, to have healthy relations in the future, violent past experiences must be faced and dealt with. Communities at a local level have imitated the structure, goals and procedures of truth commissions in projects that have been termed “Unofficial Truth Projects.”

This thesis compares three case studies of unofficial truth projects which have taken place in the Southern United States in the past few years: *The Greensboro Truth and Reconciliation Commission* in Greensboro, North Carolina, which sought to establish a community reconciliation process 25 years after what has come to be known as the “Greensboro Massacre”; and two civil-society based truth processes, the *Katrina National Justice Commission* and the *International Tribunal on Hurricanes Katrina and Rita*, which seek to establish truth and gain reparations for human rights abuses which have taken place in the aftermath of Hurricane Katrina in New Orleans. The author considers various projects in a comparative manner, and through examining their histories, structures and ideological make-up, analyzes the processes in terms how these factors affect the ability for the project to: gain legitimacy as a truth process, generate resources and support, acknowledge victims’ experiences, and engage the community in reconciliation efforts. The author also echoes the calls for a shift in paradigm in reconciliation and transitional justice literature, which would allow for a space to exist for truth processes that may be unofficial and fall outside a context of a formal transition. Such processes could still greatly benefit communities living in post-conflict contexts and with histories of racial and political violence, such as many communities in the Southern United States.

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Introduction

Truth commissions have recently developed within the past century. They are institutions charged with investigating past human rights abuses and atrocities through a non-adversarial and non-judicial process that primarily values the testimony of victims. Transitional and post-conflict societies establish these special truth-telling institutions in order to achieve some measure of justice and accountability in the aftermath of political violence and oppression. Beginning with the National Commission on the Disappeared in Argentina in 1984, and including the most famous truth commission to date, the South African Truth and Reconciliation Commission of 1996-1998, truth commissions have become celebrated, but also controversial, tools for “dealing with the past” in post-conflict and transitional societies.¹

The development of truth commissions parallels the post-World War II development of an international consensus on the importance of holding perpetrators, including state officials, accountable for gross human rights violations, crimes against humanity and genocide.² These institutions have become closely associated, if not directly linked to, the transition in governments from authoritarian rule to democracy. This field of study that seeks to understand the ways societies reckon with violent political pasts has been termed, *transitional justice*.³

With the example of transitional justice mechanisms in mind, such as truth commissions, truth-telling processes about past atrocities have been imitated by local communities and civil-society-based groups around the world. This has not been confined to post-conflict or transitional societies only; in some cases, similar truth projects take place in the context of a country which is not currently undergoing a transition, but which concerns atrocities that took place in the distant past (e.g. colonial genocides or slavery) and were never faced or acknowledged, or in a context in which no transition, in the sense of a regime change, has occurred at all. These truth projects imitate the transitional

¹ Priscilla Hayner, *Unspeakable Truths: Confronting State Terror and Atrocity* (New York: Routledge, 2001).

² Geoffery Robertson, *Crimes against Humanity: The Struggle for Global Justice* (New York: The New Press, 1999).

³ Neil Kritz, *Transitional Justice: How Emerging Democracies Reckon with Former Regimes: Country Studies* (Washington, DC: United States Institute of Peace Press, 1995).

justice models' truth gathering process: in their goals, structure and procedure, in that they are particularly concerned with establishing truth surrounding gross human rights violations. They may imitate the structure of criminal tribunals, in that they may carry out a mock trial; or they may imitate truth commissions by carrying out public victims' hearings with a body of commissioners.⁴ But unlike international tribunals such as the Nuremberg Trials or official Truth Commissions such as those in Argentina, Chile or South Africa, these efforts typically take place without government sanction, funding or support.⁵ Such efforts have been termed "Unofficial Truth Projects (UTPs)."⁶ Such projects have taken place around the world in countries such as Brazil, Northern Ireland, Zimbabwe, Guatemala and Cambodia. For example, in Brazil, *Brazil: Nunca Mas*, was a truth-telling effort under the auspices of a Catholic Bishop aimed at establishing the truth about political torture in Brazil between the period of 1964-1979; and in Northern Ireland, the Arondyne Commemoration Project was an effort by community members in Arondyne to collect information on 99 members of the Arondyne Community who had died as a result of political violence.⁷ UTPs vary greatly in scope, focus and strategies of gathering information.

This paper will examine UTPs that have taken place recently in the United States. Such projects include: the Greensboro Truth and Reconciliation Commission in Greensboro, North Carolina, a project which sought to establish the truth about a massacre which took place in the 1970's in an effort to further community reconciliation, and two truth projects centered on the events, human rights abuses and government failures during and after Hurricanes Katrina and Rita in New Orleans, Louisiana.

⁴ The projects examined in this paper have imitated transitional justice models in their structure. The Greensboro Truth and Reconciliation Commission and the Katrina National Justice Commission have modeled their projects after the structure of truth commissions, whereas the International Tribunal on Hurricanes Katrina and Rita modeled itself after a tribunal's structure, resulting in a mock trial.

⁵ The literature on unofficial truth projects is limited, though some literature exists focused on individual projects, such as the Arondyne Commemoration Project of Northern Ireland, the *Breaking the Silence* project in Zimbabwe, *Brazil: Nunca Mas!*, Uruguay: SERPAJ and the Ka Ho'okolonui Kanaka Maoli Tribunal in Hawaii, see bibliography.

For general information on unofficial truth projects, see: Louis Bickford, "Unofficial Truth Projects", *Human Rights Quarterly* 29, no. 4 (2007): 994-1035; Hayner, *Unspeakable Truths*, 21-2.

⁶ Bickford, "Unofficial Truth Projects," 994.

⁷ *Ibid.*, 1005-1022.

In 2005, the first (unofficial) Truth and Reconciliation Commission to be held in the United States took place in Greensboro, North Carolina.⁸ The commission was charged with looking into events that took place in 1979, when, at an anti-Klu Klux Klan (KKK) rally taking place in a public housing complex, five protesters were killed and others injured by armed KKK members. The entire incident was caught on camera by a local news station, who had arrived to cover the protest. Although the killings took place at the hands of KKK members and neo-Nazi's, there was evidence that there had been cooperation with the police department, and the killers were acquitted, despite the videotaped evidence, after what appeared to be a mock trial.⁹ Almost thirty years later, the community of Greensboro, NC decided to revisit the incident in an effort to reveal the true turn of events, and to initiate reconciliation of the community. Inspired by the South African Truth Commission, an unofficial Greensboro Truth and Reconciliation Commission (GTRC) was established on a grassroots level. As part of its mission statement, the GTRC posits itself as potential model to be used in other cities in the United States, especially in Southern cities with painful pasts and in a climate where official truth commissions are unlikely to take place.¹⁰

On August 29, 2005, Hurricane Katrina hit the Gulf Coast of the United States, causing widespread destruction and chaos. The destruction in the city of New Orleans was compounded by a breach in the levee system, which caused one of the biggest floods in the history of the United States. Though Hurricane Katrina was a “natural disaster,” at every level of preparation for and response to the storm, Hurricane Katrina amounted to a man-made disaster. At the intersection of poverty and negligence, and some claim racism, an entire population of the city had been made vulnerable, forgotten and abused.¹¹

The predominately African American victims of Hurricane Katrina experienced multiple human rights abuses at the hands of the state, both during the immediate

⁸ For information on the Greensboro Truth and Reconciliation Commission see: *Greensboro Truth and Reconciliation Commission*, www.greensborotrc.org; *Greensboro Truth and Community Reconciliation Project*, www.gtcrcp.org; “United States (Greensboro, North Carolina)”, *International Centre for Transitional Justice*, <http://www.ictj.org/en/where/region2/517.html>.

⁹ Sally Bermanzohn, *Through Survivors' Eyes: From the Sixties to the Greensboro Massacre* (Nashville: Vanderbilt University Press, 2003); Elizabeth Wheaton, *Codename Greenkil: The 1979 Greensboro Killings* (Athens: University of Georgia Press, 1986).

¹⁰ *Greensboro Truth and Reconciliation Commission*, www.greensborotrc.org.

¹¹ Michael Eric Dyson, *Come Hell or High Water: Hurricane Katrina and the Color of Disaster* (New York: Basic Civitas Books, 2006).

aftermath of the storm, and during the months that followed. It is through the actions and abuses by *people* which differentiates the experience of Hurricane Katrina from other natural disasters, and which warrants the establishment of transitional justice truth processes. The truth processes focus not on the mechanics behind the havoc wreaked by the floodwaters, but rather on what actions and inactions of government officials violated the human rights of the citizens of New Orleans. Because of the nature of the widespread chaos in the aftermath of the storm, a comprehensive picture of what actually happened has not been established.

Multiple grassroots truth-telling initiatives have taken root to gain a more clear understanding of the human rights abuses in the aftermath of Hurricane Katrina. These truth-telling efforts differ from the government initiatives, which have focused on communication failures and breakdowns and on weaknesses in planning efforts; instead they have primarily focused on the experiences by the *victims* of the storm. While the governmental commissions of enquiry have focused on federal level emergency management and have interviewed government agents regarding government failures,¹² the grassroots initiatives have gathered testimony from those on the ground regarding their experiences in regards to: their lack of ability to evacuate, their treatment at the hands of police officers and National Guardsmen, abandonment of prisoners in the local prison, encounters with vigilante groups, their subsequent struggles in gaining aid, amongst other human rights concerns. Such grassroots initiatives include the Katrina National Justice Commission,¹³ a commission staged by a coalition of African American churches, and the International Tribunal on Hurricanes Katrina and Rita, a mock trial staged by a coalition of both American and non-American liberal social justice

¹² The federal government of the United States has released three major reports on Katrina: Department of Homeland Security, *The Federal Response to Hurricane Katrina: Lessons Learned*, by Frances Fragos Townsend, (Washington DC: 2006), <http://www.whitehouse.gov/reports/katrina-lessons-learned.pdf>;

Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina, *A Failure of Initiative: Final Report of the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina*, HR. Report 109-377, 109th Congress, 2nd Session, by Tom Davis, (Washington DC: US Government Printing Office, 2006), <http://www.gpoaccess.gov/serialset/creports/katrina.html>;

Special Report of the Committee on Homeland Security and Governmental Affairs, US Senate, *Hurricane Katrina: A Nation Still Unprepared*, S. Report 109-322, 109th Congress, 2nd Session, by Susan Collins, (Washington DC: US Government Printing Office, 2006), <http://www.gpoaccess.gov/serialset/creports/katrinanation.html>.

¹³ *Samuel DeWitt Proctor Conference, Inc.*, www.sdpc.info.

organizations in order to “put the American government on trial” to address the human rights abuses during and after the hurricane.¹⁴

Truth commissions have gained prominence on the world stage as viable and effort-worthy endeavors in the current field of transitional justice as a means to address human rights abuse, usually in the context of a regime transition. A new development has occurred within the United States, however, in which groups of citizens, independent of the government, have organized their own community truth processes to address human rights abuses, albeit in a non-transitioning context. How have communities in the Southern United States (a democratic country with sometimes undemocratic and abusive practices) appropriated truth and justice models traditionally invoked by transitioning governments on an official level? Moreover, what are the goals and benefits of such processes? Where can we locate these efforts of community-truth gathering in the new sub-field of transitional justice?

This thesis will examine the aforementioned unofficial truth processes in a comparative manner. I will examine their structure, goals, as well as to what extent these unofficial truth projects managed to establish legitimacy and overcome the challenges posed by their unofficial status, such as governmental opposition, limited access to funding and media, as well as lack of legal powers. I will also explore the benefits to holding such processes, albeit being unofficial; as well as exploring the challenges and dangers posed by unofficial status. My research focused draws on theory behind truth processes, and information regarding the projects, their structure and their reception by the community.¹⁵

Regarding limitations, I will not attempt to come to any conclusions regarding the “truth” of either the Greensboro Massacre or Katrina. I also will not be able to come to any conclusions regarding the assessment or “success” of the relative projects. Should the success, be measured by the attainment of specific goals which the commissions sought to achieve? Other more abstract goals have also been mentioned as part of the process, such as reconciliation, regaining dignity for victims by listening to victims’ voices and

¹⁴ *International Tribunal on Hurricanes Katrina and Rita*, www.internationaltribunal.org.

¹⁵ As such, many of my references are to newspaper articles. These newspaper articles will be fully referenced in the footnotes, and will not be included in the bibliography, in accordance with Chicago Manual of Style, section 17.191.

establishing accountability in order to promote a human rights culture. What exactly is “reconciliation”? Borer problematizes these concepts: “Two frequent goals of truth commissions include the promotion of a human rights culture and the restoration of the dignity of victims. How do we know a human rights culture when we see it? How do we define human dignity?”¹⁶ The next step in analyzing truth projects is through assessment, which is complicated, multi-faceted and requires the passage of time.

The first chapter of this thesis will focus on the theory behind the truth process aspect of truth commissions. I will draw from the vast literature available on truth commissions, and apply the relevant similarities and comparative points between official truth commissions and unofficial truth projects. My second chapter will focus on the Greensboro Truth and Reconciliation Commission. I will explain the complex and democratic nature of the process itself, and explore the reported community response to the project. In my third chapter, I will focus on the two truth processes that centered on the events and abuses of the Katrina. I will also explain the structure of those processes, and compare these to the GTRC. Through comparison, better understanding will result, of what different types of truth processes entail, and how the structure of the processes can add and detract from legitimacy (which is vital to achieving its goals).

¹⁶ Tristan Anne Borer, “Truth Telling as a Peace Building Activity,” in *Telling the Truths: Truth Telling and Peace Building in Post Conflict Societies*, ed. Tristan Anne Borer, (Notre Dame: University of Notre Dame, 2006) 26.

Chapter 1: Truth Processes: Official Truth Commissions and Unofficial Community Truth-telling Projects

A variety of endeavors ranging from scientific research, to criminal prosecutions, investigative journalism and the writing of history may all be considered “truth processes”. Such processes are established in order to establish the “truth” in a variety of contexts, with the method of inquiry differing depending on the context. In a world fraught with conflict, and with the growing normative emphasis placed on human rights, it has become incumbent upon societies to establish a record as to gross human rights violations that occur to victims in the context of violence and political atrocities. What is more, societies must take this task upon themselves in a way that fosters reconciliation and without inciting further conflict. Much has been written on truth commissions in as far as comparatively studying their various institutional features, mandated objectives, formal powers and actual outcomes.¹⁷ What I am rather concerned with is the type of *truth process* that truth commissions carry out.¹⁸ What are the particular features of the truth processes involved in truth commissions that differentiate them from the more familiar truth processes such as criminal prosecutions, investigative journalism and historical research?

Truth commissions have typically been used in the transitional context of societies emerging from periods of mass human rights abuse, political violence and official denial, often as an integral part of democratic transitions from authoritarian rule; commissions are government-sanctioned institutions formally mandated to take on the role of conducting these truth processes to establish a clear understanding of atrocities that have taken place, while valuing victims’ testimony as “truth”.¹⁹ Significantly, this effort of “dealing with the past” is undertaken in a forward-looking manner with hope

¹⁷ Hayner, *Unspeakable Truths*, 32-71.

¹⁸ Juan E. Mendez, “The Human Right to Truth: Lessons Learned from Latin American Experiences with Truth Telling,” in *Telling the Truths: Truth Telling and Peace Building in Post Conflict Societies*, ed. Tristan Anne Borer (Notre Dame: University of Notre Dame, 2006), 142-3.

¹⁹ For discussion on transitions from authoritarian rule, see: Guillermo O’Donnell, Phillip Schmitter and Lawrence Whitehead, ed., *Transitions from Authoritarian Rule: Comparative Perspectives* (Baltimore: Johns Hopkins University Press, 1986); Guillermo O’Donnell, Phillip Schmitter and Lawrence Whitehead, ed., *Transitions from Authoritarian Rule: Latin America* (Baltimore: Johns Hopkins University Press, 1986).

that establishing the truth about past atrocities will aid in establishing a new human rights culture. Truth commissions thus represent a distinctive kind of truth process in which the society seeks to reestablish a formal moral order, through a concerted attempt to understand the underlying causes of conflict and in order to learn how to prevent similar occurrences in the future.²⁰ Oftentimes, the process is undertaken in a spirit of reconciliation, in hopes that by establishing an inclusive and authoritative “truth,” based on the testimony of primary participants and balancing a wide variety of perspectives within a common framework, the traumas of past conflicts and atrocities can be overcome by starting a process of moving forward as a community.²¹

This kind of truth process has most often been undertaken on an official level by a new democratic government establishing a “truth commission” in a context of regime change: hence the term “transitional justice.” But official truth commissions are not the only form of this kind of truth process. Similar truth processes have also occurred in other cases, which were not truth commissions, per se. Unofficial truth processes have taken place in Brazil (where church groups documented instances of torture and disappearances from 1964-1979 in a project entitled *Brazil: Nunca Mas!*, with the report released in 1985),²² and in Zimbabwe (where the Catholic church and human rights NGO’s documented murders and abuse that took place between 1980-1989 in a report entitled *Breaking the Silence*, which was released in 1997).²³ Communities around the world have taken on this model of this kind of truth process to address unresolved legacies of past atrocities and political violence (especially at the hands of the state) coupled with denial, distorted truths, and injustice.

²⁰ Rajeev Barghava, “Restoring Decency to Barbaric Societies,” in *Truth v. Justice: the Morality of Truth Commissions*, ed. Robert Rotberg and Dennis Thompson (Princeton: Princeton University Press, 2000) 53.

²¹ Archbishop Desmond Tutu, *No Future without Forgiveness*, (New York: Random House, 1999).

²² Lawrence Weschler, *A Miracle, A Universe* (Chicago: The University of Chicago Press: 1998).

²³ Shari Eppel, “‘Healing the Dead’: Exhumation and Reburial as Truth-Telling and Peace-Building Activities in Rural Zimbabwe,” in *Telling the Truths: Truth Telling and Peace Building in Post Conflict Societies*, ed. Tristan Anne Borer (Notre Dame: University of Notre Dame, 2006) 259-288.

Truth Commissions

The emergence of unofficial truth processes is closely modeled on, and may have been a direct result of, the proliferation of truth commissions around the world. The first significant truth commission, *The National Commission on the Disappeared*, took place in Argentina in 1984, followed by other Latin American truth commissions, including the *Truth and Reconciliation Commission* in Chile in 1991.²⁴ *The South African Truth and Reconciliation Commission* (TRC) began in 1996, and became the most prominent and internationally recognized truth commission worldwide. The TRC, with its public testimony at victims and other hearings given wide media coverage, soon became the model for official truth processes and was emulated in various ways by similar official truth commissions in various African, Asian and Latin American countries.

The example of these truth commissions have inspired and influenced what Louis Bickford has termed “Unofficial Truth Projects.”(UTPs)²⁵ Louis Bickford defines UTPs as:

(1) ...geared towards revealing the truth about crimes committed in the past as a component of a broader strategy of accountability and justice; (2) ...in their effort to do so, they self-consciously or coincidentally resemble official truth commissions that have been created in countries as different as Chile, Morocco, South Africa, Sierre Leone, and East Timor; but... (3) these particular efforts are rooted in civil society—hosted and driven by human rights NGOs, victim groups, universities, and other societal organizations—and are not primarily state-based efforts.²⁶

UTPs arise in a similar context to that of truth commissions, i.e. where the legacies of past human rights violations and political atrocities or state crimes are unresolved, presenting a manifest need for establishing the “truth” about them, through the voice of the victims. Much has been written on truth commissions, spelling out how they can benefit post-conflict and/or transitional societies, and why such truth processes are

²⁴ Hayner, *Unspeakable Truths*, 33, 35; Mendez, “The Human Right to Truth,” 119-125.

²⁵ Bickford, *Unofficial Truth Projects*, 994.

²⁶ *Ibid.*, 994.

needed in these cases.²⁷ This thesis will draw on some of the literature on truth commissions, with a view to illustrating the nature of truth processes relevant to UTPs.

“Dealing with the Past” (of Human Rights Abuses/Political Atrocities/State Crimes)

The need for this specific kind of truth process in transitional justice contexts arises from the historical experience of substantial human rights violations and/or political atrocities which had also been publicly denied or officially covered-up, most often by a prior regime. It is precisely in so far as the state had failed to protect the human rights of citizens, had fostered the public denial of these atrocities instead of acknowledging the whole truth, and had failed in upholding the rule of law and pursuing justice that such truth processes are necessitated in order to “uncover” the unacknowledged human rights abuses which have transpired. Arguably, a similar truth process may benefit the *reconciliation* of post-conflict communities existing within “stable liberal democracies.” In such cases there may still have been human rights abuse at the hands of the state and a vital *failure* to acknowledge such abuse.

It should be stressed that these truth processes seek to identify human rights abuses or political atrocities, and not other kinds of suffering or harm, however extensive or severe. In the context of Hurricane Katrina, for example, it would not make sense to hold Mother Nature morally responsible or legally responsible. Rather, the focus of such a truth process would be on what *actions*, which violated the *human rights* of others, took place at the hands of *human* perpetrators during and after the storm in order to necessitate a “truth process” in a transitional justice sense.

It is also important to stress, that these transitional justice truth processes are different than ordinary criminal prosecutions. Placed in a context in which the crimes committed were by the state itself, (or with state and *judicial* complicity), complicated further with state denial, it is often insufficient to rely on the criminal justice system to hold the state agents accountable. The state may not be relied upon to offer self-sanction, which is precisely the issue at hand. Truth processes take place to hold those in power

²⁷ Mark Freeman and Priscilla Hayner, “Truth-Telling,” in *The International Center for Transitional Justice Handbook for Reconciliation*, ed. Mark Freeman and Priscilla Hayner (2003) 122-143.

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²⁷ Mark Freeman and Priscilla Hayner, “Truth-Telling,” in *The International Center for Transitional Justice Handbook for Reconciliation*, ed. Mark Freeman and Priscilla Hayner (2003) 122-143.

accountable, when they act contrary to the laws and human rights norms, which the state is charged with upholding to begin with.

Restorative Justice and Reconciliation

Along with their backwards-looking aims of “dealing with the past” (of human rights abuses), the type of truth process involved in both official truth commissions and unofficial truth projects typically has the forward-looking objectives of *restorative justice* and reconciliation. Significantly, the South African TRC displayed the banner “Truth, the Way to Reconciliation” at all its victims hearings, so indicating that uncovering the truth about past atrocities is not meant to rekindle old conflicts but rather to bring about lasting reconciliation. Restorative justice has been defined by Jeniffer Llewellyn as “Justice focused on the restoration of relationships harmed by the conflicts of the past in order to create a foundation for the new society...restoration of relationships is at the heart of justice.”²⁸ According to Elizabeth Kiss, restorative justice can be defined in terms of three aspects: i) restorative justice seeks to affirm and restore victims’ dignities, ii) it holds perpetrators accountable (emphasizing the harm they have caused to individual human beings), and iii) it seeks to create social conditions in which human rights will be respected.²⁹ These are the very features that bind the unofficial truth processes examined in this thesis together.

