

## GREENSBORO TRUTH AND RECONCILIATION COMMISSION REPORT **EXECUTIVE SUMMARY**



Presented to the residents of Greensboro, the City, the Greensboro Truth and Community Reconciliation Project and other public bodies on May 25, 2006.

# Cover images courtesy of The News & Record, Lewis A. Brandon, III, Rachel Goldstein, Kristi Parker, Laura Registrato and Matthew Spencer.

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### **EXECUTIVE SUMMARY**

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COMMISSIONERS MUKTHA JOST, ROBERT PETERS, CYNTHIA BROWN, PATRICIA CLARK AND ANGELA LAWRENCE ARE SWORN IN AT CEREMONY ON JUNE 12, 2004. (NOT PICTURED, COMMISSIONERS MARK SILLS AND BARBARA WALKER.) (PHOTO COURTESY OF THE NEWS & RECORD)



Introduction & Background



The Mandate of the Greensboro Truth and Reconciliation Commission (GTRC) reflects that, "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." We offer this report in our Mandate's spirit, acknowledging that healing, hope and reconciliation are long-term goals that must take place across what currently are deep divides of distrust and skepticism in our community.

Our task was to examine the "context, causes, sequence and consequences," and to make recommendations for community healing around the tragedy in Greensboro, N.C., on Nov. 3, 1979, which resulted in the deaths of five anti-Klan demonstrators: César Vicente Cauce, 25; Michael Ronald Nathan, M.D., 32; William Evan Sampson, 31; Sandra Neely Smith, 28; and James Michael Waller, M.D., 36; and the wounding of demonstrators Paul Bermanzohn, Claire Butler, Tom Clark, Nelson Johnson, Rand Manzella, Don Pelles, Frankie Powell, Jim Wrenn; Klansman Harold Flowers, and news photographer David Dalton.

Even though we looked at a much bigger picture than any court has painted or than any one group of people can tell, this is still a story that is necessarily limited in its scope and depth. We do believe, however, that our efforts have taken us some distance away from the half-truths, misunderstandings, myths and hurtful interpretations that have marked the story until now. We hope that our contribution to Greensboro's reckoning with its past – completed with the invaluable assistance of numerous participants and supporters in this community and elsewhere – will provide a solid foundation for the healing and hope that our Mandate foresees.



On Nov. 3, 1979, in the absence of a dissuasive police presence, a caravan of white supremacists confronted demonstrators preparing for a "Death to the Klan" rally planned in the city's black Morningside Homes public housing community by the Communist Workers Party (CWP), previously known as the Workers Viewpoint Organization (WVO). In addition to the five demonstrators killed, at least ten others were wounded, and numerous residents and other witnesses were traumatized. Klan and Nazi members, some of whom were filmed by news cameras as they shot into the crowd, claimed self-defense and were twice acquitted of all criminal charges by all-white juries.

After more than two decades, the two criminal trials, and a civil trial that found mem-



bers of the Greensboro Police Department jointly liable with Klan and Nazi members for the wrongful death of one victim, many in the Greensboro community still did not feel that justice had been served. For this reason, former members of the CWP joined with other community members and supporters to initiate the Greensboro Truth and Community Reconciliation Project (GTCRP), launching a democratic process that engaged the community in nominating and selecting the seven members of this independent Commission, empaneled on June 12, 2004.

We assessed the evidence gathered from the three trials, internal records from the Greensboro Police Department and federal law enforcement, newspaper and magazine articles, academic literature, and some 200 interviews and personal statements given in private and at our public hearings. The following pages summarize our findings, conclusions and recommendations after nearly two years of investigative work and community engagement.

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

We view this report as the beginning of a citizen effort toward investigation and dialogue, rather than the end.



FIVE WHITE ROSES AT EACH PUBLIC HEARING SYMBOLIZED THE FIVE PEOPLE WHO DIED AS A RESULT OF THE VIOLENCE ON NOV. 3, 1979 — CÉSAR CAUCE, MICHAEL NATHAN, WILLIAM SAMPSON, SANDRA SMITH AND JAMES WALLER. (PHOTO BY KRISTI PARKER)



Findings & Conclusions



#### **■ INVOLVED PARTIES**

#### Ku Klux Klan and the National Socialist Party of America (Nazi)

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

But not all caravan members bear equal responsibility. We find the heaviest burden of responsibility is on those (Roland Wood, Coleman Pridmore, Jack Fowler, David Matthews, and Jerry Paul Smith) who, after they returned to their cars and their path of exit was cleared, went to the trunk of the last car to retrieve weapons. They then fired at demonstrators, fatally wounding Nathan, Waller, and Cauce when they were unarmed. They also wounded Bermanzohn, Wrenn, Powell, Clark, Manzella and Dalton when they were unarmed. The fourth fatality, Sandi Smith, was also unarmed, although she was in the vicinity of someone who was firing at the Klansmen and Nazis and could have been hit by someone returning fire. Sampson had a handgun, and was firing it when he was fatally shot.

## Workers Viewpoint Organization (Communist Workers Party)

We also find that some, albeit lesser, responsibility must lie with the demonstrators who beat on the caravan cars as they passed. Some CWP members also brought guns to the rally and fired them in the direction of the Nazi-Klan members. However, we find that the CWP fired after the Klan had fired a minimum of two shots and perhaps as many as five shots first. FBI evidence indicated that 18 shots were fired from locations occupied by the CWP and demonstrators and 21 were fired from locations oc-

cupied by the Nazi-Klan. However, we find the multiple revisions by the FBI of its own testimony make it unreliable evidence.

The Commission finds that the WVO leadership was very naïve about the level of danger posed by their rhetoric and the Klan's propensity for violence, and they even dismissed concerns raised by their own members. However, we also find that this miscalculation was caused in part by the Greensboro Police Department, which did not inform either the WVO or Morningside residents about the Klan's plans and its coordination with other racist groups.

#### **Greensboro Police Department**

Despite the obvious and important roles of the above participants, the majority of commissioners find the single most important element that contributed to the violent outcome of the confrontation was the absence of police. Hostility between the WVO and white supremacist groups ran high and was inflamed by violent language on both sides. Yet vocal expression of political disagreement is the lifeblood of a healthy democracy. The two parties had met before in China Grove, N.C., in July 1979, exchanged insults and jeers, brandished weapons, and yet no violence resulted. We believe that this outcome in China Grove was due to the presence of three uniformed police officers, who did nothing other than be visibly present between the groups.

We find that it was reasonably foreseeable that any further contact between the groups would result in violence, given

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

<sup>&</sup>lt;sup>1</sup> In fact, Det. Jerry Cooper and GPD photographer J.T. Matthews were present, but did not make their presence known and so had no effect on preventing the violence.

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

#### Nevertheless, police made decisions

- not to warn the demonstration organizers about the known Klan and Nazi plans to confront and probably provoke physical violence, or that the Klan had obtained a copy of the parade permit;
- explicitly to be five to 20 blocks away, and in fact repeatedly direct officers away from the designated parade starting point, even after it was known that the caravan was heading there;
- among key event commanders not to monitor constantly the situation using hand radios:
- not to stop or even noticeably accompany the caravan as it headed to the starting point where police knew no officers were present;
- not to order tactical units to proceed toward the designated parade starting point in an attempt to get in between the Klan/Nazis and demonstrators, or even to get into standby position, after it was clear the caravan was heading toward the parade;
- not to intervene or stop most of the cars fleeing the scene after it was known that shots had been fired.

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

We find that the GPD's decisions and records of planning discussions indicate that they accepted uncritically almost everything informant Dawson said. When Dawson reported that any confrontation would happen at the end of the march, Capt. Trevor Hampton, Gibson and Lt. Sylvester Daughtry decided that the back up tactical units would not be in position until 30 minutes before the noon starting time of the parade,

even though the assembly time publicly advertised on posters was at 11 a.m.

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

#### Role of GPD Informant Dawson

The role of Eddie Dawson as a police informant within the Klan exceeded that of a typical informant. Dawson made the initial racist, virulently anti-communist speech at the Klan rally designed to incite a confrontation with the WVO; he arranged for the assembly point for Klan and Nazi members prior to going to the parade; he was in regular contact with Klan leader Virgil Griffin to discuss plans to disrupt the parade; he obtained a copy of the parade permit and route; he drove the route with Klansmen the night before the parade; he pointed out the route prior to leaving the Klan assembly point; he rushed people into cars at 11 a.m. to get to the parade. When Klansmen leaving the house asked, "Who's running this thing?" Klan leader Virgil Griffin pointed to Dawson and said, "I guess he is." Eddie Dawson got in the lead car and led the caravan to the parade starting point.

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

#### Low profile

The GPD records and testimony show that it was Deputy Chief Walter A. Burch (not Hampton, as often asserted), who made the decision to take a "low profile," keeping officers out of sight in order to avoid provoking a confrontation with the marchers. Given the enmity between police and WVO, we find that some version of "low pro-

file" was indeed reasonable. However, the police discussion of this low-profile approach in relation to Nov. 3, 1979, assumes that there were only two choices available: full presence in riot gear or removing officers to locations too far away to intervene when guns were fired.

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

Since intelligence from multiple sources indicated that violence was likely, police clearly were negligent because they took no action to prevent it. However, nearly all commissioners further believe that the totality of evidence reasonably suggests to the layperson that mere negligence alone is not an adequate explanation. No evidence has been found that indicates there was any conspiracy between the police or between the police and the Klan/Nazis to kill the demonstrators. However, the knowledge and subsequent deliberate actions (and failures to act) on the part of key police officers directly contributed to the violence that the police knew was reasonably foreseeable. Even though no legal basis for law enforcement involvement in a conspiracy was found in the trials, the majority of commissioners believe there was intentionality among some in the department to fail to provide adequate information or to take steps to adequately protect the marchers. Not every officer was party to either the intelligence or key decisions, but certainly Cooper, Talbott, Capt. Byron Thomas (all from the Criminal Intelligence Division), Gibson, Daughtry (from the Field Services Bureau), Lt. Paul Spoon, and Hampton (from the Field Operations Bureau) all were present in intelligence meetings and participated in key decision-making.

While nearly all Commissioners find sufficient evidence that some officers were deliberately absent, we also unanimously concur that the conclusions one draws from this evidence is likely to differ with one's life experience. Those in our community whose lived experience is of government institutions that fail to protect their interests are understandably more likely to see "conspiracy." Those accustomed to reliable government protection are more likely to see "negligence," or no wrongdoing on the part of law enforcement officers. We believe this is one reason the community is polarized in interpreting this event.

#### Change in parade starting point

Police and city officials' most often repeated reason for why there were no police

present on Nov. 3, 1979, when the Klan and Nazi caravan arrived was that the WVO had changed the location of the parade starting point. However, the Commission finds that the GPD's own records and testimony reveal that this quite simply is not true. The WVO designated on its parade permit application that Everitt and Carver was the starting point. At the time that WVO parade organizer Nelson Johnson applied for the permit, he specifically explained to Gibson the discrepancy between the starting point and the information on WVO posters that mentioned the Windsor Center as a gathering place. Indeed, internal police records show that the discrepancy was repeatedly discussed in several police planning meetings and it was repeatedly emphasized that the starting point was to be at Everitt and Carver.

#### Protecting unpopular and hostile citizens

The Commission finds strong evidence that members of the police department allowed their negative feelings toward Communists in general, and outspoken black activist and WVO leader Nelson Johnson in particular, to color the perception of the threat posed by these groups. At the same time, we find that the GPD also exhibited a clear pattern of underestimating the risks posed by the KKK, which amounted to a careless disregard for the safety of the marchers and the residents of the Morningside neighborhood where the rally took place.

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

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

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

#### Federal law enforcement

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

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

#### **Morningside Homes community**

The parade permit meant that the WVO had permission from the city to march. The WVO did not legally need permission from Morningside residents to march. However, as a self-described anti-racist organization explicitly advocating for the empowerment of working-class black people, it should have understood that it had an ethical obligation to ask permission of the residents before staging the parade in their neigh-

borhood, rather than simply informing them. This is especially true given the risks involved with the nature of the march and organizers who had aggressively challenged the Klan and stoked animosity with the police.

Not all Morningside residents were comfortable with the planned march. Following the shootings, some expressed resentment that they had been exposed to risk and trauma. However, the WVO felt it had sufficient support and personal ties with the Morningside community after years of working on housing and education issues there. The WVO had held a meeting with the Neighborhood Residents Council (NRC) to review the plans for the march. Unfortunately, the NRC did not adequately inform Morningside residents about the upcoming event and must bear some of the responsibility for the breakdown in communication. While the WVO did leaflet in this and other public housing communities along the route, commissioners agree that the march organizers exposed Morningside residents to a risk they had not accepted as a community.

Finally, the fear produced by the history of the Klan and this event and its aftermath in particular means that many in black working-class communities, and especially former residents of Morningside, are still afraid to talk about this issue. For this reason there may well be other viewpoints in support of the WVO held by people who have not felt at liberty to speak.

#### KEY ISSUES

#### **Violent language and provocation**

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

The Klan's racist rhetoric was plainly intended to provoke. Just prior to the confrontation, Klan leader Virgil Griffin publicly told the audience at a Klan rally, "If you loved your children, you would go shoot 100 niggers and leave their bodies in the street." Eddie Dawson's poster, plastered in black public housing communities prior to the confrontation, bore the image of a lynched body with the warning to "communists, race mixers and black rioters. Even now the cross hairs are on the back of YOUR

NECK. It's time for some old fashioned American justice." The message of the film "Birth of a Nation" and of the speeches made at Klan and Nazi rallies glorified the oppression and murder of black people. These words are immoral and demand public rebuke. However, they also are words that are protected by the U.S. Constitution. The Klan and Nazis have the right to express these views.

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

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

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

Further the Klan and Nazis who were in the caravan backed up violent language with violent actions. For example, there were criminal convictions for shooting into a home that reportedly was serving liquor to both blacks and whites, conspiring to blow up a union hall in Greensboro, organizing paramilitary training camps for inciting a

Emphasis in original.

Emphasis in original.

The Weathermen are an exception.

race war, and planning to blow up a gas storage facility in Greensboro. There also were admissions of breaking the legs of a black man who was living with a white woman, talking about blowing up "race mixing" clubs and bookstores, and burning crosses on the lawns of blacks who had moved into white neighborhoods. In contrast, the most violent documented acts of the WVO were to engage in target shooting and karate training.

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

#### Injustice in the justice system

Three trials addressed the wrongdoing of Nov. 3, 1979: a state criminal trial on capital murder charges; a federal criminal trial on charges that the shooters were motivated by racial hostility and violated the victims' civil rights; and a civil trial of a lawsuit brought by widows of the victims and some of those who sustained injuries. Both criminal trials resulted in acquittals by all-white juries and brought widespread public outcry.

We find a problematic jury selection process led to producing panels unrepresentative of the community due to many factors including the following:

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

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

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

1. The CWP members did cooperate with the federal criminal trial, which also resulted in acquittals.

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

The civil trial, which had a jury with one black member, resulted in the nation's first finding that members of a U.S. police department (Klan informant handler Det. Cooper and parade event commander Lt. Spoon) were jointly liable with white supremacists for a wrongful death. While a victory in this regard, the outstanding moral question of the failure to find for the other four victims remained. The City paid nearly \$400,000 in settlement for all defendants, including Klan and Nazi defendants, in exchange for plaintiffs' release of all defendants from future civil action. This settlement meant that the litigation had been resolved, but the pain and moral issues had not. The City's payment of this settlement on behalf of the police officers, Klan and Nazi defendants gave the appearance to many, rightly or wrongly, of the City's support for or alliance with the Klan and Nazis.

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

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

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

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

The three trials have illustrated each in their own way the limits of our court system as it is structured. The "retributive justice" model of the U.S. legal system confines judicial inquiries to the proof of a defendant's guilt (criminal cases) or liability (civil cases), under a narrowly defined set of laws and rules of procedure. As a result, the examination of the role of individuals and institutions, outside of the particular defendants on trial, is limited solely to their relevance to those particular proceedings. Similarly, the scope for defining and addressing other types of harm and other stakeholders in the incident is also very narrow. The courtroom is the realm of technical knowledge and expertise, with little leeway for richness of context or consequences that surround wrongs.

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

#### City government and community response

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

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

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

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

- attempting to influence media coverage;
- marginalizing findings of the Citizen Review Committee established after the shootings;
- attempting to stop the Feb. 2, 1980, march against racist violence;
- engaging with the Justice Department's Community Relations Service, which intimidated people from participating in protests.

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

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

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

#### Fear and silence

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

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

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

<sup>&</sup>lt;sup>5</sup> "Inquiry shaping how city is perceived," *News & Record*, March 23,2005.

#### Grassroots organizing and connection to community concerns

Although WVO/CWP members felt that they had fully engaged with the Morningside community, it is apparent that there were many residents who felt uninformed and did not want the "Death to the Klan" rally in their community. The demonstrators' protest issues were grounded in the community's economic and social concerns, but their politics and tactics were not. Once joining the WVO/CWP, the organizers had the added interest of building their party, which further distanced them from the grassroots community.

Further, there were even those among the membership who raised concerns and critiques of the organizing strategy and were overruled and marginalized by the top-down leadership. We believe a top-down leadership style is neither empowering nor democratic, and ultimately fails as an organizing tactic.

Despite the CWP's use of violent rhetoric and its hierarchical leadership style, we want to affirm the legitimacy of union organizing and the other economic and social justice struggles in which CWP members were engaged. We disagree with the common practice of demonizing those in the community who challenge the status quo, then looking the other way when they are mistreated.

We find that through organizations including the Greensboro Association of Poor People (GAPP), the Greensboro CWP members had worked for more than a decade in Morningside and other black communities, seeking to empower residents to achieve improvements in areas including employment, housing and public education.

GAPP's programs enjoyed support from many in the black community and had no record of violence. Further, the economic and social injustices against which they struggled amounted to failures of government to meet humane standards of living adequate to basic human needs. Also, despite the tragedy and demonization, many of those organizers have remained in Greensboro and continued this work.

Since many poor workers were employed by N.C. textile mills, focusing attention on conditions there made sense both to local organizers and other N.C. organizers with whom they were connected through the African Liberation Support Committee and later through the Workers Viewpoint Organization, a national group that followed Mao Tse-Tung's philosophy of targeting poor workers and rural peasants as the most powerful source of revolt.

Resurgence of the Klan in the mid 1970s, in keeping with its long history of sowing

fear and divisions through racial violence and its threat, quickly emerged as the biggest obstacle to multiracial organizing in the mills, prompting the WVO's "Death to the Klan" campaign. It was an effort shared by unions and other organizers nationwide as the 1970s economic recession spurred a broad revival of white supremacy.

#### **Firearms**

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

However, while the idea of armed self-defense is accepted and deeply imbedded in our national identity and tradition, there is a double standard by which armed black people are seen as an unacceptable threat. Klan and Nazis' propensity for carrying heavy firearms was not discussed in intelligence meetings. On the other hand, Capt. Gibson remarked that "My concern was with Nelson Johnson's history of inciting riots. And when we had those intelligence briefings (on the Klan and Nazis plans), that remained my concern. There was nothing in those briefings that concerned me a whole lot." Further, the fact that jurors accepted the dismissal of the first two shots on Nov. 3, 1979, fired by the Klan, as "calming" shots in their consideration of the self-defense argument is astonishing.

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

#### **Racism**

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

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

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

Imagine for a moment that these elements would have been racially reversed, viewed as a photographic negative. Imagine a group of demonstrators is holding a demonstration against black terrorism in the affluent white community of Irving Park. A caravan of armed black terrorists is allowed to drive unobstructed to the parade starting point, and photos are taken by the police as demonstrators are shot dead. Most of the cars are then allowed to flee the scene, unpursued, even as they threaten neighborhood pedestrians by pointing shotguns through the windows. The defendants are tried and acquitted by an all-black jury. The first shots – fired by the blacks screaming "Shoot the Crackers!" and "Show me a Cracker with guts and I'll show you a black man with a gun!" – are described by black defense attorneys and accepted by jurors as "calming shots." Meanwhile, the city government takes steps to block citizen protest of black terrorist violence including a curfew in the white neighborhood. The scenario is so unlikely as to be preposterous. Yet, in racial reverse, it is exactly what happened.

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

#### **CONSEQUENCES**

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

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

- individual psychological trauma, depression, anger and fear;
- strained relationships, broken marriages and estranged children;
- economic retaliation and social isolation against CWP members and their associates, including loss of jobs and economic hardship, surveillance and a feeling of being under siege;
- general distrust of police, the justice system, elected officials and the media:
- exacerbated race and class tensions;
- an upsurge in racist violence and hate group activity;
- chilled organizing and political activism
- increased distrust of outsiders, denial of responsibility for problems;
- tacit approval of violence against political dissenters.

Positive consequences that emerged included:

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

#### TRUTH-SEEKING AND RESISTANCE

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

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

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

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

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



CHILDREN OF PEOPLE INVOLVED IN THE EVENTS OF NOV. 3, 1979. (PHOTOS COURTESY OF THE NEWS & RECORD AND KRISTI PARKER.)



Moving forward: Recommendations

### MOVING FORWARD: RECOMMENDATIONS

The retributive justice system is by nature oriented toward the individual, and separates that individual from the community in which both perpetrators and victims live. In so doing, this system fails to address wider community harms. Aside from (unequal) opportunities to serve on juries, everyday community members are not often viewed as stakeholders in the process, which is controlled by "experts" who often cannot relate to the experiences and perspectives of communities of poor people and people of color. As a result, most of the community has no involvement in righting wrongs.

As an exercise in restorative justice, we have taken a larger view and examined the wide range of stakeholders harmed by the events of Nov. 3, 1979, and by official decisions surrounding it. Our recommendations seek to address the direct harm of those who were killed, wounded or psychologically traumatized, as well as what we believe were indirect harms suffered by groups including:

- residents of the City of Greensboro, which lost ground on human relations progress made after school desegregation;
- relatives and associates of both CWP demonstrators and Klan-Nazi shooters, who were stigmatized and suffered various forms of backlash;
- progressive grassroots organizers whose work was made more difficult by such processes as red-baiting;
- mill workers and other low-income residents who would have been beneficiaries of more successful organizing for racial and economic justice.

Recognizing that there is no way to undo the harm caused to individuals and communities on Nov. 3, 1979, we believe there are positive steps toward reconciliation, justice and reparations that can be undertaken. With these goals in mind, we offer the following recommendations to the residents of Greensboro, to the government of the City and Guilford County, and to other local institutions. Previous commissions and review boards have gone before us and offered their own recommendations, some of which we wish to place again before the public since they have yet to be implemented.<sup>6</sup>

<sup>6</sup> If organizations to whom recommendations are made feel financially unable to act on them, we recommend that they make use of the extensive grant library housed in the Glenwood Branch by the Greensboro Public Library. www.greensborolibrary.org.

#### 1. Acknowledgement

This section includes steps to recognize rights and responsibilities and acknowledge that wrongs were committed and harms occurred. Usually such steps are called reparations and aim to make restitution, compensate for harms, rehabilitate, provide satisfaction to victims and take measures to prevent future abuses. Nothing can restore a loved one's life that has been taken, or fully restore the health and well-being of those battered by the events, but we believe that some meaningful gestures toward acknowledgment and redress can help those most harmed see a better future ahead. We believe that facing the truth about the past is an important first step toward repair. This section also includes measures to incorporate the information about Nov. 3, 1979, into the city's official history and collective memory, attend to the second generation of survivors, promote dialogue and commemorate what happened.

a. The City should formally recognize that the events of Nov. 3, 1979, provided a tragic, but important occasion in our city's history; it should make a proclamation that lifts up the importance of that date in the history of the city.

b. Individuals who were responsible for any part of the tragedy of Nov. 3, 1979, should reflect on their role and apologize – publicly and/or privately – to those harmed.

Throughout this truth and reconciliation process, some individuals (Roland Wayne Wood and Nelson Johnson, for example) have issued apologies – in private, in the media and at the GTRC's public hearings – about the roles they played in the events of Nov. 3, 1979. Such apologies offer hope that community reconciliation is possible around these events. We believe that sincere apologies, even after 26 years, are important because they open up the possibility for a renewed relationship and dialogue between otherwise alienated individuals and groups.

c. The Greensboro Police Department and the City of Greensboro should issue public apologies for their failure to protect the public – specifically, the Communist Workers Party demonstrators, Morningside Homes residents, media representatives and others present at the shooting site. These institutions also should issue an apology to city residents for not appropriately acknowledging the event and taking the necessary steps for community healing.<sup>7</sup>

<sup>&</sup>lt;sup>7</sup> For examples of institutional apologies, we recommend that the Greensboro Police Department and City look to the recent institutional apologies offered by Wachovia Bank for the role their predecessor company played in financing slavery and by the United States Senate for failing to enact anti-lynching legislation.

- d. Others who were involved in the shootings on Nov. 3, 1979, and who regret the role they played are encouraged to offer restitution to the victims by making contributions in their name to support the public monument commemorating this tragedy (see recommendation 1.h) or to organizations advocating for civil and workers rights and other economic justice initiatives.
- e. The Greensboro Historical Museum and the International Civil Rights Museum should work either collaboratively or independently to create exhibits commemorating the tragic shootings on Nov. 3, 1979.
- f. As described in its Declaration of Intent, the Greensboro Truth and Community Reconciliation Project, along with GTRC Report Receivers, should host community forums at which this report will be reviewed and discussed.

A portion of these discussions should offer opportunities for former members of the Communist Workers Party, former residents of Morningside Homes, former Klan and Nazi members, and others directly involved and impacted by the events to engage in meaningful discussions.<sup>8</sup>

- g. The religious leadership in Greensboro should plan and facilitate a healing workshop or retreat for the children of CWP members, shooters and others directly involved in the events of Nov. 3, 1979. Furthermore, these children should be actively consulted in all of the reconciliation and reparation efforts recommended in this report.
- h. A public monument should be built on the site of the shootings to honor those killed and wounded on Nov. 3, 1979.

A committee should be formed under the auspices of the City's Human Relations Commission for the purpose of planning and fundraising for this monument, and should include representatives from the surviving demonstrators and their children, former residents of Morningside Homes, neighborhood associations, and other grassroots groups. The committee should decide on the design of the monument.<sup>9</sup>

<sup>8</sup> One model for such meaningful dialogue around tragic events can be found in the work of Father Michael Lapsley at the Institute for Healing of Memories.

One Commissioner has suggested that the monument be in the form of a sculpture made from guns voluntarily donated.

#### 2. Institutional reform

This group of recommendations is intended as part of the effort to prevent future abuses and ensure that when wrongs do occur there is an adequate response.

#### a. City and County government

i. All city and county employees should be paid a living wage; all city and county contractors and sub-contractors should be required to pay workers a living wage.

Our research into the context and consequences of Nov. 3, 1979, revealed a socio-economic divide that underlies the events of Nov. 3 and continues to plague our community. The City of Greensboro and Guilford County should adopt and fully enforce an ordinance that requires that all employees of the city and county, as well as all employees of those companies that contract or sub-contract to provide services or products to the city or county, be paid a "living wage" as determined by the North Carolina Justice Center.<sup>10</sup>

Additionally, we recommend that the City and County jointly seek enabling legislation that will allow them to provide incentives to businesses that pay a living wage to all employees.

#### ii. All city and county employees should engage in anti-racism training

The City of Greensboro and Guilford County should contract with a training group such as the People's Institute for Survival and Beyond<sup>11</sup> to prepare and conduct an anti-racism curriculum – like the Institute's "Undoing Racism" workshops – as part of the orientation required for all new employees. This training should include developing a definition of racism, both institutional and personal; developing an understanding of the ways that it impacts mental health for individuals; and developing ways to recognize it and work towards its elimination. The training should sensitize employees about the impacts of racism on the community.

www.ncjustice.org www.pisab.org

Furthermore, every employee already working for the City or County should be required to complete anti-racism training within a period not to exceed two years. Descriptions of the contents and outcomes of the trainings should be made available to the public. Following the training, employees should have opportunities to engage with the community members they most affect in their work in order to help them gain greater insight from residents about how racism has impacted their community relations (e.g. police officers should meet face-to-face with residents in the neighborhoods they serve in order to better understand the role racism has played in poor police/community relations).

#### b. City government

#### i. The City should issue annual reports on race relations and racial disparities.

The May 1980 Citizens Review Committee report made the following recommendation: "The Human Relations Commission should be adequately staffed to monitor human and race relations and to possess the capability of in-house research and documentation." While this has largely been accomplished, we recommend that the City go further by regularly consulting with and informing residents about the status of race relations and progress on erasing racial disparities within city government as well as within the city as a whole. Such an annual report will ensure continued discussions and work toward ending racial disparities and the impact of racism. Community leaders should issue their own report on racial disparities and racism to complement the City's report.

# ii. The Mayor's Mosaic Project<sup>12</sup> should be continued and expanded as planned to include more people from all sectors of the community.

The May 1980 Citizens Review Committee report recommended the following: "The City Council and other organizations in the City should provide leadership in an effort to break down the barriers which separate the citizens in our community." We believe that the Mayor's Mosaic Project is a substantial response to this recommendation. Given the low levels of cross-cultural trust in Greensboro, the city needs trust-building programs like the Mosaic Project, the value of which has affirmed by its first participants.

# iii. A citizen's committee should be established immediately by the Human Relations Commission to create both temporary and permanent police review boards.

<sup>12</sup> www.ci.greensboro.nc.us/mosaic

The committee's role would be to determine the respective boards' purposes, powers, funding, and relationships to the city government structure.

In light of the overwhelming current public call for truth-seeking and truth-telling with regard to racism and other corruption in the Greensboro Police Department – including allegations of links between this corruption and the historical events including Nov. 3, 1979, and even the Dudley/A&T Student Revolt in 1969 – we recommend that the City of Greensboro immediately establish a short-term citizen's review board to examine these allegations.

We recommend the permanent board in the interest of ongoing police accountability and community trust. Its members should rotate on a regular basis.

Both boards should have subpoena power as well as significant enforcement power and should include representatives from each City Council district. In addition, the review boards should include representatives from the Human Relations Commission, the Greensboro Bar Association, the Greensboro Neighborhood Congress, the Greensboro Chamber of Commerce, the Greensboro chapter of the NAACP, and representatives of the community's spiritual leaders. The organizations represented should appoint their own board members.

## c. County government

i. The Guilford County Board of Commissioners should commit to addressing the need for increasing funding to Departments of Social Services and Public Health, two key agencies serving low-income residents, in order to expand and enhance staff and services, and to fund staff sensitivity training.

ii. Social work departments should work in conjunction with advocacy and faith organizations to: (1)document the need for increased funding based on information from service providers and clients, and (2) urge state and federal policymakers to increase funding to Social Services and the Health Department commensurate to meet the need in Guilford County.

Significant reductions in federal, state and county funding available to Social Services and the Health Department has resulted in understaffing of these agencies and increased case loads for the remaining staff, which contributes to insensitivity to clients and inability to provide needed services.

# iii. The Guilford County Schools should create a curriculum based on the events of Nov. 3, 1979, for use in public elementary and secondary schools.

The Commission recommends that the Guilford County Schools contract with an appropriate curriculum development provider<sup>13</sup> to create a curriculum for elementary and secondary schools about the context, causes, sequence and consequences of the events of Nov. 3, 1979. This curriculum could include the following topics: the actual events of Nov. 3, 1979, the history of many civil rights organizations, labor movements and white supremacist organizations; and related legal issues (definitions, roles of prosecutors and defense, jury selection, the importance of jury duty, retributive vs. transformative justice, etc.). The GTRC report itself could be made part of this curriculum.

The curriculum also should include segments and open discussions that address related context issues including anti-racist education about slavery and respecting diversity.

#### d. Justice system

i. Citizens as well as city and state officials should push for enabling legislation, if necessary, to create a community justice center in Greensboro, then make sure its existence is well-publicized.

The outcomes of the three trials following Nov. 3, 1979, highlighted the limits of our retributive justice system, reflecting a need for more opportunities to apply restorative justice. These limitations, combined with the low levels of trust in the justice system among people of color and poor people lead us to recommend the creation of a community justice center in Greensboro. A good example is the Red Hook Community Justice Center (RHCJC)<sup>14</sup> in Brooklyn, N.Y. Through the RHCJC, the Red Hook District Attorney's office used the center to process misdemeanor cases by first assessing underlying problems that led to the alleged criminal activity. Care is taken to ensure the public's safety; sentences incorporate available RHCJC services including intensive drug treatment, mediation, anger management, high school equivalency classes and youth groups.

Citizens as well as city and state officials should push for enabling legislation, if necessary, to create a community justice center in Greensboro, then make sure its

<sup>13</sup> Possibilities are the Center for Diversity Education (http://eduweb.unca.edu/diversityed/) or the North Carolina Association of Educators (www.ncae.org).

http://www.brooklynda.org/Redhook/red\_hook.htm

existence is well-publicized.

# ii. The protocol for selecting jurors should be revised to expand the pool of potential jurors.

Currently, potential jurors are selected from a list created by the Department of Motor Vehicles, which compiles the list using driver's license and voter registration data. Because these lists are not representative of the community as a whole, we recommend that state law be modified so that the pool of potential jurors can be drawn from additional lists such as utility bills, welfare rolls and the U.S. Postal Service's database of address changes.

Citizens as well as city and state officials should push for enabling legislation to expand the pool of potential jurors to be more representative of the community as a whole.

#### e. Local media outlets

i. The largest local newspaper, the Greensboro News & Record, should act alone or in concert with other media outlets including the Carolina Peacemaker, Yes! Weekly, and the Rhinoceros Times to host a citywide citizen group that would comment on news process, content, quality and ethics.

The absence of in-depth local news coverage of the context of Nov. 3, 1979, and its aftermath played a central role in the community misunderstanding of that event. As Greensboro community members struggle decades later to reconcile the competing views of why the tragedy occurred and what should be done now, the media can play an important role in helping community members move beyond contested facts, frames and claims to a common understanding. In addition to informing the public, media can and should play a role in fostering dialogue and exchange of views.

Also, a diverse citizen group could improve local journalism and the communitybuilding role it can play. Citizen input should be solicited for: story development, source development, recognizing other perspectives, critique of news coverage, commentary on newspaper practices and suggestions for better addressing community concerns.<sup>15</sup>

Grants are available to involve citizen input in newspaper reporting from foundations such as the Pew Center for Civic Journalism (www.pewcenter.org). Other resources are available from organizations such as the Kettering Foundation (www.kettering.org), Grade the News (www.gradethenews.org), and Community Journalism (www.rtnda.org/resources/cjgs.pdf).

#### f. Other institutions

- i. Other community organizations such as the Chamber of Commerce should engage in anti-racism training similar to that described in Recommendation 2.a.ii.
- ii. The City of Greensboro and other organizations should provide resources to support the participation of grassroots leaders in local or out-of-state programs and activities that affirm and enhance their leadership ability.

Many of the existing leadership programs sponsored through prestigious organizations like the Center for Creative Leadership are generally cost prohibitive to low income grassroots leaders. Citizens are rarely empowered to hold institutions and power figures accountable for injustices in the community. Community institutions that impact the entire community across race and class lines are usually composed of middle/upper class and highly educated people. This leadership needs to be more diverse to include lived experience of all sectors of the community so all perspectives can be given adequate consideration in the policies and practices of the city and its institutions.

Reconciliation can happen when diverse leaders are in the same room, learning from each other and developing personal relationships. These leadership programs should be easily accessible to the widest range of leaders from diverse racial and socio-economic backgrounds for the maximum benefit to all involved.<sup>16</sup>

iii. In response to unresolved crises or lingering issues in the community, such as the issues surrounding the events of Nov. 3, 1979, city officials, religious leaders and civic organizations should play an active role in acknowledging, investigating and providing open forums for discussion.

# 3. Criminal justice and civil remedies

a. The current investigations into the alleged corruption in the Greensboro Police Department, including the surveillance of citizens, should be thoroughly and expeditiously completed. We recommend that the reports of these investigations be publicly released once they are finalized and a town hall meeting held to solicit

An example of a program with similar goals and methods is the Greensboro Civic Entrepreneurship Initiative sponsored by the Pew Charitable Trust that took place from 1998 through 2000

citizen questions and feedback. If appropriate, criminal prosecutions or civil action should be pursued to help heal the damaged credibility of the police department and reassure the citizens that there is accountability for illegal acts done by the city's agents.

## 4. Citizen transformation/engagement

a. Recognizing the role they play in creating the environment for events like Nov. 3, 1979, individual community members must commit to understanding issues of capital, labor, race, poverty, oppression, privilege and justice, and exploring ways to have a positive impact on the way they play out in the community.

Individuals should take the initiative to engage in study and dialogue within diverse groups to understand various ideologies or other beliefs present in the community, especially unpopular ones. They should seek to understand their own part in community problems as well as their potential role in finding workable solutions.

Institutions should exist for the welfare of ALL citizens in a healthy democracy. The process of pushing institutions to become accountable to the citizens they are supposed to serve assumes and involves a collective citizenry that understands and practices principles of democracy and participation. In a large democracy such as ours, this is a learned skill that includes responsibilities, rights and privileges.

b. Individuals, like institutions, can benefit from anti-racism and diversity education programs, and we encourage people to take advantage of pre-designed programs they first evaluate for both breadth and depth.

Unless individuals learn based on an alternative analysis of the society we live in and unlearn biases and misinformation at the same time, many diversity programs may become mere "Band-aids" rather than solutions. The following questions should be asked of any such program: Does it provide historical perspective on power, privilege, oppression, and economic and social injustice? Do people learn about the various manifestations of racism, classism, sexism and other forms of oppression? Are participants given the opportunity to examine their individual roles?

## The way forward

While the above recommendations are directed toward specific institutions, we recommend that all grassroots community organizations, religious leaders and, specifically, the Greensboro Truth and Community Reconciliation Project, work collectively with each other and city and county government to advocate for the effective implementation of these recommendations.

To other communities considering processes to seek the truth and work for reconciliation around tragic, unjust events in their own histories, we heartily recommend the truth and reconciliation model as such a tool.

We believe the truth and reconciliation process in Greensboro opened up the debate around Nov. 3, 1979, in a positive way and has successfully engaged a broad spectrum of the community in an effort that offers hope for reconciliation. As a Commission that looks a bit like Greensboro in microcosm, we found that this process — and our own struggle to hear and understand each other — had a profound impact on our perceptions of the issues we explored. Our individual and collective commitment to the truth helped us persevere. And the human stories and emotions we encountered along the way moved us to do our best to leave behind a legacy we hope will serve Greensboro for years to come. We cannot say what the future will hold for this community or what the long-term impact of this process will look like, but we hope that this process also serves as a learning tool for others in this country who, like Greensboro, are burdened by a legacy of hurt and inspired by the possibility of honestly coming to terms with their own history.

Respectfully submitted to the residents of Greensboro, the City, the Greensboro Truth and Community Reconciliation Project and other public bodies on May 25, 2006, by the Greensboro Truth and Reconciliation Commission:

Cyrthia DB rown Fatricia Clark

Angela Saurence Robert Y. Peters

Angela Lawrence

**Robert Peters** 

(subject to his concurring opinion)<sup>17</sup>

Prantora P. Walker

Rev. Dr. Mark Sills

Barbara Walker

Commissioner reflections can be found in the annex of the complete report.



A VOLUNTEER VIEWS DISPLAYS AT A PUBLIC HEARING. (PHOTO BY KRISTI PARKER)



Acknowledgments

# **ACKNOWLEDGMENTS**

# Monetary donations from foundations

This report and the work of the GTRC has been made possible through the generous support – financial and otherwise – of the following foundations. In particular, we want to thank the Andrus Family Fund for its significant initial gift that made it seem financially possible for this project to happen. The JEHT Foundation's gift also provided an additional financial base that allowed for hiring staff. Finally, we recognize the Community Foundation of Greater Greensboro for its contributions and for acting as the GTRC's fiscal sponsor, receiving and handling our finances.

Andrus Family Fund	\$185,000
Anonymous Fund	\$2,000
Community Foundation of Greater Greensboro	\$13,000
Ervin L. Brisbon Fund	\$6,000
Fenwick Foundation	\$1,000
InSight Fund of the Triangle Community Foundation	\$1,500
JEHT Foundation	\$150,000
NC Humanities Council	\$1,200
Romano Family Fund	\$10,000
Julian Price Family Fund	\$2,000
Wachovia Foundation	\$1,000
Z. Smith Reynolds Foundation	\$30,000

#### **Grassroots donations**

At its heart, this work is a grassroots effort, so generous donations from everyday individuals have sustained the GTRC. The following individuals and organizations contributed either through direct financial donations, fundraiser attendance or other gifts.

Carolyn Allen Phyllis Carter

Vance Arnold Justin Catanoso & Laurelyn Dossett

Terry Austin Stone Circles
Cleta Baker Patricia Clark

Ira & Susie Bell The Community Church of Chapel Hill

Paul & Sally Bermanzohn
Stephen & Pat Bocckino
Mary Beth Boone
Lewis A. Brandon, III
Ann O'L Brown
Grant Draper
Millicent Brown
Bally Cone
Constance Curry
Eileen Curry
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Although financial support is critical, many organizations offered in-kind donations that outweighed any direct monetary gifts they could make. The following organizations offered in-kind donations in ways including gifts for our volunteers, hosting our website, providing images and text from newspaper coverage, meeting space, food, assistance with security for our events, technical services and equipment for our public hearings and television programs.

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# Advisors and report consultants

Many individuals have contributed their experience and wisdom to enhancing our public hearings, community dialogue and final report. In particular, we appreciate the sustained guidance offered by our principal advisor, Lisa Magarrell of the International Center for Transitional Justice (ICTJ), who has been consulting with the truth and reconciliation process in Greensboro since its inception. We also thank Lisa and the ICTJ for facilitating contacts with many of the following advisors, both in and outside of the United States. We also thank Irving Joyner for serving as a primary legal advisor as we have struggled to understand the legal complexities surrounding the events of Nov. 3, 1979.

Catherine Admay, Professor, of Law and Public Policy, Duke University

David Billings, Trainer, The People's Institute for Survival and Beyond

Arthur Blundell, Chair, Panel of Experts to Liberia, United Nations

Alex Boraine, former President, ICTJ, and former deputy chair, South Africa TRC

Carolyn Blum, Lecturer-in-Law, Columbia University

Millicent Brown, Associate Professor of History, North Carolina A&T State University

William Chafe, Professor of History, Duke University

Roger Conner, Andrus Family Fund

David Cunningham, Associate Professor of Sociology, Brandeis University

Carlos Iván Degregori, Visiting Professor of Sociology, Princeton University, former Commissioner,

Peruvian TRC

E. Franklin Dukes, Director, Institute for Environmental Negotiation, University of Virginia

John Esmerado, Assistant Prosecutor, Union County, State of New Jersey

Rev. Bongani Finca, former Commissioner, South African TRC

Madeline Fullard, former Researcher, South African TRC

Eduardo Gonzalez, Senior Associate, ICTJ, and former member of the staff of the Peruvian TRC

Suzana Grego, Communications Director, ICTJ

Priscilla Hayner, Director, International Policymakers Unit, ICTJ

Deena Hurwitz, Director, Human Rights Program, University of Virginia School of Law

Marvin Johnson, Andrus Family Fund

Spoma Jovanovic, Assistant Professor of Communication, UNC Greensboro

Irv Joyner, Professor of Law, North Carolina Central University

Steve Kelban, Andrus Family Fund

Robin Kirk, Coordinator, Human Rights Initiative, Duke University

Robert Korstad, Associate Professor of History and Public Policy, Duke University

Neil Lerner, Associate Professor of Music, Davidson College

Sofia Macher, former Commissioner, Peruvian TRC

Lisa Magarrell, Senior Associate, ICTJ

Graeme Simpson, Country Program Director, ICTJ

Judge Stephen Swanson, Fourth District Court, State of Minnesota

Paul van Zyl, Program Director, ICTJ

Monica Walker, Trainer, The People's Institute for Survival and Beyond

#### **Volunteers and Other Contributors**

Without the help of the following people, the GTRC could not have completed its work. These individuals contributed to this process in a variety of ways including: serving as Commissioners; taking, transcribing and summarizing statements; encouraging people to give statements; volunteering at public events; collecting newspaper articles or other research material; performing at and/or helping plan benefit concerts; conducting surveys about our public events; filming and editing our public events and our public access television show; and many other responsibilities vital to this work.

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## **Greensboro Truth and Community Reconciliation Project**

The Greensboro Truth and Community Reconciliation Project (GTCRP) launched the democratic process that created this Commission. Numerous individuals worked through the Project at various points in the organization's history, which dates back to 2001. (Names provided by the GTCRP).

#### Selection Panel

Representative

The following individuals were appointed to the Selection Panel, which worked independently of the Project and its initiators to whittle 67 community nominations to our panel of seven Commissioners.

Appointing Group/Individual

# Dara Edelman Local college and university student body presidents Linda Brown Local college and university chancellors & presidents

Dorothy Brown Greensboro Neighborhood Congress

Edward Whitfield GTCRP

Judge Lawrence McSwain Mayor of Greensboro

George Hines Guilford County Democratic Party
Curtis Douglas Guilford County Republican Party

Badi Ali Muslim Community Sylvia Berkelhammer Jewish Community

Viola Fuller NAACP
Steve Simpson NCCJ
Rev. Eric Griffin Pulpit Forum

Donny Brown Triad Central Labor Council Bishop Woodrow Dawkins Community Representative

#### Local Task Force

The following individuals served at some point on the GTCRP's Local Task Force, which first gathered in the spring of 2002.

Carolyn Allen
Melvin Alston
Margaret Arbuckle
Vance Arnold
Marilyn Baird
Dr. Claude Barnes
Dr. Ernest Bradford
Lewis A. Brandon, III
Rev. Cardes Brown
Donny Brown
Claudette Burroughs-White

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Ed Whitfield
Peter Wohlwend

Peter Wohlwend Rev. William Wright John Young

Emily Zeanah

## **National Advisory Committee**

The following individuals served on the GTCRP's National Advisory Committee, which first gathered in March 2002.

Beni Ivey

Rev. Nelson Johnson

Donald and Carolyn Allen Jose Alvarez

Dr. Sally Bermanzohn
Sandy Bermanzohn
Dr. Anne Braden
Dr. Anne Braden
Lewis A. Brandon, III
Alex Charns
Vaughn Crandall
Constance Curry
Dr. Robert Davis
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Dr. Vincent Harding

Priscilla Havner

Rev. Z.N. Holler

Charlene Holler

Joyce Johnson Steve Kelban Sabena Leake Lucy Lewis Lisa Magarrell Dr. Peggy Maisel Emily Mann Rabbi Robert Marx Dr. Cesar McDowell Andrew McThenia Ched Myers Cynthia Nance Dr. Marty Nathan Suzanne Pharr Rev. Tyrone Pitts Scott Pryor Kerry Raquel Little Harris Raynor Dr. Gloria Scott Stephen Simpson Dr. Peter Storey Dr. William Strickland Rev. Doug Tanner Ruth Trujillo Dr. Signe Waller Honorable Melvin Watt Dr. Eve Weibaum



# Greensboro Truth and Reconciliation Commission Final Report Introduction



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

- Martha Minow, "Memory and Hate"

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

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

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

# Common ground with other truth commissions

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

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

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

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

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

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

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

decided to record the testimonies of those affected by the violence in their community because they were dissatisfied with official inquiries into a series of killings that left almost 100 people dead in a small community in North Belfast between 1969 and 1998.<sup>7</sup> In Brazil, lawyers and human rights groups worked together with the Catholic Church to copy documents that demonstrated large scale abuses, breaking through what had been official silence on these crimes.<sup>8</sup>

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

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

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

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

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

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

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

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

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

# **Precedents in the United States**

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

One of the examples that investigated an important part of North Carolina's history is the Wilmington Race Riot Commission. This state-sponsored commission examined the events of 1898 in which white racist groups ousted a "fusionist" government that included African Americans, and brought a fury of violent hatred down on the city of Wilmington, burning out a newspaper run by an African-American man who had to flee the city for his life, killing a number of black citizens and changing the political scenery in the state for decades to come. This commission's report was published in draft form in December 2005.<sup>17</sup> Similar cases of devastation were examined by historical commissions studying the Tulsa Race Riot of 1921<sup>18</sup> and the events in Rosewood, Fla., in 1923. Each of these was an official body charged with examining events and creating a historical record that would break through the one-sided history that previously had been considered "the official story." All of these commissions were asked to formulate recommendations, including some measure of reparations for those affected. They differ from the GTRC and from most other truth commissions because of the length of time that has passed since the events at the heart of their investigations, but they share our concern with revealing the ways in which racism and violence, economic privilege and social class, have converged to tear apart African-American communities in particular.

These are not the only examples of truth-seeking in the United States, nor the only contexts in which commissions have operated. For example, at the national level, a government-appointed commission investigated the internment of Japanese Americans during World War II<sup>19</sup> and President Clinton formally apologized to victims of the Tuskegee syphilis experiments and authorized a measure of reparation,<sup>20</sup> following a report on those abuses.<sup>21</sup> Also, in a re-enactment of a 1946 lynching at Moore's Ford, in Walton County, Georgia, local citizens brought the truth home in a dramatic way.<sup>22</sup> These and other efforts that take place outside of a formal truth commission process also inspire us. We join with all of these efforts to express our deep commitment to the importance of lifting up the truth in this country, even when it is painful to us.

# Addressing some critiques and questions

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

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

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

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

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

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

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

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

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

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

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

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

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

# **Mandate for the Greensboro Truth and Reconciliation Commission**

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

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

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

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

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

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

We affirm that the intention of this examination shall be:

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

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

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

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

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

Therefore, toward these ends,

- **1.** The Greensboro Truth and Community Reconciliation Project (referred to here as "the Project") hereby establishes a Greensboro Truth and Reconciliation Commission (GTRC), charged with the examination of the context, causes, sequence and consequence of the events of November 3, 1979.
- **2.** The GTRC will consist of seven (7) Commissioners who shall be persons of recognized integrity and principle, with a

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

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

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

- **3.** The Commissioners will carry out their mandate by reviewing documents, inviting people to come forward with information, consulting with experts and by any other means, public or private, they consider appropriate.
- **4.** The Commission may decide to carry out some activities in private in order to protect, to the extent possible, the security and privacy of individuals and the integrity of its ongoing truth-seeking, but in general the Commission's activities will be carried out in a manner that is as public and transparent as possible.
- **5.** The Commission will issue a report to the residents of Greensboro, to the City, to the Project, and to other public bodies, encompassing the items outlined in paragraph 1 and in keeping with the intentions and spirit of the mandate. The Commission will ensure that its findings are fair, based on the information compiled and reviewed, and adequately documented in its report. The Commission may take steps to protect the identity of individual sources, if requested. The Commission will also make specific, constructive recommendations to the City, to the residents of Greensboro, and to other entities as it deems appropriate, particularly to further the intentions set forth in the mandate.
- **6.** The Commission will have no authority either to pursue criminal or civil claims or to grant immunity from such claims. Its focus is reconciliation through seeking, understanding and reporting the truth.
- **7.** The Commission will convene a first meeting, as determined by the Commissioners, no later than 60 days from the date on which the Selection Panel confirms and announces the selection and acceptance of its members. From its first meeting, the Commission will have a period of 15 months to fulfill the terms of its mandate. This period includes initial planning and set-up, the determination of its internal procedures and selection and appointment of its key staff. The Commission may call upon the Project staff and other resources for administrative support during its initial planning and set-up phase. If absolutely necessary, the period of the Commission's mandate may be extended for up to 6 more months, with the permission of the Project.
- **8.** The Commission will carry out its mandate while operating independently from any external influence, including the Project. It may reach cooperative agreements with organizations, institutions and individuals in order to strengthen its capacity and resources, in so far as such agreements do not compromise the Commission's independence. The Commission will have full authority to make decisions on its spending, within the limits of available funds, and may elect to have a fiscal sponsor through another institution so long as that relationship is consistent with the spirit of the mandate and the Commission's substantive independence.
- **9.** At the completion of its work, all documents of the Commission, its notes, findings, exhibits and other collected materials, shall be permanently archived in Greensboro in an institution whose purpose and tradition is in keeping with the objectives and spirit of the Commission mandate. The identity of this institution and the structure of the archive will be determined by agreement between the Commission and the Project. If deemed appropriate, multiple institutions and locations may be used for archival purposes. Such an archive shall, to the extent feasible and respectful of any recommendations by the Commission with regard to the continued confidentiality of records, be accessible to the public.

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





Photos courtesy of the Greensboro News & Record

# **Reflections on our Mandate**

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

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

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

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

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

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

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

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

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

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

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

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

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

Several things must happen for reconciliation to be fully achieved:

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

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

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

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

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

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

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

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

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

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

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

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

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

# Who were the victims from Nov. 3, 1979?

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

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

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

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

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

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

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

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

# What does it mean to be an independent commission?

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

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

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

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

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

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

# Notes

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

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

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

- <sup>3</sup> See *Unspeakable Truths* (Routledge, 2001).
- <sup>4</sup> Ubuntu, from the South African lexicon, refers to "humaneness, or an inclusive sense of community valuing everyone." Minow, Martha, *Between Vengeance and Forgiveness: Facing History After Genocide and Mass Violence*, Boston: Beacon Press, 1998: p.52
- <sup>5</sup>Bickford, Louis, *Unofficial Truth Projects: a discussion paper*, International Center for Transitional Justice, Draft: March, 2004.
- <sup>6</sup> For more information about the project see, The Foundation for Human Rights in Guatemala at <a href="http://www.fhrg.org/mambo/index.php?option=content&task=blogsection&id=4&Itemid=28">http://www.fhrg.org/mambo/index.php?option=content&task=blogsection&id=4&Itemid=28</a>.
- <sup>7</sup> <u>The Ardoyne Commemoration Project</u>, *Ardoyne: The Untold Truth*, Belfast: BTP Publication Ltd, 2002. Excerpts Availible: <a href="http://cain.ulst.ac.uk/issues/victims/ardoyne/ardoyne/2a.htm">http://cain.ulst.ac.uk/issues/victims/ardoyne/2a.htm</a>.
- <sup>8</sup> Brasil, Nunca Mais Rio de Janeiro: Editora Vozes, 1985 published in English as Torture in Brazil: A Shocking Report on the Pervasive Use of Torture by Brazilian Military Governments, 1964-1979, trans. Jamie Wright, Austin: University of Texas Press, 998. The report is available on the internet (in Portuguese) at: <a href="http://www.dtnet.org.br/dados/projetos/dh/br/tnmais/index.html">http://www.dtnet.org.br/dados/projetos/dh/br/tnmais/index.html</a>. For English see: <a href="http://www.utexas.edu/utpress/books/cattop.html">http://www.utexas.edu/utpress/books/cattop.html</a>.
- <sup>9</sup> Human Rights and Equal Opportunity Commission, *Bringing them Home: National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families* April, 1997. The full report and information about the process can be accessed on the internet at: <a href="http://www.austlii.edu.au/au/special/rsjproject/rsjlibrary/hreoc/stolen">http://www.austlii.edu.au/au/special/rsjproject/rsjlibrary/hreoc/stolen</a>.
- <sup>10</sup> For examples see the information available at: <a href="http://www.reconciliationaustralia.org/i-cms.isp">http://www.reconciliationaustralia.org/i-cms.isp</a>; for information about Sorry Day see <a href="http://www.alphalink.com.au/~rez/Journey/">http://www.alphalink.com.au/~rez/Journey/</a>.
- <sup>11</sup> Preface to the Final Report of the Truth and Reconciliation Commission, Vol. I (2003).
- Comisión de la Verdad y Reconciliation Perú, *Informe Final: Primera Parte, El Proceso, Los Hechos, Las Víctimas* Lima: CVR, 2003. Accessible in Spanish at <a href="www.cverdad.org.pe">www.cverdad.org.pe</a>; a translation of the conclusions and recommendations of this commission can be found at <a href="www.ictj.org">www.ictj.org</a>.
- <sup>12</sup> See Commission for Historical Clarification, *Guatemala: Memory of silence, Report of the Commission for Historical Clarification, Conclusions and Recommendations* CEH, 1999.
- <sup>13</sup> Unspeakable Truths, at 37, citing "Discurso de S.E. El Presidente de la Republica, Don Patricio Aylwin Azocar, al dar a Conocer a la Ciudadania El Informe de la Comision de Verdad y Reconciliación, March 4, 1991; Published in English as "Statement by President Aylwin on the Report of the National Commission on Truth and Reconciliation," in Kritz, Transitional Justice, vol. 3, 169-173.
- <sup>14</sup> Unspeakable Truths.
- <sup>15</sup> Minow, Martha *Cycles of Hatred: Memory, Law, and Repair* Princeton, NJ: Princeton University Press, p. 29. <sup>16</sup> Ibid.
- <sup>17</sup> North Carolina Department of Cultural Resources *Press Release*" *Wilmington Race Riot Draft Report Offers Revelations* 8 December, 2005 Available at http://www.ah.dcr.state.nc.us/1898-wrrc/
- <sup>18</sup> Oklahoma Commission to Study the Tulsa Riots of 1921, *Tulsa Race Riot*,2001, available at <a href="http://www.ok-history.mus.ok.us./ttrc/">http://www.ok-history.mus.ok.us./ttrc/</a>.
- <sup>19</sup> In 1980, the Commission on Wartime Relocation and Internment of Civilians was established by Congress. This commission reviewed the impact of the internment of Japanese-Americans and determined that they were the victims of discrimination by the Federal government. On August 10, 1988, President Reagan signed the Civil Liberties Act of 1988, which authorized \$20,000 each to victims (see http://www.usdoj.gov/ for more detail).
- <sup>20</sup> See "The Presidential Apology," available at http://www.healthsystem.virginia.edu/internet/library/historical/medical history/bad blood/apology.cfm.
- <sup>21</sup>US Department of Health, Education, and Welfare: Public Health Service Final Report of the Tuskegee Syphilis Study Ad Hoc Advisory Panel, 1973. Availible at http://biotech.law.lsu.edu/cphl/history/reports/tuskegee/tuskegee.htm
- <sup>22</sup> Dewan, Shaila. 2005. Group Lynching is Re-created in a 'Call for Justice'. New York Times, July 26, Sec. A.

## Introduction

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

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

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

# Methodology

## RESEARCH METHODS

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

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

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

#### Is the Truth knowable? Whose truth?

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

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

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

#### Reluctance to offer statements

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

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

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

#### Control of information

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

#### *Imperfections of memory*

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

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

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

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

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

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

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

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

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

#### **Data sources**

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

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

#### **Procedural fairness**

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

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

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

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

#### Standard of evidence

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

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

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

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

#### Weighing conflicting evidence

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

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

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

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

## Findings of fact and interpretive conclusions

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

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

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

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

#### An anti-racist framework

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

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

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

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

## COMMUNITY ENGAGEMENT

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

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

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

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

#### GTRC media

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

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

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

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

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

#### Local, regional and national media

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

## Door-to-Door campaign

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

#### Conversations with specific groups

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

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

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

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

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

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

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

Overall, the GTRC considered the conversations helpful<sup>10</sup> in building trust and giving Commissioners and staff a broader knowledge base of knowledge. Had time allowed, we would have scheduled more conversations with more groups.

#### **Public hearings**

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

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

Our three hearings addressed the following three topics:

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

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

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

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

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

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

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

#### Community dialogue

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

#### Report receivers

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

## Notes

- <sup>1</sup> See also Audrey Chapman and Patrick Ball, (2001). "The Truth of Truth Commissions: Comparative Lessons from Haiti, South Africa, and Guatemala" *Human Rights Quarterly*. 23: 1–43
- <sup>2</sup> See Elizabeth Loftus, (1996), *Eyewitness Testimony* (Cambridge, MA: Harvard University Press) for an empirical review of the literature on how perception, storage and retrieval of memory are subject to error; See also Daniel Schacter, (1997), *Memory Distortion* (Cambridge, MA: Harvard University Press).
- <sup>3</sup> Truth and Reconciliation Commission of South Africa Report (London: MacMillan Reference Limited, 1998), Volume 1, 111.
- <sup>4</sup> *Ibid*, 112.
- <sup>5</sup> Elizabeth Wheaton observed the federal and civil trials and conducted interviews for her book *Codename Greenkil: The 1979 Greensboro Killings* (Athens, GA: University of Georgia Press). Unfortunately, she has since destroyed all her primary data (interviews tapes and transcripts).
- <sup>6</sup> South Africa, East Timor, Sierra Leone, Ghana.
- <sup>7</sup> Hearsay evidence is not admissible in court, but we accepted hearsay evidence if it was otherwise judged credible.
- <sup>8</sup> Not all of the evidence we considered was sworn or cross-examined because we are not a court. But some of the trial documents that we reviewed were indeed both sworn and cross-examined, which is an aspect we considered in weighing the credibility. Trial and Grand Jury testimony, civil suit depositions, and written answers to plaintiffs' interrogatories are all sworn. For trial (but not Grand Jury) testimony and depositions, attorneys for both sides are present and can cross-examine and make objections. Statements to GPD and GTRC are not sworn and attorneys are not present; pre-trial interviews for criminal cases are not sworn, nor are FBI interviews. FBI interviews are summarized by the interviewer and are not transcripts. GPD statements are most often summarized by the interviewer, but sometimes transcripts for the more extensive interviews with suspects were provided.
- <sup>9</sup> We attempted to pull together a small group of current or former Klan and Nazi members, but could never get more than one or two people to agree to attend at any time. We also explored the option of having the Human Relations Commission call and facilitate a discussion between members of the Greensboro Police Department and the GTRC, but this also did not happen.
- <sup>10</sup> See annex the results of the surveys.
- <sup>11</sup> See annex for more information about speaker responses.
- <sup>12</sup> See annex for more information about audience responses.
- <sup>13</sup> Taken from the Report Receivers Agreement Form (see appendix).



**Greensboro Truth and Reconciliation Commission Final Report** 

# From black power to multicultural organizing in Greensboro Chapter



Photo by Larry Tucker, courtesy of the Greensboro News & Record

(L)eaders in Greensboro have yet to acknowledge the degree to which their participation in Greensboro's "progressive mystique," as I have dubbed it, has aided and abetted the perpetuation of white racial hegemony in Greensboro. What is the "progressive mystique?" It is a series of beliefs focused on perceiving Greensboro, and the Piedmont more generally, as moderate in its politics, tolerant in its social behavior, and above all, courteous and open to people of all persuasions as long as they play by the rules of the game. What are those rules? First, that people treat each other with civility. Second, that they are willing to listen to petitions for change, but only if these are offered with due deference and courtesy. And third, that any significant alteration of the status quo requires consensus that change is necessary – in effect, unanimous consent...

(T)he sit-in experience highlighted the degree to which it was necessary, whenever blacks wished to secure greater economic, social and political justice, for them to break the rules again, challenging the "progressive mystique" with all its attentiveness to "civility," manners and public order. Hence, the opprobrium cast on to Nelson Johnson for daring to lead tenants in rent strikes, cafeteria workers in seeking a minimum wage, or high school students who wished to choose their own class presidents by majority vote. Johnson "broke the rules," and was an outcast as a result. He did not behave properly.

Part of what Greensboro needs to address in its own truth and reconciliation process, then, is to explore and disclose the ways in which the old rules of the "progressive mystique" and "civilities" served as a means of reinforcing the racial status quo. It is a complicated story. Blacks as well as whites believed in "civilities." Issues of class and power operated in both communities, within as well as across racial divides. But unless and until people of all backgrounds are ready to deflate the mystique and examine its consequences, it will be difficult if not impossible to arrive at a fresh start where manners and courtesy operate effectively because people have equal power, not as a mean of keeping some people in subservience to others. <sup>1</sup>

William Chafe civil rights historian

The passage of the laws and the declarations of the court...had created this tension between declaration and reality - aspiration and reality. I think a lot of people who felt aggrieved, black folks in the community...whites and others in the community who felt empathetic with African Americans and their feeling aggrieved, wanted to demonstrate that these pronouncements are not enough. That declarations of good intentions are not enough. That the 'deliberate speed' that Brown had declared in '54 was not gonna get it done. There had to be something more dramatic to take place. There had to be more community commitment to eradicating the vestiges of Jim Crow and the vestiges of racism.

All of that needed to change. I think people were feeling this tension and this frustration over the fact that here we are, in 1979, 15 years after the Civil Rights Act had been passed, 16 years after the march on Washington, 14 years after the Voting Rights Act had been passed. And here we are still we are living in a largely segregated community. We're not willing to see all of this come to naught. More has to be done. The reality has to catch up with the declarations and the pronouncements.

There was that feeling, and the feeling of restlessness, and the feeling for the need for more marked change among those that were supposed to benefit from the civil rights changes of the '60s. On

the one hand, being unwilling to accept things as they were, and wanting to have real change in the community; and those that resisted that. That what was going on in the community... Schools in Greensboro had not been desegregated in 1979. The workplace in Greensboro had not been desegregated in '79. The City government had not been desegregated in 1979. Housing had not been changed very much, the economic picture had not changed – whites were still on the top, blacks on the bottom.

There were a lot of pronouncements but nothing much had changed and there certainly had been no fundamental change. The most change that had taken place was tokenism – enough to say that some change had been taking place (by 1979) and if you wait long enough some other change will come. Some seemed to feel that the laws being on the books were enough, without actually having to enforce them. They thought African Americans should have been satisfied with that. As it turns out, they weren't. <sup>2</sup>

James Ferguson civil rights attorney

You never have to stir up any dissent and discord, because the dissent, the anger exists, it's every day, it's part of the everyday life of people ... but what an organizer tries to do is to help people, 1) understand better what it is that gives rise to the things, the conditions that they're angry about, and 2) to help them be in a position to collectively work on doing something to change it. So that's what we did in communities. And when you do that, people will call it agitation, because it is – because you're helping to stir things up, different from what is the status quo. And that is so important to do, because all of my life I have lived in a country where the status quo is severely unjust. <sup>3</sup>

Ed Whitfield public intellectual and activist

## The 1979 Context: Racial Disparities in Greensboro

To understand the background of black liberation activism in Greensboro and the convergence with Marxism to form the WVO is to consider the larger context of events and issues that concerned these organizers. In the decades leading up to the events of Nov. 3, 1979, racial disparities with regard to education, wages, housing and health care were significant. According to the 1970 census, North Carolina had twice as many black households as white households living below the poverty line.<sup>4</sup> According to unemployment data for Guilford County, while blacks made up 20.5 percent of the labor force, they constituted over 30 percent of the total unemployed.<sup>5</sup> Black residents were further "victimized by poor housing, inadequate government services and ill-equipped schools."

In the late 1960s and the 1970s, as "civil" groups including the NAACP, YWCA and the City's Human Relations Commission continued their ongoing work addressing these inequities, Nelson Johnson, Sandi Smith and other organizers began articulating their goals through the rhetoric of Black Power, a phrase that caused deep anxiety among the city's white elite and black middle class that did not favor such confrontational tactics. Later, when they joined the Workers Viewpoint Organization (which later became the Communist Workers Party) these activists understood their agenda through the ideology and rhetoric of communist revolution, which was even more upsetting to the city's "progressive mystique" across racial lines.

#### Education<sup>7</sup>

Despite having the designation of being one of the first Southern states to legally desegregate its schools

in the wake of *Brown v. Board of Education* in 1954, North Carolina's truth is that its schools, and those in Greensboro in particular, maintained de facto segregation long thereafter.<sup>8</sup> According to statistics prepared by the Greensboro Public Schools for the 1969-1970 school year:

- o 12 schools had student bodies that were more than 99 percent black
- o 10 schools had student bodies that were more than 99 percent white
- 18 schools had between 1 percent and 18 percent black and other students of color
- Only five schools had an enrollment of black and other students of color between 18 percent and 51 percent.<sup>9</sup>

#### Wages

Comparisons between salary and conditions for white and black workers in Greensboro in 1970 also are telling. According to statistics compiled by the City of Greensboro Personnel Department:<sup>10</sup>

- Twice as many black households were living below the poverty level than white households.
- Approximately 75 percent of Greensboro City employees were white, approximately 25 percent black.
- With respect to "officials / administrators:" 28 white city employees and no black city employees earned over \$25,000 a year; for salaries ranging between \$24,999 and \$16,000, there were 46 white city employees and three black city employees
- O With respect to "professionals:" three white city employees and no black city employees earned over \$25,000; for salaries ranging between \$24,999 and \$16,000, there were 91 white city employees and 10 black city employees.
- O However, in the area of "Service Maintenance" (generally not considered decision-making positions) the ratio of white to black employees was 229 to 268.

The N.C. Advisory Committee to the U.S. Commission on Civil Rights found in its 1980 investigation that, "Among city employees, white males dominate the higher paid positions. Minorities and women are concentrated in stereotypical clerical and menial jobs. A few blacks and females hold second-line authority positions. The data submitted to the Committee by Greensboro officials reveal, more than do job titles, the disparity in pay among men and women, blacks and whites who work for the city." <sup>11</sup>

The black community felt not much had changed by 1980. The NAACP Urban Crisis Committee Paper reads: "Evidence shows that there is a lack of employment and promotional opportunities in both city and county governments. At present time there are no black department heads in city government. Where there are executive positions open, the tendency has been to seek personnel outside of the existing structure and community, rather than upward mobility of present staff." <sup>12</sup>

#### Housing

Housing was one of the most pressing concerns for the black community in the late 1960s and early 1970s.<sup>13</sup> In his book "Civilities and Civil Rights," Chafe reports:

The three poorest census districts in Greensboro were in the black community and 5,000 families in the city – most of them black – lived in substandard housing or outright slums in 1969. More than 1,000 of these units were in such bad condition that they could not be repaired economically. "Horton's Row" illustrated the infamous conditions that existed in such neighborhoods: Presided over by an absentee landlord who collected rents with a pistol on his hip, the dilapidated shacks stood side by side, unmaintained, with broken glass all around, and abandoned refrigerators in the backyards." 14

Issues of particular concern in poor communities included:

- Housing conditions not fit for habitation and unwillingness on behalf of landlords to make repairs;
- o Negligent/lack of enforcement of the housing code; 15
- o Lack of adequate legislation to protect against unscrupulous landlords; 16
- Use of redevelopment as a tool to destroy viable communities without consulting residents, forcing many out of redeveloped communities then building new residences unaffordable for the prior residents.<sup>17</sup>

Residents and supporters, such as members of the Gorrell Street Community Council, highlighted examples, such as the case of Rosa Lee Bailey, whose landlord increased her rent for the dilapidated apartment that he refused to fix: "Even though the rent is high, no repairs of the house in about two years. Members of the Community Council were invited by Mrs. Bailey to look at holes in the ceiling, faulty electrical outlets, rotten screens and screen frames, a hole in the bathroom floor, and paint peeling off the wall, etc." 18

"Because of the reluctance of landlords to repair their property and to maintain it at a level fit for safe, sanitary, and comfortable habitation, we are requesting the City of Greensboro to pass an ordinance to allow tenants to have necessary repairs done by an agency of the tenant's choosing and that the cost of such repairs be deducted from the tenant's rent cost." <sup>19</sup>.

#### **Public health:**

Although we have not found any statistics to illustrate racial and class disparities in the health care system in Greensboro in the 1970s, the following anecdotal evidence from white activists in Durham, where race and class disparities were central concerns of groups such as the Medical Committee for Human Rights, is helpful in understanding these inequities. These concerns eventually brought them together with Black Power activists. Paul Bermanzohn recalls his "radical conversion" through his awareness of class and racial inequality in health

You are supposed to get conservative in medical school; I became more radical as I saw how poor people were treated. How no expense was spared in taking care of upper class people and how if you were poor, and especially if you were poor and black you were treated as a lesser creature. I was shocked to hear poor black people routinely called "teaching material" in the clinics. Poor white folks weren't treated much better. When I took a year off from medical school to work in Durham's anti-poverty program as a health specialist, it was no surprise that the black community called Duke Hospital 'the Plantation.' My father got sick when I was a medical student and he got about the same treatment in New York City teaching hospitals as was given to poor folks at Duke. It wasn't just a Southern thing or a black thing.

By the time I graduated from medical school in 1974 I was on my way to becoming a revolutionary. Soon after, I, working with Jim Waller and others helped to found the Carolina Brown Lung Association. I helped organize clinics and educated workers about the effects of cotton dust on their breathing. We worked with textile unions and retired workers to set up the programs. We also had a group that organized in the community to improve health care for poor people in Durham.

Marty Nathan recalls how basic living conditions, health care and labor organizing converged in her

late husband Mike Nathan's community work:

As a student, he had worked at Operation Breakthrough, and had lived in the African American Edgemont community in Durham, organizing to empower people there for the basics: housing, education, food, and welfare ... It was natural for him to read Marx, Engels and Lenin with Paul (Bermanzohn) and to work with WVO in supporting black hospital workers at Durham County General, who had been infected with tuberculosis by unsafe working conditions in the laundry department.<sup>20</sup>

It is clear that, as in labor struggles we describe later in the report, the outspoken tactics by which Bermanzohn, Nathan and other activists advocated for their cause of equal rights to health and health care put them at odds with those who might otherwise have been their allies. For example, Mike Nathan's colleague Evelyn Schmidt, Director of the Lincoln Community Health Center that provides health care to Durham's under-served population characterized Bermanzohn and Nathan and their associates as "acting out". She said that she didn't argue with their ends, but she did argue with their means. She recalled that around 1979 there was a new hospital being built in Durham and the group had aggressively confronted and insulted the board. Schmidt commented that this was not the way to "buy brownie points." Schmidt noted that, "Some of the things they were dealing with were injustices, but some of them I would say weren't, but how they dealt with them particularly was the difference. In insulting some of the medical people, they were losing people that could have been their friends." 21

#### **Greensboro: Civility meets Black Power**

The local conditions of inequality described above and activists' impatience with the city's culture of civility, which kept the status quo in place, combined to make Greensboro what has been referred to by many as the center of the Black Power movement in the southeastern United States.<sup>22</sup> Former Mayor John William Forbis observed,

I also learned—have come to understand Greensboro's place in history—if you want to make a statement in race relations, you don't go to Atlanta, you don't go to Baltimore, you don't go to Richmond—you go to Selma [Alabama], you go to Birmingham, you go to Greensboro, and you go to Memphis. You'll find towns who have been historically represented in civil rights progress and history, that's where you go to make your demonstration or make your statement. And Greensboro will always be a place, in my opinion, where the Klan comes to march, and where the black students at A&T (North Carolina A&T State University), and the other civil rights organizations decide to make their stand and make their pitch. That, from the historical presence, is where Greensboro pretty much has been since the 60s.<sup>23</sup>

Former FBI agent Dargan Frierson saw the rise in black activism in threatening terms,

About 1965, '67, '68, somewhere along in there, the Klan became much less active and the black militants invaded our area here...there were an influx of Black Panthers from New York who came to A&T, and, you know, we had to then find out what they were up to. And found that they were certainly espousing violence. You know, the whole Black Panther movement at that time in the late '60s was "Out with the Pigs!" and "Kill the Police!" and that sort of stuff. They totally advocated anarchy. They had a film that they had made – that Huey Newton and that crowd out in California had made – and the title of the film was Off the Pig: How a Young Bitch Could Kill a Policeman. So we had our own Black Panthers group here, and so my assignment then became, I turned over all the activity that I had as far as the Klan was concerned, and became almost, well, was totally involved in trying to develop sources in the black militant movement to keep us apprised of what was going on here.<sup>24</sup>

Black activists themselves, of course, saw things differently. Increasingly frustrated with the stranglehold of resistance to change, many struggling for racial equality came to believe that active and aggressive challenge to the status quo was the only way for change to occur. Thus, there was for many a shift from the non-violent protest activism of the 1950s toward the more militant "direct action" of 1960s. At the GTRC's first public hearing, local organizer and grassroots historian Lewis A. Brandon III spoke about the need for this more direct challenge:

I don't know of any social change that occurred in this community without a struggle. I've been here since 1957 and this is a city that does not do things because it is the right thing to do. It does things because it's forced to change ... Like in '57, rather than desegregate the swimming pools it sold the swimming pools and got out of the swimming pool business. In '58, when the school system was ordered to take two students in at Caldwell School, they moved all of the white students out, the white teachers out, and Caldwell School, which is over on Martin Luther King, became an all black school. This is how this city operates. After '69 (the Dudley/A&T Revolt, see below) the Civil Rights Commission came in and did a report and ... they found the same conditions existed ten years later. That's the Greensboro I know. Change doesn't come because of the goodness of the people in the community. People have to struggle, people have to fight to get change in this community.

An example of this evolving struggle and its place in the national and regional arenas can be found in the Student Non-Violent Coordinating Committee (SNCC). Starting out with lunch-counter sit-ins and other civil disobedience, SNCC began to change, directed by the thinking of Ella Baker, the woman who called students together at historically black Shaw University in Raleigh for the 1960 gathering that led to the group's formation. Baker was "an internationalist who grounded herself unapologetically in black communities and working-class black culture, at the same time that she forged strong and enduring ties with white radicals and liberals and other people of color."26 In the early 1960s, SNCC took up direct action in class politics that was seen as a "major departure, both in substance and in style, from the practices of national and regional groups like the NAACP, the Congress of Racial Equality (CORE), and the Southern Christian Leadership Conference (SCLC), which operated on the assumption that leadership came from an educated, professional or clerical class."<sup>27</sup> These groups also came to represent the belief in the possibility of achieving change through legal and cooperative means. SNCC activists began to knock on the doors of the impoverished remote areas of black communities to solicit and involve their experiences, asking them to analyze the situation from their perspective. Baker, who previously worked with the SCLC, was instrumental in this new inclusive, participatory style of organizing in which women, youth and others who had been marginalized could be involved. This shift within SNCC's activities paralleled a national shift, marking an increasing awareness of the internal struggle within the Civil Rights Movement itself – exposing the economic gap between the elite and the working class.

The Black Power Movement emerged in the mid-1960s in response to anti-Vietnam War sentiment and various urban uprisings, bringing more direct collective action, demonstrations and strikes. By the late 1960s and early 1970s, the focus of black activism in Greensboro and elsewhere was on black self-determination, emphasizing the "defining of and controlling of the Movement by blacks exclusively as part of a heightened consciousness of race and racial pride." This intense period, happening alongside anti-colonial movements in Africa, featured a struggle for ideological supremacy among Black Power, Pan-Africanism and Marxism. Ed Whitfield recalls,

During that time most of us would have defined ourselves as Pan-Africanists and Black Nationalists ... out of a concern that our community had been damaged, disrupted by the whole process of slavery. That we were ultimately, you know, African peoples who had been transported to the United States and that we had a responsibility to help in the reconstruction

and development of Africa, as well as helping to build the community here. Tremendous amount of confusion during that time period as to exactly what any of that meant, and what it meant our responsibilities were. All I knew for sure was that I was dedicated to spending my life trying to improve the condition of the community of which I was a part, and to be a part of the struggle that had been part of my consciousness since childhood. And that's what brought me to Greensboro.<sup>30</sup>

The decade of the 1960s saw "a shift from non-violence to self-defense, from a Southern focus to a Northern one and from interracial solidarity to Black Nationalism and separatism." <sup>31</sup>

From the momentum of the very active, largely unified activism of the '60s, a major change had occurred by as early as 1970, with ideologies competing against one another. Where Marxists aimed to break down the extreme class divisions that left great economic inequities, they were criticized for being overly theoretical and introspective. Cultural Nationalists, on the other hand, believed in a common cultural base derived from a shared history despite economic divisions, but were criticized for being idealistic in their hope of unifying Africans and African Americans. The progression from Black Power to Pan-Africanism was a broadening in scope from the regional view to the global African experience, connecting and identifying with liberation movements on the African continent, including those driven by socialist and Marxist leaders such as Kwame Nkrumah in Ghana, Patrice Lumumba in the Democratic Republic of Congo, Julius Nyeyere in Tanzania, Sekou Toure in Guinea and Robert Mugabe in Zimbabwe.

This Marxist influence in black activism grew not only regionally but internationally by the 1970s. In Greensboro, the fusion of black liberation and Marxist ideology took shape in the Malcolm X Liberation University (MXLU) and groups including Students Organized for Black Unity (SOBU, later to become Youth Organized for Black Unity, YOBU) and the Greensboro Association of Poor People (GAPP). Sandi Smith, who came to Greensboro to attend Bennett College in 1969, was active with all of these organizations, as well as with the African Liberation Support Committee (ALSC), chapters of which were organized in Greensboro and elsewhere in North Carolina as part of a movement of international solidarity to end apartheid in South Africa and to establish independent Zimbabwe against the efforts of the colonial Rhodesian government to keep Rhodesia as a white settler state that oppressed and exploited the native majority of people of color.<sup>32</sup>

In Greensboro, activists working in the 1970s through groups including GAPP, SOBU and YOBU had behind them a history of grassroots action and organizational connections that stretched back to the pivotal moment in 1960 when four freshmen at N.C. A&T State University began a movement that changed the nation. There also was a history of government surveillance and deliberate interference in these efforts, both locally and through federal programs such as COINTELPRO, the FBI's Counterintelligence Program (See Federal law enforcement chapter).

#### Sit-Ins: "I made a down payment on my dignity"

To place in context the disparities by the late 1970s as evidenced above, it is necessary to draw attention to the momentous activities that had been taking place in Greensboro for many years. The most widely felt confrontation between black power and Greensboro's culture of civility was the Sit-In Movement that began in Greensboro and spread throughout the Jim Crow South.

The Sit-In Movement began on February 1, 1960, when Ezell Blair Jr. (now Jibreel Khazan), Franklin McCain, Joseph McNeil, and the late David Richmond walked into Woolworth's Department Store, bought toothpaste and school supplies, and sat down at the lunch counter. When they were told they

couldn't be served as the counter was for whites only, the students countered that they had been served elsewhere in the store when the cashier took their money. Why, they asked, could they not do the same at the lunch counter? The reason was only custom – a suffocating cultural code they were determined to challenge outright. "I made a down payment that day on my dignity and on my manhood," McNeil recalls.<sup>33</sup>

The demonstrations started at Woolworth's and Kress department stores, and later added Meyer's Tea Room and Walgreen's Drug Store. As the movement took root, so did resistance to it. One response to the Sit-Ins was hostility, particularly from the business community and the institutional power structure. They were seen to be "upsetting the 'good relationships,' setting back race relations, bad for the economy, and bad for city ..." Rather than yielding to what had clearly become a widespread phenomenon, many white citizens became increasingly incensed at the overt audacity of demonstrators challenging the city's code of "civility." Demonstrators were met with very uncivil counter-picketers, including Klansmen, who screamed, spat and threw punches at demonstrators and burned them with cigarettes, sometimes sparking skirmishes in the streets of downtown. There are even accounts of personal attacks, such as a Klan leader showing up at one demonstrator's doorstep.<sup>35</sup>

Other resistance was more subtle. Many seemed to be unwilling to confront race issues larger than the right to be served at a lunch counter. Greensboro Daily News editor at the time, William Snider commented,

People are inclined to find good reasons for doing what they already believe. And I think that any change in this area was startling because people, many white people, assumed that this was the way things had always been and, therefore, they were right because they'd always been that way. That's true of any sort of change basically. And some people are more amenable to it than others. But obviously the, the side of right was on the side of treating blacks as people rather than property or treating blacks as people rather than as less than people, which, of course, they had been treated for years.

It's like when I find a situation involving Dudley High School where you find the facilities, or the physical facilities, seem to be much inferior to those in Grimsley High School. The two high schools were built about the same time. But there is a tendency among people to see what they want to see. And I think this is true of all of us. It's very difficult to know when you're subjected to pressures that you know not.<sup>36</sup>

Other people didn't resist the change that was slowly coming with the sit-ins, but did not feel they could openly support it. One long time white resident of Greensboro told us with some emotion that "You know there were a lot of good people who lived through segregation. We didn't like it either but there was nothing we could do so we lived with it." 37

Yet even the integration of public facilities proved slow ground to win. As successful as the demonstrations had been in launching a nationwide trend, by July 1961 in Greensboro, desegregation had only happened in four eating establishments. Everything else remained segregated.

#### **Congress of Racial Equality**

During the same period, the Freedom Rides and Freedom Highway voter registration efforts were taking place. The Congress of Racial Equality (CORE) was a national group that participated in these important events. James Farmer, the national director who had participated in the original freedom rides in the late 1940s, came to Greensboro to provide support. Immediately after the Sit-Ins, CORE began organizing in East Greensboro, creating a local chapter.

With the support of the Rev. Marion Jones, pastor of First Congregational United Church of Christ, and others, the Greensboro chapter of CORE began to sit in at coffee shops, demonstrate at Howard Johnson's restaurants and to picket select areas around the city. By summer and fall of 1962, they had targeted two more restaurants downtown – the S&W and Mayfair Cafeterias. On Thanksgiving Day of 1962, several members were arrested for going into those two restaurants.

The activities were led by a coordinating committee, which met at the Episcopal Church of the Redeemer on East Market Street. It included CORE, which was placed in charge of demonstrations; the NAACP, which coordinated the administrative side; and the Ministerial Alliance (now the Pulpit Forum), which secured facilities for mass meetings. As picketing continued, more and more students participated. In 1963, a demonstration was organized outside the McDonald's on Summit Ave. The numbers quickly increased and by April, some demonstrations exceeded 3,000 people a night. Students also staged demonstrations at local movie theaters – repeatedly attempting to gain entry, only to be met with arrest.

As before, there remained a counter presence at the demonstrations, sometimes resulting in mass arrests. At the first mass arrest in early 1963, "you would have thought that was some kind of major 'criminal' activity," Brandon recalls. "They had cordoned us, to hold (us) down, blocked off all the streets, and brought in buses to move the students out." 38

By spring of 1963, the activities became so frequent and arrests so common that the available jails filled to capacity. The arrested students had to be taken to a former polio hospital. The conditions there were unfit – there were no sanitary facilities or other necessities. Showing their broad support, many from the black community turned out to support the students, helping to gather clean sheets, bed linens and food, as well as to participate in demonstrations, creating a community demonstration that crossed social and economic lines.

But the silent marches were soon to end. Not achieving the desired response, organizers felt the need for a different strategy. One example involved the long-standing issue of housing and slum landlords. By the summer of 1963, people in the community were looking for help to engage the city council to correct problems in the area formerly called "Horton Row" after its absentee landlord.

City officials were not addressing issues of housing and desegregation. In response to the perceived ineffectual Human Relations Committee already in place, the Greensboro Men's Club was formed. It was composed of black professionals – doctors, lawyers, teachers and businessmen, but no ministers. This new group, called the Evans Committee after Dr. George Evans, a local physician, attempted to negotiate in a business-like fashion the desegregation of Greensboro.

Student-led demonstrations, meanwhile, continued to grow in intensity and numbers. In one memorable demonstration, Jesse Jackson, an A&T student at the time, was part of a march that was decidedly not silent – people were singing, clapping and sitting in the street. Participants asked Jackson to pray with them before marching to their destination and disbanding. The following morning news came that the police wanted to arrest Jackson for inciting a "riot." Immediately a pre-arrest rally was called. Organizers called the television stations before Jackson arrived; word spread and thousands of people showed up outside a local church. They marched downtown to Jefferson Square, at the corner of West Market and Elm streets, and sat down in the street. Mayor Jack Elam arrived with police and about 200 people were arrested. The mayor began at this point to talk about desegregation and prompted the students to end the demonstrations in Greensboro that night.

Then-FBI agent Dargan Frierson remarked on how well the police performed given the tense situation

and how different the police handled demonstrations of this type compared to elsewhere in the country:

The Greensboro Police Department arrested hundreds in one night-I think they arrested five or six hundred at least. And there was never one single allegation of police brutality involved in the Greensboro Police Department. Let me tell you that's amazing because what they had to put up with, the verbal abuse, the whole tense emotional situation that existed at that time. And I was out there every night with them during this whole period and there was not one single allegation of police brutality. And I'd like to see any other city in the country that can claim that that happened.<sup>39</sup>

## Voter registration

At the same time, Greensboro activists were aware of the need to develop a black political voice and were part of the massive voter registration drives of the early 1960s, although the broad national effort was focused in Mississippi and Washington, D.C. Registration projects during school breaks involved groups of students.

In the summer of 1963, for example, a coordinating committee consisting of CORE, the Greensboro Citizens' Association (the NAACP's political arm and precursor of the George C. Simkins Jr. Memorial Political Action Committee), the Ministerial Alliance (now the Pulpit Forum), YWCA, the American Friends Service Committee and 30 students from around the country participated in registering voters locally.

As they did in the Sit-Ins, students played an active role in voter registration efforts, as well as in other community organizing work that was beginning to clean up decaying housing, pave dirt streets, install street signs, establish a park for children, and generally assist the community to organize around issues for urban neighborhood improvement.<sup>40</sup> The vast majority of these demonstrations and activities were driven by students' commitment to change. At the time, "social change was in the air." If a meeting was called, people turned out by the hundreds, Brandon recalls. That energy continued through the 1960s and students from historically black North Carolina A&T University similarly turned out to support students from the predominantly black Dudley High School in the 1969 Dudley/A&T Revolt (discussed in more detail below). Starting with a mere 25 people marching from A&T, the crowd had grown to 300-400 by the time it arrived at Dudley.

This was due in part to a good system of communication including the African World Newspaper and regular community meetings. Every Saturday morning, for example, students would gather in great numbers at the Cosmos Club, each week addressing a different topic such as ways to engage young people, ways to address a particular issue such as drug abuse, or the black liberation movement in general. Meetings featured live music, speakers and discussions.<sup>41</sup>

## Nelson Johnson and the Greensboro Association for Poor People

One of these student leaders was Nelson Johnson, an A&T Student Government Association vice president who also became a statewide leader through the Foundation for Community Development (FDC), a state organization to mobilize communities by developing political activism among the poor. Born out of the North Carolina Fund's efforts to fight poverty across the state, the FDC was established

in1963 and moved toward advocacy of Black Power under the direction of Howard Fuller, who later would change his name to Owusu Sudaukai. In 1969, Fuller was the founding leader of Malcolm X Liberation University (MXLU) in Durham, founded to provide an alternative educational experience for black college-age and younger students, and which moved to Greensboro a year later to capitalize on its stronger activist community.

Johnson also was instrumental in the 1967 founding of the United Neighborhood Improvement Team (UNIT), created to address public housing issues. In 1968, UNIT joined with twelve professional black men to co-sponsor an internship program on community organizing with the Foundation for Community Development. The program started with six interns and a supervisor.

At this time there were different perspectives even within the black community on how to organize for equality and justice. For example, the NAACP promoted integration and legislative reform, while Johnson and others were focused less on race and more on social-economic equity and equality. Ed Whitfield, who moved to Greensboro in 1970 as a faculty member at MXLU, reflected on these differences in strategy for black empowerment:

By the time I was here, many of the struggles in civil rights – you know around issues of public accommodation, voting rights, basic kinds of open access, school integration – many of those things had already been settled ... while access had been granted to a lot of stuff, a lot of people didn't have the means to make use of that access. Like somebody could decide you could live in any neighborhood, it was clear you don't have the money, you're not going to live in any neighborhood, you're going to live where your money affords you a chance to live. You can be able to stay at any hotel or eat at any restaurant, but if you can't afford it ... It was clear that disparities on the economic front were kind of the main thing going on ...

(M)uch of the early part of the civil rights movement had been around access, which as much affected middle-class blacks as anybody else, and as such they played a lot of the leadership role in that, in a way that they were not going to play in a struggle around workers' rights and people at the very bottom. And while they could play a supportive role, and many of them do, many of them have the same kind of arrogant values that the predominant society has about poor folk being poor 'cause they are too lazy not to be, and don't understand the kind of structural problems that exist ... It became very clear that while all this access was available, fundamental conditions for far too many African Americans had remained the same and there was no grand improvement of that, and that something different needed to be done.<sup>42</sup>

By the end of summer 1968, with initial grant of \$27,000 from the Ford Foundation, Johnson created GAPP, which was one of the first independent anti-poverty organizations in the country.<sup>43</sup> The early activities of GAPP reflected the background from which it arose. "The Greensboro Association of Poor People (GAPP) grew out of the collective experiences of poor people and their mutual desire for community improvement," the organization said in its 1974 Community Service Center Program Fact Sheet.<sup>44</sup> GAPP began the work of political education and economic empowerment, and created a relatively efficient and effective communications network.

It is the opinion of GAPP that most poor people are poor because of laws, policies, structure and traditions which operate in the interest of property owners and the wealthy. The institutional structures and processes create dependency (both physical and psychological) and a sense of apathy and powerlessness and is reinforced by the operation of these institutions among poor black people.<sup>45</sup>

From its inception, GAPP sought resolution of problems involving workers and working conditions, housing, housing improvement, tenants' rights, public schools, relevancy of education and development of "programs, institutions and activities emphasizing self-reliant group action and resourcefulness." With the aim of breaking down the dependency complex, it attempted to fight apathy by developing a sense of pride in self and race. "The ultimate goal of the program ... is the attainment of liberation and self-determination of Black people."

Concerned with mobilizing the black community of Greensboro, GAPP worked to give power back to the citizens to take control of their situation. According to its fact sheet, GAPP initiatives were to focus on:

- Educational programs tutorial program; children's story hour; community seminars;
   "basic but critical discussion and work sessions centered around the major factors influencing our condition as Black people, with emphasis on finding solutions and implementing them;"<sup>47</sup>
- African awareness sessions focusing on African history and culture;
- Communication programs including a newsletter and the radio show "Black Forum;"
- Basic services including clothing distribution, job referral, low-income housing, food stamps, fundraising and action against police brutality;
- Other activities including a reading room library, programs and activities for "the aged," recreational activities for youth, a black prisoners program and African bazaars.

GAPP workers acted as service providers, problem solvers and information conduits. Among the campaigns in which they were active or took a leading role:

- formation of Black Citizens Concerned with Police Brutality (BCCPB);
- an unsuccessful campaign against integrating all-black Dudley High School (in order to maintain its integrity as a community school);
- attempts to establish a statewide black political party to work on issues such as housing, welfare, education, economic development, employment and health care.

GAPP had specific activities in Morningside Homes including voter registration projects, a youth group called Youth United for Blackness (YUB), parades, and distribution of hundreds of chickens donated by the Progressive Club, a group of business and professional people. GAPP had three offices, including one in 1974 across from the Community Center on Everitt Street, where the Nov. 3, 1979, shootings happened. Also, two GAPP board members were from Morningside.

#### The first black student/community strikes and infiltration

Also key to the movement for empowerment of poor black people was the involvement and leadership of GAPP in labor and rent strikes in Greensboro. The labor strikes were not efforts to form labor unions, but community efforts to advocate for economic empowerment for some of the most disempowered workers in the community. Through community-supported strikes, otherwise vulnerable workers were able to force people to the table to improve wages and working conditions.<sup>48</sup>

In March 1969, Nelson Johnson led the A&T Cafeteria Workers Strike as an intentional means of bringing community and student concerns together. It proved to be a watershed moment in Greensboro's black community organizing.

The cafeteria workers were supported by A&T students, who refused to eat in the dining hall until the grievances were resolved. Johnson recalls,

This imposed an enormous burden on us. I don't know how many students exactly ate in the dining hall, it probably was between 3,000-4,000 at the time. So there were 3,000 or 4,000 people to feed, we spent most of our time organizing food. We turned the student union into a place where people were fed. The churches were quite generous. We went out to grocery stores and we had committees to go out to grocery stores to gather food. We had a lot of huge rallies. In the context of this, there was a disruption related to the store across the street from the school, which was one of the few stores that we asked to give and they did not give. And this was the store whose whole business was based on the students at A&T. There were people who got upset with it (that store) and took food, frankly. And that involved the police department coming in.

The short version of it was that the strike was successful. The cafeteria workers achieved an increase in their wages, better treatment, and conditions under which they worked (were improved) and I think it was very, very successful. That strike spawned a similar effort at UNCG and we actually became a major support group at the UNC-Chapel Hill. But the main one that I was a part of, and led, was the A&T cafeteria workers strike.<sup>49</sup>

However, the strike was also a watershed in the violent confrontations with the police and concerns about "Negro militants." Historian Chafe cites FBI and police records to paint a more chaotic picture of the atmosphere around the cafeteria strike. According to police, students marched in the streets, stoned cars and exchanged gunfire with police.<sup>50</sup>

The incident appears to have sparked panic among local law enforcement. Chafe cites police and FBI reports that indicate the GPD received intelligence from the FBI warning that "insurgents" were plotting to ambush police and blow up buildings. Chafe speculates that these reports may reflect primarily the work of an agent provocateur planted by the FBI to incite illegal activities that would warrant a crackdown, but Greensboro police at the time seemed to accept without question the veracity of the information. <sup>51</sup>

Chafe's conclusion that there was probably an FBI agent provocateur is based upon 1) his interviews with witnesses who said there was a newly arrived person who professed to be a Black Panther and advocated violence; 2) written evidence that corroborates oral testimony including FBI documents that reveal Harold Avant, alias Nunding, (whom Chafe calls "Mr X") portrayed himself as section chief of Black Panther Party sent to organize new chapters in Greensboro. According to FBI reports, Nunding arrived in Greensboro from New York with his associate Eric Brown. The two claimed to be Black Panthers sent to organize a Greensboro chapter, although FBI memos show that the Oakland Black Panther Party (BPP) disavowed the two and no local BPP members could identify them. FBI informants reported that Nunding allegedly introduced plans at meetings of college and high school students to expel white merchants from East Market Street, a black section of Greensboro, ambush police cars and bomb a white curb market. Other FBI documents also raise questions about Nunding's authenticity as a Black Panther because no other local BPP informants had heard of him and he was not in any of the Bureau's extremist databases.<sup>52</sup>

During the weeks following the cafeteria workers' strike, a mood of near-paranoia swept through the city's white leadership, as Greensboro, like so many other locales in the nation, mobilized to do battle once and for all with Black Power efforts to topple established authority. Chafe notes that in early 1969 students were becoming more unified with a sense of their collective power to push for change.

During the Feb. 5 protests, (when students protested dress codes, questioned the competence of teachers who failed too many students, and called for the abolition

of pop quizzes) students had responded negatively toward an alleged Black Panther spokesman who tried to inflame the situation. By mid-March, however, the actions of city authorities had moved the students toward a more radical posture, minimizing the divisions that continued to exist within the student body.

Local police meanwhile were receiving intelligence reports from the FBI that suggested a conspiracy led by Black Panthers to foment violence. FBI documents and confidential interviews suggest that the primary source of these violent plots may have been an FBI informer and not a Black Panther at all. In addition, most supporters of GAPP rejected the advice of the alleged Black Panther.

Nevertheless, police tended to generalize from the information they received and to believe that all the black insurgents were part of a Panther conspiracy. 53

Dargan Frierson, who was the Greensboro FBI agent charged with undertaking and supervising all of the Bureau's "racial investigations" in Greensboro from the mid 1960s until his retirement in 1971, confirms that he had multiple informants in the BPP.

We could have never, you never get along with just one (informant), you've got to have them telling on each other so you know whether they're telling the truth. I had, I don't know, dozens of them. At one time I had 22 Klan informants working for me alone but I don't know how many black informants I had, maybe ten, twelve, fifteen or so. But, you know, the FBI's interest in that was because, again, these people were burning down the country. You remember Detroit, Watts in Los Angeles, and all.

And you see it all started right here in Greensboro, everything always started right here in Greensboro. So the Bureau was vitally interested in what was happening. I don't know how many burnings we had in Greensboro, but there were enumerable stores burned, and looting and stuff, and so that's what the Bureau's interest in was, again, the security of the country. These people, they were anarchists, the Black Panthers and all, their whole program was, off with the Pigs, kill the police, destroy all semblance of authority, let anarchy take over and then we'll run it. That was the whole philosophy of the whole Black Panther movement. They had films — I know we could get copies of those films and that kind of stuff. They had Black Panther coloring books where the little children would color pictures of killing policemen and stuff. So that's pretty heavy stuff, so we were vitally interested in that.<sup>54</sup>

Frierson, although he said he would have been the one to supervise such an informant, flatly denied both that Harold Avant was his informant or that any of his informants acted to provoke any violence.

It's an absolute bald-faced lie... He was never an informant. I never made any attempt to make him an informant. I had excellent informants that I had developed in cooperation with the Greensboro Police ... you know, usually before trouble is going to happen, thank goodness, but Nunding, or Harold Avant, was never an informant. 55

What Harold Avant's agenda was and who, if anyone, he may have taken instruction from may never be known for certain, but both Frierson<sup>56</sup> and the black activists who dealt with Avant agree that he was the one who put forward the most physically provocative ideas of any in the group and plainly intended to encourage violence.<sup>57</sup>

## The Dudley/A&T Revolt

While the Sit-ins represented one socially significant uprising of black resistance, another more painful such watershed moment in Greensboro history was the so-called Dudley Revolt in May 1969, which occurred when school administrators refused to allow then-Dudley High School student Claude Barnes to take office as student government president. Barnes, a member of YUB, had run on a platform drawing attention to how Dudley was less privileged in terms of its facilities and resources than the other public high schools, calling for dress codes that would permit more Afrocentric styles, and advocating a curriculum that included African American studies and allowed students more input into choosing reading material. Administrators first took Barnes' name off the ballot, then – after he won a landslide write-in victory – denied the legitimacy of the vote and declared the runner-up to be victorious. Barnes recalled,

Looking back I can understand why people were threatened (by my platform). I looked at how Dudley was treated in comparison to Grimsley, (Ben L.) Smith, and Page. These were white schools. They had privileges that we didn't have ... tennis courts, stadiums, to leave campus for lunch, didn't have any 'enlightened dress code' like we had. You'd get kicked out of school for wearing Afros and dashikis, which was the popular way to express yourself at the time. I challenged all those things. At that time, we were raising issues about the curriculum and the content of the education. At that time, you know, students weren't supposed to raise questions about curriculum. We wanted to have some input in to the kinds of reading materials, especially in English class and History class. I presented problems.

And the worst thing of all, was hanging around known 'subversives,' like Lewis Brandon, Nelson Johnson, and Joyce Johnson, people who been established as 'making waves.'. <sup>59</sup>

Barnes and a handful of other students walked out of class and protested the refusal to allow Barnes to be seated as student body president. On May 21, 1969, during class changes, students saw police beating Barnes and other students as they were being arrested on the sidewalk in front of the school. Barnes recalls.

Before the assembly, we had passed out these leaflets, talked to all these people, 'yeah, we're gonna boycott, we're gonna walk out.' Nine people walked out. But, they (school officials) were going around and slandering us, 'if you get involved in this, people were not going to graduate.' (It) scared people to death. But what changed that situation, was we were out there protesting, all nine of us, protesting in front of the Dudley administration building 50 feet away, because the courts legally advised us that if we publicly protested on the sidewalk, we had perfect right, a legal right. We were out there protesting, within our legal right. They couldn't tolerate that! Owen Lewis who was the Public Relations Director of the Greensboro School Board, came on the scene and basically told the police to arrest us. I'll never forget it, to 'arrest those niggers,' basically.

(I) t just so happens that classes were changing at that time. They were arresting us and of course we were resisting. We were getting clubbed. High school students were getting clubbed by the police. At that time we didn't have that much support, we had nine people who were committed. But when our fellow classmates saw how people were getting treated, that broke the taboo. I mean people started joining the protest then. The next day when we called a protest, it shut the school down. It wasn't a grand conspiracy. Some of these things just happened spontaneously because of the reaction that people had to the excessive use of force.<sup>60</sup>

Upon their release from jail, the protesting students walked to the A&T campus, where a national conference of SOBU was in progress. The Dudley students appealed to those in attendance for help, and the meeting participants immediately began a march to Dudley, picking up more marchers as they went. Says Barnes:

When we were protesting at Dudley, we marched over to A&T, and we invaded the founding conference of SOBU (Student Organization for Black Unity), with all these black militants with long hair, dashikis ... Here we were, all these little high school kids, bloodied, reeking of tear gas. They basically shut the meeting down and said 'look, we're gonna march back over to Dudley and find out what's going on with our young people. 'As we were marching from A&T's campus back to Dudley, we started out with about 25 people, and ended up with about 300 or 400 people. Just by marching through the campus of A&T and people said, 'what's goin on?' They wanted to be a part of it.<sup>61</sup>

Barnes notes that the series of events sparked a real sense of connections among high school students, college students and Greensboro's black community members, all of whom were angry about what was happening. When the crowd reached Dudley, Nelson Johnson recalls that he went to the gymnasium, stood on a table and pronounced Barnes student body president. Johnson recalled,

As we came on campus the students at Dudley began to celebrate. They were hanging out of the windows cheering. We knew many of them. I tried to approach Mr. Brown, the principal, but he walked away. We went into the women's gym, the police were there. And I got on a table and said "On the authority of the black community in all its configuration, we install Claude Barnes Jr. as the elected student body president." And then we left. That was an explosive theme all over the city. 62

For his pronouncement, Johnson was arrested and charged with disorderly conduct and disrupting a public school.<sup>63</sup>

Shortly after, white vigilantes also began prowling the city and the students retreated to the A&T campus. The police responded to the situation by calling in National Guard tanks to attempt to storm the A&T campus and knock down the doors of A&T dormitories. Black Vietnam vets reportedly refused to yield. There are some reports of sniper fire at police officers, although it is not known where these shots originated. The violence culminated with the still-unsolved fatal shooting of student Willie Grimes on the A&T campus. Barnes explains,

Here we were high school students and we were confronted with police in full riot gear, pepper gas ... We were brutalized basically, we were beaten, locked up. Then it moved to A&T's campus. What really escalated the civil revolt is when Grimes was shot (May '69), the community felt that we had to protect ourselves. (We) armed ourselves, because we didn't want to be shot down like dogs. The movement, at least in Greensboro, went to a different phase, in a sense that nonviolent, direct action turned the other cheek and lost credibility. People were about not initiating any kind of offensive action, but certainly if someone attacks you, you want to repel that attack. At that time a lot of Vietnam vets were around who were politically conscious and who also knew about firearms and that kind of thing. At A&T, for example, they had organized armed patrols to protect the campus, to protect the students.<sup>67</sup>

Frierson recalled his own memories of the stand-off at A&T.

The kids were busting out windows, they were looting, they were throwing Molotov cocktails through the windows of the businesses downtown, they were shooting. It sounded like a war going on down there, shooting off of the campus at the police. Three police, (Chafe) says three, were hit one night. I thought it was four, but I know of a total of five police officers were shot.<sup>68</sup>

The revolt still reverberates for many in white Greensboro as evidence of the potential dangers of black activism, and Nelson Johnson's involvement in the incident is seen by many in the white establishment as evidence of the danger he and "agitators" like him pose to the public. Jim Melvin, who was mayor of Greensboro in 1979, has been a main proponent of the view that Greensboro had no race-relations problems except those Johnson manufactured. He frequently points to the revolt as proof, as in a 1987 interview:

Nelson Johnson was in and around and expanding that thing like crazy. And if you look, that was in '69, alright then comes Nelson Johnson back in 1979, you know. ... you've got to say he was connected to both and that there was violence in both. He is the only person that you can find that is connected with both. <sup>69</sup>

Others also have attributed the outburst of violence to provocation, but from a different source. Chafe argues that there was provocation by an FBI agent, who in turn delivered reports to police headquarters, informing his commanders of the mayhem being planned by the students, which in turn provoked an over-reaction by police.<sup>70</sup> This is a claim that Frierson dismisses as "asinine."

(Chafe's claim) that the FBI provocateur, who obviously was Harold Avant, or Nunding, was fabricating all of these things, and creating an atmosphere of potential violence, which the FBI, and that would have been me, because I was the only person that did any of this. I worked it all myself. That I then would have given this information to the police, and as a result of that, the police overreacted and used tear gas on the people out there at Dudley High School, and so forth. That, of course, is an absolute falsehood, totally untrue. <sup>71</sup>

While some suggested manipulation either by FBI agents on one end of the spectrum or Nelson Johnson at the other, different perspectives, including that of Barnes himself, hold that the revolt was no conspiracy but rather was symptomatic of genuine and profound bitterness and anger widespread in the black community. Likewise, the North Carolina State Advisory Committee to the U.S. Commission on Civil Rights, in its assessment of the violence, observed:

The Committee believes that the issues involved were simple and quite clear. The main issue was the unequal treatment of citizens of Greensboro because of their race: discrimination in housing, employment, education, and the delivery of services, coupled with institutional racism and the unresponsiveness of the official system.<sup>73</sup>

#### More community strikes: "Form a group that just refuses to move"

GAPP also became involved in subsequent successful labor strikes, including the 1969-70 strike by blind workers against Skillcraft Industries of the Blind, the mid-1970 strikes by school cafeteria workers around the city, launched by a core group of women who had gotten together to demand better wages, and a strike soon afterward by sanitation workers.<sup>74</sup>

The cafeteria workers grievances were both pay and treatment. Salaries were only \$1.20 - \$1.60 per hour without paid holidays or accident and workmen's compensation insurance. A list of 26 grievances was presented to the Greensboro School Board. However, Barnes reports that despite promises to the contrary, the Board refused to act on the concerns of the workers. <sup>75</sup>

The blind workers were contesting very low wages, horrible working conditions, and safety issues. They worked in a shelter workshop where there was inadequate ventilation and the dye used created problems for the workers, turning their hands green and making them prone to injury from the machines. A boycott of the downtown area was coordinated during the crucial Christmas holiday, people raised money and took up collections in local churches for the "union" fund.<sup>76</sup>

Other economic issues GAPP took up dealt with the "redevelopment" efforts around East Market Street and Bennett College that had displaced many residents and black businesses. One FBI memo recounts a meeting called by black activists, including GAPP, with the Greensboro Redevelopment Commission to confront them with their grievances, but the Chair and all but one Commission member (who was black) failed to attend. The FBI report on that meeting (which the Bureau claimed was "sponsored by the Black Panther Party") recounted that "Mr. Brooks, a negro man in a wheel chair," told the meeting that 53 black-owned businesses had been displaced by the redevelopment project. According to the FBI report, Mr. Brooks further recounted that this group of merchants had tried to form a Black Businessmen's Association in order to win borrowing power to re-establish in the East Market Street area but had been turned down by the Redevelopment Commission. The report further recounted that Howard Fuller, "the Negro militant from Durham" delivered remarks that "were by far the most inflammatory" in which he commented that "You see, you asked The Man to come to the meeting and he didn't, so let's go to him. When The Man asks you to move, then just don't move. Form a group that just refuses to move." <sup>77</sup>

GAPP also led actions in the area of housing – a primary issue of concern in the poor and working class black community – including direct interventions to halt evictions. In one such intervention, GAPP, with the legal assistance of civil rights attorney James Ferguson, got the Greensboro Housing Authority to withdraw its demand that a Ray Warren Homes resident choose between eviction or having tubal ligation sterilization.<sup>78</sup>

The AAA Rent Strike was an action led during this period by GAPP, whose housing efforts included advocating on behalf of people being evicted and around basic housing standards for the poor. In November of 1969, residents testified at a city council hearing<sup>79</sup> in which demands were made to improve housing conditions and create a rent-control system and strict code enforcement.

GAPP helped build a coalition of students, middle-class blacks and others to support the long-running AAA Rent Strike, which began in 1970. Some 250 tenants went on strike to pressure AAA Realty to improve housing conditions. GAPP united with the Greensboro Chapter of the National Association for the Advancement of Colored People (NAACP), the Greensboro Citizens Association, the Black Ministers Forum, the student Government Association of North Carolina A&T State University, the student Government Association of Bennett College, the Student Organization for Black Unity (SOBU) and various church groups to support the tenants.<sup>29</sup> Rent was paid to GAPP, but was withheld from the AAA Realty. "At one point I had thousands of dollars in rent in a shoebox in the GAPP office," recalled Johnson.<sup>80</sup> Activists prevented landlords and police from evicting people by physically standing in front of them. <sup>81</sup> But AAA manager and part owner Kay Agapion reportedly refused to negotiate with tenants, so tenants retaliated by smashing windows and walls, tearing screens, ripping out bathroom fixtures and opening faucets to flood apartments. Some \$90,000 in property damage reportedly resulted.<sup>82</sup>

The damage forced negotiations and the strike eventually won tenants several concessions.<sup>83</sup> In addition,

the strike called attention to welfare recipients' inability to afford safe and healthy housing and other basic living costs, a situation that continues to the present.

GAPP's activity attracted the attention of the FBI. Dargan Frierson observed that the Bureau was "very interested" in GAPP.

Sure, because they were meeting right with Eric Brown and Nunding and all of them were working right together. You know they had, oh they had Black Liberation Front, they had Foundation for Community Development, they had GAPP, they had Students' Organization for Black Unity, and all the same people were running it all. Sure, we were interested in them. We were interested in any of them who might cause violence, because we had enough of it here. We had four or five riots in three years, I think it was.

... The same people were running GAPP that were running SOBU [Student Organization for Black Unity] and BLF [Black Liberation Front] and everything else, the same people, Nelson Johnson and his crowd. That's why we were interested in them. Because they were the ones that were causing, you know, causing the trouble.<sup>84</sup>

#### Police brutality and police-community relations

While the relatively non-violent reaction of the police in response to the integration turmoil of the 1960s throughout the South is a point of pride among many in white Greensboro, many in the black southeast quadrant of the city complained of brutality and ill treatment by the police. Concurrent with their efforts on wages and housing, GAPP was also influential raising awareness of incidents of police brutality against the black community.

Frustrated with what many in the black community saw as the city government and justice system's mistreatment of the black community, people sought other outlets for voicing their concerns about injustice. In 1972, GAPP participated in a "People's Court" through the formation of Black Citizens Concerned with Police Brutality (BCCPB).<sup>85</sup> This "court," held before an audience of 300-400 people, heard mock trials against the GPD, the City Council, and the City Solicitor for brutality and unfair treatment against the black community. In addition, the "court" detailed other institutional and social failings of the justice system, including blacks' not being informed of their Miranda rights when being questioned, excessively high bail amounts, and the systematic exclusion of blacks from juries.

Among the court recommendations were the following:

- 1. The creation of an independent Citizen Review Board that accurately reflects the ethnic diversity of Greensboro. The Review Board must have the power to investigate all charges, determine guilt or innocence, and take action deemed proper, against individual policemen of the police department;
- **2.** For local community groups to organize court and police monitors;
- **3.** That legal actions be launched to challenge the exclusion of black people from positions in the criminal justice system;
- **4.** That regular education seminars be conducted throughout the black community to make black people aware of their legal rights;
- **5.** To press for immediate dismissal or recall of prosecutors and judges who routinely permit the exclusion of black people from jury duty through prosecutors' racist use of 'preemptory'

challenges;

**6.** That the justice system begin using telephone directories, welfare rolls, census records and other sources to create jury pools, instead of just tax rolls and voter registrations lists. 86

# Other GAPP activity

In addition to the strikes and People's Court, GAPP also issued a memorandum in response to a 1974 Duke Power rate increase and organized a "Stop the Test" campaign against the high school competency test. GAPP activist Willena Cannon recalls,

For high school kids to graduate they had to pass a competency test. If you didn't pass the test you got a certificate of attendance, not a diploma or even a GED. African Americans and poor white students were most affected, it was a class thing. But they just flunked the kids--they didn't try to improve the conditions. Classes were too big, there weren't any teacher helpers like they have now. They said it's the child and not the system.<sup>87</sup>

Joyce Johnson, who married Nelson Johnson in 1969 and also was active in GAPP, along with Sandi Smith, recalled the organization's holistic approach:

We did some job training, (were) involved in education work and campaigns to keep kids in school ... working wherever you could, right beside people. (We would) pick people up, take them to the grocery store. They were going to get their food stamps, you'd be there. If the kids were sick, you'd be there. But they would be there for you too. It was really a two-way thing. So the babysitters for my children while I worked were the ladies in the neighborhood. So they (my children) had a whole bunch of uncles and aunts who looked after them, and nurtured them, and provided immediate family ... This was my home and still is. Just trying to make it a better place to live for yourself and for other people ... I also did some administrative stuff like writing letters, leaflets, teaching classes about income taxes.<sup>88</sup>

## Multiracial organizing, communism and labor

By the 1970s, many members of black activist groups in North Carolina were shifting again in their focus and ideology, although maintaining the overall goal of improving the social conditions of the poor. After having studied how other social revolutions had taken place, they decided that they needed to address institutional problems faced by local workers, and to do that they needed to go into workplaces themselves and experience the same problems. Many, including Sandi Smith, who was the daughter of a textile worker in Piedmont, S.C., went to work in textile mills. Umgaza Sobabu Laughinghouse, a longtime labor activist himself, remembers Smith and others before and after they joined the Communist Workers Party and turned their gaze more directly onto workers' rights.

(T)here has always been this effort to organize workers in the Greensboro and the North Carolina Triad community, and I knew many of the activists: Sandi Smith, and Marty Nathan, and Cesar and many of the other activists that they were tied to because I, too, was tied to organizing workers in the eastern part of North Carolina. Oftentimes, we'd get a chance to share the lessons we were learning as organizers. It was just a great period of time where there was hope for challenging right-to-work laws and organizing and unionizing many workers in North Carolina, as well as empowering many of these working-class communities through what we considered

community empowerment type organizing around housing, health benefits and a host of other issues. ...

I knew many of those individuals in the Communist Workers Party because they were an integral part of the communities that we lived in, or that I lived in. They were very active as community activists, whether it was struggling for decent housing, struggling against slumlords and for better housing; whether it was fighting for improved or better recreational facilities for our youth. So they weren't isolated or disconnected from many of the struggles of many working people in our community. So that's the context in which I knew many of the members of the Communist Workers Party. I know some people get all, you know, goose bumps when they hear the words "Communist" or "Socialist," but I know good and well that Dr. King was called a Communist by many folks, and those words never scared me, regarding Paul Robeson or Dr. King or anyone calling people communist or red. So, I worked with many of the members of the Community Workers Party in these various community efforts and labor organizing efforts. ...

They were leaders in our community. Sandi Smith I met as a young 18-year-old. I was a member of the Youth Organization for Black Unity chapter at Columbia University. We used to have major meetings at the Franklinton Center in eastern North Carolina, where all the chapters of this youth group would meet and there we met one of the leaders, Sandi Smith, Nelson Johnson and a host of other leaders. So, many of the members in the Communist Workers Party grew out of the youth movement and civil rights movement of the '60s and '70s, and we had connections with them and relationships with these great fighters prior to them joining the Communist Workers Party. 89

Laughinghouse also was connected with Greensboro and Durham activists through the multiracial but predominately black ALSC. The Greensboro ALSC chapter, which in 1978 won a major victory by helping to bring about justice in the police beating of a black youth named Gernie Cummings, was a leading force in forming a statewide coalition to support the "Wilmington 10."

A large contingent of A&T students was part of a large statewide rally held in Raleigh to free the 10 political prisoners, the most famous of whom was Ben Chavis (who would later become national head of the NAACP). In January 1971, violent demonstrations had erupted in Wilmington, N.C. after city authorities denied black students' request to hold a memorial service for Dr. Martin Luther King Jr. During the violence that erupted, Chavis and his associates (nine black and one white) took shelter in a Wilmington church that was attacked by white supremacists, including members of the Klan and Leroy Gibson's Rights of White People. Afterwards, Chavis and his associates were arrested and charged with firebombing a grocery store and shooting at police officers. They were sentenced to a collective total of 282 years. The case was overturned in federal court in 1980, after Amnesty International took up the case of the Wilmington 10 as political prisoners. The court found that the State had illegally withheld material exculpatory evidence and that the trial court had denied the defendants their constitutional rights to confront witnesses against them by improperly restricting the cross-examination of the State's main witnesses. <sup>90</sup> The case aroused widespread controversy among civil and human rights activists throughout the state, nation and even internationally.

Meanwhile in Greensboro, as organizers including Johnson and Smith shifted their emphasis from race to class and began trying to build multiracial coalitions in the mills, they faced a particular challenge in the post-Jim Crow workplace. Fighting the Klan represented a central part of that challenge, Laughinghouse recalled.

(T)he Klan has always been the antithesis of what union organizers and civil rights organizers have always done ... struggling for democratic rights. The Klan has always denied people democratic rights and historically the Klan at this particular juncture had done the same thing in Greensboro in the early 70s; they were very divisive. And, again, never representing the best interests of our community, which is bringing all people together to try to improve the quality of life for everybody, in terms of struggling for improving people's rights and trying to give people a better standard of living. 91

The fight against the Klan coincided with many of these leaders embracing far-left ideologies, which Barnes believes diminished their effectiveness. He recalls sectarian in-fighting as rampant the late 1970s as groups engaged in individual party-building and vied to create a vanguard party:

Once we started moving down the road to Marxism, we became kind of inward looking and not outward looking. In a sense that we were less tolerant of people who had different ideas. In the past, it was like a big tent, and I hate to use these big tent terms, but it was more broad coalition and more attention to that. But when we started moving toward a Marxist perspective, it became more of an elitist kind of thing for the most part.

On the one hand, I think it was a good move to talk about bridging the gap and building these coalitions between workers, but I think people became too ideological and too wrapped up into other peoples' social revolutions and really did not appreciate their own grassroots history and struggle, their own unique struggle.

But the whole notion of Marxist, Leninism, Mao Tse-tung thought and all that, I thought, got us into a more sectarian politics than what we needed to be and didn't appreciate our grassroots. And it alienated a lot of people, quite frankly. The whole communist verbiage alienated people. And I don't think people paid sufficient attention to the role of culture and language and the need to bring people along in terms of consciousness. It almost became an elite type of situation.

I think some mistakes were made in that regard. We alienated a lot of grassroots in that transition from Black Power to Marxism ... It was almost as if at one point, the attitude was that if you're not working with the point of production, then whatever you were doing wasn't relevant. And I think that cost the organization ... It's probably what ran me away. I made the decision to drop out of the organizations at the time (around '76/'77). I was just frustrated with what I call this "sectarian" attitude. I decided to pull back and take a look at all the things we had been doing and see if I could make some more sense out of it.

From the one side, when you challenge the powers that be, you can expect excessive use of force ... that's a problem. I'm not sure what happened between '69 and '79, in that sense – given the experience of '69, how do we get to the point where things like you relying on officials to protect you? At least from the outside looking in, that's what it looks like. It looks like we were upset by the Greensboro police not doing their job. The Greensboro police have never done their job – they've always been part of the problem. So, what happened? My own preliminary answer to that is sometimes you get blinded by ideology. (You) believe your own press. You really believe that that kind of response wouldn't happen. But why wouldn't it happen? That's the issue of the Klan. Why wouldn't the police be there to protect against the Klan? They've never protected us ... 92

Barnes, who went on to earn a Ph.D. in political science before returning to A&T, his alma mater, to join the faculty, explained how the politics made labor organizing especially challenging:

I think one of the hardest things was to build racial coalitions in the mill environment, because the owners and the supervisors used the race card to keep people apart. I remember they'd always put these rumors out that these people are communists, you know, "they don't work no good, they're really little rich kids"... they'd put all these kind of rumors. It was rough working in that environment. Working conditions were rough and organizing conditions were rough. So to make any kind of progress at all is remarkable. It was painstaking work. It would take a long time to get these mills organized to the point where you would have any kind of human dignity as one of their main concerns. I think I made that assessment that this is going to take a lifetime. Do you really want to be committed to this? But we had some people that were committed to that. And that is remarkable, too.<sup>93</sup>

For many of its citizens, Greensboro has been a model of progressive moderation in times of tumultuous social change, while at the same time many in its black community have felt that this enforced moderation has often been another form of refusing change. The commitment of some organizers working for self determination, dignity and equality for black people in Greensboro was matched by the commitment of the city's white leadership to maintaining the "culture of civility," which condoned no activism beyond patient requests for change. The mainstream of Greensboro's white community was in denial about the poor black community's experience of inhumane living conditions, racial discrimination in health care, wages, working conditions and education. The unwelcome bearers of this message were often seen as a violent threat, as James Ferguson noted:

By 1979, much of the law had already been declared that said this era of Jim Crow segregation was behind us. The law said that – from 1954 until 1979. But the reality is that Jim Crow, racism, discrimination and racial segregation, racial separation was not only not behind us, but it really wasn't even catching up very much. I think, in Greensboro, people were feeling the need to express that and to express it in a way that it would be seen as a real live issue. It would be seen in a way that the community would have to deal with the fact that the whole issue of race was far from being behind us, but was facing us, face to face, every day.

And I think the fact they wanted to have the march against the Klan was a symbolic way of bringing that to the fore of the community and saying these are issues you must to face up to. And that organizations like the Klan had to be faced down. A lot of people in Greensboro as well as other places in the South in 1979 wanted to feel that the era of the Klan was over. But it really wasn't. The Klan symbolized a lot of racial feelings that other people still harbored in their hearts, but didn't come out with it.

I saw the march as being an effort to bring about this coming out on race, let's get it out in front, let's have the community face these issues of race and then address it. I think the "establishment community," I'll call it, in Greensboro, was uncomfortable with that. They were really willing to try to deal with race to the extent they could that didn't make anybody uncomfortable, but it didn't really shake anything up. It sort of inched along, then maybe one day we'll reach that promised land of equality, absence of race, absence of racism and all of that. The powers that be never really wanted to confront that face to face, they wanted it to be nice, they wanted it to be easy, they wanted it to be comfortable, and the truth is, it just couldn't continue to be that.

I think that's a lot of what the rally was about ... and a lot of what the resistance to that rally was all about ... because the establishment at that time just wanted race to go away quietly and easily and comfortably ... Those who felt the need to give expression to where we were with race at that time simply weren't willing to go away quietly. <sup>94</sup>

## **FINDINGS**

The affiliation of Nov. 3 demonstrators including Nelson and Joyce Johnson, Sandi Smith and Willena Cannon with the CWP has almost entirely obscured the reality of their effort to work for economic and social justice in Greensboro's disempowered communities, which both pre- and post-date the events of that day.

The nature of the work undertaken by many of the Greensboro demonstrators during this period, political ideology notwithstanding, is best characterized as advocacy for human rights, self-determination and equal opportunities in education, housing and employment.

Further, the economic and social injustices that they worked against amounted to government failures to provide humane standards of living adequate to basic human needs.

GAPP and other black activists believed there was no choice but to actively challenge Greensboro's repressive culture of civility in order to win equality for the poor and black people. These activists were, therefore, characterized by the community and the power structure as dangerous outside agitators.

Tension between activism that resisted the status quo of class and racial inequalities and the powerful institutions trying to curtail that activism meant that on some level a clash was inevitable.

## Notes

- <sup>1</sup> William Chafe, written statement to the *Greensboro Truth and Reconciliation Commission*, 20 March 2006.
- <sup>2</sup> James Ferguson, interview with the *Greensboro Truth and Reconciliation Commission*, 3 June 2005.
- <sup>3</sup> Ed Whitfield, statement at the *Greensboro Truth and Reconciliation Commission* Public Hearing 16 July 2005.
- <sup>4</sup> U.S. Bureau of the Census, "General Social and Economic Characteristics", *North Carolina*, 1970 Census of Population, No. PC(1)-C35, 282, 303.
- <sup>5</sup> Claude Barnes, "A Consideration of the Relationship Between Ideology and Activism in the Black Nationalist Movement: A Case Study of the Rise and Fall of the Greensboro Association of Poor People," (Masters thesis, Atlanta University, 1981), 54 (on file at GTRC) (hereafter "Barnes"). Citing Guilford County Planning Department, "Update, a Planning News Digest," Vo. 3, Sept. 1972).
- <sup>7</sup> It is important not to make the leap from the reality of racial disparities in education to the widely held assumption that predominantly African American schools were inherently academically inferior to predominantly white schools or, even further, to the assumption that schools were healthier after desegregation. Segregated schools were a symptom of a larger problem and, as a country, we did not do a sufficient job of investigating the root problems of why some schools were segregated and why schools with predominately black student bodies tended to be underfunded before attempting to legally abolish the symptom. At a GTRC public hearing, Rev. Mazie Ferguson described this phenomenon:
- "(A)ll of a sudden, children were lumped together in schools and we entered and engaged in the greatest experiment of social adjustment in our country that we've ever had. Now right or wrong we need to face up to the fact that we sent children to school and African American parents told their children you go to that school, you obey that teacher. If you don't obey that teacher then I am going to punish you at home. But they didn't hear the children when they came home and said, "The teacher doesn't like me. The teacher is practicing racism against me." They didn't hear the child when the child said, "I am being hurt and wounded and downgraded

- and talked about"...We did not prepare these children for this experiment, and we sent little babies out to do a job that grown people could not do... And we sent them out there with the idea that when they got to the school all of a sudden a society that was doing wrong everywhere else was going to start doing right. That was not true. And the end result was a group of people that were wounded. And let's not just talk about African American children, because the problem you see is a problem of people living together in a community. White children also suffered and I have had this discussion with white people, and I have seen tears come to their eyes...And it created resentment, serious resentment."
- <sup>8</sup> "Black White Perceptions: Race Relations in Greensboro," A Report Prepared by the North Carolina Advisory Committee to the U.S. Commission on Civil Rights (November 1980).
- <sup>9</sup> "Trouble in Greensboro: A Report of the Open Meeting Concerning the Disturbances at Dudley high School and NCA&T State University," The North Carolina State Advisory Commission on Civil Rights (March 1970), Appendix B (hereafter "Trouble in Greensboro").
- <sup>10</sup> "Black White Perceptions," *supra* note 100, 3.
- <sup>11</sup> *Ibid*.
- <sup>12</sup> NAACP Urban Crisis Committee, "Position Paper," Greensboro Branch, 4 November 1980, 2.
- <sup>13</sup> Barnes, 59.
- <sup>14</sup> William H. Chafe, *Civilities and Civil Rights: Greensboro, North Carolina and the Black Struggle for* Freedom (New York: Oxford, U.P., 1980), 224.
- <sup>15</sup> Notes from City Council Meeting, Session on Housing at 1 (Nov. 3, 1969) (on file at the offices of GAPP).
- <sup>16</sup> NAACP Urban Crisis Committee, "Position Paper," supra note 14.; Greensboro Association of Poor People (GAPP), "City Council Meeting: Proposal on Housing," presented to Greensboro City Council Session on Housing, 3 November 1969 (on file at GTRC).
- <sup>17</sup> "Letter to Robert Barkley, Director of Redevelopment," Greensboro, N.C., 15 August 1968, from Residents of the Washington II Project, cited in Barnes, "Ideology and Activism," 60.
- <sup>18</sup> "Letter to Mr. William DeVeny," from Mrs. Mary Oliver, Gorrell Street Community Council, June 27, 1969, (on file at GTRC).
- <sup>19</sup> *Ibid.* 3.
- <sup>20</sup> Marty Nathan, statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 1 October 2005.
- <sup>21</sup> Evelyn Schmidt, interview with the *Greensboro Truth and Reconciliation Commission*. 20 March 2006.
- <sup>22</sup> Claude Barnes interview with the *Greensboro Truth and Reconciliation Commission*, 7 July 2005; Chafe, *Civilities and Civil Rights*, p. 6
- <sup>23</sup> Interview with Mark Dorosin for Greensboro Voices, 15 February 1988 (transcript available at http://library.uncg.edu/depts/archives/civrights/detail-iv.asp?iv=9)
- <sup>24</sup> Interview with Kathy Hoke, for Greensboro Voices, 10 November 1989. (transcript available at http://library. uncg.edu/depts/archives/civrights/detail-iv.asp?iv=5)
- <sup>25</sup> Lewis A. Brandon III, statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 15 July 2005.
- <sup>26</sup>Barbara Ransby, *Ella Baker and the Black Freedom Movement* (Chapel Hill: University of North Carolina Press, 2003), 345
- <sup>27</sup> Ransby, *p* 279
- <sup>28</sup> Thomas C. Dent, *Southern Journey: A Return to the Civil Rights Movement* (New York: W. Morrow, 1997), 38.
- <sup>29</sup> Barnes, .3
- <sup>30</sup> Ed Whitfield, statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 16 July 2005
- <sup>31</sup> Ransby, 345
- <sup>32</sup> Signe Waller, "A City of Two Tales: The Greensboro Massacre of November 3, 1979, in Fact, Context and Meaning," (Joint copyright of Greensboro Justice Fund and Beloved Community Center, Greensboro, NC, February 2005), 34
- <sup>33</sup> "Sit-In Roundtable Discussion with the A&T Four," part of 46<sup>th</sup> Sit-In Anniversary Celebration, NCA&T State University, 1 February 2006.
- <sup>34</sup> Lewis Brandon III, interview with the *Greensboro Truth and Reconciliation Commission*, 28 July 2005.
- <sup>36</sup> William Snider, interview with Eugene Pfaff, Greensboro Voices, 19 April 1979.
- <sup>37</sup> Confidential interview with the *Greensboro Truth and Reconciliation Commission*, 15 April 2005.