The restorative nature of these truth processes appears from the special linkage between truth and acknowledgment of victims of human rights abuses. The philosopher Thomas Nagel points to the important distinction between *knowledge* and *acknowledgement*.³⁰ In some cases of past human rights abuses, the truth may be

²⁸ Jeniffer Llewellyn, “Restorative Justice in Transitions and beyond: The Justice Potential of Truth-Telling Mechanisms for Post-Peace Accord Societies,” in *Telling the Truths: Truth Telling and Peace Building in Post Conflict Societies*, ed. Tristan Anne Borer (Notre Dame: University of Notre Dame, 2006) 88, 100.

²⁹ Kiss, “Moral Ambition Within and Beyond Political Restraints,” 79.

³⁰ Cited by Sanford Levinson, “Trials, Commissions, and Investigating Committees,” in *Truth v. Justice: the Morality of Truth Commissions*, ed. Robert Rotberg and Dennis Thompson (Princeton: Princeton University Press, 2000) 221-2; André du Toit, “The Moral Foundations of the South African TRC,” in *Truth v. Justice: the Morality of Truth Commissions*, ed. Robert Rotberg and Dennis Thompson (Princeton: Princeton University Press, 2000) 132; Hayner, *Unspeakable Truths*, 26.

unknown so that a delving into what has been hidden, forgotten, or never known is required to learn what has happened. This is a matter of knowledge based on factual truths, and requires a forensic truth process.³¹ However in the case of victims of torture, rape, detainee abuse, etc, the victims themselves already know of the horrors that have taken place, so knowledge is not the aspect of truth missing. What is often missing, especially in the contexts where such human rights abuses have been routinely and officially denied, is *acknowledgement* that such abuses have occurred. Accordingly, truth commissions approach the issue of establishing the truth from a unique angle, that of victims' hearings. Giving victims the option to voice their stories is one way of publicly restoring the victims' dignity through affirming their humanity, while acknowledging that what was done to them was wrong. In the context of an official truth commission, this acknowledgement is implicit in the process. In the community context of an unofficial truth process, providing a forum for public testimony by victims may likewise serve as a form of acknowledgement by the community, if the process is indeed designed to be inclusive and legitimate. The unofficial truth project may also, as a process, include demands for acknowledgement of the human rights abuses by the government at a local, state or federal level. In that case, the acknowledgement is present from the participants and is addressed *to* those still in positions of power.

As a particular kind of truth process, such acknowledgement of victims may also be regarded as an objective of restorative justice. Central to the argument for restorative justice is that in a relevant sense, i.e. that of justice as recognition, justice is achieved when victims regain dignity and voice. Fraser argues that "recognition" is a distinct form of justice in and of itself, separate from distributive or retributive justice.³² André du Toit also makes a similar argument in conceptualizing *truth as acknowledgement* and *justice as recognition*³³. "Justice as recognition entails acknowledging the distinctive identity of the other, striving to repair damage done to him or her through violence, stigmatization, and disrespect, and including his or her stories in our collective histories," says Elizabeth Kiss.³⁴ This is the reverse of dealing with the past of human rights abuses and communal

³¹ Du Toit, "The Moral Foundations of the South African TRC," 132.

³² Kiss, "Moral Ambition Within and Beyond Political Restraints," 73.

³³ Du Toit, "The Moral Foundations of the South African TRC," 123.

³⁴ Kiss, "Moral Ambition Within and Beyond Political Restraints," 73.

conflict by “moving on” and trying to forget what has happened. Asking victims to forgive and forget the abuses done to them implicitly amounts to confirming that what has happened to them doesn’t matter, thus compounding their victimization.³⁵ Gathering testimony in public victims hearings and drafting a report of the abuses which have occurred is one strategy to show the victims that they and their stories do matter.³⁶

The absence of official acknowledgement is one of the inherent weaknesses of unofficial truth processes compared to official truth commissions.³⁷ Even so, there may be some benefit to community recognition, albeit absent of state acknowledgment. Lundy and McGovern (researchers who interviewed community members in Arondyne, Northern Ireland after the Arondyne Commemoration Project, a community truth-telling initiative), report that interviewees in Arondyne felt a sense of justice when their experiences and pain were acknowledged by the community: “For many there was a sense in which the recognition derived from their involvement in the project was itself a (sufficient) form of justice.”³⁸ It is possible that an UTP, provided it can achieve a sense of legitimacy and inclusiveness, may serve a similar purpose of restoring dignity to victims (albeit not on par with official recognition) by treating their experiences with respect, sincerity and community acknowledgement. At the same time this kind of truth process and restorative justice may also bring about the conditions for communal reconciliation.

Another aspect of the truth process itself is the nature of the relationship between the process and the testifying victim. The truth process grounded in restorative justice, which grants victims the opportunity to voice their stories, is fundamentally different from the relationship of testifying victims in the criminal justice context of retributive justice. Priscilla Hayner, following Martha Minow, points out that in a trial setting,

³⁵ Martha Minow, “The Hope for Healing: What Can Truth Commissions Do?” in *Truth v. Justice: the Morality of Truth Commissions*, ed. Robert Rotberg and Dennis Thompson (Princeton: Princeton University Press, 2000) 246; Barghava, “Restoring Decency to Barbaric Societies,” 52.

³⁶ One argument for truth commissions is that they are cathartic. For an discussion surrounding the ways in which testifying can be therapeutic for victims see, Minow, “The Hope for Healing”; Theresa Godwin Phelps, *Shattered Voices: Language, Violence and the Work of Truth Commissions*, (Philadelphia: University of Pennsylvania Press, 2004).

³⁷ Bickford, “Unofficial Truth Projects”, 31.

³⁸ Patricia Lundy and Mark McGovern, “Community Based Approaches to Post Conflict ‘Truth-telling’: Strengths and Limitations,” *Shared Space* 1 (2005): 44, <http://www.community-relations.org.uk/filestore/documents/shared-space-issue-1-d-lundy-mcgovern.pdf>.

victims are only called to testify regarding specific, narrow aspects of a case, and defense attorneys often vigorously challenge their testimonies.³⁹ Whereas criminal prosecutions are concerned primarily with determining the guilt of individual perpetrators, truth commissions (and UTPs) seek to understand the experiences of victims themselves and to incorporate their stories into the narrative of the overall experience of the community.

Fostering a Human Rights Culture

Both truth commissions and UTPs are born out of the human rights tradition. As already noted, truth commissions typically have as their mandate to establish the truth regarding specifically defined types of human rights abuses. Thus, the Chilean Truth and Reconciliation Commission established the truth about the political disappearances under the prior regime,⁴⁰ whereas the South African Truth and Reconciliation Commission limited its scope to “gross human rights violations.”⁴¹

The UTPs examined in this thesis also belong to this human rights tradition. It is human rights abuses that resulted in public outcries within local communities and in calls for reparations that gave rise to these unofficial truth projects. The international recognition of human rights gives communities a measuring stick by which to judge traumatic experiences. Therefore, the violation of human rights can be a norm around which a community can find consensus. Elizabeth Kiss points out as the third goal of restorative justice as creating social conditions in which human rights are respected.⁴²

The process of uncovering the truth surrounding abuses that have been covered up, and by acknowledging that what happened was *wrong*, instigates what Jose Zalaquett has called “reconstructing the moral underpinnings” of a society.⁴³ These community truth-telling processes take upon themselves the responsibility of maintaining a moral stance in relation to events that occurred in the community. Bryan Hehir calls for society to “pass judgement” on what is heard and “establish a moral account of the historical

³⁹ Hayner, *Unspeakable Truths*, 28; Minow, “The Hope for Healing,” 238.

⁴⁰ Hayner, *Unspeakable Truths*, 36.

⁴¹ *Ibid.*, 73.

⁴² Kiss, “Moral Ambition Within and Beyond Political Restraints: Reflections on Restorative Justice,” 79.

⁴³ Jose Zalaquett in *Truth Commissions: A Comparative Assessment: An Interdisciplinary Discussion Held at Harvard Law School in May 1996*, ed. Robert Rotberg and Henry Steiner (Cambridge: Harvard Law School Human Rights Program, 1997) 16-7.

record.”⁴⁴ This aspect of the truth process integrates the resistance of a culture of impunity,⁴⁵ with the valuing of the norm of human rights as a measuring stick with which to acknowledge wrongs incurred by individuals.

Connected with this moral regeneration, is the notion that through remembering human rights abuses and atrocities that have occurred in the past, relations in the future will be bettered, and will possibly prevent similar events from recurring. Inherently, according to Rajeev Barghava, remembering wrongs incurred by individuals in a public and inclusive forum restores dignity and respect to the victim, as discussed previously. Barghava argues that wrongdoing that is not acknowledged will not be forgotten. To the contrary, past hurts and slights become ingrained into the collective memory, and these scars haunt relations in society in the future. Truth processes allow for a systematic working through of remembrance, as opposed to denial or forgetting, of human rights abuses. With a truth process as a first step in a community wide effort to work through traumatic events, hopefully this cycle of pain will be avoided. He argues, “Only an appropriate engagement with the past makes for a livable common future.”⁴⁶ He argues, a culture of impunity will result in repetition of actions in the future by perpetrators, and victims will continue to suffer from degradation and low self-esteem.⁴⁷ This sentiment is echoed in the notion of “Never Again!” Through remembering, lessons will be learned and hopefully history will not repeat itself.

UTPs and Truth Commissions: Similarities

The unofficial truth projects I will be looking at in this thesis share a number of characteristics with the ever-growing number of truth commissions which have taken place around the world. Firstly, though not official truth commissions, the Greensboro Truth and Reconciliation Commission, as well as the National Katrina Justice Commission, involved, though in different ways, a group of people working as

⁴⁴ Bryan Hehir in *Truth Commissions: A Comparative Assessment*, ed. Rotberg and Steiner, 24.

⁴⁵ Elizabeth Kiss, “Moral Ambition Within and Beyond Political Restraints,” 75; Hayner, *Unspeakable Truths*, 29.

⁴⁶ Barghava, “Restoring Decency to Barbaric Societies,” 53.

⁴⁷ *Ibid.*, 53.

“commissioners.”⁴⁸ In the case of the International Tribunal on Hurricane Katrina, “judges” were appointed.⁴⁹ The role of these commissioners and judges was to sit through the entire process, examine evidence which was presented to the commission, as well as to hear the testimonies of victims, and to compile a coherent report of their findings, conclusions, and recommendations. The ways in which these commissioners were appointed differs significantly in the two cases, and will be explored more in depth in the sections pertaining to each individual truth project.

Secondly, the Greensboro and Katrina UTPs both held public testimony. They provided for giving victims (as well as ‘perpetrators’) the opportunity to tell their story. The public testimony aspect in these processes also included expert witnesses testifying; though not directly involved as victims or officials, they adduced evidence on various aspects to determine forensically what happened. For example, during the National Katrina Justice Commission, Senator Hilary Rodham Clinton testified as to the federal response of the storm.⁵⁰

Thirdly, the unofficial truth processes ended with the compilation of a final written report. The final report of these truth processes include the overall narrative regarding the events, drawn to the best of the commissioners’ ability. The report also includes lists of reforms that should be taken, as well as additional recommendations by the commission.

UTPs and Truth Commissions: Dissimilarities

Most often, truth commissions are established by new democratic governments in order to deal with the human rights abuses of the previous authoritarian regime. Unofficial truth processes, on the other hand, do not necessarily function in the contexts of democratic transitions; they have and can take place in a number of different contexts. UTPs can be held in countries in which a transition has taken place a long time ago, for example in the post-Jim Crow American South, in countries in which no transition has

⁴⁸ *Greensboro Truth and Reconciliation Commission*, www.greensborotrc.org; Iva Caruthers and Bernice Powell Jackson, eds., *The breach: Bearing Witness*, 7, www.sdpc.info.

⁴⁹ International Tribunal on Hurricanes Katrina and Rita, www.internationaltribunal.org.

⁵⁰ Caruthers, *the breach: Bearing Witness*, 27.

yet taken place, or in a context in which no transition is set to happen but in which citizens seek recognition nevertheless for injustices which have occurred in their communities, for example in the context of the contemporary United States. In the context of this thesis, all three truth projects took place in the United States, in a context of no transition. (For example, none of the projects examined in this paper deal with Jim Crow era atrocities, from which a transition would have occurred, even if long ago.)

The implications of legacies of violence are precisely what the unofficial truth commissions examined in this paper seek to address. The United States has undergone no official dramatic transition. There has been no change of regime relevant to the human rights abuses addressed by these UTPs. UTPs may offer a way for citizens to address issues in a context in which the lack of a transition means that the government in power may be resistant to acknowledging their own actions for a variety of reasons, but where they still feel the community at hand could benefit from a truth commission-like process. For example, Shari Eppel, writing about the Zimbabwean UTP *Breaking the Silence* writes:

it was possible for civil society activists and communities to find spaces in which they could reclaim the historical truth, heal, and move forward in the face of government opposition. It is not necessary for truth-telling and peace-building processes to take place only within official post-peace accord space. Without official sanction, justice and financial reparation cannot be achieved, yet truth can be publicly witnessed and reclaimed, and some degree of social reparation can take place.⁵¹

In other words, communities that have experienced trauma do not need to wait around for government approval (especially in the context of government denial) in order to face their past as a community and attempt to heal community relations.

Challenges Faced by Unofficial Truth Projects

Unofficial truth projects face many challenges. As community-based efforts, issues such as publicity, funding, and exposure pose a bigger challenge for unofficial truth projects than to their official counterparts. In his paper on unofficial truth projects (UTPs), Louis Bickford explores a number of these challenges. Drawing on Bickford's

⁵¹ Eppel, " 'Healing the Dead,' " 286.

classification, I will explore the ways in which unofficial truth processes deal with the issues of legitimacy, funding, media access and lack of access to official information.⁵²

The first issue raised by Bickford is that of legitimacy. A truth process' legitimacy is closely linked to popular perceptions of the enterprise. For example, if the process is seen as corrupt or one-sided, then often the results are superfluous. Official truth commissions benefit from their official status. Their legitimacy stems from the power of the state behind them, as well as the professionalism, seriousness and perceived objectivity.⁵³ Levinson also touches on this issue of "authority." The authority granted to findings by the public, according to Levinson, is a function of the general status of the people who are on the commission. Therefore, official commissions almost ipso facto retain more authority.⁵⁴

Unofficial truth projects have a harder time gaining the status, recognition and consequent legitimacy that may come easier to official truth commissions, though a possibility does exist that with the correct structure, methodologies and participation of the community an UTP may gain a significant amount of legitimacy. Bickford emphasizes the qualities of professionalism and objectivity as two factors that determine the legitimacy of a UTP, and points out that at both levels of official truth commissions and unofficial truth projects, as far as legitimacy is concerned, a wide-range exists (although official truth commissions retain advantages discussed previously).⁵⁵ The identity of the commissioners, and the perceived combination of the ideologies of those commissioners, can also affect the perceived objectivity and legitimacy of a commission.⁵⁶ Another important factor regarding to legitimacy is the issue of *inclusion*, that members of all sides of a conflict are included and their perspectives respected, an issue that is heavily stressed by the Lundy and McGovern article. It is the fact that all sides of the story are included in the reconstruction of the truth that adds to the legitimacy (vis-à-vis the perceived "objectivity") of the project.⁵⁷ A community-based truth project may be able to achieve legitimacy if approached in an appropriate manner.

⁵² Bickford, "Unofficial Truth Projects," 29.

⁵³ Ibid., 29.

⁵⁴ Levinson, "Trials, Commissions, and Investigating Committees," 221.

⁵⁵ Bickford, "Unofficial Truth Projects," 30.

⁵⁶ Levinson, "Trials, Commissions, and Investigating Committees," 223.

⁵⁷ Lundy and McGovern, "Community Based Approaches to Post-Conflict 'Truth-Telling'," 43.

It is also possible that within *certain* contexts an UTP may retain more legitimacy than an official effort. Bickford points out that if a government is perceived by the population to be insincere and subjective in its truth commission efforts, because there appears to be little political will power, or perpetrators remain in control of the government, benefit could be found in community control of a truth project.⁵⁸

The second challenge discussed by Bickford is that of access to resources. Official truth commissions have an advantage in terms of access to resources: fiscal, legal as well as visibility.⁵⁹ The project is deemed legitimate and worthwhile to pursue, and the state can allocate state funds in order to carry out the commission. Conversely, in the case of an UTP, the civil society groups engaged in the project must independently raise the money somehow.

Access to resources is not only a matter of financial resources, but also includes access to the media. A government has a large platform, which Bickford terms the “bully pulpit,” with which to publicize their project.⁶⁰ They have easy access to media outlets with which to have the endeavor publicized. The official status of the enterprise also adds to the legitimacy, which may attract more media coverage. However, UTPs must garner that attention. Because the effort may not be deemed worthwhile, too small, too illegitimate, or “politically unpalatable,” the process may have difficulty drawing media attention, especially mainstream media attention. In some cases, the government can even oppose the happenings and make it even more difficult for the process to gain attention. For example, when a state remains in control that maintains a charade of denial regarding abuses that the UTP attempts to expose, media attention may be compromised. This particular problem is exacerbated when the state retains significant control over the media, for example in the context of Zimbabwe.⁶¹

One obvious drawback to unofficial truth processes is their relative lack of legal power, or ability to enforce reforms and recommendations. This disadvantage is acknowledged by both the Greensboro TRC, as well as both Katrina projects. Among the legal powers lacked by unofficial commissions are: the ability to access official

⁵⁸ Bickford, “Unofficial Truth Projects,” 29.

⁵⁹ *Ibid.*, 31.

⁶⁰ *Ibid.*, 31.

⁶¹ Eppel, “ ‘Healing the Dead,’ ” 261.

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⁵⁸ Bickford, “Unofficial Truth Projects,” 29.

⁵⁹ *Ibid.*, 31.

⁶⁰ *Ibid.*, 31.

⁶¹ Eppel, “ ‘Healing the Dead,’ ” 261.

government records, the ability to issue subpoenas, the ability to carry out official investigations (with all the latest in forensic technology), the ability to offer amnesty (if such a move is desired), the ability to offer official reform recommendations, the ability to officially name names for reparations programs, and the ability for them to have official enforcement or oversight of enforcement of recommendations and reparations programs. These limitations severely limit the role that an unofficial truth commission can to play.⁶²

Benefits to Unofficial Processes

Despite the challenges faced by unofficial truth processes, there is still value that may be found in community control over a truth process. Findings by Lundy and McGovern in the context of the Arondyne Commemoration Project, as well as conclusions made by Shari Eppel in regards to the Zimbabwean *Breaking the Silence* project, confirm that positive results occurred through the community process. The benefits found in community level truth-telling may be found in: the community control over the methods and scope of the project, issues of trust, flexibility regarding when a project can be held (for example, it does not have to be politically agreeable with the government), and there can be community involvement and ownership at all levels.

A primary benefit in community level truth processes is community control over *how* the truth process is carried out. The converse of this is for a truth process to be carried out from a higher level: one that conflicts with the general consensus within the community itself insofar as what they deem appropriate and helpful for their population. Lundy and McGovern pose the question:

The key question is, how can mechanisms of transitional justice and ‘truth-telling’ be framed in order to avoid [‘second order traumatising’] and ensure, in more general terms, that real political engagement and agency is not denied to a population that has been subject to years of violent conflict? It is in the context of such questions that an analysis of the possible role of community-based truth-telling should be placed.⁶³

⁶² Lundy and McGovern, “Community Based Approaches to Post Conflict ‘Truth-telling,’” 48; Bickford, “Unofficial Truth Projects,” 32.

⁶³ Lundy and McGovern, “Community Based Approaches to Post Conflict ‘Truth-telling,’” 38.

Community-based truth-telling places community members in the driver's seat of the process. Lundy and McGovern define community-based truth-telling as a process, "in which decision-making over the design, remit, conduct, character and outcomes of the 'truth-telling' process is organized in, with and by members of a given community itself."⁶⁴ One of the issues which arose out of the South African Truth and Reconciliation process was that some of the victim's felt that the stress placed on reconciliation did not fall in line with what they were feeling in regards to how to deal with the past.⁶⁵ Eppel, in discussions surrounding the Zimbabwean truth process *Breaking the Silence*, suggests that this proactive aspect of the truth process may contribute to democratic participation in the future: "It may even be the case that involving communities in experiences that empowered them to claim certain rights and create "positive peace" at a very local level has increased the likelihood of those communities taking part proactively in democratic processes at the national level."⁶⁶

Lundy and McGovern found that what was often emphasized by community members was that the locality of the commission and the presence of "insiders" who were "respected and rooted in the community,"⁶⁷ as those who were conducting the commission, aided in the levels of trust and access which the commission was privy to.⁶⁸

UTPs also have the flexibility to take place at the point at which a community feels it incumbent to take part in such a process—the community does not need to wait for government sanction. This point is particularly pertinent in regards to the UTPs examined in this paper: the GTRC was opposed by local government, and the Katrina projects focus on contemporary and ongoing human rights abuses, facing the same government in power which committed the abuses to begin with. Eppel points out that even though a government may oppose the process, communities can still take strides in their own right to take steps towards social reparation through a truth process.⁶⁹

⁶⁴ Ibid., 38.

⁶⁵ For a critique of the TRC from a psychoanalytic perspective see, Hayes, Graham, "We Suffer our Memories," *American Imago* 55 (1998): 29-50.

⁶⁶ Eppel, " 'Healing the Dead,' " 263.

⁶⁷ Lundy and McGovern, "Community Based Approaches to Post Conflict 'Truth-Telling,'" 44.

⁶⁸ Ibid., 38.

⁶⁹ Eppel, " 'Healing the Dead,' " 286.

Chapter 2: The Greensboro Truth and Reconciliation Commission: A Potential Model for US Communities

2.1 Introduction: The Greensboro Massacre

Greensboro, North Carolina is a city of approximately 245,000 people located in the American South.⁷⁰ The city is approximately 55% white and 38% black.⁷¹ Greensboro was segregated under Jim Crow segregation laws until 1965.⁷² Greensboro holds a place in the history of the Civil Rights Movement, for it is in Greensboro where student sit-ins at lunch counters began in order to protest segregation. Four black college students of North Carolina A&T University staged the first sit-in on February 1, 1960 at an all-whites Woolworths lunch counter. Sit-ins occurred across the South in imitation of the Greensboro students, and this movement eventually led to the integration of Woolworths stores, as well as other chains.⁷³ It is within this context of racial divides and a history of the struggle for civil rights that the following events took place.

In Greensboro, North Carolina on November 3, 1979, Klu Klux Klan (KKK, a white supremacist group) members⁷⁴ and neo-Nazis approached a group of labor rights activists, organized by the Communist Workers Party, who were assembling in an all-black housing project called Morningside to participate in an anti-KKK rally. A shootout, initiated by the KKK, took place. 5 protesters were killed and 10 other people wounded. The incidence became to be known as the “Greensboro Massacre.”⁷⁵

At the time of the massacre, the white community reacted by placing blame on those killed in the massacre as radical instigators, instead of as victims. For example, headlines in the *Greensboro News and Record* read: “Leftists Plan War on Klan,”(Nov. 6,

⁷⁰ “Greensboro, North Carolina,” *Wikipedia*, http://en.wikipedia.org/wiki/Greensboro,_North_Carolina.