## FROM BLACK POWER TO MULTICULTURAL ORGANIZING IN GREENSBORO

- <sup>38</sup> Brandon, interview with Greensboro Truth and Reconciliation Commission, 28 July 2005.
- <sup>39</sup> Dargan Frierson, interview with Kathy Hoke, Greensboro Voices, 10 November 1989. (transcript available on line at http://library.uncg.edu/depts/archives/civrights/detail-iv.asp?iv=5)
- <sup>40</sup> Brandon, interview with the *Greensboro Truth and Reconciliation Commission*, 28 July 2005.
- <sup>41</sup> *Ibid*.
- <sup>42</sup> Whitfield, statement to *Greensboro Truth and Reconciliation Commission* Public Hearing, 16 July 2005.
- <sup>43</sup> Claude Barnes, interview with the *Greensboro Truth and Reconciliation Commission*, 7 July 2005.
- <sup>44</sup> Greensboro Association of Poor People Fact Sheet, "Background," (no date). On file at the GTRC.
- <sup>45</sup> GAPP Fact Sheet, "Objectives and Methodology," (no date)
- <sup>46</sup> Ibid
- <sup>47</sup> GAPP Community Service Center, "Program Fact Sheet," 24 July 1974
- <sup>48</sup> Nelson Johnson, interview with the *Greensboro Truth and Reconciliation Commission*, 12 August 2005.
- <sup>49</sup> Ibid
- 50 Chafe, Civilities and Civil Rights, 184
- <sup>51</sup>*Ibid*, 264. See also http:// foia.fbi.gov/foiaindex/bpanther.htm for extensive FBI files on the Blank Panthers in Winston Salem and Greensboro. (Note 9 to Chapter 7, pp265-66)
- <sup>52</sup> For example, FBI memo from SA Charlotte (157-6171 p) to Director (105-765106 Sub 8), Black Panther Party, RM (Racial Matters) (7 February 1969) advised the San Francisco Office (nearest to the BPP headquarters in Oakland CA) and Bureau indices of extremists contained no information on Avant. (available on line <a href="http://foiafbi.gov/foiaindex?bpanther.htm">http://foiafbi.gov/foiaindex?bpanther.htm</a> part 01, 116.
- <sup>53</sup> Chafe, Note 5 to Chapter 7, 264. Frierson complains that Chafe unfairly chides the FBI for incorrectly labeling Nelson Johnson and Claude Barnes as Black Panthers. Frierson maintained that the FBI had never so labeled the two black activists. However, the FBI Black Panther file refutes that claim by routinely referring to both of them as Black Panthers. To give but one example, the extensive 1969 memo on the Black Panther Party dated May 23, 11969 recounts the Dudley stand off between police and A&T students refers to "Walter Brame, a member of the BPP urging everyone to support Claude Barnes, another member of BPP" (p28) and "In the crowd were Nelson Napoleon Johnson and Robert Evans, both BPP leaders." (p29) http://foia/fbi.gov/foiaindex/bpanther.htm, part 01, 54-55. Frierson later says, "You know when you live with a Panther, and you talk like a Panther, and you look like a Panther, and you act like a Panther—I don't care whether you've got a card in your pocket or not". Frierson interview with Kathy Hoke, Greensboro Voices, 19 January 1990.
- 54 Ibid
- 55 Ibid
- <sup>56</sup> "(Nunding) and Eric Brown were the ones that were purposing all of the violence in conjunction, while they were with Nelson Johnson, at Nelson Johnson's apartment." *Ibid.* See also "D. Acquiring Weapons and other Paraphernalia (CE 157-6171" (no date) Nunding plans a guerilla training camp, driving white merchants off East Market Street through boycotts or 'the next best thing,' which obviously meant tearing or burning them down". He further talks of overcoming the "pigs" and expresses a desire to obtain a machine gun. http://foia.fbi.gov/foiaindex/bpanther.htm, part 01, 46.
- <sup>57</sup> Johnson, interview with *Greensboro Truth and Reconciliation Commission*, 12 August 2005.
- <sup>58</sup> FBI report to the U.S. Department of Justice "Racial Matters. Walk out by students, Dudley High School, Greensboro North Carolina, May 9, 1969." Dated 12 May 1969. The report says that Barnes was refused permission to run for office by Principal Franklin Brown "because of his association with the Black Panther Party." Available at http://foia.fbi.gov/foiaindex/bpanther.htm, part 01, pg 56. (accessed 15 May 2006.)
- <sup>59</sup> Barnes interview with the *Greensboro Truth and Reconciliation Commission*, 7 July 2005.
- <sup>60</sup> *Ibid*.
- 61 Ibid
- <sup>62</sup> Nelson Johnson interview with the *Greensboro Truth and Reconciliation Commission*, 16 August 2005. FBI reports of the incident do not indicate any incitement by Johnson as frequently alleged by many police officers today, "Nelson Johnson talked with the students in the school gymnasium and due to the situation, school was dismissed." http://foia.fbi/foiaindex/bpanther.htm, part 01.
- <sup>63</sup> Herb Belvin, Federal Grand Jury testimony (24 August 1982), 8.
- <sup>64</sup> Nelson Johnson, interview with the *Greensboro Truth and Reconciliation Commission*, 12 August 2005.
- <sup>65</sup> *Ibid.* Also, Capt. Larry Gibson was a patrol officer in 1969 and was on duty during one of the night of violence on A&T's campus. He stated that he had heard there had been shooting at police officers by students, although he did not witness it. (Gibson, interview with the GTRC, 5/5/06)
- 66 Chafe, 189, 193-4, 201

- <sup>67</sup> Claude Barnes testimony, first public hearing of the Greensboro Truth and Reconciliation Commission, 15 July 2005.
- <sup>68</sup> Frierson, second interview with Kathy Hoke. Greensboro Voices, 9 January 1990.
- <sup>69</sup> Jim Melvin, interview with William Link, Greensboro Voices, 18 November 1987 (transcribed 5 April 1993).
- <sup>70</sup> Chafe, pg. 184.
- <sup>71</sup> Frierson, interview with Hoke, 1990.
- <sup>72</sup> Barnes, 64.
- <sup>73</sup> "Trouble in Greensboro,"15.
- <sup>74</sup> Brandon, interview, 28 July 2005; Nelson Johnson, interview, 12 August 2005
- <sup>75</sup> Barnes, 69
- <sup>76</sup> There was no organizing with the white community around labor at this point. By 1970, young white radicals and young black radicals were operating very separately. (Nelson Johnson interview with the the *Greensboro Truth and Reconciliation*, 12 August 2005; Lewis Brandon, interview with the the *Greensboro Truth and Reconciliation*, 28 July 2005.)
- <sup>77</sup> FBI memo, "Racial Matters: Meeting Sponsored by Black Panther Party (BPP), concerning Greensboro Redevelopment Commission, March 25, 1969." On file at GTRC. Also available at http://foia/fbi/foiaindex/bpanther.htm.
- <sup>78</sup> Nelson interview with the *Greensboro Truth and Reconciliation Commission*, 12 August 2005. James Ferguson interview with the *Greensboro Truth and Reconciliation Commission*, 3 June 2005.
- <sup>79</sup> Chafe, 217
- <sup>29</sup> AAA Tenants' Union, Press Release, April 3, 1970.
- <sup>80</sup> Johnson, interview with the *Greensboro Truth and Reconciliation Commission*, 12 August 2005.
- <sup>81</sup> GAPP, "City Council Meeting: Proposal on Housing," presented to Greensboro City Council Session on Housing, 3 November 1969 (on file at GTRC).
- <sup>82</sup> Barnes, 62; Ralph Jones, "AAA Apartments Destroyed: Exploited Poor Retaliate," *Carolina Peacemaker*, March 28, 1970.
- 83 Barnes, 63.
- <sup>84</sup> Frierson, interview with Hoke, 1990.
- 85 Transcript and Record of the "Police Brutality Trial of the Greensboro Black Community," *People's Court v. Greensboro Police Department, Greensboro City Council, Greensboro Human Relations Commission, Guildford County Solicitor, Douglass Albright* (5 March 1972). This trial was held by the Greensboro Black Community through its representative body, the BCCPB, Chairman WT Brown, and entrusted to the GAPP for publication and keeping (transcription, 11 August 1972).
- <sup>86</sup> The Recommendations from this hearing numbered 16 in total. See N.C. Criminal Justice Task Force, "The Greensboro Report," 12 August 1972, 15-16.
- <sup>87</sup> Willena Cannon, statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 30 September 2005.
- 88 Joyce Johnson, interview with the *Greensboro Truth and Reconciliation Commission*, 4 May 2005.
- <sup>89</sup> Umgaza Laughinghouse interview with the *Greensboro Truth and Reconciliation Commission*, 17 February 2006.
- <sup>90</sup> In December 1980, the United States Court of Appeals for the Fourth Circuit overturned all of the defendants' convictions in Chavis v. State, 637 F.2d 213 (4th Cir. 1980). The State of North Carolina eventually dropped all charges against the Wilmington 10 in 1981.
- <sup>91</sup> Laughinghouse interview with the GTRC.
- <sup>92</sup> Barnes, statement to the *Greensboro Truth and Reconciliation Commission*, 7 July 2005.
- <sup>93</sup> *Ibid*.
- <sup>94</sup> James Ferguson, interview with the *Greensboro Truth and Reconciliation Commission*, 3 June 2005.



**Greensboro Truth and Reconciliation Commission Final Report** 

Labor and unions in North Carolina textile mills

Chapter 2



Photo courtesy of the Greensboro News & Record

The workplace is and has long been a central battlefield of economic, political and social conflict, woven through with tensions of class, race and power. The conditions, relationships and cultures established in the workplace influence all of our lives. The actions and aims of the Workers Viewpoint Organization leading up to Nov. 3, 1979, cannot be understood outside the broader history of labor in North Carolina and throughout the southeastern United States. This chapter looks at that history – at what issues propelled and influenced work and labor and union activism, what reactions organizers encountered from managers and workers, and, more specifically, the actions and history of the WVO's union campaigns and how workers, the mills, other institutions and the broader community reacted to these campaigns.

## Labor organizing in the American South

Despite its reputation as a region hostile to unions, the American South has seen some of the most persistent and creative organizing activities in the United States. For more than a century, West Virginia mine workers, the Industrial Workers of the World (known as the Wobblies) in Louisiana's timber groves, tenant farmers and North Carolina's textile workers have all established landmarks for union organizing that benefited American workers as a whole.

In some cases, both whites and blacks were members and union officers. By 1920, over a quarter of the 420,000 textile workers in the United States belonged to unions, roughly half of them in the South.<sup>1</sup> Far from a homogenous collection of passive, racially divided workers, Southern workers united across gender and racial lines to confront some of the most powerful industries in the region, even in defeat gaining crucial advances in pay and working conditions.<sup>2</sup>

At the same time, some of America's most devastating anti-union violence has taken place in the South. As labor historian Bryant Simon points out, while proportionately fewer southerners than northerners joined unions, there is a clear history of Southern craft and industrial unionism, albeit with a dramatically different track record on strikes. "In the South (as opposed to the north), strike after strike in the biggest industries failed, and workers in these areas had trouble setting up permanent, strong unions."

This apparent contradiction is reflected in the fact that the South is home to both America's most unionized state and one of its least unionized states. "The most unionized state in the United States is always West Virginia," organizer Si Kahn told the GTRC, "and the least organized – the least unionized – state in the United States is always either North Carolina or South Carolina, depending on what day it is." <sup>4</sup>

As a category, textile mills make up a "classic southern industry" for Simon: low-wage, manufacturing low-cost goods and depending on low-skilled labor. "The slightest increase in overall costs was sure to raise the price of the final product, and in the competitive jungle of the textile industry, there was always a company ready to undersell a firm that had given its workers a raise or slowed down one of his machines," Simon contends. "In addition, when orders ran low mill officials could easily afford a strike. A work stoppage might, as a matter of fact, save them money... All of these factors fueled southern mill owners' antiunion sentiments." <sup>5</sup>

Another factor hostile to unions included the ready pool of poor whites willing to cross a picket line. Unlike the north, where industry depended on immigrants and African Americans to break strikes, in the South, mills didn't dare stir simmering racial tensions by recruiting blacks. In any case, Simon notes, they rarely had to. "Usually, there were plenty of poor whites willing to cross the picket lines. As a result, southern strikebreakers tended to be indistinguishable from strikers... Mill workers went down to defeat again and again between 1900 and 1950, the same years that powerful unions grew in other industries in other places."

These contradictions and intricacies remain the subject of continued scholarship and debate.<sup>7</sup> However, for the purposes of this report, it is clearly true that the South's unruly relationship to unions, workers and the pressures of race and class are integral parts of the story of what led up to and shaped the events of Nov. 3, 1979.

#### **Textile mills and unions**

The economic and political power wielded by textile mills in North Carolina have made them crucial to workers' economic survival and given them tremendous influence over community life outside the workplace. Some labor historians point to the particular relationship between Piedmont textile mills and the communities in which they operated as a prime factor in the failure of unions to penetrate. They argue that, in much of the Piedmont, mills had strong ties to local powerbrokers like elected officials, ministers<sup>8</sup> and businesspeople. Union organizers, especially outsiders, could appear as threats not only to business, but to the community itself. "As a defensive measure, early textile unions and later the AFL (American Federation of Labor) were forced to adopt a 'cooperationist' approach emphasizing their desire to aid the industry rather than fight it."

In addition to the context of economic and political power, mills operated in the dominant cultural context of race, gender and economic divisions so central to life in the southeast United States. According to Kahn, the Southern textile mill was a "rigidly segregated institution" until the mid-1960s, like so much of Southern life outside the mill gates. Mill workers were predominately white. The few blacks hired received low-level jobs like janitor or maid. Poorly educated and coming from a failing mountain economy, white workers came to depend on the mill for everything in exchange for work and obedience. A key way anti-union forces attacked unionizing efforts was by exploiting this racial divide. To the GTRC, Kahn noted that the issue of race in the southern textile mills was "so much more deep and so much more held to the core than (it was) up north in the auto plants." <sup>10</sup>

Historian Simon describes Cone Mills as one of the most "paternalistic" of the South's mills, where workers took these material benefits and in exchange obediently accepted low wages and often poor working conditions. In part, this was made possible by the very structure of the mill. Until the 1950s, for example, Cone Mills built segregated housing and schools, a dairy, shops, playgrounds, a health service, basketball courts and even a YMCA. <sup>11</sup> As long as workers remained docile, owners Moses and Caesar Cone would stroll through their villages, ask after children and host elaborate July 4 picnics. <sup>12</sup>

But when workers did protest, they risked losing everything: job, home, church and community. In the late 1920s, workers resisted the "stretch-out," which required them to work longer for no increase in pay, meant to boost production during economic hard times. The union found fertile ground for organizing, and a battle ensued. The Cones retaliated by firing workers and evicting their families from mill houses. Union leaders were mercilessly lampooned in cartoons published by the Cone-friendly *Greensboro Daily News*. <sup>13</sup> As former Cone Mills worker Lacy Wright recalled, when workers at Cone started organizing, they were fired:

They fired I don't know how many of them, take their furniture and set it out in the streets, out of the mill houses and out in the streets. Wouldn't even let people have time to find them another house and move into it. They had their own constables.<sup>14</sup>

But ultimately, the union organizing effort failed, as most workers chose the Cones' "Christmas ham," a symbol of the old paternalism, over the unfulfilled promise of the union. <sup>15</sup> By the end of World War II, the Cones had abandoned the paternalistic model, selling off the mill homes, cutting off benefits for sick workers and implementing a more industrial system of labor control. <sup>16</sup>

## The Loray Mill and the influence of the Communist Party

Communist-inspired trade unionism has a long genealogy in Southern labor history. Perhaps the most well-known organizing effort by a Communist-led union was in 1929 at Gastonia's Loray Mill. As Elizabeth Wheaton noted in "Codename Greenkil," this strike "pitted the same forces that collided fifty years later in Greensboro: militant labor organizers, the police, and anti-Communist vigilantes." 17

In Gastonia, the strike was led by the National Textile Workers' Union (NTWU), formed in Massachusetts the year before and looking to make its first mark by organizing a North Carolina textile mill. Organizers believed that a successful strike would provoke a wave of union activity across the state. At the time, the textile industry was changing rapidly in the wake of World War 1. Many locally-owned mills were being sold to northern companies who were greatly expanding spinning capacity. Gaston County, for example, called itself the "Combed Yarn Capital" of the South, and had the most spinning capacity in the state, ranking third nationwide.<sup>18</sup>

The NTWU found Loray attractive because the mill combined some of the worst working conditions in the South with a series of recent layoffs that had drastically reduced the number of jobs available to locals. Loray was also the largest mill in the state and one of the first to host an experiment in new "scientific management" techniques meant to wring the most possible work from the South's cheap labor force. Another, less advanced technique used at Loray was the "stretch-out," increasing the workload assigned to each individual employee without any increase in pay.<sup>19</sup>

The strike was met with harsh action. Gov. O. Max Gardner called in the state militia. Local courts swiftly issued injunctions against union activity. When some strikers refused to obey, they were beaten and jailed. In the words of the local paper, the Gastonia Gazette, the union organizers were "negro lovers, against America, free love, northern agitators, Russian Reds."<sup>20</sup>

After the chief of police was killed, sixteen union organizers were arrested; seven were eventually found guilty after highly questionable proceedings. In a rally held in September, three months after the police chief's murder, Ella May Wiggins, a popular singer known for her pro-union songs, was shot and killed. While some believed the Loray strike was an honest attempt to improve workers' conditions, others saw it as a dangerous plot by Communists from the north to infiltrate the South and develop a political campaign. One of the groups opposing the strike was the AFL, which saw the organizing effort as dangerous competition.<sup>21</sup>

The NTWU never organized another mill and was soon torn apart by internal battles emanating from Moscow.<sup>22</sup>

### The General Strike of 1934: Legacies of the Backlash

The next explosion among textile workers took place in 1934. What came to be known as the "General Strike" was a "cataclysmic and heartbreaking event," according to contemporary labor historians.<sup>23</sup>

The General Strike had its roots in the passage, in 1933, of the National Industrial Recovery Act. Under this legislation, meant to fight the Depression, the newly formed Cotton Textile Board was charged with enforcing a code of fair competition for the industry. Although the code's purpose was to limit destructive price competition among manufacturers, prevent the over-production of textile goods and guarantee mill hands a minimum wage, in practice the mill owners who ran it sought to turn these regulations into another way to keep wages low. From the worker's perspective, the mill owners turned the board-mandated minimum wage into the maximum that most workers could earn and laid off thousands of additional hands.<sup>24</sup>

Older mill hands who could not keep up with the "stretch-out" were fired; even hands with jobs could not afford to feed their families. On July 14, 1934, a wildcat strike began in Guntersville, Ala., that eventually drew 20,000 workers out of the state's mills. When mill hands in North Carolina threatened to do the same, the United Textile Workers (UTW) called a convention and delegates there presented resolutions calling for a general strike. On Sept. 1, the AFL's United Textile Workers called a strike. Within two weeks, an estimated 400,000 textile workers had walked off their jobs, making the General Strike the largest single labor conflict in American history.<sup>25</sup>

Roosevelt depended on the votes of Southern Democrats to pass his New Deal, and couldn't afford to alienate them by confronting the mill owners. After three weeks, workers began returning to their spinners. Within two months of the first walkout in Guntersville, the UTW formally cancelled the protest. Many strikers were fired and evicted from their mill homes. Others were blacklisted – barred from getting jobs anywhere in the South.<sup>26</sup>

The violence of the backlash instilled fear of strikes that reverberated decades later in the minds of workers. Si Kahn told the GTRC that 29 textile workers were killed and more than 10,000 blacklisted in the wake of the General Strike, which he called "the Great Uprising."

There were machine guns on the roofs of mills all over the south. The National Guard was mobilized in every single southern state and government and established power came down hard on the side of the mill owners and operators. And although that history and that memory was driven underground it was never forgotten and when you scratched the surface in conversations about the union with people who would say, "I don't need none of that union stuff," it came down to what happened in 1934.<sup>27</sup>

In 1935, the U.S. Congress passed the National Labor Relations Act, called by labor historians "the single most important legal development affecting labor in this century." Among other things, the Act established the National Labor Relations Board (NLRB), an independent federal agency meant to administer laws governing relations between unions and employers in the private sector. On paper, the statute guarantees the right of employees to organize and to bargain collectively with their employers. The NLRB oversees all employers involved in interstate commerce — other than airlines, railroads, agriculture and government — and is meant to ensure free choice in the selection of union representation and encourage collective bargaining as a means of maintaining industrial peace. <sup>29</sup>

However, in practice, laws meant to protect workers and the freedom of association have been criticized as being too weak and plagued by gaps. Even today, independent monitors have described government agencies like the NLRB as having failed "to enforce effectively those laws that do purport to protect

workers' rights."30

The Congress of Industrial Unions (CIO) launched "Operation Dixie" in 1946, hoping to revitalize organizing in the South in the wake of World War II and the memory of the Great Uprising. Focusing first on Cannon Mills in Kannapolis, N.C., the effort was backed by substantial resources and a postwar sense of optimism about the possibilities for union expansion. Unionism was at an all-time high in the 1940s, spurred by war production and the demand for skilled labor.

But the drive failed miserably. For historian James Hodges, its failure was due to multiple factors: "the failure to overcome the debilitating effect of racial division in the South, the failure to create a regionally targeted drive with a southern face for southern workers, and the inability to assault the South with enough resources. Above all, Operation Dixie failed to organize textiles."<sup>31</sup>

The ramifications for the South were devastating. Instead of leaving much of the work to the civil rights movement two decades later, a successful drive would inevitably have fostered integration. As Michael Goldfield has written, the failed union drive "left southern Dixiecrats and the system of white supremacy with complete social, political, and economic hegemony intact in much of the South."<sup>32</sup>

In 1947, Congress passed the Taft-Hartley Act, which made sweeping changes to the NLRB, among them a provision allowing individual states to pass "right-to-work" laws. Currently, 22 states – half in the South, including North Carolina – are right-to-work states.<sup>33</sup>

Congress amended the Act again in 1959, enacting new restrictions outlawing "hot cargo agreements," which require an employer to cease doing business with other employers in some circumstances, and limiting unions' ability to use "recognitional picketing," which is designed to force employers to recognize or bargain with a particular union, without going through an NLRB-conducted election. While unions have made repeated efforts over the past 50 years to eliminate right-to-work provisions, none have succeeded.

#### **Anti-communism and North Carolina unions**

The Loray Mill strike was an early harbinger of what was to come in the complex interplay between Communism, trade unionism and the South. Like other American institutions, from the State Department to Hollywood, some unions responded to the so-called Red Scare by purging their ranks of radicals or professed Communists and severing ties to international unions led or influenced by Communists. The Taft-Hartley Act denied the facilities of the NLRB to unions that failed to file affidavits avowing that their officers were not Communists. In 1949-50, the CIO expelled unions that were still dominated by Communists.

In the South, however, racism played a distinctive role. As in the Loray Mill example, anti-communism was often interwoven with the racism and hostility to outsiders endemic to Southern small town life. Anti-communism ran deep in the so-called "law and order leagues" formed with local business leaders, lawyers and politicians, and these leagues could overlap with the Ku Klux Klan, Councils for Defense, chambers of commerce and other groups with local membership.<sup>34</sup>

During World War I and lasting through World War II, states organized volunteers into Councils for Defense at the county or town level. Volunteers, usually local businesspeople, public servants and lawyers, coordinated with state officials to boost productivity in war time. In North Carolina, wealthy citizens helped fund councils to do charitable work, providing food and other assistance to the needy. These councils would also compile lists of local laborers who had not been drafted or were not serving in other, essential jobs. The Councils could call the workers to present themselves, and would assign them to tasks that served the community interest. As was true at the time of other groups made up of

local whites, councils for defense could be strongly anticommunist and racist, particularly when faced with Communist organizing efforts that threatened work stoppages or drops in production rates at industries linked to the war effort.<sup>35</sup>

Historian Jeffrey Woods told the GTRC during our first public hearing that the South "experienced its own unique red scare in the 1950s and 1960s, ignited not just by Cold War anxiety but by conflict resulting from the black civil rights struggle." Those opposed to civil rights could attack its supporters indirectly, by calling them Communists, thus undermining the movement's legitimacy before an overwhelmingly anti-Communist audience." In perhaps the most well-known example of this at the national level, in 1963 U.S. Attorney General Robert F. Kennedy authorized wiretaps on the Rev. Martin Luther King, Jr.'s telephones. The Federal Bureau of Investigation (FBI) argued that King was hiding Communist ties between the civil rights movement and the Communists. Their suspicions rested on Stanley Levison, who the government believed was a top-level member of the American Communist Party. <sup>36</sup>

Levison, a lawyer who was one of King's trusted friends and advisers, had been a member of the CPUSA in the 1950s. However, as Taylor Branch writes in "Pillar of Fire," the second volume of his comprehensive history of the civil rights movement, Levison never acted as anything other than a counselor hoping for the success of the civil rights movement as its own exclusive agenda.<sup>37</sup>

National leaders were not the only ones targeted in this manner. For example, in the case of Don West, a founder of the Highlander Folk School and later editor of a pro-union newspaper in Dalton, Georgia, opponents got information from the House Un-American Activities Committee (HUAC) to scare local leaders of the TWUA into breaking ties to him. "As the CIO became increasingly centrist, its avidly anti-Communist leaders sometimes collaborated with the HUAC in smearing their radical union rivals," historian Douglas Flamming concludes.<sup>38</sup>

In practice, anti-unionists could oppose the union by pulling the Communist card, without ever having to go after the union itself. Woods called this approach "Southern Nationalism, a shared sense of cultural values and traditions that promoted an idealized 'Southern way of life,' a way of life that found community, stability and order in a commitment to a Protestant Christian god, states rights, and, above all, white racial supremacy. Historically this commitment propelled defensive Southern reactions to outside forces of change, ranging from 'abolitionists' and 'carpetbaggers,' to 'civil rights agitators,' and 'Communists.'" For Woods, the Ku Klux Klan was one example of an extreme "Southern Nationalist" group that could deploy this rhetoric against unions.<sup>39</sup>

At the same time, "Southern nationalist" organizations could include some pro-union, white workers. For example, in Birmingham, Ala., the location of rubber, steel and paper plants, three-quarters of the members of Citizen Councils were white union men. When Autherine Lucy, a black woman, attempted to register as a student at the University of Alabama, union members were the ones who stormed the campus in protest.<sup>40</sup>

In his study of the impact of McCarthyism on organizing efforts in the South, historian Douglas Flamming has described how pro-union Southerners could be targeted by local power-brokers for their supposedly "Communistic" ties. While labor leaders were fully aware that Communists had helped generate and shape the union movement prior to World War II, many recognized that times had fundamentally changed.

#### "Preventative labor relations"

The purge of communist-allied unions and supposed communist sympathizers dovetailed with a

second development that impeded the unionization of the South. After World War II, mills developed a new strategy for opposing organizing activities that historian Bruce Raynor calls "preventative labor relations." Pioneered by J.P. Stevens Corporation, among others, this strategy paired political power with race-baiting and other illegal practices to break the few successful unions in the region or prevent unions from taking hold.

As civil rights attorney James Ferguson told the GTRC in an interview:

We got a very determined response from J.P. Stevens that they were going to have none of it and they were going to do whatever they could to bust the unions and they did. And there were efforts on the part of the mill owners in conjunction with local politicians around to resist in every way possible the organizing efforts that took place around the textile industry. And they were pretty largely successful in resisting that effort. For the longest (time), J.P. Stevens resisted the effort. And for the longest (time), when it started with Cannon Mills, they resisted the effort. So that even today North Carolina remains a right to work state and there is very little organized labor within North Carolina today."41

Political clout was perhaps the most pervasive, effective tool. Raynor cites the case of the Harriet-Henderson Cotton Mill strike to show how this worked. This North Carolina strike began in 1958 over the company's decision to attempt to break the union by insisting on eliminating its right to arbitrate grievances. The Textile Workers' Union of America (TWUA), formed in 1939, had no choice but to call for a walk out. Despite tremendous pressure, the union remained united until, in Raynor's words, "the company framed TWUA's vice president and seven strike leaders for conspiring to dynamite company property. Despite appeals to the Supreme Court, these eight men were sentenced to terms of imprisonment from between two to 10 years. The company broke the strike in 1960 and the union disappeared from Henderson, North Carolina."

Companies also deployed tactics that were clearly illegal. Although repeatedly sanctioned by the NLRB, companies like J.P. Stevens preferred to engage the union's lawyers in handling grievances, eventually paying millions in fines and compensation to wrongly discharged workers, rather than risk a unionized work force. Among the many illegal practices the company used were efforts to convince workers that the unionization of mills would lead to the mills' closures. Other tactics included exploiting racism by, among other things, posting news reports on mill bulletin boards about the Zebra killings, a series of random murders of whites by members of an extremist sect of the Nation of Islam in the 1970s.<sup>43</sup>

In a 1975 speech on the floor of Congress, Sen. Birch Bayh (D-Ind.) concluded, "when big business chooses to obstruct the process of unionization, the present law of this country may be inadequate to compel business to the bargaining table." <sup>44</sup>\_

## "A union man, a black, and a mad dog": Racism and Labor

Labor played a complex role in the civil rights movement in the South, where pro-labor communities could also be virulently racist. Though many organizing efforts attempted to eliminate the racial gap, it remained virtually unbridgeable throughout the South, including in North Carolina. Instead, unions took on the conventions of the culture, segregating along racial lines.

According to Thomas Knight, the then secretary-treasurer of the Mississippi chapter of the AFL-CIO, "there were three things that were in the same category and the same danger: a union representative, a black, and a mad dog. A person with a gun in his hands would look at the three just about alike." <sup>45</sup>

As labor historian Robert S. McElvaine has noted, "Many labor leaders ... found themselves caught between conflicting forces: on the one side were the courts and the federal government, pushing for integration; on the other was the local segregated society in which their unions had to operate. The national unions were generally pushing for racial justice, while the membership of most local unions reflected prevailing southern white beliefs that resisted such integration."<sup>46</sup>

For anti-union forces, including many mill owners, segregation provided a way to divide and weaken the labor force. In one Mississippi plant, for example, black workers were told that if they unionized, the Klan would take over; in a parallel fashion, white workers were told that the NAACP would be in charge if the union won.<sup>47</sup>

The passage of the Civil Rights and Voting Rights acts in 1964 and 1965, respectively, began to erode not only segregation, but also the union color line. Forced to accede to what were now federal laws, black workers began to swell union ranks. In 1964, the AFL-CIO began a drive to recruit black textile workers. Within 10 years, close to 30 percent of the textile workers affiliated with them were black.<sup>48</sup>

For the GTRC, civil rights attorney James Ferguson recalled:

There was a good deal of effort being made during that time to organize workers around the state...And that movement was an effort to organize workers in the textile industry, a number of whom were African American. And out of that organizing effort grew some efforts to bridge the racial gap at the worker level in the community. But that also brought to reality the fact that the labor unions themselves had been a part of the whole structure of segregation. So they had to look to themselves and begin changing some of their own internal practices in order to be able to address issues of race in the textile industry and throughout the community. And I think those efforts helped to lift the level of awareness of people throughout the community – of how race played out in the workplace.<sup>49</sup>

While some white workers supported integrated unions, others were passionately opposed. The fact that some unions were linked to Communists also hurt union drives, in the opinion of whites like Virgil Griffin. In his testimony at the GTRC's first public hearing, Griffin, a Klan leader and a textile mill worker, described his reaction this way:

I belonged to the union one time.... Sure as hell wasn't no Communists comin' in there with us. Not then. I thought the union ... I liked it pretty good under the union. I tried to organize it in the mill. I tried to organize J.P. Stevens. I asked the communist – the union rep to come down there. You sure you not in with the Communist Party? I said no, I don't wanna be in no Communist Party. They had better benefits. I don't have a thing against the union. 50

However, Gorrell Pierce, former grand dragon of the Federated Knights of the Ku Klux Klan, was much more pointed about the links between trade unionism, Communism and matters of race in the documentary film "Resurgence,"

Times are getting bad. What are we going to do, when Ford folds when GM folds? How we going to bail them out? We're not. How are we going to bail out the textile worker in this state, the furniture worker? There IS no way. We're all going to be unemployed one of these days, people. When you're unemployed, what are you going to do then? I'll tell you what I'm gonna do. You're going to see me going down the street-- After the son of gun that caused it: Africans,

blacks, coloreds, niggers, negroes, or whatever you call 'em. I call them black ... (from the crowd: How about porch monkeys?) that's OK, porch monkeys is OK. You can find 'em in almost any union . And probably some of you here belong to a union. And unions have been good organization one time. But they've done gotten so big and powerful they're plumb out of the hands. Even the union employees. Now the Teamsters is trying to do away with shop stewards – they gonna appoint 'em, you don't elect 'em no more. And I know why they wanna do that. They are going to elect you the finest little Communist, get in there and work in your union, he's gonna get you and your black brother all hugged up, and you're gonna talk about equality and fair pay, fair pay, and you're going to be going up and down the street marching together. And the next you know you're a Communist. And that's where they start. And they mean to physically overthrow this country! The Ku Klux Klan has never overthrew the government. We overthrew the Reconstruction government and replaced it with what it was supposed to be. And that what we are here today to do. 51

In an interview in the documentary, Milano Caudle, a Nazi who owned the blue Ford Fairlane that carried the guns used to kill the marchers at Morningside Homes on Nov. 3, 1979, boasts in an interview that the Klan "destroyed the damn union" with its action against the marchers. "The Communists will never get another foothold in it again, praise God," he vowed. <sup>52</sup>

The WVO members have said their anti-Klan campaign sprung in part from the fact that the Klan was a threat to their trade union work because the Klan discouraged multiracial cooperation. In their testimony at the GTRC's hearings, Jim Wrenn and Paul and Sally Bermanzohn all referred specifically to an election to determine if Fiber Industries, a large textile mill near China Grove, would allow a union. The union lost the election, which was later overturned by the NLRB on the basis of unfair labor practices.

One of the union's claims was based on a phonographic record that was mailed to all company employees that depicted a dramatization of a strike that involved violent attacks by union members on non-union laborers who wished to work. Rumors had spread that the union workers all had identifiably black voices while the non-union workers were white, thus playing on the fears of racist white workers.

We found this particular allegation regarding the phonographic was unfounded and we mention it here only because it has been used widely and specifically as evidence of racism in union busting and as justification for the China Grove action both by the Klan and the WVO. The GTRC obtained through a FOIA request a copy of the records from this case, including the phonographic recording.<sup>53</sup> On the recording, which is indeed plainly an attempt to scare workers away from voting for a union, violent union workers with <u>both</u> identifiably black and white voices set upon non-union workers with stereotyped black voices.

This is not to say that the allegation of race used as a union busting technique was unfounded. Indeed, one of the NLRB attorneys who assisted in obtaining the records for the GTRC had been in the Winston-Salem office since the early 1970s. He commented that in his experience it was "commonplace" at that time for management to use race as a means of dividing workers and discouraging unions. However, we have not been able to verify it in the case of Fiber Industries.

However, there is other evidence of the role of race in the workplace. As Si Kahn told the GTRC, thousands of black workers began to find work in the mills in the late 1960s and early 1970s, a direct result of the civil rights movement. By 1979, blacks held a quarter of all production jobs in the southern

textile industry, an unprecedented and astonishing transformation.

Between 1960 and 1970, the labor market for the textile industry in North Carolina increased 42 percent. More than half of these additional jobs were taken by blacks who textile mills recruited to fill the low-wage jobs that white workers were increasingly reluctant to take. While blacks had once been limited to low-skill work like cleaning, in this period, they were hired for the increasingly complex tasks required by modern textile work. <sup>54</sup> In Greensboro, white workers took about half of the new jobs created; black workers took roughly 40 percent of the new jobs; and other minorities, 10 percent. <sup>55</sup> "Some of the mills become 30, 40, 50, 60 percent African-American. And this changes the possibility for unionization and for labor activism," Kahn noted. <sup>56</sup>

Predictably, this transformation was not easy or without setbacks. Minchin notes that every major textile company operating in the South was sued for alleged racial discrimination, including Greensboro's Cone Mills. Some of the suits were dismissed, others went into arbitration and others resulted in judgments against the mills, including Cone, to reform labor practices. In other words, Cone was neither free of allegations of discriminatory behavior nor was it considered among the worst of the mills. That last distinction probably belonged to J.P. Stevens, which used race as one of many tools to promote division among its workers. Clearly, racial discrimination was not unique to the mills. But as a deeply rooted element of Southern culture, either barely hidden or in plain view, racism was a potent and easily deployed force that worked in the mill owners' favor. <sup>57</sup>

#### Cone Mills in the 1970s

By the 1970s, North Carolina led the nation in textile manufacturing, with over 400,000 jobs directly related to the industry.<sup>58</sup> One of the leading companies in the state was Cone Mills, at the time one of the largest manufacturers of textile fabrics and largest users of cotton in the United States. The company employed 16,000 people in plants in Alabama and North and South Carolina and manufactured denim, corduroy and flannel, among other things.<sup>59</sup>

Despite the decades-long difficulties in unionizing at Cone, by the early 1970s, the TWUA represented about 5,000 Cone workers at the eight plants in and around Greensboro. According to historian Raynor, the local union leadership was made up of "very dedicated older union stalwarts who are veterans of many battles against Cone." The membership was quite passive, however. A union leader complained to Raynor that workers complained about conditions, but were unwilling "to do anything about it." 60

In 1976, the TWUA merged with the Amalgamated Clothing and Textile Workers' Union (ACTWU), an attempt to join forces with a rival shop in order to revitalize the organizing campaign. Textiles were facing difficult times. An economic recession was pressuring the industry. Hard times created fertile recruiting opportunities for a resurgence of the Klan, growing after years of decline.<sup>61</sup>

The decade of the 1970s was also one of growing workers' rights violations in the United States, according to a Human Rights Watch report. Many studies document this rising volume of violations, which prompted congressional hearings to look into extensive employer violations and ineffective enforcement of laws supposed to protect workers' rights. While some of this increase may be due to better reporting, the high incidence and severity of violations clearly shows that workers' faced significant obstacles in the effort to defend their rights. According to Prof. Theodore St. Antoine, former dean of the University of Michigan School of Law and president of the National Academy of Arbitrators, the nation's leading organization of labor-management neutrals, "(T)he intensity of opposition to unionization which is exhibited by American employers has no parallel in the western industrial world." While the numbers of workers fired for exercising these rights during the 1950s was measured in hundreds each year, by the 1980s thousands suffered such discrimination annually.

Reviewing NLRB records, Prof. Paul Weiler at Harvard Law School found that unfair labor practice charges against employers increased by 750 percent between 1957 and 1980.<sup>62</sup>

Organizing efforts began to see success in formerly impregnable mills, among them J. P. Stevens. At the merger convention, the unions announced their first-ever boycott of J. P. Stevens, a tactic that was later joined by pressure on members of the board of directors and shareholders. With the release of the movie "Norma Rae" in 1979, a fictionalized account of the effort to form a J. P. Stevens union, the campaign reached its zenith. Eventually, the ACTWU settled with J. P. Stevens and claimed a partial victory; but the union never parlayed its success into a broader campaign.<sup>63</sup>

As Si Kahn, who worked as an organizer with the TWUA and then the ACTWU, told the GTRC:

There was great hope in the textile worker's union and throughout the labor union that (the J.P. Stevens campaign) could be the moment in which we broke through with unionizing the South. The dream of organizing the South has been a dream for a long time, well over a hundred years, because the South has, in terms of labor, but also in other areas, been that drain in the bathtub through which progressive movements just kind of drain away... And because this seemed so much like a breakthrough, the entire labor movement, and much of the civil rights movement, and the women's movement, and other progressive movements mobilized behind this.

It was, in Roanoke Rapids, also a multiracial labor movement; the mills were about 40 percent African-American, the union was very conscious and deliberate to always have a multiracial leadership group. Again I'm not saying that there weren't racial divisions, I'm not saying there weren't racism and discrimination, but the union had a very strong practical and I think principled commitment to building a multiracial workforce and union and understood that was the only way to win. The calculation we always – the companies always thought you had to keep the number of African-American workers below one third. And we always thought they were right because we could get – we being the union – we could get anywhere from a third to a half of the white votes. But no matter what else we did we couldn't break through that last half, whereas you could almost always count on ninety to ninety five percent of the African-American workers to vote for the union. So it's pretty simple: once you've got the forty, fifty percent African-American in the average mill, that mill was going to go union.

It took the companies a little while to figure that out and the labor union picked up a number of work places before they dropped it back to one third. So that became — it was both a symbolic and a very real campaign, and the thinking was that if the union could get a contract in Roanoke Rapids, that would open up the rest of the South. And extraordinary resources went into this. And they were resources not just on the part of the labor movement, but faith leaders, community leaders, women's movement leaders, African-American leaders, Hispanic leaders, student leaders, and people who weren't leaders — people who were the salt of the earth, who were great followers. People all over this country... in Europe. I remember that we had picket lines in South Africa in support of this campaign.

And in some ways it was a turning point and in some ways it wasn't. It's a historic victory, but what so many people had hoped would happen was that it would move from Roanoke Rapids, it would move from the J.P. Stevens mills and sweep across the South, something like the campaigns of the 1930s. That proved not to be true.

And I think it proved not to be true because of the absolute resistance of the mill corporations to unionization, and so yes, we won a stunning victory in Roanoke Rapids in 1974, but it was 1980, six years, to get a union contract, and by that time a lot of other mills had decided that's just too long to wait. <sup>64</sup>

#### Radicalized Duke students in labor movements

As the largest private educational institution in the region, Duke University had a central role in these events. Northerners drawn to the university as students either brought their politics with them to North Carolina or became radicalized by the conditions they experienced in and outside academia. Southerners found new inspirations in innovative scholarship on the past, reshaping the way we see events, including the history of trade unionism. With the Vietnam war and opposition to it high, activism drew together students from different backgrounds and convinced many that their work could ignite real change.

One magnet of leftist activism was the effort to unionize Duke University. In the 1950s, black workers were still required to call students Miss or Mister, and could be penalized for failing to do so. Although Durham itself was one of the most heavily unionized cities in the South, the university existed as if in a separate world.

Oliver Harvey was a janitor and one of the first black workers to organize at Duke and, in the words of the magazine Southern Exposure, "kept the fires of unionism smoldering through the long, lonely years of apathy and fear" at Duke. "In addition to low wages, we had hardly any fringe benefits at all," Harvey told Southern Exposure in 1978. "No holidays, no sick leave. You got sick, you starved, 'cause you only got paid for the days you worked, no matter what."

In the hospital, Harvey said, there was also a color line between workers. "All the nurse's aides were white and all the nurse's maids were black. They did the same work, but the nurse's aides were much better paid." Until 1974, all workers in private, non-profit hospitals like the one run by Duke were denied the protections of the National Labor Relations Act. In practice, this meant that workers could be fired for supporting a union and had no right to a vote for union representation. 66

The first organizing campaign at Duke, supported by the American Federation of State, County and Municipal Employees (AFSCME), began in 1965. Three years later, hospital workers spontaneously walked out for two days. A planned strike later that year came on the heels of the assassination of the Rev. Martin Luther King, Jr. Workers were out for 13 days and students maintained an open-air vigil in support, while also calling for better race relations on campus and with the community. Finally, the university offered to make a collective bargaining agreement and set up an "Employees Council" to resolve grievances. In 1972, the union won the first election.<sup>67</sup>

In the fall of 1974, Durham activist Howard Fuller was hired as the union's business manager. Known also by his second name, Owusu Sadukai, Fuller had worked with Nelson Johnson's Student Organization for Black Unity (SOBU) in Greensboro in the late 1960s. In 1969, Fuller formed Malcolm X Liberation University as a way of providing black students with a revolutionary alternative to mainstream black colleges. Fuller also led the all-black Revolutionary Workers League (RWL), a Maoist group with a strong current of black nationalism. <sup>68</sup>

Though the RWL did not allow whites as members, Fuller found willing allies among whites doing political work in Durham; among them were Paul Bermanzohn, Sally Avery and Jim Waller. Bermanzohn and Waller were in Duke Medical School. Avery, a former Duke student married to Duke doctor Michael Nathan, was a Durham-based activist. Duke graduate Cesar Cauce was also part of this group. Cauce gave up a scholarship for graduate work at the University of California-Berkeley to work as a Duke

data terminal operator and continue organizing for AFSCME. All four belonged to the Communist Workers Committee, a predominately white group.<sup>69</sup> Michael Nathan, who was not a member of a Communist-linked party at the time of his death, had worked with Bermanzohn on the Duke-based Medical Committee for Human Rights, which was passionately anti-war.<sup>70</sup>

Some found the Duke culture of privilege limiting if not insufferable. Paul Bermanzohn told journalist Elizabeth Wheaton that Duke "was filled with these upper-class kids. Some of them were kind of caricatures of themselves. I would always ask things like, 'What do you want to do when you get out of medical school – when you grow up?' And this one guy said, 'I want to earn six figures.' I thought, where are these people coming from?"<sup>71</sup>

On July 15, 2005, Bermanzohn told the GTRC:

In medical school at Duke University, I became more radical. You are supposed to get conservative in medical school; I became more radical as I saw how poor people were treated. How no expense was spared in taking care of upper class people and how if you were poor, and especially if you were poor and black you were treated as a lesser creature. I was shocked to hear poor black people routinely called "teaching material" in the clinics. Poor white folks weren't treated much better. When I took a year off from medical school to work in Durham's anti-poverty program as a health specialist, it was no surprise that the black community called Duke Hospital the "Plantation." My father got sick when I was a medical student and he got about the same treatment in NYC teaching hospitals as was given to poor folks at Duke. It wasn't just a Southern thing or a black thing. By the time I graduated from medical school in 1974, I was on my way to becoming a revolutionary."

A similar experience shaped Jim Waller's decision to leave Duke and take a job as a Cone Mills textile worker. Immediately, he translated his political views into action, helping to organize Local 1113T at the Granite Finishing Plant in Haw River.<sup>73</sup>

In part, this search for political relevance was strongly shaped by what were perceived as defeats, among them the 1972 elections of Richard Nixon as president and Jesse Helms as U.S. senator from North Carolina, and the continuing war in Vietnam. To Elizabeth Wheaton, Sally Avery said, "That's what really opened me up to studying communism... it took quite a bit of experience for me to realize that there is a need for revolution and there is a science for making revolution, and that I ought to start looking into it."<sup>74</sup>

Signe Waller described her conversion to communism during the first GTRC public hearing:

I began to see the injustices in society more clearly and I think that the appeal of the Workers' Viewpoint was that there was a very, very keen analysis of the social structure. Of power in society, social relationships, who held the power. Of the racism in society. There were things I had wondered about. I had wondered about racism and there was an explanation that rang true to me and so I gradually committed myself to a higher level of activity. 75

Several people within this group gave up their professional careers to work in low wage jobs in order to better organize workers. Cauce, like Bermanzohn and Waller, was inspired by his organizing work at Duke and chose not to get a Master's degree or a Ph.D., but devote himself full time to organizing, his widow told the GTRC.

He wanted prestige of another sort, he wanted to personally know that he was doing something that would be part of a solution, and not to simply continue to be part of a problem. Cesar and all of us were doing very real, significant and effective work doing community organizing and worker organizing in Durham, in Greensboro and across the state. ... Cesar became one of the most successful advocates for (Duke) campus workers. He represented many workers in grievance hearings and successfully argued many cases. He was readily regarded as the go-to person for grievance representation. This success and growing recognition amongst the workers as someone who could make widespread change in their working conditions gave him a mini-platform to help in their union efforts. Duke had a lot of separate unions and they were all small and weak. He was working to try and combine them into one stronger union.<sup>76</sup>

The 1972 union victory at Duke was short-lived. A well-known union-busting firm, Modern Management Methods, from Chicago hired by Duke conducted interviews, seminars and focus groups among supervisors that were meant to reverse the victory. As Karen Brodkin Sacks has written in her history of the drive, Duke set out to "impede and if possible, defeat union efforts to obtain a showing of interest (signed authorization cards from 30 percent of the employees in an appropriate unit)," while also preparing for a union election.<sup>77</sup>

Modern Management Methods, or 3M, taught supervisors how to create doubt in workers' minds about the benefits of unions, raise anti-union issues and tell workers that the union harmed their interests. <sup>78</sup> In one interview with Southern Exposure, a worker explained that supervisors "told the people that if they went with the union they might lose their jobs whenever someone with more seniority wanted it. They were told that the first thing the union will do is go on strike, and you'll never get another job, and you won't get unemployment, and you won't get food stamps. People were scared to death."<sup>79</sup>

Even Duke President Terry Sanford joined in, writing a letter to faculty urging them to oppose the union because wage increases for hospital workers might compete with faculty salaries.<sup>80</sup> On February 16, 1979, hospital workers voted 995 to 761 to reject AFSCME.<sup>81</sup>

### The emergence of the Workers' Viewpoint Organization

The history of communism in the United States is long, tangled, sometimes comical, often uplifting and ultimately frustrated. As early as 1921, there were already enough groups operating within the country to prompt Lenin and the Third (Communist) International, or Comintern, to order them to unite into a single organization, called the Communist Party of America. The Comintern also forced a change away from revolutionary militancy to working through established labor organizations and developing a mass following.<sup>82</sup>

The appeal of Communism was as varied as the people who espoused the ideology. For some, social idealism was the magnet, since Communism held the promise of a society without poverty or inequalities. Others saw it as a powerful tool to fight colonial powers and establish independent nations. American Communists embraced the rhetoric as a way to combat national ills, including racism. Gus Hall, a founder of the United Steelworkers of America and the long-time general secretary of the Communist Party of the United States, was recruited by his father and, like many Americans who experienced the Great Depression, became convinced that capitalism was doomed and ripe for overthrow.<sup>83</sup>

World War II and the advent of the Cold War brought sweeping change to the followers of Communism. The witch hunts of the McCarthy hearings were paired with laws barring Communists or Communist sympathizers from employment. All Communist and Communist-dominated organizations had to

provide the federal government with the names of all members and contributors, and Communist-dominated unions could not engage in collective bargaining.

But there were also huge changes within the Communist movement elsewhere. In 1956, Nikita Khrushchev's denunciation of Stalin's excesses, along with the Russian suppression of the Hungarian revolt in that same year, created new schisms around the world. Many young people were drawn to the Chinese example set by Mao Tse-Tung, chairman of the Central Committee of the Communist Party of China from 1945 until his death in 1976. Unlike previous leaders like Lenin, Mao believed that agrarian societies were ripe for revolution. Societies with large peasant populations didn't have to wait for an industrial working class before pursuing Communism. Also, Mao emphasized that revolution had to be made at every level of society, and that revolutionaries had to make common cause across race and gender boundaries.

In the United States, this doctrine inspired young Communists to direct their energy at new categories of converts, among them immigrants, African Americans and workers associated with rural-based industries, including North Carolina's cotton mills. Several United States-based Maoist parties were formed in the 1960s, among them the Revolutionary Communist Party (RCP), a faction of the Students for a Democratic Society, and the Progressive Labor Party, which split from the CPUSA after concluding that the Soviet Union had betrayed communism and had become revisionist and state capitalist.<sup>84</sup>

By 1974, a host of communist-inspired groups, some large and others with only a handful of members, operated in the United States. Called the "New Communists," these groups were an alphabet soup of factions, tendencies and influences, from resolutely pro-Soviet to ones inspired by the revolutionary movements then underway across the globe.<sup>85</sup>

Among them was the Workers' Viewpoint Organization (WVO). Initially formed around issues related to the Vietnam War, the WVO shared the belief that the CPUSA had lost relevance because of an outmoded interpretation of Communist doctrine.

Jean Chapman, a former WVO member, told the GTRC that the WVO was formed in New York by "Chinese-Americans and African-American comrades. So from the very beginning, you can say the WVO was started by what we would call minority people who are in fact the majority in this world... (These new groups) saw the old Communist party as defunct. The Soviet Union was being looked at as a traitor to true Socialism and China was the new rising star on the horizon."<sup>86</sup>

In her memoir, Signe Waller described the powerful appeal of the WVO's analysis of race in particular:

The WVO sought the roots of racism in the development of capitalism and the role played by slavery in economic development. The African American people, the WVO said, constituted an oppressed nation within the United States, concentrated in the South... the concept of national oppression as applied to blacks in the United States made sense to me in explaining the systemic and endemic character of racism in this country. It was very unifying in allowing black and white activists to come together and work together in that period, sharing a common scientific understanding of the problem.<sup>87</sup>

The core of radicals who came to represent the WVO in North Carolina were concentrated in the Piedmont and at Duke University, where they "learned that the party can only evolve from study, discussion, action based on the study and discussion, criticism and self-criticism of the action, repeating the process again and again to develop 'the correct line.'" The reason for these internal debates lies

in Maoism itself, which demands that adherents constantly criticize themselves and each other for possible middle class or "revisionary" sentiments.<sup>88</sup>

At its peak, Signe Waller estimates, the WVO had between 800 and 1,000 members in 20 American cities.<sup>89</sup> In the weeks before Nov. 3, 1979, the group made a transition to what she described as a "political party:"

So the Workers' Viewpoint Organization, WVO, and the Communist Workers Party, CWP, is one and the same. It is like when a woman gets married and she takes her husband's name, she does not become a different person, I hope. So this was really just an organization that had developed to the point where it felt that it could step out as a political party. The elaboration of its structure and its plans and its understanding and strategy got to that point. And actually that point was shortly before November 3rd. In October of 1979, there was a founding congress for the Communist Workers Party. Who was at that congress was Workers Viewpoint Organization. So people were not carved up into I'm a labor organizer today and I'm a Communist tomorrow. You know. Then I was a Communist and then I was a mother and today I am a grandmother and I've always been a woman. And we can be many different things at one time. 90

Max Elbaum, a journalist and former Student for a Democratic Society (SDS) member, wrote in his history of the New Communist movement that the emergence of these groups was due to at least three major influences: an appetite for a disciplined, Leninist-style revolutionary vanguard party that would lead what was by then a mish-mash of student groups and personalities; the strong influence of the Black Panther Party, a centralized and highly disciplined group; and the irrelevance of the CPUSA, which failed to attract a new generation of young activists disillusioned with its rote defense of the Soviet Union.<sup>91</sup>

Like other groups of this period, the WVO could be extreme on issues. In the 1970s, the Workers' Viewpoint, a newspaper, launched sustained attacks on Cuba's Fidel Castro, who they described as a "professional liar." For them, Jesse Jackson was a "preacher pimp" and Pol Pot, the leader of Cambodia's genocidal Khmer Rouge, was a misunderstood genius, whose people were starving not because of political extremism but because of the "Vietnamese/Soviet revisionist dogs" and their campaign to prevent Cambodians from farming. Also dismissed by the WVO were church-based civil rights leaders like C.T. Vivian and the Rev. Joseph Lowery. 92

In turn civil rights leaders were concerned that this aggressive style would win over younger black activists frustrated with the amount of work still to be done on civil rights. After the Nov. 3, 1979, killings, the New York Times reported that some civil rights leaders worried that the groups like the WVO "complicate the whole civil rights stance and the thrust for human rights – we have enough problems as blacks and we don't need to provoke any more." The killings, they feared, would increase the appeal of this type of rhetoric. 93

Certainly, students of the time firmly locate the WVO as emblematic not only of the New Communist Movement's strengths, but also the weaknesses that had marginalized them by the mid-1980s. As Elbaum noted, "most of the movement gave little attention to – or actually opposed – the development of forms reflecting bottom-up initiative and working-class self-organization outside party control," among them the organization of strong unions independent of party control. Some outsiders correctly perceived that the WVO's aims were not to strengthen the unions, but to use them as vehicles to achieve their ultimate goal: revolution and the triumph of communism over capitalism. WVO member Jim Waller was direct about the WVO's interest in unions: "We will struggle against any tendency to raise building this

#### union as the principal goal, to elevate it above building the Party to prepare for revolution."94

Bob Hall, Southern Exposure's founding editor, told the GTRC that the WVO was not an "organic product" of either the South's existing labor, community or civil rights movement:

So (the WVO) was not embraced by either the labor movement or the civil rights movement veterans. It was seen as a group of white, academic, super leftists who were not very skilled when it came to tactics. They may have had an intellectually sophisticated analysis, but when it came to trying to work with people on a practical level they were challenged. Some of them overcame those challenges. Some of them did quite well as doctors in providing services or even as shop stewards in a plant. But...the labor movement resented them being the image of what a labor organizer was. They had enough problems organizing in the South without these guys, generally guys, trying to establish what you do as a labor organizer. You talk about Mao Tse Tung or the Red Book or something...or you take on the Klan. Challenge them to come duke it out. It is not a very sensible tactic...But that doesn't mean they should be killed."95

By 1975, the group was calling itself the Communist Workers Committee and was led by Paul Bermanzohn, Jim Waller and Sally Avery. Fuller was their link to the RWL, Greensboro and the work of people like Nelson Johnson and Sandi Smith. Eventually, they were joined by Cesar Cauce and Martha Arthur, later to marry Mike Nathan.<sup>96</sup>

Paul Bermanzohn described the next steps these activists took:

Over time our group began to seek a national organization to build a revolutionary party. We hooked up with the New York City based Workers Viewpoint Organization, which was a multiracial group. In the process of making this connection our Durham group encountered a group of black revolutionaries in Greensboro which was led by Nelson Johnson, who had been working by this time for decades among Greensboro's poor people. The Greensboro group was developing along similar lines to ours. Our merger was an electric event. It strengthened the progressive movement by forming a multiracial core of experienced leaders. 97

For Joyce Johnson, the alliance was attractive because of the group's early emphasis on equality across language and race:

We in the CWP were black, we were white, we were Chicano, we were Asian. We were recent immigrants, we were native-born Americans, we were native Hawaiians. Some of us had a little money and were rich; some of us were poor. Most of us were young intellectuals who brought our communities together. Our national meetings were held in several languages; this was before 1980. We didn't realize how powerful we were. 98

Several people who came to form part of the North Carolina WVO went through what one local leader called "a Communist conversion experience." This prompted many to leave the professions they had spent years preparing for, including medicine, to work in the mills and dedicate themselves full-time to organizing. In his statement at the GTRC's first public hearing, Chapel Hill resident Yonni Chapman, who worked at North Carolina Memorial Hospital in Chapel Hill, described his reasons for joining:

I became acquainted with members of the Workers Viewpoint Organization. This organization attracted me for several reasons. In North Carolina, the WVO was vibrant and growing. While its members advocated for a radical transformation

of society, they were not a sect of talking heads, like so many groups on the left. The organization was doing effective and significant organizing work in North Carolina's most important mills and hospitals, in rural communities, and in the black neighborhoods of Greensboro and Durham. Moreover, the WVO had an impressive national presence and a deep connection to liberation movements in Africa and around the world. Unlike many groups on the left, moreover, the WVO recruited working class activists and its leadership in North Carolina included people like Nelson Johnson and Sandi Smith who had years of experience in the Black Freedom Movement. Of critical importance for me, the WVO was a truly multinational organization, made up predominantly of comrades who were Asian, Latino, and African American. The organization truly reflected the diversity of America and the leadership of the most oppressed groups in society. The organization inspired and offered hope. I believed it had the potential to lead a fundamental transformation of society. 100

For WVO members as well as outside observers, a critical moment was May 30, 1976, when the RWL, CWC and others invited WVO representative Jerry Tung to town to help them "struggle" over their differences, according to Signe Waller. Tung was a New York-based Communist who had met Mao and would go on to become the General Secretary of the Communist Workers' Party, which the WVO was renamed just before Nov. 3, 1979. For the RWL, Howard Fuller spoke. The objective of the meeting was to see if the CWC and RWL would merge into the WVO or continue to operate separately.

As Waller wrote, "You could almost assemble the China Grove and November Third rallies of 1979 from the people that went to that meeting," among them Jim and Signe Waller, Sally Avery, César Cauce, Nelson Johnson and Paul Bermanzohn.<sup>101</sup>

Most accounts of the meeting conclude that Tung scored a rhetorical victory over Fuller, strengthening the role of the WVO in the state. The CWC and its white members became part of the WVO. Eventually, the RWL disintegrated and former members, among them Sandi Smith and Nelson and Joyce Johnson, ended up joining the WVO.<sup>102</sup>

But others were not convinced by the increasingly strident Communist rhetoric. Tim McGloin, a young professor at North Carolina Central University, worked with Paul Bermanzohn on the campaign to protest Durham's plans to build a new hospital in predominately white northern Durham instead of where he believed it was more needed – in black and poor Durham. The effort was unsuccessful, and, as McGloin told the GTRC, people became "fractured along ideological lines." <sup>103</sup>

#### **Brown Lung disease**

In the 1970s, as union activity was increasing, a separate issue emerged: brown lung disease. Byssinosis, called brown lung in the United States, was first discovered among European textile workers in the 13<sup>th</sup> century. 104 Byssinosis occurs when cotton dust blocks the airways in the lungs, making it progressively more difficult for its victims to breathe. Eventually, the disease is irreversible and brown lung victims suffocate to death.

At a time when there was mounting medical evidence of this malady in the United States, textile companies disputed the seriousness of brown lung, arguing that workers' breathing problems were due to bronchitis, emphysema and excessive smoking. Hundreds of claims by sick workers were denied. In doing so, mills – doing an annual business of over \$17 billion – sought to evade paying compensation and increased insurance rates or investing in the kind of technology needed to filter cotton dust from the air within plants.<sup>105</sup>

Only in the late 1970s did U.S. officials and manufacturers acknowledge the problem. In 1977, OSHA estimated that 230,000 American textile workers were exposed to levels of cotton dust that could cause brown lung. Seventy percent of those workers lived in North and South Carolina, where less than 10 percent of those workers were unionized. 106

In part, the recognition that brown lung was caused by work conditions was due to the work of the Carolina Brown Lung Association. Starting in 1975 with grants from the churches and the AFL-CIO, among others, the association first organized in Columbia, S.C., with chapters quickly following in Greensboro, among other places.<sup>107</sup>

In November 1975, about 40 workers met in Raleigh with the state legislature's Industrial Commission, to press for workmen's compensation for victims of brown lung. <sup>108</sup> At that time, according to government figures, at least 18,000 workers in North and South Carolina suffered from the disease. <sup>109</sup>

One of the most effective spokespeople was Lacy Wright, a former Cone Mills worker who suffered from the disease. Like many other textile workers, Wright was not initially diagnosed with brown lung, but with emphysema and bronchitis. In 1975, Wright told interviewers with the Southern Oral History Program that he started work at twelve after quitting school. For 44 years, he did virtually every manual job available. But by the end of his career, he could hardly breathe or even see.<sup>110</sup>

Wright was a union man, a former president of his TWUA local. Even U.S. senators known for their support of the textile mills were moved by the hundreds of stories the association collected. When Sen. Ernest Hollings (D-S.C.) introduced legislation to require the federal government to compensate brown lung victims, he termed the mill attitudes as a "conspiracy of neglect which has victimized textile workers for decades."<sup>111</sup>

The Carolina Brown Lung Association adopted as its organizational culture a deeply collective strategy, depending on group decision-making and with a decentralized structure that reflected differences in location and the personalities involved. While some of those involved may have had what historian Robert E. Botsch calls "quite a radical vision for the future, most were "clearly well within the American populist tradition." 112

That approach clashed both with the existing unions and the more radical Communist-led groups, including the WVO. The unions were either lukewarm or openly hostile to the association, because it was made up largely of outside organizers and retired workers, some of whom had opposed unionization. As long-time health activist Len Stanley told the GTRC, "Our efforts were geared toward cleaning up the mills and prevention of brown lung. We initially wished to be pro-union but quickly realized that the unions did not help the situation." <sup>113</sup>

In contrast, some former brown lung organizers told the GTRC that they believed the WVO saw the group as a mere stepping stone to greater class consciousness and eventual communism. Jim Waller, already deeply engaged in the study of Marxism, attended one of the first meetings of the Carolina Brown Lung Association. Another early supporter was Paul Bermanzohn.<sup>114</sup>

Len Stanley recognized that the WVO wanted to take part in the brown lung campaign, but "they could not be trusted because they were too zealous about their own cause. They always had their own agenda." She described them as "naïve and opportunistic."

They were rich kids going to med school who didn't understand what the real dynamics were like. They were so far removed from the victims of brown lung that they really

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couldn't understand what was happening."115

As Botsch writes in his history of the association, "a few of the doctors who volunteered their help at screening clinics were not so careful. One of them castigated those who attended a clinic for not being Communists, saying that he was speaking for the association. The organizers responded as quickly as they could: 'We pulled him aside quickly and told him if he ever did that again we'd ... break his knees." Though Botsch did not name the doctors involved, the Charlotte Observer identified the doctor as Paul Bermanzohn. Signe Waller also told the Commission that Jim Waller helped screen possible brown lung victims. Waller helped screen possible brown lung victims.

By 1981, the Brown Lung Association reached its peak, with 17 chapters in four states, including North Carolina, and more than 5,000 members.

However, within a few years, the association was seriously weakened, victim to lack of funding, some positive changes within the industry and a federal audit that seemed more intent on exterminating the organization than uncovering any wrongdoing.<sup>118</sup>

#### The WVO and unions

As was noted earlier, the WVO saw union organizing as a promising avenue to generating worker activism and solidarity, with the ultimate goal of creating a movement powerful enough to challenge American democracy, provoking a fundamental transformation of society that would culminate in Communism.

As former WVO members tell it, their union organizing in the state's textile mills was not only growing, but was having significant success. Paul Bermanzohn described a wide range of activities, from work in the unions to activism on education, as a way of making the case that the WVO "was growing in numbers and sophistication. In every case we educated people on the root problem underlying the abuses we were fighting, like racial injustice, or educational policies that discriminated against poor white and black kids. That underlying these problems was the system of capitalism. It was a lesson more and more people were learning. We were becoming a statewide force with revolutionary potential." <sup>119</sup>

#### Nelson Johnson recalled:

The first union meeting I went to when I worked at Proximity Print Works...seemed to be about seven or eight, maybe ten people in the meeting, all male and all white, and all looked like they were over 60...We got that thing up to 50 and sometimes to 90 people per meeting. That's the way it was growing. And that's one plant and I can bear witness to that one because I worked there. 120

Neither the work nor the organizing was easy for the WVO. In their book on the Greensboro killings, Paul and Sally Bermanzohn recount how tirelessly Jim Waller reminded himself about the real purpose of his presence in the mills and how hard it was to recruit adherents:

Jim was frustrated. His first year at Haw River, from late summer of 1976 to the summer of 1977, was the hardest. He found that kidding around was the only way he could relate to his fellow workers. But his task was to bring communism to the workers. Every night as he drove the 30 miles to work, he would repeat to himself, 'I must immediately and universally prepare people for worker's rule.' Every chance he got he talked to people about revolution. One time, a worker asked him why the union bureaucrats were such sell outs. Jim went on and on, tracing centuries of

social development of capitalism. "I hadn't even gotten to the history of the trade unions," Jim told us, "when I looked up and the guy was halfway out of the room." 121

In terms of the union work, Signe Waller described it this way:

Jim was at Granite Finishing. Sandi was at Revolution, not by the time she was killed, she had been at Cannon Mills, but she had done work at Revolution trying to get a union there. Bill Sampson was at White Oak in Greensboro, so two of the mills in Greensboro, one in Haw River. People were doing significant work in the labor movement. Either building up unions that existed but were very weak or else trying to get a union into the factory. 122

To the Commissioners, former WVO member Jim Wrenn listed a number of WVO-inspired union campaigns prior to Nov. 3, 1979, most led by its Trade Union Education League (TUEL):

(The TUEL) was formed by strong rank and file workers committees at four Cone Mills plants and Duke University Hospital in March of 1978. In addition to gaining leadership in several local unions, the TUEL organized strike support for six labor strikes across North Carolina in the summer of 1978 and four in 1979. These include the dock workers' strike at the state port of Morehead City, North Carolina; the Traders Chevrolet mechanic's strike here in Greensboro, that was IUV Local 475, Goldkist poultry, in Durham, meat cutters Local 525 Rocky Mountain Sanitation Workers Strike, Cone Mills Granite Plant strike in Haw River ACTWU Local 1113-T, led by Jim Waller who was then elected president. That was in '78. In 1979, there were strikes across the state which were going on and some of which TUEL members and others were involved in supporting. 123

The WVO was not the only Communist group organizing in the state. Indeed, many who spoke with the GTRC were not even aware of the WVO or TUEL. At Cone alone, there were the Revolutionary Communist Party and the Revolutionary Worker's League, among other groups. One worker who asked for anonymity worked at Cone's East White Oak Plant in the 1970s. As a member of the Revolutionary Communist Party, the worker recalled that many grievances were going unaddressed, among them firing without cause, increases in workload without compensation and not giving workers their seniority. "Most of the workers were afraid of the union then. They weren't afraid of the Communist label that we had but more afraid of the company." 124

At that time, the worker recalled, the majority of union members were black. Most whites were not interested in the union or too afraid of losing their jobs to join. Nevertheless, the worker did not come across issues related to the Klan. This worker remembered Sampson as a "very good organizer."

We all knew each other because we were the Communists, the revolutionaries. The Communists really had their work cut out for them in the mills. There was the constant struggle against the company but there were also problems with the leaders or management of the union. Union management didn't like the Communists because we exposed the ones who we thought had sold out in the best interest of the company. 125

For some workers, political differences between workers were unimportant. Dennis Cox was a shop steward at Cone's White Oak plant in the 1970s. He told the Commission that he didn't know who the Communists were. What he did pay attention to was who was an "outsider" and who actually worked

in the mill. One of his co-workers was Bill Sampson, who he gave rides to work. Sampson got a job in the dye house in June 1977. <sup>126</sup> But Cox and Sampson "didn't talk about the union in the car." <sup>127</sup>

Virginia Turner, who also worked at White Oak, knew the WVO was organizing, and thought it was a good thing. "We did not look at it as being Communist," she told the GTRC. "Even if that's what it was, that was a harsh word to say. I think it was just about unions looking for justification and labor. Justification, people being treated right. Equal opportunities for people ... (The idea) has been planted in our minds that communism is not good." 128

#### The WVO and the Klan

Among all of the groups organizing in the mills, the WVO stands out as emphasizing a link to an anti-Klan campaign. The WVO rationale was articulated by Paul Bermanzohn in an interview with the FBI after Nov. 3, 1979. He told agents that "racism and anti-black propaganda, which was spread by the KKK, was used to 'throw dust in people's eyes.' And that whites believed that if unions were accepted, blacks would be taking the jobs from the whites." <sup>129</sup>

Signe Waller put it this way: "The Klan, they just were following union organizers and, you know, using racism as a way to divide workers. So it was something that worked very well with the same intention that the managers and owners of the mills had, which was to keep the workers divided and essentially impotent. We were aware of that and our anti-Klan campaign was a campaign for worker empowerment. We were saying "workers unite" and the Klan was saying 'workers divide according to race." 130

In an interview with the FBI on Oct. 23, 1980, another unnamed WVO member who was present at the Nov. 3, 1979, march claimed that the Klan had attempted to "disrupt their union organizing efforts and that she had heard that Klan leaflets had been passed out in the plant." However, she had not seen the leaflets.<sup>131</sup>

Some workers were suspicious of the WVO and its focus on the Klan, which was deeply embedded in their organizing strategy. This was in stark contrast to the strategies adopted by other union-based groups. In its 1979 "Sketch of Tactical Plan for Independent Union," for instance, the WVO described the fight against the Klan as "the key, the heart and soul of the (organizing) campaign... (the Klan has) to be beat back physically by the people."

The WVO literature suggests they expected the "bourgeoisie" to counterattack for their anti-racist work:

We need to get into the basic analysis but most importantly we want to go into the role we expect the city politicians and the black reformist misleadrs (sic) to play. We should draw out that they will attack us and what question they are likely to attack us on – violence, communism, etc.  $^{132}$ 

As Paul Bermanzohn told the FBI after Nov. 3, 1979, the WVO held its first press conference and distributed flyers announcing the "Death to the Klan" march in front of Cannon Mills in Kannapolis, N.C. <sup>133</sup> The poster was designed by Signe Waller, another WVO member. In her public testimony, Waller told the GTRC, "We wanted people to see the Klan in relation to forces within the textile industry where we were organizing workers into unions and building up existing unions." <sup>134</sup>

In a confidential GTRC interview with former mill workers, a former worker at Cone's Print Works plant, saw the WVO members as anti-Christian and warned co-workers that the Communists would be targeted by the Klan if they stirred things up. He saw the WVO as instigating heightened tensions.<sup>135</sup>

Durham organizer Ray Eurquart echoed concerns about the WVO style, adding that the group's insistence on targeting the Klan was naive. They had "embarrassed" the Klan at China Grove, and he felt the Klan had it in for the WVO. The group was, in his words, "a little 'green' when it came to their dealings with the Klan."

What stood out in my mind about the WVO at that point was they were, some people would say they were militant about this Death to the Klan, but I would say they were a little adventurous and off-target. The Klan was prominent in that period all across the state. They were having marches and other kind of activities. So folks felt that they needed to be confronted. And CWP confronted them on a regular basis. And I think about China Grove, some people would say that they really embarrassed them and the Klan really had it in for them after that."

For him, the WVO tactics were "for the short haul.... (they) wanted instant results. I didn't see them as having a vision for the long-term. They were more of a hit and run type group as opposed to that of the PLP. I didn't get the feeling that they were very entrenched in the areas in which they were fighting for change... They'll go here and do a little work and then that peters out and they go there... When you talk about going to Greensboro and Morningside, you have to ask yourself, "What you are seeing in Durham, is that the same thing that is going on in Greensboro?" How deep are they in that community?" 136

But even within the tightly knit WVO, there was disagreement and concern over their directions and tactics, including the challenge to the Klan symbolized by China Grove.

Floris Weston, in retrospect, said the WVO adhered to what she viewed as "fringe" ideology. But she emphasized that locally they did have ties to the community where they worked the issues that concerned them:

If you got all of us together across the United States, I don't think there were more than one thousand of us, maybe two. That is a fringe group, an insignificant number of people ascribing to one political philosophy or organization. I don't know about the Klan, I think they're a fringe group too, but they're a terrorist organization that's been around for a long time. They intimidate, they kill, and they've been doing it for years, but nobody's been saying anything about that. I think everything that we were doing was honorable and good. Okay, not everything, but most of what we were doing was honorable and good. We were integrated into the community. I say that we were a fringe because I believe that the CWP across the country was a fringe group. In Greensboro, in Durham, we were integrated into our various communities, so in that manner we were not a fringe. We knew people, we had meetings, we had people who study with us and talk about what was going on at work. We got involved with the work struggle, especially the competency test, issues that were important to people. So, within our individual communities we were not a fringe group. 137

Sally Bermanzohn said at the GTRC's second public hearing that "we did make mistakes."

I was, for example, very frightened by our confrontation with the Klan at China Grove. I raised this with Jerry Tung, the national CWP leader, and I didn't like the way he responded to my concerns. I also had differences with local leaders, particularly with Paul Bermanzohn, my husband. We did have arguments about

this. That's the truth. I also disagreed with the decision to change the name of our organization from Workers Viewpoint Organization to Communist Workers Party. And that change took place just two weeks before November 3, 1979. I had been the WVO's Southern Regional Secretary, the administrative person in communication with the leadership in New York. I'd been that for about eight months. And two weeks before the massacre, when we changed the name to the Communist Workers Party, I was replaced by Jim Waller, who was killed two weeks later. 138

Unfortunately, the hierarchical, largely male leadership dismissed her concerns, insisting that the Party's (rather oxymoronic) principles of "democratic centrism" commanded members to "unite and don't split." In her book "Through Survivors Eyes," Bermanzohn recalls how Party leader Jerry Tung reacted when she raised her concerns about the strategy to confront the Klan, "(He) immediately launched into heavy criticism of me. There was no discussion of tactics, of dangers – just my inadequacies... Rather than address the issue of danger, Jerry said that the China Grove confrontation was a 'shining example' of struggles that WVO should be taking up"<sup>139</sup>

### **Union In-fighting**

Conflict within the mills between unions and among Communist groups working in the mills was intense and at least once came to blows. Early on, the WVO challenged existing unions and attempted to take over their shops. Signe Waller recalled that the WVO spent "at least as much time and energy" struggling against the ACTWU as Cone Mills itself. In her memoir, Waller recounted a 1976 visit to the J. P. Stevens plant in Roanoke Rapids on behalf of one of the groups that preceded the formation of the WVO in North Carolina:

The target of (our) polemics was the Textile Workers Union of America (TWUA). Looking back on our tactics, particularly early on, some were unproductive or even damaging to the workers' cause. At Roanoke Rapids, we were like a bull out of the gate. Though lacking in experience with trade unions at that point, we were, in effect, saying to established union organizers, 'Hey, we've read the book by Marx, and you guys are doing this all wrong!"... We were positively messianic. <sup>141</sup>

In 1978, Bob Sheldon, a Cone Mills worker, member of the rival RCP and later founder of Chapel Hill's Internationalist Books, claimed he was forced out of the ACTWU because he had been critical of union leaders and was a Communist. Sheldon was especially critical of ACTWU organizer Bob Freeman, who he claimed was not aggressive enough in protecting workers' rights. In an open letter to fellow workers at Cone Mills' Eno Plant workers dated February 14, 1978, Sheldon wrote:

Cone Mills raises the Red scare to break the unity of the union drive and force strong fighters out of the drive. I am a Communist, but I am not fighting for a "Communist union" or a "Communist-controlled union." I am fighting for a rank and file (worker) controlled union.<sup>142</sup>

That summer, Jim Waller led Local 1113-T on a 12-day strike, as Granite workers demanded higher pay, more vacation days, medical insurance and increased pensions. His widow, Signe Waller, described his work there:

In 1978, there was a wave of strikes in North Carolina. And Jim was then vice president of his union local (ACTWU). He led a strike of workers at Granite Finishing. The union grew from about a dozen paying members to over 200. By that

time he was no longer being teased, he was beloved by that time by his co-workers. They nicknamed him "Blackbeard" and they rallied to his side after Cone Mills fired him in the summer of 1978, shortly after the end of the strike; he was fired ostensibly because he failed to mention his medical background on his job application. One worker commented, "As bad as conditions in this mill are, they ought to be glad to have a doctor on the premises." The workers felt that Jim's leadership of the union and his leadership of the strike was the real reason he was fired. They continued to support him. And Jim continued to educate and train workers at Granite to be leaders and to carry on their union struggle. They put out a newsletter together. And when Jim appealed the firing and tried to get his job in the mill back, workers went to hearings and testified for him. 143

By 1979, the WVO claimed a presence in four mills in North Carolina, all belonging to the Cone Corporation: White Oak and Proximity in Greensboro, Granite Finishing in Haw River and Edna in Reidsville. Overall, union membership was miniscule. According to one WVO analysis prepared in the late 1970s, in a bargaining unit of 2,200 workers, only about 12 workers were "in the union –  $\frac{1}{2}$  us and  $\frac{1}{2}$  reactionaries." <sup>144</sup>

Nevertheless, the group set itself an ambitious goal: to "assume leadership and build an independent union at Cone and throughout textiles." They would do so, the analysis noted, by gathering the support of so-called "advanced" workers – a worker respected by his or her colleagues, a leader for rights within the workplace and someone who is open to socialism" – and "train(ing) them to the party nucleus." The advanced workers would gather enough signatures to decertify the ACTWU. 146

There was some truth to the allegation that the ACTWU did not aggressively represent workers. Some workers felt that shop stewards didn't pursue claims of safe working conditions and greater democracy within the union itself.<sup>147</sup> One WVO newsletter from 1976 lists a number of infractions at Cone's Print Works plant. For instance, the company was repainting the facilities and supervisors were pulling employees out to do it. Employees were asked to work more hours, but were paid for "extra labor" at a lower rate than they would have been paid for painting.<sup>148</sup>

For his part, Bill Sampson led an effort at Cone's largest plant, White Oak, to decertify the ACTWU and replace it with a WVO-controlled union. As the union steward for the card room, where cotton fibers are separated, cleaned and laid parallel, Sampson often accompanied workers who wanted to file grievances about working conditions. The WVO-controlled White Oak Organizing Committee charged that workers were being asked to do more work for no extra pay.<sup>149</sup>

But on Feb. 14, 1979, one month before a scheduled union election, the ACTWU placed all five of the Cone locals into administratorship and cancelled the vote. At the time, both Sampson and Waller were WVO candidates. Administratorship means that control of the locals was placed in the hands of the ACTWU's national leaders, who could then designate shop leaders and prevent unauthorized union meetings. The move, Signe Waller believed, was meant to stop the WVO's momentum and keep its leaders from taking over the union. The old shop stewards returned to their posts. At Granite, workers defied the ACTWU by electing Jim Waller, who no longer worked at the plant, to lead Local 1113-T.<sup>150</sup>

That spring, plans were made to launch an independent textile union in the South. By September, the WVO-led White Oak Organizing Committee was circulating a "Sketch of Tactical Plan for Independent Union," explicitly targeting the ACTWU, calling its leaders "tums" and the workers who support the ACTWU "reactionaries."<sup>151</sup>

One of the first times this competition came to blows was in the spring of 1979, between the WVO and the RCP, another Maoist Communist group. As Signe Waller recounted in her memoir, she was selling the Workers Viewpoint newspaper outside Cone's White Oak plant when she noticed a man selling copies of the RCP newspaper, *Revolutionary Worker*. A Vietnam vet, the man began to argue with her. Then "a shoving match developed. Then the vet brought around the full force of his fist and punched me squarely in my right eye." Waller alerted Bill Sampson and others just then on a shift change, and a fight ensued between the WVO, the RCP member and his comrades. Over the next weeks, a series of scuffles took place between the groups in Greensboro and Durham, but with no real casualties. 152

#### The Greensboro Police Department and Cone Mills

In Greensboro, there is abundant evidence of a close coordination between the mills and the police years before the events of 1979. Repeatedly, Cone's security chiefs called on police to investigate suspected union organizers or even be present when mill managers suspended workers or dealt with protests in front of the mills.

Although undoubtedly on-going, the first record the GTRC has of this relationship dates from 1976. According to a police report, Mack Fulp, Cone's security chief at the White Oak plant, provided the organized crime division with the names of three associates of Nelson Johnson, all employees of the Revolution Plant, including Sandi Smith. Fulp apparently provided these names after police ran the license plate numbers Fulp noted as belonging to the cars used by individuals handing out pro-union leaflets in front of the plant.<sup>153</sup>

Signe Waller described in her memoir how the Greensboro police would attend demonstrations at Cone buildings that were aimed at establishing unions. At Cone's Greensboro headquarters, a Carolina Peacemaker photographer who was shooting a pro-union demonstration confronted plainclothes police who were taking pictures of WVO member Sandi Smith. According to Waller, he was told that the pictures "would be studied for future efforts at crowd control." <sup>154</sup>

One incident took place in October 1977, when Fulp asked police to be present when the company suspended a worker for a "violation of company policies." Fulp told police that Krumperman had "stated on several occasions that should he ever be suspended or fired that the supervisor in his department, John Allen, was his and he did not care who he had to go over to get to him." Fulp's request was routed through the Special Investigations section, which sent an officer and two patrolmen to meet Fulp at the plant. But Krumperman, according to the report, had already been advised of the suspension. Without further incident, Krumperman was allowed to collect his things and leave the plant.

Fulp called on police the next day when he learned of a planned protest of the suspension outside Revolution's main office. Again, police responded, this time with one officer from Special Investigations and a detective. The detective observed the protest from a third floor office while the Special Investigations officer watched from a parked car. The report noted that a group of "between ten and fifteen people" marched in an orderly "although boisterous" display. Nelson Johnson joined Krumperman in the Revolution office when he entered to file a grievance. But there was no violence, and within an hour both the demonstrators and police were gone. 155

By the spring of 1979, Cone had created a new security team to deal with organizers. They communicated not only with the police, but also between mills about the union organizers' identities and activities. Lt. Shelton and Capt. Steele in the patrol division (Field Operations) were Cone's main contacts. For instance, Herman Graham Dail, in charge of personnel and safety at Cone Mills, knew of the worker's dismissal and that Sandi Smith was on the Revolution Organizing Committee. Dail reported that WVO members were leafleting outside the gates during shift changes, demonstrating in front of the

mills and creating "traffic obstructions." 157

Before a grand jury on August 26, 1982, Capt. B.L. Thomas admitted that the police had been monitoring demonstrations at Cone for some months prior to Nov. 3, 1979, 158 yet police statements maintain that they had "no one doing civil intelligence after 1978." On at least one occasion, Dail asked Lt. Shelton and Capt. Steele and the sheriff's department to identify union organizers using the license plates of their cars. 160

That October, Cone again contacted the police in relation to leafleting outside a plant. In a police staff meeting on Oct. 17, Major Wade briefed Chief Swing on Cone's concerns, and added that the "Worker's group and Communist's party" had fought each other in a "free for all" in front of the plant. This was a different incident from the one recounted by Signe Waller, which took place in the spring of the same year. Because of this fall incident, Cone specifically requested a police officer be present during the shift changes. In the same meeting, Col. Burch informed Chief Swing about the "Klan march planned for November 3<sup>rd</sup>," and told Swing that he already had men assigned to the event "so we know what is going on." <sup>161</sup>

#### Conclusion

Some former textile workers have told us they felt lucky to have a job and that life in the tightly knit mill villages were a fond memory. At the same time, a parallel history of unhealthy working conditions, racial and gender discrimination and the resistance to organizers who worked to address these problems cannot be denied. The history of the labor movement nationally and, more specifically in North Carolina, to counter these problems provides an important backdrop for the events that led to Nov. 3, 1979.

The Workers Viewpoint Organization was but one group working in the state's textile plants as part of a larger effort to change society in a way they believed would bring equality and justice to working class Americans, black and white. The WVO's history and key personalities are critical layers to the story of what brought demonstrators to the march in Greensboro on Nov. 3, 1979. With the data available to us, we are unable to make a firm assessment on its size, or on its effectiveness in raising union membership or making changes in the workplace. However, it is clear that Cone management was concerned about the WVO's activities and communicated with other Cone Mills and with the police about these concerns.

The key players in the Southern Regional chapter of the WVO came to the Communist Workers Party out of broader concern for the liberation of oppressed people (see also chapter on "From Black Power to Multiracial Organizing"). Trade union work was but one aspect of that larger revolutionary agenda. Their Maoist brand of organizing came with a hierarchical leadership style and hard-line sectarian ideology that often put them at odds even with groups that would have been natural allies, sometimes including even working people themselves. In addition, this revolutionary communist ideology also raised concerns in government and law enforcement agencies, which will be explored in later chapters.

#### **FINDINGS**

The South's relationship to unions, workers and the pressures of race and class are integral parts of the story of what led up to and shaped the events of Nov. 3, 1979.

In the 1970s, union organizers were working to address conditions in the mills that were harmful to workers' health and security.

There is historical evidence of mill management collaboration with police and government officials to undermine unions. Red-baiting of organizers was a common tactic of union busting.

In the late 1970s, there is substantial evidence that security personnel in Cone Mills were concerned about efforts to organize in their plants, and were communicating between plants about specific union leaders.

There is substantial evidence that security personnel at Cone communicated these concerns to the Special Intelligence detectives at GPD, who assisted in identifying union organizers by running the license tags of those handing out leaflets at the mill gates.

Groups attempting to organize in the textile unions were highly fractured and competitive in attempts to win over the support of workers.

The WVO's aggressive tactics and hard-line communist ideology made it difficult to collaborate with other groups working to unionize the workers and may have kept supporters away that would have otherwise shared their agenda.

#### Notes

- <sup>1</sup> Dennis R. Noland and Donald E. Jones, "Textile Unionism in the Piedmont, 1901-1932," in *Essays in Southern Labor History: Selected Papers, Southern Labor History Conference, 1976*, eds. Gary M. Fink and Merl E. Reed (Westport, CT: Greenwood Press, 1977), 48-79.
- <sup>2</sup> Jim Green, "The Brotherhood," in Mark Miller ed, Working Lives: The Southern Exposure History of Labor in the South (New York: Pantheon Books, 1980), 22-39.
- <sup>3</sup> Bryant Simon, "Rethinking Why There Are So Few Unions in the South," *Georgia Historical Review* 81, no. 2 (Summer 1997): 465-484.
- <sup>4</sup> Si Kahn, statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 15 July 2005.
- <sup>5</sup> Simon, "Rethinking Unions in the South," 465-484.
- <sup>6</sup> *Ibid.*, 465-484.
- <sup>7</sup> Important works of recent scholarship include: Jacqueline Dowd Hall et. al., *Like A Family: The Making of a Southern Cotton Mill World* (Chapel Hill: University of North Carolina Press, 2000); Jeffrey Leiter et al, *Hanging by a Thread: Social Change in Southern Textiles* (Ithaca, NY: ILR Press, 1991); and Robert Rodgers Korstad. *Civil Rights Unionism: Tobacco Workers and the Struggle for Democracy in the Mid-Twentieth-Century South* (Chapel Hill: University of North Carolina Press, 2003).
- <sup>8</sup> John R. Earle, Dean D. Knudsen and Donald W. Shriver, Jr., *Spindles and Spires: a Re-Study of Religion and Social Change in Gastonia* (Atlanta: John Knox Press, 1966), 200-202. "The Cherryville Incident" February 1953, refers to an open letter written by seven ministers of Cherryville expressing their great concern over the parishioners joining a union, that "it would be greatly to your disadvantage to have the Union represent you. Many of the benefits and special favors which you have had would no longer be yours under the Union." This letter was in response to a call to mill employees to vote in a union organizing campaign of the TWUA in an NLRB-supervised election in Cherryville, Gaston County.
- <sup>9</sup> Noland and Jones, "Textile Unionism in the Piedmont, 1901-1932," 48-79.
- <sup>10</sup> At Cone, black workers lived in East White Oak. Si Kahn, statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 15 July 2005; Don Patterson, "The Giant in Denim," *Greensboro News and Record*, 24 April 2005.
- <sup>11</sup> Don Patterson, "The Giant in Denim," *Greensboro News and Record*, 24 April 2005.

- <sup>12</sup> Bryant Simon, "Choosing between Ham and the Union: Paternalism in the Cone Mills of Greensboro, 1925-1930," in Jeffrey Leiter et. al., *Hanging by a Thread: Social Change in Southern Textiles* (Ithaca, NY: ILR Press, 1991), 81-100.
- <sup>13</sup> *Ibid*.
- <sup>14</sup> "Interview with Lacy Wright," with Bill Finger and Chip Hughes, March 10, 1975, transcribed by Patricia Crowley, *Southern Oral History Program*, University of North Carolina, 1978.
- <sup>15</sup> Simon, "Choosing between Ham and the Union," 81-100.
- <sup>16</sup> *Ibid*.
- <sup>17</sup> Elizabeth Wheaton, *Codename GREENKIL: The 1979 Greensboro Killings* (Athens, GA: The University of Georgia Press, 1987), 15.
- <sup>18</sup> Vera Buch Weisbord, "Gastonia, 1929: Strike at the Loray Mill," *Southern Exposure* 1, no. 3, and 4, (winter 1974). The article is available on line at <a href="http://www.weisbord.org/Gastonia.htm">http://www.weisbord.org/Gastonia.htm</a> (accessed on 1 May 2006).
- <sup>19</sup> *Ibid.* See also "June 1929: Strike at Loray Mill," *University of North Carolina Collection*, available at <a href="https://www.lib.unc.edu/ncc/ref/nchistory/jun2004/">www.lib.unc.edu/ncc/ref/nchistory/jun2004/</a> (accessed on 1 May 2006).
- <sup>20</sup> Noland and Jones, "Textile Unionism in the Piedmont, 1901-1932," 48-79.
- <sup>21</sup> There are a number of books, dissertations, oral histories and articles on the Loray Mill strike, including John A. Salmond, *Gastonia*, 1929: The Story of the Loray Mill Strike; Robert L. Williams, The Thirteenth Juror: The Story of the 1929 Loray Strike; Robin Hood, The Loray Mill Strike, (thesis, University of North Carolina, 1932); and "June 29: Strike at Loray Mill" at <a href="http://www.lib.unc.edu/ncc/ref/nchistory/jun2004/index.html">http://www.lib.unc.edu/ncc/ref/nchistory/jun2004/index.html</a> (accessed on 1 May 2006).
- <sup>22</sup> Noland and Jones, "Textile Unionism in the Piedmont, 1901-1932," 48-79.
- <sup>23</sup> Dowd Hall et. al., *Like a Family*, the afterword to the new edition is available on-line at <a href="http://uncpress.unc.edu/chapters/hall\_like.html">http://uncpress.unc.edu/chapters/hall\_like.html</a> (accessed on 15 May 2006).
- <sup>24</sup> Bill Finger, "Looms, Loans and Lockouts," Southern Exposure 3, no.4 (Winter 1976): 54-65.
- <sup>25</sup> *Ibid*.
- <sup>26</sup> For additional material on the General Strike, see Dowd Hall et. al., *Like A Family*.
- <sup>27</sup> Si Kahn, statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 15 July 2005
- <sup>28</sup> Deborah A. Ballam, "The Impact of the National Labor Relations Act on the U.S. Labor Movement," in *American Business Law Journal* 32, no. 3 (1995): 447-479. Bottom of Form
- <sup>29</sup> Information and practices available online at <a href="http://www.nlrb.gov/nlrb/home/default.asp">http://www.nlrb.gov/nlrb/home/default.asp</a>, National Labor Relations Board (accessed on 1 May 2006).
- <sup>30</sup> One recent report that examines the U.S meatpacking industry, including the North Carolina-based Smithfield Foods, is Human Rights Watch, "Blood, Sweat, and Fear: Workers' Rights in U.S. Meat and Poultry Plants," *Human Rights Watch* (New York: Human Rights Watch, 2005). The report is available online at <a href="http://hrw.org/reports/2005/usa0105/">http://hrw.org/reports/2005/usa0105/</a> (accessed on 1 May 2006).
- <sup>31</sup> James A. Hodges, "J.P. Stevens and the Union," in *Race, Class and Community in Southern Labor History*, eds. Gary M. Fink and Merl E. Reed (Tuscaloosa, AL: University of Alabama Press, 1994), 53-64; and "Pioneering 'Norma Rae' factory to close in N.C.," *Associated Press*, 26 April 2003, <a href="http://www.ctv.ca/servlet/ArticleNews/story/CTVNews/1051392053285\_7//">http://www.ctv.ca/servlet/ArticleNews/story/CTVNews/1051392053285\_7//</a> (accessed on 1 May 2006).
- <sup>32</sup> Michael Goldfield, "The Failure of Operation Dixie: A Critical Turning Point in American Political Development?" in *Race, Class and Community in Southern Labor History*, eds. Gary M. Fink and Merl E. Reed (Tuscaloosa, AL: University of Alabama Press, 1994), 166-189.
- <sup>33</sup> Taft-Hartley required unions and employers to give sixty days' notice before one could may undertake strikes or other forms of economic action; gave the President authority to intervene in strikes or potential strikes that create a national emergency; excluded supervisors from coverage under the Act; required special treatment for professional employees and guards; codified the Supreme Court's earlier ruling that employers have a constitutional right to express their opposition to unions; gave employers the right to file a petition asking the Board to determine if a union represents a majority of its employees; and allowed employees to petition to oust their union or to invalidate the union security provisions of any existing collective bargaining agreement. A fuller description is available online at <a href="http://www.bartleby.com/65/ta/TaftHart.html">http://www.bartleby.com/65/ta/TaftHart.html</a> (accessed on 1 May 2006).

  <sup>34</sup> Jim Green, "The Brotherhood," in *Working Lives: The Southern Exposure History of Labor in the South*, ed. Mark Miller (New York: Pantheon Books, 1980), 22-39.
- <sup>35</sup> Michael Sistrom, "North Carolinians and the Great War," and "Documenting the American South," *University of North Carolina-Chapel Hill*, <a href="http://docsouth.unc.edu/wwi/homeintro.html">http://docsouth.unc.edu/wwi/homeintro.html</a> (accessed on 1 May 2006).
- <sup>36</sup> For an interview on this with former FBI officials and leaders of the civil rights movement as well as King's own response to the accusation of Communism, see "Citizen King," an American Experience production, *Public*

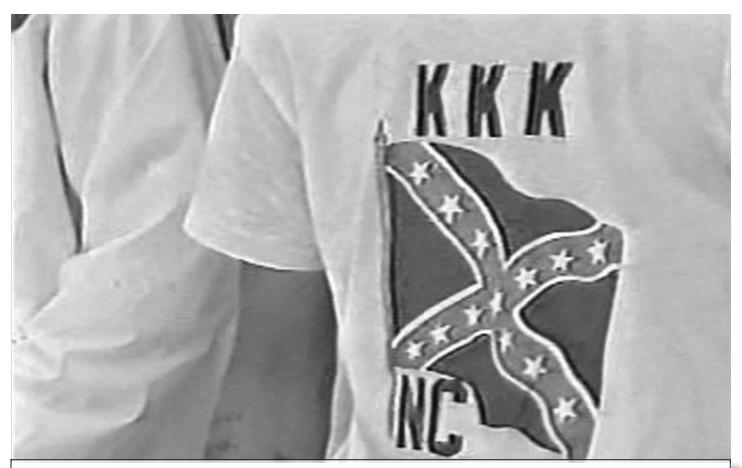
*Broadcasting Service*, available at <a href="http://www.pbs.org/wgbh/amex/mlk/filmmore/pt.html">http://www.pbs.org/wgbh/amex/mlk/filmmore/pt.html</a> (accessed on 15 May 2006).

- <sup>37</sup> Taylor Branch, *Pillar of Fire: America in the King Years 1963-1965* (New York: Simon and Schuster, 1998).
- <sup>38</sup> See Douglas Flamming, "Christian Radicalism, McCarthyism, and the Dilemma of Organized Labor in Dixie," in Gary M. Fink and Merl E. Reed, eds, *Race, Class and Community in Southern Labor History* (Tuscaloosa, AL: University of Alabama Press, 1994),190-211.
- <sup>39</sup> Jeffrey Woods, statement to *the Greensboro Truth and Reconciliation Commission*, Public Hearing, 16 July 2005.
- <sup>40</sup> Alan Draper, "George Wallace, Civil Rights, and the Alabama AFL-CIO," in Gary M. Fink and Merl E. Reed, eds, *Race, Class and Community in Southern Labor History* (Tuscaloosa, AL: University of Alabama Press, 1994), 212-229.
- <sup>41</sup> James Ferguson, statement to the *Greensboro Truth and Reconciliation Commission*, 3 June 2005.
- <sup>42</sup> Bruce Raynor, "Unionism in the Southern Textile Industry," in Gary M. Fink and Merl E. Reed, eds, *Essays in Southern Labor History: Selected Papers, Southern Labor History Conference, 1976* (Westport, CT: Greenwood Press, 1977), 80-99.
- <sup>43</sup> *Ibid*.
- <sup>44</sup> *Ibid*.
- <sup>45</sup> Robert S. McElvaine, "Claude Ramsay, Organized Labor, and the Civil Rights Movement in Mississippi, 1959-1966," in *Southern Workers and their Unions, 1880-1975: Selected Papers, The Second Southern Labor History Conference, 1978*, eds. Merl E. Reed, Leslie S. Hough and Gary M. Fink, eds, (Westport, CT: Greenwood Press, 1981), 110-137.
- <sup>46</sup> *Ibid*.
- <sup>47</sup> *Ibid*.
- <sup>48</sup> E.T. "Al" Kehrer, Southern Director, AFL-CIO Civil Rights Department, comment in Merl E. Reed, Leslie S. Hough and Gary M. Fink, eds, *Southern Workers and their Unions, 1880-1975: Selected Papers, The Second Southern Labor History Conference, 1978* (Westport, CT: Greenwood Press, 1981), 138-139.
- <sup>49</sup> James Ferguson, statement to the *Greensboro Truth and Reconciliation Commission*, 3 June 2005.
- <sup>50</sup> Virgil Griffin, statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 16 July 2005
- <sup>51</sup> Resurgence: The Movement for Equality Vs. The Ku Klux Klan, a documentary directed by Pamela Yates, 1981. Pierce is shown speaking at a Klan-Nazi rally in Benson, NC.
- <sup>52</sup> *Ibid*.
- <sup>53</sup> "A Message to FII Employees and Their Families," phonographic record released by Fiber Industries, Inc. to their employees, Summer 1979, sound recording on file at GTRC.
- <sup>54</sup> John Gaventa and Barbara Ellen Smith, "The Deindustrialization of the Textile South: A Case Study," in Jeffrey Leiter et al, *Hanging by a Thread: Social Change in Southern Textiles* (Ithaca, NY: ILR Press, 1991), 181-196.
- <sup>55</sup> Bureau of the Census, U.S. Census Data: 1960, 1970, and 1980, Vol. 35 (Washington, D.C.).
- <sup>56</sup> Si Kahn, statement to the *Greensboro Truth and Reconciliation Commission*, 15 July 2005.
- <sup>57</sup> Timothy J. Minchin, *Hiring the Black Worker: The Racial Integration of the Southern Textile Industry*, *1960-1980* (Chapel Hill, NC: University of North Carolina Press, 1999).
- <sup>58</sup> "All About Textiles: an Economic and Sociological Profile of America's First Great Industry," *American Textile Manufacturers Institute* brochure (July 1976), in Bob Sheldon Papers, 1968-1990, Duke University Special Collections Library.
- <sup>59</sup> "The Story of Cone Mills," *Cone Mills Corporation*, Greensboro, NC (1977) in Bob Sheldon Papers, 1968-1990, Duke University Special Collections Library.
- <sup>60</sup> Bruce Raynor, "Unionism in the Southern Textile Industry," in Gary M. Fink and Merl E. Reed eds, *Essays in Southern Labor History: Selected Papers, Southern Labor History Conference, 1976* (Westport, CT: Greenwood Press, 1976), 80-99.
- <sup>61</sup> Bob Hall, statement to the *Greensboro Truth and Reconciliation Commission*, 26 September 2005.
- <sup>62</sup> Human Rights Watch, *Unfair Advantage: Workers' Freedom of Association in the United States under International Human Rights Standards* (New York: Human Rights Watch, 2000), available at <a href="http://www.htm.org/reports/2000/uslabor/">http://www.htm.org/reports/2000/uslabor/</a> (accessed on 15 May 2006).
- <sup>63</sup> In 2003, J.P. Stevens announced that it would close the Roanoke Rapids mill that was the focus of the organizing effort. See Hodges, "J.P. Stevens and the Union," 53-64; and "Pioneering 'Norma Rae' factory to close in N.C.," *Associated Press*, 26 April 2003, http://www.ctv.ca/servlet/ArticleNews/story/

- CTVNews/1051392053285 7// (accessed on 1 May 2006).
- <sup>64</sup> Si Kahn, statement to the Greensboro Truth and Reconciliation Commission, Public Hearing, 15 July 2005.
- <sup>65</sup> Ed McConville, "Oliver Harvey: 'Got to take some risks'," *Southern Exposure* 6, no.2 (Summer 1978): 24-28. <sup>66</sup> *Ibid.*
- <sup>67</sup> McConville, "Oliver Harvey," 24-28; and Kevin Bailey, "Bad Blood on the Ward: A Study of the Politics of Labor Organizing at Duke Hospital, 1974-1976," (unpublished honors thesis, Duke University, April 1991).
- <sup>68</sup> The Duke administration inadvertently helped Fuller gain adherents for the union in 1974 by announcing that they would switch the delivery of pay checks from even to odd weeks, meaning that workers would be caught short of money before Christmas. See Bailey, "Bad Blood on the Ward."
- <sup>69</sup> Wheaton, Codename GREENKIL.
- <sup>70</sup> Signe Waller, *Love and Revolution: A Political Memoir* (Lanham, MD: Rowman & Littlefield Publishers, Inc, 2002), 66.
- <sup>71</sup> Wheaton, Codename GREENKIL, 19.
- <sup>72</sup> Paul Bermanzohn, statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 15 July 2005.
- <sup>73</sup> Waller,. Love and Revolution, 28.
- <sup>74</sup> Wheaton, Codename GREENKIL, 20.
- <sup>75</sup> Signe Waller, statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 15 July 2005.
- <sup>76</sup> Floris Caton Cauce Weston, statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 26 August 2005.
- <sup>77</sup> Karen Brodkin Sacks, *Caring by the Hour: Women, Work, and Organizing at Duke Medical Center* (Champaign, IL: University of Illinois Press, 1988).
- <sup>78</sup> Bailey, "Bad Blood on the Ward."
- <sup>79</sup> Tony Dunbar and Bob Hall, "Union busters," Southern Exposure, 8, no. 2 (Summer 1980): 53-69.
- 80 Tony Dunbar, "The Old South Triumphs at Duke," Southern Changes (June, 1979).
- 81 Dunbar and Hall, "Union busters," 53-69.
- <sup>82</sup> For a history that addresses Communism in the United States, see David M. Kennedy, *Freedom from Fear: The American People in Depression and War, 1929-1945* (Oxford: Oxford University Press, 2001). Lenin feared a resurgence of the socialism in the wake of the Russian Revolution, so established the Comintern to consolidate leadership and develop a clear "party line."
- <sup>83</sup> Hall died on October 13, 2000, at the age of 90. For a summary of his life, see Sam Tanenhaus, "Gus Hall, Unreconstructed American Communist of 7 Decades, Dies at 90," *New York Times*, 17 October 2000.
- <sup>84</sup> Its founder also felt that the CPUSA was adopting reformist positions, such as turning to electoral politics and hiding Communist politics behind a veneer of reform-oriented causes. Their web site is available at <a href="http://www.plp.org/">http://www.plp.org/</a> (accessed on 1 May 2006). For more, see Ron Elbaum, *Revolution in the Air: Sixties Radicals turn to Lenin, Mao and Che* (New York: Verso, 2002).
- <sup>85</sup> Elizabeth Wheaton provides a short list of groups active in the South, including the October League; its predecessor, the Georgia Communist League, which was predominately white; the Revolutionary Workers' League, an all-black group; the Puerto Rican Revolutionary Organization; and the Asian Study Group, which eventually converted into the WVO. Elizabeth Wheaton, *Codename GREENKIL: The 1979 Greensboro Killings* (Athens, GA: The University of Georgia Press, 1987), 21.
- <sup>86</sup> Jean Chapman, interview with the *Greensboro Truth and Reconciliation Commission*, 14 May 2005.
- <sup>87</sup> Waller, Love and Revolution, 19.
- 88 Wheaton, Codename GREENKIL, 21.
- 89 Waller, Love and Revolution, 32.
- <sup>90</sup> Signe Waller, statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 15 July 2005.
- <sup>91</sup> Ron Elbaum, Revolution in the Air: Sixties Radicals turn to Lenin, Mao and Che (New York: Verso, 2002).
- <sup>92</sup> Workers Viewpoint Organization, "Castro: Professional Liar in Action," 15 October 1979, on file at Beloved Community Center archives.
- <sup>93</sup> "Rights Leaders Troubled by Prospect of Leftist Gains among Blacks," New York Times, 18 November 1979.
- <sup>94</sup> Paul and Sally Bermanzohn, *The True Story of the Greensboro Massacre* (New York: Cesar Cauce Pub & Dist., 1980).
- <sup>95</sup> Bob Hall, statement to the *Greensboro Truth and Reconciliation Commission*, 26 September 2005.
- <sup>96</sup> Wheaton, Codename GREENKIL, 34-35.

- <sup>97</sup> Paul Bermanzohn, statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 15 July 2005.
- <sup>98</sup> Joyce Johnson, statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 26 August 2005.
- 99 Bailey, "Bad Blood on the Ward."
- <sup>100</sup> John Kenyon Chapman, statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 16 July 2005.
- <sup>101</sup> Waller, Love and Revolution, 81-83.
- <sup>102</sup> This view is shared by many of the individuals who eventually took part in the events of November 3, including Sally Avery, Paul Bermanzohn and Signe Waller. An account of the meeting also appears in Wheaton, *Codename GREENKIL*, 39-40.
- <sup>103</sup> Tim McGloin, statement to the *Greensboro Truth and Reconciliation Commission*, 23 September 2005.
- <sup>104</sup> The term brown lung was coined by consumer advocate Ralph Nader in 1969. However, unlike black lung, suffered by miners who inhale coal dust, the disease does not turn the lung brown.
- Margot Hornblower, "'Brown-Lung' Protection Urged," Washington Post, 28 April 1977, in Bob Sheldon Papers, 1968-1990, Duke University Special Collections Library.
   Ibid.
- <sup>107</sup> Robert E. Botsch, *Organizing the Breathless: Cotton Dust, Southern Politics, and the Brown Lung Association* (Lexington, KY: University Press of Kentucky, 1993).
- <sup>108</sup> "Brown Lungers Ride to Arouse Interest," *Greensboro Daily News*, 13 November 1975 in Bob Sheldon Papers, 1968-1990, Duke University Special Collections Library.
- <sup>109</sup> "Brown Lung: A Case of Deadly Neglect," a series published in the *Charlotte Observer*, February 3-February 10, 1980.
- <sup>110</sup> "Interview with Lacy Wright," with Bill Finger and Chip Hughes, March 10, 1975, transcribed by Patricia Crowley, *Southern Oral History Program*, University of North Carolina, 1978.
- <sup>111</sup> "Brown Lung Blues," Newsletter of the North Carolina chapters of the *Carolina Brown Lung Association* 1, no. 5 (22 February 1978).
- <sup>112</sup> Robert E. Botsch, *Organizing the Breathless*, 69.
- <sup>113</sup> Ellen (Len) Stanley, statement to the *Greensboro Truth and Reconciliation Commission*, 28 September 2005.
- <sup>114</sup> Waller, *Love and Revolution*, 76-77.
- <sup>115</sup> In his public statement before the Commission on July 15, Bermanzohn claimed that he and Jim Waller "helped to found the Carolina Brown Lung Association." But that is disputed by former members and is not reflected in any of the available histories of the association. See also Ellen (Len) Stanley, statement to the *Greensboro Truth and Reconciliation Commission*, 28 September 2005.
- <sup>116</sup> Botsch, *Organizing the Breathless*, 69; and "Brown Lung: A Case of Deadly Neglect," *Charlotte Observer*, February 3-February 10, 1980.
- <sup>117</sup> Signe Waller, statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 15 July 2005.
- <sup>118</sup> Botsch, *Organizing the Breathless*, 146-149.
- <sup>119</sup> Paul Bermanzohn, statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 15 July 2005.
- <sup>120</sup> Nelson Johnson, statement to the *Greensboro Truth and Reconciliation Commission*, 12 August 2005.
- <sup>121</sup> Paul and Sally Bermanzohn, *The True Story of the Greensboro Massacre* (New York: Cesar Cauce Pub & Dist., 1980).
- <sup>122</sup> Signe Waller, statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 15 July 2005
- <sup>123</sup> Jim Wrenn, statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 27 August 2005.
- <sup>124</sup> Confidential statement, Greensboro Truth and Reconciliation Commission, 1 June 2005.
- 125 *Ihio*
- <sup>126</sup> Waller, Love and Revolution, 141.
- <sup>127</sup> Dennis Cox, interview with the *Greensboro Truth and Reconciliation Commission*, 19 May 2005.
- <sup>128</sup> Virginia Turner, statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 26 August 2005.
- <sup>129</sup> Federal Bureau of Investigation, "Subject: Paul Bermanzohn," Charlotte Field Office (CE 44-3527 Sub. A, Vol. 3), in GRTC files.

- <sup>130</sup> Signe Waller, statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 15 July 2005.
- <sup>131</sup> FBI, "Subject: Paul Bermanzohn," Charlotte Field Office (CE 44-3527 Sub. A, Vol. 3), GTRC files.
- <sup>132</sup> "Sketch of Tactical Plan for Independent Union," Workers Viewpoint Organization, 1979.
- <sup>133</sup> FBI, "Subject: Paul Bermanzohn," Charlotte Field Office (CE 44-3527, Sub. A, Vol. 3), GTRC files.
- <sup>134</sup> Signe Waller, statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 15 July 2005.
- <sup>135</sup> Former textile mill workers, confidential interview with *Greensboro Truth and Reconciliation Commission*, 8 June 2005.
- <sup>136</sup> Ray Eurquart, statement to the *Greensboro Truth and Reconciliation Commission*, 30 June 2005.
- <sup>137</sup> Floris Weston, interview with the *Greensboro Truth and Reconciliation Commission*, 26 August 2005.
- <sup>138</sup> Sally Bermanzohn, statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 26 August 2005.
- <sup>139</sup> Sally Bermanzohn, *Through Survivors' Eyes: From the Sixties to the Greensboro Massacre* (Nashville, TN: Vanderbilt University Press), 190.
- <sup>140</sup> Waller, Love and Revolution, 101.
- <sup>141</sup> *Ibid.*, 93-94.
- <sup>142</sup> "Letter to Eno Workers," February 14, 1978, in Bob Sheldon Papers, 1968-1990, Duke University Special Collections Library.
- <sup>143</sup> Signe Waller, statement to the *Greensboro Truth & Reconciliation Commission*, Public Hearing, 15 July 2005; and Sally Bermanzohn, *Through Survivors' Eyes*, 155-159.
- <sup>144</sup> "Sketch of Tactical Plan for Independent Union," *White Oak Organizing Committee*, 30 September 1979, GTRC files.
- <sup>145</sup> "Communist Politics and Anarcho-Socialist Politics," Beloved Community Center archives (no date).
- <sup>146</sup> "Plan for Independent Union," White Oak Organizing Committee.
- <sup>147</sup> One worker's account, though redacted, is available in an FBI file compiled on the activities of Paul Bermanzohn, one of the WVO members wounded on November 3. ""Subject: Paul Bermanzohn," Charlotte Field Office File (CE, 44-3527 Sub A, Vol. 6), 23-27. On file in the Commission archives.
- <sup>148</sup> Workers Viewpoint Organization, Newsletter (Print Works, 1976).
- <sup>149</sup> "Cone jacks up work load, cuts pay rates in the card room," No. 30, *White Oak Organizing Committee*, 9 September 1979, in GTRC files.
- <sup>150</sup> Waller, Love and Revolution, 179-180; Bermanzohn, Through Survivors' Eyes, 148-159.
- <sup>151</sup> "Plan for Independent Union," White Oak Organizing Committee.
- 152 Waller, Love and Revolution, 186-188.
- 153 Sgt JW Campbell, "Investigator's Report, Re: Associates of Nelson N. Johnson at Cone Mills Company," Greensboro Police Department (3 May 1976).
- <sup>154</sup> Waller identified the photographer as Wayne Lottinville. The *Carolina Peacemaker* published his photographs with the story headlined, "Workers Rally at Cone as Police Cameras Click." See Waller, *Love and Revolution*, 106.
- <sup>155</sup> Officer GD Payne and Officer JH Cooper, "Investigator's Report, Re: Labor Problems at cone Mills corporation, Revolution Plant and Possibility of Violence Will Occur," Greensboro Police Department (31 October 1977), 3-4.
- 156 Herman Dail Deposition, Waller v. Butkovich, (12 October 1984), 21-22.
- <sup>157</sup> Dail Deposition, *Waller v. Butkovich* (12 October 1984), 13-14, 29; Robert L. Talbott Deposition, *Waller v. Butkovich* (1 November 1984), 22, 31; Sylvester Daughtry Deposition, *Waller v. Butkovich*, (16 August 1984), 129.
- 158 BL Thomas Grand Jury Testimony (26 August 1982), 33.
- <sup>159</sup> Maurice Cawn Deposition, *Waller v. Butkovich* (14 August 1984), 8-9; Daughtry Deposition, *Waller* (16 August 1984), 140; Herb Belvin Grand Jury Testimony (24 August 1982), 9.
- <sup>160</sup> Dail Deposition, Wallerv. Butkovich (12 October 1984), 31.
- <sup>161</sup> "Meeting Minutes of Chief's Staff Conference," Chief Swing to Staff Burch, Colvard, Wynn, Wade (17 October 1979).
- <sup>162</sup> Don Patterson, "The Giant in Denim. Celebrating 100 Years at White Oak," *Greensboro News & Record, 24 April 2005*, A-1; information on historical preservation of mill life, see *The Bobbin and Shuttle*, a publication of the *Textile Heritage Initiative*, <a href="http://www.textileheritage.org/news/BandS2.htm">http://www.textileheritage.org/news/BandS2.htm</a>. (accessed on 16 May 2006).



**Greensboro Truth and Reconciliation Commission Final Report** 

North Carolina resurgence of the Ku Klux Klan

# Chapter 3



### North Carolina in the 1960s: Klan Country

On the heels of the *Brown vs. Board of Education* decision and escalating civil rights activity, the challenge to Jim Crow-style segregation in the South gained a new immediacy in the mid-1950s. Not coincidentally, Ku Klux Klan activity during this period reached levels not seen since the 1920s, when the KKK boasted over four million members nationwide and held a march in Washington including some 40,000 hooded Klansmen and women. While overall Klan membership in the 1950s and 1960s was measured in the tens of thousands rather than millions, previously splintered and ineffective organizations began to come together, bolstered by a renewed ability to recruit citizens across the South. The largest and most influential of these groups was the United Klans of America (UKA), based in Tuscaloosa, Ala., and headed by Robert Shelton, a former tire salesman. Shelton's UKA had grown to include hundreds of active chapters (within the Klan, they were referred to as "units" or "klaverns") throughout the Deep South, though as of 1963 the organization had failed to make any inroads in North Carolina. Late that year, however, Shelton traveled to the Tar Heel state to meet with eight enthusiastic and ambitious would-be Klan leaders, and concluded the meeting by mandating that former awning salesman J. Robert Jones "organize North Carolina" for the UKA.

Jones was not new to the Klan world – he had been a member of the old US Klans, which had all but disappeared after being embarrassingly routed by a group of Lumbee Indians during a rally in 1958<sup>2</sup> – and he took his task seriously. Over the next few winter months, he began organizing weekly rallies in cow pastures and open fields across the state, and as the weather improved, these rallies were held more frequently, sometimes seven nights a week. They quickly became large-scale affairs, with several self-styled preachers and political theorists speaking in support of traditional Southern values, Jim Crow and states' rights.

Mostly, though, they spoke against looming changes in the political and racial landscape, which the Klan saw as rooted in hypocritical liberal Washington politics, the encroaching Civil Rights Movement, and a sweeping Communist conspiracy. Klan officers and local members wore satin robes and hoods to the rallies, though their numbers were generally dwarfed by supportive and curious local onlookers in work or casual clothes. Besides the featured speakers, spectators could enjoy music blaring through makeshift loudspeakers (generally in a traditional country music style and often featuring baldly racist titles like "Move Them Niggers North," "Wop Wop, Bam Bam – Who Likes a Nigger" and "They're Looking for a Handout"), buy Klan paraphernalia at a concession stand, and even pay a ten dollar initiation fee – along with another \$15 for robes – to join the local klavern. The climax of each nightly rally was, of course, the burning of a wooden cross covered in gasoline-doused burlap. The burning was a well-orchestrated ritual; robed Klansmen would ceremoniously encircle the fiery cross, which could be anywhere from 30 to 60 feet high.<sup>3</sup>

By 1965, tens of thousands of North Carolinians had attended these rallies (crowd estimates by the State Highway Patrol ranged between 150 and 3,000 at each event, depending upon the location and time of year), with smaller numbers participating in the UKA's periodic "street walks" (daytime marches by robed Klansmen and helmeted members of the UKA "security guard") or implicated in more controversial attempts to intimidate black residents or white liberals with cross burnings, beatings and shotgun fire.

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Despite the fact that Klan rallies were the largest political gatherings of any kind in the state at this time, local media tended to give UKA events only minimal coverage. The Klan was sometimes despised by those in power, viewed as a constituency that would circumvent official channels to achieve their ends, often in unpredictable and undesirable ways. But they were also tolerated by some of those same elites, as an element willing to work by any means necessary to preserve the Jim Crow-style political, economic and social status quo. The result was a benign consensus among public officials and other local elites that the KKK would simply go away when it had outlived its usefulness, as it had in earlier eras. Like many other states, the Klan had been active in North Carolina during Reconstruction, and again in the 1920s, when Klan members numbered in the millions nationally.<sup>4</sup> In the early 1950s, there had been a flare-up of violent and strongly moralistic Klan activity in the southeastern part of the state, though that largely ended with a rash of arrests – and convictions – for Klan-sanctioned kidnapping, assault and conspiracy.

But it was to most everyone's surprise that the hearings of the U.S. House of Representatives Committee on Un-American Activities (HUAC) on the Ku Klux Klan concluded that, by late 1965—in the space of two short years—North Carolina was far and away the most active Klan state in the nation. Indeed, the state claimed over 12,000 dues-paying UKA members at that time – well more than both Alabama and Mississippi combined – and several times that number contributed financial or ideological support (see Figure 1 for the distribution of Klan activity across North Carolina counties).<sup>5</sup> In 1965, only one klavern was active in Guilford County, though the following year a second unit formed in Greensboro. Known as the "Greensboro Gun Club," the unit had 54 dues-paying members in 1966, according to an informant working for North Carolina State Bureau of Investigation.<sup>6</sup>

The fallout of this revelation of North Carolina as a Klan stronghold was considerable: the banner headline in the Raleigh *News and Observer* proclaimed that "Tar Heels Reject State's Label of No. 1 for Klan" and Governor Dan Moore set up an "anti-Klan" committee to coordinate the actions of a variety of state policing and investigative agencies. At the federal level, the HUAC hearings continued for a month. Over 200 Klan adherents eventually testified, and five UKA leaders – including Robert Shelton and J. Robert Jones – were sentenced to prison terms for their refusal to turn over records. By this time, the FBI was also actively disrupting Klan activities through their counterintelligence program (COINTELPRO) against "White Hate Groups" that, among other things, recruited hundreds of informants to infiltrate local klaverns. 8

At first, these attempts at repression didn't seem to bear fruit. A 1966 event at Raleigh's Memorial Auditorium featuring the Klansmen convicted during the HUAC hearings drew such a large crowd that a separate sound system was set up outside the building for the benefit of the hundreds of supporters who weren't able to fit into the packed hall.<sup>9</sup>

By the following year, however, informants across the state were able to exploit emerging tensions over finances and leadership, a situation that only worsened when Jones spent close to a year in prison for his contempt of Congress offense. A series of competing organizations emerged, including one headed by Greensboro resident, former UKA "Imperial Kludd" and acknowledged FBI informant George Dorsett. Alongside significant overall attrition among the rank-and-file, this proliferation of Klan groups meant that more groups were battling over the KKK's dwindling membership and financial resources. In 1972, Jones publicly broke from Shelton and resigned from the UKA, though by this point, internal squabbles and quickly-receding hopes for the resuscitation of the Jim Crow South ensured that the Klan retained little of its previous strength or appeal. <sup>10</sup>

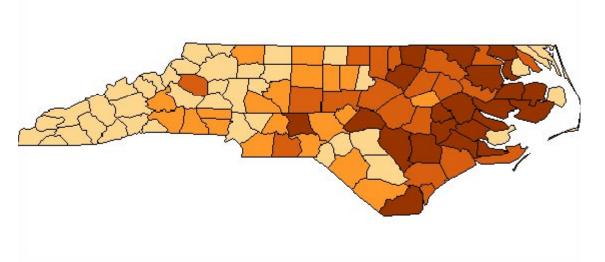


Figure 1: Distribution of North Carolina UKA Units<sup>11</sup>

<u>Legend:</u>
Non-shaded (tan) counties – zero klaverns
Orange-yellow shading – one klavern
Light brown shading – 2-5 klaverns

Dark brown shading – 6 or more klaverns

### **Resurgence: A Growing Pattern of Klan and Communist Confrontations**

In the early 1970s Klan membership had dropped following the wane of desegregation protests, but by the middle of the decade, David Duke's campaign to move white supremacist ideology into the mainstream ("from the cow pasture to hotel meeting rooms") had reinvigorated Klan activity nationwide. In 1978, Duke held a Klan rally in Louisiana that attracted almost 3,000 people, the largest since its anti-integration heyday in the 1960s. Of this rise and fall, Professor Jeffrey Woods told the GTRC in the first public hearing:

The Ku Klux Klan ... was just becoming active again in the late 1970's. The Klan had hit a low point in 1974. One FBI estimate that year put the number of Klansmen nationally at just 1500 ...North Carolina had boasted the largest and richest realm in the Klan empire. But the membership dropped off rapidly as internal struggles for power threw the organization in disarray. The FBI's Counterintelligence Program, meanwhile – the same counterintelligence program that worked on communists – picked the organization apart from the bottom up using the same techniques. There was a campaign of infiltration and disinformation that devastated the Klan until 1971 when the program formally ended. On top of that, the Klan was simply unpopular. A Gallup Poll in 1970 revealed that some 76% of Americans strongly disapproved of the Klan—it was a rating at the time worse than the Vietcong. By 1975, however, the KKK had begun to rebuild.

There are a couple of examples of how they did this. The first is with people like David Duke who reversed the national membership decline by giving the Klan a more palatable public image. Then there were other leaders such as Bill Wilkinson, returned the old rank and file with a public stance of unbridled violence. Wilkinson's followers in the independent Klans were particularly focused on confrontation with black activists, anti-war protestors, and communists. Klan membership shot back up. Growing the Klan on such a confrontational

doctrine inevitably led to violence.<sup>13</sup>

The increase in Klan rallies in the mid- to late-1970s had not gone unnoticed by civil rights and antifascist activists. In early 1979, confrontations were flaring in the South between the Klan and their outspoken opponents, among them two ideologically opposed Communist groups, the Revolutionary Communist Party (RCP) and the Workers Viewpoint Organization (WVO)<sup>14</sup>.

In the North Carolina Piedmont in February 1979, David Duke's Knights of the KKK obtained a permit for a Klan display at the Forsyth County Public library in Winston-Salem. The exhibit was protested by local NAACP, RCP and the Jewish Defense League, and a scuffle erupted between members of Joe Grady's Federated Knights of the KKK (FKKKK), the American Nazi Party and the RCP. No arrests were made but, directed by library staff, police closed the exhibit.<sup>15</sup>

In March of 1979, FKKKK received a permit for the Benton Convention Center in Winston-Salem to show the silent film "Birth of Nation." The film, used as a recruitment film for the Klan, portrays newly freed Blacks as drunks and sexual predators and glorifies the murderous Klan as the chivalrous saviors of white honor and tradition imperiled by Reconstruction. Local protest of the film at the convention center resulted in heavy police presence, which Grady later complained to the FBI reduced attendance.<sup>16</sup>

### The Birth of a Nation

D. W. Griffith's epic film, *The Birth of a Nation*, has been at the center of controversy since its original release in 1915. *The Birth of a Nation* revolutionized filmmaking with technical and creative innovations, which sometimes obscure the film's systematic and extreme racism: the central argument of the film assumes that black people are barbaric and sub-human. Somewhat insidiously, Griffith blended together actual historical fact with racist fictions. For instance, painstaking detail went into reenacting some of the battles scenes from the Civil War, or from Lincoln's assassination, two events that actually happened, while simultaneously the film represents African-Americans as buffoonish clowns, drunks, cloying pets, or savage rapists.

The story that Griffith tells, building on a novel and play by Thomas Dixon (*The Clansman*) and including material from Woodrow Wilson's *History of the American People*, seeks to explain the events leading up to and resulting from the Civil War. The idea of birthing, of creating family, runs throughout the film as a central theme, whether that birthing refers to the national family of the United States or a couple of fictional families from the North and the South. Indeed, Griffith argues strongly against miscegenation, doing everything in his power as a filmmaker to set up the black male as a potential rapist—potential since neither of the two would-be rapists in the film succeed. Both potential rapists find themselves confronted with violence from the terrorist group, the Ku Klux Klan; in fact, the film glorifies lynching.

That the film appeared at a time of extensive lynching throughout parts of the U.S. was one reason why the newly-founded N.A.A.C.P. mobilized itself to protest the film. In some places, they were able to prevent the film from being shown at all, while in other places, they only managed to have certain scenes removed. The right to show the film has been challenged in court over one hundred times since its release. One scene that was cut in 1915 was an epilogue, titled "Lincoln's Solution," where African-Americans are shown being rounded up into boats and shipped back to Africa. In the 1920s, as the Ku Klux Klan grew in size—aided by post-World War I xenophobia about immigrants and communists—the film was used as a recruiting tool by the Klan, and it has continued to be used for that purpose, as was planned in China Grove, North Carolina, in July 1979.

Elsewhere in the South, on May 26, 1979, the Southern Christian Leadership Conference (SCLC) marched in Decatur, Alabama, in protest of the conviction of a mentally handicapped black man, Tommy Lee Hines, who was accused of raping multiple white women.<sup>17</sup> The march was attacked by 150 members of Bill Wilkinson's Invisible Empire of the KKK, who were counter-demonstrating in support of the conviction and calling for Hines' lynching. Twenty-three shots were fired from both sides during the clash, striking four people (two Klansmen and two demonstrators), none fatally. No Klansmen were charged, although a black demonstrator and prominent local civil rights leader, Curtis Robinson, was convicted of shooting a Klansman when he retaliated against a Klansman who was beating on the car containing Robinson's wife and children.<sup>18</sup>

News of Decatur spread through activist networks like wildfire. Among those present at the march were WVO members Paul and Sally Bermanzohn, Nelson Johnson, Roz Pelles and Jean Chapman.<sup>19</sup> Signe Waller reports that there were disagreements among the activists at the Decatur march about whether to confront the Klan and police non-violently or in a "militant" fashion,<sup>20</sup> echoing longstanding rifts in the civil rights movement over the relative merits of nonviolence and armed self-defense.

Following their return from Decatur, WVO leaders discussed the resurgence of the Klan and the threats they believed the Klan posed to trade union work by preventing interracial cooperation. (See Labor Organizing in North Carolina's Textile Mills). On June 28, Johnson, the Bermanzohns and Jim Waller met at the Waller home to strategize about the anti-Klan campaign and how it might help tap into the lived experience of the workers they hoped to organize.<sup>21</sup> During the course of this conversation, Signe Waller noticed a small announcement in the local Greensboro paper about the Klan holding another screening of "Birth of a Nation" in China Grove, a small segregated town situated near several textile mills in Rowan and Cabarrus Counties. Three WVO members, Sandi Smith and Ed and Clare Butler, had recently been assigned to Kannapolis to work in Cannon Mills (a Cone subsidiary) and attempt to organize workers there.<sup>22</sup>

Paul Bermanzohn, drawing on deeply-etched memories of relatives murdered in the Holocaust, urged the group to resist actively what he saw as dangerous fascist threat:<sup>23</sup>

I grew up with memories of Nazi stories from my mother. I was an anti-Nazi by the time I was 3. There was no choice. You have to oppose them or they will destroy everyone. They will not stop at the first targeted group ... You gotta stop these guys before they do too much damage. They used fear so people wouldn't oppose them. So people were afraid. We wanted to puncture their air of invincibility, so that was something that characterized our work.<sup>24</sup>

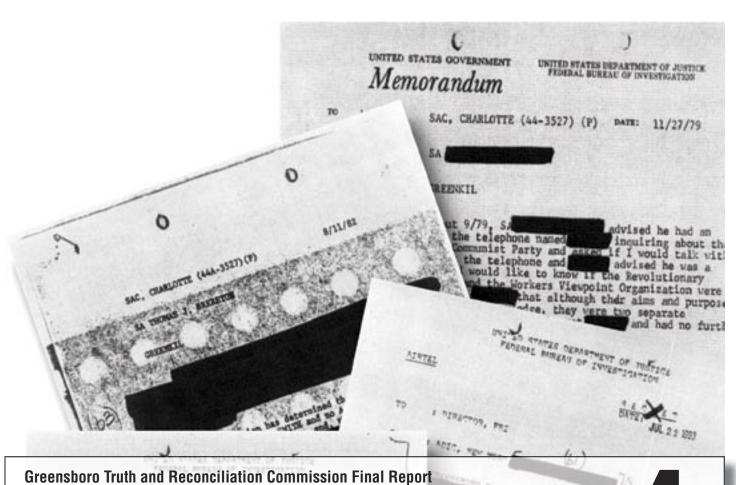
They agreed that WVO members would visit China Grove and meet with residents there in hopes of helping to organize a protest.

### Notes

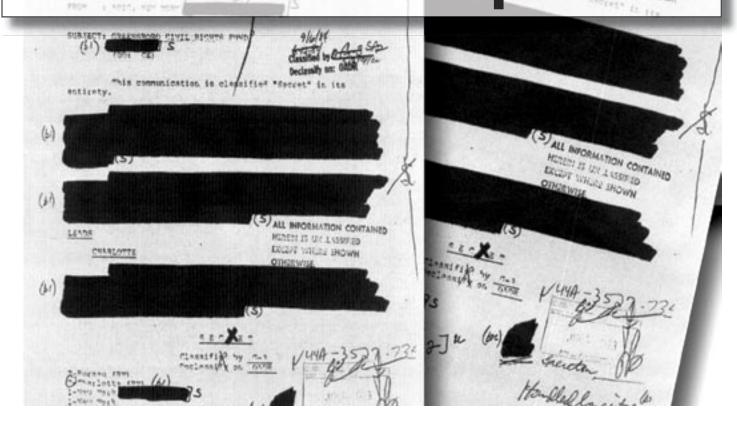
- <sup>1</sup> David M. Chalmers, *Hooded Americanism: The History of the Ku Klux Klan* (New York: New Viewpoints, 1981)
- <sup>2</sup> Charles Craven, "Memories of Klan Rout Hangs Over Peaceful Robeson Field," *Raleigh News and Observer*, 20 March 1966.
- <sup>3</sup> Oliver Williams, "Rebirth of Klan Counters Moderate Action in State," *Raleigh News and Observer*, 23 August 1964.