⁷¹ “Greensboro, North Carolina,” *Wikipedia*, http://en.wikipedia.org/wiki/Greensboro,_North_Carolina.

⁷² “Jim Crow Laws,” *Wikipedia*, http://en.wikipedia.org/wiki/Jim_Crow_laws.

⁷³ “Greensboro, North Carolina,” *Wikipedia*, http://en.wikipedia.org/wiki/Greensboro,_North_Carolina.

⁷⁴ “Klu Klux Klan,” *Wikipedia*, http://en.wikipedia.org/wiki/Ku_Klux_Klan.

⁷⁵ Sally Bermanzohn, *Through Survivors' Eyes: From the Sixties to the Greensboro Massacre*, (Nashville, TN: Vanderbilt University Press, 2003); Elizabeth Wheaton, *Codename Greenkil: The 1979 Greensboro Killings*, (Athens: University of Ga, 1986).

1979) and “ ‘They All Hate Each Other,’ Professor says of Leftists,” (Nov. 6, 1979).⁷⁶ On the other hand, the black community published articles in the *Carolina Peacemaker* of a different tone altogether: “The Morningside Massacre,” (Nov. 10, 1979) and “CORE Points to Officials for Murders.” (Nov. 10, 1979) From the media evidence, it is clear that polarization of the community was an immediate result of the incident.

Next to the role of the KKK, the complicity of local authorities, in particular of the police, became a focal point of tension in determining accountability for the massacre. No police were present at the location of the march, even though they had made an implicit commitment to provide protection by virtue of issuing the protesters a permit. According to the Greensboro Justice Fund, the anti-Klan demonstration’s leader, Nelson Johnson, had been promised that the police would meet him at the specified location at 10 am.⁷⁷ The police department had an informer, Eddie Dawson, working inside the KKK who knew of the plans for the attack, and tipped the police off about the plot. The police also procured Dawson with a copy of the parade permit, with full knowledge that Dawson was a Klansman. The police decided to not show up, and instead took an early lunch.⁷⁸ Navigating a thin line between complicity in the attack and negligence, the police significantly contributed to the fatal outcome of the clash between the two groups. Nor did the state subsequently act effectively to holding the perpetrators of the massacre accountable for their crime. News cameras captured the clash between the two groups, providing clear evidence of who committed the murders. Nevertheless, in two criminal trials, one state in 1980 and one federal in 1984, those who had been seen to be involved in the murders were acquitted.⁷⁹

Subsequent to these abortive criminal trials, the widowed, injured and jailed protesters sued some of those involved, including KKK and Nazi members, police officers and officials of the FBI, as well as the Bureau of Alcohol, Tobacco and Firearms (for prior knowledge of the impending attack), in a civil case for damages for violations

⁷⁶ Greensboro Truth and Reconciliation Commission, *Final Report* (2005), www.greensborotrc.org, 325.

⁷⁷ Paul Bermanzohn and Marty Nathan, “Justice and the Greensboro Massacre,” *Greensboro Justice Fund*, <http://www.gjf.org/index.php?page=histbro>.

⁷⁸ Greensboro Truth and Reconciliation Commission Final Report, Executive Summary, 7-12.

⁷⁹ Paul Bermanzohn and Marty Nathan, “Justice and the Greensboro Massacre,” *Greensboro Justice Fund*, <http://www.gjf.org/index.php?page=histbro>.

of civil rights, wrongful death and assault in 1985. This trial came to be known as the Greensboro Civil Rights Suit. The plaintiffs were awarded \$350,000.⁸⁰

The legacy of the massacre continued to haunt community members, such as the surviving protestors, children and widows of those killed, and members of the Morningside Homes community (the public housing complex where the incidence took place), along with a general ethos of fear and mistrust amongst the community-at-large. Some felt that the incident, and the way in which it was handled by the courts and media, caused cleavages in the community, especially along racial lines. For example, the differing interpretations of the story caused the protesters involved in the incident to be ostracized as communists and instigators, when in fact they primarily had been the victims. Black community members retained feelings of terror regarding the incident and felt victimized, whereas in the white community, a more apologetic stance towards the incidence existed.⁸¹ During observances marking the massacre's 20th anniversary in 1999, survivors of the massacre began to discuss the idea of bringing a truth and reconciliation process to the community of Greensboro.⁸²

This chapter will explore the history of the Greensboro Truth and Reconciliation Commission (GTRC) as an unofficial truth process. The GTRC was part of a complex set of developments which involved a range of different agencies, including the plaintiffs in the Greensboro Civil Rights Suit, the Greensboro Justice Fund, the Beloved Community Center, the International Center for Transitional Justice (ICTJ), The Greensboro Truth and Community Reconciliation Project, a National Advisory Committee, a Local Task Force (LTF) and a Selection Panel for the Commission. This chapter will consider the process involved in building the Commission, the way in which the Commission was received by the Greensboro community at-large, how the Commission overcame challenges such as securing funding and media coverage, and how it dealt with the issues of its own legitimacy and the need to provide "acknowledgement" to victims from an unofficial platform. It will also describe relevant activities which have taken place subsequently to the Commission continuing the process of reconciliation initiated by the GTRC.

⁸⁰ Ibid., 1.

⁸¹ Greensboro Truth and Reconciliation Commission, *Final Report*, 340-365.

⁸² Greensboro Truth and Reconciliation Commission, *Final Report, Annex: Timeline*, 200.

2.2 The Making of the Greensboro Commission as an Unofficial Truth Process

2.2.1 The Origins of the Greensboro Truth and Community Reconciliation Project (GTCRP)

Viewed in retrospect, the Greensboro Truth and Reconciliation Commission (GTRC) can be reconstructed as a complex process, that started with the plaintiffs in the Greensboro Civil Rights Suit and then involved a range of community and other agencies, which resulted in the selection and appointment of the Commission. The plaintiffs from the Greensboro Civil Rights Suit decided to use some of the money together, \$75,000 to be exact, towards a fund to memorialize those who were killed in the massacre, by giving to social justice organizations in their honor. The fund was named the Greensboro Justice Fund and was established in 1987. The fund has grown since and gives grants to groups fighting against racism, bigotry and economic injustice in the American South.⁸³

At this early stage of the process, a significant part was played by the Beloved Community Center, founded by Reverend Nelson Johnson, a survivor of the massacre and a pastor of the Faith Community Church, and his wife Joyce Johnson. The center is aimed at providing space for open dialogue and actively promotes issues such as to “promote universal housing, economic justice, improved public education and world peace.”⁸⁴ Reverend Johnson was a leader of the Worker’s Viewpoint Organization, the group that organized the protest at which the massacre occurred. He was a survivor of the massacre, having been stabbed during the attack.⁸⁵

As both organizations were run by survivors of the massacre and long-time political allies, the Greensboro Justice Fund and the Beloved Community Center collaborated together in order to apply for a grant from the Angus Family Fund to forward their idea for a project. The title of the proposal was “*Proposal for a Truth and*

⁸³ Paul Bermanzohn and Marty Nathan, “Justice and the Greensboro Massacre,” *Greensboro Justice Fund*, <http://www.gjf.org/index.php?page=histbro>.

⁸⁴ *Beloved Community Center*, www.belovedcommunitycenter.org.

⁸⁵ Sally Avery Bermanzohn, “A Massacre Survivor Reflects on the Greensboro Truth and Reconciliation Commission,” *Radical History Review* 97 (2007): 104.

Reconciliation Process in Greensboro, NC: Forging Community while seeking truth and reconciliation related to the November 3, 1979 incident".⁸⁶ Funding was granted to the project: enough to appoint some staff as well as to create a partnership with the New York-based International Center for Transitional Justice (ICTJ).⁸⁷ The granting of the funds led to the establishment of the Greensboro Truth and Community Reconciliation Project (GTCRP). Thus began the concrete process of constructing a grassroots, community-oriented truth-telling process.

In order to achieve a community-wide unofficial truth process in an inclusive way, the GTCRP had to overcome daunting obstacles and challenges. As a community, Greensboro had a deeply embedded history of division and conflict between racial groups in which the 1979 Greensboro Massacre represented one of the more traumatic and potentially divisive moments. Community reconciliation was further jeopardized by the political community of Greensboro, such as the Mayor and City Council, who rejected the GTRC altogether, neither to support the process or to take the final recommendations made by the Commission seriously. The fact that the project was closely associated with the victims of the 1979 Massacre also meant that the project would face the challenge of defending objectives and legitimacy. How did the GTRCP proceed in their context in order to best face these challenges in order to establish the GTRC in the most balanced, seemingly legitimate and inclusive way?

2.2.2 From the National Advisory Committee to the Commission Selection Panel

The first step taken by the GTCRP on the advice of Lisa Magarell of the ICTJ, was the establishment of a National Advisory Committee, in order to build national and international support for the process.⁸⁸ Members of the National Advisory Committee included: Dr. Vincent Harding (the first director of the Martin Luther King, Jr. Center for Nonviolent Social Change), Dr. Peter Storey, (former chairperson of the South African Council of Churches), and Cynthia Nance (former professor of law at the University of

⁸⁶ Greensboro Truth and Reconciliation Commission, *Final Report*, 200-1.

⁸⁷ *Ibid.*, 201.

⁸⁸ "National Advisory Committee," *Greensboro Truth and Community Reconciliation Project*, <http://www.gtcp.org/nac.php>.

Arkansas.)⁸⁹ These individuals were associated with prestigious organizations and removal from the local context.

The National Advisory Committee in its turn then appointed a Local Task Force (LTF). Appointees to the LTF represented a broad base of citizens including clergy, professors, judges, students and community activists. A former mayor of Greensboro, Carolyn Allen, a retired Presbyterian pastor, Reverend Z Holler, and a Baptist pastor, Reverend Gregory Headen, led the LTF.⁹⁰ The objective of the LTF was to broaden citizen support for the project, as well as to prepare the way in which commissioners of the GTRC would be selected. A former mayor of Greensboro, Carolyn Allen, Reverend Z Holler, a retired Presbyterian pastor, and Reverend Gregory Headen, a Baptist pastor, led the LTF.⁹¹

The Local Task Force, in conjunction with the National Advisory Committee drafted the mandate of the commission, as well as decided upon how commissioners would be subsequently selected, in a process that became known as the “Selection Process.”⁹² Once the drafting and publication of the mandate had been completed, the GTCRP separated itself from the process.⁹³ The goal was that the Commission itself be as independent and objective as possible. The GTCRP did participate in nominating a member to serve on the Selection Panel, which will be discussed subsequently.

The mandate set out the objectives of the Commission. It opened with the statement, “*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.*”⁹⁴ The “past” with which the Commission was concerned was the events surrounding the Greensboro Massacre of 1979 and the subsequent criminal trials,

⁸⁹ Greensboro Truth and Reconciliation Commission, *Final Report*, 201.

⁹⁰ *Ibid.*, 201.

⁹¹ *Ibid.*, 201; “National Advisory Committee,” *Greensboro Truth and Community Reconciliation Project*, <http://www.gtcp.org/nac.php>.

⁹² *Ibid.*, 201-2.

⁹³ Greensboro Truth and Reconciliation Commission, *Mandate for the Greensboro Truth and Reconciliation Commission* (2003), 3.

⁹⁴ *Ibid.*, 1.

in an effort to establish the truth in a framework of community reconciliation.⁹⁵ The goals of the commission according to the mandate thus included:

- a) Healing and reconciliation of the community through discovering and disseminating the truth of what happened [in reference to the Greensboro Massacre and surrounding criminal trials] and its consequences in the lives of individuals and institutions, both locally and beyond Greensboro.
- b) 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.
- c) Acknowledging and recognizing people's feelings, including feelings of loss, guilt, shame, anger and fear.
- d) 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.⁹⁶

The mandate also indicated the ways in which the commission would push forward, emphasizing the intention of having the process be as public and transparent as possible.⁹⁷ Significantly, the mandate called for the Commission to not only look into the direct events, and accountability thereof, which took place on the day of November 3, 1979, but also to explore the "root causes and historical context" of that event.⁹⁸

The terms and objectives of the mandate clearly reflect the direct influence of theories of "restorative justice" and the belief that "dealing with the past" will lead to healing and reconciliation of the community. One can also see the direct influence of the South African Truth and Reconciliation Commission: the mandate directly quotes the TRC's motto "'Without Truth, no Healing; without Forgiveness, no Future.'" The language in the mandate directly reflects assumptions made by those who advocate for truth-seeking based reconciliation: that revealing the truth will implicitly lead to healing, as well as prevent similar events from happening again. The direct influence of the TRC on the GTRC can be seen through the direct involvement of South African TRC commissioners in the GTRC. Archbishop Tutu drafted a letter of support, which the GTRC displays proudly on their website, as well as travelled twice to Greensboro to meet

⁹⁵ Ibid.,1.

⁹⁶ Ibid., 1.

⁹⁷ Ibid., 1.

⁹⁸ *Greensboro Truth and Reconciliation Commission, Final Report: Annex; Timeline, 202.*

with Commissioners during the course of the process. In addition, a South African minister, Reverend Bongani Finca, a commissioner for the South African TRC, also presided over the opening public hearings for the GTRC.⁹⁹

2.2.3 The Selection Process: Legitimizing the Commission

The “Selection Process,” as designed by the National Advisory Committee and the Local Task force, was a complex procedure involving different sets of agencies at different stages leading to the actual establishment of the Commission. The main purpose was to draft a selection process that would result in the most “democratic and community-wide initiative possible.”¹⁰⁰ Implicitly this recognized the special challenge of legitimacy facing an unofficial truth process in the local community context. Even in the case of official truth commissions, such as the TRC, it has been stressed that the strength of the process was closely bound up with its demonstrably “public and democratic” nature.¹⁰¹ The designers of the GTRC process evidently set out with the need very much in mind that only if the selection process itself was demonstratively inclusive would it be possible to arrive at a Commission with any hope of public legitimacy in the community. Accordingly, they adopted a two-stage strategy. The first stage involved having a range of community groups each nominate a person to serve on the *Selection Panel* for the Commission itself. Fourteen community groups were invited to nominate representatives on the Selection Panel. These groups included: student bodies, the Chamber of Commerce, chancellors and presidents of the six major colleges and universities of Greensboro, the Council of Community Organizations, the Greensboro Police Officers Association, the Greensboro Truth and Community Reconciliation Project (GTCRP), the Guilford County Democratic Party, the Guilford County Republican Party, the Mayor of Greensboro, the NAACP, the National Conference for Community and Justice (NCCJ), the Jewish community, the Muslim community, the Pulpit Forum / African American Churches, the Sons of Confederate Veterans and the Daughters of the

⁹⁹ Susan Grego, “Greensboro Truth Commission to Hold Public Hearing July 15-6,” *International Center for Transitional Justice*, www.ictj.org.

¹⁰⁰ Greensboro Truth and Reconciliation Commission, *Selection Process*, (2003).

¹⁰¹ Du Toit, “The Moral Foundations of the South African TRC,” 129.

Confederacy, the traditional Protestant, Catholic, and Independent churches, and the Triad Central Labor Council.¹⁰²

There was a broadly based and significant community response to these invitations. Of the groups that were invited to nominate a member for the Selection Committee, no less than 14 out of the 17 groups did nominate a representative on the Selection Panel. However, the Greensboro Police Department, the Sons of Confederate Veterans and the Daughters of the Confederacy, and the Chamber of Commerce did not nominate anyone to sit on the panel.¹⁰³ Significantly, the decline of the invitation to participate from these particular groups did limit the extent to which the entire community could own a piece of the process. The refusal to participate from the Police Department carried interesting implications in particular light of the events that were to be investigated by the Commission, considering that the absence of the Police Department was implied as the primary cause of the outbreak of violence on the day of the massacre. Despite the aforementioned groups abstaining from participating, the general response had been sufficient for the selection process to proceed. Lisa Magarell, of the ICTJ, met with the Selection Panel to give them a background orientation.¹⁰⁴ Judge Lawrence McSwain, the nominee from the Mayor's office, was elected by the Selection Panel as the Chairperson.¹⁰⁵

Once the Selection Panel was assembled, the second stage of the Selection Process, that involving the actual nominations for the Commission itself, could proceed. The Mandate for the GTRC and the procedures for nomination, as well as an explanation of how the entire Selection Process was structured, were published in three local newspapers (*The Greensboro News and Record*, *The Carolina Peacemaker* and the *Rhinoceros Times*). Community members in the Greater Greensboro area were publicly invited to nominate people, with a one-page motivation, to serve as commissioners on the

¹⁰² Greensboro Truth and Reconciliation Commission, *Selection Process*, (2003).

¹⁰³ Bermanzohn, "A Massacre Survivor Reflects", 105

¹⁰⁴ "Selection Panel," *Greensboro Truth and Community Reconciliation Project*, <http://www.gtcp.org/panel.php>.

¹⁰⁵ Greensboro Truth and Reconciliation Commission, *Selection Process*, (2003).

GTRC.¹⁰⁶ After receiving 67 nominations, the Selection Panel set to work to choose seven commissioners from diverse backgrounds. Nominees were requested to complete an application form, and the Selection Panel interviewed a short-listed group of potential commissioners. The Selection Panel's deliberations were not public, but transparency was encouraged by asking the Panel members to write out lessons they learned as well as how the process was carried out, which would then be made accessible to the public. Commissioners were chosen by consensus, and if need be vote, though two-thirds of a vote was required to gain a position as commissioner.

The seven commissioners were chosen and announced on May 27, 2004. The Commissioners were: Cynthia Brown, a grassroots organizer and leader, former city councilwoman and one-time candidate for the U.S. Senate from Durham, NC; Patricia Clark, from upstate New York, executive director of the Fellowship of Reconciliation; Muktha Jost, an assistant professor in the School of Education at N.C. A & T University from Greensboro; Angela Lawrence, a community activist from Greensboro with a long history in education and neighborhood development; Robert Peters, a retired corporate attorney with experience in dispute resolution from Greensboro; Reverend Mark Sills, from Randleman, NC, the executive director of Greensboro's Faith Action International House; and Barbara Walker, a retired manager with Wrangler Corps, and former board president of the YWCA from Greensboro.¹⁰⁷ Commissioners were chosen based on "recognized integrity, [and] a demonstrated commitment to the values of truth, reconciliation, equity and justice."¹⁰⁸ The GTRCP noted that, "Racial, socio-economic, religious, and sexual diversity were given strong consideration in the selection of the commissioners."¹⁰⁹ The commission included three African American women, two white men, one white woman and a woman from India. Five were local residents of

¹⁰⁶ Greensboro Truth and Reconciliation Commission, *Final Report, Annex, Timeline*, 202; Greensboro Truth and Reconciliation Commission, *Selection Process*, (2003).

¹⁰⁷ Joya Wesley, "For Immediate Release: Selection Panel names Truth and Reconciliation Commissioners," *International Center for Transitional Justice*, 27 May 2004, www.ictj.org/en/new/press/release/470.html.

¹⁰⁸ *Greensboro Truth and Community Reconciliation Project*, www.gtrcp.org.

¹⁰⁹ Greensboro Truth and Community Reconciliation Project, *Selection Process*(2003).

Greensboro, one came from another city in North Carolina, Durham, and one commissioner came from upstate New York.¹¹⁰

The Commissioners were sworn in on June 12, 2004 by District Court Judge Lawrence McSwain. The ceremony took place at Greensboro's historic Depot. An audience of 500 people were in attendance.¹¹¹ The oath sworn by the Commissioners read as follows: "Fully aware of the significance and the potential for good in this historic undertaking, I pledge my very best effort to the people of Greensboro, North Carolina, and the nation, so help me God."¹¹²

2.2.4 The Greensboro Truth and Reconciliation Commission

Once the Commissioners had been sworn in, the formal GTRC process began. Necessary administrative tasks were undertaken, such as securing office space and a financial officer. The Commissioners also finalized and published their Guiding Principles including some additional principles agreed upon by the commissioners. The Guiding Principles reaffirmed that the Commissioners would act as an independent body, reject no testimony, and act in the spirit of restorative justice and not retributive justice (in that no recrimination will be sought).¹¹³ With the Guiding Principles, the Commissioners thus explicitly set the GTRC as a truth process within the ambit of restorative justice.

In terms of its mandate, the GTRC had a period of two years within which to carry out deliberations and draft the final report. The Commission announced that it would begin to collect statements on January 25, 2005 from anyone willing to offer a

¹¹⁰ Bermanzohn, "A Massacre Survivor Reflects," 105.

¹¹¹ Greensboro Truth and Reconciliation Commission. *Final Report, Annex, Timeline*, 204.

¹¹² "Greensboro to Re-Examine 1979 KKK-Related Deaths" [audiorecording], *All Things Considered*, National Public Radio, 13 June 2004, www.npr.org/templates/story/story.php?storyId=1956883.

¹¹³ Greensboro Truth and Reconciliation Commission, *Guiding Principles*, www.greensborotrc.org.

statement who were community members of Greensboro who had any information surrounding the events of November 3, 1979.¹¹⁴

The first round of public hearings took place on July 15-16, 2005 at the Guilford County School System's Weaver Education Center. The first public hearings bore the title "What brought us to November 3, 1979?" The second round of hearings took place on August 26-27, 2005 at an auditorium of North Carolina A & T State University. This round of public hearings was entitled "What Happened, On and After, November 3, 1979?" At these hearings, 16 people were given the opportunity to testify. Those in the lineup of testifiers included a police officer who was present at the scene of the massacre, the widow of one of the men killed, residents of the housing development where the massacre took place, survivors of the massacre (including Reverend Nelson Johnson, who survived being stabbed), as well as the judge who presided over the state murder trial, and defense attorneys as well as the civil rights attorney who served as lead counsel for the plaintiffs in the federal civil trial.¹¹⁵ Such a diverse lineup of testifiers allowed the Commission, and the public, to hear accounts of the events from a variety of perspectives.

The third round of hearings took place on September 30-October 1, 2005. The title of these sessions was: "What does the Past have to do with the Present and Future?" It took place at an auditorium of the University of North Carolina at Greensboro.¹¹⁶ 22 people gave testimony at the final hearings.¹¹⁷ Testifiers at this round of events spoke to clarifying why it is important to carry out the truth process to being with, through illustrating how events in the past influence present relations. Through illustrating this, the testimonies offered some perspective regarding how to work towards reconciliation.

¹¹⁴ Jill Williams, "For Immediate Release: Truth and Reconciliation Commission Begins Taking Statements," *International Center for Transitional Justice*, 25 Jan 2005, www.ictj.org/en/news/press/release/281.html.

¹¹⁵ Joya Wesley, "Truth Commission: Victims, Police and Others to Speak at Hearing," *International Center for Transitional Justice*, 25 Aug 2005, www.ictj.org/en/news/press/release/469.html.

¹¹⁶ Greensboro Truth and Reconciliation Commission, *Final Report, Annex, Timeline*, 207.

¹¹⁷ Joya Wesley, "Mayor Pro Tem, Author to Speak at Final Truth Commission Hearing," *International Center for Transitional Justice*, 29 Sept 2005, www.ictj.org/en/news/press/release/255.html.

The Commission completed its work by examining the statements taken from community members, evidence provided at public hearings, evidence from conversations with groups of people involved in the events surrounding the massacre, media coverage, and official records they had access to. The Commission also interviewed members of groups such as Morningside Homes residents who were living there at the time of the massacre, demonstrators who survived the massacre, media personnel who covered the massacre and the subsequent trials, as well as a former KKK member and police officer who had been on duty at the time of the massacre.¹¹⁸ Altogether the Commission received 150 testimonies, 55 given at public hearings, and 95 given privately, 12 of which were confidential.¹¹⁹ The process of gathering testimony by the GTRC was a thorough and inclusive process, which once again aided in the GTRC's legitimacy.

2.2.5 Responses of the Greensboro Political Community

The Greensboro TRC received a wide range of responses from Greensboro community members. It managed to garner wide support from the community, but at the same time met with repeated resistance from those in positions of public power and authority. This sub-section will explore the responses to the GTRC process by the Greensboro political community, i.e. the City Council, the Mayor, as well as editorial responses in the local media.

As early as March 15, 2005, the GTRCP requested support of the project by the City Council. The GTRCP presented the City Council with a petition, for which they had acquired 5,000 signatures. The petition asked the City Council to “endorse and fully support the truth and reconciliation process, and to encourage the community to do the same.”¹²⁰ The City Council agreed to put the petition on the agenda for their meeting on April 19, 2005.¹²¹ At that meeting, April 19, the City Council voted 6-3 to oppose the work of the truth and reconciliation commission. The City Council voted along white-

¹¹⁸ Greensboro Truth and Reconciliation Commission, *Final Report, Annex, Timeline*, 206-8.

¹¹⁹ Bermanzohn, “A Massacre Survivor Reflects,” 105.

¹²⁰ Greensboro Truth and Reconciliation Commission, *Final Report, Annex, Timeline*, 204.

¹²¹ *Ibid.*, 206.

black lines.¹²² This factor was significant in that it indicated the racial divide concerning perceptions of the process, and thus indicated the challenge that reconciliation posed; for genuine reconciliation requires a willingness on both sides of the divide to participate.

The City Council was approached again after the Commission had completed its work. On March 6, 2007, Councilwoman Goldie Wells presented the City Council with a resolution calling on the Council to rescind the original decision in 2005 to oppose the GTRC, and to “take the recommendations [of the Commission Report] seriously,” as well as to encourage citizens to read the Final Report. Once again, the City Council voted to turn down the resolution, this time 5-4.¹²³ Councilman Tom Phillips called the Truth and Reconciliation Commission a “crock” and “you can quote me on that.”¹²⁴ Also in January 2007, an intense argument was sparked by mention of the need for a public statement regarding the GTRC at a City Council retreat.¹²⁵ Some Council members were firmly in support of the Commission. For example, Councilwoman Goldie Wells gave a passionate speech in support of the Commission, when presenting her proposal.¹²⁶ Councilwoman and Mayor Pro Tem Yvonne Johnson actually testified at the third round of public hearings.¹²⁷ From this it is clear that viewpoints regarding the commission in the City Council were polarized and passionate.

The mayor of Greensboro, Keith Holliday strongly opposed the GTRC. He did, nevertheless, nominate Judge Lawrence McSwain to the Selection Panel. He expressed concern that the commission would draw attention to Greensboro’s violent past and would portray Greensboro to the rest of the nation as a “battleground”.¹²⁸ He also commented that the Commission’s report was “biased” and that he didn’t accept the

¹²² Greensboro Truth and Reconciliation Commission, *Final Report, Executive Summary*, 25.

¹²³ Margaret Moffet Banks, “Council votes down TRC resolution,” *Greensboro News and Record*, 7 March 2007, www.news-record.com/apps/pbcs.dll/article?AID=/20070307/NEWSREC0101/70306035/-1/NEWSRECRARKIVE.

¹²⁴ “The sounds of silence,” *Greensboro News and Record*, sec. A, 29 Jan 2007.

¹²⁵ Margaret Moffet Banks, “Mention of TRC starts argument,” *Greensboro News and Record*, sec. B, 21 Jan 2007.

¹²⁶ Banks, “Council Votes Down TRC Resolution.”

¹²⁷ Wesley, “Mayor Pro Tem, Author to speak at Final Commission Hearing.”

¹²⁸ “Reconciliation in Greensboro” [audiorecording], *PBS Religion & Ethics*, Episode 810, 5 Nov 2004, www.pbs.org/wnet/religionandethics/week810/cover.html.

findings.¹²⁹ He also adamantly refused any suggestion that the City should apologize for the complicity found in the final Report on behalf of the city and the police department. “At most, city leaders should continue to express regrets over the shootings.”¹³⁰ Mayor Holliday was also quoted in the GTRC’s Final Report as having said that he found it “unappetizing” to participate in a process that speaks openly about issues such as poverty, labor, capital, race and hate.¹³¹

In the GTRC’s Final Report further instances of active resistance to the truth seeking process within the community are listed. Apart from the City Council vote to oppose the truth-seeking process, City Council members were also involved in spreading rumors as to the GTRC’s funding and its relationship to the GTRCP and in leaking confidential information (which “jeopardized public hearings”) to the media. In other instances, individuals claim to have been discouraged by those outside the process from testifying at the hearings, while the Commission’s filing cabinets which contained research documents and personnel files were broken into and damaged.¹³²

During and after the process, the *Greensboro News and Record* printed multiple editorials, both for and against, the truth and reconciliation process. Editorials ranged from “Truth Report is a Gift- Read It” to “T&R Commission is silly, not ‘Historic’ .”¹³³ However, allegations were made that the *News and Record* was biased against the GTRC, publishing more editorials that opposed the Commission than opinion editorials for it¹³⁴. One editorial published in the *News and Record* painted the Commission as politically biased, as the Commission consistently used “progressive politics vocabulary.” In other words, the op-ed author painted the process as a politically liberal (in a liberal-

¹²⁹ Banks, “Council votes down resolution on TRC.”

¹³⁰ Margaret Moffett Banks, “Holliday: no apology necessary”, *Greensboro News and Record*, sec. A, 1 June 2006.

¹³¹ Greensboro Truth and Reconciliation Commission, *Final Report, Executive Summary*, 26

¹³² *Ibid.*, 25.

¹³³ Nelson Johnson, “Truth Report is a Gift-Read It,” *Greensboro News and Record*, sec. A, 14 June 2006; Steve Gorden, “T&R Commission is Silly, not ‘Historic,’” *Greensboro News and Record*, sec. A, 20 June 2006.

¹³⁴ Margaret Moffett Banks, “Papers Coverage Criticized as Biased” *Greensboro News and Record*, sec. B 31 May 2006; Allen Johnson, “Have the Opinion Pages been Biased against Truth and Reconciliation?” *Greensboro News and Record*, sec. H, 4 June 4 2006.

conservative dichotomy), as opposed to as an objective, project.¹³⁵ Another editorial also accused the Truth and Reconciliation process as biased, although it praised certain aspects of the Report, such as clearing up the misrepresentation of the event being a clash of two “radical” groups.¹³⁶

Despite these criticisms (which is typical of truth and reconciliation processes everywhere), the Commission seemed to receive wide community support. The initial evidence for this is the petition presented to the City Council, which received 5,000 signatures asking for the City Council’s support of the Commission’s work.¹³⁷ The second indicator of community support was the size of the crowds present at the commission ceremonies and public hearings. Over 1,000 people attended a march entitled the “Transforming Tragedy into Triumph” March for Justice, Democracy and Reconciliation on November 13, 2004.¹³⁸ At the swearing in ceremony, a crowd of an estimated 500 + people attended.¹³⁹ Hundreds of people attended the public hearings.¹⁴⁰

The Commission enjoyed the support of multiple community leaders, whose prestige aided in drawing attention and weight to the process itself. Such leaders included former Mayor of Greensboro Carolyn Allen, Reverends from local churches, (Reverend Z Holler, Reverend Gregory Headen, Reverend Herbert Nelson), Congressman Melvin Watt, Reverend WW Finlader, Cynthia Brown, District Court Judge Lawrence McSwain, as well as internationally renowned leaders and scholars such as Archbishop Desmond Tutu and Dr. Cornell West.

In effect, the goal of reconciliation of the community could only be achieved if the majority of the community participated and supported the goals of the process. The negative opinions regarding the Commission by those in power, particularly white

¹³⁵ Doug Clark, “Commission Proposes Political Agenda”, *Greensboro News and Record*, sec. A, 31 May 2006.

¹³⁶ Edward Cone, “TRC Delivers a Flawed by Useful Report,” *Greensboro News and Record*, sec. H, 4 June 2006.

¹³⁷ Greensboro Truth and Reconciliation Commission. *Final Report, Annex, Timeline*, 206.

¹³⁸ *Ibid.*, 202.

¹³⁹ *Ibid.*, 204.

¹⁴⁰ “Greensboro Truth and Community Reconciliation Project: Commission (2004-2006)”, *Greensboro Truth and Community Reconciliation Project*, www.gtcp.org/commissiontimeline.php.

politicians, certainly created a challenge, which the Commission had to face. However, with widespread community support and both local and international figures supporting the project, the Commission had a better chance at both gaining legitimacy as well as having a chance at starting a process of genuine reconciliation. I will touch on both issues of legitimacy and reconciliation in later sub-sections.

2.2.6 Engaging the Local Community

As an unofficial truth process that sought to further reconciliation, community engagement was of utmost importance, for community reconciliation cannot occur in a bubble without the community itself. Such engagement became more pressing, as well as more difficult, in the face of “official rejection.” This section will explore the ways in which the GTRC tried to engage the community: how the commission overcame the challenge of access to the media, and how it launched a plethora of community events and discussions to encourage an ongoing process of reconciliation.

In order for the local community to be engaged in the GTRC, then access to the media would play a large role in both generating awareness and encouraging participation. But for an unofficial truth process without substantial resources, this was a major challenge requiring sustained effort and ingenuity. From the beginning of the process, the GTRCP and the GTRC held press conferences and other meetings with media representatives, and published all landmark documents in the local newspaper the *Greensboro News and Record*.

The GTRCP kept up an active relationship with local media, urging the public to participate in the truth and reconciliation process. The GTRC Mandate and Selection Process documents were published in a two-page spread, along with a call for nominations of commissioners from the community, in the *Greensboro News and Record*, the primary newspaper in Greensboro. These documents were also published in the *Carolina Peacemaker* and the *Rhinoceros Times*.¹⁴¹ Subsequent articles, such as

¹⁴¹ Greensboro Truth and Reconciliation Commission, *Final Report, Annex, Timeline*, 202.

announcements regarding the public hearings, community dialogue events and opinion editorials were also published in the *Greensboro News and Record*.

In February 2004, the commission hired a media consultant, Joya Wesley.¹⁴² This enabled press releases, drafted by Joya Wesley, to be given to media sources on a systematic bases. The press releases were released from the platform of the ICTJ.¹⁴³ In active pursuit of media coverage and community engagement, the Commission held a breakfast meeting with media representatives on March 23, 2004 to discuss how to make the commission's work "more accessible to reporters."¹⁴⁴

Another way in which the Commission attempted to engage the community was a door-to-door campaign to raise awareness about the Commission, and to collect statements from people with any information on the 1979 Massacre. The door-to-door campaign took place on Wednesday afternoons and began in April 2004.¹⁴⁵ Reminiscent of the televised public hearings of the South African TRC, Greensboro Community Television, a community television station, aired a television show entitled "TRC Talk" throughout the process, premiering on July 6, 2005. The television show was produced in the North Carolina A & T University TV studio. The show ran twice a week, featuring coverage from the public hearings, as well as interviews with Commissioners, interns and community members.¹⁴⁶ Also throughout the process, a Greensboro Truth and Reconciliation blog was continually updated online, accessible to all. The blog presented itself as "A Space for Open Community Dialogue About the Work of the Commission." The blog encourages people to try to understand other people's perspectives before responding, to feel free to disagree with other peoples' opinions in a respectful way, and to try to present accurate information. Posted on the blog was a weekly newsletter entitled Ubuntu, in which the Commission posted the latest news and events being held in conjunction with the commission's work. Here once again we can see the influence of the

¹⁴² Ibid., 204.

¹⁴³ "United States (Greensboro, NC)," *International Center for Transitional Justice*, www.ictj.org/en/where/region/2/517.html.

¹⁴⁴ Greensboro Truth and Reconciliation Commission, *Final Report, Annex, Timeline*, 206.

¹⁴⁵ Ibid., 206.

¹⁴⁶ "Greensboro Truth and Reconciliation Commission: News and Events: TRC Talk," *Greensboro Truth and Reconciliation Commission*, www.greensborotrc.org/trc_talk.php.

TRC in the GTRC process with the use of the South African term *ubuntu*, meaning a person is a person through persons.¹⁴⁷ In addition the blog posted articles about the Commission, public hearing transcripts, “thank-you” notes to members of the community for participating in Commission dialogues, and individualized responses from the commission to individual posters’ questions. In one such case, for example, an answer was posted to the question, “What is Truth? Whose Truth?”¹⁴⁸ The websites of both the GTCRP as well as the GTRC were accessible, easily navigated, and contained a plethora of information regarding the process. Once the Report was released, it was accessible for free from the GTRC website.¹⁴⁹

The GTRC’s efforts to gain media access and coverage were not limited to local media only. With a wider audience in mind, the Greensboro TRC was billed as the “first truth and reconciliation process to take place in the United States.”¹⁵⁰ As such, and through the support and platform of the prestigious ICTJ, the process managed to garner significant national and international coverage. The Greensboro TRC was covered in news sources such as *Newsweek*, National Public Radio (NPR), the French magazine *Elle*, as well as many others.¹⁵¹ According to a press release from the ICTJ, the Greensboro TRC managed to get coverage in hundreds of newspapers and magazines nationally and internationally.¹⁵²

However, the first priority of the GTRC remained the need to stimulate and facilitate ongoing community conversation. As such, a plethora of community events, such as town-hall like meetings, discussion groups and interfaith prayer meetings, were scheduled before, during and after the GTRC process with the aim of engaging the community in dialogue and community-building exercises.

¹⁴⁷ Tutu, *No Future Without Forgiveness*.

¹⁴⁸ *Greensboro Truth and Reconciliation Commission Blog*, <http://gtrc.blogspot.com/>.

¹⁴⁹ It is emphasized on the website, that though the offices for the GTRC have closed, the website will remain up and running as a resource for the community and other communities around the nation.

¹⁵⁰ *Greensboro Truth and Reconciliation Commission*, www.greensborotrc.org.

¹⁵¹ Ellis Cose, “How to Mend a Massacre,” *Newsweek*, 2 June 2003, www.newsweek.com/id/59474; “Greensboro to Re-Examine 1979 KKK-Related Deaths,” *All Things Considered*, National Public Radio, 13 June 2004; “Greensboro Truth and Community Reconciliation Project: Commission (2004-2006)”, *Greensboro Truth and Community Reconciliation Project*, www.gtrc.org/commissiontimeline.php.

¹⁵² Wesley, “Mayor Pro Tem, Author to Speak at Final Commission Hearing.”

Sustained attempts were made to engage with the community in the reconciliation project by means of spiritual or religious discourse. Not unlike the example of the rhetoric surrounding the South African TRC and its Chair Archbishop Tutu, the GTRC employed a notably spiritual rhetoric. A number of interfaith events were organized in Greensboro during the reconciliation process. Several such events took place, such as a panel discussion entitled “Spiritual Preparation for Truth-Seeking, Healing and Reconciliation: A Gathering of People from All Spiritual Traditions and Walks of Life,” on October 31, 2003,¹⁵³ a Faith, Prayer and Reconciliation Service on April 10, 2005 and an Interfaith Spiritual Reflection Community Service on June 16, 2005.¹⁵⁴

In addition to these interfaith services, other panel discussions and community dialogues also took place on the topic of truth and reconciliation. Perhaps the biggest mobilization of community members was at a 2004 march marking the 25th anniversary of the Massacre organized by the Beloved Community Center, The march was entitled “Transforming Tragedy into Triumph,” and over 1,000 community members participated.¹⁵⁵

A number of community dialogues were hosted including: an open community dialogue, “What is Truth? What is Reconciliation?” held at the Greensboro Central Library, facilitated by UNCG’s Ashby Dialogue series¹⁵⁶ and a panel discussion entitled “Healing Via Truth and Reconciliation” at North Carolina A&T University in which the GTRC staff participated.¹⁵⁷ A number of GTRC open houses were hosted, as well as a community meeting on October 2, 2003 to update the public on the progress the GTRC had made.¹⁵⁸ A number of interactive workshops also took place, for example, the GTRC cosponsored a poetry event entitled “Poetry, Truth and Reconciliation” on April 22, 2006.¹⁵⁹

After the GTRC process was complete, a strategy of recruiting organizations and community groups as “report receivers” was put in place. “Report receivers” committed themselves to reading the report and to facilitate dialogue within their respective

¹⁵³ Greensboro Truth and Reconciliation Commission, *Final Report, Annex, Timeline*, 203.

¹⁵⁴ *Ibid.*, 206-7.

¹⁵⁵ *Ibid.*, 205.

¹⁵⁶ *Ibid.*, 205.

¹⁵⁷ *Ibid.*, 209.

¹⁵⁸ *Ibid.*, 203.

¹⁵⁹ *Ibid.*, 209.

organizations to find ways in which the resolutions called for in the Report could be furthered by efforts on the part of the organization itself. A total of 70 community groups committed to be report receivers in this way. The Report was presented to the report receivers at the closing ceremony on May 25, 2005.¹⁶⁰ The community was encouraged to get together to host discussions regarding the Report. Groups were supposed to gather independently at various locations to discuss their reception of the Report.¹⁶¹ Following the release of the report, a number of town-hall style meetings were scheduled for the community to come together to discuss the final Report. The talks were scheduled for December 2, 2006, March 11, 2007, June 10, 2007 and September 9, 2007.¹⁶² An article in the *Greensboro News and Record*, however, indicated that these discussion groups were slow to get under way.¹⁶³ According to local news reports, an average 95 people showed up for the town-hall style meetings. Conspicuously absent at these meetings were those who had opposed the process and final Report. Such absence, it was lamented, detracted from a process of genuine community reconciliation.¹⁶⁴

At another level, that of schools and education, teachers throughout the area incorporated the truth and reconciliation process and final Report into their curricula. A workshop was held for local teachers at higher education institutions entitled "Teaching through the TRC." The event was put on by the GTRC on September 28, 2005. Lecturers in the Greensboro area incorporated the GTRC final Report into their curricula at University of North Carolina Greensboro, Guilford College and Guilford Technical Community College.¹⁶⁵ In addition, students engaged in the truth and reconciliation process through scheduling a student event focused on the process. On April 14, 2007, students from local colleges and universities held a conference in which community

¹⁶⁰ Ibid., 209.

¹⁶¹ Sue Schultz, "Group begins 'truth' study talks," *Greensboro News and Record*, sec. B, 17 July 2006.

¹⁶² Lex Alexander, "TRC panelists: City must own up to past," *Greensboro News and Record*, 4 Dec 2006, www.news-record.com/apps/pbcs.dll/article?AID=/20061204/NEWSREC0101/612040303/1005/NEWSREC0101.

¹⁶³ Lex Alexander, "Truth Report Discussions Slow to Start," *Greensboro News and Record*, sec. B, 16 July 2006.

¹⁶⁴ Jordan Green, "Truth Report is discussed despite hostility, disinterest," *YES! Weekly*, 14 March 2007, www.yesweekly.com/main.asp?Search=1&ArticleID=2250&SectionID=1&SubSectionID=&S=1.

¹⁶⁵ Lex Alexander, "This term's homework: truth report," *Greensboro News and Record*, sec. B, 20 Aug 2006.

members were encouraged to write papers, stage performances and submit research. The best submissions were awarded a prize of \$100.¹⁶⁶

Community outreach efforts attempted to create grassroots support and participation from Greensboro residents, despite the rejection of the process by the majority of the Council and Mayor. The community dialogues allowed for conversations around race and community cleavages to take place, which fleshed out the process of the Commission to a level at which real engagement between community members around tough, taboo and unspoken of issues could be given a space.

2.2.7 The Greensboro Truth and Reconciliation Commission Report

After a period of two years, the Commission released its Final Report, which is over 500 pages long. The Report provides a comprehensive review of the historical context of the events of November 3, 1979: the history of community dynamics relevant to the massacre, the main events leading up to the massacre, and outline of the specific happenings which occurred on the morning of November 3, 1979, an analysis of the outcomes of the criminal and civil trials, an assessment of positive and negative outcomes for the community resulting from the massacre, as well as a chapter proposing recommendations for reforms, reparations and measures to be taken to further reconciliation of the community.

The Report shows a sustained attempt on the part of the Commission to remain as objective as possible, sometimes stretching generosity. For example, in regards to comments made by KKK members that amounted to blatant hate speech, the Commission notes that these comments are protected by their constitutional rights to free speech.¹⁶⁷ In addition, the commission includes statements from those who participated in the killings (Griffin for example, who showed no remorse) to illustrate how these perpetrators have also suffered from trauma. The objectiveness of the Commission is one of the predominant factors in determining the legitimacy of the Commission. This issue is especially pertinent in the context of the GTRC, which was initiated by people who were

¹⁶⁶ Lex Alexander, "Students seek papers on reconciliation," *Greensboro News and Record*, sec. B, 28 Feb 2007.

¹⁶⁷ Greensboro Truth and Reconciliation Commission, *Final Report*, 13.

all on one side of the conflict, that of the Workers' Viewpoint Organization. For example, one of the ways which the Commission could be easily written off to be illegitimate, would be to paint the Report as biased, as was the view espoused by Mayor Keith Holliday.¹⁶⁸ Therefore this concerted effort at impartiality must be understood in light of that challenge.

The reparation recommendations in the Commission's final Report included: having the city recognize the date of November 3, 1979 as a day of remembrance; that those who participated in the massacre, as well as the police department, should apologize to those they harmed publicly or private, as well as building a public monument on the site of the massacre in memory of those killed.¹⁶⁹ The Report also has a section with recommendations on institutional reforms. These include wide-sweeping recommendations such as having city employees paid a living wage; having city employees participate in anti-racism workshops; instituting a police review board; as well as a laundry list of further recommendations aimed at improving race relations and promoting justice.¹⁷⁰

2.3 Overcoming the Challenges of an Unofficial Truth Process

Although the GTRC established linkages with the International Center for Transitional Justice (ICTJ), a leading organization in the field of transitional justice, and had the advantage of experienced advisors to aid and guide them in designing the initial project, the GTRC remained a civil-society based unofficial truth process. As such, the GTRC inevitably faced the challenges confronting all unofficial truth processes, as discussed in the opening chapter, in particular that of establishing its necessary legitimacy as a truth and reconciliation process, while lacking the resources and funding available to official truth commissions, and without the legal power granted to official commissions. In effect, the GTRC process may be regarded as a case study of the ways and extent to which an unofficial truth project may be able to achieve the transitional justice objectives of truth and reconciliation process at the level of a local community. In

¹⁶⁸ Banks, "Council votes down resolution on TRC."