### North Carolina resurgence of the Ku Klux Klan

- <sup>4</sup> David M.Chalmers, *Hooded Americanism: The History of the Ku Klux Klan* (New York: New Viewpoints, 1981); Allen W. Trelease, *White Terror: The Ku Klux Klan Conspiracy and Southern Reconstruction* (Baton Rouge: Louisiana State University Press, 1971).
- <sup>5</sup> House Committee on Un-American Activities, *Activities of Ku Klux Klan Organizations in the United States*, 1966, Washington, DC, Government Printing Office.
- <sup>6</sup> North Carolina State Bureau of Investigation Reports, in Governor Dan Moore Papers, 1966, North Carolina State Archives.
- <sup>7</sup> Russell Clay, "Tar Heels Reject State's Label of No. 1 for Klan," *Raleigh News and Observer*, 24 October 1965.
- <sup>8</sup> David Cunningham, *There's Something Happening Here: the New Left, the Klan, and FBI Counterintelligence* (Berkeley: University of California Press, 2004).
- <sup>9</sup> Dick Creed, "Moderation is Noted at Rally of Klan," Winston-Salem Journal, 16 August 1966.
- <sup>10</sup> David M.Chalmers, *Hooded Americanism: The History of the Ku Klux Klan* (New York: New Viewpoints, 1981).
- <sup>11</sup> Data and map taken from David Cunningham and Benjamin T. Phillips, "Contexts for Mobilization: Community Structure and Klan Presence in North Carolina, 1964-1966" (paper presented at the American Sociological Association Annual Meeting, San Francisco, CA, August 2004).
- <sup>12</sup> Wyn Craig Wade, *The Fiery Cross: The Ku Klux Klan in America*. (New York: Simon & Schuster, 1987), 368-69, 376.
- <sup>13</sup> Jeffrey Woods, Statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 16 July 2005
- <sup>14</sup> The *Workers Viewpoint Organization* (WVO) changed their name at the national conference in October 1979 to the *Communist Workers Party* (CWP). The Southern Regional office of the group was to announce the name change officially at the Nov 3, 1979, anti-Klan rally and continued to use the name WVO until that rally. Accordingly, we refer to the group as the WVO until the Nov 3, 1979, rally and thereafter as CWP.
- <sup>15</sup> FBI SA Thomas Brereton, "Memo on Greenkil re: Background to China Grove," to SAC Charlotte 44A-3527
   P (18 October 1982), 5, chart of names; SA Dukes, "Report of Investigation to SAC Charlotte," Winston-Salem, 21 March 1979, 1; Don Pelles, interview with the *Greensboro Truth and Reconciliation Commission*, 23
   December 2005. Roland Wood interview with the *Greensboro Truth and Reconciliation Commission* DATE
   <sup>16</sup> FBI SA Brereton, "Greenkil Report: Civil Rights," to US Attorney, Greensboro 44-81521, FD-204 (date),
   <sup>6</sup>; Federal Bureau of Investigation, "Subject: Paul Bermanzohn," Charlotte Field Office, CE 44-3527, Sub A,
   Vol 3, in University of North Carolina at Chapel Hill, Manuscripts Department, Collection 4630; Wade, *Fiery Cross*, 377.
- <sup>17</sup> The family of the accused man, Tommy Lee Hines, said that he was mentally incapable of driving the car that was used in the assaults. See Wade, *The Fiery Cross*, 377.
- <sup>18</sup> Wyn Craig Wade, The Fiery Cross: The Ku Klux Klan in America. (New York: Simon & Schuster, 1987), 378.
- <sup>19</sup> Sally Avery Bermanzohn, *Through Survivors' Eyes* (Nashville, TN: Vanderbilt University Press, 2003), 181; Signe Waller, *Love and Revolution: A Political Memoir* (Lanham, MD: Rowman & Littlefield Publishers, Inc, 2002), 193; Rosalyn Pelles, interview with the *Greensboro Truth and Reconciliation Commission*, 23 December 2005.
- <sup>20</sup> Signe Waller, *Love and Revolution: A Political Memoir* (Lanham, MD: Rowman & Littlefield Publishers, Inc, 2002), 193.
- <sup>21</sup> Paul Bermanzohn, interview with the Greensboro Truth and Reconciliation Commission, DATE; Nelson Johnson interview with the Greensboro Truth and Reconciliation Commission, DATE; Signe Waller, *Love and Revolution: A Political Memoir* (Lanham, MD: Rowman & Littlefield Publishers, Inc, 2002), 194; Nelson Johnson, Written statement to the *Greensboro Truth and Reconciliation Commission*, 26 August 2005; *Workers Viewpoint Organization*, "Southern Regional Bulletin," July 1979.
- <sup>22</sup> Signe Waller, *Love and Revolution: A Political Memoir* (Lanham, MD: Rowman & Littlefield Publishers, Inc, 2002), 204; FBI SA Brereton, "Memo on Greenkil re: Background to China Grove," to SAC Charlotte 44A-3527 P (18 October 1982), 1.
- <sup>23</sup> Signe Waller, *Love and Revolution: A Political Memoir* (Lanham, MD: Rowman & Littlefield Publishers, Inc, 2002), 62; Paul Bermanzohn, Statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 15 July 2005.
- <sup>24</sup> Paul Bermanzohn, Statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 15 July 2005.



### Federal investigations of white Supremacists and the WVO Chapter 4



### **Bureau of Alcohol, Tobacco and Firearms**

Communists and black activists were not the only ones concerned about white supremacist groups. In their investigation, the Bureau of Alcohol Tobacco and Firearms (ATF), uncovered substantial evidence that key figures involved in the Nov. 3, 1979, shootings had violent intent toward blacks and those who supported black equality, and that these figures were attempting to stockpile heavy weapons. In October 1978, Special Agent (SA) Fulton Dukes, an agent from the ATF Charlotte office, was investigating a bombing murder<sup>1</sup> in October 1978 when he received information from the Winston-Salem Police Department (WSPD)<sup>2</sup> that Roland Wayne Wood, a Winston-Salem Nazi Party member, former Klansman and a Green Beret in Vietnam, had been showing off an automatic weapon at local Klan and Nazi gatherings, and an investigation case number was assigned on Oct. 2, 1978. In the memo, Dukes notes that the WSPD considered Wood "a dangerous person and a threat to public safety."<sup>3</sup>

Dukes had also received information from the WSPD that Wood had reported in September 1978 that he found blasting caps under his car, caps that were the same make as those used in the bombing murder. Although Dukes clearly had a working relationship with the WSPD<sup>4</sup> and was undoubtedly working with them on the bombing murder in 1978, he steadfastly maintained that he had not learned of the caps until February 1979, when he filed a memo to his superiors in which he stated that he thought Wood had put the caps there himself as a way to gain sympathy from the Klan. Nevertheless, Dukes expressed the hope that the Wood investigation would turn up more information about the possible connection of Hell's Angels to the bombing murder, saying, "The Title II case<sup>5</sup> against Wood might supply enough leverage to obtain a statement from him concerning the (blasting) caps." Dukes further reported in his February memo that a reliable source had suggested the Klan wanted to expel Wood "because of his 'rough house' tactics." <sup>6</sup>

Throughout the spring of 1979, Dukes attempted to win the confidence of Wood and continued to report information on him and his associates, some of which was relayed to Dukes by the WSPD.<sup>7</sup> In March 1979, Dukes reported that there was a continuing attempt to purchase Title II weapons or explosives from Wood but that "the informant has been unable to gain the confidence of Wood." Dukes further reported that Wood claimed "he would kill all the Niggers and Jews if they interfered with the Klan."

The Federal Bureau of Investigation (FBI) was also interested in Wood and his white supremacist associates, and was cooperating with the ATF on their investigation of Wood. In April or May of 1979, Dukes met with Robert Schatzman, Special Agent for the Charlotte FBI office assigned to Winston-Salem, and discussed the Wood investigation and the possibility of undercover infiltration of the group. Later that spring, Dukes met with Bernard Butkovich, an ATF agent from Ohio with automatic weapons and explosives experience, to discuss infiltrating the Nazi group to build a case for Title II weapons violations on Wood and possibly some of his associates. On June 19, 1979, an ATF briefing memo disclosed the undercover investigation to be undertaken by Butkovich on Wood "and his organization," and the coordination of this investigation with FBI at an "SAC to SAC level" (Special Agent in Charge in the regional offices).

On June 20, 1979, Butkovich attended a Nazi rally in Parma, Ohio, where it was reported that N.C. Nazis, including Wood, would be in attendance. His goal was to discover whether the N.C. Nazis indeed illegally possessed a .50 caliber machine gun and blasting caps. Although Wood did not ultimately attend the rally, Butkovich met Harold Covington, also under ATF investigation, who gave him Wood's name upon hearing Butkovich's claims to be relocating to Winston-Salem. The Jewish Defense League

and other protestors, among them the Revolutionary Communist Party (RCP) showed up at the rally to confront the Nazis and a fight ensued. <sup>14</sup> Butkovich said he fled the melee. <sup>15</sup>

During July 25-29, 1979, Butkovich visited Winston-Salem for the first time. He was interviewed by Charlotte SAC John Westra, who claims he reiterated the law against entrapment, which meant that "Butkovich could offer the subject and his associates the opportunity to violate the law, but could not induce or entice him to violate the law if he had not the propensity to do so ... I also advised him not to attend any public demonstrations that would give cause for physical action." During this first visit, Butkovich made contact with Wood, who discussed bombing a biracial club.<sup>17</sup>

From Sept. 12-22, 1979, Butkovich made his second visit to Winston-Salem and again met with Wood, who talked about "the problem with Jews and Niggers." Butkovich said he understood those sentiments since he had "lost his job because of the Nigger problem." Butkovich later explained that, in his attempt to win Wood's confidence, he often expressed agreement with his racist views: "It was part of the undercover posture I acquired." Butkovich posed as a long-distance truck driver in order to explain his frequent absences from the city. Dukes gave him permission to distribute the Nazi newsletter, *The New Order*, <sup>18</sup> the August edition of which featured a front page photo of the communist "attack" on the Klan and Nazis in China Grove.

Butkovich continued this posture of support for racist ideology when, on Sept. 22, he attended a Nazi rally in Louisburg, N.C. At this rally, Nazis, Virgil Griffin's Klan and members of the Rights of White People (the Wilmington white supremacists who joined the Klan to attack the church where Ben Chavis and his associates took shelter following the riots of the desegregation boycotts in 1971)<sup>19</sup> agreed to join forces in a coalition Covington apparently called the United Racist Front.<sup>20</sup> Butkovich, maintaining his undercover "posture," voted in support of this coalition.<sup>21</sup>

Butkovich recalled that those in attendance at the rally all brought heavy weapons, as a "show of strength."<sup>22</sup> During the course of the rally, Harold Covington urged the crowd to "Take back the country." Covington reportedly borrowed Butkovich's AR-15 and held it aloft, crying, "It might come to this." <sup>23</sup> During the course of conversation at the rally, Butkovich discovered the source for explosives and conversion kits for automatic weapons (from semi-automatic) in Winston-Salem.<sup>24</sup> In Dukes' deposition it is suggested that during Butkovich's surveillance of this rally he gathered evidence that indicated Covington and members of his group were planning to engage in activities that would violate weapons laws.<sup>25</sup> Covington was never charged based on this information, but it is mentioned here because the information corroborates the Commission's finding (see conclusions below) that the ATF had reason to believe that Wood and his associates were armed and dangerous. Covington further told Butkovich that Wood and Caudle were not smart, but were vicious and so had a place in the party. <sup>26</sup>

Butkovich was wearing a body mike at the Louisburg rally, but claims the batteries went dead even though he also says he changed the batteries once.<sup>27</sup> Dukes confirms that the transmissions stopped at 3 p.m.<sup>28</sup> However, another ATF Special Agent, David Lazar, who was also monitoring the transmissions, claims he heard continuous transmission throughout the rally, from 9 a.m. until 1 a.m.<sup>29</sup> However, when questioned on the content of the discussions he heard, Lazar replied that he did not recall because "I would have remembered anything to do with firearms, but not anything political."<sup>30</sup> Butkovich claimed that he could not remember if at this rally he had voted in support of forming the United Racist Front alliance,<sup>31</sup> but his case agent Dukes recalled that he had.<sup>32</sup>

During one of his conversations with Wood, Wood revealed that he had ordered a 500-round Thompson .22, and that he broke a black man's leg for moving in with a white woman. Wood also discussed with his associates, in front of Butkovich, plans to rent a plane and drop steel balls on black neighborhoods.

### Federal investigations of white supremacists and the WVO

However, when questioned, Butkovich said he never gave a thought to why they would want to buy all these weapons or thought it would be related to hostility towards blacks and Jews. Butkovich claimed that he had remained single-minded in his task. "I was trying to find out if there was an ongoing weapons violation."<sup>33</sup>

In his depositions and trial testimony, Butkovich steadfastly refused to admit that he had considered any racist comments to be reflective of what Wood and his associates planned to do with the weapons for which he was being investigated. Butkovich maintained that his concern was Wood's possible weapons violations, not his "politics." These statements likely reflected Butkovich's heightened awareness of federal prohibitions against investigating political groups and the ATF's (unreleased) Internal Affairs investigation into Butkovich's role in the shooting. 35

In a separate weapons investigation, undercover ATF agents Carl Bowers and Roger M. Brown arrested three Ft. Bragg sergeants for attempting to sell military weapons and explosives. The attempted sale was made in "late 1979" prior to Nov. 3. The defendants, Jimmy Lee Fisher, Robert Fowler and Stephen Dean Jagger, said they believed they were selling the weapons to the Klan who planned to use them in Greensboro.<sup>36</sup> Dukes said that he was acquainted with Agent Brown but was unaware of this investigation<sup>37</sup> and we have seen no evidence that it was communicated to local law enforcement.

### **Federal Bureau of Investigation**

The FBI also had a long standing interest in investigating the Klan. In Greensboro, the FBI had used Klansman Eddie Dawson as a paid informant on local Klan activities from 1969 until 1976.<sup>38</sup> Dawson's FBI handler from 1971- 76, Leonard Bogaty, confirms that the FBI was aware that when they engaged Dawson as an informant in 1969, he was on probation for shooting into a house in Alamance County NC, which he suspected of encouraging race mixing. <sup>39</sup> He was classified as a "Probationary Racial Extremist Informant", which required close and personal supervision. <sup>40</sup> Dawson also informed Bogaty that he had previously gone AWOL. <sup>41</sup> FBI agent Bogaty said in his deposition that the Bureau was aware at the time that Dawson became a paid informant in 1969 and that he had a criminal record of racist violence and unpredictable behavior.

Dargan Frierson, Dawson's handler from 1969 - 1971, observed that as a handler, he had to be more tolerant of provocative behavior by his informants. In fact, it was precisely a "fireball" on the front lines that made a good informant.

You see, well, there's no use to try to explain it. People who have never worked an informant... When you're working a top level informant...do you think he could have done that by sitting at home and reading it in the newspaper? He had to be out there, where it was going on. He had to talk like them—he had to act like them—he had to give fiery speeches. And as they said in there, he was a fireball when he got started. But how would he have ever gotten to be a top level informant if he had sat around and not done anything. Nobody here would have known nothing. He wouldn't have been worth anything. 42

Frierson acknowledged that the Bureau in Greensboro played a direct role in trying to destroy the Klan as an organization:

The Assistant Director of the FBI pointed to me and said, "Darg Frierson did more to break up the Klan in the United States than any other single person." Sure

we broke it up. We broke the thing up by getting dissention and getting the groups fighting one another and so forth...<sup>43</sup>

He further admits these tactics were used on the Black Panther Party in Winston Salem, although he says he was not personally engaged in such methods:

Interviewer: (I)included in (files received through the Freedom of Information Act) there was something about how the FBI had its agents write bogus letters to black people in Winston Salem, to discredit a Black Panther fund raiser for children.

DF: Yeah, that happened.

KH: Why did that happen? What was the goal?

DF: Well, I'm not going to go into the details of that—I never did it. But some of the agents did that. They thought that was a good way to break it up, by causing dissention, by writing letters to wives and telling them that their husbands were out with other women and stuff. I never did anything like that.<sup>44</sup>

### COINTELPRO: DISRUPTING THE LEFT AND RIGHT

The expressed goal of COINTELPRO was to "expose, disrupt, misdirect, discredit, or otherwise neutralize" individuals or groups targeted for their supposed subversive potential.<sup>45</sup> Such activities were distinct from the FBI's massive intelligence programs, which focused on information gathering for investigative purposes. In contrast, counterintelligence was designed to restrict a target's ability to carry out planned actions, or to encourage acts of wrongdoing.

The first COINTEL program had been initiated in 1956 against the Communist Party-USA (CP). Throughout much of the 20th century, membership in the CP had been an offense prosecutable under the Smith Act, which forbade individuals from advocating the overthrow of the government by force or organizing or belonging to a group that had such a goal. During the mid-1950s, the U.S. Supreme Court ruled the Smith Act unconstitutional, and as an alternative the FBI established the framework for COINTELPRO, which could use covert political repression to do the work that had previously been handled through the courts.

This program against the CP operated in concert with the FBI's existing intelligence work; Bureau agents used information they obtained through the covert surveillance of CP members and their associates to spread misinformation and falsehoods about individual members' motives and the group's methods and goals. Agents also developed a large number of informants, frequently utilizing them as *agents provocateurs*, or operatives working to systematically break down trust and cohesion within their target groups. These activities were confined to the Bureau itself, but initiated with the consent of the Eisenhower administration. Longtime FBI Director J. Edgar Hoover supplied regular updates on the program to administration officials, which included telling detail about the scope of COINTELPRO activities:

(The) program (is) designed to intensify confusion and dissatisfaction among its members. ... Selective informants were briefed and trained to raise controversial issues within the Party. In the process, they may be able to advance themselves to high positions. The Internal Revenue Service was furnished the names and addresses of Party functionaries. ... Based on this information, investigations have been instituted in 262 possible income tax evasion cases. Anti-communist literature and simulated Party documents were mailed anonymously to carefully chosen members.<sup>47</sup>

Through the early 1960s, the COINTELPRO against the CP expanded in scope, and in 1961 a second COINTELPRO was initiated against the Socialist Workers Party. To this point, the individuals and groups targeted by COINTELPRO were restricted to those who were somehow linked to hostile foreign powers and thus, by definition, involved in subversive activities. While domestic threats *per se* did not fall under COINTELPRO's purview, the assumed threat posed by a Communist infiltration of various mass organizations gave the Bureau leverage to investigate a wide range of domestic groups it deemed subversive. Most notably, ostensibly because of their susceptibility to infiltration, various civil rights groups came under the watchful eye of Hoover and the Bureau. Every major organization associated with civil rights actions in the South was investigated and monitored on a regular basis, and Martin Luther King, Jr. in particular became the subject of an extensive counterintelligence effort.<sup>48</sup>

After the June 21, 1964, murders of three civil rights workers – Michael Schwerner, Andrew Goodman, and James Chaney – in Neshoba County, Miss., Hoover was initially reluctant to investigate, considering the Freedom Summer project the work of "outside agitators" likely influenced by Communists within the Civil Rights Movement.<sup>49</sup> However, the fact that Schwerner and Goodman were white New Yorkers ensured that the murders became a national story, and a catalyst for growing public outrage against the brutally segregated South. Under intense pressure from President Lyndon Johnson and Attorney General Robert Kennedy, Hoover agreed to treat the case as a kidnapping (which, unlike murder, was a federal crime under the FBI's jurisdiction) and proceeded to open a new Bureau field office in Jackson, Miss., as well as transfer 153 agents into the state. While searching for the bodies of the slain activists, law enforcement officers uncovered many additional bodies, mainly black, that had also been dumped.

As a more far-reaching consequence of the case, the FBI also proposed and initiated a new COINTELPRO against "White Hate Groups." The organization of this program drew heavily on the template provided by the existing COINTELPROs against the CP and Socialist Workers Party. The FBI's involvement in infiltrating the Klan peaked during the United Klans of America's (UKA) rapid rise in the mid-1960s. In a memo describing the functions of COINTELPRO-White Hate Groups, high-ranking FBI official Fred Baumgardner stated that:

This new counterintelligence effort will take advantage of our experience with a variety of sophisticated techniques successfully applied against the Communist Party-USA, and related organizations since 1956. Primarily, we intend to expose to public scrutiny the devious maneuvers and duplicity of the hate groups; to frustrate any efforts or plans they may have to consolidate their forces; to discourage their recruitment of new or youthful adherents; and to disrupt or eliminate their efforts to circumvent or violate the law. Our counterintelligence efforts against hate groups will be closely supervised and coordinated to complement our expanded intelligence investigations directed at these organizations.<sup>50</sup>

The scope of the program was initially confined primarily to the South, encompassing the 14 FBI field offices located in the Southern states. Special Agents in Charge (SACs) of each office were expected to identify activity by any Klan or other racial hate organization within their jurisdictions, and also to propose effective counterintelligence action to achieve the goals laid out in the Baumgardner memo. Once these proposals were authorized by Hoover's inner circle at FBI National Headquarters in Washington, D.C., agents were expected to carry them out and report on any "tangible results" achieved.

In the seven-year life of COINTELPRO-White Hate Groups, agents initiated at least 455 actions against targeted individuals and groups.<sup>51</sup> FBI internal memos<sup>52</sup> document actions, which included attempts to:

- create an unfavorable public image, such as when agents in the Tampa field office made anonymous phone calls to encourage local reporters to create a news story about a Klan member's plan to work on an illegally-constructed building.<sup>53</sup>
- restrict the ability of a target group to protest, by, for instance, disabling the sound system that was to be used by the UKA at their National Rally.<sup>54</sup>
- hinder the ability of individuals to participate in Klan activities, such as when Baltimore-based informants reported violations of parole restrictions by UKA members to local authorities. 55
- control target group activities, by, for instance, supplying information reported by informants to local police to neutralize particularly "disruptive" leaders, so that FBI-linked sources could take over leadership positions and "keep violence to a minimum." <sup>56</sup>

This last category of actions is telling, and distinguished COINTELPRO-White Hate Groups from the FBI's counterintelligence programs against left-wing targets. The Bureau consistently viewed the CP, Socialist Workers Party, civil rights, and anti-war organizations (separate COINTELPROs against "Black Nationalist/Hate Groups" and the New Left were established, respectively, in 1967 and 1968) as subversive, meaning that these groups' very existence was a threat to national security. The overriding goal of COINTELPRO activities against such subversive targets was to eliminate them wherever they may exist, whether large or small, weak or strong. In contrast, Hoover and others in the FBI hierarchy saw the Klan and other "White Hate Groups" quite differently, as dangerous not because of their potential subversion, but instead because of the lawlessness and unpredictability that marked acts of racial violence. COINTELPRO-White Hate Groups, then, was not primarily intended to eliminate the Klan and other white supremacist organizations, but rather sought to control these groups' activities.

The primary means through which COINTELPRO engineered control over the Klan was through the use of informants who could shape the actions of their fellow members. While it is difficult to accurately estimate the number of informants who successfully infiltrated KKK groups under the purview of COINTELPRO, at one point FBI officials noted that the Bureau had over 2,000 Klan members on its payroll, recruiting them at the average rate of two per day.<sup>57</sup>

At times, the FBI's use of informants created serious tensions between means and ends. Informants sometimes perceived that their ties to the FBI gave them some form of protection, along with a free reign to engage in provocateur-like behavior. George Dorsett, the most visible UKA member in Greensboro throughout the 1960's, gained national attention from his fiery performance at the overflowing 1966 event in Raleigh, which featured UKA leaders from Georgia, South Carolina, Virginia, and North Carolina, as well as Imperial Wizard Shelton. "At the drop of a pin, there could be an all-out riot in this building. We're sitting on a powder keg ... you don't know what I'll do before I leave, and I don't know what you'll do," Dorsett warned, before concluding: "We don't believe in violence, and we're not going to have violence, if we have to kill every nigger in America." It was later discovered that Dorsett at this time was supplementing his \$4,480 annual UKA salary with money he received as an informant for the FBI.

The FBI's relationship with informants had been even more severely tested a year earlier, when a Michigan woman named Viola Liuzzo was killed during a civil rights march from Selma to Montgomery, Ala. Liuzzo had traveled south to provide support to the marchers, and during one of these trips, a group of Klansmen pulled alongside her car and fired several shots, killing her instantly. In less than eight hours the FBI had solved the crime, though this achievement was soon overshadowed by the fact that much of their evidence came from informant Gary Thomas Rowe, who had been one of the four occupants of the car from which the fatal shots had been fired. This swirl of events clearly highlighted

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the ambiguity that defined the FBI's relationship to the Klan during this period, which was underscored when Rowe's court testimony brought to light his involvement in a wide range of violent, illegal and otherwise offensive behavior, including the beatings of civil rights workers and an alleged FBI-initiated plan to disrupt Klan units by having informants seduce the wives of their fellow members.<sup>59</sup>

These tensions aside, the FBI's success in developing such a large number of informants was largely a product of agents' ability to understand KKK adherents' motivations. Fundamentally, Klan members tended to see themselves as strongly patriotic and vehemently anti-communist, and they admired J. Edgar Hoover for sharing those traits. Whatever their own views on civil rights, FBI agents had a ready made connection with their targets, and they consistently exploited this connection when seeking out Klan members. Beyond the large number of informants they rapidly developed, the Bureau also drew upon a well-developed understanding of typical Klan worldviews, siphoning KKK adherents into a fictive organization, the National Committee for Domestic Tranquility, which agents had tailored to Klan members' religious beliefs and desire to "back our boys in Vietnam." <sup>60</sup>

The FBI's efforts against the Klan were also facilitated by a set of unique vulnerabilities associated with KKK membership. Because members were disproportionately drawn from poorer rural communities, they were especially susceptible to the FBI's financial enticements. Additionally, in many communities, Klan membership was a covert enterprise, a self-described "secret fraternal organization" in which members swore to conceal each other's identities. FBI agents were able to create dissension and paranoia when 21 field offices anonymously mailed Bureau-generated postcards to thousands of Klan affiliates. Each card threatened its recipient to stop "hiding your identity under your sheet" because "somebody knows who you are."

By the late 1960s, the North Carolina Realm of the UKA had formed "The Klan within the Klan" to deal with the presence of informants, and national UKA leader Robert Shelton vowed to employ polygraph tests and "truth serum" to weed out infiltrators.<sup>62</sup>

While many forces contributed to the Klan's decline as the 1960s wore on, it is clear that COINTELPRO-White Hate Groups played a key role. Between 1964 and 1971, agents reported 139 "tangible results" stemming from specific COINTELPRO actions. Undoubtedly, the impact of FBI activities was even more pronounced in a less direct and tangible sense, as the presence of informants created a climate of distrust and paranoia that permeated almost all of the Klan's activities during this period, and directly contributed to the splintering of the once-united UKA. By the early 1970s, the UKA was effectively decimated. Its North Carolina Realm, just a few years earlier the organization's strongest success story, had ceased to exist at all, replaced by a series of tiny, highly militant factions around the state.

COINTELPRO ended as a formal program in 1971, after a group of activists calling themselves the "Citizens' Commission to Investigate the FBI" broke into a Bureau office in Media, Penn., and stole several hundred classified FBI memos. The group leaked many of these documents to various media outlets, and, faced with public exposure, Hoover immediately chose to discontinue COINTELPRO. At least some of the program's aims lived on, however; internal FBI communication at this time clearly noted that similar activities be continued "with tight procedures to insure absolute secrecy." The Bureau's massive surveillance program also continued.

Both Frierson and Bogaty agreed that by the later 1960s and early 1970s, Klan activity had declined and more attention was focused to black nationalists.<sup>65</sup>. Documents released under court order for the civil trial reveal that the FBI had assembled a substantial dossier on Nelson Johnson. The documents in the released file begin in December 1975, under the cover "Volume 20."

The investigation opened on Johnson on Dec, 18, 1975, notes that "Johnson has had no known participation in extremist activities, with the possible exception of helping Claude Barnes with a project on the A&T campus." It further notes his active role in the Greensboro Association of Poor People, "a black civic organization," but that "it appears Johnson is devoting his attention ... to the pursuit of his job at Cone Mills." Nevertheless, entries in the files in January 1976 refer to Johnson as "potentially dangerous because of background, emotional instability or activity in groups inimical to U.S.," and "possibly armed and dangerous as informants report that he owns several weapons." The undercurrent in the documents illustrates the threat the FBI and Secret Service believed Johnson posed by his involvement in Black Power movements, Marxist political organizations and union organizing. These documents also show that Johnson was included in the "ADEX," an administrative list used as an agency-wide reference to individuals deemed to be a threat to domestic security.

### FBI American Dissidents & Extremists Index (ADEX)

The Federation of American Scientists describes the FBI "Administrative Index" (ADEX) as consisting of "descriptive data on individuals subject to investigation in case of a national emergency because they were believed to represent a potential or active threat to the internal security of the United States." The idea started as a program called "Custodial Detention" or "Alien Enemy Control" and was based on a massive list of U.S. residents compiled by the FBI from 1939-1941. This list was to be used to round up Japanese-Americans for internment camps during World War II. Attorney General Francis Biddle found out about the index, labeled it illegal and ordered its end. However, J. Edgar Hoover simply renamed it the Security Index and the program continued. This new Security Index basically served the same purpose as the Custodial Detention Index. In the event of an all-out emergency, people listed on the Security Index would be considered for immediate apprehension.

The Security Index would eventually merge with the Agitator Index (Rabble Rouser Index) and the Reserve Index (Communist Index). The Agitator Index was a nationwide index "of agitators of all types whose activities have a bearing on the national security." This list grew to include "black nationalists, white supremacists, Puerto Rican nationalists, anti-Vietnam demonstration leaders, and other extremists." It served as a convenient list of primary targets for COINTELPRO activity that had just gotten underway. Due to the expanding size of the Security Index and the Agitator Index, there was a need for new, more refined tools for concentrating FBI intelligence investigations. These more refined tools came in the form of the Key Activist Program<sup>74</sup> and the Black Nationalist Photograph Album<sup>75</sup>. These two programs targeted individuals in the Students for a Democratic Society, anti-Vietnam war groups, and militant black nationalists who traveled extensively. There was to be "an intensive investigation" of everyone on these lists.

In 1971, Congress passed a repeal of the Emergency Detention Act of 1950.<sup>78</sup> This was the first serious congressional action that could possibly curtail domestic intelligence operations. The FBI, increasingly concerned with charges of evading the will of Congress, solicited the views of Attorney General Mitchell on the matter.<sup>79</sup> He stated that the repeal of the Emergency Detention Act does not alter or limit the FBI's authority to investigate subversives.<sup>80</sup> After this, the Security Index was renamed the Administrative Index (ADEX) with revised standards.<sup>81</sup> These revised standards took judicial review out of the equation. The Justice Department would frequently remove names from the list that shouldn't be there.<sup>82</sup> However, with the revised standards for the ADEX, the FBI was now in sole control of who would be placed on the index.<sup>83</sup>

In the first year of existence, there were more than 23,000 cases on ADEX. This included 17,000-18,000 individuals who had been or were in the process of being investigated.<sup>84</sup> The ADEX was discontinued in January1978, even though the records are still kept as inactive records at FBI headquarters and 29 field offices.<sup>85</sup>

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The FBI documents detailed surveillance using multiple informants from January-August 1976 on Johnson and his wife Joyce (herself under surveillance for her leadership role in the African Liberation Support Committee<sup>86</sup>) at their home and workplaces. Although Johnson was labeled as an extremist, the mundane details of the Johnsons' lives yielded by informants shows no evidence of any criminal activity. For example, one memo reports that, "(Joyce Johnson) has indicated her health has improved and she is working full time again at the Transportation Institute, North Carolina A&T State University," and another, "Nelson Johnson is still working the 11 PM to 7 AM shift... and is paid \$25 less bi-weekly than in his former position." Indeed, one of the informants, clearly a mill supervisor, reports that "Johnson's work at Cone Mills has been entirely satisfactory and he is considered to be a model employee."

Of those documents released, the only substantive reports deal with the distribution by the U.S. Labor Party (USLP) of fliers bearing accusations that Johnson was an FBI agent and accusing him, as one of the leaders of the Revolutionary Workers League (RWL, a precursor organization to the WVO), of "trying to destroy the working class forces at Cone." This allegation caused a flurry of response fliers to be distributed at Cone Mills, which apparently created concern in Cone management:

Officials of Cone are in the process of making discreet inquiries with their management personnel at various plants, to determine if any individual or individuals have been active among the employees on behalf of RWL. The source noted that there has been no labor trouble at Cone to date caused by the US Labor Party, RWL or any other group.<sup>90</sup>

On May 11, 1976, the FBI reported:

Management at Cone Mills is concerned with the situation of the USLP picketing their various plants, in Greensboro and primarily their employee Nelson N. Johnson. However, Johnson has been considered to be a satisfactory and efficient employee. Management feels this problem would be eliminated if Johnson would leave Cone but the company has no grounds to discharge him. The company suspects that he has been engaged in union activities, of late, attempting to recruit some of their employees to join the union<sup>91</sup>.

The environment and concern at Cone appears to have encouraged the FBI to continue their investigation of Johnson, his lack of criminal activity or participation in "extremist" groups not withstanding. The investigation continued from December 1975 until Aug. 13, 1976, when the investigation was suspended (to be re-opened if needed) because according to "established sources" at Cone Mills, "Johnson has been conducting his work and other activities at Cone in a very satisfactory manner and that he has not engaged in any radical activities concerning the labor union at Cone or any other group connected with that establishment." In August 1976, Johnson was removed from the "Extremist Photo Album" because he had "no current indication of a propensity for violence, or would naturally be considered a suspect in serious crimes in which the Bureau might have an interest."

Notably, not released under this civil suit were any records relating to surveillance of the WVO as an organization prior to Nov. 3, 1979. FBI SAC Pelczar admits that the Bureau requested that surveillance be reopened on the WVO on Oct. 23. Pelczar said the investigation was ordered by Horace Beckwith, supervisor of domestic security matters, opened as a result of the China Grove confrontation with the Klan in July of that year. The investigation was closed on Nov. 2. 95 Pelczar later lied about this investigation to the press, denying that the WVO had been under any surveillance. The lack of FBI disclosure on the details of WVO surveillance means that the GTRC cannot determine if informants were operating in the WVO at the time of Nov. 3, 1979, and might have acted in a provocateur role.

### **Findings**

Documents and testimony from federal law enforcement showed that the FBI was overall concerned with investigating, infiltrating and causing dissension both in the Klan and black liberation activists. In Greensboro in the late 1960s and 1970s the Bureau appears to have focused more energy on investigating Nelson Johnson and his associates while displaying little concern about the violent tendencies of their paid informant Eddie Dawson.

The FBI was aware of Eddie Dawson's history of involvement in criminal racist violence yet they nevertheless used him as a paid "Probationary Racial Extremist" informant in the Klan from 1969 until 1976. He was, in fact, on parole for one such violent incident when he was first engaged as a paid informant. Dawson had been convicted of shooting into the home of people he suspected of "serving liquor to both black and white and [having] orgies."

At the same time, while overlooking the threat posed by their own paid informant, in the years prior to 1979, the FBI was clearly very concerned about the threat posed by Nelson Johnson "because of background, emotional instability or activity in groups inimical to U.S." This perceived threat was based on no evidence of criminality but instead on Johnson's involvement in black liberation movements (among them an association with the Black Panthers), revolutionary communist groups and union organizing. FBI documents show that Johnson was included in the "ADEX" or Administrative Index and the "Extremist Photo Album", which were used as an agency wide reference to individuals deemed to be a threat to domestic security and potentially eligible for "custodial detention." However, their investigations of Johnson in 1976 yielded no evidence of criminal or militant behavior.

The specific reference in the memos regarding Johnson refer to a "Extremist Photo Album" but no other confirmation of such an album with this exact title has been found in reviewing other FBI documents. Rather, the Church report (see box above) refers to a "Black Nationalist Photo Album." We speculate that these two names refer to the same photo album.

On the other hand, the ATF, through its undercover agent Bernard Butkovich, had uncovered compelling evidence in the spring and summer of 1979 that Wood and his associates had a propensity for violence and a strong possibility that they were stockpiling heavy weapons. Yet, even after it was discovered that these same people planned to disrupt the WVO rally and discussed using a pipe bomb there, this information was not communicated to relevant local authorities, who could have made use of this information to protect the parade. While not provoking it, federal agent Butkovich provided both opportunity and support for racist violence, while failing to communicate to local law enforcement the risks to innocent people.

While they may not be legally bound to do so, the Commission finds it unconscionable that ATF and FBI agents chose not to share with local law enforcement information about the likelihood of violence on Nov. 3. While investigations were still underway and no charges had been made, agents could have communicated information about the risk of violence without naming names. This independent information, taken together with intelligence from Dawson, would have provided a more robust picture of the threat.

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

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The Commission is troubled, especially in these times, by the seeming wide berth given to investigating an activist based on his outspoken critique of government rather than criminal behavior. As Supreme Court Justice Lewis Franklin Powell Jr. wrote in 1972, "History abundantly documents the tendency of Government--however benevolent and benign its motives--to view with suspicion those who most fervently dispute its policies. [Constitutional] protections become the more necessary when the targets of official surveillance may be those suspected of unorthodoxy in their political beliefs. The danger to political dissent is acute where the Government attempts to act under so vague a concept as the power to protect 'domestic security.' Given the difficulty of defining the domestic security interest, the danger of abuse in acting to protect that interest becomes apparent."

### Notes

- <sup>1</sup> Dukes speculated in his deposition that the victim, Linda Tate, and her husband worked at a racing track and her murder may have had connections to the Hell's Angels. See Robert Fulton Dukes Deposition, *James Waller et al.* v. *Bernard Butkovich et al.*, Civil Action No.80-605-G, Middle District North Carolina (20 December 1984), 16.
- <sup>2</sup> Dukes admitted in his deposition that he later revealed to Wood the name of the confidential source of this information. The source was a young girl who was romantically involved with Wood and feared his violent tendencies after their break up. See Dukes Deposition, *Waller v. Butkovich* (20 December 1984), 164.
- <sup>3</sup> ATF Special Agent Robert F. Dukes, "Report of Investigation to SAC Charlotte," Winston Salem, 5 October 1978; Treasury Department, Bureau of Alcohol, Tobacco and Firearms Briefing Paper, "Greensboro Incident," 16 July 1980, 1.
- <sup>4</sup> See numerous references to information sharing: footnote 2; Dukes Deposition, *Waller v. Butkovich* (20 December 1984), 9, 27, confirmed receiving information on 9/26/78 regarding WSPD and blasting caps; Dukes Deposition, 26, an individual tells him about Wood having weapon; Dukes Deposition, 134, 241, Dukes speaks with Spillman of WSPD about Wood; ATF SA Dukes, "Report to SAC Charlotte," multiple reports dated 2 Oct 1978, 9 Feb 1979, 21 Mar 1979, 5 Jun 1979, 8 Jun 1979, 3 Oct 1979; ATF SA Dukes, "Briefing Paper," 19 June 1979.
- <sup>5</sup> Title II of the National Firearms Act requires the registration with the ATF of weapons with silencers; fully-automatic and burst-fire firearms; short barrel rifles and shotguns or other shoulder weapons. Title II also prohibits the civilian possession of explosives.
- <sup>6</sup> ATF SA Dukes, "Report to SAC Charlotte," 9 February 1979.
- <sup>7</sup> ATF SA Dukes, "Report to SAC Charlotte," 9 February 1979, 21 March 1979, 9 May 1979...
- <sup>8</sup> ATF SA Dukes, "Report to SAC Charlotte," 21 March 1979.
- <sup>9</sup> Meanwhile, undercover investigations of Klan weapons stockpiling were also connected to the Decatur violence. The FBI and ATF opened and coordinated investigations (at the field level of Special Agent in Charge, or SAC) related to the "increase in demonstrations during the last year by members of the Ku Klux Klan and the Southern Christian Leadership Conference in the Decatur area" around the Tommy Lee Hines rape cases. See ATF SA Herbert Youngkin, "Report to SAC Birmingham," Unique Identifier # 2307 0679 2001 A, 7 June 1979. Around May 30, 1979, the ATF received information that the KKK was receiving shipments of AR-15 rifles and ammunition, but surveillance failed to yield any evidence of this sale, although the investigation was continuing using undercover agents. See ATF Briefing papers, UI 2307 0679 2001 A, 5-6.
- <sup>10</sup> Dukes Deposition, Waller v. Butkovich (20 December 1984), 32.
- <sup>11</sup> Bernard Butkovich Testimony, *Waller v. Butkovich* (9 May 1985), 11; ATF files, Bernard Butkovich interview with ATF Internal Affairs, 15 July 1980; ATF SA Dukes, "Report to SAC Charlotte," UI 2616 1078 6501Y, 8 June 1979; Dukes Deposition, *Waller v. Butkovich* (2 July 1984), 22, 225.
- <sup>12</sup> ATF Briefing Paper, "ATF Investigations of Firearms Violations by Members of the Ku Klux Klan and Other 'Hate Groups'," 19 June 1979. See also ATF SA Dukes, "Report to SAC Charlotte," 8 June 1979, outlining the undercover investigation of Wood "and his followers." Dukes also admitted that impetus for the investigation also came from an NAACP editorial complaining about feds knowledge about Nazis and Klan weapons and not acting while selectively prosecuting black nationalists
- <sup>13</sup>ATF SA David Lazar Deposition, Waller v. Butkovich (15 November 1984), 18-21. Lazar's first report on

- Covington was filed 10/3/79. See ATF Memo to SAC Charlotte, John Westra, reviewed by Resident Agent in Charge (RAC) Raleigh, Kenneth Brady, Covington case ID# 261009795006H (01).
- <sup>14</sup> FBI file dated 15 November 1979 from SAC Cleveland to SAC Charlotte reports that it was the RCP who confronted Nazis in Parma, that the RCP had signs attached to bats and were armed and dangerous. Revolutionary Communist Youth Brigade had previous confrontations with Klan: Plains GA July 1977, in St Petersburg FL in the fall 1977, in Lakeland FL in the fall 1977. Report from SAC Chicago to SAC Charlotte reports that a full investigation authorized on RCP, 6 November 1979.
- 15 Butkovich Testimony, Waller v. Butkovich (9 May 1985), 15-16.
- <sup>16</sup> John C. Westra, Response to Plaintiffs' Interrogatories, Waller v. Butkovich (12 July 1984), 4.
- <sup>17</sup> Butkovich Testimony, *Waller v. Butkovich* (9 May 1985), 65; Dukes Deposition, *Waller v. Butkovich* (20 December 1984), 63.
- <sup>18</sup> Butkovich Testimony, Waller v. Butkovich (9 May 1985), 23-24.
- <sup>19</sup> Chavis and nine of his associates were later sentenced to a collective total of 282 years for arson and conspiracy to fire on police officers. The case was overturned in federal court in 1980, after Amnesty International took up the case of the "Wilmington 10" as political prisoners.
- <sup>20</sup> Memo from David Lazar who was investigating Covington: ATF SA Lazar, "Report to SAC Charlotte," Raleigh, 3 October 1979. This memo contains a redacted portion, "Information from an ATF informant has corroborated information the Nazi Party in Raleigh NC and members of the KKK are united and --- REDACTED---. The informant alleges that members of the United Racist Front are making arrangements for receipt of a significant amount of firearms from Florida."
- <sup>21</sup> Butkovich Testimony, *Waller v. Butkovich* (9 May 1985), 71; Dukes Deposition, *Waller v. Butkovich* (20 December 1984), 258-259.
- <sup>22</sup> Butkovich Testimony, Waller v. Butkovich (9 May 1985), 94.
- <sup>23</sup> *Ibid.*, 130.
- <sup>24</sup> ATF Briefing Paper, "Greensboro Incident," 16 July 1980, 2.
- <sup>25</sup> Dukes Deposition, Waller v. Butkovich (20 December 1984), 213-215.
- <sup>26</sup> Butkovich Testimony, Waller v. Butkovich (10 May 1985), 162.
- <sup>27</sup> Butkovich Testimony, *Waller v. Butkovich* (9 May 1985), 116, 119; Butkovich Deposition, *Waller v. Butkovich* (17-18 July 1984), 68.
- <sup>28</sup> Dukes Deposition, *Waller v. Butkovich* (20 December 1984), 156, the batteries: "they died right before we got where we were going;" Dukes Deposition, *Waller v. Butkovich* (20 December 1984), 210-211, he stopped hearing a transmission at 3:00; Butkovich Deposition, *Waller v. Butkovich* (17-18 July 1984), 80.
- <sup>29</sup> Lazar Deposition, Waller v. Butkovich (15 November 1984), 54.
- 30 Lazar Deposition, Waller v. Butkovich (15 November 1984), 60
- <sup>31</sup> Butkovich Testimony, Waller v. Butkovich (9 May 1985), 71.
- <sup>32</sup> Dukes Deposition, Waller v. Butkovich (20 December 1984), 258-259.
- <sup>33</sup> Butkovich Deposition, Waller v. Butkovich (17-18 July 1984), 76.
- <sup>34</sup> Butkovich Testim., Waller v. Butkovich (9 May 1985), 80.
- <sup>35</sup> US House subcommittee hearings on infiltration and use of entrapment. This is not the first time ATF agents were accused of acting as provocateurs while trying to bring cases on weapons violations. In a related example, SA Michael Sweat told Winston-Salem Nazis planning to blow up oil storage facilities in Greensboro in 1980 that he could provide explosives and transportation out of the country, and could get them set up with Nazis living in Argentina. When the Nazis faltered in their planning and discussed postponing the blast, Sweat admits he berated them, saying, "It's a piece of cake! What's the problem?" See Michael Sweat Deposition, *Waller v. Butkovich* (30 August 1984), 125.
- <sup>36</sup> Fayetteville Observer 26 Nov 1980. We note that caravan passenger Nazi Frazier Glenn Miller was a former marine at Ft. Bragg and that he allegedly recruited military to join his White Patriot Party (WPP), which ran a paramilitary training camp. A former fellow White Patriot marine, Robert Norman Jones, testified against Miller at a 1986 trial that the WPP obtained stolen arms from sources at Fort Bragg and that active-duty soldiers helped him train party members in the use of the weapons. (Jonathan Landy, "Army Brass Rattled by Soldiers' Ties to White Supremacists" Christian Science Monitor 19 December 1995, Vol. 88 (17): 3).
- <sup>37</sup> Dukes Deposition Waller v. Butkovich (2 July 1984), 164-165.
- <sup>38</sup> Edward Dawson, Pre-Grand Jury Interview with Department of Justice Attorney Michael Johnson and FBI SA Thomas Brereton, Winston Salem (22 June 1982), 12. Len Bogaty Deposition *Waller v. Butkovich* (8 January 1985), 386.
- <sup>39</sup> Bogaty Deposition, Waller v. Butkovich (8 January 1985), Vol. 2, 220

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- 40 *Ibid*, 232.
- <sup>41</sup> *Ibid*, 224.
- <sup>42</sup> Dargan Frierson, interview with Kathy Hoke, for the UNCG civil rights oral history project, 19 January 1990. Available on line at http://library.uncg.edu/depts/archives/civrights/detail-iv.asp?iv=11.
- 43 Ibid
- <sup>44</sup> *Ibid*.
- <sup>45</sup> This phrasing was used in dozens of FBI memos describing the COINTEL program. See Federal Bureau of Investigation, "COINTEL Memos," quoted in David Cunningham, *There's Something Happening Here: The New Left, the Klan, and FBI Counterintelligence* (Berkeley: University of California Press, 2004), 6.
- <sup>46</sup> Cunningham, *There's Something Happening Here*, 110; Gary T. Marx, "Thoughts on a Neglected Category of Social Movement Participant: The *Agent Provocateur* and the Informant," *American Journal of Sociology* 80, 2 (1974): 402-442.
- <sup>47</sup> "Minutes of Cabinet Meeting, November 6, 1958," reprinted in Ward Churchill and Jim VanderWall, *The COINTELPRO Papers: Documents from the FBI's Secret War Against Dissent in the US* (Boston: South End Press, 1990), 40-41.
- <sup>48</sup> Churchill and VanderWall, *COINTELPRO Papers*, 95-102; David J. Garrow, *The FBI and Martin Luther King, Jr.: From Solo to Memphis* (New York: W.W. Norton & Company, 1981).
- <sup>49</sup> Cunningham, *There's Something Happening Here*, 70; Kenneth O'Reilly, "*Race Matters*": *The FBI's Secret File on Black America*, 1960-1972 (New York: The Free Press, 1989), chap 3.
- <sup>50</sup> Federal Bureau of Investigation COINTELPRO, "'White Hate Groups' Memo from Baumgardner to Sullivan," 27 August 1964.
- <sup>51</sup> Cunningham, *There's Something Happening Here*, 244.
- <sup>52</sup> Federal Bureau of Investigation, "Memoranda" (various), 1961-1971, obtained from Scholarly Resources, Inc., and the FBI National Headquarters Reading Room.
- <sup>53</sup> Memo from SAC, Tampa to Director, 1 August 1966.
- <sup>54</sup> Memo from SAC, Tampa to Director, 16 December 1966.
- <sup>55</sup> Memo from SAC, Baltimore to Director, 28 March 1969.
- <sup>56</sup> Memo from SAC, New Orleans to Director, 2 January 1968.
- <sup>57</sup> FBI Director, "Memorandum," to the Attorney General (2 September 1965). See Cunningham, *There's Something Happening Here*, 131-132, for a related discussion. The Church Committee Hearings estimated that six percent of the total Klan membership were informants at the height of COINTELPRO-White Hate Groups.
- <sup>58</sup> Dick Creed, "Klan Chaplain Delivers Most Fiery Talk" Winston-Salem Journal, 15 August 1966.
- <sup>59</sup> Cunningham, *There's Something Happening Here*, 75.
- <sup>60</sup> FBI Memorandum from Baumgardner to Sullivan, 10 March 1966.
- <sup>61</sup> Cunningham, There's Something Happening Here, 161-162.
- <sup>62</sup> FBI Memorandum from Birmingham to Director, 5 January 1971. See also Cunningham, *There's Something Happening Here*, 132.
- <sup>63</sup> Cunningham, *There's Something Happening Here*, 154-155.
- <sup>64</sup> Churchill and VanderWall, COINTELPRO Papers, 333.
- <sup>65</sup> Bogaty Deposition, *Waller v. Butkovich* (8 January 1985), 345; Frierson, Greensboro Public Library Civil Rights Oral History Project, 10 November 1989. See also the nearly 3000 pages of FBI reports related to surveillance of "Black Panther" activities, which often included black students and activists not members of the Party. http://foia/fbi/foiaindex/bpanther.htm
- <sup>66</sup> FBI SA Boland, "Report on Nelson Johnson, Extremist Matter African Liberation Support Committee," to Charlotte 157-5884, FD-263 (20 January 1976), 2.
- <sup>67</sup> Information on Nelson Johnson furnished by the Director of the FBI to the Director of the U.S. Secret Service "concerning protective responsibilities," Charlotte 157-5884, FD-376 (20 January 1976).
- <sup>68</sup> FBI SA Boland, "Nelson Johnson, EM ALSC," to U.S. Secret Service, Charlotte 157-9855, FD-204 (12 May 1976), 1.
- <sup>69</sup> Federal Bureau of Investigation, *Central Records System*, <a href="http://www.fas.org/irp/agency/doj/fbi/is/crs.htm">http://www.fas.org/irp/agency/doj/fbi/is/crs.htm</a> (accessed on 8 May 2006).
- <sup>70</sup> Wikipedia, "Custodial Detention Index," <a href="http://en.wikipedia.org/wiki/Custodial\_Detention\_Index">http://en.wikipedia.org/wiki/Custodial\_Detention\_Index</a> (accessed on 8 May 2006).
- <sup>71</sup> Supplementary Detailed Staff reports on Intelligence Activities and the Rights of Americans. Final report of the US Senate Select Committee to Study Government Operations with Respect to Intelligence Activities. This report hereinafter referred to as "The Church Report," Book II, 123.

### Planning for and sequence of November 3, 1979

- <sup>72</sup> Church Report II, 120.
- <sup>73</sup> Church Report II, 120.
- <sup>74</sup> Church Report II, 124.
- <sup>75</sup> Church Report II, 124.
- <sup>76</sup> Church Report II, 124.
- <sup>77</sup> Church Report II, 125.
- <sup>78</sup> Church Report II, 148.
- <sup>79</sup> Church Report II, 150.
- 80 Church Report II, 151.
- 81 Church Report II, 151.
- 82 Church Report II, 151.
- 83 Church Report II, 151.
- <sup>84</sup> Church Report II, 152.
- <sup>85</sup> Federal Bureau of Investigation, Central Records System, <a href="http://www.fas.org/irp/agency/doj/fbi/is/crs.htm">http://www.fas.org/irp/agency/doj/fbi/is/crs.htm</a> (accessed on 8 May 2006).
- <sup>86</sup> FBI SA Boland, "Nelson Johnson, EM ALSC," to Charlotte 157-5884, US Secret Service-Charlotte 100-12215-929, FD-263 (12 May 1976), cover page.
- 87 FBI SA Boland, "Joyce Johnson, EM ALSC," to SAC Charlotte 157-7206 (2 April 1976).
- <sup>88</sup> FBI SA Boland, "Nelson Johnson, EM ALSC," to U.S. Secret Service, Charlotte 157-9855, FD-204, (12 May 1976), 2.
- <sup>89</sup> *Ibid.*, 3; FBI SA Boland, "Report on Revolutionary Workers League, EM RWL," to SAC Charlotte 157-10051 (11 May 1976), 1.
- 90 FBI SA Boland, "Report on EM RWL," to SAC Charlotte 157-10051 (25 March 1976), 1-2.
- <sup>91</sup> FBI SA Boland, "Report on EM RWL," to SAC Charlotte 157-10051 (11 May 1976), 1.
- <sup>92</sup> We do not mean to imply that it was only Johnson who was being investigated. We cannot make that assessment because we have only had access to Johnson and Paul Bermanzohn's FBI files.
- <sup>93</sup> The investigation was extended on May 10, 1976, without any visible reason in the files released.
- <sup>94</sup> SAC Charlotte 157-5490, "Airtel Re: Extremist Photograph Album Annual Review," to FBI Director 157-23582 (23 August 1976).
- <sup>95</sup> Pelczar Federal Grand Jury Testimony, (31 March 1982), 11-13. See also FBI memo to Pelczar from Beckwith ordering preliminary investigation on WVO (10/23/79), 1-2, UI no.100-12202.
- 96 Dawson Deposition Waller v. Butkovich (13 June 1984)37.
- <sup>97</sup> Information on Nelson Johnson furnished by the Director of the FBI to the Director of the U.S. Secret Service "concerning protective responsibilities," Charlotte 157-5884, FD-376 (20 January 1976).
- 98 United States v. United States District Court, 407 U.S. 297 (1972).



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### Greensboro Police Department and the "Communist problem" Chapter 5



Photos courtesy of the Greensboro News & Record

### The GPD and "the communist problem"

In the summer and fall of 1979, local law enforcement was becoming increasingly concerned about the RCP and communist groups in general. However, many ("Major E.R. Wynn and several other officers" in the GPD) either did not understand or did not think relevant the differences and conflicts between the RCP and WVO, instead lumping them together as "Communists" who were, in Det. Jerry Cooper's words, "giving us problems." This made it possible to overstate the threat they posed by attaching any activities or violent rhetoric of any of the communist groups to all of them.

Statements and testimony from police officers and FBI repeatedly refer to a pattern of violent tendencies and criminal behavior on the part of Communists in general and the WVO in particular. However, when pressed for details, law enforcement officers and agents cite the same three incidents. Sometime during the summer of 1979, members of the RCP allegedly interrupted a class to hand out literature and vandalized property on the UNCG campus by splashing red paint on dumpsters.<sup>4</sup> In July 1979, a skirmish between Hampton Homes residents and police attempting to break up a noisy block party sparked outcry from the RCP, who distributed leaflets and posters alleging police brutality.<sup>5</sup> On Oct. 11, the RCP held a rally in Hampton Homes around the alleged police brutality incident, a rally that erupted with rock-throwing at the GPD.<sup>6</sup> Finally, on Oct. 16, a clash between competing groups of leafletters from the WVO and RCP escalated into a fistfight at the White Oak plant. At least one WVO member was taken to the hospital and released. GPD responded to the scene, but neither side of the fight wished to bring charges.<sup>7</sup> However, the brawl at the mill gates worried Cone management, who called Special Investigations, which Cooper attributed to the fact that there was "an on-going investigation on the RCP because they had been causing problems." <sup>8</sup>

The GPD Internal Affairs report notes that at the GPD staff meeting on Oct. 10, concern was expressed about a Channel 8 news story that aired on Oct. 4 announcing that the WVO planned to hold an anti-Klan rally in Greensboro. Misgivings about the WVO's involvement and members' "propensity for violence" sparked a discussion about whether it was permissible to deny the permit. Police Attorney Maurice Cawn advised that, "When they mentioned Nelson Johnson they were concerned that Nelson might stir something up... And here it was in '79; and whatever had happened at A&T, you know, had been a little while. So I expressed the opinion that – I took the question being posed to me of 'Can't we just deny it?' and said 'I don't see how. It's very difficult to just censor something of that kind. So I don't think it can be. "11 He made a similar statement in response to a TV broadcast reporting that a Morningside Homes resident didn't want the rally to happen there: "That's unfortunate but it's not a basis for denying a permit. ... the First Amendment gives you a right to be unpopular and we really can't censor something before it starts." It was decided that weapons restrictions and limitations on placard materials and the size of sticks used for placards were permissible. It is notable that these concerns were raised before the RCP incident in Hampton Homes and the RCP/WVO fistfight at White Oak had occurred.

But while there was some blurring in the understanding of the communist groups, the GPD discussion about the parade make it clear that one member stood out as especially worrisome for the police. The characterization of Nelson Johnson in particular (and the WVO by association) as a "dangerous person" entered into the police protection plans from the very first time the parade was raised in police meetings, a characterization that was unjustified based on the actual threat to public safety that he posed. Many officers were candid in civil suit depositions and testimony about their concern for the WVO march being directly linked to their suspicions of one individual: Nelson Johnson. Gibson said his concern about Johnson related specifically to the unrest and violence in 1969 due to the Dudley and A&T revolt,

for which he held Johnson directly responsible. <sup>14</sup> Cawn recounted, "There was more than one person in the staff ... who were concerned about the fact that Nelson Johnson was going to be involved in this parade. I do recall that." <sup>15</sup> It is worthy of note that Chief William Swing told the grand jury that Johnson and his associates Sandi Smith and Dot Johnson had received six parade permits since the incident at Dudley and A&T, and had never been asked to comply with weapons or placard restrictions. <sup>16</sup>

The GPD acted on their concern about the public threat of Johnson and his associates through more than just discussions; they also conducted surveillance. Det. Herb Belvin of Special Intelligence admits that they kept "pretty active" intelligence on both Nelson Johnson and Sandi Smith through about 1975 or '76, and on the RCP. <sup>17</sup> These files, which were referred to as "civil intelligence" files because surveillance was collected without a pending criminal charge, were all destroyed when the Freedom of Information Act passed that would make these records available for public scrutiny. <sup>18</sup>

The police had other reasons to have negative feelings toward Johnson and his associates and to be wary of a hostile confrontation with them. Although they arguably did not pose a threat to public safety, Johnson and his associates did have a record of vocal accusations of police brutality against the GPD (See "Black Liberation to Multicultural Organizing" Chapter).

Often GPD officers refer to the WVO and RCP fistfight in their explanation of why they were concerned about the Nov. 3, 1979, march. However, the GPD's own administrative report demonstrates that these conversations were already occurring on Oct. 10, before this fight took place on Oct. 15. Further, Capt. B.L. Thomas admitted in his Grand Jury testimony that surveillance of demonstrations at Cone "increased" with the announcement of the march, undertaken by Det. Cooper and Det. Sgt. Furman Melton. This choice of words suggests that it had been ongoing prior to the announcement, although we have no information about why this investigation was warranted or the nature of the surveillance. In his deposition, Police Attorney Cawn stated that he was not consulted on the legality of surveillance of WVO members, nor did he even know about it until January 1980. Lt. Sylvester Daughtry said that Johnson would not have been a legal target of surveillance, and Det. Belvin claimed in his sworn testimony to the Federal Grand Jury that there was no one doing civil intelligence after 1978. These statements are contradicted by the sworn testimony of Capt. Thomas on the "increased" surveillance of the WVO in the fall of 1979 after the march was announced.

While the WVO used confrontational and hyperbolic "revolutionary" rhetoric about "overthrowing the capitalist system" as part of their message, the level of concern and police resources devoted to the WVO was disproportionate to their actual actions and the threat they posed. In their depositions and civil trial testimony, GPD officers attribute their concern about the WVO to the group's "known criminal behavior," which when pressed, is detailed as "malicious mischief" for posting handbills in illegal locations (telephone poles, underpasses and the like), even though campaign posters for political candidates were tolerated in these same illegal locations. Concern about the WVO apparently stemmed from complaints from Cone about "traffic obstructions" from leafleting outside gates during shift changes and holding demonstrations at the mills.<sup>24</sup> The majority of line officers named in the plaintiffs' civil suit had no knowledge or experience with the WVO prior to Nov. 3, 1979,<sup>25</sup> which belies the claim that they were a noticeable public threat on the streets and were "causing problems."

The evidence shows that the concern about the WVO had more to do with their "revolutionary" rhetoric — which was not only intensely anti-establishment but particularly anti-police — than their actual criminal activity. Sgt. Melton said in his deposition that he believed the WVO was a threat not because of its specific activities or rhetoric, but because "I thought all communist groups were trying to overthrow the U.S. government. I had been told and read about it as long as I can remember. I think any communist organization would be a threat to this country in some form or fashion."<sup>26</sup>

In fact, Melton said he was unaware of any illegal activity in which the WVO was involved.<sup>27</sup> But even though he did not expect anything more than "malicious damage" (from postering and spray painting) or maybe simple assault, he felt the police had a responsibility to keep the WVO under surveillance because of the threat they posed to the government by "trying to persuade a group of people over to their way of thinking."<sup>28</sup> Later in the interview, Melton added that they kept the WVO under surveillance because of the threat to the U.S. government and because of "problems at Cone Mills" by "leafleting and trying to organize a union inside the plant." <sup>29</sup>

Daughtry likewise explained the police concern about the WVO this way, "They were a vocal group and wanted to overthrow the government." However, when pressed, he concedes that there was no real substantial fear of that. Lt. R.L. Talbott, however, denies there was a policy of communist surveillance because of their political views and ideological goals, saying that the WVO and RCP were surveilled "because of the evidence of their criminal actions."

As discussed earlier in this report, there is evidence suggesting some of the GPD's interest in the WVO stemmed from the concern of Cone Mills management about the activities of the WVO at their mill. Security and safety management officials at Cone established a security team in the spring of 1979, at least in part due to WVO practices of handing out handbills, trespassing, postering and causing traffic problems on the property. They clearly communicated about the union organizers' activities in each of their workplaces. GPD intelligence detectives were involved in surveilling union organizers as a result of this concern at Cone (see Labor and Unions in North Carolina's Textile Mills).

At the Oct. 17, 1979, GPD staff conference, the topic of communism was again on the agenda. Minutes from the meeting show the staff discussed problems with Communists at Cone and the fistfight the day before, as well as information the Klan planned to disrupt a communist meeting and to come to Greensboro to hold a demonstration. Chief Swing asked how they were staying on top of the situation and was told that there was an informant inside the Klan. <sup>32</sup>

### Notes

- <sup>1</sup> FBI files of RCP activity throughout the nation, including breaking into the White House Rose Garden allegedly to splash red paint on visiting Deng Xaoping, indicated that they were attracting the attention of law enforcement.
- <sup>2</sup> Internal Affairs Division, Captain D.C. Williams, Commanding Officer, "Summary of Planning Activities for Anti-Klan March Scheduled November 3, 1979," to Greensboro Chief of Police (7 December 1979), 8; GPD Case Report #79-0136868 on the fight outside White Oak Plant, 10/16/79, Officer Davis cites Manzella and four other 'members of RCP' in fight with employees of White Oak and though Manzella did not wish to press charges, Officer Davis filed a case report anyway 'due to extenuating circumstances surrounding the case.' Elsewhere police documents cite the fight as having been WVO and employees of White Oak. (GPD, "Police Chronology of Events," (2 February 1980), 24).
- <sup>3</sup> Jerry Cooper Deposition, *James Waller et al. v. Bernard Butkovich et al.*, Civil Action No.80-605-G, Middle District North Carolina (25 June 1984), 19-20.
- <sup>4</sup> IAD D.C. Williams, "Summary of Planning Activities for Nov 3," to GPD (7 December 1979), 8, Det. Cooper gave information on RCP having been involved in activities at UNCG in the summer; Maurice Cawn Deposition, *Waller v. Butkovich* (14 August 1984), 21-22; Cooper Deposition, *Waller v. Butkovich* (25 June 1984), 139-140.
- <sup>5</sup> Greensboro Police Department, "Chronology of Events," (28 February 1980), 5-7. RCP distributed flyers announcing a July 15 rally for action in response to police brutality and the two arrests made at Hampton Homes skirmish; GPD incident report (10 October 1979).
- <sup>6</sup> For description of event and reference to GPD case # 79-134774, see GPD, "Police Chronology of Events" (28 February 1980), 19.
- <sup>7</sup> GPD Officer E.M. Davis, "Case Report" (16 October 1979), Manzella at hospital, does not press charges,

- 1; GPD, "Police Chronology of Events," (28 February 1980), 24; Sgt Furman Melton, Criminal Investigation Division, "Report of 10-10 at White Oak Cone Mills Plant," to Capt. Steele, Field Operations Bureau (16 October 1979) observes two people at scene with bleeding head wounds.
- <sup>8</sup> GPD Case Report #79-136868 cited in GPD, "Police Chronology of Events" (28 February 1980), 24; Cooper Deposition, *Waller v. Butkovich* (25 June 1984), 138-40, 158, 202; "Meeting Minutes of Chief's Staff Conference," Chief Swing, Burch, Colvard, Wynn, Wade present. (17 October 1979).
- <sup>9</sup> Chief of Police William Swing, "An Administrative Report of the Anti-Klan Rally, Greensboro, NC, Nov. 3, 1979," Greensboro (19 November 1979), 1-2.
- <sup>10</sup> Chief Swing, "An Administrative Report," 2, discuss that permit could not be denied due to First Amendment, but restrictions of weapons could help ensure public safety; IAD Williams, "Summary of Planning Activities for Nov 3," to GPD (7 December 1979), 7, Cawn said they had First Amendment rights but GPD could regulate their conduct without violating rights.
- <sup>11</sup> Cawn Deposition, Waller v. Butkovich (14 August 1984), 32-33.
- <sup>12</sup> Cawn Deposition, *Waller v. Butkovich* (14 August 1984), 42; Cawn Grand Jury Testimony, *Waller v. Butkovich* (18 August 1982), 8.
- <sup>13</sup> Chief Swing, "An Administrative Report," 2; Cawn Deposition, Waller v. Butkovich (14 August 1984), 28-34.
- <sup>14</sup> Cawn Deposition, *Waller v. Butkovich* (14 August 1984), 36, 71, recalled that someone in the GPD reminded everyone in group about 1969 and N. Johnson, GPD had N. Johnson "labeled as instigator" from 1969 *Ibid*, 71.
- <sup>15</sup> Cawn Deposition, Waller v. Butkovich (14 August 1984), 34.
- <sup>16</sup> William E. Swing Grand Jury Testimony (17 August 1982), 73
- <sup>17</sup> Herb Belvin Federal Grand Jury Testimony (24 August 1982), 9-10.
- <sup>18</sup> *Ibid*, 9, 12; B.S. Ford Deposition, *Waller v. Butkovich* (19 July 1984), 50-52 they shredded the documents.
- <sup>19</sup> Byron L. Thomas Federal Grand Jury Testimony (26 August 1982), 33.
- <sup>20</sup> Cawn Deposition, Waller v. Butkovich (14 August 1984), 8-9.
- <sup>21</sup> Sylvester Daughtry Deposition, Waller v. Butkovich (16 August 1984), 140.
- <sup>22</sup> Belvin Federal Grand Jury Testimony (24 August 1982), 9.
- <sup>23</sup> Thomas Federal Grand Jury Testimony (26 August 1982), 33.
- <sup>24</sup> Robert L. Talbott Deposition, *Waller v. Butkovich* (1 November 1984), 22, 31; Daughtry Deposition, *Waller v. Butkovich* (16 August 1984), 129, WVO under surveillance for posters; Daughtry Deposition, *Waller v. Butkovich*, 130, reference to defacement of city property; Daughtry Deposition, *Waller v. Butkovich*, p131, surveillance for overthrow of US govt to putting up posters.
- <sup>25</sup> "Answers of Defendants to Plaintiffs' Interrogatories," *James Waller et al. v. Bernard Butkovich et al.*, Civil Action No.80-605-G, Middle District North Carolina (21 January 1985): Defendant Swing p6, no knowledge of communists/socialists; Defendant Thomas p13, no briefings/knowledge; Defendant Melvin p3, no briefings or conversations of communists/socialists groups or individuals in GSO up to Nov 3; Defendant Hampton p6, no meetings re: communists or socialists but any briefings would have been in connection to specific GSO activities; Defendant Hightower p1, knowledge of WVO one week prior to Nov 3; Defendant Comer p8, heard from other policemen that WVO was hostile toward police but no personal knowledge or information; Defendant Daughtry p8, aware of CWP/socialists demonstrations or criminal investigation only as verbal or written briefs issued when info was necessary to police tasks; Defendants Bryant, League, Anderson, Dixon, and Gerringer on pages 1-2 of their interrogatories, state their knowledge of Nov 3 parties was only at pre-Nov 3 briefing; Defendant Henline p3, no prior info on conduct of WVO/CWP; Defendant RL Smith p3, no info prior to Nov 3 briefings except local WVO/CWP flyers; Defendant Compton p5, had 1 or 2 contacts with CWP prior to Nov 3 on use of PA system at Cone Mills, no arrests were made by him and no specific info was received; Defendant Freeman p2; Defendant T.R. Johnson p4.
- <sup>26</sup> Furman Melton Deposition, Waller v. Butkovich (30 October 1984), 19.
- <sup>27</sup> Melton Deposition, Waller v. Butkovich, 20.
- <sup>28</sup> Melton Deposition, Waller v. Butkovich, 24-25.
- <sup>29</sup> Melton Deposition, Waller v. Butkovich (30 October 1984), 32.
- <sup>30</sup> Daughtry Deposition, *Waller v. Butkovich* (16 August 1984), 131, admits no real threat of WVO overthrowing US government.
- <sup>31</sup> Talbott Deposition. Waller v. Butkovich (1 November 1984), 21-22.
- <sup>32</sup> "Meeting Minutes of Chief's Staff Conference," Chief Swing to Staff Burch, Colvard, Wynn, Wade (17 October 1979).



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### Intelligence gathering and planning for the anti-Klan campaign

# Chapter 6



### Intelligence gathering and planning for the anti-Klan campaign

### The WVO anti-Klan campaign

In the spring of 1979, Paul and Sally Bermanzohn made a trip around the South, collecting historical information around Klan activity (though the trip was not for this specific purpose). They returned with the message that the Klan had been used by the ruling class at various times when there was a crisis, to attack people they thought were dangerous. The Bermanzohns pointed to World War I and the use of racist attacks against immigrants, Jews and Catholics; it had been used during Reconstruction against blacks and people allied with blacks.<sup>1</sup>

Don Pelles, former CWP member, recalls these discussions.

At first I thought it was a little bit of a diversion. We were engaged in fighting capitalism, organizing workers, and that kind of thing. It seemed to me at the time that protesting the Klan was a little bit off from what we ought to be doing. Within the WVO, that might have been a viewpoint at the time, but that changed...

(After Paul and Sally's trip), we really felt, the Workers Viewpoint felt, and I agreed, that there was a real crisis in the US and capitalism, an economic crisis beginning and that things were going to get much worse. And there was a real danger of fascism. This resonated with me, between 1979 here and 1933 in Germany, when I knew that there had been armed gangs, Nazis beating up working class and left-wing organizations, attacking people in the streets, some of the battles were with the left-wing Communists in the streets. I really drew a close parallel to those two times and felt that quite possibly, that the renewed activity of the Klan could be a first step in the fascist takeover of the United States.<sup>2</sup>

Roz Pelles, who was present at the violent march in Decatur, Alabama, (see KKK chapter V), recalled,

My recollection is not that we intended to assault the Klan. It was a dangerous situation, and that people had not thought of the Klan that way, that was naïve. The backdrop all over the South was to stand up to the Klan. I had been at Decatur (with members of WVO) to participate in a huge community struggle to demonstrate on the part of a retarded black man – that became an important cause of the South. The leadership of that had been returning Vets from Vietnam, they literally had the black community of that town guarded and locked down because the Klan had threatened to come in. We arrived at 3 a.m., people were sitting on porches protecting the community with guns. China Grove is in the context of other places having the Klan come and standing up.

This trip of Sally and Paul and others, they were doing trips to visit people all throughout the South. They saw emerging this trend of rise of Klan all over the South – other places all at the same time. While in Decatur, at a huge march led by SCLC, the Klan backed down and ended up leaving, because there were so many people. What impressed me was that community people stood up. <sup>3</sup>

In the context of growing Klan activity and the threat they believed it posed to racial cooperation in

union organizing and uniting workers politically, the WVO decided to launch an anti-Klan campaign. They believed confronting the Klan was not only confronting oppression, but in addition, if they did so boldly they would win more people to their effort. In late June and early July 1979, representatives from the WVO visited China Grove and met with black residents.

In reviewing WVO fliers and internal documents, and talking with WVO leaders, we find that they advocated for a protest that "modeled" the concept of "armed self-defense" against the Klan and decried what WVO leadership viewed as an ineffective strategy of non-violence.<sup>4</sup> The WVO leaders say they wanted to show people they need not be intimidated by racist terror and thereby embolden them to unite behind the larger cause of fighting imperialist oppression more broadly. Paul Bermanzohn recalled,

A number of us went to China Grove to talk to people in the black community about what was going on. There was already a movement that had begun to develop members of the black community had talked to the City Council protesting that [Klan members] were going to use the community center... for a recruitment meeting and the impression that they had which I have no doubt is accurate, was that these white city council types kind of winked at each other and you know basically tell us to get lost.<sup>5</sup>

The evidence we have seen suggests that China Grove residents were upset about the Klan's plans to show the film in their town but were divided on their feelings about the WVO's presence. However they also had mixed feelings about an open confrontation. We spoke with some older residents in China Grove (who wished to remain anonymous), who said they objected to the WVO's aggressive tactics and their recruiting in their neighborhood, including what residents said were attempts to recruit children.<sup>6</sup> Redacted FBI interviews with some residents also reveal some fear and dissatisfaction with the WVO's activities.<sup>7</sup> Paul Luckey,<sup>8</sup> a black resident of China Grove and Vietnam veteran whose neighbors said characterized him as a "righteous man, but with a lot of anger," was one of those who lobbied for a violent rejection of the Klan's showing the film in the local community center. Luckey was later called as a defense witness in federal and civil court and claimed that the WVO first came to their community wanting to help, but "by the march it was 'let's kill them (the Klan).""

However, others remembered it differently and expressed gratitude for the WVO's efforts and said the protest gave them a sense of empowerment:

The people of the community had already known about the Klan organizing a rally at the community center before the CWP even got involved. However, back then, we had no rights to that building because we were located outside the city limits. We had our own community center on our side of town. China Grove was very separated then. They would stay on their side of town and we stayed on ours. The protest march at China Grove came about mainly due to the efforts of Dan Alexander and the CWP. Two people from the CWP came down and talked with Dan about staging a counter demonstration. Dan then brought it forth to the community and that was the beginning. There were a lot of people that thought and still do think that this was just because of the efforts of the CWP but that's not the case. Many of us in the community felt that this was wrong and wanted to do something about it. We didn't feel that it was OK for the Klan to come and march in our town while we were still fighting for basic things like our kids getting rides to and from the school.

The workers that came down and met with us were very sincere. I got the sense that they were pretty much like us. They were not in it for money, power or prestige. They were working for something that they truly believed in. They were the kind of people that would sit down and have dinner with you and there wasn't too much of that going on in China Grove at the time. They told us that the march would be non-violent. There wouldn't be any guns or weapons. This

### Intelligence gathering and planning for the anti-Klan campaign

was going to be a peaceful march with no confrontations. However, everyone in the community wasn't as accepting of outside help as we were. The older people in the neighborhood didn't want us to participate out of fear of retaliation. The elder 'saints', as we called them, didn't want to stir up trouble. There had been a fear instilled in them from long ago and that fear is still with some of us today. This was the way that they were brought up and they were going to try to instill some of that in the youth. Back then, you were limited as a black person no matter how educated you were. Many of the elders had grown up in a system of racism that would come to be understood by all in China Grove. They thought that these white people who were against the Klan were going to get everyone killed. The white folks in China Grove didn't like the fact that these white people were telling the black people that they had rights. I personally don't think that they paid too much attention to the fact that they were Communists. They just didn't understand why these white people weren't on the same side as they were. They just did not understand why they were trying to help the blacks. 10

Although Luckey's initial protest proposal was violent, police testimony claimed that as plans for the march progressed, he reportedly visited China Grove Police Chief Richard Overcash and asked him to grant the protestors a parade permit as a means of providing protection for the demonstrators. China Grove only had four full time officers and four auxiliary officers, so while he denied Luckey's request, the Chief did call the Highway Patrol, the Rowan County Sheriff's office and the NC State Bureau of Investigation to be on hand for backup. Luckey recalled that the protestors got verbal permission from the Chief for their march. On the day when the Klan was to show the film, there was to be one officer at the community center and two in place to follow the march by 11 a.m., an hour before the film was to begin and a half-hour before the protestors began marching toward the community center. The others were on call from the police station, just three blocks away.

A Klan insider recounted that the night before the screening, Grand Dragon Joe Grady called a meeting to disclose information from a police "friend" that Communists were coming to protest their gathering. <sup>14</sup> Grady reportedly laid out a plan for confronting the protestors: women and children would remain in restrooms indoors, while the men would arm themselves and stand guard on the porch. Grady said he believed the permit to use the community center granted them exclusive use, so he argued that if the protestors stepped onto the porch the Klan could rightfully use force to repel them. <sup>15</sup> According to James Allen Mason, Grady claimed the police had agreed to "look the other way" if this happened. <sup>16</sup>

The day before the China Grove incident, WVO members Jim and Signe Waller talked seriously about the importance of the anti-Klan campaign, but also about the risks involved in what might lie ahead:

But I also had trepidations. China Grove would be different from previous demonstrations ... Jim agreed this was a different situation ... (The China Grove demonstration) felt different: a calculation of the danger lay just below the surface of consciousness. We had talked about having a baby together. Now we were conscious of new risks in our lives. "It's altogether possible," I told Jim, "that one or both of us will be in jail. Or in the hospital, hurt. Or worse." We could not control the outcome of this thing. As he saw it, by going boldly ahead by making the most militant stand we possibly could against the Klan, we would minimize danger, not only to ourselves, but to others as well ... Others might be spared those horrors (of the Klan) if we took a strong stand, whatever our personal fate turned out to be.<sup>17</sup>

On July 8, at about 11:30 a.m., some 100 WVO members and local residents formed a parade from the community center in the black neighborhood of Westside. WVO supplied signs, chant sheets and sound equipment. The protestors marched right up to the porch of the China Grove Community Center, where the Klan and Nazis were already armed and assembled. The two groups faced each other, chanting and

screaming insults.

One China Grove resident who took part in the protest recalled it this way:

On the morning of the march, we all got together and prayed. Immediately after the prayer we took to the streets. Contrary to popular belief, there were way more Westside people marching than CWP people. We could have 'camouflaged' them in the mix. As I recall, there were only 10-15 of them there. We marched from Westside through downtown China Grove to the community center. We marched in the street but it was a side street. I think that the CWP did have a permit because you can't really do anything here without one. As we approached downtown, we could see the police was all over the place as if they were expecting a major confrontation to occur. However, when we reached the community center, I did not see any police present. I thought that they may have been on standby or something. It really didn't matter that much because we thought that the cops were part of the Klan as well. As we approached the community center with our signs, we could see the Klan out in front of the center. They were out there in their robes, hoods, rebel shirts and with their guns. One thing that stuck out to me was the fact that there was this 12-year-old boy with the Klan who had a gun. I couldn't believe that. I don't think that any of the marchers were armed. The two sides stood there face to face and traded insults. This went on for a while. Although things got heated up, we all knew there was a stopping point. Once you see guns and you don't have any, you're not going to try anything. You have to think about the other people around you when things get heated like that. I personally think that there wasn't any violence that day in China Grove because it was a smaller town. We knew most of the townspeople there and knew what they were capable of.<sup>18</sup>

Don Pelles, on the other hand, had wrapped his hand and forearm in a towel and was ready for a fight:

(F)rankly, I was ready to beat some Klan heads. That these were Nazis as far as I was ... well some of them actually were Nazis. I never pictured them as big, hefty guys with shotguns. Somehow I pictured them as little wimpy guys in Klan robes cowering on the steps somewhere. It was a militant march, there was chanting and shouting. But when we arrived to community center, we saw a parking lot with people – three - four large white men with beards and shotguns standing on porch. It seemed dangerous. But we were fired up, people were beating on columns of the rec center, yelling at them. It was a very dangerous, volatile situation, but we were so fired up we either didn't notice or didn't care ... It wasn't our intention to fight them, but it was my intention. <sup>19</sup>

The Klan and Nazi members were visibly heavily armed with shotguns, rifles and handguns, which several of the witnesses reported were pointed at the demonstrators.<sup>20</sup> Although no guns were visible among the protesters,<sup>21</sup> there is strong evidence that some protestors were (illegally) carrying concealed weapons and several visibly carried clubs, wrapped their forearms and wore hardhats in anticipation of potential violence. As the protestors approached the community center, television news cameras show a police car pull in front of them and one uniformed officer attempt to speak to Paul Luckey. But Luckey and the crowd pushed past and stood directly in front of the porch chanting and waving clubs in the air.

Photos of the China Grove confrontation show clearly that the Klansmen and Nazis on the porch of the community center visibly carried three shotguns, one AR-15 semi-automatic, and three handguns. Although the WVO also were armed, they did not use the firearms to threaten the Klan and we have seen no evidence that the WVO and local protestors intended to use these weapons for anything other than self-defense. Nevertheless, the fact that the WVO had guns meant that they also had the potential

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to commit violence.

The WVO recalls that they armed themselves for self-defense, with a keen awareness of the violent history of the Klan and the risk that the demonstrators faced by confronting them. Signe Waller recalls being nervous as they prepared:

We left with the consciousness of going off to battle... People suited up in what can only be described as substandard attire for combat readiness. Riding hats, football helmets, construction hard hats ... We armed ourselves. A few people were designated to carry concealed handguns to defend the marchers if needed. The rest had whatever was on hand: rocks, broken bottles, pipes, sticks. I saw Sally and she was also nervous. She gave me a broken bottle to defend myself. The local protestors also had pipes, sticks, broken glass. Probably some also had concealed guns. <sup>22</sup>

### Says Paul Bermanzohn:

"We were very, very aggressive. Not physically but just right up under the Klan's noses. In a way that we surprised ourselves and we surprised them. There were police there—there were four or five police there. The demonstrators were chanting all this stuff about the Klan. The Klan was heavily armed. We were—I was very taken aback by how heavily armed they were. I never had any direct contact with the Klan as an organized group so they were standing on the porch there- the community centerwith a lot of big weapons. A few of them had pistols tucked into their belts and white power t-shirts and stuff. They are standing there and people are right up under their noses chanting, "decease, decease, decease the rotten beast." That is the thing that I remember from that. The police were standing there talking with Gorrell Pierce, who was the head Klan guy there, who was wearing a blue serge suit. I swear he looked like he was a car salesman who had just fallen into this thing. He is just standing there. The police are talking to him, not to us but to him, and the police were buzzing in his ear. He is standing right on the porch, right in front of the entrance of the community center, and the police say something to him. I was very close to them so I saw this exchange. And Pierce goes, he nods in agreement to something the police had said, and he signals to his guys and they all go back into the community center so it seemed like this thing was kind of resolved. They seemed to back down so people at that point seized their Confederate flag and burned it and that became a big thing.

At that moment, we wanted to affirm that there had been some kind of victory, that the Klan could be beaten. A few things that happened that were really very striking. One was that there was this black woman from Durham who had come for the demonstration and afterwards, we were all standing there she said "Ah, man, I wish my Grandmother could have been here. They had the guns." She was just thrilled. She thought it was the greatest thing she had ever seen.

So at this demonstration, when they went inside, it was very clear that they had taken a step backwards. There was a discussion right then, right there, we didn't know exactly what to do. What do you do to affirm a victory? There was one suggestion to march around the community center a couple times to declare that you had won. Then someone had the idea of taking the Confederate Flag and burning it which was immediately done. That was about as emphatic a statement that you could make. And there were a couple circuits around the community center. Just one. There is no manual on how to do this right. So people were surprised by the fact that they had backed

down like that because they did have the guns. And we were scared. I think all of us had our hearts in our mouths because it really could have been a disaster but the police were there. I think the police presence is probably a big reason why there was no violence there in contrast to what happened on November 3. And the fact that it was broadcast all over the state repeatedly the Confederate flag being burned was really a very powerful statement that the Klan's flag had been taken and destroyed, I think it was a powerful anti-Klan statement. I think it was a very positive thing. No one was hurt but the Klan's image of invincibility had been damaged. It was a really positive thing.<sup>23</sup>

Roland Wood, who had traveled to China Grove as part of the Nazi contingent, recalls being armed and disinclined to back down:

If you look at the pictures of China Grove you will see me on the front porch and I am doing this (waving the protestors forward) to him. But in (my other) hand I have got a .357 and right behind me was a man with a Thompson 45.

Do you know how close we came to a bloodbath that day? ... I wasn't going to go in. Joe Grady came out and got me by the belt and then asked the policeman to help get me inside the building. I didn't want to leave our flags. When they started to burn them ... I went on the front porch and Joe was hollering – No! It's just a flag!<sup>24</sup>

Gorrell Pierce, who later became Grand Dragon of the Federated Knights of the Ku Klux Klan, recalled:

We could hear them coming... You can just about imagine how it is when you feel like you're in the Alamo and you look out and see all of Santa Ana's army ... We had some uniformed Klan members there like security guards. And in all of China Grove they had two police officers and they looked like they'd just graduated from high school. They come down there and said, "What are we going to do?" I said, "I don't know, but there's a big crowd coming." Our guys arm themselves and then the demonstrators got here ... We were lined up like the Confederate army and the Union army, just within arms length. And people armed. It was like slow motion, and I knew all it would take would be one firecracker because we was already exchanging insults, "Death to the Klan," "Nazis, Klan, scum of the land." And then we would come back, the guys on my side, "Hitler was right, Hitler was right." And it was to the point of fingers in each other's noses. You could feel each other's breath, it was that close, you know.<sup>25</sup>

Pierce now takes credit for sending the armed Klan and Nazis inside. Paul recalls seeing the lone policeman on the porch whisper into the ear of the man he identified as Grady, after which everyone filed indoors. He describes Grady as wearing a suit, however the news footage reveals it is Pierce who is wearing the suit. Wood maintains it was Grady who sent them inside, and faults him for it since Wood recalls that Grady ran to the back of the crowd and left the rest of them to defend the porch. The video footage also shows three uniformed policemen on the porch at that point.

After the Klan went inside, the ecstatic WVO burned the Confederate flag, and nearly burned the U.S. flag before Paul Luckey intervened. Meanwhile, Grady and Pierce vowed revenge in front of the TV cameras. "I'll have revenge for this. China Grove does have a nigger town," threatened Grady. The Klansmen then proceeded with showing the film because they feared Klan retaliation.

Meanwhile, fearing retaliation, protestors and WVO returned to the Westside community center, where

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they blockaded roads into the neighborhood and patrolled with firearms.

A China Grove resident recalls,

After the protest, we came back to the community and locked the town down. This went on for two-three days after the protest. We knew we had stirred up some trouble downtown and were fully expecting trouble to follow us back. In an effort to protect the people of the neighborhood, we didn't let any white people pass through Westside unless we knew them.<sup>26</sup>

### Facing down the Klan

### A black China Grove resident:

When this protest took place, I was only 22-years-old ... Most of the people that were involved and marched were about my age. There were some that marched who were as young as 17-18 and some that were in their 30s. This was basically the relative age of the CWP members that came to march with us. It amazes me that it took someone else coming into our community and telling us that we don't have to take this, that we could take a stand. This event showed us that we didn't just have to accept things as they were because they had always been that way. It made me want to fight for a cause that I believed in. It taught me not to be just a follower of someone else's movement. I learned that you have to take a stand to make things better for those that will follow you. The incident at China Grove made me a better and stronger person but I wouldn't be the only one that would come to feel this way. I think that the protest gave the community a little more self-respect. It showed them that they did have a voice. It let people know that they could get a permit to march and protest something that they were against. If it wasn't for that event, most of the people here would still be in the dark.<sup>27</sup>

### Don Pelles, WVO member:

I thought it was the right thing to do to expose the Klan and do what we could to demonstrate against them, basically to let people know that the Klan was not this powerful monolith, but they were a paper tiger. They were blown up a lot worse than they were, and it needed to be shown they were not as powerful as they made themselves out to be and as the press made it out. I think that was the background for China Grove. I went down there feeling like I wanted to do something against a possible rise of fascism comparable to Nazi takeover of Germany in 1933.<sup>28</sup>

### Roz Pelles, WVO member:

[At China Grove, we] were shocked, didn't expect that. I did not expect that the Klan was going to do anything... I didn't expect them to respond in that way... I didn't think that China Grove was going to be that serious. I just figured people would be inside and they would show their film and we would march outside and we'd go home. It was only later that I really understood the magnitude of it. I didn't understand the magnitude until we were away from there... I didn't really understand it until then, how dangerous it was. It was really like being naive...

[The Klan has] a history of cowardly violence. You've heard about Klan marches during the daytime, but you rarely heard about them doing things to people during the daytime. So I just didn't think China Grove was going to be what it turned out to be... A lot of people raise questions about that later, about how serious it was. And the whole question about the Klan. The role of the Klan and how they would respond... it became a small debate. <sup>29</sup>

## Willena Cannon, WVO member:

...(T)hat wasn't my first time in acting with Klans. That has been off and on a process of my whole life. I am from South Carolina, a small town, and a county where they was really known for was next to my county. They call it Horry County. Growing up, I've known a lot of people or heard of people who would go work in that county and they would never come back. Or sometimes they would come back after three days, hungry, tired, whatever, they just worked and were not given any money and then dropped off and they were considered the lucky ones. And later people found them in the swamp. It was a thing that my parents and people I know didn't talk about because if you started questioning too much, then you might disappear too...

... To be honest with you, knowing what they would do was always in the dark and always just one or two people and fifty Klansmen. So for them to come out even when there were a lot of people. To be honest, when I was nine years old, Klansmen burnt a black man up in a barn because he was going with a white woman and this was the first time that the woman would not cry rape or anything like that so it was consensual. I don't even remember all what happened to her. But I remember they were throwing rocks and stuff at her and she was bleeding. And I never heard from that day to this day what happened to the woman. The man was put into an old raggedy barn—you may see barns around now where we aren't using any more but just haven't torn them down--- and locked up, put a stick in it, and then they burnt the barn and you could hear him hollering and screaming and then you could hear him no more. I don't know how deeply that affected me. The Sheriff came when they was getting ready to deal with that—that's why I said my thing is seeing them together - the Sheriff came and said that was none of his business and left and these people carried that out. I was there with cousins. We were standing back but you could see and you didn't interfere. And I would wake up, sometimes even when I was a student at A&T. Well, let me start, at first- that went- I'd wake up screaming through the night a lot. And as old as I got, it wasn't as regular but it was still there and it even happened two or three times while I was at A&T and my roommate didn't know what was going on. So my mind, or my mental, would go back to that. So when we were there, and this may be stupid because I know they are dangerous and they have guns and stuff but, again, I am dealing with how to deal with one or two people and a bunch of them. So to me, what covered my right to be feared or whatever you want to say or should be fearful was mainly- it was getting back at them. I think it was coming from that thing at least I could say back that you are not going to do this and actually say Death to the Klan. It was a race and death to any of that stuff you are doing. Once you say that, it is a slogan that gives you energy. Literally you don't mean that because if you did, you would have guns and gun shells and whatever and all of that. It was like this stuff was over with a whole time ago and here it is so death to that. Death to the whole Klan mentality.30

Liz Wilderman, friend of WVO members who later joined herself:

Now this (the protest in China Grove) was something that I did not want to do. I didn't want to go. I was too scared to go. I was not even in the party at this time. I was just around the party. On the eve of the China Grove protest rally, Tom (Clark) and several other friends came

over to the house to convince me to go. They eventually did. I was told that even though you were afraid to take stands in life, you have to do it if you want to fight for the right things in life. When we got to China Grove, I will never forget how terrified I was when I saw them in their hoods. I remember thinking, we've only got sticks. No one had any guns. So we were there face-to-face with the Klan. The next thing that I remember is Charles Finch grabbing the Confederate flag and setting it on fire. I couldn't believe it but the Klan didn't do anything in retaliation. We were convinced that it just totally proved that our boldness and our strength could outfox the Klan. I felt as if we were stronger and better than the Klan. We came back from China Grove exhilarated.<sup>31</sup>

Marty Nathan, WVO member who was not present at China Grove although her husband Mike was and he came back concerned:

After Mike came back from the China Grove demonstration, and after Paul and Sally left, Mike said: "I was scared to death. We almost got ourselves killed." And I thought to myself: "What's wrong with you, Mike? Why don't you have more spirit?" That became a rift between us.<sup>32</sup>

## Sally Bermanzohn, WVO member:

The Klan was just like the opposite of what we all had been working for for fifteen, twenty years by then. Because they were—the Klan violence was really a major impediment to black civil rights, equality, equal rights and black, white friendships, relationships and labor, working together side by side and building a union was part of that, was one of those things that the Klan had successfully prevented from happening. I know for me, it was just like, I had heard about the Klan and except for hanging out with CP Ellis who was sort of ex-Klan when we were friendly with him, I had never seen or experienced the Klan. It was just a distant, something that I had read about. It was a scary movie sort of thing. But it was just outrageous, what they were saying, what they were doing, the kind of fear, the kind of reaction they got from people... I came from a white middle class background that I didn't have the kind of experience that Nelson or Willena or that other African Americans had had who grew up in the South and had experienced that type of violence or knew that type of violence or that Paul had had whose family had had it. I was by that time, really familiar with the laws and rules of labor organizing and of debate and strikes and picket lines but I just had not a clue once guns were being pulled. It was like a whole new arena that just was like scary as hell. It was really scary. It was a whole different thing that I did not understand at all. It scared me. For me personally, I really felt the outrage and the anger but I also, for the first time, really felt fear and it was suddenly bigger than I had any clue of what was going on, what were the forces.. 33

(After China Grove) I felt the way Mike did, but I didn't know he felt that way. We didn't talk about it. That night, I still felt like we had done the right thing. But the next morning, my elation was gone. No longer was the Klan a remote phenomenon. With my own eyes, I saw the hatred in those men's eyes. I saw their guns...

But I couldn't hide; I was the regional secretary, responsible to the WVO center. I decided I needed to talk to Jerry Tung and others in leadership to tell folks that this was dangerous and to discuss seriously how to proceed.<sup>34</sup> ...On the drive up to New York City, Nelson and I agreed that we should not repeat this type of demonstration.

In China Grove, we had the element of surprise, but it was too dangerous to repeat the same type of march in another town.

But when we got to the WVO headquarters in New York City, it was a different story. I said my piece, and Jerry Tung immediately launched into heavy criticism of me. There was no discussion of tactics, of dangers – just of my inadequacies. Jerry said that I was timid, that I had lost my bearings and failed to assume leadership. Rather than address the issue of danger, Jerry said that the China Grove confrontation was a "shining example" of struggles that WVO should be taking up.

No one else in the room said anything. I looked around and realized that, of a dozen people, I was the only woman there. I backed off, feeling like my gender and my white middle-class background must explain why I was such a chicken.

There were lots of other things going on at the WVO headquarters. People were making plans for a founding congress, when Workers Viewpoint would become the Communist Workers Party. Jerry was stressing that party building should be the focus of all our work, that we should be taking up militant struggles like the anti-Klan campaign. The whole thing made me shut up and toe the line.<sup>35</sup>

#### Paul Bermanzohn, WVO member:

Fighting with the Klan you have to fight the aura of invincibility that creates such a fear in people; that has to be punctured. That was also the reason I said the nasty things that I did about them later. So here we are in front of the Klan and they have just gone inside. We had won a victory. How do you demonstrate that? ... We were freelancing; we were experimenting, trying to figure out how to do this. No one I knew had a really effective strategy at that point. We were improvising. So we burned the Confederate Flag, and later of course the thing that we got a lot of publicity was, not that people united black and white to oppose the Klan – but that the Klan vowed vengeance. That is what got all the media shortly after. <sup>36</sup>

## Nelson Johnson, WVO member:

In general, in the political culture of the time, there was, you would say, there were some expectation that this might happen. There were tendencies within the group where some people advocated stronger than others by a group like the Klan you know whose MO is violence you know so you really expect them to do that. There were others who said that there was a way to make a political statement, you know, without them. But there was no plan for that....

I can't say that (there was no one with firearms at China Grove). I can say that I did not have one and the people that I know did not have one. In a community like that there are kind of tendencies and King experienced this over in Memphis and we only had a few days of relationships. Our posture was the right of self-defense and the right of armed self-defense which we interpreted as a Constitutional right. There may be some challenge to that so we never felt that we were operating outside of the law. I would make some defense of that now but in a different way than I would have in '79 and it would look more like this: that whatever one's ultimate interpretation of the Constitution is—the right to bear arms, the right to defend one's self and so forth. What I think is terrible is the dual standard for the application of the law and what I see in looking at this is an unequal application of the law where law enforcement

people deliberately with willful forethought says "you can't have any weapons" and then look at another group bring their weapons, months before in discussions about weapons, know they are going to bring them, see them there, and the fact that they can't stop them, can't do anything about it. It is this kind of double-standard that those of us who grew up in the South know that most of this talk is just talk. And that we have been into trials where black people were treated one way and white people were treated another way.

This is the deeper reality that has to be struggled against. So if one group has the right of armed self-defense so should the other group. I think that is the equal application of the law. I would argue at this point that it is my deepest desire that no one will have to resort to violence in order to achieve what I think are the standards of human decency. It was not my view in 1979. I upheld and I defended the right of self-defense, and any force was always understood in that context by me.

I think that has been terribly turned around and we have been turned into the aggressors and makers of violence. But I don't think the record will support that when it is scrutinized and put in context anymore than a person in this city who might have a gun in their house and could be accused of wanting someone to break into their house so that they can shoot them, you know, or expecting someone to all of the time. But it is a posture of precaution and we felt in relationship to the Klan, it was one that was historically justified. I would just argue that our discussion and attitude towards violence can mainly be understood in that context. That somebody in our group acted outside of or thought outside of that—I cannot say that did not happen but it was not the overall attitude of the group. It was not at odds for people to come in preparation to defend themselves because they thought they were coming to a place where someone might just jump up and attack them.<sup>37</sup>

## Floris Weston, WVO member:

I know now that many others shared the concerns about the fear we experienced at China Grove and we talked about it briefly and quietly, but not real openly and there was no real large discussion about the negative or long-term impacts of it. Personally, my bottom line was that I felt that we were in America and that we would all be protected.<sup>38</sup>

Riding high after their heady victory in China Grove, the WVO were eager to capitalize on their progress with "the masses" and to win support of the "advanced elements," as the WVO called them. "Advanced elements" were those who already had an understanding of how the capitalist elite controlled the workers.<sup>39</sup>

## Jean Chapman explained,

The anti-Klan conference had been planned to help educate the community about how the Klan had been used historically and was presently being used to divide workers. Our goal was to attract the most advanced elements of the working class and black community to the march and conference. This is why we used the rhetoric that we did. "Death to the Klan" was more a metaphorical thing than anything else. No one had this notion of going out and shooting the Klan there, then, or any other time. We were looking for slogans that would attract people who weren't violent but really advanced in their thinking. We were after the ones who could picture

a movement that could really change things. Although looking back, I don't really think that there's anyone who doesn't think that that rhetoric wasn't a mistake.<sup>40</sup>

The WVO leadership envisioned a broader anti-Klan campaign as part of their two-pronged strategy to make their communist ideology real to the lived experience of working people they hoped to reach, and to emphasize why only their organization could "correctly" lead this campaign over the other competing "misleaders" (as the WVO labeled them) like the SCLC or the NAACP, whose reformist approach the WVO saw as "appealing to the state and disarming the people." The union organizing and anti-Klan campaigns fit together within their broader political agenda of bringing down the economic and political power that they viewed as oppressing poor working people of all races and recruiting members to their organization.

Jerry Tung, national chairman of the WVO, said that China Grove was a "shining example" of the work they should be doing to fight the Klan. <sup>42</sup> He believed they needed to show everyone that the Klan was not as powerful as people believed. <sup>43</sup>

But the WVO appears to have met with stumbling blocks. A flier advertising a WVO mass meeting in China Grove on July 21 urges residents to "continue our fight to smash the Klan,"<sup>44</sup> but the meeting reportedly had only a handful of attendees. One internal flier from August 1979 indicates that redbaiting might have played a role: "In China Grove, misleaders ... helped the bourgeoisie and its other agents to whip up anti-communism." Our own interviews with China Grove suggest some of the black residents did not recall communism being an issue with the objection to WVO involvement, but rather an aspect that surfaced (or was raised) in the debate much later after Nov. 3, 1979 when people looked back on the July protest in China Grove. Older black residents recalled that their objection was the risks they believed the WVO's style of protest posed. On the July Protest posed.

However, there are numerous references in internal WVO documents to the problems encountered in the China Grove campaign due to what the WVO derided as "incorrect (ideological) lines" about how to implement the new vision and the way forward. <sup>48</sup> This reflects the internal struggle over the correct strategic approach and theoretical thinking needed to reach their goals.

The Bulletin of the Southern Regional Committee of the WVO (made up of Paul and Sally Bermanzohn, Nelson Johnson, Sandi Smith, Jim Waller and Bill Sampson), dated July 1979, gives some insight into the strategy and dogma behind the anti-Klan campaign. This internal document emphasizes that the "WVO has become the vanguard force in the actual struggles of the working class."<sup>49</sup> The strategy laid out to "start from their actual lives, their views, using Marxism to answer their questions ... to make the Party concrete and as their own." <sup>50</sup>

An internal document entitled "Directive: from the SE: Immediately Take Up the Klan Campaign and Use to Build the Party as we Build for a RED HOT Demonstration and Conference on November 3<sup>rd</sup>," discusses strategy and demonstrates that the leadership viewed the rally as a key turning point in their struggle. "The anti-Klan campaign has been lagging. This is mainly because the campaign has not been sharply focused and the tasks have not been adequately defined ... Area leadership put forth that we should build for a statewide anti-Klan conference as the main content of the anti-Klan campaign at this point. We are summing up that the conference alone, as the main content of the anti-Klan campaign for the next month or so is incorrect – instead the main content should be militant direct action – A confrontation with the Klan would be best if we could get it."

With a vision of how confronting the Klan crosscut their civil rights, trade unions, and Marxist underpinnings, and eager to recapture the passion they experienced at China Grove, WVO leaders envisioned the way forward was to build a statewide anti-Klan movement. This would begin

with a conference to educate people on the Klan and "their secret supporters" in industry and law enforcement. The march was envisioned as a way to motivate people from the largely black working class neighborhoods to come to the conference. Nelson Johnson, one of the central figures organizing the march, explained it this way:

The march was distinctly my idea, I do remember that. Because, you know, poor and working people don't just get up and come to conferences in droves. You know, it's the same argument we had around here with the task force about the 25th anniversary and why don't we have a workshop? Because nobody's coming, that I want to come. People want to express this in other ways ...<sup>52</sup>

...Much of the discussion about why we chose to begin the march in the Morningside community is quite simple to explain. It was a community march with anticipated police escorts and security. We had long-standing experience of work in that community, and we worked alongside many of the residents in the textile mills. Flyers were circulated in the Morningside community and along the entire route; numerous residents were spoken to and invited to participate in the march and conference. That is an unequivocal fact. The questions raised by some about the starting point of the march being in a populated part of the community really arose out of a false post-facto distortion promoted by establishment apologists that this was not a march and conference at all but rather a staged and expected "shootout" with the Klan, from which the police were asked to stay away. <sup>53</sup>

## Don Pelles recalled,

When the idea of another march started floating around, my initial reaction was, kind of annoyance. We did this thing with the Klan, let's be done with it, and move on to something else. I don't know ... I wasn't comfortable with it. I don't think it was fear or anything, it just felt like ... I didn't welcome it, I'm not sure why. ... But plans went along for the march. We put out a poster with map of North Carolina, people from China Grove marching. "Death to the Klan" was the slogan, which at first I thought was a little much. 54

Fliers were created that outline the bloody history of the Klan and declare, "Turn the other cheek? No Way! ... We are against non-violence and pacifism and for armed self- defense. We should beat the hell out of the Klan wherever we find them. These dogs have no right to exist!"55 Another urged, "(The Klan) should be physically beaten and chased out of town – This is the only language they understand!" 56

In early October, the WVO started distributing a flier with photos of the China Grove confrontation on it and the phrase "Death to the Klan!" The flier announced the anti-Klan march and conference, the assembly point for which was advertised as Windsor Center at 11 a.m.

On October 11, Paul Bermanzohn held a press conference in Kannapolis, where the WVO had been organizing in Cannon Mills. He delivered an intentionally aggressive challenge to the Klan, calling them "cowards" and "two-bit punks" and daring them to "come out from under your rocks and face the wrath of the people." The story was picked up by the Associated Press and ran the following day in the Charlotte Observer under the headline "Group Seeks Confrontation with the Klan." <sup>57</sup>

## **Violent language**

Members of the Klan, Nazis and WVO/CWP used language that demonized and challenged each other, language that was violent and provocative, yet protected by the First Amendment. Some examples:

Roland Wood, while on the stand in the civil trial (after using the 'Heil Hitler' salute when he was sworn in) sang to the tune of "Jingle Bells,"

Shooting all the Jews down Rat a tat tat, Rat a tat tat Oh what fun it is to have Nazis back in town!<sup>58</sup>

Gorrell Pierce, former Grand Dragon of the Federated Knights of the KKK, speaking at a Klan and Nazi rally in Benson, N.C.:

... Now the white man is the son of Abraham, seed of Adam. That nigger, remove him and put him back in Africa and once again he'll dream no dreams, build no cities, saw no lumber and plow no furrows. He'll become, he'll start eatin' himself again. He has never gone anywhere and prospered. The capitalist system, the free enterprise is the best system that's ever been. And democracy works for civilized people. It works for the white race.

... Everyday I wake up and say 'Thank God I'm white.' I thank God that my grandfather never messed around with any of them sub-humans...<sup>59</sup>

WVO/CWP members in fliers advertising the July 1979 anti-Klan demonstration in China Grove:

Turn the other cheek? No Way! ... We are against non-violence and pacifism and for armed self defense. We should beat the hell out of the Klan wherever we find them. These dogs have no right to exist!<sup>60</sup>

(The Klan) should be physically beaten and chased out of town - <u>This is the only language they understand!</u>

WVO chants at China Grove:

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"Decease, Decease, Decease the Rotten Beast." 62 "Nazis, Klan, scum of the land." 63
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Klan/Nazi chants at China Grove:

"Hitler was right. Hitler was right."64

Harold Covington, leader of the National Socialist Party of America (Nazis), in a letter written to the Revolutionary Communist Party (which he had confused with the WVO):

"Almost all of my men have killed Communists in Vietnam and I was in Rhodesia as

well, but so far we've never actually had a chance to kill the home-grown product, although we've put a few in the hospital and we nearly killed some of your people in China Grove last July – we had it all worked out with the cops that if you were dumb enough to try to attack the community center we'd waste a couple of you and none of them would see anything." <sup>65</sup>

Virgil Griffin, Imperial Wizard of the Cleveland Knights of the Ku Klux Klan, speaking at a Klan rally in October 1979:

"If you cared about your children you would go out and kill 100 niggers and leave their bodies in the street." 66

WVO/CWP slogan for Nov. 3, 1979, rally and conference:

Death to the Klan<sup>67</sup>

Paul Bermanzohn, speaking at a news conference Oct. 11, 1979, in Kannapolis, N.C.:

They can and will be crushed. They are cowards, nightriders who try to terrorize innocent people. They must be physically beaten back, eradicated, exterminated, wiped off the face of the earth. We invite you and your two-bit punks to come out and face the wrath of the people.<sup>68</sup>

WVO/CWP letter/flyer dated Oct. 22, 1979, calling addressees "treacherous scum" and "two-bit cowards" and daring them to come to the Nov. 3, 1979, rally and conference:

(To) Klansmen Joe Grady and Gorrell Pierce and all KKK Members and Sympathizers ... We take you seriously and we will show you no mercy.<sup>69</sup>

Klansman Mark Sherer, shouting after firing the first shot (into the air) on Nov. 3, 1979:

Show me a nigger with guts and I'll show you a Klansman with a gun!70

## Violent language in retrospect

In retrospect, former WVO/CWP, Klan and Nazi members shared reflections with the GTRC on their violent words of decades past. Some examples:

Floris Weston:

Who had ever done that? Who had ever openly opposed the Klan? Hardly anyone. Some people may fight them in the courts from time to time but no one really takes a stand against them in the street and their history is one of a terrorist organization and terrorism is important and real to all of us right now, but the Klan has been killing and terrorizing for years, hundreds of years. So, I didn't think anything against saying "Death to the Klan." That's an organization that I didn't want. 71

#### Nelson Johnson:

I deeply regret the use of the slogan "Death to the Klan." In retrospect I am clear that it was an unfortunate, ill-advised slogan. The slogan was meant to convey the weight of our conviction about the damage done by racism, a challenge this nation, especially whites, still needs to face. It would have been more accurate to say "death to racism." As the slogan was formulated, it lent itself to distortion and misuse suggesting that we meant death to a person or to a group of people. That was no more the case than the A&T football slogan "The Blue Death Defense" meant that A&T's football team intended to physically kill the other team ... Even in saying all of that, we are in large part responsible for whatever misunderstanding arose from that phrase, because it was our decision to use that phrase "Death to the Klan" as a slogan.

Secondly, I very much regret that a flyer was developed in the form of a letter that called the Klan members cowards and challenged them to come from under their rocks and face the wrath of the people. That was wrong. The names demeaned and devalued the potential of people who were members of the Klan and or the Nazis. Although in a letter form, it was really a flyer and I need to emphasize here that it was never mailed to anyone by us. Nevertheless, it was wrong and should not have been done, and I do apologize for that letter to my brothers and sisters who were and may still be Klan or Nazi members<sup>72</sup>.

#### Paul Bermanzohn:

I believe Nelson Johnson has taken credit, or blame, for this letter in the past, but I wrote it and then he and I discussed it, at least that's my recollection of that.

I've been asked, even by friends, if I was sorry that I said this and would I do it again since the result was so awful. This is a little like asking someone when did you stop beating your wife. There are a lot of assumptions in the question. In this case it presupposes what happened was merely an explosion by good old boys of the Klan righteously reacting to the taunts and jeers of that impotent loud Jew from New York...I wouldn't do it the same way but not because what I said wasn't true. When I called the Klan a bunch of cowards, there is nothing wrong with that – that's right. Call them murderers; the truth is on the video tape. The reason I wouldn't do it again is because what I said was used to cover-up the government's role. It became Bermanzohn the loudmouth; you know what I'm saying. It became this thing, because I said nasty things about the Klan, all of which were true by the way, that there is no need to look into the role of the government agents in this whole thing. Which to me is the ominous, most threatening, horrifying part of the whole story; so it was used to coverup the possibility of a government organized hit squad used to kill a group of young revolutionary leaders and to terrorize a growing movement.

I've pondered my words for 25 years ... I wouldn't say what I said then now but I understand better what I did say. It was the blood of my murdered family that was crying out for vengeance. And it was used by a craven media and legions of political hacks to make it look like we were asking to be murdered.<sup>73</sup>

#### Willena Cannon:

People always tell me that the Klans have a right to show "Birth of a Nation." That's their right. Why would you stop that right? Me, as a black person, don't have a right

to protest showing hanging and lynching of black people? Where is my right? I'm sixty-five years old, and I'm sorry, but if the Klans go to show that crap tomorrow, I'll be there.  $^{74}$ 

#### Gorrell Pierce:

I'm glad I was at China Grove now because that turned out real good, and nobody got hurt and everybody had a little bit of fun shouting at each other. It's all right to shout, it's all right to burn each other's flags. But as my grandpa said, "Son, this here killing people is bad business." And it is.<sup>75</sup>

#### Roland Wood:

I wore a swastika. I was a boot stomping Nazi, full of hate, prejudice and bigotry. I hated anything that wasn't white. I hated my own mother because she was married to a Jew, although I loved her. I was sick and perverted. And that man was probably better to me than any other man had been in my life. He was my mother's husband. I'm putting it straight with you. I was sick with prejudice and hatred. <sup>76</sup>

On Oct. 20, the WVO leadership announced at the national conference that the name would be changed to the Communist Workers Party. The Southern Regional branch decided to announce the change at the Nov. 3, 1979 rally. Although the group had been avowed Communists prior to the change, the direct association with the party in their name nevertheless produced mixed feelings, which persist today.

## Sally Bermanzohn:

I think I was not comfortable. I liked being a union organizer ... I was a product of the 60's. I thought fundamental change, which I saw as revolution, was really important ... I thought we could learn from other countries that had had communist revolutions or communist parties, that we could learn from that ... I didn't like to be called communist – having our name become the Communist Workers Party. That was a big difference that I had with people.

... We were, we saw ourselves as Communists. And that came out of being ... our experience as anti-war demonstrators in the '60's. I know that I was struck by, struck by the national liberation struggles going around the world: Africa, Asia. And I was impressed that there could be an organization, as the country was falling apart, that could try to organize people to rebuild something. That is how I saw the communist party. This was in the 70's. It was a pretty distant and romantic idea. I didn't have any concrete idea about that in terms of practical matter. None of us did, or speaking for myself, I didn't.<sup>77</sup>

...My feelings about this had a lot to do with my kind of hesitations and stuff had a lot to do with . . . being that I differed from some people there because they were of poorer or more oppressed background than I was. And that made me...I mean my family is not wealthy, you know, but it's also not as oppressed or as beaten, downtrodden as Paul's or Willena's. And because I respected people it made it hard for me to kind of like own my own view and argue it. Express it. And I guess I just felt that I was always much more into the short term benefits or justice issues than kind of a long term glorious revolutionary future. That was just my orientation, always. So

I was just always kind of the reluctant person in terms of the long term thing. And I still feel that way. I'm really into right now and I don't know what's going to happen. I mean I think it's good to think about the long term stuff but I think you can get carried away with grand theories. I am much more interested in right now.

. . I think I was always more hesitant. In the whole thing. I loved the fact that a group of white and Latino people from Durham merged with a group of black activists in Greensboro. I just thought that was great and I had heard about Nelson and — I knew Joyce, we went to Duke together and loved the fact that we merged with them. I loved the organization and I loved becoming a family with — you know Sandi, Willena. . . You know, the whole crowd. I just felt very very strongly about them. I didn't really like the larger rhetorical debates, and this and that. It wasn't what I was interested in — and I think that is why I kind of got a little bit demoralized. Even though it really had nothing do with—I was just confused about the long term and the short term. And having . . . what we were about. BUT I was totally amazed and surprised — horrified — by Nov 3. I had not any premonition of that. Nothing at all.<sup>78</sup>

#### Paul Bermanzohn:

The name is a significant thing. I mean in this country if there is anything like an official religion in the United States from WWII onwards (it) was anti-communism. So to call yourself that in a certain way was to make yourself a lightning rod. There is no question about that. There is a real downside of that there's been such a sustained brainwashing effort by the forces in power in this country to justify their expansionism principally because the Soviet Union was never anything like the threat they claimed. The advocacy or the assuming of that label was a dangerous thing, to be sure. . . . when we changed our name the planning on the assault on us was already well under way—and was pretty well locked in from all the reports that I've read. So it really didn't have any serious effect on the attack but it was something that did make it easier for the media to marginalize us, isolate us and attack us in the press and in the courts.

It became part of the political offensive. You know, the second wave of attacks on us if you will. And it was quite effective I think—cause we were . . . Think of it, 25 years later we are still trying to let folks know that it is not right that people should be shot down in the street in broad daylight simply for what they believe. But they were able to get away with that—broad daylight, 4 TV stations, people get shot down and they get away with it. Full acquittals, two trials and they're still walking the streets — in part because they were able to marginalize the victims because of this name, because of this word that has been so toxified by the long process of attacks from the U.S. government on this word and this concept and what it really means. So it was a very significant thing whatever view you might have of it. It was really an important part of the whole story. But by no means the whole story for the reason it happened. The reason that this happened was because we had gotten good at pulling together the workers' movement. That's the reason that this happened. That's my view. And I think that's consistent with past incidents in North Carolina history and the history of the United States. <sup>79</sup>

#### Nelson Johnson:

While I cherish much of what I have learned from my study of Marxism, the word communism, however, no longer describes my core beliefs. In addition, because of

the fear and confusion associated with the word, it became almost impossible to use that term to convey broadly anything of positive value. I would note in passing that there is a passage in a very broadly read book which says, "Now all who believed were together, and had all things in common and sold their possessions and goods, and divided them among all, as anyone had need." This saying comes for the second chapter of Acts, verses 45 and 46, in a book called the Holy Bible. I think our culture would do well to ponder its implications as it relates to our economic structure and way of life. 80

Much of the public debate around the Nov. 3, 1979, shooting has centered around a WVO flier that took the form of a letter, dated Oct. 22, 1979, and addressed to "Klansmen Joe Grady and Gorrell Pierce and all KKK Members and Sympathizers." The letter again called the KKK "treacherous scum" and "two-bit cowards," and renewed their challenge for the Klan to come to the rally and warned that, "We take you seriously and we will show you no mercy." Nelson Johnson says that letter has been used to claim the CWP asked to be murdered.

Nobody even knew who to mail it to. And if the Klan got that, it was because the police gave it to them, or because the police informant gave it to them, or the possibility of a Klan member getting it at a place of work. It was circulated there. It wasn't a wise thing to do but it has now become the kind of smoking gun that you wanted these people to come and you expected them to come. As foolish as it looks in retrospect, it really wasn't that. It was a statement to model that you really do not have to be afraid of these people. 81

Attempts to publicize the march met with obstacles. Sometime after the RCP and GPD clash in Hampton Homes, the WVO claimed they began to encounter hostility when they passed out leaflets in the neighborhood, because residents evidently were angry about the trouble there and also confused about the difference between the RCP and WVO. The WVO began distributing a leaflet that discussed their differences with the RCP and the platform of the WVO, and at the bottom advertised that, "Right now we are organizing a statewide campaign to Smash the Klan. On Saturday Nov. 3, 1979, the Anti Klan march will come right through your community." We have not seen evidence of how many homes to which this particular leaflet was distributed, if any, but it suggests there were discussions with at least some local residents about the planned march to come through their neighborhood. WVO members Dale Sampson, Willena Cannon and Joyce Johnson all say they personally participated in leafleting the neighborhoods where the march was planned. Yet some former residents of Morningside maintain that they did not know an anti-Klan march was planned in their backyard.

At the same time, the WVO complained that the police were taking down posters for the march, which they said were illegally plastered on telephone and street light poles.

## Willena Cannon:

A lot of the signs they have talked about, that was put up on some of the light posts...I put them up, along with election signs and garage sale signs and many other signs. We put up posters about the march and conference. So, the police was harassing me all during these weeks, about putting up signs. They said nothing about the other ones on those posts<sup>84</sup>.

Nelson Johnson denounced the police interference in a press conference on the front steps of the Department, "At every point the Police Department has tried to disrupt and disorganize our plans. They hide behind the law and try to appear neutral. Instead of attacking us directly, they sneak around to do their dirty work. The police have torn down posters and have harassed people putting up announcement of the conference. But, most significantly, they are spreading lies, confusion and fear.<sup>85</sup>

## Morningside residents caught in harm's way

Morningside residents were terrified to be caught in the fray of gunfire on Nov. 3, 1979. There are differing viewpoints about whether the WVO adequately consulted neighborhood residents about their intention and potential risks of their march.

Tammy Tutt, a Morningside resident who was 10 years old recalled:

When we woke up on the morning of Nov. 3, 1979, we were very afraid. Rumors had been circulating even the day before that the Klan was coming and that nobody was safe in the community. I had a vision in my mind, in my ten year old mind, of people running up and down the streets, shooting at all of us and none of us would be left standing. People in my community knew that something bad was going to happen and would not allow any of the children to go outside and play. And nobody that had to shop on that day even went out to the grocery store. Although I will not recall the events of the day because they are all too familiar to us, I would like to say that even as a child I felt so much anger and frustration that something was about to happen, something bigger than what I even knew how to do anything about. People knew about it and they were so disempowered that they could not join together to bring about a change.<sup>86</sup>

Candy Clapp, a resident who was a few days shy of her 16th birthday on Nov. 3, 1979:

We questioned why the Communist Workers chose to march in our community, a community that was already going through its own private hell. How did they decide to march in front of the office? We had no idea that they were even there. If we had known something like this shooting would have taken place we would have left.<sup>87</sup>

#### Willena Cannon:

Leaflets, and you do it about three times and then talking to people. I did that myself. Some people would help. I can't remember. I believe Sandi did. People had leaflets and they may forget but you remind them again. And then you talk to people and I didn't talk to everybody in there but I talked to a lot of people in there but you talk to some of the people about it. Talk to some of the people who raise the questions why these Klan's showing up like that, going to have the march and then we're going to have this conference, and then they find out the ruler of this Klan thing, how to deal with, and who to hook it up with and not let Corporate America separate itself from it. Actually corporate here in Greensboro because that's who we were dealing with but anywhere they are using it. Sometimes Bill helped in there because he knew people and he got people to help them. If he was working at the water plant and you worked there with him and you lived at Morningside then you would help him. That was going on. That is always the best way when you go into community... We worked with the youth in there... they were much more effective than me. 88

#### Nelson Johnson:

Now much of the discussion about why we chose to begin the march in the Morningside community is quite simple to explain. It was a community march with anticipated police escort and security. We had long-standing experience of work in that community, we had worked alongside many of the residents in the textile industry. Janie, I had worked right beside her,

and one of the cooks in the ovens. Flyers were circulated in the Morningside community and along the entire route; in fact, we leafleted every community that we were going through: Morningside, Ray Warren, all along Asheboro Street, Hampton Homes and where we were going to end at Smith Homes. Not only did we leaflet, we put up posters everywhere, which the police have already testified to.

...(L)et me now, how can I say, speak with softness to those in Morningside who have suffered too much, and who don't recall these things: I do know that there are many people from Morningside who do recall, but they have not come to this Commission and perhaps a little later on we can speak to that, but this question arose out of a false post-facto position promoted by establishment apologists that this was not a march and a conference at all. It was a staged, expected "shootout" with the Klan, from which the police were asked not to come. And once you put that view out there, I can understand how people would have a terribly negative reaction to that kind of thing happening in their community.

(After Nov. 3, 1979) I have visited people in Morningside Homes... and a dear friend of mine came down almost in tears and said "really, I just need to ask you to go because I am afraid of what might happen to us if you are here." Do some studying of what happens to people when this level of trauma comes over them. And almost everyone who had any relationship with us and said so who worked at the plant got fired. Just like that. And so the wise thing to do is to say that you don't know nothing about these people ... I don't know how many you've talked to, but I think that you would need to think about who talks to you. And who's willing to talk to you and the many people who are still reserved about coming forward with this. It's very real in this city. It's still here and the impact of the fear is more than most people realize even today.<sup>89</sup>

**Evelyn Taylor,** president of the Morningside Neighborhood Council in 1979, who recalled that she and the WVO informed residents of a meeting to discuss the march, but attendance was poor:

Housing authority didn't keep you from coming over there. If that was the case then they would have never allowed me to give them a dinner for them, for the communist workers. I gave a luncheon, beautiful luncheon. They supplied the food; I supplied the building and hospitality to go along with it. Nobody, I'm just telling you now, would come up there and greet them people but me. So does it seem like I had anything against them? They had the run of the building for the whole evening for as long as they wanted to stay. Food, food, food! They brought in all this food, catering and stuff. They had a beautiful time. They had a meeting at Bennett College that Friday night. Like I said, everybody was welcome. Everybody over there, I made it known to them that I was going to host a luncheon for them and to come up and join us. You think they came? No! They didn't want to be bothered. Probably going to find a lot of that now. We don't want to be bothered. We rather stay out of it. 90

#### White supremacists' anti-Communist campaign

After China Grove, white supremacists were also experiencing in-fighting and looking for a way to attract new recruits. Joe Grady's Klan had broken off from Bill Wilkerson's Imperial Empire to form the NC Knights of the KKK. It was in an effort to win over members to their new organization that the recruiting drive showing "Birth of a Nation" in China Grove was planned. More splintering of the white supremacists followed the face-off with protestors in China Grove. Some believed it was an

embarrassment to publicly back down to their enemies. 92 Others distrusted the emerging cooperation with the Nazis. Others thought it was foolish to take up the Communists dare to confront them in Greensboro. Joe Grady put it bluntly, "If these Communists think they are going to get me to attack them, they are crazy as hell."93

However, those Klansmen who broke from Joe Grady following China Grove and either joined the Nazis or Virgil Griffin's Invisible Empire supported the union of like-minded groups like the Klan. Nazis and The Rights of White People. 94 In the post-Vietnam Cold War atmosphere of the late 1970s, Communists were an easy scapegoat. Together they launched their own campaign against Communists as part of their attempt to spread their common ideology of white supremacy and gain membership in an increasingly fractured Klan community.

The Nazis and Klan seemed to be as confused as the local police about the difference between the RCP and the WVO, and may have attributed what were considered to be "offenses" against the Klan committed by one to the other. The front page of the August 1979 edition of the Nazi newsletter, The New Order, carried a photo from China Grove of armed Nazis and Klansmen said to be "holding the line against the Reds." The caption incorrectly identifies the protestors who "attacked" the meeting as the Revolutionary Communist Party.95

Further, on Sept. 11, 1979, the RCP received a letter from Harold Covington, claiming, "Almost all of my men have killed Communists in Vietnam and I was in Rhodesia as well, but so far we've never actually had a chance to kill the home-grown product, although we've put a few in the hospital and we nearly killed some of your people in China Grove last July – we had it all worked out with the cops that if you were dumb enough to try to attack the community center we'd waste a couple of you and none of them would see anything."96

Meanwhile, white supremacists' plans to confront the "Communists" continued to progress. On Sept. 22, members of Harold Covington's American Nazi Party, Leroy Gibson's Rights of White People and Virgil Griffin's Invisible Empire held a rally in Louisburg, N.C. and agreed to "pool their resources" for common goals. 97 Covington reportedly described this coalition as the United Racist Front. 98

At about this time in late September, Klansman Eddie Dawson<sup>99</sup> claimed he went to see GPD Detective Jerry Cooper for the first time and expressed interest in disrupting RCP meetings. On Sept. 23, 1979, FBI Special Agent Bogaty received a phone call from Eddie Dawson, a former informant, who asked if there was any difference between the RCP and WVO. 100

The WVO augmented the Klan and Nazis' desire to seek revenge for China Grove with the use of aggressive challenges to the Klan's manhood. On Oct. 14, just a few days after Paul Bermanzohn's press conference challenging the Klan, the state board meeting of Griffin's Invisible Empire of the KKK met in Icard. In attendance were: Virgil Griffin, Chris Benson, Coleman Pridmore, Jerry Paul Smith, Mark Sherer, Carl Nappier, 101 and David Matthews, all of whom later were passengers in the Greensboro caravan. The Charlotte Observer article about the press conference was reportedly passed around and they discussed going to confront the anti-Klan marchers in Greensboro. Also a topic of discussion was the "backing down" of the Klan to the Communists and blacks in China Grove. The board members agreed to go back and discuss what to do with their own individual units. 102 Virgil Griffin explained to the GTRC the reasons he wanted to confront the marchers:

> Why I came to Greensboro, China Grove had nothing to do with it. I wasn't there ... The reason I came to Greensboro, they put the poster out: Death to the Klan, said we's hiding under rocks, we were scum. I'm not scum, I'm as good as any man walks on this earth. I'm as good as anybody. That's why I

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came to Greensboro. I don't hide under a rock from nobody. I'm not scum, I'm not ashamed to say I'm Imperial Wizard of the Ku Klux Klan, and I'm not afraid of no man. And I don't hide. That's why I'm here today. 103

A week later, on Oct. 20, the Klan held a state rally and march in Lincolnton. Some 150 people attended, and Griffin told the crowd, "If the people there cared anything about their children they would go out on the street and kill 100 niggers and leave them dead on the street." Afterwards, there was a private meeting with some 60-80 Klansmen and their wives, including Benson, Nappier, Renee and Terry Hartsoe, Matthews, Jerry Paul Smith, Pridmore, Sherer, Toney, and Billy Joe Franklin. Griffin reportedly introduced Dawson, who gave a fiery speech about the trouble Greensboro had been having with Communists and their insults to the Klan in recent months, including the newspaper report of the challenge to "the two-bit cowards to come out from under their rocks and face the wrath of the people." He told the crowd about the planned anti-Klan rally and encouraged a counter-rally to show the Communists the Klan was not afraid of them.

It is clear from the testimony of witnesses that the subject of violence was discussed at this meeting, and that hostility toward the Communists was deliberately inflamed by Dawson, the GPD informant. When someone in the audience asked about the use of firearms, Dawson claimed that he replied, "I am not your father. I can't tell you whether to bring guns or not," but that they should have bond money if they bring concealed weapons because they will be arrested. <sup>105</sup> He warned that police and FBI and maybe even the National Guard will be lining the parade route. Dawson cautioned (or rather, dared) those present that there will probably be several hundred Communists at the march, and those who came should expect to be involved in a fight. Dawson said he told the audience, "if you push [the WVO], they're gonna push you back. And you're not fooling around with [the WVO] because they're just not gonna take none of your nonsense." <sup>106</sup> Griffin reportedly urged women not to come because violence was expected and they could be injured. <sup>107</sup> Carl Nappier recalled that Dawson "wanted people who knew how to brawl" because six black colleges would send students and football teams in support of the Communists, and there would be some "big buck niggers … bigger than anyone in this room." After hearing Dawson's assessment, Nappier recalled, "I was ready for a knock-down, drag-out fight." <sup>108</sup>

## Convergence

All these threads of hostility begin to weave together in the early fall of 1979. Virgil Griffin's Klan was interested in publicly striking back at the Communists to boost his numbers and used explicitly racist language to encourage people to violently disrupt the rally. The WVO pursued what they termed "militant direct action" in both aggressively confronting the Klan's racism and encouraging people to take an armed self-defense posture against the Klan's violence and armed intimidation tactics. The hierarchical WVO leadership – especially national Party Chairman Jerry Tung – dismissed those who expressed misgivings and pushed ahead with aggressively challenging the Klan, employing provocative language in promotional materials.

Meanwhile, the Greensboro police wanted to gather information on the communists and the Klan, so they engaged Eddie Dawson, a loyal Klansman who also wanted to attend and heckle local communist gatherings, as an informant. Dawson recalls going to the GPD to ask if anyone in intelligence was interested in information on communist groups. Dawson first approached Maj. Phillip Colvard, who had been head of intelligence when Dawson was a Klan informant to Lt. Ford in the late 1960s. Even during that period, Dawson had been interested in confronting communist groups. Colvard took Dawson to meet with Lt. Talbott and Det. Cooper, who were assigned to that area. It In their first meeting, Dawson says Cooper urged him to go to the RCP meeting. Cooper claims it was Dawson, at his own initiative, who said that he wanted to go to RCP meeting at the Holiday Inn Four Seasons on Oct. 14 and disrupt it. Cooper and Talbott recall that they told Dawson he would be arrested if he broke

the law, but they would be interested in the information if Dawson did go to the RCP meeting. 113

As early as Oct. 10, 1979, police staff began discussing the WVO's anti-Klan parade. In the Oct. 10 staff meeting the parade plans were raised as a result of a Channel 8 newscast about it just a few days before. No permit had yet been requested and a discussion ensued about whether such a permit could be denied. When Police Attorney Cawn advised that denying the permit would violate the WVO's freedom of speech, he added that restrictions could be made on the parade in the interest of public safety and specifically to avoid a violent confrontation between police and the WVO. Capt. Wynn was reportedly especially vocal in this meeting, making suggestions about restrictions on carrying firearms and limitations on the size of posts and thickness of cardboard for placards, which could be used as weapons. This discussion was held prior to Paul Bermanzohn's fiery press conference in Kannapolis and before the RCP/WVO altercation at the White Oak mill.

Inconsistent with these meeting minutes, Lt. Gibson testified in the federal criminal trial that he was the one to first raise concerns about denying the WVO permit or placing weapons restrictions, due to what he felt was Nelson Johnson's "propensity for violence." Gibson says he raised these concerns with his commanding officer, Maj. Wynn, after one of his officers gave him a flier announcing the march that he had been handed at the A&T homecoming on Oct. 13. Gibson says this was the first he had heard of the rally, although it was after the news report that his commanding officer reportedly saw, as well as after the staff meeting when parade restrictions had been discussed. It was also after the provocative press conference where Paul Bermanzohn challenged the Klan to come, which had been picked up by the AP wire. It is also very soon after the rock throwing incident involving the GPD and RCP in Hampton Homes. The flier, which is not dated, announces the gathering point to be at Windsor Center at 11 a.m. 118

In any case, whoever initially raised the concerns or when, all sources agree that it was due entirely to their perception of Nelson Johnson as a dangerous troublemaker that would stir up the black community against the police, stemming from what they believed was a lead role in inciting the Dudley/A&T violence in 1969 (See From Black Power to Multiracial Organizing).

On Oct. 14, the RCP held the public meeting in the Holiday Inn conference room, with Party Chairman Bob Avakian as the invited speaker. Dawson attended, intending to collect information for the GPD, and presumably for the Klan. However, one of the RCP members present recalled that Dawson immediately stood out as an infiltrator and the meeting was announced as cancelled due to security reasons. In fact, according to one of the RCP members present, the meeting was moved to a hotel across the street, but only those who were known members were informed.

Dawson was not the only observer at the RCP meeting at the Holiday Inn. The Criminal Investigation Division also had several officers monitoring the meeting. Cooper was listening in the next room, he said so that he could assess Dawson's reliability as an informant.<sup>119</sup> Thomas, however, was also aware that Dawson had expressed a desire to cause a disruption<sup>120</sup> and said they were surveilling the meeting because "we were on the anti-Klan march, we were interested in any reaction there might be to that gathering at the Holiday Inn." <sup>121</sup>

On Oct. 15, Griffin called Dawson and told him the Nazis are sending 150-200 persons to Greensboro and that Griffin had sent a letter of invitation to everyone he knew. Dawson reported this information to Cooper, and tells him he planned to go to a second RCP meeting on Oct. 21, again suggesting that he would like to disrupt the meeting. Although they felt there had not been much information of use in Dawson's report, Thomas recalled that Cooper and Talbott felt that "with the march coming up and our need to be informed, maybe we should give him something." Dawson was paid \$25 for the information. Thomas also reported that "a month or two before Nov. 3" he had met informally with

FBI agent Leonard Bogaty to discuss the WVO's "activity in the mills and other things." He recalled, "It seemed to me to be building, you know, the rhetoric--a little bit stronger." <sup>125</sup>

Sometime around this time, the Hickory Klavern of Griffin's Invisible Empire met in Icard to discuss taking up the WVO's challenge to confront the Communist's anti-Klan rally. That meeting was attended by Terry Hartsoe, David Matthews, Carl Nappier, Ruby Sweet and Harry Hayes.