¹⁶⁹ Greensboro Truth and Reconciliation Commission, *Final Report, Recommendations*, 200-7

¹⁷⁰ *Ibid.*, 203.

the following sections, I will explore how the GTRC dealt with, to the best of its ability, the challenges posed by virtue of its unofficial status.

2.3.1 Establishing Legitimacy as an Unofficial Truth Process in a Local Community

Establishing legitimacy is a challenge faced by every truth process—both official, as well as unofficial. Even in the context of official truth commissions, the legitimacy of the commission must be earned by an inclusive, fair and transparent process. Important political actors may still oppose or criticize an official truth commission, for example, even the TRC report in South Africa was heavily criticized by members of the former apartheid regime.¹⁷¹ The importance of establishing legitimacy is an even heavier burden in the context of unofficial truth processes, as the unofficial project has no constitutional mandate or legal status as do truth commissions, and cannot claim to operate with the authority of the state. The local orientation combined with the unofficial status of the truth project also lends the project to criticism as biased, as the project is likely to be bound up with local partisan conflicts. Therefore, it is incumbent upon unofficial truth projects to attempt to establish legitimacy: a feat that is both a major obstacle and a vital condition for any civil society-based unofficial truth process.

In the case of the GTRC, the proposed truth and reconciliation project was not only unofficial, but explicitly opposed by local government. In these circumstances, the challenge of the Commission achieving a sufficient measure of legitimacy was even greater. As pointed out in the literature on truth commissions, the composition, identity and collective ideologies of commissioners significantly add or detract from the “authority” of a commission.¹⁷² Even more important than the composition of the Commission itself, was the process through which it was nominated: to the extent that an inclusive and democratically participatory nomination process could be designed, its legitimacy could carry over to the actual Commission. This was realized by those involved in the initial stages, i.e. the Greensboro Truth and Reconciliation Project (GTCRP), who did not proceed directly to the appointment of a Commission but (on the

¹⁷¹ Borer, “Truth Telling as a Peace Building Activity,” 23.

¹⁷² Levinson, “Trials, Commissions, and Investigating Committees,” 223.

advice of the ICTJ) instead designed a complex two-stage Selection Process. This strategy effectively distanced the original sponsors of the truth project from the actual Commission, so that the GTRC would not be seen as simply a creature of the GTRCP, but rather as an effort which was collaborated on by a number of community groups from all sectors of society. As we have seen, this process did not entirely succeed in its inclusive objectives, and the non-involvement of constituencies such as the Sons of Confederate Veterans and the Daughters of the Confederacy, may have affected the perceived legitimacy of the Commission. Through boycotting the process, those represented in these organizations, could effectively claim that the process was illegitimate and the Report was biased.

A second strategy for bolstering the legitimacy of the Commission was through securing the involvement of individuals with recognized public status in the process. It has been noted that their legitimacy is closely related to the public status of the individuals serving on that commission by virtue of the “general status of the persons offering acknowledgement.”¹⁷³ Thus, official commissions retain their legitimacy not only through formal proclamation, but by virtue of the profile of those on the commission. This is even more important in the case of UTPs. A process that notably includes individuals who have high public profiles, especially those who have achieved standing in the eyes of the community by virtue of elected positions, has a better prospect of achieving legitimacy. The high profile status of many involved in the GTRC process, such as US Representative Melvin Watt, Dr. Vincent Harding, Archbishop Desmond Tutu, Judge Lawrence McSwain, Dr. Cornel West, various community religious leaders, and Carolyn Allen, a former Mayor of Greensboro, added weight to the process in the eyes of the community.

But in the end, it was the Commission’s legitimacy in the local community itself that ultimately affected the Commission’s impact. In this regard, the origins of the GTRCP, (as resultant of a collaborative effort of people involved on only one side of the conflict,) the close association of the GTRCP to the GTRC, and the particular racial and social dynamics of the city proved a catch-22. The staff of the GTRCP, as the effective

¹⁷³ Levinson, “Trials, Commissions, and Investigating Committees,” 221.

founders of the “truth process”, were closely involved emotionally with the events of November 3, 1979 by virtue of being survivors or widows of the massacre, all on the side of the Worker’s Viewpoint Organization / Communist Workers Party. Similarly, the organizations responsible for the initial funding of the project, the Beloved Community Center and the Greensboro Justice Fund, were perceived to belong to a very specific camp, that of the politically “progressive” (as opposed to “conservative”) politics¹⁷⁴ Leading individuals who had been involved on the side of the Worker’s Viewpoint Organization, such as Nelson Johnson, the founder of the Beloved Community Center, also figured prominently on the GTRC. This meant that the GTRC struggled to establish the legitimacy of the truth process in the eyes of the wider community. For example, Mayor Holliday was quoted as doubting the neutrality of the Commission, considering the fact that Reverend Johnson was on the National Advisory Committee of the GTRC.¹⁷⁵

Overall, the GTRC’s legitimacy rested on a number of factors: the wide-scale community engagement, the democratic nature of electing commissioners, the diverse identities of commissioners, the high profile status of commissioners and other individuals serving in different stages of the process, by the efforts to separate the commission from any outside influences, and especially by the involvement by the ICTJ, an internationally recognized organization. Of particular importance were the efforts to separate the Commission from sectional influences and associations. Though it cannot be said that the Commission was entirely successful in achieving these objectives, it did manage to do so to a significant degree.

2.3.2 Overcoming Material and Formal Constraints: the GTRC’s Funding and Lack of Legal Powers

As an unofficial truth process, the GTRC was faced by substantial material and formal constraints: it did not receive any funds or other resources from the state, and did not have the public standing or legal powers of an official truth commission. In practice,

¹⁷⁴ Clark, “Commission Poses Political Agenda.”

¹⁷⁵ Cose, “How to Mend a Massacre,” 2.

the GTRC was funded by a combination of grants and private donations. The Angus Family Fund Grand provided the initial grant, an amount of \$185,000, which enabled the formation of the GTRCP and the recruitment of the help of the ICTJ. Subsequently, once the Commission had been appointed, it garnered an estimated \$37,000 from individual donations and benefit concert proceeds, as well as securing a number of additional grants from various funds.¹⁷⁶ The total budget for the commission amounted to \$425,109.48. Compared to the much more substantial resources available to some official Truth Commissions this was a minimal amount. On the other hand, the GTRC operated within the much smaller context of one local community only and focused on a single major event, the 1979 Massacre. Within this context, it was able to mount and sustain an effective truth process over a period of two years.

In practice, a significant disadvantage of unofficial truth processes is the lack of any legal powers. Unlike an official Truth Commission, like the South African TRC, the GTRC did not have any powers of search and seizure, or subpoena powers to summons individuals to appear and testify at its public hearings. The Commission did not have access to confidential government documents, or police files. This challenge is acknowledged in the Commission's final report as "serious limitations" which "restricted our ability to review all the evidence available. The truth we have found is necessarily imperfect."¹⁷⁷

However, despite its lack of legal power, the Commission *did* manage to access a significant amount of evidence. For example, the *Greensboro News and Record* procured the Commission with FBI files that they had in their records in regards to the time period surrounding the Massacre.¹⁷⁸ In addition, some individuals who may be considered to have been complicit with the Massacre, or even directly involved in the attacks, still participated without having to be formally subpoenaed. A member of the KKK at the time, Roland Wayne Wood, who had participated in the attack, offered his testimony and expressed regret and his support of the truth and reconciliation process.¹⁷⁹ In addition, Virgil Griffin, a KKK grand wizard since 1985 and a member of the KKK/Nazi caravan

¹⁷⁷ Greensboro Truth and Reconciliation Commission, *Final Report, Executive Summary*, 3.

¹⁷⁸ Greensboro Truth and Reconciliation Commission, *Final Report, Annex, Timeline*, 208.

¹⁷⁹ *Ibid.*, 208.

who had been tried and acquitted for the murders, also testified at the hearings.¹⁸⁰ Griffin indicated that he was hostile to the GTRC, but had appeared in response to public pressure. He seemed to show no remorse, claiming that anti-Klan protestors had been killed because “God guided the Klan’s bullets.” Nevertheless, he did participate.¹⁸¹ Gorrell Pierce, a former Nazi and the Grand Wizard of the Federated Knights of the Klu Klux Klan in 1979 also provided testimony.¹⁸² A retired police officer who served in the police department at the time of the event offered his testimony, and also produced relevant documents.¹⁸³ Three police officers who had been on duty at the time of the shootings also testified at the public hearings, but emphasized that they did not represent the police department.¹⁸⁴ It should be emphasized, however, that even though some perpetrators participated, there was no incentive for them to come forward with the whole truth. For example, in the context of the TRC, incentive was given to perpetrators to tell the whole truth, in that had they done so, and their crimes deemed to be politically motivated, they were granted amnesty. The GTRC possessed no such powers. Therefore, it was felt by one survivor, Sally Bermanzohn, that the police and Klan members used the public testimony platform to once again further their own distortions of the story. She expressed her anger at hearing “the same lies and cover-ups” told by police officers and Klan members, the same cover-up story that she had heard for 26 years.¹⁸⁵ Willingness of “perpetrators” to participate in the hearings may have been influenced by the prominent restorative justice discourse of the process, and the repeatedly emphasized fact that the Commission did not seek to prosecute or accuse any member of the community. Such rhetoric may have encouraged participation from those who might otherwise have felt threatened by the prospect of prosecution or vengeful sentiments.

Apart from the Commission’s lack of formal powers of subpoena etc., it also lacked the general public standing of an official Truth Commission. This significantly undercut its ability to provide the “acknowledgement” of victims, which is a main

¹⁸⁰ Greensboro Truth and Reconciliation Commission, *Final Report, Recommendations*, 345.

¹⁸¹ Bermanzohn, “A Massacre Survivor Reflects”, 106.

¹⁸² Greensboro Truth and Reconciliation Commission, *Final Report, Recommendations*, 347.

¹⁸³ Greensboro Truth and Reconciliation Commission, *Final Report, Annex, Timeline*, 208.

¹⁸⁴ Bermanzohn, “A Massacre Survivor Reflects,” 106.

¹⁸⁵ *Ibid.*, 107.

objective of truth and reconciliation processes. In terms of the Commission's mandate, one of its main goals was to "acknowledge" those affected by the Massacre and the surrounding events. As the GTRC was unofficial, and not only unofficial, but explicitly opposed by local government, any kind of official acknowledgement was completely out of the question. However, the commission did garner significant support from elements of the local community, including the participation of important figures in that community as well as that of people who had been involved in the attacks of that day. To that extent, some kind of community acknowledgment of the victims did take place through the GTRC process.

Chapter 3: Beyond Natural Disaster: Community Truth-Telling Mobilizations to address Human Rights Abuse and Hurricane Katrina

3.1 Introduction: Unofficial truth process in the wake of a natural/political disaster?

Truth seeking in the context of Hurricane Katrina has taken place on two levels: in regards to examining the causes for the hurricane, the causes for the breach in the levees and explaining the breakdown in government response—which has taken the form of federal governmental commissions of enquiry; as well as on the level of documenting government liability, and human rights abuses connected with the storm—which has taken the form of human rights reports and community-based truth-telling efforts. The most striking distinction between the two forms of truth seeking is in who is talked with in order to understand the “truth,” as well as what the focus of the reports were and who the authors of the final report were.

Commissions of enquiry have focused very specifically on federal government inefficiencies and mistakes. Information was gathered primarily through talking with government officials who were responsible, to best *explain* what happened ‘in-house,’ in order to be able to make changes to respond better in the next instance. Three reports were produced by government bodies: one from the Department of Homeland Security,¹⁸⁶ one from the Senate,¹⁸⁷ and one from the House of Representatives.¹⁸⁸ The community truth-telling efforts on the other hand, focus largely on the experiences of the victims through talking directly with the victims or representatives of organizations who have been helping victims on the ground to understand their side of the story, and to illustrate their experience with abuse at the hands government officials and agencies. Another way

¹⁸⁶ Department of Homeland Security, *The Federal Response to Hurricane Katrina: Lessons Learned*, by Frances Fragos Townsend, (Washington DC: 2006), <http://www.whitehouse.gov/reports/katrina-lessons-learned.pdf>.

¹⁸⁷ Special Report of the Committee on Homeland Security and Governmental Affairs, US Senate, *Hurricane Katrina: A Nation Still Unprepared*, S. Report 109-322, 109th Congress, 2nd Session, by Susan Collins, (Washington DC: US Government Printing Office, 2006), <http://www.gpoaccess.gov/serialset/creports/katrinanation.html>.

¹⁸⁸ Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina, *A Failure of Initiative: Final Report of the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina*, HR. Report 109-377, 109th Congress, 2nd Session, by Tom Davis, (Washington DC: US Government Printing Office, 2006), <http://www.gpoaccess.gov/serialset/creports/katrina.html>.

in which the truth-telling efforts focus rather on the victims, is that the reports of focused on victim-based recommendations. The recommendations made in governmental reports are aimed at improving communication within the government and improving disaster response, whereas the truth-telling efforts make recommendations as to how restitution, both symbolic and concrete, should be brought to the victims of the storm.

Another point of difference is in who has authored the reports. Government agents have authored the government reports, whereas civilians have authored the truth-telling effort reports. This distinction is important in that, in the context of government liability, the government has a lot at stake, which could affect the objectivity, or at least language used, in the reports. For example, one of the leaders of the Katrina National Justice Commission critiqued the House Bipartisan Commission report heavily, as it was not a genuinely “bipartisan” commission, in effect complaining about who controlled and authored that particular government report.¹⁸⁹ On the other hand, victim-centered processes have much to gain by proving the mistakes and abuses by the government, which could also affect the spin and language used during the writing of the report. For example, less attention may be paid to the ways in which government failures could be explained, but rather point to the government failure itself.

Compared to the GTRC, the community truth-telling processes are ambivalent and problematic when considered as unofficial truth projects. On the one hand, the projects examined in this paper borrow language and procedure directly from transitional justice mechanisms, such as the terms “justice commission,” “tribunal” and the holding of public hearings. On the other hand, some important distinctions are warranted. For one, the Katrina projects are not so much focused on communal reconciliation, but rather on achieving reparations and recognition. In this regard, their focus is slightly shifted from that of Greensboro, which resulted in completely different aims and types of projects. The Katrina projects also were less focused on inclusiveness than the GTRC was. As I shall point out, both projects took place from specific segments of the population, without much effort at building coalitions and putting measures in place to ensure objectivity. In this chapter I will explore ways in which the truth projects after

¹⁸⁹ Ida Caruthers, “Roundtable: Religion’s Response to Katrina” [Audiorecording], *NPR’s News and Notes with Ed Gordon*, 25 September 2005, *NPR*, <http://www.npr.org/templates/story/story.php?storyId=4860629>.

Katrina may be considered unofficial truth processes, and in what ways there are important distinctions to be made.

3.2.1 Hurricane Katrina and its aftermath in context

Hurricane Katrina was a category 5 hurricane that hit the United States on August 29, 2005. The storm caused massive damage along the Gulf Coast, and caused notorious damage in New Orleans, where the breaching of the levees protecting New Orleans caused 80 % of the city to flood.¹⁹⁰ Katrina was one of the most deadly hurricanes to ever hit the United States. The storm and subsequent flooding resulted in the deaths of 1,836 people.¹⁹¹ Though Hurricane Katrina was a “natural disaster,” at every level of preparation for and response to the storm, Hurricane Katrina amounted to a man-made disaster. At the intersection of poverty and negligence, and some claim racism, an entire population of the city had been made vulnerable, forgotten and abused.¹⁹²

New Orleans was flooded for four days before the city was able to pump out the majority of the water. Thousands of people, by a vast majority African American, had remained in the city, some because of choice, but most because of misinformation or inability to evacuate due to lack of private transportation—the sole mode of evacuation.¹⁹³ Citizens flocked to the Superdome, which is the New Orleans football stadium, as well as the Convention Center to seek refuge from the storm. An estimated 16,000 people were trapped in the Superdome.¹⁹⁴ Other people were left stranded, trapped inside their houses and standing on top of their roofs, waiting to be rescued. After the storm, the conditions inside the Superdome began to deteriorate, and people inside were not permitted to leave until a formal evacuation took place. There was no running water, no food, no electricity and no sewage system. People were stuck inside the Superdome for four days in hot and unsanitary conditions before the Superdome was

¹⁹⁰ “Hurricane Katrina,” *Wikipedia*, http://en.wikipedia.org/wiki/Hurricane_Katrina.

¹⁹¹ *Ibid.*, 1.

¹⁹² Michael Eric Dyson, *Come Hell or High Water: Hurricane Katrina and the Color of Disaster* (New York: Basic Civitas Books, 2006).

¹⁹³ Laura Butterbaugh, “Why did Hurricane Katrina hit Women so Hard?” *Off our Backs* 35 (2005):18.

¹⁹⁴ Scott Gold, “Trapped in the Superdome: Refuge becomes a Hellhole,” *Los Angeles Times*, 1 September 2005.

evacuated completely.¹⁹⁵ Meanwhile, on the outside, fear of violence took hold and the government mobilized the National Guard to go to New Orleans to “keep order.” The days following the storm were chaotic and traumatic, with massive human rights abuses taking place, such as the failure to evacuate 6,000 prisoners trapped in cells in the flooded prison,¹⁹⁶ among other abuse which will be discussed in the subsequent section.

Eventually the city underwent mandatory evacuation, bussing survivors to different cities across the country, especially those close by such as Houston, Texas and Atlanta, Georgia. Approximately 1 million people were displaced because of Katrina. As the majority of damaged property was private property located in low-income areas, the cleanup after Hurricane Katrina and the return of residents has been notoriously slow, especially for African American and low-income residents. Because most of the houses damaged were private property, the government has been able to abdicate responsibility for rebuilding, and as most home insurance policies include a caveat for flooding, most homeowners have found themselves in a catch-22, unable to cover both the mortgage as well as clean-up and rebuilding costs. This has resulted in large parts of the Lower 9th Ward, the neighborhood hardest hit by the breach in the levees, to lay practically untouched since the storm.¹⁹⁷ In addition, the public sector was slow to recover, if at all. The public hospital was never reopened, public schools were slow to reopen, and the most public housing looks as though it will never reopen.¹⁹⁸ These developments have infuriated many in the African American community, accusing the government of opportunistic neo-liberalism and “ethnic cleansing.”¹⁹⁹ Before the storm, New Orleans

¹⁹⁵ “Superdome Evacuation Completed,” *msnbc.com*, 3 September 2005, <http://www.msnbc.msn.com/id/9175611>.

¹⁹⁶ ACLU, National Prison Project, *Abandoned and Abused: Orleans Parish Prison in the Wake of Hurricane Katrina*,

¹⁹⁷ Brad Heath, “For New Orleans after Katrina, too many nights remain silent,” *USA Today*, 21 Dec 2006, www.usatoday.com/news/nation/2006-12-20-new-orleans-rebuilding_x.htm.

¹⁹⁸ Jordan Flaherty, “Privatizing New Orleans,” *Left Turn*, 28 Jan 2006, leftturn.org/?q=node/617.

¹⁹⁹ Naomi Klein, “This is turning into the ethnic cleansing of New Orleans,” *Guardian Unlimited*, 24 September 2005, <http://www.guardian.co.uk/comment/story/0,,1577324,00.html>; Ghali Hassan, “Ethnic Cleansing in New Orleans”, *Global Research*, 25 June 2006, <http://www.globalresearch.ca/index.php?context=viewArticle&code=HAS20060625&articleId=2688>.

was 67% African American—that number had shrunk to 35% a year after the hurricane.²⁰⁰

3.2.2 Hurricane Katrina as a natural disaster and as a political atrocity

In the first instance Hurricane Katrina was a natural disaster. However, to a significant extent the human loss and suffering that occurred was both preventable as well as exacerbated by human actions and by official measures and policies. The aftermath of Katrina involved significant human rights abuses. As opposed to holding people accountable for mistakes made during the storm, and abuses in the immediate aftermath of the storm, the trend has been to cover-up, or ignore, this abuse, and continue with policies which further the violation of the hurricane victims' rights.

The natural disaster aspect of the event makes it difficult to separate human-induced suffering from that of an unfortunate encounter with Mother Nature. It is clear nevertheless, that certain actions *were* taken by state officials, at every level of government, which *directly* violated the rights of those already suffering at the hands of the storm, *exacerbating* rather than offering help and relief in their horrendous circumstances. Such actions include Governor Blanco of Louisiana's issuing a shoot-to-kill order of "hoodlums"²⁰¹, murders at the hands of police officers²⁰², the Gretna Police Department armed prevention of people from exiting New Orleans via the Gretna Bridge²⁰³, the inhumane treatment of inmates of the Orleans Parish Prison²⁰⁴, amongst a plethora of other abuses that occurred in the aftermath of the storm. Complicating matters are the neglect of responsibilities and *inactions* by the authorities before, during and after the storm which significantly added to the extent of death and destruction wrought by

²⁰⁰ "Press Release: International Commission of Inquiry Concludes Fact-Finding Trip to Gulf Coast and Calls on the World Community to Build the International Tribunal on Hurricane Katrina," <http://www.peopleshurricane.org/tribunal>.

²⁰¹ "Troops told 'shoot to kill' in New Orleans," *ABC News Online*, 2 September 2005, <http://www.abc.net.au/news/newsitems/200509/s1451906.htm>.

²⁰² "New Orleans officers charged with Murder," *MSNBC*, 28 Dec 2006, www.msnbc.msn.com/id/16383539/; People's Hurricane Relief Fund, *They Left Us Here to Die*, (2006), 15.

²⁰³ "Racism, resources blamed for bridge incident," *CNN.com*, 13 September 2005, <http://www.cnn.com/2005/US/09/13/katrina.bridge/>.

²⁰⁴ ACLU, National Prison Project, *Abandoned and Abused*, www.aclu.org/prison/conditions/26198res20060809.html.

natural forces. For example, the breaching of the levees in the aftermath of the storm in New Orleans was both predicted and preventable.²⁰⁵ Similarly, the evacuation plan of New Orleans relied on cars when in practice one third of the city's population did not have access to private transportation²⁰⁶. What looked like many peoples' choice to remain in the city, was in fact not a choice. In addition, fingers have been pointed at the federal government with their slow and inefficient response to the storm, which resulted in people being stranded for days in New Orleans with no food or water, and led to many avoidable deaths.