On Oct. 19, after the RCP/WVO fistfight at White Oak and the staff meetings at which GPD Division Commanders discussed weapons restrictions for the parade permit and the information that the Klan was planning to come to Greensboro for a demonstration on Nov. 3, 1979, Nelson Johnson went to the GPD to apply for a parade permit. 126 He met with Capt. Larry Gibson, who told him of the restrictions on weapons and the size of sticks that could be used. 127 When Johnson objected, Gibson reportedly told him that it was not the WVO's responsibility to provide protection, but the GPD's. 128 Johnson recalls it this way:

I asked Capt. Gibson, "Why are you doing this, is this a request you normally make of a group applying for a parade permit?" I said, "You know it is legal in North Carolina for people to carry firearms if they are not concealed." And then focusing intensely on Capt. Gibson, I asked him pointedly, "Do you know something I don't know?" Capt. Gibson, speaking deliberately and with authority, said, "We are responsible for the safety of this city, including you and the march. If you want a parade permit you will have to sign this document." He did not leave the room, he didn't consult with anyone, so I felt that a discussion and a decision on this matter had been made by police authorities before I arrived. 129

The parade starting point on the permit was Everitt and Carver at 12 noon. Gibson admits in his deposition that he specifically asked Johnson about the conflict between the permit starting point and the one advertised on posters as Windsor Center at 11 a.m. In Gibson's recollection, Johnson explained that they planned to transport everyone from Windsor Center to the Everitt and Carver location. Johnson testified in the federal criminal trial that the posters had been made with the Windsor location before they had discussed the parade route. They decided that they would gather more people to the march if the parade began in Morningside, but that Windsor Center would be an easier gathering spot for people coming from out of town. <sup>131</sup>

Gibson has further told the GTRC that at the time that he took Johnson's permit application he had not attended and was not aware of any intelligence meetings nor of any information regarding the Klan's plan to confront the march,<sup>132</sup> and we have no evidence to the contrary. Indeed, the Lincolnton Klan rally where Dawson and Virgil had taken a head count as to how many Klansmen said they would come to Greensboro had also not yet occurred at the time of that meeting between Gibson and Johnson.

On Oct. 22, Dawson reported to Cooper and Talbott on what had been discussed at the Oct. 20 Klan rally in Lincolnton. He advised them that 85 Klansmen were planning to come to Greensboro to confront and heckle the Communists, and that they had discussed bringing guns. He was paid \$50 for this information. He was paid \$50 for this information.

On that same day, Capt. Hampton, the District II commander (where the march and conference would be taking place) in charge of field operations for the parade, informed Sgt. Comer that he would be providing on-the-ground coverage of the parade and would have two officers accompanying him. Comer expressed concern that additional manpower would be needed but Hampton told him there were no plans for extra officers to work the march. Comer deliberately chose two black officers from his squad, T.R. Johnson and J.T. Williams, to be the officers to accompany the march because he thought

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their presence would be less likely to antagonize the marchers and that they could talk with Nelson Johnson. 136

On Oct. 23, Comer met with Lt. Spoon, who was to be the field commander in charge of the march while Hampton was away at a meeting at 12 noon.<sup>137</sup> They discussed coverage for the parade and Comer, still concerned about the coverage because of what he calls "the nature of the WVO," again asked if there would be additional manpower. He was told there would not be.<sup>138</sup>

Sometime before Nov. 3, Dawson called Lt. Ford, who used to be Dawson's handler in Criminal Intelligence when Dawson previously was an informer for the GPD in the early 1970s. Dawson told Ford that some 35-50 Klansmen were coming to confront the WVO march, that they had planned it at the Lincolnton Klan rally, and that guns had been discussed. Dawson told Ford he had also told Cooper this. Dawson said he wasn't sure if the Klan would bring guns, "but," he ventured, "this is a bunch of rednecks." 139

Although he was retired at that point, Lt. Ford said he was concerned and went to see Deputy Chief Burch. He recounted the information, and said that coupled with the incident at China Grove and the fact that the WVO had publicly called the Klan cowards, he was concerned that there could be an explosive situation at the march and they should take appropriate security measures. Burch asked Ford to come to a strategy meeting and Ford said he would if they notified him when it would take place. Ford offered to arrange a meeting between Dawson and Burch, but Burch declined, saying that he'd take Ford's word for it. Nevertheless, Ford called Dawson and asked if he would meet with Burch. Dawson said yes. Ford was never notified about a strategy meeting. 140

On Oct. 26, Dawson phoned Cooper to reiterate that Harold Covington's Nazis, Virgil Griffin's Klansmen and members of Leroy Gibson's Rights of White People were all planning to come to Greensboro to disrupt the march, and that an unknown number of Klansmen may be coming from out-of-state. Dawson said the plan was to meet at the home of a local Klansman, Brent Fletcher, on Randleman Road on the outskirts of Greensboro, and then follow the parade to heckle and throw eggs. In addition, Griffin planned to ride the parade route the night before to look for a spot for a "confrontation."<sup>141</sup>

Talbott reportedly told Cooper to instruct Dawson not to attend a meeting with Deputy Chief Burch. According to the FBI, Lt. Talbott reportedly thought that Lt. Ford was acting out of line and "Ford was interfering in this operation because he intended to make himself look good for the Chief of Police." Talbott disagreed with that characterization of his statement, but did agree that he thought it was inappropriate for Ford to become involved with Dawson since he was someone else's informant.<sup>142</sup>

On or about Oct. 26, Comer reportedly asked Spoon to request extra assistance in covering the parade from the Tactical Section. Spoon said he would check into the request and advise Comer. 143

On or about Oct. 28, individual supremacist groups met to further discuss plans for Greensboro. There was a Klan rally in Lincolnton, with about 25 Klansmen in attendance. He Rights of White People met in Louisburg and some 40-50 people attended. Chris Benson, Virgil Griffin's close advisor, reportedly spoke to this group about the plans for confronting the Communists in Greensboro. Miller and Covington also were present. He Hickory Klavern held a meeting in Icard to discuss their plans for Greensboro, and their anticipation of violence. Nappier said that he told the group, "I figured we'd probably have to fight," but that he wanted to use their fists, not to bring guns because that would make them look afraid. However, Nappier said others present insisted they would bring guns, "so they could kill them somebody." Terry Hartsoe was present that evening and said he brought his shotgun "in case of trouble" because he thought the WVO would be armed. Hartsoe says they talked about carrying signs, but admits they neither made nor brought any signs. David Matthews, also present,

was one who insisted on guns. He later told the GPD, "We heard the CWP was going to shoot us, so we brought shotguns." <sup>150</sup>

Sometime around Oct. 27, Sgt. Burke received a report from an off-duty officer who had information that a Winston-Salem Nazi had possession of a machine gun and planned to come to Greensboro to "shoot up the place." Burke says he gave this information to Cooper and attempted to contact the ATF but his call was not returned. <sup>151</sup>

On Oct. 29, Nelson Johnson called Lt. Henderson (commander of the Traffic Unit in the Field Services Bureau) to ask about the permit. Henderson replied that he hadn't received it yet. <sup>152</sup>

On Oct. 30, Comer asked Hampton if his request for more assistance in covering the parade had been acted upon. Hampton said he didn't know anything about it and referred Comer to Spoon. 153

On Oct. 31, Dawson again contacted Cooper and reported the results of the individual Klavern (Klan unit) meetings. He re-emphasized that members of the Rights of White People, the Nazi Party and the Invisible Empire were planning to meet in a house in Greensboro and go as a group to the WVO rally to ride alongside the parade and heckle the marchers and throw eggs. He further informed Cooper again that Griffin planned to ride the parade route the night before to "look for a place for a confrontation." Cooper asked what kind of confrontation and Dawson replied that he had not asked Griffin that.<sup>154</sup>

Also on Oct. 31, Capt. Steele (Hampton's supervisor, commander of the Field Operations Bureau) told Maj. Wynn (Daughtry and Gibson's supervisor) that he was concerned about possible problems and expressed the need for a planning session. Steele reported to Wynn that Hampton was scheduled to be off on Nov. 3. Gibson told the GTRC that both he and Steele were concerned about Hampton's planned absence and that Steele had asked the Chief to order Hampton to be on duty. The Chief apparently declined.

Meanwhile, Lt. Talbott reported to Comer that he had received intelligence from an informant that the Klan was planning to come to the march and might bring weapons, and that there was "unconfirmed" information of a purchase of an automatic weapon. Comer in turn again approached Hampton about the need for assistance from the Tactical Section. Together they went to Capt. Gibson's office and spoke with him and Lt. Daughtry about supplying tactical units for backup on Nov. 3. 159

Comer testified before the Grand Jury that until Oct. 31, he had planned to have his patrol officers, T.R. Johnson and J.T. Williams, in position at Carver and Everitt at 11 a.m. We have seen no evidence indicating why this plan was altered on Oct. 31. 160

Nelson Johnson, meanwhile, was still attempting to obtain the parade permit. He tried again on Oct. 31 to pick it up but was told it wasn't ready because the city manager was out of town and hadn't signed it. In fact, Maj. Wynn had received a copy of the signed permit earlier that day and noticed it didn't have the weapons restrictions on it, so he sent it back to the city manager's office for correction. <sup>161</sup> Faced with an approaching march planned for months, and still without a permit, a frustrated and angry Johnson told the GPD that he planned to hold a press conference on the steps of the department the next day, and that the march would go forward with or without a permit. <sup>162</sup>

Meanwhile, Bernard Butkovich, the ATF agent, reported to his case agent, SA Fulton Dukes, that the Nazis were planning to go to Greensboro on Nov. 3, and were meeting at Wood's on Nov. 1 to discuss plans. Dukes reported this to his superior, SAC John Westra, who told him that neither Dukes nor Butkovich are to attend the march.<sup>163</sup> So on the morning of Nov. 3, Butkovich said he deliberately

showed up late to Wood's house so that he would miss the car leaving for Greensboro. He said he then went to the office to write up his report on the Nov. 1 meeting. However, he said he was "killing time" before a noon meeting with Dukes so he decided to make a "reconnaissance trip" to Greensboro (see Federal Law Enforcement).<sup>164</sup>

In a signed affidavit, he says he left Winston-Salem at around 10 a.m., which would have put him in Greensboro right around 11 a.m. Also at 11 a.m., the caravan was leaving to head toward the march and paused on the highway because some of the Nazis thought they saw someone they recognized, and whom they had expected to come to the march, drive past on Interstate-85.

#### Countdown

While animosity between the WVO and the Klan was ratcheting up, WVO members were increasingly enraged at the police for the delays in obtaining their parade permit from the GPD and what they believed was intimidation of the church where their conference was to take place. They openly accused the GPD and city officials of collaborating with the Klan, which served to further increase the enmity between them. In turn, the GPD became increasingly suspicious of "Communists." Coupled with pre-existing suspicion of Nelson Johnson in particular, the GPD was more interested in collecting information on WVO activities.

On Nov. 1, formal planning for police coverage of the march began to take shape in two key meetings. First, at 9 a.m., Deputy Chief Burch chaired a high level meeting with Capt. Thomas, Det. Melton, Det. Cooper (from the Investigations Bureau), Police Attorney Cawn, Maj. Wynn (from the Field Services Bureau), Capt. Steele, and Capt. Hampton (from the Field Operations Bureau). Those present discussed:

- the latest intelligence that some 85 N.C. Klan members and an unknown number of Nazis and out-of-state Klansmen were planning to come to heckle and disrupt the parade<sup>166</sup>
- that the Klan was attempting to get a copy of the parade permit and that Virgil Griffin planned to ride the route to look for a spot for a "confrontation" <sup>167</sup>
- "unconfirmed rumors" that a Nazi from Winston-Salem had bought a machine gun<sup>168</sup>
- possible discrepancy in parade starting locations due to difference in parade permit and posters<sup>169</sup>

Police Attorney Cawn recalled that they discussed the fact that the informant told Cooper there had been questions raised about whether or not the Klansmen could bring guns.<sup>170</sup> Notes from this meeting also show that Virgil Griffin was specifically discussed as having "a short fuse and a hot head."<sup>171</sup> Nelson Johnson's "strategy" was discussed as starting with a very small group but assembling a large crowd from the public housing neighborhoods on the way to the rally. This strategy seems to have been a particular concern to the police, who worried that a riot might ensue.<sup>172</sup> It was discussed that the intelligence indicated the Klan was not planning to wear robes, but would don them if there was a large crowd.

In light of these discussions, Deputy Chief Burch decided to have tactical units on hand as backup, but to keep the coverage "low profile" that is, out of sight of the march so as to not provoke a confrontation with the WVO.<sup>173</sup> Maj. Wynn asked that a photographer accompany Cooper.<sup>174</sup> All officers assigned to the parade function would communicate on police radios on designated event Frequency 3.<sup>175</sup>

Regarding the starting and ending locations for the parade, there was discussion about the potential discrepancy in starting points between the permit and the posters. <sup>176</sup> Gibson, however, said he did not recall discussing with anyone the conversation he had had with Johnson about the two starting points. <sup>177</sup> The termination point for the parade was identified as the Cosmos Restaurant parking lot at Freeman Mill Road and Florida Street. <sup>178</sup> However, Hampton informed the group that there was to be a rally in

the All Nations Pentecostal Holiness Church at that location following the parade, and that the tactical units were to remain on standby.

Following this meeting, at 10:30 a.m., Nelson Johnson finally got the permit. Encountering each other briefly in the hall at the GPD, Hampton and Johnson agreed to meet at Carver and Everitt at 11:30 a.m. on Nov. 3.<sup>179</sup> Hampton did not see any need to share any information he had just received about the possibility that Klansmen and Nazis would confront the demonstrators. "I had read (Johnson's) flier. He was inviting them to come, so…"<sup>180</sup>

Infuriated by what he believed were deliberate obstacles and harassment of the WVO in an attempt to obstruct or prevent the conference, Johnson stood before the press that day and condemned what he called the GPD's "slimy tactics," saying, "At every point, the police department has tried to disrupt and disorganize our plans." He recounted delays in the permitting process, removal by police of parade announcement posters on utility poles where election signs already hung, and spreading rumors of violence that intimidated the church scheduled to be the site of the conference into canceling the use of their facility. "Police," Johnson said, "have been boosting the fear around the Klan by claiming they are going to come to the march and throw bombs." Referring to the weapons restriction on the permit he added, "They said they would protect us. This is sheer madness! The bloody crimes of police brutality are well known to the people. We say to the police, 'Stay out of our way. We'll defend ourselves.' "181

Johnson now claims that the subsequent and persistent interpretation of this statement as a request for police to stay away from the march is a willful misrepresentation:

It seems nearly impossible to misinterpret my meaning. I, therefore, see that misrepresentation as an intentional act. Why would I go to such efforts to get the parade permit and to discuss accurately with Lt. Hampton our meeting time and place and then ask the police to stay away? On its face, this makes no sense. But those with the power to frame the story brushed aside all our explanations and faithfully reported the position of Mayor Melvin and the police without serious scrutiny of its accuracy.

The post-murder explanation offered by then-Mayor Melvin and the Police Department is, in my opinion, a falsification, justifying the unjustifiable behavior of the police department. Consider with me that I did actually ask the police to stay away from the march, which I did not. But for the sake of this discussion, suppose I did say, "Stay away from Morningside." With the police unquestionably clear that a hostile, armed caravan of Klan members were advancing on a group that had a legal parade permit, why in God's name would they stay away? It would be like the police having knowledge that a bank was to be robbed but the robber asked them to stay away and they decided to stay away because they say they were asked to do so. This is simply not logical. Yet, neither the Greensboro Police Department nor former Mayor Melvin has ever retracted this absurd view.

Johnson now recalls how they learned that the church had withdrawn their facility as a result of intimidation from the police department:

I learned that the use of All Nations Pentecostal Holiness Church at Freeman Mill Road and Florida Streets, where we were to have the labor conference, had been withdrawn. This information came through Miss Fanny Miller, <sup>182</sup> an elderly woman who lived in Smith Homes and who was a part of our movement and a member of that church. Miss Fanny informed me that a member of the church that also worked in the police department as a secretary (or a laborer in some capacity) told the pastor that

a police officer had warned her that hand grenades would be thrown in the church if we used it. 183

Gibson recalled that he watched the press conference from the GPD lobby because he wanted to see what Eddie Dawson looked like.<sup>184</sup> The Internal Affairs Memo on "Summary of Planning Activities" for Nov. 3 states that while they were there, Sgt. Burke came in and gave Gibson literature he had received from the WVO at the press conference. Gibson said he reviewed the literature and gave it to Capt. Steele, who said he would pass it on to Chief Swing. 185 Sgt. Melton reported that he and Cooper and Thomas listened to the press conference outside. 186

Meanwhile, Eddie Dawson had also arrived at the GPD in time for the press conference and joined the crowd on the steps in front of the building. Without identifying himself as a Klansman, Dawson asked Paul Bermanzohn if the Klan was really still around. Bermanzohn, taking him for an interested tradesman, invited Dawson to come to the march. Dawson agreed.

After the press conference, Dawson went to see City Attorney Jesse Warren to ask if he could get an injunction to stop the WVO rally, but was refused. We have seen no evidence that Warren asked why he wanted to stop it. Dawson later claimed he told Warren, "Tell you what, next damn time I'll bring you a bucket of blood."187 Dawson also told Cooper and Talbott that he had gone to see the city attorney to stop the march, but they also admit they did not inquire about Dawson's concerns. 188

However, having been denied an injunction, Dawson did not then take his own steps to reduce the possibility for violence. Rather, he took steps that would further contribute to the violence. Dawson immediately asked Cooper and Talbott for a copy of the permit with the parade route. Dawson claims that Cooper told him the parade starting point had changed and that he could get a copy of the permit with the new assembly point on it.<sup>189</sup> Cooper denies this and says he told Dawson that he didn't know if the permit was a public document, and that he would have to request it from Gibson. 190 Dawson's claim is supported by Talbott's recollection in his deposition that after Dawson left, he (Talbott) told Cooper, "The GPD obtains information, it does not supply information, and that he (Cooper) should not be giving Dawson any information about the parade." However, Talbott claims he does not know how Dawson was aware of the existence of a parade permit, and speculated that perhaps he read it in the paper. 191 Dawson's claim that Cooper told him to get a copy of the permit is further supported by Gibson's recollection that when Gibson told Dawson he wasn't sure if he could release a copy of the permit, "(Dawson) said, "Well Sgt. Cooper said you could," and I replied to him, "Sgt. Cooper don't run this office. I do."192

Around 11 a.m. on Nov. 1, Dawson arrived in Capt. Gibson's office to ask for a copy of the permit and Gibson, unsure if it was public information, sent Lt. Henderson to check with the police attorney. While they were waiting, Gibson asked Dawson if he was a Klansman and Dawson said yes. 193 The answer came from the city attorney that the permit was public information, and Gibson gave a copy to Dawson.

On the permit were the underlined parade restrictions against weapons, giving the Klan now not only the assembly point and parade route, but also the knowledge that the WVO/CWP demonstrators were required to be unarmed. 194 Even after the discussion of Klansmen and Nazis planning to come, possibly bringing a machine gun, and knowing that a Klansman had picked up a copy of the permit, Gibson recalled that he still felt the primary danger of violence was from the WVO because of what Johnson had said at the press conference. 195

Later that afternoon, at 4:30 p.m., Hampton held the second key planning meeting with Lt. Spoon, Capt. Gibson, Lt. Daughtry and Sgt. Hightower to discuss the details of field operations for the parade. Two

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of the three field officers in charge of parade coverage, Sgts. Comer<sup>196</sup> and Burke, <sup>197</sup> were off duty in the days immediately preceding Nov. 3, 1979, and did not attend key planning meetings. Comer, under Lt. Spoon's command, would have primary responsibility for the parade with one officer in front and one behind. Sgts. Burke and Hightower, under the command of Lt. Daughtry, would lead two tactical units several blocks from the parade, but on call for backup. One tactical unit would begin at Dudley High School and then move to Calvin Wiley School after the parade had passed Lee Street and Benbow Road, where it was discussed that a confrontation was possible between demonstrators and counterprotestors. The other tactical unit was to be at Gillespie School.<sup>198</sup>

Also at the 4:30 planning meeting, officers discussed the intelligence that ten local Klansmen were planning to attend the march (and an unknown number of out-of-state Klan and Nazi members); the Klan's plan to ride the parade route beforehand to look for a confrontation spot; and the apparent conflict in starting locations. <sup>199</sup> They agreed that Everitt and Carver was the starting point at noon since that was what the permit designated. There was no discussion of the possibility that the Klan might be armed, although Hampton specifically asked Spoon to check the All Nations Pentecostal Church for bombs on the morning of the march. Hampton was apparently unaware that the church had already cancelled its offer to host the conference at the end of the parade, as Nelson Johnson had announced from the GPD steps earlier in the day, as Gibson watched. We have seen no evidence that any possibility of guns was discussed at this meeting, including the information that Burke had received about a Nazi who had a machine gun and was planning to come to Greensboro and "shoot up the place." <sup>200</sup>

Spoon called Comer later in the day to update him on plans to use tactical units as backup and on the fact that they would be "on duty at 10 a.m.," and to relay intelligence from Talbott that some 80-85 Klan and Nazi members were coming and would ride beside the marchers heckling, that the Klan had a copy of the permit, that they might be armed and that there was a "rumor" that one had purchased a machine gun.<sup>201</sup>

That evening WVO discussions about the security of the march took place in both Greensboro and Durham. One WVO member who was an older black man from South Carolina said that his experience with the Klan had been that they act with impunity in broad daylight. He argued strongly for marchers to carry weapons, or at least to have neighborhood residents stand on their porches with guns to protect the march. Fliers were printed and distributed with that message:

We, the working class people, have to defend ourselves and depend on each other —we should not depend on the police. So, on Saturday, we want everyone on the march route to protect the march. We want you to sit on your porch or stand in strength is the people —Black and White united!

DEFEND THE MARCH WITH GUNS!!!
DEATH TO THE KLAN!!!
SMASH POLICE BRUTALITY
THE PEOPLE UNITED WILL NEVER BE DEFEATED!!<sup>202</sup>

However, for reasons that are unclear to us, that plan was scrapped. For that reason, the South Carolina man refused to attend the march.<sup>203</sup>

Meanwhile in Durham, there was another WVO meeting to discuss the march. Don Pelles recalled,

At a meeting at the WVO bookstore on Nov. 2, Cesar led the meeting. Cesar laid out what he saw as main dangers: 1) that there would be a provocateur inside the march trying to cause

trouble, 2) that the police would block the route of march, 3) a distant third, was that the Klan might show up, but we wouldn't expect trouble even if they did. In regards to 1) and 2), there was to be a fight team, to be prepared if necessary to block the provocateur and/or the police. I was to be part of that. ..

Morning of, we gathered at Jim and Signe's. He showed me the closet, where I selected a stick, a tree branch, to be used as a club.

#### Liz Wilderman:

Realizing the seriousness of what we were about to undertake, the Military Defense (MD) was set up. This was a group within the CWP. They were in charge of making sure that everyone was safe. It had been said that, if we were going to step out and organize against big business and the Klan, we needed to exercise our right to bear arms. Therefore, we all practiced "MD." We all had to learn how to use our guns. Even though our slogan was "Death to the Klan" we weren't planning to go out and shoot anyone. "Death to the Klan" didn't mean death to any particular individual but just the concept of the Klan. November 3<sup>rd</sup> was to be a day for the working people of North Carolina. In my view, if the Klan was organizing in my state and in my country, then that means that I'm not an outsider and have the right to protest them anywhere<sup>204</sup>.

#### Nelson Johnson recalls,

The public advocacy for the right to armed self-defense was a position that we politically wanted to take and felt we should take and we felt that the community should feel comfortable asserting that right and we wanted to model that. When we sat down with the police and they told us that we couldn't have weapons. We had actually planned to model the right to armed self-defense. It really was not based on the expectation of the Klan coming. We were going to say that people had the right to carry guns and we were actually going to openly carry guns. Once the police raised this, the issue shifted from modeling something for political purposes to discussing the real problem we had with police which was how should we deal with this provision from the police. That question got down to whether you really expect any violence from the Klan, and I took a powerful and unequivocal position that the Klan coming from distant places to an African-American community, a place that they are not familiar with in the middle of daylight with a lot of policemen around, I really did not expect that to be a source of any kind of violent problem. I was strongly opposed on that by "Big Man," who argued that-- and he was arguing out of his experience—that in South Carolina he had seen the Klan drag men and kill people and nothing had been done about it.

And I was respectful of his position but I tried to make the point that the problem we have here is really not the Klan in the sense of robe-wearing groups who are card carrying. Every difficulty that we have had is directly related to this is directly traceable to the police and this provision that we have been put under is related to the Police and I think is tied to trying to get us to violate it and I didn't know that it was legally unenforceable. That arose subsequently. That is why there has never been a discussion about violating it because you can't legally enforce it anyway...

We discussed -I will say this as clearly as I can - various scenarios to maintain the modeling posture and one was who do we know along the route who would allow us to stand on the porch with an openly displayed weapon and we said this is just going

to frighten people...I took the position that it would be a great mistake for us to be modeling weapons against the ordinance. First of all, I signed it. I thought the police would be there and that they would provide whatever security would be necessary. I didn't think that the Klan was coming. I didn't think that they would be a danger if they came because I thought the police would be there and engage that.

I said let me tell you what I believe deeply is a danger that in some way or another that this police department might be looking for a way to goad us in some negative behavior with itself and I was saying therefore, I think the most likely form that will take, and I said it almost in these words, is that someone will be in our ranks with a gun and that it gets displayed and I think that I even got up and demonstrated that someone is wearing a light jacket and they got a gun and their jacket swings open and the police say there is someone with a gun and they all run over to this person and grab him and we run over to them and say 'let the brother go' and they run up to us and there is this whole thing.

So I said, listen, if anybody comes up and displays a gun, and the police rush up to him, don't rush up to him. Rush away. He's not with us. Cause we have agreed that we are not going to be displaying any weapons out there. That was the discussion and those were the instructions so all of this nonsense about expecting the Klan was a total invention. That's why some of the testimony and some of what has now become kind-of community knowledge or common-sense, it just didn't happen that way. We can be criticized for the plan to model these weapons. And I am certainly open to that. It is not something I would do again. You can make an argument going both ways on that. I would not make an argument for it right now. It is not what my views are. We've had marches since then. I have not argued that. But to argue that we wanted the Klan to come and to have a confrontation and that we expected that is totally inaccurate. <sup>205</sup>.

That same evening in Winston-Salem, Roland Wood and members of the Nazi Party held a press conference in Wood's garage, which served as their makeshift headquarters. Wood says the main purpose was to "roast" Joe Grady, who accused them of being Communists. But they also wanted to gain publicity for the Nazis and their ideas through the media. Butkovich, Harold Covington, Roger Shannon, Charles Finley, Gorrell Pierce, and Bill Babbit were all in attendance, and Chris Benson, Jerry Paul Smith and Coleman (Johnny) Pridmore came as Klan representatives from Virgil Griffin's Invisible Empire.

After the media departed, they discussed plans for disrupting the march in Greensboro. They would heckle the Communists and throw eggs. Benson explained that they should meet at Brent Fletcher's house on Randleman Road at 10 a.m. They discussed the challenge to the Klan to attend from the WVO; Butkovich remembered that they discussed Nelson Johnson as issuing the challenge. Jerry Smith reportedly said that he had made a pipe bomb that would work well "if thrown into a crowd of niggers." <sup>207</sup>

Gorrell Pierce says he told his associates that evening that he would not attend the rally because he did not want to get involved in any violence,

I informed them that I was not going. I had been ordered by my Imperial Wizard not to go, and common sense would tell me not to. I told them, I said, "Fellas, somebody is going to get killed. This crowd is organized, they're dedicated, and they're just as willing to die for what they believe in as you are. And when you have people who are

ready to die for what they believe in ... People are going to get killed." And I didn't go to Greensboro, and I'm glad I didn't.  $^{208}$ 

Wood now also claims he had a bad intuition about what would happen at the march and did not want to go, but Covington ordered him to go or lose his command. Wood further said although they did not intend any violence they brought weapons "because it was part of being a bad ass." <sup>209</sup>

Butkovich said conversation at the meeting was winding down so he left early (about 10:15 p.m.) to meet Dukes and a WSPD officer to let them know the Nazis were going to Greensboro to heckle and throw eggs, and might be bringing a pipe bomb. Butkovich said he did not inform the GPD about this information because he thought it was "common knowledge, and had received wide media attention that there would be a confrontation." Dukes said he did not relay this information to the GPD because he did not think there would be any trouble. Dukes also said they didn't warn the GPD because Nelson Johnson had held a news conference, "So I kind of figured, seeing that he gave the invitation on the steps of the police department, there would be no need to tell them that they were going to have a parade and that they were invited." However, it is not clear how Johnson's press conference, which was an outcry against GPD interference with the march, was relevant to knowledge about a Klan and Nazi confrontation.

After Butkovich left Wood's house, the remaining Nazis and Klansmen watched the 11 p.m. news to see the story on their press conference, and by coincidence also see Nelson's press conference, during which Wood claims Smith aimed his gun at the TV.<sup>213</sup> As Smith aimed Wood recalls him saying, "Kill the communist." <sup>214</sup> Wood said later that "We all thought there would probably be a fistfight," that he wanted to attack them with his own hands and "see them run instead of us running." <sup>215</sup>

Chris Benson testified twice in court that, also on Nov. 2, Klan members Johnny Pridmore of Lincolnton, Jerry Paul Smith of Maiden and Virgil Griffin met at Griffin's home to target possible demonstrators for attack. From a photograph of the China Grove rally, "We sat around and pointed out who we wanted to get when we got to Greensboro ... 'Get' meant beat up." 216

In the early hours of Nov. 3, Smith, Pridmore and Griffin arrived in Greensboro and met Dawson at a restaurant. After all the discussion of Griffin's plans to ride the parade route, Griffin had a woman with him and wanted to go to a hotel. So Dawson, Smith and Pridmore dropped them off and drove the route using the permit that Dawson got from the GPD. Dawson took the opportunity to plaster posters over those advertising the march. Under a drawing of a silhouetted body hanging from a tree limb, the Klan poster read,

Notice!
To the Traitors, Communists, Race-mixers, and Black Rioters
Beware
Even now the cross-hairs are on the back of YOUR necks
It's time for old-fashioned American Justice
KKKK

## Notes

<sup>&</sup>lt;sup>1</sup> Don Pelles, interview with the *Greensboro Truth and Reconciliation Commission*, 23 December 2005. See also Sally Avery Bermanzohn, *Through Survivors 'Eyes* (Nashville, TN: Vanderbilt University Press, 2003), 181-182.

- <sup>2</sup> Don Pelles, interview with the *Greensboro Truth and Reconciliation Commission*, 23 December 2005.
- <sup>3</sup> Rosalyn Pelles, interview with the *Greensboro Truth and Reconciliation Commission*, 23 December 2005.
- <sup>4</sup> Workers Viewpoint Organization (WVO), "Proposal to Continue the Anti-Klan Campaign: Assuming Leadership to Build Up the Party," 30 August 1979; WVO, "Southern Regional Bulletin," July 1979, Part I page 3, and Part III: Sum Up of Victorious Battle Against the Klan, page 2; WVO, "Then and now the Bloody History of the KKK," Landis, NC (no date); WVO, "Death to the Klan!!! Promote Armed Self-Defense of the Community," announcement of Nov 3 march (no date).
- <sup>5</sup> Paul Bermanzohn, interview with the *Greensboro Truth and Reconciliation Commission*, 14 March 2005.
- <sup>6</sup> China Grove residents, confidential interviews with the *Greensboro Truth and Reconciliation Commission* (GTRC), 9 January 2006.
- <sup>7</sup> FBI "Subject: Paul Bermanzohn," Charlotte Field Office (CE 44-3527 Sub. A, Vol. 5, part 1): in this folder, see FBI SA in Greensboro, Interview on 8 April 1982, 14; FBI SA in Salisbury, Interview on 16 April 1982, 1.

  <sup>8</sup> Now deceased.
- <sup>9</sup> Luckey, FBI pre-trial interview (16 April 1981), 2.
- <sup>10</sup> China Grove resident, confidential interview with GTRC, 9 March 2006.
- <sup>11</sup> Lt Edward Klutz Testimony, *US v Griffin* (19 March 1984), cited in Elizabeth Wheaton, *Codename GREENKIL: The 1979 Greensboro Killings* (Athens, GA: The University of Georgia Press, 1987), 85. We have not had access to the transcript of this testimony but a pretrial FBI interview with Luckey also confirms that he sought a permit from the police for the protest and was denied one because there was not enough time to call an Alderman's meeting to approve it, but was given "verbal permission" (16 April 1982), 2. Willena Cannon (interview with GTRC, 30 March 2005) and a China Grove resident (China Grove resident, confidential interview with GTRC, 9 March 2006) both participated in the protest and said they thought they had obtained a permit. Media footage of the even shows the group marching in the street, which suggests they must have had at least the verbal approval of law enforcement.
- <sup>12</sup> Luckey, FBI interview (16 April 1981), 2-3.
- <sup>13</sup>Lt Edward Klutz testimony, *US v Griffin* (19 March 1984), cited in Elizabeth Wheaton, *Codename GREENKIL: The 1979 Greensboro Killings* (Athens, GA: The University of Georgia Press, 1987), 85. Larry Gibson told the GTRC that after Nov. 3, the GPD obtained newspaper photos of the protest that showed the riot police in full view of the protestors and the Klan/Nazis. (Gibson, interview with the GTRC, 5 May 2006). In fact, he said that is why they believed only a few officers would suffice in keeping violence from occurring on Nov. 3. However, we have viewed news footage from two separate news stations and neither shows any riot police in view. Taken with the eyewitness testimony that claims only a very few uniformed police officers were present and that they were unaware that there were any additional police standing by, we find Capt. Gibson's recollection that these could have acted as a deterrent to be inaccurate.
- <sup>14</sup> FBI interview with James Mason, a member of the Klan's inside circle known as the "Yellow Dogs." Mason speculated that the source of the information was in the Sheriff's department where Grady had friends, but said that Grady did not specify. We note that there were posters and fliers related to the event and this could have been the source of the information about the planned protest. See FBI Special Agents Brereton and Lowe, interview with James Allen Mason at Cleveland office, CE 44A-3527 (12-13 November 1981), 3-4.
- <sup>15</sup> Grady told group they had made arrangements to use CG Civic Center and signed a contract giving them sole authority to use the Center. FBI Special Agents Brereton and Lowe, interview with James Allen Mason at Cleveland office, CE 44A-3527 (12-13 November 1981), 4, 6.
- <sup>16</sup> A letter to the RCP from Harold Covington (dated 11 Sep 1979) also talks of this agreement, but it is not clear whether Covington heard this from Grady or one of his associates or whether he had independent knowledge of it. (The letter is published in the RCP newspaper *The Revolutionary Worker*, 9 November 1979, 4. Copy in GTRC files.). Further, we have not been able to authenticate that the letter was indeed from Covington. As a result, the Commission was unable to confirm this allegation.
- <sup>17</sup> Signe Waller, *Love and Revolution: A Political Memoir* (Lanham, MD: Rowman & Littlefield Publishers, Inc, 2002), 194-195.
- <sup>18</sup> China Grove resident, confidential interview with *Greensboro Truth and Reconciliation Commission*, 9 March 2006.
- <sup>19</sup> Don Pelles, interview with the *Greensboro Truth and Reconciliation Commission*, 23 December 2005.
- <sup>20</sup> FBI "Subject: Paul Bermanzohn," Charlotte Field Office (CE 44-3527 Sub. A, Vol. 5, part 2 cont'd): in this folder, see FBI SA in New York, Interview on 13 April 1982, 16-17; FBI SA for Greensboro, in Washington DC, Interview on 12 April 1982, 12-13; FBI SA in Winston-Salem, CE 44-3527, Interview (27 April 1982), 9.

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See also Waller, Love and Revolution, 197.

- <sup>21</sup> After the march, many participants recount that in fear of retaliation both WVO and local residents armed themselves with guns and kept watch in the neighborhood though the night. See Waller, *Love and Revolution*, 199. See also FBI "Subject: Paul Bermanzohn," Charlotte Field Office 44-3527-Sub A, Vol 5, part 2: in this folder, see for example, FBI SA in Winston-Salem, Interview (29 April 1982), 10; FBI SA in Winston-Salem, CE 44-3527, Interview (27 April 1982), 6-10; FBI SA in Winston-Salem, CE44-3527, Interview (8 April 1982), 18-20. See also FBI SA Thomas Brereton, "Memo on Greenkil re: Background to China Grove," to SAC Charlotte 44A-3527 P (18 October 1982), 3.
- <sup>22</sup> Waller, Love and Revolution, 196.
- <sup>23</sup> Paul Bermanzohn, interview with the *Greensboro Truth and Reconciliation Commission*, 14 March 2005.
- <sup>24</sup> Roland Wood, interview with the *Greensboro Truth and Reconciliation Commission*, 7 December 2005.
- <sup>25</sup> Gorrell Pierce, statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 16 July 2005.
- <sup>26</sup> China Grove resident, confidential interview with *Greensboro Truth and Reconciliation Commission*, 9 March 2006.
- <sup>27</sup> *Ibid*.
- <sup>28</sup> Don Pelles, interview with the *Greensboro Truth and Reconciliation Commission*, 23 December 2005.
- <sup>29</sup> Rosalyn Pelles, interview with the *Greensboro Truth and Reconciliation Commission*, 23 December 2005.
- <sup>30</sup> Willena Cannon, interview with the Greensboro Truth and Reconciliation Commission, 30 March 2005.
- <sup>31</sup> Liz Wilderman, interview with the *Greensboro Truth and Reconciliation Commission*, 14 May 2005.
- <sup>32</sup> Marty Nathan, quoted in Sally Bermanzohn, *Through Survivors' Eyes* (Nashville, TN: Vanderbilt University Press, 2003), 189.
- <sup>33</sup> Sally Bermanzohn, interview with the *Greensboro Truth and Reconciliation Commission*, 14 March 2005.
- <sup>34</sup> Sally Bermanzohn, quoted in Bermanzohn, *Through Survivors 'Eyes*, 189.
- 35 Sally Bermanzohn, quoted in Bermanzohn, Through Survivors' Eyes, 189-190.
- <sup>36</sup> Paul Bermanzohn, statement to the *Greensboro Truth and Reconciliation Commission* Public Hearing, 15 July 2005.
- <sup>37</sup> Nelson Johnson, interview with the *Greensboro Truth and Reconciliation Commission*, 12 August 2005.
- <sup>38</sup> Floris Weston, statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 26 August 2005.
- <sup>39</sup> Workers Viewpoint Organization, "Southern Regional Bulletin," July 1979, 9-11.
- <sup>40</sup> Jean Chapman, interview with the *Greensboro Truth and Reconciliation Commission*, 14 May 2005.
- <sup>41</sup> Workers Viewpoint Organization, "Proposal to Continue the Anti-Klan Campaign: Assuming Leadership to Build Up the Party," 30 August 1979, 1.
- <sup>42</sup>Sally Bermanzohn, quoted in Bermanzohn, *Through Survivors 'Eyes*, 190.
- <sup>43</sup> Don Pelles, interview with the *Greensboro Truth and Reconciliation Commission*, 23 December 2005.
- <sup>44</sup> A copy is in GTRC files.
- <sup>45</sup> Elizabeth Wheaton, *Codename GREENKIL: The 1979 Greensboro Killings* (Athens, GA: The University of Georgia Press, 1987), 91-93.
- <sup>46</sup> Workers Viewpoint Organization, "Proposal to Continue the Anti-Klan Campaign: Assuming Leadership to Build Up the Party," 30 August 1979, 1.
- <sup>47</sup> China Grove residents, confidential interviews with GTRC, 9 January 2006.
- <sup>48</sup> These documents were reportedly taken from Nelson Johnson's briefcase "that came into the possession of the police." Meredith Barkley, "CWP warning may have affected police tactics," *Greensboro News & Record*, 20 May 1985. Attorneys on both sides of the civil trial questioned Nelson Johnson and Paul Bermanzohn extensively on the so-called 'briefcase documents' dealing with the WVO's planning and activities surrounding confrontations with the Klan in China Grove and the plans to hold the anti-Klan march in Greensboro on Nov.3, 1979. The documents were contained in Johnson's briefcase, which 'came into the hands of Greensboro police in the spring of 1980.' This was used by defendants in the civil suit to discredit the plaintiffs. As authentic documents that are part of the court record, they are now housed in the UNC archive so the Commission feels it is not unethical to refer to them in our deliberations, even though their original acquisition may have been by illegal means.
- <sup>49</sup> Workers Viewpoint Organization, "Directive: from the SE: Immediately Take Up the Klan Campaign and Use to Build the Party as we Build for a RED HOT Demonstration and Conference on November 3<sup>rd</sup>" (no date), 1.
- <sup>50</sup> Workers Viewpoint Organization, "Southern Regional Bulletin," July 1979, 10; Workers Viewpoint Organization, "Proposal to Continue the Anti-Klan Campaign: Assuming Leadership to Build Up the Party," 30

#### August 1979, 3.

- <sup>51</sup> There is no date on this document but it discusses the need to have conference posters and fliers out by Oct. 10, so the date must have been before then.
- <sup>52</sup> Nelson Johnson, interview to the *Greensboro Truth and Reconciliation Commission*, 12 August 2005.
- <sup>53</sup> Nelson Johnson, statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 26 August 2005.
- <sup>54</sup> Don Pelles, interview to the *Greensboro Truth and Reconciliation Commission*, 23 December 2005.
- 55 Workers Viewpoint Organization, "Then and Now The Bloody History of the KKK," (no date).
- <sup>56</sup> Workers Viewpoint Organization, "... What made a difference in China Grove," (no date). Emphasis in original.
- <sup>57</sup> Associated Press, "Group seeks confrontation with the Klan," *Charlotte Observer*, 12 October 1979.
- <sup>58</sup> Wood Testimony, Waller (3 May 1985), 30.
- <sup>59</sup> *Resurgence*, documentary film by Pamela Yates and Thomas Sigel (Skylight Productions: Emancipation Arts, 1981).
- <sup>60</sup> Workers Viewpoint Organization, "Then and Now The Bloody History of the KKK," (no date).
- <sup>61</sup> Workers Viewpoint Organization, "... What made a difference in China Grove," (no date). Emphasis in original.
- <sup>62</sup> Paul Bermanzohn, statement to the *Greensboro Truth and Reconciliation Commission*, 15 July 2005
- <sup>63</sup> Gorrell Pierce, statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing,16 July 2005.
- 64 Ibid.
- <sup>65</sup> Letter from Covington dated 11 Sept 1979, printed in the *Revolutionary Worker*, 9 November 1979, 4 (on file at GTRC).
- <sup>66</sup> Griffin Testimony, Waller (10 April 1985), 46.
- <sup>67</sup> WVO, "Death to the Klan!!! Promote Armed Self-Defense of the Community," announcement of Nov 3 march (no date); Workers Viewpoint Organization, "An Open Letter to Joe Grady, Gorrell Pierce and All KKK Members and Sympathizers," 22 October 1979.
- <sup>68</sup> Bill Moss, "Communists' challenge KKK to come to rally," Salisbury Evening Post, 11 October 1979, 8.
- <sup>69</sup> Workers Viewpoint Organization, "An Open Letter to Joe Grady, Gorrell Pierce and All KKK Members and Sympathizers," 22 October 1979.
- <sup>70</sup> Mark Sherer, GPD Statement (12 May 1980), 192.
- <sup>71</sup> Floris Weston, statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 26 August 2005
- <sup>72</sup> Nelson Johnson, statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 26 August 2005.
- <sup>73</sup> Paul Bermanzohn, statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 15 July 2005
- <sup>74</sup> Hearing statement
- <sup>75</sup> Gorrell Pierce, statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 16 July 2005
- <sup>76</sup> Roland Wood, interview with the *Greensboro Truth and Reconciliation Commission*, 7 December 2005.
- <sup>77</sup> Sally Bemanzohn, statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 26 August 2005.
- <sup>78</sup> Sally Bermanzohn, interview with the *Greensboro Truth and Reconciliation Commission*, 14 March 2005.
- <sup>79</sup> Paul Bermanzohn, interview with the *Greensboro Truth and Reconciliation Commission*, 14 March 2005.
- <sup>80</sup> Nelson Johnson, statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 26 August 2005.
- 81 Nelson Johnson, interview with the Greensboro Truth and Reconciliation Commission, 16 August 2005.
- <sup>82</sup> Workers Viewpoint Organization, "To the people of Hampton Homes from Worker's Viewpoint Organization," (no date).
- <sup>83</sup> Joyce Johnson, interview with the *Greensboro Truth and Reconciliation Commission*, 4 May 2005; Willena Cannon, interview with the *Greensboro Truth and Reconciliation Commission*, (30 mar 05); Dale Sampson Federal Grand Jury Testimony, 15.
- <sup>84</sup> Willena Cannon, statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 30 September 2005.
- 85 Workers Viewpoint Organization, "'Death to the Klan' March and Conference Calls Out Klan's Secret

- Supporters," 1 November 1979, 2.
- <sup>86</sup> Tammy Tutt, statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 1 October 2005.
- <sup>87</sup> Candy Clapp, statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 26 August 2005.
- 88 Willena Cannon, interview with Greensboro Truth and Reconciliation Commission, 30 March 2005.
- <sup>89</sup> Nelson Johnson, statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 26 August 2005.
- <sup>90</sup> Evelyn Taylor, interview with the *Greensboro Truth and Reconciliation Commission*, 16 August 2005.
- <sup>91</sup> In addition to winning new members, they targeted China Grove as a way to gain a stronghold in the Charlotte area and in SE and SW regions of North Carolina. See FBI SA Brereton and SA Lowe, interview with James Allen Mason at Cleveland office, CE 44A-3527 (12-13 November 1981), 2.
- <sup>92</sup> Gorrell Pierce, statement to *Greensboro Truth and Reconciliation Commission*, Public Hearing, 16 July 2005; Roland Wood, interview with *Greensboro Truth and Reconciliation Commission*, 7 December 2005.
- <sup>93</sup> "Group Seeks Confrontation with the Klan," *Charlotte Observer*, 12 October 1979. Gorrell Pierce also told the GTRC that his Grand Wizard instructed him not to go because of the risk of violence, see Pierce, statement to *Greensboro Truth and Reconciliation Commission*, Public Hearing, 16 July 2005.
- <sup>94</sup> In January 1971, violent demonstrations had erupted in Wilmington, N.C. after city authorities denied black students' request to hold a memorial service for Dr. Martin Luther King Jr. During the violence that erupted, Chavis and his associates (nine black and one white) took shelter in a Wilmington church that was attacked by white supremacists, including members of the Klan and Leroy Gibson's Rights of White People. Afterwards, Chavis and his associates were arrested and charged with firebombing a grocery store and shooting at police officers. They were sentenced to a collective total of 282 years. The case was overturned in federal court in 1980, after Amnesty International took up the case of the Wilmington 10 as political prisoners. The court found that the State had illegally withheld material exculpatory evidence and that the trial court had denied the defendants their constitutional rights to confront witnesses against them by improperly restricting the cross-examination of the State's main witnesses.
- <sup>95</sup> The case aroused widespread controversy among civil and human rights activists throughout the state, nation and even internationally.
- <sup>96</sup> In GTRC files.
- <sup>97</sup> "RCP Press Conference," 7 November 1979, in GTRC files; Letter dated 11 Sept 1979, printed in the *Revolutionary Worker*, 9 November 1979, 4 (on file at GTRC). We have not been able to authenticate this letter as being indeed from Covington.
- 98 ATF SA Lazar, "Report to SAC Charlotte, Re: Harold A. Covington," to SAC Charlotte, 3 October 1979.
- <sup>99</sup> Robert Fulton Dukes Deposition, *Waller* (20 December 1984), 254-256; Bernard Butkovich Deposition, *Waller* (17-18 July 1984), 71.
- 100 Now deceased.
- <sup>101</sup>Bogaty did not report this conversation until after Nov 3: SA Leonard Bogaty Memo to the SAC Charlotte (44-3527), (20 November 1979), on file at GTRC; Declaration of Special Agent Leonard Bogaty, *Waller* (14 June 1984), 1. In Dawson's Pre-Grand Jury Interview, he alludes to not knowing differently and having to call GPD See Edward Dawson, Pre-Grand Jury Interview with Department of Justice Attorney Michael Johnson and FBI SA Thomas Brereton, Winston Salem (22 June 1982), 29.
- 102 Now deceased.
- <sup>103</sup> FBI SA Brereton, "Greenkil Report: Civil Rights," to US Attorney, Greensboro 44-81521, FD-204 (no date), 8-9.
- <sup>104</sup> Virgil Griffin, statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 16 July 2005.
- <sup>105</sup> Gastonia reporter Joel Graves, statement to GPD (29 January 1980), 1. Griffin reportedly privately denied to Graves that he made this statement, but upon hearing that it had been recorded declined to do so formally. In his civil testimony, Griffin admitted that in numerous public rallies he had made the statement that "if a white woman were raped and killed, (by a black man) they should find a hundred dead niggers in the street the next day." Griffin Testimony, *Waller* (10 April 1985), 46.
- <sup>106</sup> Edward Dawson Deposition, *Waller* (13 June 1984), 315-317; IAD DC Williams, Transcript of interview with Detective Jerry Cooper (20 November 1979), 6; Jerry Cooper Deposition, *Waller* (25 June 1984), 62-63); IAD DC Williams, "Incident at Everitt St and Carver Dr, Nov 3, 1979," interview of R.L.Talbott (20 November 1979), 3; RL Talbott Deposition, *Waller* (1 November 1984), 115.

- <sup>107</sup> Edward Dawson Deposition, Waller (13 June 1984), 323.
- <sup>108</sup> FBI SA Brereton, "Greenkil Report: Civil Rights," to US Attorney, Greensboro 44-81521, FD-204 (no date), 9.
- <sup>109</sup> Lisford Carl Nappier Testimony, *Griffin* (1 February 1984),.
- <sup>110</sup> Dawson Deposition, *Waller* (13 June 1984), 348. However, Sgt. Melton, Cooper's squad supervisor, recalled in his deposition, "The best that I remember, Cooper came to me and told me he was going to try to contact Dawson because he (Dawson) had been an informant for the FBI while he was involved with the Klan. He (Cooper) was going to contact him to see what he (Dawson) could do for us." Melton Deposition, *Waller* (30 October 1984), 61.
- <sup>111</sup> Dawson Deposition, Waller (13 June 1984), 324, 386, 391.
- <sup>112</sup> Dawson Deposition, *Waller* (13 June 1984), 348; Cooper Deposition, *Waller* (25 June 1984), 20. Although Det. Cooper puts this first meeting around Oct 11, SA Bogaty recalls being called by Dawson around this time to confirm Cooper's reliability. Declaration of Special Agent Leonard Bogaty, *Waller* (14 June 1984), 1; FBI SA (redacted), "Memo on Subject: Greenkil." to SAC Charlotte 44-3527. 20 November 1979.
- <sup>113</sup> Dawson Deposition, Waller (13 June 1984), 348.
- <sup>114</sup> IAD DC Williams, Transcript of interview with Detective Jerry Cooper, 20 November 1979, 2-3, Dawson volunteered to go there and bring back information, they advised about arrest if disruption, Dawson met with them after RCP meeting to give information and was paid; Robert L. Talbott Deposition, *Waller* (1 November 1984), 104: Cooper Deposition, *Waller* (25 June 1984), 18-19, 23, 31.
- <sup>115</sup> GPD Chief Swing, "An Administrative Report," 19 November 1979, 2.
- <sup>116</sup> Maurice Cawn Deposition, Waller (14 August 1984), 29.
- <sup>117</sup> Larry Gibson Testimony, *Griffin* (9 February 1984), 7-14.
- <sup>118</sup> *Ibid.* See also Chief of Police William Swing, "An Administrative Report of the Anti-Klan Rally, Greensboro, NC, Nov 3, 1979," Greensboro (19 November 1979), 7. Other police documents put the receipt of this flier at Oct 20, which seems impossible since that would be the day after Johnson had applied for the permit with Gibson, IAD Planning Memo: IAD DC Williams, "Planning Activities for the Anti-Klan March Scheduled November 3, 1979" (7 December 1979), submitted by Internal Affairs Division Commanding Officer, Capt. DC Williams, 2.
- 119 Workers Viewpoint Organization flier, copy in GTRC files.
- <sup>120</sup> Cooper Deposition, Waller (25 June 1984), 18-19.
- <sup>121</sup> B.L. Thomas Grand Jury Testimony (26 August 1982), 14, 93; IAD DC Williams, "Incident at Everitt St and Carver Dr, Nov 3, 1979," interview of R.L.Talbott (20 November 1979), (20 November 1979), 2.
- <sup>122</sup> B.L. Thomas Grand Jury Testimony (26 August 1982), 10.
- <sup>123</sup> City of Greensboro Police Department, "Police Chronology of Events," (28 February 1980), 23.
- <sup>124</sup> B.L. Thomas Grand Jury Testimony (26 August 1982), 20.
- <sup>125</sup> Cooper Deposition, Waller (25 June 1984), 43; Talbott Deposition, Waller (1 November 1984), 112.
- <sup>126</sup> Thomas Grand Jury testimony (26 August 1982), 107.
- <sup>127</sup> IAD DC Williams, "Planning Activities for the Anti-Klan March Scheduled November 3, 1979" to GPD Chief Swing (7 December 1979), 1; Nelson Johnson, statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 26 August 2005; GPD, "Application for Parade Permit," witnessed and signed by Capt L Gibson, 19 October 1979.
- <sup>128</sup> Gibson said that as far as he knew, these restrictions as a condition of a parade permit were unprecedented (Larry Gibson Grand Jury Testimony (23 August 1982), 10) even for Nelson Johnson, who had requested and received numerous permits in the years since 1969. See also William Swing Grand Jury Testimony (17 August 1982), 73. Gibson also recalled that it was sheer coincidence that he was the one who took the application because their small staff were all in the field dealing with motor vehicle accidents. Gibson said he had never taken an application before or since. (Gibson, interview with the GTRC, 5 May 2006).
- <sup>129</sup> Gibson Grand Jury Testimony (23 August 1982), 13
- <sup>130</sup> Nelson Johnson, statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 26 August 2005.
- <sup>131</sup> Gibson Federal Grand Jury testimony (August 23, 1982), 30-31.
- <sup>132</sup> Nelson Johnson Testimony, Waller (no date given on transcript), 91-92.
- <sup>133</sup> Larry Gibson, interview with the *Greensboro Truth and Reconciliation Commission*, 5 May 2006.
- <sup>134</sup> IAD DC Williams, "Incident at Everitt St and Carver Dr, Nov 3, 1979," interview of R.L.Talbott (20 November 1979), 2; IAD DC Williams, "Planning Activities for the Anti-Klan March Scheduled November 3, 1979" to GPD Chief Swing (7 December 1979), 3 (hereinafter referred to as IAD Planning Memo).
- <sup>135</sup> IAD interview of Talbott, (20 November 1979), 2; Talbott Deposition, Waller (1 November 1984), 180.

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<sup>136</sup> IAD Planning Memo (7 December 1979), 2; FBI interview of Sgt W.D.Comer (28 November 1979), 1-2.
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- <sup>137</sup> Comer, FI interview 20 November 1979), 3.
- <sup>138</sup> IAD Planning Memo (7 December 1979), 3.
- <sup>139</sup> FBI interview of Sgt W.D.Comer (28 November 1979), 1-2.
- <sup>140</sup> S.N. Ford Deposition, *Waller* (19 July 1984), 69
- <sup>141</sup> *Ibid*. Ford also told GPD Capt. Jenkins that "there might be violence." Ford said he didn't explain further but Jenkins seemed to understand. (*Ibid*, 64).
- <sup>142</sup> IAD DC Williams interview of Det. Cooper (20 November 1979), 7-8; Cooper Deposition, *Waller* (25 June 1984), 117-118.
- <sup>143</sup> Summary ("302") of FBI SA Lowe and SA Beckwith interview of R.L.Talbott (28 November 1979), 3. Talbott denies this characterization of his statement.
- <sup>144</sup> IAD Planning Memo (7 December 1979), 3; FBI interview of Comer (28 November 1979), 2.
- <sup>145</sup> GPD, "Police Chronology of Events," (28 February 1980), 30.
- <sup>146</sup> GPD, "Police Chronology of Events," (28 February 1980), 31.
- <sup>147</sup> GPD, "Police Chronology of Events," (28 February 1980), 20, 31-33; GPD Fuller and Warrant, Statements of L.C.Nappier (3 November 1979), 2, 19, 22; GPD Fuller and FBI Phillips, Statement of D. Matthews (3 November 1979), 2-3; GPD Warrant and FBI Brereton, Statement of T.Hartsoe (3 November 1979), 2.
- <sup>148</sup> GPD, Statement of Nappier (3 November 1979), 21-22.
- <sup>149</sup> GPD, Statement of Hartsoe (3 November 1979), 1.
- <sup>150</sup> *Ibid*.
- <sup>151</sup> GPD Fuller and FBI Phillips, Statement of D. Matthews (3 November 1979), 3.
- <sup>152</sup> IAD interview of Sgt T.L.Burke (3 June 1980), 2. Burke also said he attempted to communicate this to the ATF but his call was not returned.
- <sup>153</sup> "GPD Account of Handling of Parade Permit," Plaintiff's Exhibit p-400, in *Waller v. Butkovich* (C-80-605-G), page 4.
- <sup>154</sup> IAD Planning Memo (7 December 1979), 3.
- 155 IAD interview of Cooper (20 November 1979), 3-4
- <sup>156</sup> IAD Planning Memo (7 December 1979), 3.
- <sup>157</sup> Gibson, interview with the Greensboro Truth and Reconciliation Commission, 5 May 2006.
- <sup>158</sup> FBI interview of Comer (28 November 1979), 3.
- <sup>159</sup> IAD Planning Memo (7 December 1979), 4.
- <sup>160</sup> FBI interview of Comer (28 November 1979), 2; IAD Planning Memo (7 December 1979), 4.
- <sup>161</sup> Comer Depositon, Waller v. Butkovich (27 June 1984), 31
- <sup>162</sup> "GPD Account of Handling of Parade Permit," Plaintiff's Exhibit p-400, in *Waller v. Butkovich* (C-80-605-G), 3-4.
- <sup>163</sup> Nelson Johnson, statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 26 August 2005.
- <sup>164</sup> "Defendant John C. Westra's Response to Plaintiffs' Interrogatories," Waller (12 July 1984), 1.
- <sup>165</sup> Butkovich Testimony, *Waller* (9 May 1985), 308-310, (cites a sworn affidavit, page 16 paragraph 46). See also Fulton Dukes Deposition, *Waller* (20 December 1984), 202-203.
- <sup>166</sup> IAD Planning Memo (7 December 1979), 4.
- <sup>167</sup> There is dispute in the exact number discussed. See IAD Planning Memo (7 December 1979), 5. (see subsequent chapter on IAD investigation) Since Thomas was the one to convey this information we accept his recollection that the number discussed was 80 North Carolina Klansmen and an unknown number of Nazis and out or state Klansmen, see B.L Thomas Grand Jury Testimony (26 August 1982), 32-33. Thomas got this number from Talbott's reports of his conversations with Dawson. Talbott also recalls Dawson mentioning the number 85 Klansmen, see IAD interview of Talbott (20 November 1979), 2.
- <sup>168</sup> IAD Planning Memo (7 December 1979), 6; GPD "Staff Meeting Minutes," 9:30am, 1 November 79; IAD DC Williams interview of Lt Col W.A. Burch (30 November 1979), 3.
- <sup>169</sup> IAD Planning Memo (7 December 1979), 5-6.
- <sup>170</sup> IAD Planning Memo (7 December 1979), 6.
- <sup>171</sup> Cawn Deposition, Waller (14 August 1984), 53.
- <sup>172</sup> IAD Planning Memo (7 December 1979), 6
- <sup>173</sup> Gibson, interview with the GTRC, 5 May 2006.
- <sup>174</sup> IAD Planning Memo (7 December 1979), 7
- <sup>175</sup> Capt. Thomas also asked Det. Belvin if he has any local contacts who could act as informants inside the

march. Thomas, Deposition *Waller v. Butkovch*, 109-110, 118. Henry Byrd gave a statement on the evening of Nov.3 about having witnessed the shooting because he happened to be in the neighborhood taking his son for a haircut (although he lived on the other side of town). Byrd, GPD statement (3 November 1979). Byrd later told the Federal Grand Jury that Belvin had asked him to infiltrate the march, which Belvin denied. Byrd was later convicted of perjury for this and other claims he made about criminal behavior in the police department. Byrd Trial Transcript, US v Byrd (21 June 1983), 938-940.

- <sup>176</sup> IAD Planning Memo (7 December 1979), 8
- <sup>177</sup> IAD Planning Memo (7 December 1979), 6.
- <sup>178</sup> Gibson Grand Jury Testimony (23 August 1982), 30.
- <sup>179</sup> IAD Planning Memo (7 December 1979), 5.
- <sup>180</sup> Nelson Johnson, interview with the *Greensboro Truth and Reconciliation Commission*, 16 August 2005;
- "GPD Account of Handling of Parade Permit," Plaintiff's Exhibit p-400, in Waller v. Butkovich (C-80-605-G),
- 5; Hampton, FBI interview (29 November 1979), 4; IAD Planning Memo (7 December 1979), 9; IAD DC Williams, "Summary Report Incident at Everitt and Carver Street," to Chief Swing (6 November 1979), 1.
- <sup>181</sup> Hampton Federal Grand Jury Testimony (24 August 1982), 23.
- <sup>182</sup> Workers Viewpoint Organization, "Death to the Klan' March and Conference Calls Out Klan's Secret Supporters," 1 November 1979.
- <sup>183</sup> Now deceased.
- <sup>184</sup> Nelson Johnson, statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 26 August 2005.
- <sup>185</sup> Gibson, interview with GTRC, 5 May 2006.
- <sup>186</sup> IAD Planning Memo (7 December 1979), 8. NOTE that Burke was not in the planning meeting later that afternoon at 4:30 but in this report is reported as being in the Department. If that is so, it is not clear why he did not attend the afternoon planning meeting since he was the leader of one of the tactical units tasked with parade security.
- <sup>187</sup> Furman Melton Deposition, Waller (13 October 1984), 89.
- <sup>188</sup> Transcription of Eddie Dawson Interview, with Emily Mann and Mark Wing-Davy, Greensboro NC, (November 1994), 30. We have been unable to corroborate in any of Dawson's sworn statements that he made such a statement to Warren, and Cawn denies ever hearing about this statement from Warren, which was provocative enough to not be easily forgotten. Cawn Deposition, *Waller* (14 August 1984), 93.
- <sup>189</sup> Cooper Deposition, *Waller* (25 June 1984), 67-68.
- <sup>190</sup> Dawson Deposition Waller (13 June 1984) 493.
- <sup>191</sup> Cooper Deposition, Waller (25 June 1984), 147; IAD interview of Cooper (20 November 1979), 4.
- <sup>192</sup> IAD interview of Talbott (20 November 1979), 4.
- 193 Gibson Testimony, Griffin (9 February 1984), 49; Gibson Deposition, Waller (26 June 1984), 91.
- <sup>194</sup> Gibson Grand Jury Testimony (23 August 1982), 27; Larry Gibson, interview with the *Greensboro Truth and Reconciliation Commission*, (5 May 2006).
- <sup>195</sup> Gibson Testimony, Griffin, (February 9, 1984), 28.
- <sup>196</sup> Gibson Grand Jury Testimony (23 August 1982), 29-30; Gibson reiterated this view in his interview with the GTRC, 5 May 2006. See also Nelson Johnson, interview before the Greensboro, NC, *Citizens Review Committee* (10 March 1980), 38.
- <sup>197</sup> IAD Planning Memo (7 December 1979), 4.
- <sup>198</sup> The police reports make no specific mention that Burke was off duty or absent from these meetings but he is not listed among those in attendance and no other officers recall his presence. See FN 181 above.
- <sup>199</sup> IAD Planning Memo (7 December 1979), 9. Another document, the IAD DC Williams, "Summary Report Incident at Everitt and Carver Street," to Chief Swing (6 November 1979), 5, says the second group was going to be at Lincoln Junior High and would move to Freeman Mill and Terrell Street..
- <sup>200</sup> IAD Planning Memo (7 December 1979), 9; "Answers of Defendant Hampton to Plaintiffs' Interrogatories," *Waller* (23 July 1984), 2; "Answers of Defendant Daughtry to Plaintiffs' Interrogatories," *Waller* (5 July 1984), 2; Gibson Deposition (on cross examination), *Waller* (26 June 1984), 92-93; Spoon Deposition, *Waller* (14 August 1984), 19.
- <sup>201</sup> Burke IAD interview 29 November 1979, 4. Burke does not appear to have been in attendance at this meeting, although Hampton and Gibson were in attendance and had been in the earlier meeting that morning where this gun was discussed.
- <sup>202</sup> FBI interview of Comer (28 November 1979), 5. Spoon denies in his deposition that there was any discussion of guns. (Deposition *Waller v. Butkovich*, 14 August 1984, 41)

## Planning for and sequence of November 3, 1979

- <sup>203</sup> Workers Viewpoint Organization, "Death to the Klan Promote Armed Self-Defense of the Community."
- <sup>204</sup> Textile worker and former WVO member, confidential interview with the *Greensboro Truth and Reconciliation Commission*, 24 May 2005.
- <sup>205</sup> Liz Wilderman, interview with *Greensboro Truth and Reconciliation Commission*, 14 May 2005.
- <sup>206</sup> Nelson Johnson, interview with *Greensboro Truth and Reconciliation Commission*, 12 August 2005
- <sup>207</sup> Roland Wood, interview with the *Greensboro Truth and Reconciliation Commission*, 7 December 2005.
- <sup>208</sup> Butkovich Testimony, *Waller v. Butkovich* (10 May 1985), 249; Plea Bargain "Statement of Mark J. Sherer," (10 March 1983), 2, signed by Daniel L. Bell II, U.S. Dept of Justice Attorney, witnessed by FBI Thomas Brereton, 1-2, confirms he and Smith had been experimenting with pipe bombs and Smith wanted to make more.
- <sup>209</sup> Gorrell Pierce, statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 16 July 2005
- <sup>210</sup> Roland Wood, interview with the *Greensboro Truth and Reconciliation Commission*, 7 December 2005.
- <sup>211</sup> Butkovich Deposition, Waller (17-18 July 1984), 342.
- <sup>212</sup> Fulton Dukes Deposition, Waller (20 December 1984), 177-79.
- <sup>213</sup> Fulton Dukes Deposition, Waller (20 December 1984), 88.
- <sup>214</sup> GPD Belvin and FBI Alznauer, Statement of R. Wood (no date), 23; also referenced in GPD Belvin and FBI Brereton, interview of R.W. Wood on 4 November 1979, page 4.
- <sup>215</sup> GPD Belvin and FBI Brereton, interview of R.W. Wood on 4 November 1979, page 4; Chris Benson Testimony, *Griffin* (7 February 1984), 55 recalls Smith's words as "I'll kill you, son of a bitch."
- <sup>216</sup> GPD Belvin and FBI Brereton, interview of R. Wood (6 November 1979), 4.
- <sup>217</sup> Chris Benson Testimony, *Waller* (7 February 1984), 60.