Subsequent to the storm as well, the survivors of Hurricane Katrina faced a plethora of abuses and violations of their rights. For example, people were held in prison well beyond their release date²⁰⁷, survivors were issued trailers with high levels of formaldehyde²⁰⁸, private homes were bulldozed without due notice²⁰⁹, the aid dispersal program was slow, tedious and inadequate,²¹⁰ and survivors of the storm were evicted from public housing units, which subsequent legislation mandated for destruction.²¹¹

In the context of Hurricane Katrina, the natural disaster aspect of the hurricane was compounded by these human rights abuses. Exacerbating the issue is the fact that most of the survivors of Hurricane Katrina who were left in the city and who were the victims of these human rights abuses, were African Americans, casing the aftermath of Katrina in the familiar narrative of racial polarization. In this context, a process to establish the "truth about Katrina" would require, not just a scientific investigation into

²⁰⁵ Susan B Glasser and Michael Grunwald. "Experts Say Faulty Levees Caused Much of the Flooding." *WashingtonPost.com*, 21 September 2005, <http://www.washingtonpost.com/wp-dyn/content/article/2005/09/20/AR2005092001894.html>.

²⁰⁶ Laura Butterbaugh, "Why did Hurricane Katrina Hit Women So Hard?" *Off Our Backs* 35 (2005): 18.

²⁰⁷ "Critical Resistance Fact Sheet What We Know: The Status of Prisoners and Policing Post Katrina," *Critical Resistance*, 11 November 2005, www.criticalresistance.org/katrina/postkatrinastatus.html.

²⁰⁸ Mike Bruckner, "Are FEMA trailers 'toxic tin cans'?" *msnbc*, 25 July 2006, www.msnbc.msn.com/id/14011193/from/ED.

²⁰⁹ Stephen Bradberry and Jeffrey Buchanan, "Katrina's Bulldozer Politics," *TomPaine.com*, 23 August 2006, www.tompaine.com/articles/2006/08/23/katrinass_bulldozer_politics.php.

²¹⁰ Eric Lipton and Jennifer Steinhauer, "FEMA, Slow to the Rescue, Now Stumbles in Aid Effort," *NY Times*, 17 September 2005, www.nytimes.com/2005/09/17/national/nationalspecial/17fema.html?_r=1&oref=slogin; "Louisiana Slow to Distribute Aid from FEMA," *washingtonpost.com*, 20 December 2006, www.washingtonpost.com/wp-dyn/content/article/2006/12/19/AP2006121901275.

²¹¹ Jenny Jarvie, "Fury in New Orleans as housing demolition OK'd," *Los Angeles Times*, 21 December 2007, www.latimes.com/news/printedition/asection/la-na-neworleans21dec21,1,1,7386395.story?coll=la-news-a_section&ctrack=1&cset=true.

the underlying natural causes and consequences of the storm, or a commission of enquiry into the extent of planning and policy failures on the part of responsible authorities, but rather an official or unofficial truth process concerned with breaking the silence and denial, to establish accountability for the perpetrators of the human rights abuses, and to acknowledge the suffering of the victims. Inevitably, the goals of the process would also include bringing about changes to contemporary practices that continue to violate the rights of survivors, as survivors are still mired in the after-effects of the disaster.

3.2.3 The aftermath of Katrina and the Greensboro Massacre

Several comparisons can be drawn between the way in which events unfolded in the two cases of the Greensboro Massacre and the New Orleans aftermath of Katrina. The Greensboro Massacre was a single traumatic incident on a particular date and place. In contrast the many and dispersed incidents violence that ensued in the aftermath of Katrina took place in a context of confusion and chaos. People were randomly dispersed, often losing contact with friends and relatives. Individuals from the same families or neighbourhoods often found themselves forced to board different busses heading to different cities, breaking up local communities and forcing families apart.²¹² Police who used force and violence in these chaotic conditions were not so much targeting specific individuals as political opponents with explicit orders, as in the context of political disappearances. It is very possible that in many cases police had no idea who they were interacting with in the context of Katrina. Also, in retrospect, it is harder to focus on the “disappearances” of friends and family as a determinate phenomenon. It is always a possibility that if a relative has disappeared, a number of other explanations are plausible besides brutality-related death, for example that the person is alive in another city and unable to be located, or the person died in the flood of natural causes and was just not found. Even people who claim to have witnessed a police officer shoot a person²¹³ would

²¹² People’s Hurricane Relief Fund (PHRF) and International Liason Committee, *They Left Us Here To Die* (2006), 15.

²¹³ *Ibid.*, 15.

be unlikely to be able identify the victim, or who the officer was who was doing the shooting.

But secondly, in both the Greensboro Massacre and in the aftermath of Katrina, law enforcement officials were either directly involved or complicit in the abuse of poor and African American citizens or their allies. Especially in the context of Hurricane Katrina, the racialized nature of the events which took place cannot be underestimated; a framework of race and socioeconomic status became the platform on which the activists responding to abuse by the government have based their arguments. It is without question that the majority of the survivors left inside New Orleans during Katrina were African American and poor. Therefore, the slow response time, the inadequate relief efforts, the abusive treatment by the police, the racialized portrayal by the media, and the reluctance of the city of New Orleans to create conditions conducive for poor, black residents to return, lead many to the conclusion that underlying official racism played a major part in the disastrous aftermath of Katrina. As mentioned earlier, before the storm, 67.9% of New Orleans' population was black. A year after the storm only 35% of the population was black.²¹⁴ Indeed, many have come to believe that the authorities were doing everything within their power to prevent the black population of New Orleans from returning through such measures as delayed aid dispersal, the closure of public housing, the closing of the public hospital and the painstakingly slow reopening of public schools. Such trends have even led some to make accusations of "ethnic cleansing".²¹⁵

Thirdly, in both cases charges of human rights abuses have been met by official and public denial. For example, there have been no charges filed against the Gretna Police Department for blocking the bridge, or firing shots²¹⁶, and all police officers charged with having shot and killed innocent people in New Orleans have yet to get a

²¹⁴ "Press Release: International Commission of Inquiry Concludes Fact-Finding Trip to Gulf Coast and Calls on the World Community to Build the International Tribunal on Hurricane Katrina," *People's Hurricane Relief Fund*, September 2006, <http://www.peopleshurricane.org/tribunal>.

²¹⁵ Naomi Klein, "This is turning into the ethnic cleansing of New Orleans," *Guardian Unlimited*, 24 September 2005, <http://www.guardian.co.uk/comment/story/0,,1577324,00.html>; Ghali Hassan, "Ethnic Cleansing in New Orleans", *Global Research*, 25 June 2006, <http://www.globalresearch.ca/index.php?context=viewArticle&code=HAS20060625&articleId=2688>.

²¹⁶ Michael Kunzelman, "No Charges in Katrina Blockade," *ABC News*, 31 October 2007, www.wjla.com/news/stories/1007/468556.html.

trial.²¹⁷ Sheriff Gusman denies that any deaths occurred within Orleans Parish Prison at all.²¹⁸ Also, a federal judge has absolved the Army Corps of Engineers for their failure to maintain the levees in an attempted liability suit.²¹⁹ In both cases, in Greensboro, NC and New Orleans, failures to prosecute as well as acquittals, reinforce public silence and denial that any human rights abuses took place. In both cases, racism and official cover-ups operated hand-in-hand in creating an environment of impunity for abusive police officers. Thirdly, portrayal in the media of both events was biased and racist, effectively representing victims of the Massacre as radical instigators and black victims of Hurricane Katrina as culpable of looting and acts of violence. From the standpoint of the victims there is thus a need for a truth process to establish the human rights abuses that *actually* occurred in the aftermath of both events in the eyes of the public, both in the community and in the nation²²⁰. And if an official truth process is not feasible, then an unofficial community-based truth process may be initiated. Joya Wesley of the Greensboro Truth and Reconciliation Commission has pointed to the analogies between that unofficial truth process and the impact of Hurricane Katrina. She argued that in the case of Katrina as well, the question of ‘What does the past have to do with the present and future?’ may serve as a valuable lens for viewing underlying issues such as race, economics, power and law enforcement.²²¹

3.2.4 Comparing the conditions for unofficial truth processes after Katrina and in Greensboro

It is thus not surprising that in the aftermath of Hurricane Katrina, as in the sequence of the Greensboro Massacre, citizens have joined together to initiate unofficial truth processes, albeit under different circumstances and with different goals in mind. In the case of New Orleans two groups of citizens have established truth-seeking processes

²¹⁷ “Still no trial for police charged in killing,” *wdsu.com*, 2 January 2008, www.wdsu.com/news/14960775/detail.html.

²¹⁸ ACLU, *Abandoned and Abused*, 62.

²¹⁹ Adam Nossiter, “In Court Ruling on Floods, More Pain for New Orleans,” *The New York Times*, 1 Feb 2008, www.nytimes.com/2008/02/01/us/01corps.html.

²²⁰ Caruthers and Jackson, ed., *The Breach: Bearing Witness*, (4 June 2007): 45; Greensboro Truth and Reconciliation Commission, *Final Report*, 324-338.

²²¹ Joya Wesley, “Mayor Pro Tem, Author to Speak at Final Truth Commission Hearing.”

to illuminate the events during and after Hurricane Katrina: the National Katrina Justice Commission sponsored and run by the Samuel Proctor DeWitt Conference, and the International Tribunal on Hurricanes Katrina and Rita, put on by the People's Hurricane Relief Fund.

Before discussing these two truth projects, it is important to point to a number of context-specific issues in regards to truth-seeking in the aftermath of Hurricane Katrina, which differentiate this from the Greensboro TRC process. For one, the time distance from the actual traumatic event for Greensboro was about 25 years, while it had only been 1-2 years since Hurricane Katrina. Such a close time proximity means that those conducting the truth-process in the context of Katrina are often still deeply involved in the issues which are being addressed. In Greensboro, the process of remembering what occurred happened in a spirit of community healing and reconciliation. In addition to remembering as a way of seeking healing, as those in Greensboro sought to do, the truth initiatives in New Orleans have sought to illuminate not only the wrongs of the past, but even more what is still going wrong, and as a means of calling for *immediate* action on the part of the authorities in ongoing political processes.

Another challenge faced in truth-seeking in the context of Hurricanes Katrina and Rita, is complexity of shared accountability in the devastation. The poor evacuation planning, the poor response and relief effort, the police and National Guard abuse and the inefficiency of the post-disaster aid-dispersal bureaucracy all stem from different power centers within the "government": local government and police force, state government, and the federal government and National Guard. Therefore, discerning accountability and calling for reforms must necessarily take on all levels of government simultaneously. This aspect of joint responsibility not only translates into a difficulty in determining accountability, but also allows different powers-that-be to be free of taking responsibility to rectify these issues. The bureaucratic ladder of divvied up responsibility also affects the dynamics as far as prospects for eventual community reconciliation is concerned.

Thirdly, while in Greensboro the hearings were located in a specific location with a concentrated and manageable number of community members called to testify, in the case of Katrina any process of holding public hearings enabling victims to tell their stories of human rights abuses would be much more difficult to carry out. Hurricane

victims have been scattered far and wide across the country; there is no feasible system to locate them, and they dwarf Greensboro victims in terms of sheer number. The government itself already faces difficulty with locating survivors to provide information regarding FEMA policies and aid dispersal.²²² Even just to communicate to people that a truth process is proposed would require *extensive* media outreach, not to mention the fact that public hearings would need to be held in multiple stories in order to reach most of the survivors. This sets the process of truth-seeking in the aftermath of Hurricane Katrina in a whole different strategic field than in the context of Greensboro.

3.3 Unofficial truth initiatives in the aftermath of Katrina

This section will examine two grassroots community truth-seeking initiatives that have taken place recently in response to the events surrounding Hurricanes Katrina and Rita: the National Katrina Justice Commission and the International Tribunal on Hurricanes Katrina and Rita. (Rita was a hurricane that struck a few weeks after Katrina causing further damage, albeit on a much smaller scale than Katrina). Both projects took place on a much smaller scale in comparison with the Greensboro Truth and Reconciliation Commission, as each involved only a few days of public testimony by a select few representative people to illustrate points. However, they may be instructively compared with other unofficial truth processes in transitional justice contexts concerned with community reconciliation: as they are processes that value public testimony, emphasize giving victims a voice, overcome popular interpretations of events by exposing stories contrary to what the media has reported, determine accountability and issue recommendations.

²²² “Problems with FEMA data left Housing and Urban Development workers searching for 25% of hurricane survivors eligible for a rental assistance program,” *Community Settlement Network*, 2 December 2007, http://www.houstonhuricanerecovery.org/show_content_article.asp?id=1222007-112621&category=nola%20news.

3.3.1 The National Katrina Justice Commission: Its Composition , Function and Hearings

The Samuel DeWitt Proctor Conference, Inc. (SDPC) is a nation-wide consortium of African American pastors, clergy, laypersons and seminarians committed to social justice. A conference is held every year at which hundreds of African American church leaders meet to take part in workshops and lectures.²²³ According to Dr. Iva Caruthers, the secretary general of the SPDC, the SPDC is “committed to strengthening the internal capacity of African American congregations to enable them to engage in fruitful and strategic social justice ministries.”²²⁴ The SDPC leadership was brought to the table in conversations with twelve congressman in the aftermath of Katrina. Dr. Iva Caruthers, the General Secretary of the SPDC, was invited along with nine other African American faith leaders to participate in a discussion on September 20, 2005, initiated by the Honourables James Clyburn and Nancy Pelosi, to talk with a representative group of Democrats (six Senators and six Representatives) to discuss the government’s response to Hurricane Katrina. According to Caruthers, at that meeting it became clear that the Congress-based initiative would not be sufficient to secure speedy recovery for the Gulf Coast. In addition, it was made clear that the White House opposed an independent Katrina Commission (like the 9/11 commission), and that the House Bipartisan Committee, was the opposite of bipartisan.²²⁵ According to Caruthers, the House Bipartisan Committee was a “farce” as only Republicans had subpoena power.²²⁶

It was after this meeting that Caruthers came up with the idea for an independent commission initiated by the Black church to look into the response and recovery efforts after Katrina.²²⁷ The organizing body for the Samuel DeWitt Proctor Conference called

²²³ “Who We Represent,” *Samuel DeWitt Proctor Conference, Inc.*, 2006, <http://www.sdpconference.info/aboutus/represent.html>.

²²⁴ “About Us,” *Samuel DeWitt Proctor Conference, Inc.*, 2006, <http://www.sdpconference.info/aboutus/>

²²⁵ Caruthers and Jackson, ed., *The Breach*, 3

²²⁶ Ida Caruthers, “Roundtable: Religion’s Response to Katrina” [Audiorecording], *NPR’s News and Notes with Ed Gordon*, 25 September 2005, *NPR*, <http://www.npr.org/templates/story/story.php?storyId=4860629>.

²²⁷ Caruthers and Jackson, ed., *The Breach*, 3

together leaders from churches across the country to serve as commissioners on a “Katrina National Justice Commission.”

Unlike the GTRC the primary purpose of this Commission was not that of addressing the human rights abuses thereby to achieve community reconciliation. Rather, the Commission was formed in an effort to serve as a unique platform from which to lobby for more effective relief measures as needed in the aftermath of Katrina, that being from the platform of a coalition of African American churches. This platform was seen as a benefit in both its ability to reach out to storm survivors, as well as a platform from which political influence could be exerted. The SPDC claimed that, as 63 % of African American parishioners considered their pastors to be the most important leaders in their community, a commission run by African American church leaders would bring a largely untapped voice into play.²²⁸ Reverend Otis Moss III, a pastor and a Proctor conference trustee is quoted as saying, “We felt that African-American churches connect with people that the government would miss or ignore.”²²⁹ The prestige of the SPDC also carried political weight by virtue of the connections and respect for concerns for African American church leaders. For example, the SPDC “took part in several major congressional briefings and secured significant grants to support African-American churches in Baton Rouge, Houston and Chicago.”²³⁰ In addition, the SPDC partnered with the Congressional Black Caucus, as well as other individual members of congress, which gave them an “in” to the political process.²³¹

The rhetoric surrounding the Commission did include calls for restoration, healing and the need for people to tell their stories. It posited the public hearing process as a way to respect and remember those who perished or suffered in the storm. For example, Dr. Iva Caruthers said of the Commission, ““This commission creates a forum for remembrance, restoration, and healing for individuals and communities whose vitality

²²⁸ “African American Ministers Conference Scrutinizes Katrina Response from Unique Perspective,” Faith in Public Life, www.faithinpubliclife.org/content/case-studies/proctro_conference.html.

²²⁹ Jane Lampman, “To Raise New Orleans, lift churches, pastors urge,” *The Christian Science Monitor*, 24 August 2006, <http://www.csmonitor.com/2006/0824/p17s01-lire.html>.

²³⁰ “African American Ministers Conference Scrutinizes Katrina Response from Unique Perspective,” Faith in Public Life, www.faithinpubliclife.org/content/case-studies/proctro_conference.html.

²³¹ *Ibid.*, 1.

and future represent the possibility for all of America."²³² However, at the same time, the Commission was evidently invoking these notions of remembrance, restoration and healing primarily for instrumental purposes, and not for their own sake. Members of the SPDC pointed out the fact that they wanted to highlight people's stories emphasizing the suffering that was ongoing in the Gulf Coast in order to keep Hurricane Katrina relief at the front of the national agenda. While documenting the stories of past suffering and abuse for their own sake was deemed important, a big part of the testimony process was in order to *lobby* for political action and so to alleviate the ongoing suffering. Reverend Jeremiah Wright, a founder of the SPDC, said that the Commission wanted to "nudge the American conscience" through documenting individual stories of hurricane survivors.²³³ A board member of the SPDC, Reverend Susan Smith said that, "people are still suffering, people still don't know where their relatives are, and the devastation, its still there. Neighborhoods haven't been cleaned up; people are still being found dead. We don't want Katrina forgotten as we move on to new issues and new concerns."²³⁴

In the introduction to the final report, the executive summary posits the Katrina National Justice Commission as a forum through which the African American community was able to share their side of the story regarding what happened in the events surrounding Hurricane Katrina. Although not explicitly placed in terms of reconciliation, the project was as a process of "remembrance, renewal and solidarity," with church services carried out across the nation on the anniversary of the hurricane, as audio recordings of the hearings were made available to the public.²³⁵ Also according to the executive summary, as part of the commission's goals and purpose, the commission was "charged with making recommendations to government officials, at all levels, as well as to non-profit disaster relief organizations and African American churches and community-based organizations concerning both the aftermath of Hurricane Katrina and future disasters in our communities."²³⁶ These instrumental lobbying functions, rather

²³² Ibid., 1.

²³³ Bruce Alpert, "Groups to tell stories of storm victims," *Times-Picayune*, 14 June 2006, *nola.com*, www.nola.com/news/t-p/washington/index.ssf?base-1/115026571446390.xml&coll=1.

²³⁴ Ibid., 1.

²³⁵ Caruthers and Jackson, ed., *The Breach*, 4.

²³⁶ Ibid., 10.

than any constitutive process of community reconciliation, informed the Commission and its public hearings.

The commission was composed of 29 leaders in the African American community. Reverend Dr. Susan K. Smith served as the Commission chair.²³⁷ The makeup of the commission may have contributed to an ethos of trust from African American testifiers, in light of the trust indicated in the African American church, as well as belonging to a similar racial group. However, the homogenous makeup of the commission also demonstrates that inclusiveness as an objective was not prioritized, as it had been during the GTRC process. While this may have allowed the commission to represent “voice of the African American community,” this factor could also contribute to the process being written off as one-sided.

The commission held three sessions of public hearings in three different US cities: Washington DC, New Orleans and Houston. The first round of hearings took place on June 15-16, 2006 at the Lutheran Church of Reformation in Washington DC. The second round of public hearings took place June 29-30, 2006 at the Sheraton Hotel in New Orleans, LA. Finally, the third round of public hearings took place July 27-28, 2006 at the Wheeler Avenue Baptist Church in Houston, TX.

The commissioners heard a total of 57 testimonies.²³⁸ The people called before the commission included multiple representatives from non-profit organizations, elected officials, church representatives from churches in New Orleans and Houston, and storm survivors. Included in the lineup of those who testified were: Senator Hilary Rodham Clinton, as well as Representative William Jefferson of Louisiana. Representatives the Federal Emergency Management Agency (FEMA), and the Red Cross.²³⁹ General Russel Honore, from the Army’s Katrina Joint Task Force, testified before the commission in a private hearing.²⁴⁰

²³⁷ Ibid., 6-7.

²³⁸ Ibid., 4.

²³⁹ Alpert, Bruce, “Groups to tell stories of storm victims;” SDPC, *The Breach*, 73-4.

²⁴⁰ Caruthers and Jackson, ed., *The Breach*, 74.

3.3.1.1 The Final Report of the Katrina Justice Commission

The final report of the National Katrina Justice Commission is entitled *The Breach: Bearing Witness*. The report is written from an overtly Christian perspective, as the perspective of the Black Church, referring in the text to supporting scriptures from the Bible.²⁴¹ The report grounds itself within this religious context, “A sermon is not an event. A report is more than the writing and a tragedy is more than the outcomes. Underneath each one is a process—a journey towards the telling of the story—God’s story, a people’s story, and a personal story. And so it is with *The Breach: Bearing Witness*.”²⁴²

Following the introduction, the report is broken down into the foundational recommendations of the report, and then four categories of more detailed recommendations: 1) Disaster and Relief Issues; 2) Restoration Issues; 3) Public Policy Issues; 4) African American Church and Community-based Organizations Preparedness. The report is not a truth report, per se, in that it does not go into a detailed blow-by-blow account regarding events surrounding the storm. Rather, it is a laundry list of recommendations made by the commission, along with excerpts from the transcripts of the public testimony hearings that support these recommendations, and the context behind such a recommendations.

Although, because of time and resource limitations given to the commission, a comprehensive “truth” report, or thorough documentation of events, was not feasible, the commission dealt with this challenge by including in their recommendations a call for further inquiry into issues that came up in relation to the storm. The documentation of human rights abuse is integrated in the report though a recommendation made. For example, Recommendation 1.5 calls on the government “to investigate issues around vigilante activity and police treatment and arrests after Hurricane Katrina. The findings

²⁴¹ Ibid., 5.

²⁴² Ibid., 1.

must be made public and violators brought to justice.”²⁴³ The report then includes a background context for this recommendation, including excerpts from testimonies that refer to such vigilante groups, and a testimony from the National Association for the Advancement of Colored People (NAACP) who had represented over 17 people who were detained on “bogus” charges.²⁴⁴ The report also recommends an inquiry into the racist portrayal of black survivors in the aftermath of the storm in the media.²⁴⁵

The three foundational recommendations are the following:

- For a Federal Hurricane Victims Fund to be established and HR 4197²⁴⁶ to be passed to deal with the myriad of concerns and issues still facing victims of the hurricane;
- African American church and community-based organizations must be represented at every level of the national disaster relief planning tables;
- An independent, bipartisan fully empowered Congressional Commission, as outlined in Senate Bill 1748 is established and supported.

Beyond these foundational recommendations, 21 additional recommendations are outlined. The report covers such a wide range of issues that all it is able to do is to skim the surface of the issues, including a small paragraph with references to one or two testimonies.

The range of recommendations made in the final report is great, as the large range of issues associated with Katrina exists. Restorative symbolic measures, such as remembering the stories of survivors in a spirit of “lest we forget,”²⁴⁷ keeping the date of August 27th as a sacred day of remembrance²⁴⁸, proposing the establishment of a fund to support the preservation of black culture in New Orleans,²⁴⁹ and constructing memorial

²⁴³ Ibid., 16.

²⁴⁴ Ibid., 34.

²⁴⁵ Ibid., 45.

²⁴⁶ HR 4197 was never passed. It was cleared off the books at the end of the Congressional session. See, “HR 4197 [109th]: Hurricane Katrina Recovery, Reclamation, Restoration, Reconstruction and Reunion Act of 2005”, *GovTrack.us*, www.govtrack.us/congress/bill.xpd?bill=h109-4197.

²⁴⁷ Caruthers and Jackson, ed., *The Breach*, 23

²⁴⁸ Ibid., 57.

²⁴⁹ Ibid., 51.

sites²⁵⁰ are included in the recommendations. However, many of the recommendations remain related to emergency preparedness and policy, such as recommendations to implement a national database locator system, to enable family members to locate each other in the event of an emergency²⁵¹, as well as recommendations for FEMA to coordinate its emergency plans with state and local officials across the nation.²⁵²

The report, “The Breach: Bearing Witness” was presented at the 36th Legislative Conference of the Congressional Black Caucus Foundation Weekend.²⁵³ The report is available for free online on the SPDC website.²⁵⁴ The transcripts of testimony, which add up to over 1000 pages, are made available for public record.²⁵⁵

3.3.1.2 Critical Assessment of the Katrina Justice Commission : Acknowledgment, Legitimacy, Funding and the Media

The National Katrina Justice Commission is not the first unofficial truth process to be initiated by a religious community. In *Brazil: Nunca Mas*, the key figures were a Bishop and the Catholic Church²⁵⁶; the Catholic Church also initiated Guatemala’s *Proyecto de Recuperacion de la Memoria Historica* (Recovery of Historical Memory Project).²⁵⁷ In Guatemala, the involvement of the church was seen as giving the project autonomy and objectivity: “As a church, our position is autonomous. As a result, our investigation will be impartial.”²⁵⁸ The question is to what extent the prominent role of the Black Church in the case of the Katrina National Justice Commission contributed to the legitimacy of the Commission.

In as far as the Commission represented the Black Church, it functioned as a voice for the African American community at large. The majority of Hurricane Katrina victims were African Americans so that the Black Church’s pastoral concern with their

²⁵⁰ Ibid., 57.

²⁵¹ Ibid., 34.

²⁵² Ibid., 25.

²⁵³ Ibid., 4.

²⁵⁴ *Samuel DeWitt Conference, Inc*, <http://www.sdpconference.info>.

²⁵⁵ Caruthers and Jackson, ed., *The Breach*, 4.

²⁵⁶ Bickford, “Unofficial Truth Projects,” 1006.

²⁵⁷ Ibid., 1009.

²⁵⁸ Cited in Bickford, “Unofficial Truth Projects,” 1010.

plight needs no special explanation. The acknowledgment that took place retained an element of self-determination, in that African Americans themselves took the initiative in a process seeking acknowledgement for victims, rather than relying on the state or official bodies for such acknowledgement. Following the Commission, a resolution and worship litany were released for churches around the country to include as materials in their church services on the first anniversary of the hurricane, August 27, 2006. The resolution and litany were to be included in church services at hundreds of churches around the country in a spirit of “remembrance, renewal and solidarity.”²⁵⁹

The Katrina National Justice Commission achieved a measure of wider legitimacy through the general respect for the Black Church as a body, and also from support by prominent public groups, especially the Congressional Black Caucus.²⁶⁰ The commission was also endorsed by Senator Barack Obama. Testimony by high profile political figures, Senator Hilary Rodham Clinton and Mr. Robert Shea, the Acting Director of Operations of FEMA, at the public hearings organized by the Commission also contributed to the perceived legitimacy of the Commission as well as to its media visibility. However, despite the presence of such “high profile” figures contributing testimony, media coverage of the Commission and its public hearings was not substantial, compared to the GTRC. The Commission did gain coverage in the New Orleans *Times-Picayune* in an article entitled, “Group to tell stories of storm victims.”²⁶¹

The Samuel DeWitt Proctor Conference staged a commission that, because of the respect allocated to the Black Church, was able to achieve audience with impressive governmental figures. As a part of the African American community, and held in high regard at that, the Commission represented self-determination, a voice advocating for “one’s own”. The limited amount of time allocated to the process did not allow for enough time to carry out thorough investigations. As such, the Commission primarily sought to achieve certain goals, through issuing the government recommendations. Beyond this aspect, there was however, a level of the process dedicated to remembrance and memorializing.

²⁵⁹ Caruthers and Jackson, ed., *The Breach*, 4

²⁶⁰ “African American Ministers Conference Scrutinizes Katrina Response from Unique Perspective,” *Faith in Public Life*, http://www.faithinpubliclife.org/content/case-studies/proctor_conference.html.

²⁶¹ Bruce Alpert, “Groups to tell stories of storm victims.”

3.3.2 The International Tribunal on Hurricanes Katrina and Rita

A different group of grassroots activists, located on the political left, compiled an alternative truth process in response to the events surrounding Hurricanes Katrina and Rita: the International Tribunal on Hurricanes Katrina and Rita. The slogan of the tribunal was “Truth Crushed to the Earth will Rise!” The truth process modeled itself on that of a criminal tribunal and “put the American government on trial.”²⁶² Included in the process were: a group of “conveners”; a panel of “judges” composed of individuals from organizations around the world; and a team of “prosecutors,” various lawyers, both local and international, who presented arguments to the tribunal in regards to a list of charges against the US government as a whole. It also provided opportunities to individual survivors to give public testimony in support of these charges. Though the process was designed as a criminal proceeding, the element of having hurricane victims’ stories told was still a dominant theme in the rhetoric of the process.

The People’s Hurricane Relief Fund and Oversight Coalition (PHRF) was formed in the immediate aftermath of Hurricane Katrina. Composed of a coalition of 45 different grassroots organizations in the Gulf Coast region affected by the hurricanes, the PHRF was formed in order to provide a forum for the voices of hurricane victims in the reconstruction of the Gulf Coast, and in order to oversee relief and reconstruction efforts. According to the PHRF, “the people of New Orleans will not go quietly into the night, scattering across this country to become homeless in countless other cities while federal relief funds are funneled into rebuilding casinos, hotels, chemical plants and the wealthy white districts of New Orleans like the French Quarter and the Garden District.”²⁶³

The idea to hold a symbolic tribunal was born out of the First Survivors Assembly, which was a gathering of hundreds of displaced hurricane survivors from across the country in Jackson, Mississippi on December 8th and 9th, 2005. A coalition of the PHRF, the Mississippi Disaster Relief Coalition (MS-DRC), the Black Activists Coalition on Katrina, among some other 50 partner organizations, organized the event.²⁶⁴

²⁶² International Tribunal on Hurricanes Katrina and Rita, www.internationaltribunal.org.

²⁶³ LeiLani Dowell, “Survivors Demand People’s Control,” Published on *Worker’s World*, 22 September 2005, *People’s Hurricane Relief Fund Blog*, cluonline.live.radicaldesigns.org/?page_id=37.

²⁶⁴ PHRF and ICI, *They Left Us Here to Die*, 2.

The Survivors Assembly was “convened as a democratic institution to provide survivors with a vehicle for self determination.”²⁶⁵ At this event, the survivors drafted a People’s Declaration, which listed the demands that hurricane victims were making on the government. The People’s Declaration included demands for the establishment of a Victims’ Compensation Fund, public work for displaced residents, as well as transparency in the reconstruction process.²⁶⁶ 500 delegates at the Survivor’s Assembly made the decision to convene an International Tribunal on Hurricanes Katrina and Rita.²⁶⁷ Following the Survivor’s Assembly, on December 10, 2005, over 2,000 survivors and supporters marched on City Hall (according to one report by the PHRF over 5,000 people were in attendance), to demand their right to return with dignity to their homes and communities.²⁶⁸ People at the march held signs saying, “FEMA is Racist,” and “Black Holocaust” as they shouted “We’re Back!”²⁶⁹

While the idea of a tribunal originated within the local community and survivor groups, the process soon developed a notably international character. A year before the tribunal was scheduled to take place, a group of four activists from countries other than the United States made a trip to New Orleans. Their stated objective was specifically to do preliminary investigations as to human rights abuses being carried out against the people of New Orleans and other cities across the Gulf Coast.²⁷⁰ In effect they formed an unofficial commission of inquiry, even terming themselves the International Commission of Inquiry (ICI), into the human rights abuses associated with the aftermath of Katrina. In addition to conducting preliminary research, the commission was put together in order to build support, both local and international, for the “tribunal” which was to come a year later. The commission was organized by the PHRF alongside the Black Activist Coalition on Katrina and the International Liaison Committee for a Workers International.²⁷¹ The four members of the ICI were activists from four different countries: Edenice Santana de

²⁶⁵ “Background,” International Tribunal on Hurricanes Katrina and Rita, <http://internationaltribunal.org/tribunal-background>.

²⁶⁶ Jesse Mohammed, “From Outrage to Action,” in PHRF and ICI, *They Left Us Here to Die*, 7.

²⁶⁷ “Press Release: International Commission of Inquiry Concludes Fact-Finding Trip to Gulf Coast and Calls on the World Community to Build the International Tribunal on Hurricane Katrina,” *People’s Hurricane Relief Fund*, <http://www.peopleshurricane.org/tribunal>.

²⁶⁸ PHRF and ICI, *They Left Us Here to Die*, 2.

²⁶⁹ Mohammed, Jesse, “From Outrage to Action,” in PHRF and ICI, *They Left Us Here to Die*, 6.

²⁷⁰ PHRF and ICI, *They Left Us Here to Die*.

²⁷¹ *Ibid.*, 12.

Jesus, an activist from Brazil, who was a member of the Unified Black Movement (Movimento Negro Unificado) and the Central Workers Union Confederation (Central Unica dos Trabalhadores); Jesus “Chucho” Garcia from Venezuela who was the founder of the Afro-Venezuelan Network; Lybon Mabasa from South Africa who was a veteran of the Black Consciousness Network and President of the Socialist Party of Azania; and Sammy Hayon, an Egyptian architect and trade unionist based in France.²⁷² The ICI spent seven days in New Orleans and other cities along the Gulf Coast. The group conducted interviews with survivors and grassroots organization representatives, toured the devastated neighborhoods, met with public officials, and observed one-year commemoration activities.²⁷³

After seven days of touring and interviews, the ICI compiled a report entitled *They Left Us Here to Die*. Included in the report is a compilation of various articles, statistics, excerpts and summaries of many testimonies offered by survivors of the hurricane. The report also contained an article on the Survivor’s Assembly, a copy of the People’s Platform (a list of demands compiled by the PHRF compiled by survivors who participated in the PHRF Survivor’s Assembly), excerpts from multiple interviews in both New Orleans and Biloxi, Mississippi and finally a brief summary of human rights violations by the government. The document served as a basis from which preliminary issues were outlined in order to argue for a further process to take place, that being the International Tribunal on Hurricanes Katrina and Rita.²⁷⁴ In a sense, the involvement of this body can be compared to the National Advisory Committee of the GTRC, in that it was a body of internationally respected persons charged with generating wider national and international support for a process which was to come.

The International Tribunal itself took place between August 29-September 2, 2007, on the two-year anniversary of the storm. A number of charges were laid against the US government, with complaints lodged at all levels, local, state and federal. Evidence was then presented and public testimony heard from survivors. Of the five days, three were given to public hearings, one day for the “judges” to deliberate, and one day in which to tour New Orleans. Kali Akuno, the executive director of the PHRF

²⁷² Ibid., 12.

²⁷³ Ibid., 12.

²⁷⁴ Ibid., 12.

compared the influence and inspiration for the International Tribunal with the 1993 International Tribunal on Hawaiian sovereignty,²⁷⁵ the 1984 Permanent Peoples Tribunal on Nicaragua, and recent tribunals and human rights commissions on the impact of the Tsunami in various parts of Southeast Asia.²⁷⁶ For example, at the Hawaiian Tribunal, a similar process was carried out, “The tribunal drew on the systematic power of law to condemn the United States’ treatment of Kanaka Maoli people by convicting the US government of a series of charges presented in terms of violations of law.”²⁷⁷

The objectives of the tribunal, outlined by Kali Akuno as executive director of the PHRF, were as follows:

- “1) To fully expose the world to the human rights abuses committed by the US government and its agencies in the aftermath of Hurricanes Katrina and Rita
- 2) To attain national and international recognition as Internally Displaced Persons (IDP’s) for all of the survivors of Hurricanes Katrina and Rita
- 3) To attain comprehensive financial restitution and reparations for all the Gulf Coast IDP’s (including migrant workers and communities)
- 4) To strengthen the Gulf Coast Reconstruction Movement and a build broad national and international movement in support of its aims and demands
- 5) To hold the rogue US government accountable for its human rights abuses and crimes against the Gulf Coast IDP’s”²⁷⁸

The “judges” who participated in the tribunal consisted of 16 activists from around the world, most hailing from human rights activist organizations on the political left. Included on the panel was Jill Soffiyah Elijah, Deputy Director of the Criminal Justice Institute at Harvard Law School; Adjoa Ayietoro, a Professor of Law at the University of Arkansas and Co-Chair of the National Coalition of Blacks for Reparations

²⁷⁵ The Ka Ho’okolokolonui Kanaka Maoli Tribunal was very similar in many aspects to the Katrina Tribunal, in that it held a symbolic trial for the US government and involved international allies. See, Sally Engle Merry, “Legal Pluralism and Transnational Culture: the Ka Ho’okolokolonui Kanaka Maoli Tribunal, Hawaii, 1993,” in *Human Rights, Culture & Context: Anthropological Perspectives*, Richard A. Wilson, ed. London: Pluto Press (1997) 28-48.

²⁷⁶ Kali Akuno, “People’s Justice: the International Tribunal on Hurricanes Katrina and Rita,” International Tribunal on Hurricanes Katrina and Rita, <http://internationaltribunal.org/tribunal-news/peoples-justice-the-international-tribunal-on-hurricanes-kat.html>.

²⁷⁷ Merry, “Legal Pluralism and Transnational Culture,” 44.

²⁷⁸ Akuno, “People’s Justice.”

in America; Milton Barbosa, the Director of International Relations for the Unified Black Movement from Brazil; Jose Candido, State Deputy from Sao Paulo, Workers Party of Brazil; Charlie Lendo, from Guadeloupe, who is on the executive board of the General Union of Guadeloupan Workers; Luis Vasquez Villalobos, from Mexico, the Co-Chair of the Independent Democratic Workers Party; and Julia Wright from France, who is a coordinator for the Friends and Family of Mumia Al-Jabal.²⁷⁹

As discussed earlier, the composition of a truth panel, even more so in the case of unofficial truth processes than with official truth commissions, can contribute significantly to its legitimacy. The lop-sided makeup of the panel of “judges” on the tribunal, with the majority coming from unions and workers’ parties around the world, was evidently not intended to bolster its legitimacy in the wider local community or among the American public. Rather, such a makeup can be seen as an effort for to locate the tribunal alongside international labour and political ideological struggles, to express solidarity in what was seen to be part and partial of a wider movement. However, the presence of Julia Suffiyah Elijah, the Harvard academic who served on the panel with no overt political affiliations, as well as Charles Elloie, a New Orleans-based retired judge, may have added some legitimacy to the panel.

Serving as the symbolic “prosecuting team” were 17 lawyers from a number of organizations throughout the country. Included on the team were lawyers from organizations such as the ACLU, the NAACP and the National Lawyer’s Guild.²⁸⁰ The participation of a diverse array of lawyers from prestigious organizations may have added more legitimacy to the process.

In addition to the judges and prosecutors, four conveners also took part in the tribunal. The conveners were Cynthia McKinney, a former Representative of Georgia, Tiyani Lybon Mabasa, the president of the Socialist Party of Azania, Louisa Hanoune, the Deputy of the National Assembly of Algeria and the President of the Worker’s Party

²⁷⁹ “Judges,” *International Tribunal on Hurricanes Katrina and Rita*, internationaltribunal.org/judges.

²⁸⁰ “Prosecution Team,” *International Tribunal on Hurricanes Katrina and Rita*, internationaltribunal.org/prosecution-team.

of Algeria, Charles Barron, a New York City Councilman, and Edenice Santana de Jesus, the Executive Director of the CUT Trade Union Federation.²⁸¹

Ten charges were made by hurricane survivors represented by the PHRF against the US government, which included charging the government with violating rights such as freedom from racial discrimination and the right to return as an IDP.²⁸² In addition, the Tribunal accused the government of crimes against humanity, ethnic cleansing and even genocide.²⁸³ In practice, the public hearing schedule of each day was broken down into a number of categories, in order to cover all the angles of human rights abuse that the tribunal sought to expose. Categories covered in the public hearings included: Prisons and Prisoner's Rights, Police Brutality, Economic and Cultural Rights, Women's Rights, Aid Dispersal, Preparation and Levees, Environmental Racism, Children and Juvenile Rights, Housing and Development, Labor and Migrant Rights, Health and the Right to Life, Evacuation and Food Dispersal, Voting and Assembly Rights, Education, Indigenous Rights, and finally, closed with Military Occupation and Mercenaries. The third day was the day in which the judges had an opportunity to deliberate on what they had seen and heard. Finally on the last day, the judges presented their "preliminary findings".²⁸⁴ Jill Soffiyah Elijah was the "coordinating justice" for the Tribunal, and presented the preliminary findings. Elijah read, "It is our view that the US Government has committed crimes against humanity particularly in relation to its failure to maintain functional levees that should have protected the City of New Orleans from flooding... it was the reckless disregard and, in some instances, negligence of the US government, the state of Louisiana and the city of New Orleans that created the devastation we continue to see today."²⁸⁵

²⁸¹ "Conveners' Statements," *International Tribunal on Hurricanes Katrina and Rita*, <http://internationaltribunal.org/conveners-statements>.

²⁸² "Tribunal Charges," *International Tribunal on Hurricanes Katrina and Rita*, <http://internationaltribunal.org/tribunal-charges/>

²⁸³ "On Trial: The US Government and its officials—for crimes against humanity and genocide," *International Tribunal on Hurricanes Katrina and Rita*, internationaltribunal.org/media-reports. Also See, Lumbumba, Closing Arguments

²⁸⁴ "Tribunal Schedule," *The Right of Return Wiki*, <http://rightofreturn.pbwiki.com/Tribunal+schedule>.

²⁸⁵ "Press Statement: International tribunal Issues Preliminary Findings," *International Tribunal on Hurricanes Katrina and Rita*, internationaltribunal.org/tribunal-news/press-statement-international-tribunal-issues-preliminary-fi.html.

Even though the tribunal was structured as a “criminal trial,” the public hearings emphasized the importance of victims and survivors being given the opportunity to share their stories of suffering and human rights abuses. According to Kali Akuno, the lead organizer of the International Tribunal, there was a limit to how many people could testify in front of the tribunal because of time restraints. Therefore, it was only the “representative” stories that were invited to give public testimony, in order to present the most convincing case. Nevertheless, he stressed how important it was for everyone to be given the opportunity to voice his or her experiences.²⁸⁶ In order to achieve that, satellite PHRF offices across the country were actively collecting and recording survivors’ testimonies. The National Black Lawyers’ Association also participated in the testimony-gathering effort throughout the country.²⁸⁷ Akuno stressed that “the main thing is that people know that there are people who are willing to listen, and who are willing to record their stories.”²⁸⁸ Excerpts from some of those testimonies, which had been recorded by the PHRF office in New Orleans, were included in the report written by the ICI.²⁸⁹ During the day, running at the same time as the public testimony hearings of the tribunal proceedings, affidavits from survivors were being presented in a separate venue.²⁹⁰

In addition to giving voice to victims and survivors, the value of pursuing truth for truth’s own sake was stressed. In his closing arguments, “chief prosecuting attorney” Chokwe Lumumba of the PHRF elevated the exposure of truth as the way in which they will achieve their objectives:” “final victory requires a determination to find the truth, the will to recognize and to face the truth, and the courage to speak the truth.”²⁹¹ The process of exposing the truth functioned as a way in which victims themselves may redefine history for themselves in a public forum: “Finding space, speaking and living the truth demands that we make history. It is not just enough that we be victims of history. We

²⁸⁶ Panel Discussion on the International Tribunal on Hurricanes Katrina and Rita [Audio recording], US Social Forum, 28 July 2007.

²⁸⁷ “Commissioners from African diaspora come in solidarity to New Orleans,” *People’s Hurricane Relief Fund*, 3 September 2006, , <http://www.peopleshurricane.org/news/commissioners-from-african-diaspora-come-in-solidarity-to-new-orleans.html>.

²⁸⁸ Panel Discussion on the International Tribunal on Hurricanes Katrina and Rita [Audio recording], US Social Forum, 28 July 2007.

²⁸⁹ PHRF and ICI, *They Left us Here to Die*, 14-20.

²⁹⁰ “Tribunal Schedule,” *The Right of Return Wiki*, <http://rightofreturn.pbwiki.com/Tribunal+schedule>

²⁹¹ Chokwe Lumumba, Closing Arguments: Who is Responsible for Ethnic Cleansing? [video recording], International Tribunal for Hurricanes Katrina and Rita, www.internationaltribunal.org.

must be masters of our own destiny. Today we make new history. This chapter has already begun.”²⁹² In his speech he also pointed out how the tribunal was meant to be a safe-space for victims of the storm who may not feel comfortable in a courtroom in America where the general consensus is that the American justice system is inherently “jaded and racist.”²⁹³ The tribunal also sought to establish accountability in order to resist a culture of impunity and to forward a human rights culture. Lybon Mabasa, one of the Conveners, stressed that the struggle that the tribunal represented must be continued in order that “we...save ourselves from sinking into barbarism.”²⁹⁴

3.3.2.1 Critical Assessment of the International Tribunal : Legitimacy, Funding and the Media

Perhaps the biggest challenge to the Tribunal’s legitimacy was the overt political orientation of the entire process. The origin of funding (which I will explain subsequently), the ideological orientation of the “judges”, as well as the rhetoric surrounding the tribunal allowed the process to be written off by the mainstream press and in the wider community as “leftist” or “radical”. In itself this did not necessarily mean that the information presented during the process may not have been accurate, but it reflects on the perceived legitimacy of the tribunal process. The organizers themselves contributed to this location of the tribunal in the context of an international ideological conflict. For example, Kali Akuno, during a panel discussion about the International Tribunal, depicted the International Tribunal as part of a larger “anti-capitalist, anti-imperialist” movement: “I would argue a long range movement goal, and that is to make the ‘world,’ anti-imperialist and anti-capitalist, so all of this energy ultimately is just a small part of an overall global movement.”²⁹⁵ The “chief prosecuting attorney” Lumbumba also included rhetoric in his closing speeches that expressly located those participating in the tribunal on the political left. He referred to those in the audience as

²⁹² Ibid.

²⁹³ Ibid.

²⁹⁴ “Press Statement: International tribunal Issues Preliminary Findings,” *International Tribunal on Hurricanes Katrina and Rita*, internationaltribunal.org/tribunal-news/press-statement-international-tribunal-issues-preliminary-fi.html.

²⁹⁵ Panel Discussion on the International Tribunal on Hurricanes Katrina and Rita, US Social Forum, 28 July 2007.

“comrades,” spoke of the imperialism of the American court system, and termed societies such as Cuba and Venezuela as “revolutionary cultures.”²⁹⁶ Within the local context and the cultural climate of the United States, such rhetoric easily detracts from perceived legitimacy in the wider community, in that it isolates the speaker on one side of the political fence. Participants in the process thus both aided and detracted from the legitimacy of the process. Lawyers from prestigious organizations probably aided in the legitimacy. However, the fact that the majority of the judges hailed from union and workers’ parties from all over the world affected the perceived objectivity of the process.

Funding for the international tribunal came from fundraising efforts of supportive organizations in multiple countries and through private donations.²⁹⁷ For example, the Brazilian Worker’s Party launched a campaign across Brazil to raise funds for the tribunal.²⁹⁸ The funding for the International Commission of Inquiry was the People’s Hurricane Relief Fund and Oversight Coalition in partnership with the Gulf South Allied Funders, “an alliance of progressive donors formed in response to Hurricane Katrina including the Resource Generation, Women Donors Network, Threshold Foundation, Tides Foundation, and an ever growing number of individual donors.”²⁹⁹

The International Tribunal gained significant attention from alternative media sources affiliated with the left. Coverage of the international tribunal can be found on blogs and websites such as: the website for the International Action Center, an “anti-imperialist, anti-capitalist organization”;³⁰⁰ Pambazuka News, “a weekly forum for social justice in Africa;” and Revolution.com, the “voice of the Revolutionary Communist Party, USA”³⁰¹ among others. However, the Tribunal struggled to gain mainstream media attention. In one blog, one tribunal supporter claimed that the tribunal was “virtually boycotted” by the mainstream media. The tribunal did manage to get endorsements from

²⁹⁶ Lumumba, Closing Arguments [video recording].

²⁹⁷ “Things you can do to help the International Tribunal on Hurricane Katrina,” *People’s Hurricane Relief Fund*, <http://www.peopleshurricane.org/tribunal>.

²⁹⁸ “Brazilian Worker’s Party,” *International Tribunal on Hurricanes Katrina and Rita*, <http://internationaltribunal.org/brazilians-workers-party/>.

²⁹⁹ *Gulf South Allied Funders*, <http://www.gsaf.info>.

³⁰⁰ Monica Moorehead, “Eyewitness Reports to Hurricane Katrina Tribunal,” *International Action Center*, 5 September 2007, <http://www.iacenter.org/archive-2007/new-orleans0907.html>.

³⁰¹ “International Tribunal: Powerful Testimony Documents Bush Crimes Against Humanity,” 4 December 2005, *Revolution.com*, <http://revcom.us/a/025/international-tribunal-katrina.htm>.

celebrities in the entertainment world, such as Mos Def and Talib Kwali.³⁰² The news about the tribunal was spread to hurricane survivors around the country through the PHRF network. Volunteers went out into the community, talking with individuals to spread the word. In addition, outreach was done on the PHRF website. In the weeks heading up to the tribunal, PHRF offices held survivor meetings in several cities across the US including New York and Atlanta every two weeks to gather stories of the survivors and to keep people informed as to the process. One challenge that was faced in letting survivors know about the tribunal is the challenge of locating survivors in the first place.³⁰³

³⁰² *International Tribunal on Hurricanes Katrina and Rita*, www.internationaltribunal.org.

³⁰³ Panel Discussion on the International Tribunal on Hurricanes Katrina and Rita [audio recording], US Social Forum, 28 July 2007.

Conclusion

As illustrated throughout this thesis, communities in the United States have begun to adopt and adapt truth-telling mechanisms to their own contexts. Using such truth telling mechanisms in non-transitional, unofficial and community-level contexts breaks out of the standard assumptions made in the transitional justice literature about the truth commission model as typically functioning as part of a new transitional regime, in an official capacity and on a nation-wide scale. This chapter will examine the ways in which the structures of the various unofficial truth processes examined in this thesis influenced their perceived legitimacy, their ability to generate acknowledgment of victims, and the role of the victims in the process itself. Next I will look at the paradigm shifts necessary in order to make space for further unofficial truth processes in the context of the United States. I will also touch on the ways in which the South African approach to truth telling embodied in the TRC influenced truth-telling efforts in the United States.

4.1 Unofficial Truth Processes: Inclusiveness and Legitimacy

By examining the Greensboro Truth and Reconciliation Commission in comparison with both Katrina truth-telling initiatives, one can observe important differences in the respective objectives and actual achievements of these processes. These differences are closely related to the different ways in which the truth processes were structured and unfolded.

One of the most pertinent issues regarding unofficial truth processes is that of their perceived legitimacy. Even more than for official truth commissions, as noted at the outset in the Introduction, achieving legitimacy is a vital requirement for unofficial truth processes. Issues of legitimacy are complicated, in that perceived legitimacy necessarily has a subjective dimension varying from person to person, and across different groups or social sectors. For example, in the context of Greensboro, the fact that some prominent church leaders supported the process contributed to its legitimacy, whereas the Mayor's rejection of the process challenged its legitimacy. These contrasting approaches to the

GTRC reflected profound historical and social divisions within the Greensboro community, and thus represented part of the very problem that the GTRC sought to overcome in terms of its objective of community reconciliation. In short, if the GTRC only found support from certain sectors of the community, and if it could not extend this to the wider community, then it would fail in its stated objectives. Achieving some measure of legitimacy in the wider community was a necessary condition for the success of the GTRC as an unofficial truth process. It followed that the truth process had to be structured as inclusively as possible.

One can see the measures taken by the GTRC as an attempt to devise as inclusive a process as possible. For example, the selection of the commissioners involved a complicated process with attempted checks and balances through the establishment of the Selection Panel. The Selection Panel included representatives from diverse organizations within the wider community. Effectively this was designed to make the process as inclusive as possible, even though not all groups chose to participate. (One can see how by declining the invitation to participate certain groups could affect the legitimacy of the process, just as boycotting a vote may endanger the perceived legitimacy of an election.). Still, the GTRC certainly made a determined attempt to establish the legitimacy of the truth process by making it inclusive in these ways.

On the other side of the spectrum, the Katrina truth projects did not make it a priority to construct an inclusive process and in consequence achieved little wider legitimacy. The SDPC Katrina National Commission rested heavily on the legitimacy and respect granted to the Black Church within the African American community, and the American public as a whole. In some ways, the SDPC Commission did not want to achieve inclusiveness, but rather saw itself as a vessel with which to express the African American voice in particular. For its part, the International Tribunal on Hurricanes Katrina and Rita grounded itself firmly in one political camp, and did not take proactive measures to fashion wider coalitions. Even though the messages and stories that were brought before the tribunal may have been completely accurate as information, the process was manifestly partisan.

In a sense, if the process is able to achieve its goals, that being community reconciliation, by virtue of garnering wide-spread community support even in the face of

government opposition, than legitimacy in the “eyes” of the government is not necessarily a priority. For example, in Greensboro, although the process may have been rejected by those in government, if wide scale community support on both sides of the racial divide participated, and the members of the community began to work together to engage with each other, bridge gaps and heal cleavages, could one not say that despite the political rejection, the project did succeed to an extent?

In both Katrina truth-telling initiatives, the truth-telling processes were *instrumental*, in that they were conceived to serve as lobbying instruments for actions on the part of the government. The process took place with goals in mind. People testified in order to gain certain defined political objectives, such as the establishment of a bipartisan congressional committee, or the official recognition of Katrina survivors as Internally Displaced Persons. Although Akuno of the PHRF stressed that the process’ ultimate goal was in order for the victims of Hurricane Katrina to be “made whole,” this was not to be achieved by their participation in the public hearings as such. Instead, Katrina victims would be made whole if the government actually listened to the demands and recommendations of the project. In other words, testifying did not take place for the sake of healing; testifying was instrumental in getting the government to take certain actions, which would *then* contribute to the healing of the community. However, if the goal of the process is to mobilize the government into action, as it was in the context of the Katrina projects, the failure to establish legitimacy in the eyes of the government is an inherent catch-22.

The SDPC managed to retain some legitimacy in the eyes of government representatives, as evidenced by the support of Barack Obama, the inclusion of SDPC members at the table in post-Katrina talks with Congressmen, and the willingness on the part of FEMA officials, representatives from the Army, as well as Hilary Rodham Clinton to testify in the public hearings.

The International Tribunal managed to garner support from political figures such as Cynthia McKinney and labor movements, however relative to the context of the current US administration, such a recipe would most likely not enable the project to achieve its concrete goals, and would be successful purely in a symbolic sense, with mobilization of people standing up for their rights for its own sake. The Katrina Tribunal

did carry out an antagonistic process, with an interesting strategy in mind: to put international pressure on the US government by exposing gross human rights violations, and therefore obliging the government to respect the human rights of survivors in order to save face. Such a strategy may have been successful, had the Tribunal waged a more inclusive process, reaching out to a *wider base* of political ideologies around the world, including, but not *limited* to, labor movements and leftist parties.

This issue can be sharpened by considering the role of “victims” in the public hearings of the Katrina truth processes. As we have seen, victims hearings are a notable feature of the truth commission model; as truth processes they differ from criminal trials in being victim-centered. Although a select few “ordinary” victims were invited to testify in the public hearings during the Katrina truth processes, organizational representatives and high profile speakers were prioritized. Both the SDPC Katrina Justice Commission and the International Tribunal took this approach. Akuno acknowledged this point saying that yes, because of time restraints, only representative stories would be chosen—stories which would make the best case. This reflected the instrumental nature of the exercise. Instead, the testimony-gathering projects which ran parallel to the international tribunal could be seen as collecting stories for the sake of voices of victims being listened to, valued and recorded.

The tendency to use the truth process in instrumental ways should be considered in light of the present circumstances, in that the victims of the hurricane are still in desperate need of relief. Similar dynamics have been described in relation to the Zimbabwean truth project, *Breaking the Silence*: “Yet, the international community, and policy makers in particular, need to know what is happening in order to understand the urgency of bringing Mugabe and his cohorts to account. Truth telling, therefore, is vital at this historical moment.”³⁰⁴ The truth processes for Katrina were not purely, or even primarily, backwards-looking enterprises; instead the truth about Katrina was supposed to deal with ongoing issues. As opposed to saying what happen-ed, the commissions dealt equally with what was happen-ing. Therefore, contextualized, one can see the logic behind the instrumental nature of the commissions.

³⁰⁴ Eppel, “‘Healing the Dead,’” 261.

4.2 Paradigm Shifts: From Official Truth Commissions to Unofficial Community-based Truth Processes

Truth commissions have most commonly taken place in the context of a regime shift from authoritarianism to a democracy, usually take place on an official level, and usually take place with nation-wide scope.³⁰⁵ Most of the literature discussing the value or harm for truth processes grounded in restorative justice centers around the truth commission institution. The truth processes examined in this paper, however, do not fit into the framework, and are not considered “truth commissions”, per se. How is the use of truth mechanisms as discussed in this paper to reconcile with commonly held understandings of when these *types* of truth mechanisms are necessary? In order to “make space” for the role of unofficial truth projects in the discussions surrounding transitional justice, two paradigm shifts are necessary: one which stretches our understanding of “transitions” and another which makes space for truth processes to take place on both levels: nationwide *and* community level truth processes.

The “transition” element of transitional justice seems to imply that there is something unique about societies shifting from authoritarianism to democracy that entails a specific type of justice, hence the term transitional justice. While this is certainly true, this “rubric of transitional justice” may not make allowances for other societies who could benefit from similar justice principles and processes. Jenniffer Llewellyn argues that, “Just as transitional justice scholars have recognized the potential of truth commissions as institutions of restorative justice, at the same time they have misunderstood and unduly limited the power, scope and implications of this insight for the future.” She goes on to say, “If the spectacle of transitional justice is removed, one can see clearly that restorative justice is not partial justice or a special kind of justice, limited to certain circumstances; rather it is a comprehensive theory of justice that has much to offer post-peace accord societies in their transitions and beyond.”³⁰⁶ In other words, societies which are stable democracies, but under which human rights abuse still takes place, may still benefit from restorative justice measures.

³⁰⁵ Hayner, *Unspeakable Truths*, 14

³⁰⁶ Llewellyn, “Restorative Justice in Transitions and Beyond,” 90-1.

One way of reconciling the issue of understanding how transitional justice mechanisms in a “non-transitional society” is by stretching our understanding of what a transition entails. One can do this through a wider understanding of transitional society: as one in which a society moves from a period of conflict, violence and massive human rights abuse to a period of peace. Bickford defines transitional justice in this wider sense in his definition which is included in the Macmillan Encyclopedia of Genocide and Crimes Against Humanity, “Transitional justice refers to a range of approaches that societies undertake to reckon with legacies of widespread or systematic human rights abuse, as they move from a period of violent conflict or oppression towards peace, democracy, the rule of law, and respect for individual and collective rights.”³⁰⁷

The truth projects examined in this paper also challenged the conventional understanding of truth processes as ideally taking place on a national level. An argument has been made by Lundy and McGovern in the context of the Arondyne Commemoration Project, for the benefits on engaging with people on a *community* level. Such benefits include: more community control over the process that allows the process to be fit to the community’s specific needs,³⁰⁸ and an increase of trust in the community members towards those carrying out the process.³⁰⁹ Shari Eppel argues for the benefits of community level truth processes in that participation by community members may increase their participation in democracy on a national level, “It may even be the case that involving communities in experiences that empowered them to claim certain rights and create “positive peace” at a very local level has increased the likelihood of those communities taking part proactively in democratic processes at the national level.”³¹⁰ Eppel also argues that the community-level approach to truth-telling is important in that it shifts the society at the *roots*, where change is most needed, “We reinforce John Paul Lederach’s idea that peace-building efforts need to engage ordinary people, and not only representational leadership, if new relational patterns and structures are to be generated in an authentic and sustainable way.”³¹¹ Will Gravely also echoes this sentiment, “The fact that truth and reconciliation efforts are occurring at the grassroots level in the United

³⁰⁷ Louis Bickford, “What is Transitional Justice?” *ICTJ*, <http://www.ictj.org/en/tj>.

³⁰⁸ Lundy and McGovern, “Community-based Approaches to Post Conflict Truth-Telling,” 38.

³⁰⁹ Lundy and McGovern, “Community-based Approaches to Post Conflict Truth-Telling,” 38, 44.

³¹⁰ Eppel, “Healing the Dead,” 263.

³¹¹ *Ibid.*, 263.

States may in some sense be a blessing in disguise...investment in truth-telling and community building may lead to sustainable changes where we live, work, and play.”³¹²

The third element of the conventional understanding of transitional justice is the official nature of the processes. In the first chapter of this thesis I explored the many ways in which unofficial truth projects face challenges. It is possible however, that despite those challenges, an unofficial truth process may nevertheless be worth pursuing. Complimentary to the community-level focus of a commission, the unofficial status can also add to the amount of community autonomy in regards to control of the project. Also, unofficial truth commissions have the flexibility of not having to wait for a government to initiate the process, the community can do it themselves. As Eppel pointed out in the context of Zimbabwe, even though the unofficial truth process may be disadvantaged in as far as funding a legal powers go, a truth commission can still find space to “reclaim” the historical truth and some amount of social reparation can take place.³¹³

The idea for holding a truth commission-like process in communities in the United States has recently gained some attention from scholars and journalists. To begin with, the GTRC posits itself as a potential model for other communities in the United States to follow suit.³¹⁴ Lisa Magarell, the International Center for Transitional Justice consultant for the GTRC, also echoed that sentiment. As is argued in this thesis, she calls for the truth project model to be expanded in its scope, “The Greensboro truth commission is a vivid illustration of the fact that even established democracies—particularly the U.S. with its history of slavery and racial segregation, but also Canada, Australia, and Spain—must deal with and find ways to resolve the legacies of abuse that continue to haunt them today.”³¹⁵ STAR was founded in the wake of Desmond Tutu’s challenge for the United States to take on a similar truth process to face their past of racial injustices as South Africa did.³¹⁶ Grandin and Kublock of the Radical History Review discuss truth commission-like processes in the United States, arguing that a

³¹² Will Gravely, “Race, Truth and Reconciliation in the United States,” *Journal of Religion and Society* 3 (2001): 2.

³¹³ Eppel, “ ‘Healing the Dead’ ,” 286.

³¹⁴ *Greensboro Truth and Reconciliation Commission*, www.greensborotrc.org.

³¹⁵ Susan Grego, “Report from US Truth Commission reveals Police Negligence and Official Deception around 1979 Tragedy,” *International Centre for Transitional Justice*, 26 May 2006, <http://www.ictj.org/en/news/press/release/949.html>.

³¹⁶ Anthony Taddunni, “What is STAR?” *Southern Truth and Reconciliation*, www.southerntruth.org.

transition has not forced the US to undergo a truth commission process akin to other countries, but nevertheless, events have occurred that have warranted inquiry and truth commission-like efforts.³¹⁷ Elizabeth Kiss also stresses the potential for truth projects to be beneficial to communities in the United States, as does Stanford Levinson.³¹⁸ The idea to hold a truth commission, or truth commissions, in the United States is not a new one, and deserves attention in as far as exploring ways in which communities are already making strides towards this goal.³¹⁹

4.3 STAR: South Africa meets the American South

STAR stands for Southern Truth and Reconciliation. STAR is a non-profit organization that consults with communities in the American South in order to develop a tailor-made truth process for that individual community to deal with traumatic past events, specifically, though not limited to, events that took place in the South which have to deal with racial and ethnic injustices. The organization was founded after Desmond Tutu completed a year as a visiting professor at Emory University, located in Atlanta, Georgia. Tutu had “challenged the United States to address its history of racial violence with an effort equivalent to that of the South African process.”³²⁰ A group of scholars and professors collaborated together to form this organization that takes on a consultant role for communities.

STAR grounds its work in similar theory to that of the South African TRC. STAR operates under the assumption that by examining the past, a community makes strides towards reconciliation. “STAR is about helping communities ‘dig up the past’ but with the intention of helping these communities journey through conflict as a means of

³¹⁷ Grandin and Kublick, “Introduction: A US Truth Commission?” *Radical History Review* 97 (2007): 99-101.

³¹⁸ Kiss, “Moral Ambition Within and Beyond Political Restraints,” 92; Levinson, “Trials, Commissions, and Investigating Committees,” 214.

³¹⁹ For information surrounding an *official* truth-commission on a community level in the United States, see, Alfred L. Brophy, “The Tulsa Race Riot Commission, Apology, and Reparation: Understanding the Functions and Limitations of a Historical Truth Commission,” in *Taking Wrongs Seriously: Apologies and Reconciliation*, ed. Elazar Barkan and Alexander Karn (Stanford, CA: Stanford University Press, 2006): 234-258.

³²⁰ Taddunni, “What is Star?” 1.

becoming more inclusive, whole and functional.”³²¹ They identify their efforts as part of the realm of restorative, as opposed to retributive, justice.³²²

The organization stresses the uniqueness of each community, with emphasis on the fact that each community may, and should, approach truth and reconciliation in different ways, specific to their particular context. They therefore offer a “menu of options—a list of programs and events that promote truth-telling and community building,” in order that the community can choose which would best suit their particular dynamic and needs.³²³

Thus far, STAR has consulted with four different communities on truth and reconciliation projects. One such project was in regards to the Atlanta Race Riot of 1906. The project entailed building a museum exhibition surrounding the event, as well as scheduling a number of events with local organizations and universities to commemorate the event in 2006, a hundred years after the incident. The events and exhibition were meant to create a space for “truth, justice, honest conversation and community building.”³²⁴ Another project included working with the community of Walton, GA, a county where a white mob murdered two black couples in broad daylight in 1946. It is believed that some members of the mob are still alive today and live with impunity. An organization was established called the Moore’s Family Memorial Committee (MFMC). The MFMC has been working in partnership with STAR to develop ways in which the community (encompassing Walton and surrounding counties) can carry out its own truth and reconciliation process. They developed events such as a “diversity” themed carnival and public forum conversations to address the issue of race in their county’s history. These events are planned in order to create an environment which fosters public truth-telling.³²⁵

Once again, after examining STAR, one can see the growing sphere of influence South African approaches to truth and reconciliation have taken in the American South. It is a growing trend to adopt the approaches and methods that have been taking place on a

³²¹ Taddunni, “What is Star?” 2.

³²² Taddunni, “What is Star?” 2.

³²³ Taddunni, “What is Star?” 4.

³²⁴ “Issues of Interest: Atlanta Race Riot 1906”, *Southern Truth and Reconciliation*, <http://www.southerntruth.org/cases.htm>

³²⁵ Tadduni, “What is STAR?” 4.

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³²¹ Taddunni, “What is Star?” 2.

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³²⁴ “Issues of Interest: Atlanta Race Riot 1906”, *Southern Truth and Reconciliation*, <http://www.southerntruth.org/cases.htm>

³²⁵ Tadduni, “What is STAR?” 4.

global scale in the context of transitional justice and adopting those methods to smaller communities on an unofficial level.

The strong influence of the South African TRC and Desmond Tutu's approach to restorative justice can be visibly seen in both the establishment of STAR as well as the Greensboro Truth and Reconciliation Commission. In the context of the Greensboro Truth and Reconciliation Commission, the link is overt. Even in the mandate of the GTRC, the South African TRC is directly quoted. "We affirm the South African Truth and Reconciliation motto: 'Without Truth, no Healing; without Forgiveness, no Future'." In addition, other links can be seen throughout the entire GTRC process. For example, Desmond Tutu came twice to meet with those working on the GTRC project.³²⁶ He drafted a letter of support, which the GTRC displays proudly on their website. In addition, a South African minister, Reverend Bongani Finca, a commissioner for the South African TRC, also presided over the opening public hearings for the GTRC.³²⁷ The weekly newsletter for the GTRC was entitled, "Ubuntu Weekly," borrowing the South African term "Ubuntu," a term meaning community, or 'a person is a person through persons'. In addition, another South African minister, Dr. Peter Storey was a member of the National Advisory Board, once more solidifying the link between South Africa and the GTRC. Finally, the Greensboro Truth and Community Reconciliation Project took a trip to South Africa in 2007 in order to learn from South Africans who have gone through a TRC as a nation.³²⁸ In the processes surrounding Hurricane Katrina, an overt link is not made to the South African TRC.

It is apparent that the influence of the South African TRC on a global scale has influenced and inspired the truth-seeking efforts that have taken place in the Southern United States to a large extent. Truth-seeking efforts in the United States can be located as part of the extension of influence of the use of truth commission-like processes to work through violent, human rights abusive pasts, with the holding a truth commission like truth process as a viable and tried option.

³²⁶ Greensboro Truth and Reconciliation Commission, *Final Report, Annex, Timeline*, 202.

³²⁷ Susan Grego, "Greensboro Truth Commission to Hold Public Hearing July 15-6," International Center for Transitional Justice, www.ictj.org.

³²⁸ Greensboro Truth and Community Reconciliation Project, www.gtrcp.org.

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