**Greensboro Truth and Reconciliation Commission Final Report** 

# Sequence of events on Nov. 3, 1979 Chapter



# **Preparations**

At 6:00 a.m. on the morning of Nov. 3, Sgt. Comer held the morning line-up briefing with the regular patrol officers and those who were assigned to the march, Officers T.R. Johnson and J.T. Williams. Comer, who had been briefed by Lt. Spoon on the latest intelligence and parade coverage plans, gave everyone their assignments. They discussed the low-profile approach to the march, and that the Klan and Nazis would probably be coming to heckle and throw eggs. He said that the Klan and Nazis might have guns, and that Officers Williams and Johnson should be ready for trouble. Comer asked his two officers to be at Everitt and Carver at 11:30.

Meanwhile, Nazis and Klansmen and women began converging at Brent Fletcher's house on Randleman Road, on the outskirts of Greensboro. Klansman Lawrence Morgan drove his yellow van from Lincolnton, picking up Billy Franklin, Harold Flowers,<sup>3</sup> Roy Toney, Michael Clinton, Chris Benson, Mark Sherer, Grady Hoppes, Roy Splawn and Lee McClain. On the way, they stopped to buy seven dozen eggs to throw at the Communists<sup>4</sup> and talked about "getting into some fistfights" in Greensboro.<sup>5</sup> In Winston-Salem, 16 year-old Claude McBride rode with his stepfather Milano Caudle<sup>6</sup> and other Nazi party members Jack Fowler, Roland Wood, and Charles Finley in Caudle's blue Ford Fairlane. McBride said he had a "vague idea that there was going to be a fistfight in Greensboro and that his stepfather had planned it."<sup>7</sup>

At around 8:30 a.m., GPD informant Eddie Dawson called Det. Cooper from home to tell him Griffin and two of his Klansmen had arrived in Greensboro and that he had seen that they had brought at least two handguns.<sup>8</sup> Around 9:00 a.m., Cooper called Sgt. Burke and asked him to go along to Fletcher's house to write down license plate numbers of the approximately 10 cars assembled.<sup>9</sup> Burke said while they were there someone in the house appeared in the door and looked out at them.<sup>10</sup> Virgil Griffin later said he saw what he assumed was an unmarked police car driving back and forth in front of the house.<sup>11</sup>

Capt. Thomas said Cooper called to update him sometime that morning, including information that there were guns at Fletcher's house. Upon receiving this information, however, rather than remaining where he could be contacted or notify any other key officers, Thomas left home to take his son for a haircut, without taking his hand radio. <sup>12</sup> Cooper denies making this call and denies having any direct information about guns being loaded into the cars. <sup>13</sup> However, Lt. Talbott, who left town to go to the beach on Friday Nov. 2 and returned on Sunday Nov. 4, recalled that he heard, although he did not recall whether from Thomas or Cooper, that Cooper had directly observed guns being loaded into cars. <sup>14</sup>

Meanwhile, Lt. Spoon arrived at 9:00 a.m. at All Nations Pentecostal Holiness Church to check for bombs, as instructed by Capt. Hampton at the Nov. 1 meeting. However, when he arrived at the church, Spoon found it locked.<sup>15</sup> The church was originally to be the site of the conference at the termination point of the parade, but Nelson Johnson had announced at this press conference on Nov.1 in front of the police department that the pastor had pulled out of that agreement. Spoon left the church and went back to the police station, but we have seen no evidence that he mentioned anything about his failure to check for bombs at the tactical briefing.

At 10:00 a.m., tactical units reported for their line-up briefing. Sgt. Comer was not present because he was already headed toward the parade starting point to look for Nelson Johnson, as instructed by Spoon and pre-arranged with Johnson by Hampton. <sup>16</sup> Comer, who was in charge of the patrol officers

coverage of the parade, was never informed of the 10:00 meeting, nor have we seen any evidence that he communicated to the tactical units what he would consider a reason to call for tactical back up.

In the briefing, Cooper said he talked for only about five minutes about the latest intelligence: about a dozen Klansmen and Nazis were already assembling on the outskirts of town and planned to heckle and throw eggs, and they had guns. They expected any trouble to be at the end of the march.<sup>17</sup> He advised that there was a person at the Klan assembly point known to carry large caliber weapons, and that he was "a hot head with a short fuse." This was Klan leader Virgil Griffin, whose car was among those whose plates had been run by Cooper earlier that morning.<sup>18</sup> Cooper said he left the meeting after relating that information.

Spoon said he and Police Attorney Maurice Cawn arrived a few minutes late to line up and so he did not hear any discussion about guns. Nonetheless, he would have learned at earlier meetings that guns had been discussed and that there was a rumor that one of the Nazis coming to disrupt the march might have a machine gun. <sup>19</sup> Cawn, in contrast, recalled that he and Spoon arrived just as, or even before, Cooper began speaking, and were in fact present for the discussion of the presence of guns at the Klan/Nazi assembly point. <sup>20</sup>

# **Demonstrators** gather for the parade

Meanwhile, at Windsor Center and Morningside Homes, preparations for the parade were beginning. A autumn foggy morning was turning into a sunny fall day as people began to gather at Carver and Everitt. Some were there for the parade, others were there in preparation for a wedding reception to be held that day at the neighborhood community center also at the same intersection. Some WVO/CWP members attached signs proclaiming "Death to the Klan" and "Celebrate the Founding of the Communist Workers Party" to sticks they had painstakingly cut down to the required 2X2 size and stacked in the back of demonstrator Tom Clark's pickup, parked in the middle of the intersection. <sup>22</sup> Nelson Johnson recalled,

By the time I arrived at Carver and Everitt Streets, the beginning point of the march, around 10:00 A.M., the sun had broken through the fog as a bright warm day was emerging. I was among the early arrivals. Shortly after I arrived, the sound truck arrived. People started to attach the speakers on the flatbed truck... That morning I went back and forth between Morningside Homes and several blocks over to Windsor Community Center, checking with people on how the preparations were going. Everything looked great.

At approximately 11:20, I was waiting at Morningside homes to meet Lt. Trevor Hampton, with whom I had had a brief meeting in the hallway of the police department on November 1<sup>st</sup>... <sup>23</sup>

Although there was a restriction against possession of firearms as a condition of the permit, it was, as Nelson Johnson put it, a "compromise" to those who had security concerns that a few "marshals" had weapons:

- Tom Clark had a 12-gauge pump shotgun;
- Dori Blitz had .3-caliber handgun given to her by Jim Waller;
- Claire Butler had a .357-caliber Magnum handgun;
- Frankie Powell had a tiny two-shot Derringer .38-caliber handgun;
- Bill Sampson had a .38-caliber handgun and had several long guns in cases locked in his car.<sup>24</sup>
- Other demonstrators had billy clubs and sticks of firewood.<sup>25</sup>

In addition, some marchers were wearing hard hats and GPD physical evidence inventory showed that at least one of the male shooting victims was wearing an athletic protector.

Earlier that morning, Jim Waller had pulled fellow-WVO/CWP member Dori Blitz aside. He said that he wasn't concerned about the security of the march, but that "all it would take was one crazy person to disrupt it." Because the parade had to march under a number of overpasses, Waller was concerned about the possibility of a sniper and he wanted Dori to carry his pistol and defend the march if necessary. Blitz said she would but, "I didn't think much of it because I was so sure nothing would happen." She didn't even know how to fire it but he showed her how and loaned her a yellow raincoat so she could put the gun in the pocket. Blitz said that he thought Waller had chosen her because he thought she was "clear-headed in tough situations." <sup>26</sup>

Media had begun to arrive a little after 10 a.m. because they were expecting the parade to start at 11 a.m. according to the fliers distributed to newsrooms. The journalists went to Windsor Center because that was the location on the flier they had received, and from there were directed by WVO/CWP members to Everitt and Carver.<sup>27</sup> One reporter recalled that one of the demonstrators told her to go to Carver and Everitt, "but don't tell the cops." <sup>28</sup>

One of the key points of argument about the alleged GPD confusion about the location of the starting point of the march revolves around the failure of Sgt Comer to locate a crowd of demonstrators at Everitt and Carver. Around 10:15 a.m., Sgt. Comer reported that he went to Everitt and Carver but couldn't find Nelson Johnson and didn't see any sign of a group gathering.<sup>29</sup> Comer and Officer Williams said they did not know what Nelson Johnson looked like,<sup>30</sup> however Officer Johnson disputed this, saying he did and just about everyone in the police department did because Nelson Johnson was always on TV "doing this or that."<sup>31</sup>

Comer said in his deposition that his patrol officers Johnson and Williams also had been in Morningside before 10:30.<sup>32</sup> Between 10:10 and 10:30 a.m., one of the marchers at Everitt and Carver did recall seeing an empty police car near Everitt and Carver.<sup>33</sup> There are no reports of anyone seeing any uniformed officers at Everitt and Carver at that time. Further, one marcher said he/she arrived at 10:30 and was one of the first to arrive.<sup>34</sup> Most other demonstrators said they arrived between 10:45 and 11:00.

Although it is possible that there was not a sizable crowd at Everitt and Carver when Comer arrived to look for Johnson, Comer was more than an hour ahead of the time Hampton had stipulated. Further, marked media cars started arriving between 10:00 and 10:30 and Comer should have seen them. For example, Elizabeth Slade, a Morningside resident, was passing though and not looking for any sign of a march but reported that she saw a Channel 2 news car on Everitt when she drove past between 10:00 and 10:30.<sup>35</sup>

At 10:36 a.m., after leaving Morningside, Comer and Williams went to Windsor Center to look for Johnson and were confronted by a crowd of angry marchers shouting anti-police chants and refusing to speak to them.<sup>36</sup> Recalled Williams,

I approached Ms. Cannon and I asked her – I said, "Is Nelson Johnson here?" And then she just started screaming in my ear – she just put the megaphone to my ear and she started screaming, "Death to the Klan, death to the pigs.<sup>37</sup>

Willena Cannon recalled confronting the police at Windsor,

I went to Windsor Center along with Joyce Johnson, to welcome marchers that was

coming from the Raleigh-Durham area, from Chapel Hill. And we were singing and waiting for the marchers to come by, and we planned to join in with them. But meanwhile, people from Chapel Hill would come straight down to Windsor Center and would not get lost.

While we was there, the police came. And after being harassed for three weeks... once I saw him come, I said something like, "You know where you are supposed to be; just go on in and don't bother me." 'Cause I had actually had enough. So I want to put that out. I knew they knew where the march was gonna start. They had a permit. There was a group of people to meet with some of the CWP and marchers who weren't CWP, to meet with them and talk about how this was going to be carried out. So it wasn't a matter of the police asking me for directions. For me it was another opportunity to do some harassing, so I did say that.

Comer decided that because there were in his estimation some 40-50 people gathered at Windsor, that must be the starting point. Comer left Windsor, and radioed Officer Johnson and told him to meet him at Washington School, where he instructed Officer Johnson to stay "a brick's distance" from the rear of the parade to avoid confrontation with the WVO/CWP.<sup>38</sup> Comer then radioed Spoon to tell him he hadn't found Nelson Johnson. Spoon told him to "go back and look again." Spoon said he assumed Comer would return to Carver and Everitt,<sup>39</sup> while Comer said because he had just told Spoon he had checked Windsor, he assumed Spoon meant for Comer to return there<sup>40</sup>. Rather than asking Williams to meet him at or near Carver and Everitt, this is the first of two meetings Comer called at Washington School with Officer Williams. The second meeting occurred from 10:52 until 11 a.m., when there was already a recognizable crowd gathered at Carver and Everitt.

By 10:30 a.m., some 35 Klansmen and women and Nazis had gathered at Fletcher's house.<sup>41</sup> The following people are known to have brought guns:

- Virgil Griffin (.25-caliber semi-automatic handgun);
- Jerry Paul Smith (.22 –caliber rifle);
- Roland Wood (12-gauge pump shotgun);
- Milano Caudle (.357-caliber Magnum handgun and an AR 180 semiautomatic rifle);
- Terry Hartsoe (12-gauge single-action shotgun);
- David Matthews (two 12 gauge pump shotguns);
- Mark Sherer (.22-caliber rifle and .44 handgun);
- Coleman Pridmore (.32-caliber handgun); and
- Beulah Taylor (.25-caliber semi-automatic handgun).
- In addition, there were nunchucks, hunting knives, brass knuckles, ax handles and other clubs, chains, tear gas and mace. 42

Several at the house report that Milano Caudle had a military machine gun that he was showing to everyone and telling them he could get them one for \$280.43\_

Dawson claimed he left Fletcher's house and made a second call to Cooper around 10 a.m. to report more people and guns at the house.<sup>44</sup> Cooper, however, denies receiving this call.<sup>45</sup> Two Klansmen independently reported that Dawson was not at Fletcher's house when they arrived around 10:00 but showed up shortly after. <sup>46</sup> Griffin said around this time, someone came in and told them the rally point was no longer at All Nations Church.<sup>47</sup>

The Klansmen and Nazis began to discuss where the location of their "picket" should be. Dawson got out the permit with the parade route and fellow Klansman and Greensboro resident James Buck traced it

on a map. 48 They decided not to have their "picket" in any of the black neighborhoods, but instead near South Elm because Buck said he drank beer in the Texaco there sometimes and "if a fight broke out we could get some help from there."49

They agreed that they would ride by the assembly point to heckle the marchers and "recon" how many are there.<sup>50</sup> Hartsoe recalled that "there was talk at the house about if the Communists give us trouble we would fight back ... We would try to talk them down, but if they want a fight, we'll give 'em one ... I would kill someone if they gave me trouble."<sup>51</sup> Smith recalled that there were two people talking at the table, one said no guns and the other said he didn't give a shit.<sup>52</sup> When police and FBI agent Brereton, who later interviewed Smith, tried to get him to identify those two men, Smith refused because he said they will surely kill his children and the police won't be able to protect him.<sup>53</sup>

As they prepared to leave, Wood talked about using a tear gas grenade, but Dawson told him the streets are too narrow. Mark Sherer said it was discussed that they should roll up the windows when the tear gas grenade was thrown. Wood confirmed he had such a grenade, which he said he got from Ft Bragg. Fletcher recalled that some people in the caravan said they were going to "kick some goddamn nigger ass." Nappier said that, upon leaving the house, "I think it was well understood that we would give 'em a good fight ... but I assumed that we would use sticks." Benson said when they got ready to get into their cars, Dawson told them that when they got there they should "do their own thing" and that Grifin said "if anyone jumps on you, fight back." FBI agent Brereton's report concluded, "the mood among the assembled Klansmen and Nazis was hostile and that they expected a violent street-fight. Further, they expected that their mere presence would provoke such a confrontation." Mark Sherer recalled, "By the time the Klan caravan left Fletcher's house, it was generally understood that our plan was to provoke the Communists and blacks into fighting and to be sure that when the fighting broke out the Klan and the Nazis would win. We were prepared to win any physical confrontation between the two sides."

Meanwhile, back at police headquarters, the tactical unit briefing ended shortly after 10:30. Daughtry said that because he was not sure how long they would be on duty, he told all the men they could go get something to eat and to be in their positions by 11:30.<sup>62</sup>

Just before 11:00 a.m., Patrol Officers April Wise and L.S. Cundiff responded to a domestic disturbance call at 801-H Dunbar, just a few doors down from the intersection of Everitt and Carver. Wise said that while they were there, they received a radio call from Communications asking "how soon before we would clear the area." They responded they would clear in five minutes, and were told to clear as soon as possible.<sup>63</sup> From their morning briefing with Comer, Wise and Cundiff were aware that the parade was to be forming in Morningside. So Wise said that after their call, she and Cundiff went down to "see how the group was forming" at Carver and Everitt and saw 20-30 people gathered there.<sup>64</sup>

At about the same time, at Brent Fletcher's house, Dawson began "rushing" the Klansmen and Nazis to leave the house<sup>65</sup> He told them to load up the cars so there are as few as possible.<sup>66</sup> When Mark Sherer got in the truck, he had a "civil war type" powder pistol in his hand.<sup>67</sup> Terry Hartsoe got into the van carrying his shotguns and David Matthews brought two shotguns and a pistol.<sup>68</sup>

Nazi Jack Fowler and Milano Caudle's stepson Claude McBride had taken Caudle's Fairlane and gone to get sandwiches. The caravan vehicles left the house without them. However, when they pulled out onto Randleman Road to head toward Interstate 85, they passed the Fairlane heading in the opposite direction. The caravan pulled onto the curb on the I-85 on-ramp and waited for the Fairlane to join them.

## Caravan<sup>69</sup>

Car No. 1: Buck's Pickup

Jim Buck

Eddie Dawson

Car No. 2: Station Wagon

Jerry Hatcher

Glenn Miller

Charles Finley

Milano Caudle

Car No. 3: Fletcher's Green Sedan

Brent Fletcher

Bobby Bradshaw

Harry Hayes

Timothy Rockett

Car No. 4: Tan Pickup

Grady Hoppes

Roy Splawn

Mark Sherer

Car No. 5: Griffin's White Buick

Chris Benson

Ruby Sweet

Barbara Ledford

Lee McClain

Renee Hartsoe

Carl Nappier

Car No. 6: Harris' White LTD

John Harris

Charles Palmer

Virgil Griffin

Morningside resident Elizabeth Slade and Frankie Drummond (in a brown pickup) inadvertently joined the caravan as it turned onto Everitt. (see below)

Car No. 7: H. Matthew's Black Pick up

Horace Matthews

Beulah Taylor

Car No. 8: Caudle's Blue Fairlane

Jack Fowler

Claude McBride

Car No. 9: Morgan's Yellow Van

Lawrence Morgan

Terry Hartsoe

Jerry Paul Smith

Johnny Pridmore

## Planning for and sequence of November 3, 1979

Billy Franklin Jerry Hatcher Roland Wood David Matthews Harold Flowers Michael Clinton Roy Toney

(See map of Greensboro in annex)

# The caravan heads toward Morningside

At the corner of Everitt and Carver around 11 a.m., demonstrators were taping signs onto the flatbed sound truck. An effigy of a Klansman with a noose around his neck and a sign that said "KKK Scum" was held by demonstrator Jim Carthen, while some neighborhood kids in football uniforms on the way to team practice and Percy Sims, who was visiting relatives in the neighborhood, punched it. Paul Bermanzohn walked around with a clipboard, checking the arrangements. Several news teams had arrived by then and neighborhood kids mugged for the cameras. Demonstrator Tom Clark played the guitar and people sang re-styled protest songs, "Death to the Ku Klux Klan, we shall not be moved...", and "Woke up this morning with my mind set to build the Party..." Signe Waller and other WVO/CWP members were handing out the *Workers Viewpoint* newsletter and discussing the Party's ideas with local residents. "The Klan works together with the capitalists—the Cones, the Dukes..." "And the Communists," added a confused Sims, who later said he had been drinking that morning. Waller corrected him, "No, we're Communists. And what that means is that we're working for the people. That's why we're out here." she said.

Meanwhile, at around 11 a.m. Cooper and police photographer J.T. Matthews arrived at Fletcher's house but most of the cars Cooper had seen before were gone. They headed to I-85 and saw a line of eight cars pulled over on the onramp. Cooper and Matthews pulled off the highway into a parking lot with a good view of the ramp so they could photograph the parked caravan.

Cooper said he did not see any weapons while they had the caravan under observation<sup>70</sup> and none are visible in the photos released by the GPD. However, a witness who was driving by on I-85 reported to the GPD on the afternoon of Nov. 3 that he had seen a bearded man with "an Ivy League type hat" walking alongside a line of parked cars on the on ramp, carrying an AR-180. This witness later declined to testify for fear of retaliation from the Klan.<sup>71</sup>

At 11:05 a.m. Cooper tried to radio Spoon and Daughtry that the Klansmen and Nazis have left the house, but both commanders were still inside the station and not using their hand radios.

Cooper then spotted the caravan parked on the on-ramp and tried again to call Daughtry and Spoon. Sitting in the squad car waiting for his partner to come out of the Biscuitville restaurant, Burke heard Cooper's attempted transmission to Spoon and Daughtry. Burke answered and Cooper advised that eight cars from the assembly point are pulled over on I-85 and U.S.220 and that he would watch to see what they did.<sup>72</sup>

At 11:13 a.m., Cooper advised Burke that another car had joined and there were now nine cars "heading in that direction". <sup>73</sup> Cooper admitted later that he thought the caravan was probably heading toward the parade route. <sup>74</sup> Cooper called Daughtry and informed him that the caravan was moving in the direction of the parade, but still could not make contact with Spoon<sup>75</sup> (see police investigations).

At this time, Spoon said he was on a phone call related to the cancellation of the All Nations Pentecostal Church as the rally site. Foon and Cawn were about to leave the police station at 11:14 when Spoon was advised by the Operator on the general patrol radio frequency, Frequency 1 (F-1), to call Communications. Spoon said later that the call was to return a call to All Nations Pentecostal about a change of conference venue, one which Nelson Johnson had already been announced in his press conference on Nov. 1. Spoon recalled that he was unable to reach anyone at the church but was advised that the conference location had been changed and he then returned to the car.

At about this time, about 11:15, Daughtry said that he called Spoon to relay to him the information about the caravan heading toward Morningside.<sup>78</sup> However, this call does not appear in the radio transcript. Later at 11:21 in the transcript, Daughtry asks Spoon whether he heard Cooper's transmission, to which Spoon replies, "Negative." This is one of a number of inconsistencies in the radio transcript, which are discussed later in the report (see police investigations).

Tactical Officers League and Bryant also heard Cooper and Burke's transmission that the caravan was underway. League and Bryant said that they left the restaurant where they were eating on East Market Street, just a few blocks from Morningside, and headed toward their post at Dudley High School.<sup>79</sup> On the way, out of "curiosity", the two officers drove within one block of Carver and Everitt, where the caravan was heading.<sup>80</sup> From that vantage point, where Wise and Cundiff reported seeing a small crowd gathered about 20 minutes earlier, League and Bryant would have seen the demonstrators, TV crews and unmistakable flatbed sound truck with large speakers. They also would have seen that no police car was present.

11:16 a.m.: Burke called Daughtry and told him nine cars of Klansmen are heading "in that direction" and that the Windsor demonstrators were boisterous and belligerent. Daughtry asked if the caravan was moving toward the "starting point" Burke said yes. <sup>81</sup> Daughtry asked Burke where the tactical units were and Burke advised that they were still eating. Rather than order the tactical units, most of whom are nearly four miles away eating breakfast, to immediately proceed to the parade starting point where the Klan and Nazi caravan was heading, Daughtry told Burke, "They have 14 minutes by my watch. Rush 'em up.''<sup>82</sup>

11:17 a.m.: over the police radio, Cooper advised they were turning onto Lee Street.<sup>83</sup> At this point it is clear that the caravan cannot be heading toward Windsor Center, which is in the opposite direction. The caravan was at this time only seven blocks away from Everitt and Carver, and driving directly in front of (within one block) of the two tactical units already position on Lincoln Street at Dudley High School.

Daughtry tried to reach Hightower at this point, but was unable because he was inside the Biscuitville away from his car radio and his walkie talkie was reportedly malfunctioning.<sup>84</sup> Hightower was on the radio some two minutes later, and said he had borrowed someone else's radio.<sup>85</sup>

11:19 a.m.: Cooper advised that the caravan was turning onto Willow St, just three blocks from Carver and Everitt. Daughtry finally told Burke to hustle into position because "they are moving before we anticipated." Daughtry said he meant by this that "the caravan of alleged Klan members was moving and activity pertaining to the parade was taking place before the scheduled time." \*\*\*

11: 21 a.m.: Cooper reports that the caravan is parking on Everitt. One second later, Spoon finally got back in radio contact as he was leaving the GPD and radioed Daughtry, who asks him if he has been listening to Cooper's transmissions. Spoon replies, "Negative. I've been on the phone. Another thing popped up you need to be made aware of." Rather than asking Daughtry what radio traffic he has missed, Spoon asks Daughtry, who is at Washington and Benbow, just a couple blocks from Carver

and Everitt, to meet him at the old train station – some 20 blocks in the opposite direction. Rather than inform Spoon that a caravan is one block from the parade formation point, Daughtry simply agrees to the meeting and leaves the area.<sup>88</sup>

11:22:02. Cooper radios Daughtry, "They're at the formation point." Det. Belvin, of Criminal Investigations, who was on an unrelated investigative assignment in the area, testified that about this time he drove up alongside Daughtry, who was parked on the side of the road. <sup>89</sup> It is not clear how long Daughtry had been parked there or why he did not immediately proceed to Everitt and Carver – when he was just a few blocks away, and he now knew the caravan had already arrived there. He was in an unmarked car, so if he was worried about maintaining low-profile he could have remained in his car, while in view of the marchers. Since he was in uniform, he could have intervened if necessary once the Klan did arrive.

#### Three minutes that shattered lives

At around 11:20 a.m. some 40-50 demonstrators, children and Morningside residents were gathered at or near the corner of Carver and Everitt, singing protest songs and chanting slogans: "Death to the Klan" and "People, people have you heard? Black and white is the word!" A line of cars began slowly driving past. From the lead vehicle, Dawson spotted Paul Bermanzohn, who had invited him to attend the march when they encountered each other at Johnson's press conference at the police department on Nov. 1. Dawson shouted at him, "You wanted the Klan, you Communist son-of-a-bitch, well you got the Klan!" One of the cars had a rebel flag on the front, which tipped off the group of demonstrators. Someone cried, "Here comes the Klan!" and TV cameras spun around towards the caravan. As they drive slowly past, Milano Caudle gestures at the window toward the demonstrators and said, "Remember China Grove?" Demonstrators report being taunted by racist insults. <sup>90</sup> Demonstrators, most of whom were standing on the side of the road looking bewildered, began chanting "Death to the Klan!"

(See map of intersection in annex)

11:22:20 a.m.: Spoon radios Cooper and asks, "What traffic you got going?" Cooper replies, "OK we got nine or 10 cars...now at the parade formation point ... They are driving through and heckling ... they're scattering". 91 Spoon later claimed that this was the first he had learned anything about the caravan.

A space opened up between the fifth and sixth cars in the caravan. Lacy Russell, a demonstrator who was walking down the right side of the road with a bundle of sticks in his arms, recalled that sixth car, the LTD in which Virgil Griffin was riding, drove very close by his side and sped up just as he walked past it, perhaps to close the gap, but he thought it was trying to hit him. <sup>92</sup> Russell responded by striking the trunk of the car with one of the pieces of wood he was carrying and is visible in the TV footage doing so. <sup>93</sup>

A few feet after being hit on the trunk, the LTD gunned its engine and swerved sharply to the left. The car might have been trying to pass the car in front, but in the video it appears to be swerving directly at one of the demonstrators, who visibly jumps out of the way. Dori Blitz also recalled in her FBI interview that it seemed to her that the car had swerved in an attempt to hit one of the demonstrators. Another demonstrator, Ed Butler, reported that he was walking on the left side of the road when the LTD gunned its engine and swerved toward him. He reported that he kicked the back of fender of the car<sup>95</sup> because it tried to hit him. At this point, the video shows that most of the WVO/CWP demonstrators are still standing to the right side of the road and not spilling out in between the cars.

After the car was kicked by Butler from the left, it swerved right and hit the right rear bumper of the

car in front of it, leaving a footprint on the left rear fender and a dent on hood and trunk, and a dent on the left front bumper.

The view of the TV cameras is blocked at this point, but caravan witnesses report that "blacks" banged and jumped on cars, tried to pull people from cars and smashed windows. <sup>97</sup> However, this testimony is contradicted by GPD physical evidence, which shows car No. 6 in the caravan (the LTD with Griffin in it), was the only car in the caravan that showed any evidence of being struck in any way. <sup>98</sup> Harry Hayes identified Lacy Russell ("a black man in a dark coat with a toboggan"—consistent with Lacy Russell's clothing) as beating on the window of his car (vehicle No. 3). <sup>99</sup> Ruby Sweet (along with Renee Hartsoe), one of the caravan passengers, told Mark Sherer that she leaned out the window of car No. 5 and smashed the window of a parked car. <sup>100</sup> Nelson Johnson, <sup>101</sup> and news cameramen Ed Boyd<sup>102</sup> and Jim Waters<sup>103</sup> reported seeing several people beating on cars with their hands or sticks.

A shot rang out and smoke is visible in the video, although the shooter is not. Several witnesses however, recalled that it was Mark Sherer who fired the first shot into the air and the thick blue smoke is consistent with what would have come from the powder pistol he had (Shot No.1).<sup>104</sup> Caravan passengers are visible in the video getting out of their cars and walking back towards the intersection. There are no visible demonstrators near the front cars at this point. Brent Fletcher, driving the third car, said he saw black men beating on his car and he grabbed his shotgun off the floor and got out of the car and fired it once up in the air, which is confirmed by another passenger in the car, Timothy Rockett (Shot No. 2).<sup>105</sup>

Mark Sherer, who had earlier fired the powder pistol, leaned out of the truck window and waved a long barreled pistol in the air. <sup>106</sup> In his plea bargain statement, Sherer said that he fired two more times in the next 10-20 seconds, once into the ground and once into a parked car (Shots No. 3 and 4). <sup>107</sup> Sherer reported that he shouted "Show me a nigger with guts and I'll show you a Klansman with a gun!" <sup>108</sup> Brereton's investigation, however, reports that Sherer yelled, "Shoot the niggers!" <sup>109</sup>

Dawson said he and Buck noticed the cars behind them were getting beaten on, so they stopped and got out and started back toward the intersection on foot. By stopping their car at the head of the caravan, they blocked the rest of the cars from moving forward (but at least one car was able to reverse out). Then Buck and Dawson both say they heard shots and ran back to the car and left the scene.<sup>110</sup>

Horace Matthews said that after he saw some people beating on some of the cars in the caravan in front of him he heard small caliber gunfire (consistent with a powder pistol) or firecrackers. He tried to drive his truck around to pass, but couldn't get by.<sup>111</sup>

Prior to the shooting, Elizabeth Slade and Frankie Drummond, both residents of Morningside, tried to turn down Everitt Street, where they had seen a lot of TV cameras and people gathered earlier in the day. As they turned onto Everitt from Willow Road, a car with four white men blocked their way. After Slade blew the horn of her pickup, the obstructing car pulled over and let her into the line of cars. The line of cars came to a stop and Slade saw some of the demonstrators banging on the cars and passengers of the cars get out and engage in a stick fight with the demonstrators. When they heard shots fired, Slade backed into the Laundromat parking lot and left the scene heading east on Everitt, a maneuver visible in the video. This exit demonstrates that even when Dawson and Buck's truck was still blocking the road ahead, cars could have retreated from the scene to the rear.

WVO/CWP member Frankie Powell recalled hearing the first shot and seeing the blue smoke hanging in the air. Someone yelled, "They're shooting" and she turned and began to run north on Carver away from the intersection. But she was eight months pregnant and lost her balance while trying to flee. She fell and hit her head, which began to bleed profusely. She said someone dragged her to the side of the

road behind the news car, where she was shot in the legs with birdshot fire coming from the rear of the caravan. 112

Klansmen and Nazis in the yellow van could not see out at what was happening but reported that someone yelled into the CB "They're beating on the cars!" One of the Klansman, Terry Hartsoe cried, "My wife's in one of those cars!" The van passengers piled out of the van, leaving their guns behind, and rushed toward the intersection, grabbing sticks from the back of Tom Clark's truck where posters had been assembled. A vicious stick fight between demonstrators and caravan passengers ensued. Sandi Smith received a heavy blow to the head, which knocked her to the ground. She cried for someone to get the kids out of the way because she could not walk. 114

Sally Bermanzohn recalled the scene,

I am standing on Everitt Street, maybe 20 feet from the corner of Carver Street. I am talking to Mike Nathan...Suddenly there is caravan of cars driving up, slowly. Who are they? I see a Confederate flag license plate – it is the Ku Klux Klan. The cars are packed with people, white men, driving slowly. They yell, "Niggers!" "Kikes!" "Nigger lovers!" I think, "How can they say these awful words? They don't even know us." I pray that they just drive by us and keep going ... A shot – I look towards the sound, towards the front of the caravan, not far from where Mike and I stand. I see a man leaning out of the lead car with a pistol in his hand, smoke in the air where he has fired the gun. I take cover, crouching between two cars. I see Mike running back, away from the first shot. Should I follow him? I decide to stay where I am ... 115

#### Nelson Johnson recalled.

At around 11:23, according to the police report, the Klan and Nazi Caravan arrived at the march starting point at Carver and Everitt Street. And when I saw a Confederate flag license plate on the front of one of the cars in the caravan, I knew that it was probably the Klan. I saw women and children in several of the Klan vehicles near the front. And it seems in retrospect worthy to investigate why the women and children were in the front vans and the guns in the eighth van and all the people shooting them in the ninth van.

In any event, I saw a shot fired out of the window of the car that Eddie Dawson was driving. I didn't see any cars blocking. I did see a young man in the lead vehicle slide his upper body out of the window and fire a shot into the air which I understand the judge said was a 'non-hostile shot.' The people rushed from the shot towards the rear of the caravan. Almost at the same time the shot was fired, Klan and Nazi members jumped out of their vehicles and began to attack the march. We attempted to defend ourselves.

A man who I later determined was a Nazi member rushed towards me with a long knife. I was thrown a stick on which we were attaching posters by Lacy Russell. The throwing of that stick by Lacy saved my life. The man with the long knife attempted to stab me in an uppercut motion, he dropped low and came at me. I threw my arm out and blocked the butcher knife and the knife came through my arm. <sup>116</sup>

#### Reporter Winston Cavin recalled,

Within seconds I heard the sounds of people hitting and kicking metal. I looked to my right and saw bystanders attacking the vehicles with fists, sticks and feet kicking the

180

cars. I immediately ran to the other side of the narrow street—I suppose its Everitt Street—I immediately ran to the other side of the narrow street and stood behind a large, brown Ford sedan... Then the shooting broke out. I crouched behind the Ford's trunk and saw men getting out of the vehicles and firing rapidly. The driver of a small powder blue car, which has been identified by Judge Long as a Fairlane, the driver got out casually, walked to the back of the vehicle, opened the trunk, and handed out long guns to his friends: rifles, shotguns, et cetera. Several of them stood behind that trunk and fired away. At the time they seemed to be shooting wildly or randomly into the crowd. 117

## Don Pelles recalled,

I saw the caravan coming by. And people were lining up along the street and starting to yell "Death to the Klan! Death to the Klan!" And I saw the cars coming by rather slowly. And there were people in the cars, men, women...and I heard people hitting on the cars. And somehow, my first reaction was, well that was wrong. I mean just the idea of hitting a stick on a nice car and damaging it, but then I thought, "What am I talking about, these are the Klan."...so then, they kind of sped up, and by then I kind of regretted not banging on one of the cars, so I kind of ran after it. So by then, I must have put my stick down...I tried to kick a car and I missed and I went running after it. But by that time they were speeding up and I stopped by the side of the road...and then I looked up and I saw silhouetted against the sky I saw a figure leaning out of a window with a long barrel pistol. I don't remember it firing. I just remember him waving it. And then I heard people yelling. I looked around me and I realized I was kind of isolated. I had run up the street and there was nobody around me, so I started to come back towards the corner. There was this little exchange along the sidewalk. And I heard people yelling. I heard "Get the children." And then I thought about just jumping over this little chain fence...and going back, but then I thought better of it and I kept going towards the corner. I saw kind of out of the corner of my eye the stick fight...and I kind of had this idea that maybe I should go join that, but I really didn't relish that idea, I guess out of fear.

Somehow I knew that there was shooting, but I didn't hear any shots... I looked up. By this time I was back near the corner...and I saw Dori Blitz firing a little pistol...At least she was waving it and I assume she was firing it. And I thought, damn, they're shooting. And then I looked and saw Chekesha, Frankie Powell, down on the ground. There was blood on her forehead, but she was conscious...I remember saying to her, "can you walk?" and she said, "I don't know."... I was on one side of her. Kate White was on the other side and we got her under the arms and started helping her back towards the shelter and we turned the corner and were going to go around and hide behind the car...even though I don't remember hearing any shots, I knew there was shooting. I felt a little pain on my cheek, just some birdshot. And a second later we were back behind the wheel of the car.... I don't know if it was then, but at some point I said, "I'm hit." And then I heard the voice of Jim Wrenn say, "I'm hit too," but I couldn't see him. At that point I could hear this roar of gunfire." 118

11:23:10: Cooper announces on the radio that there is a fight in progress. "You better get some units in here." Daughtry asks Hightower his position and Hightower responds that he is still several minutes away at I-85 and U.S. 220. Tactical officers League and Bryant were parked at their posts at Dudley High School when they received the call. Without being instructed, they immediately headed toward Carver and Everitt. Tactical officers Boyd and Gerringer (at their posts at Gillespie School), 22 and

# Planning for and sequence of November 3, 1979

Henline and Toomes (also at Gillespie School) proceeded toward the location without being dispatched when they heard a fight was in progress. 123

Comer said he did not move from his location because he felt they should remain and protect those gathered at Windsor and thought the tactical units were moving in to control the situation.<sup>124</sup> It is not clear why Comer didn't tell Williams to move in from Washington School. Meanwhile, the tactical officers at Biscuitville reported that they believed Comer and his men had primary responsibility for the parade security so they did not get into position, even though those who had been monitoring their radios were aware that Comer and his men were not at Carver and Everitt where the parade was scheduled to form.

11:23:20	Spoon asks Daughtry if tactical units are in position. Daughtry asks
	Hightower, who says they are still many blocks away at I-85 and U.S. 220. 125

11:23:28 Cooper reports, "shots fired." 126

Klansman Roy Toney rushed toward the intersection and reported seeing a bearded white man, Jim Waller, point a shotgun at him. The two began struggling over the shotgun, which Waller had grabbed from Tom Clark's truck, parked in the middle of the intersection. VVO/CWP member Jim Wrenn, meanwhile, said he saw Waller and Toney struggling. Wrenn ran to help and "got into a pile up" with several men. Wrenn had fallen on top of Toney, with a shotgun in between them. Other Klansman report their recollection of this scene was that they saw several people holding Toney down and one was punching him in the face.

#### Roland Wood:

When I saw James Waller pulled that shotgun up ... I don't know 'til this day if he was thinking: I'm going to kill you or if he was (saying) don't hurt me. You understand what I'm talking about. Here comes this 230 pound, 6 foot man running right at you. I am 6'2" exactly barefoot and I wore my army boots that day. I don't know really how tall James Waller was. He must have been pretty dagone scared himself. So when he got that shotgun did he mean to hurt me or was he just trying to protect himself. I don't know because it happened so fast! And from the left side come R.T. I used initials because I don't think R.T. knew anything that was supposed to happen – Roy Toney. 130

Wrenn jumped up and ran toward the community center. GPD evidence<sup>131</sup> and Toney's testimony<sup>132</sup> show that it was Toney who came out of that struggle with the shotgun, which was registered to Tom Clark. GPD autopsy evidence shows a deep gash in Waller's left hand, which seems to have been torn in the struggle with Toney. FBI sound analysis indicated that shot number five may have been fired from this location, but it is not clear who fired it or in what direction (Shot No. 5, 6). However, Toney admitted that he fired the gun twice and then began to run back toward the rear of the caravan.<sup>133</sup>

#### Roland Wood:

They were fighting, then the gun went up and hit Roy Toney. You'll see in the pictures a barrel mark right there on his head, forehead...I am thinking get out of here and just as I turned to run. Bam! The third shot... Now the first shot was fired by Mark Sherer but to us it was like a stick that hit against a car. We didn't know it was a shot, we really didn't... But that (the third) was the first shot I personally (heard). I didn't know who had the shotgun or nothing...

The last person I saw was the two of them were fighting over it. Did it go off accidentally? Did it go off on purpose? I don't know. I honestly do not know.<sup>134</sup>

Klansman Lawrence Morgan, the driver of the van, said he never saw anyone shooting at them, rather he only heard shots, 135 but David Mathews said that he got out of the car and saw two black men coming at him, pointing shotguns at him. He says, one yelled, "I'm gonna kill you son of a bitch! I'm gonna kill the Klan!" Mathews began firing at them. 136 No other witnesses can substantiate any black men with shotguns on the scene. Matthews claimed he got his shotgun and "shot back to defend myself... some other people might have gotten in the way and got hit... because they were all mixed in with the whites." Flowers said he saw a white male come from behind the truck and fire a nickel plated pistol several times. 138 In contrast, Hartsoe recalled, "The only people I saw with guns were the Klan." 139

- 11:23:31 Spoon tells Communication to move all available cars to Windsor. 140
- Daughtry tells Burke to "move in". <sup>141</sup> Daughtry and Burke later report that they both assumed they were to move in to the Everitt and Carver area. <sup>142</sup> Comer reports that "I think they're at Everitt and Carver. We are with the group at Windsor, no problems." <sup>143</sup> Comer and Williams leave Windsor Center for Everitt and Carver. <sup>144</sup>

At 11:23:47 Jim Wrenn and Don Pelles are visible in the background of the TV footage, dragging Frankie Powell to safety behind the TV News car. Tom Clark, still holding his guitar, runs to help. At this point, after the stick fight has subsided and the first five shots have been fired, a black pickup with Horace Matthews and Beulah Taylor can be seen in the video, driving from the scene past César Cauce, who is standing alone in the intersection with a stick in his hand. The departure of this vehicle indicates that the road ahead is no longer blocked.<sup>145</sup>

Although the rest of the cars in the caravan have fled the scene, Fowler, Wood, Pridmore, McBride, Smith, and Matthews return to the Ford Fairlane and retrieve firearms from the trunk, and begin firing at the demonstrators. Cooper saw Fowler and Wood firing long guns, but due to the slight rise in the street from where he was parked, some 50 feet behind the end of the caravan, Cooper could not see at whom the Nazis are firing. He reported later that they did not appear to be ducking as they fired. The video, in fact, shows the two smoking cigarettes, and there is what looks like a trace of a smile on Wood's face. Cooper reports into the radio, "Heavy gunfire." Heavy gunfire is also picked up on the video at this point.

Cooper later explained that although he knew shots were being fired, he did not intervene because "I was just one guy, and in plainclothes. I wouldn't be sitting here today." He was also in an unmarked car, which he said had no siren or blue lights. 149

Behind Tom Clark's pickup, there is a scuffle between several people that is not visible to the TV cameras. In the video, César Cauce emerges from behind the truck, unarmed, and is struck hard with a stick from behind by Billy Franklin. Jim Waller, unarmed, is also visible in the background, moving away from the truck and falling as he is first shot in the back by birdshot from Wood's gun, which causes him to double over. He is then struck by buckshot from Matthew's gun that tears into his lungs and heart.<sup>150</sup>

Dori Blitz saw Jerry Paul Smith firing a pistol at César Cauce, who stood unarmed in the grass near the Fairlane. Blitz is visible in the video, wearing a yellow raincoat, emerging from close to the apartment building, firing a handgun toward Smith. Paul Bermanzohn is also visible to her left, inching his way

out from near the apartments, carrying nothing but a protest sign. Blitz empties her gun in the direction of Smith but she hits no one.<sup>151</sup> Her gun empty, she backs up toward the apartment building, tripping over Jim Waller's body.

GPD physical evidence indicated that Toney then runs back towards the Ford Fairlane with Tom Clark's shotgun that he wrestled from Jim Waller, firing it twice, striking Paul Bermanzohn. He is visible in the video pointing the gun in Bermanzohn's direction.

Mike Nathan saw Jim Waller fall and ran to try to help him. Nathan was then struck in the face by buckshot from Matthews' gun. <sup>153</sup> Claire Butler fires her .38 in the direction of the men who had retrieved guns at the rear of the Ford Fairlane and had begun to approach on Carver, but she does not hit anyone. Sandi Smith is standing beside her on the community center porch. "Don't look out," Claire tells her. "There is someone shooting this way." <sup>154</sup> But Sandi peeks out to see what is happening and is shot by buckshot from Matthews' gun, hitting her over her right eye as she pokes her head around the building's corner. <sup>155</sup>

Bill Sampson fires his handgun twice in the direction of the Fairlane, but does not hit anyone. At the same time, Mike Nathan attempts to go to the aid of Jim Waller, but is struck in the chest by shotgun fire from Mathews, who is firing at Sampson. Sampson cries out "I'm hit" and Rand Manzella, who is nearby is also struck and yells "I'm hit too." Sampson throws his gun to Manzella.

Klansman Billy Franklin is visible in the video hitting unarmed Cauce from behind in the head with a stick—a hard blow that knocks Cauce to his hands and knees. Jerry Paul Smith is then visible in a crouched run, firing a handgun in what appears in the video to be the direction of Cauce. Smith said he fired only one shot at a black male who had fired at him from behind the truck, and then later testified in court that he had no recollection of his actions. However, the medical examiner testified that Cauce was killed by a bullet from a pistol of the type Jerry Paul Smith shot. The bullet hit Cauce in the chest when he was bent forward. From his vantage point across the street, WTVD reporter Matt Sinclair said he saw Klansman Harold Flowers standing near the back of Clark's pick up, with something in his hand. Sinclair is then struck by birdshot from the direction of the Fairlane.

Sally Bermanzohn recalled,

Bang ... bang... bangbangbangbang. I am crouching. I think the shots are coming from where the first shot was fired. Then I realize the shots are from a different direction – from the back of the caravan. I look back, and see a big man aiming a big gun, carefully, slowly. He looks like he is not worried about anything. He is wearing a jean jacket, smoking a cigarette. I realize I am in his line of fire. I run across the street to better cover.

Across Everitt Street, I crouch behind a car where other demonstrators are. I see César lying on chest in a strange and awkward position. César, my co-worker, my close friend -- he needs help! I want to run to him, but men with guns are still firing, still aiming. They are in no hurry. 161

Jim Wrenn saw Mike Nathan lying bleeding in the street, a few feet from where Wrenn was crouched.

I thought, I need to go to him and try to pull him of the street. I was aware of shooting and I might get shot, but that was...well, I had to do it. If I had not gone to him I would have regretted it the rest of my life...I ran in a crouch to him. And I got shot in nine places. It felt like being hit by a baseball bat. I crawled back behind the car and

waited for what seemed like an eternity for the shooting to stop. I didn't realize until later that I had been shot so many times, just that I had been shot in the head because it felt so powerful. Only later I realized I was missing some teeth. I thought I had clinched my teeth so hard they broke, but I had been shot... I was blessed because I was shot two places in the head. One embedded in my skull and the other entered and exited my skull without touching my brain and I don't know how that happened. I also got shot that grazed my lung which caused fluid build up. I had several in my arm and in my shoulder. One was so close to the surface that in the federal trial they extracted it so they could identify the gun that it came from. It was buckshot from David Matthews, the same buckshot that hit Mike Nathan and Sandi and Bill. I was closer to the shooter than any of them. Bill was shot once in the heart and Sandi once in the head and I was shot nine times and am here today talking to y'all. If I had moved a fraction of an inch in any direction, I would be dead. I am missing these teeth and I don't want to have a permanent partial bridge put in, because I want to take it out every day so I don't forget that I am here for a reason.\(^{102}

The video picks up a final shot fired from near the camera, which appears to be Allen Blitz firing the Derringer (owned by Frankie Powell) once toward the Fairlane. <sup>163</sup> Cameraman Jim Waters saw Blitz aiming the gun and, fearing the shot will draw fire in their direction, pleaded, "Please don't!" Blitz fires one bullet, which struck no one, and the gun jammed. <sup>165</sup>

The remaining caravan members get back in the van, all except Carl Nappier. All the other vehicles had already left the scene. Mathews said, "I got three of em." Nappier saw a man lying down, apparently hurt. He went over toward him to see if he can help, and Rand Manzella, still holding Sampson's handgun, pointed it at him and fired twice. Nappier turned and ran and was picked up by the van. 167

Sally Bermanzohn recalled,

Finally the men with guns drive off. I run to César. Allen (Blitz), another demonstrator, and I turn César over. A long breath comes out of him ... he is alive? The breath is too long. I yell for doctor ... where is Paul? I see Paul, lying in crumpled heap. I run to Paul, he is bleeding from his head and arm. What should I do? For a moment Paul wakes up, tries to move. He is alive! I crouch next to him to keep him calm.

I see Jim lying in the grass. Nelson comes up, tells me Jim is dead. "No, no, it can't be ..." Tom tells me Sandi is dead, Bill is dead, half of Mike's head is blown off .... I am stunned, I go numb, stop feeling. Everything seems distant, unreal...

#### After the bloodshed

Just over three minutes after they arrived, the last of the caravan cars screech away from the intersection. Officer April Wise called in a report that a pedestrian has reported seeing a light blue Ford Fairlane driving down Gillespie Street, while its white passenger pointed its shotgun out the window, threatening pedestrians. The transcript indicates no response to her transmission or order to pursue the car. Wise did not give pursuit and went to the scene.

11:25:27 Tactical officers League and Bryant arrive on the scene in time to block the escape of the van. Twelve passengers are arrested.<sup>168</sup>

# Planning for and sequence of November 3, 1979

Police officers arrested 12 Klan and Nazi members and found the following weapons inside the van:

- .12-gauge shotgun,
- a hunting knife with blood on the blade,
- a .22-caliber revolver and nine rounds of ammunition, plus a bag with three boxes of .22 ammunition and a sales slip for the revolver made out to David Matthews,
- a .32-caliber revolver and six rounds of ammunition,
- a .357-caliber revolver and two live rounds and four spent rounds of ammunition,
- two .12gauge pump shotguns and six rounds of ammunition,
- a .12-gauge single barrel shotgun and two rounds of ammunition
- a Crown Royal cloth bag containing 25 assorted .12-gauge shotgun shells, two .38-caliber bullets, a box of .22-caliber bullets, and one .22-caliber rifle bullet
- two sets of brass knuckles,
- a pick handle with KKK printed on it
- a 5-footlength of chain<sup>169</sup>

Sgt. Comer saw César Cauce on the ground. Nearby he said he saw a bag with a Derringer pistol sticking out. "Due to the number of people wandering around and the lack of police personnel at that time, I picked the cosmetic bag up and carried it in my hand until we had the situation under control and the police line set up." Comer said he never removed the gun from the bag and placed the bag back in same approximate position.<sup>170</sup>

11:27:07	Burke radios Daughtry to ask if they should stop other cars with white passengers that were leaving the area—cars that Burke recognizes from the morning surveillance at Fletcher's house. But there is no reply, according to the GPD Administrative report, because Daughtry was outside the car
	assisting with arrest of the van suspects (presumably without his walkie talkie). Burke lets the cars proceed. 171 Six seconds later Daughtry comes on
11:27:19	the radio to instruct Burke where to park the police van. Hampton advises to seal off area of Carver and Everitt. 172

Meanwhile, frightened demonstrators and journalists emerged from their hiding places and tried to take in what has happened. Stunned protesters wandered around the intersection, hovering over the bodies of their loved ones, trying to tend to the wounded. Slowly, as the reality of what has happened took hold, rage set in, especially about the absence of the police. Dori Blitz shouted at police officers, "Where were you? Where were you, you f---king pigs!"

Floris Weston recalled,

As soon as the shooting stopped and I realized that people were injured, I searched for César and found him dead and I immediately knew that we had been set-up... I didn't have any facts. All I had was my gut and my belief that something was wrong and that someone had helped this to happen. So what else was I supposed to do but to cry out, make charges, call for trials, call for special prosecutors. I didn't have any facts. I didn't have any transcripts. But you know, sometimes you can just smell it when you think you're being set-up and told that to the first person I saw as soon as I found César and that was a Greensboro policewoman. I am certain that most of the cops were unaware of the magnitude of what was before them. These were individuals, they were beat cops, they had their assignments. They were guys out there trying to do a good job. This policewoman was very kind to me out there with my husband dead in front of me in the first moments of my grief and I'll never forget

that. I want to say to her where ever she is, if she can hear this, that I will always appreciate her kindness to me in my first moments of grief.

It appears that this officer was April Wise, because she reported that,

The second victim's wife, Ms. Cauce, a black female, stated she wouldn't talk to anyone. She then decided to tell me her husband's name, spelling it because she didn't want it wrong. She then told me that he was white. She then stated they had never had any children and how was she to tell his parents. <sup>173</sup>

#### Don Pelles,

The shooting stopped. I think maybe I saw Sandi first. She was lying on her back with eyes wide open and a little round hole right between her eyes<sup>174</sup> and a pool of blood under her head. I thought, well, she's probably dead, but if she's not, then she'll be cold so I took off my coat and put it over her. And then I walked away. And it was then that I saw César and he was kind of lying there with his mouth open and his shirt was pulled up and his stomach was kind of riddled with shots. Then I think I turned and saw Bill who was lying on his back by the recreation center and there were several people around him. Tom Clark. And Tom said "can you give him mouth to mouth?" Because he was working on his chest. I'd never given anyone mouth to mouth before, but I did. I put my mouth around his. I remember tasting vomit and trying to blow air into his lungs. And as I did, there was a sound coming back. And I thought oh, well maybe he's alive. I was over where Paul Bermanzohn was. He had been shot in the head and the arm, but I don't think I noticed the head wound at that time. He was bleeding profusely from his right arm. He had a big wound there. So I took off my shirt and tied it around his arm as a tourniquet really, to try to stop the bleeding.

Pretty soon after that I ran in to Roz (Pelles) who was pretty frantic who had been looking for me. And she realized that she was in charge, as all the other leaders were gone. That all of the WVO leadership were either dead or incapacitated so she was kind of the ranking leadership there. <sup>175</sup>

The ambulance took me to the hospital...and I sat there, by now quite chilled, for the longest time waiting in the emergency room and this policeman showed up and wanted to talk to me and at first I said I wouldn't talk to him because I think like everybody else there I thought there was something very fishy about the police behavior. I thought that they were in cahoots with the Klan. So at some point the doctor finally showed up and he took some of the pellets out of my cheek...it turns out there were pellets all down the left side of my arm, my back, my ankle...after the doctor finished with me, this policeman took a statement...I was scared I was kind of isolated and he was telling me that he wanted me to come down to the station with him and I didn't want to, then he said "that's where all of your friends are and if you want to see them then you need to come with me." He wasn't arresting me. So I gave him a statement, for which later I regretted and I was roundly criticized within the organization for even talking to the police. So I went down to the police station with him and he took me into a room and I sat down and he left, said, "Wait here." So I waited there for a little bit. Nobody came. I went to the door and looked out the door and looked up and down the hall and there was nobody. I walked out the door, found the nearest exit and walked out of the police station. By then I realized that they weren't telling me the truth, that my friends were not at the police station. And I just left.

### Reporter Winston Cavin recalled,

I heard screams everywhere. Gunfire. Screams. Gunfire. Screams. Engines gunning as the shooters fled... That eerie silence. I could smell gunpowder in the air and heard the groaning of people who were dying. I was in shock but did what many people do after surviving or witnessing a tragedy: I went on automatic pilot. I ran across the street to the courtyard, scribbling notes like mad as I tried to comprehend what was happening. People were screaming, crying. There were bloody victims lying on the ground. A woman cradling her husband's head in her arms, the sounds of people gurgling their last breaths, unable to speak.

I remember thinking, "Where are the cops?" "Where are the cops?" Soon I heard sirens approaching and hoped that order would soon be restored. Colleagues from the News & Record soon arrived and I felt some relief having friends amid all of this chaos. 176

#### Nelson Johnson recalled,

As quickly as the Klan and Nazis had jumped out of their vehicles, they jumped back into them. And I crossed the street and the shooting started and I saw, when it was over, the carnage. Let me just say that at that point, I ran to Jim. Jim was lying face down, I turned him over, shot in the back. He was breathing deeply and he took his last breath and Signe came over and I said "Signe, he's gone."

At that point, I stood up and I actually could see scrolling before my eyes this discussion with Larry Gibson saying that we will protect you in this march, but you have to sign this... and I could hear Jim Melvin saying publicly, in the newspaper that you are the most dangerous man in Greensboro, and I knew in the depths of my soul that we had been set up and I stood up and started to say so. The police rushed over and asked me to stop speaking and I refused to do so. I was wrestled to the ground and arrested for inciting a riot as I was bleeding and speaking out of my pain to what had happened to my friends.

I was then taken to jail and that night I was taken out of my cell and taken to a holding cell. Two officers came in, identified themselves as police and FBI. And they started to interrogate me. They said that your life is not worth a nickel. They said that your name is on the lips of every Klan member on the state of North Carolina. I needed to tell you this. And that your only chance is to cooperate with us. I had no idea what they meant. I refused to speak to them and I tuned them out. They said that we will kick the stool from under you and rip the bandages off of your arm. I refused to speak with them and eventually they left. I went back to my cell, I spent the remainder of the night in pain and in jail. I didn't know who had been killed. I just knew that this could not have happened without some conscious involvement.<sup>177</sup>

Concerned that they might be outnumbered by hostile protesters and bystanders, Lt. Ward asked Police Attorney Cawn if Johnson's speech to the gathered Morningside residents was enough to charge him for disorderly conduct. Cawn said yes because he felt Johnson was inciting the crowd. Cawn remembers Johnson's words to be "Go get your guns and let's kill some cops." The video demonstrates that this is an incorrect recollection. However, Cawn's testimony is similar to the recollection of many other officers at the scene, which demonstrates the level of threat that the police thought that Johnson posed to public safety and their assessment of the volatility of the situation.

#### Willena Cannon recalled,

I went over to where Jim Waller was laying down, face down, and Nelson turned him over, and he kinda had his head on my knee and he was bleeding. When I went to jail later I had Jim's blood all over my hands. I actually saw that Jim was alive and then saw the light go out of his eyes. He was dead, and Nelson was talking to him. I could see ... then I saw Paul ... Then I heard Nelson. He was telling the people that this whole thing was a set-up, and what he felt about it. And knowing the years that police always would beat on Nelson, or really kind of ... They went for him most of the time. So I ran around to where he was. He was telling people what was going on. The police crowded in. And actually one had him down on the ground, with their boot against his neck, and was pulling on him. All I could think of was, oh my God, they're going to break his neck right here. And I could hear the papers saying later that he was acting wild or whatever and broke his neck. I could think about all that.

The guys around this whole thing, the people from that neighborhood, did not like what was going on and they was saying stuff, but wasn't moving to stop it or get involved. So actually I just jumped in on the police. I knew these black men would not let the police handle me. Once I jumped in, they were handling me and then these guys started coming in; they were moving in, and the police was forced to stop it because of that. And that stopped that whole scene, right there. And then they said we were arrested. I asked why was I arrested, and they said they didn't know why but would think of something by the time we got there. I was put in a car and carried to, not to jail, but down to the police station, in the basement. They were trying to get me to answer, asking me what was my name. I told them, "Look, you know what happened because you was involved in some of it. You knew what was going on."

Then they said, "Look, Willena, if you don't tell us, answer our questions, we can't help you." I said, "Well, you know my name already." And to be honest with you, I was angry with myself because I was answering them. I figured that they knew all of this and was gonna interrogate me a long. So what I did was focus on what had happened that day, and then focus on some of my childhood, around the Klans. And actually I remembered when we were coming to the police station, the female policeman said, "Oh, I think there was children killed, too." And I remembered that at least my son and lots of people's children, neighbors' children, lots of children was there, and all I could think of was children killed.... Excuse me... (Paused, overcome by emotion) And for the first time in my life, I blanked out. 178

# **FINDINGS**

The preceding pages are the result of many months spent collecting information and distilling a complicated set of events, evidence, vantage points and beliefs into a single, impartial and well-supported narrative. Based on the information available to us, we have come to a number of conclusions about these events. It is important to note that our analysis likely is, as explained previously, necessarily imperfect, however, given that we were missing key pieces of evidence, such as statements from many police personnel who held decision-making roles in 1979 and trial transcripts that are no longer available. We also requested from the GPD documents including complete unedited radio transcripts and an Operational Plan for the march (if one indeed existed), but we did not receive them. Where trial transcripts were not available, we turned to secondary sources such as newspaper accounts or Wheaton's

account in her book *Greenkil* but wherever possible we have used the primary source material.

Because more than an impartial recitation of the facts is needed to bring healing to the Greensboro community around events that have been marked by divisions, distrust, myths and misinformation, we also have sought – as our Mandate directs – to "establish accountability." Many individuals played roles that contributed to the tragedy, and although out intent was not to place blame, it is important to understand and acknowledge them all. Our findings both of fact and of accountability follow below.

# Caravan passengers

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

But not all Klan members bear equal responsibility. We find the heaviest burden of responsibility is on those (Wood, Pridmore, Fowler, Matthews, and Smith) who, after they returned to their cars and their path of exit was cleared, instead went to the trunk of the last car to retrieve weapons. They then fired at demonstrators, fatally wounding Nathan, Waller, and Cauce when they were unarmed. They also wounded Bermanzohn, Wrenn, Powell, Clark, Manzella, and Dalton when they were unarmed. The fourth person killed, Sandi Smith, was also unarmed, although she was in the vicinity of someone who was firing at the Klansmen and Nazis and could have been hit by Klansmen or Nazis returning fire. The fifth person killed, Bill Sampson, had a handgun and was firing it when he was fatally wounded.

# **Workers Viewpoint Organization (Communist Workers Party)**

We also find that some, albeit lesser, responsibility must lie with the demonstrators who beat on the caravan cars as they passed. Some CWP members also brought guns to the rally and fired them in the direction of the Nazi/Klan members. We find that the CWP did not fire until the Klan already had fired a minimum of two shots and perhaps as many as five shots first. The FBI evidence indicted that 18 shots were fired from locations occupied by the CWP and demonstrators and 21 were fired from locations occupied by the Nazi-Klan. However, we find the multiple revisions by the FBI of its own testimony make it unreliable evidence (see Injustice in the justice system chapter).

The GTRC believes that the cause of the WVO/CWP protesters that compelled them to speak out against racist violence, poverty and unfair labor practices, was just and commendable. However, we find that the WVO/CWP leadership was very naïve about the level of danger posed by their rhetoric and the Klan's propensity for violence, and they even dismissed concerns raised by their own members. We find the use of aggressively challenging and hyperbolic rhetoric, threats of physical harm, and the attack on the caravan's cars encouraged a violent environment of cyclic retaliation.

The GTRC feels that the WVO/CWP decision to undertake this highly risky strategy in a marginalized poor neighborhood, without seeking their collective permission, was irresponsible. All too often residents of public housing are not consulted in decisions that affect their lives, even when the organizations making these decisions may be acting in a benevolent spirit. We believe that WVO/CWP's reckless bravado and failure to take seriously the risks presented by their march, even when their own members

raised them, places an additional responsibility on them for putting the community and their own membership in harm's way.

However, the GTRC wishes to be perfectly clear that this finding does not mean that the we believe the WVO/CWP "asked" for brutal violence to be committed against them, or that their responsibility is equal to those who pulled the triggers or even to those whose sworn duty it is to protect the public, including those whom the police may regard as advocating unpopular views. Further, we also find that the WVO/CWP's naïveté about the danger of their planned march was caused in part by the GPD, which did not inform either the WVO/CWP or Morningside residents about the Klan's plans and its coordination with other racist groups. Further, their hostile stance toward the police notwithstanding, the WVO/CWP, like all citizens, had a reasonable expectation that the police would be present at the march to provide protection.

### The Role of Violent Rhetoric

Much of the public debate about the causes of the Nov. 3 shootings has centered on the role of aggressive speech in bringing about violence. The common thread in this debate on November 3 describes two "extremist" groups, sometimes even referred to as "hate" groups.

Yet we do not believe there has been balance in the debate, which at times has placed heavier responsibility on the WVO/CWP for their aggressive challenge of the Klan. The GTRC finds that while both groups deliberately engaged in provocative and even violent-sounding rhetoric, the message of racism and violence promoted by the Klan and Nazis outweighs in effect or intent to the WVO/CWP's rhetoric of violent overthrow of capitalism and destruction of the Klan. This is even more true because the demonstration was to occur in the heart of the Greensboro's black community.

The Klan and Nazi's racist rhetoric was plainly intended to provoke:

- The message of the film "Birth of a Nation", showed at Klan recruiting rallies, glorifies the murder of black people, whom it portrays as drunks and sexual predators;
- Griffin made the statement at the Lincolnton Klan rally, just weeks prior to the confrontation, that "If you loved your children, you would go shoot 100 niggers and leave their bodies in the street";
- At the same Klan rally, Dawson encouraged a confrontation with "the Communists" in Greensboro, and challenged the Klansmen that there would be some "big buck niggers… bigger than anyone in this room" at the parade;
- The night before the march, Dawson plastered a poster in black neighborhoods that bore a lynched body with the warning to "Traitors, communists, race mixers and black rioters ... the cross hairs are on the back of YOUR NECK. Its time for some old fashioned American justice."

The intent expressed in this language, which glorifies and encourages the oppression and outright murder of black people is immoral and demanding of public rebuke. Nevertheless, the GTRC supports the Constitutional right of the Klan and Nazis to hold and express those views, however repugnant.

However, the GTRC further upholds the right of people to protest and advocate for the rejection of those views. We, therefore, emphasize that the rhetoric used by the WVO/CWP was also constitutionally protected speech. In fact, we applaud their <u>principle</u> of speaking out against bigotry and racist and religious violence.

Nevertheless, it is clear that the aggressive and hyperbolic <u>form</u> of WVO/CWP's rhetoric, which often advocated the use of violence, contributed to a climate of hostility and dehumanization:

- Paul Bermanzohn's statement to the press on Oct. 11, 1979, "(The Klan) can and will be crushed. They are cowards, nightriders who try to terrorize innocent people. They must be physically beaten back, eradicated, exterminated, wiped off the face of the earth. We invite you and your two-bit punks to come out from under your rocks and face the wrath of the people."
- In a flier advertising the Nov. 3 march, the WVO/CWP declared, "These dogs (the Klan) have no right to exist! They must be physically beat them and driven out of town. This is the only language they understand."
- In an open latter to Klan leaders Joe Grady and Gorrell Pierce and "all KKK Sympathizers", which was distributed at work places and ultimately found its way into the hands of the Klan, the WVO/CWP again called the KKK "treacherous scum" and "two-bit cowards" and renewed their challenge for the Klan to come to the rally, warning them, "We take you seriously and we will show you no mercy."

This language regrettably shows not only disapproval for the Klan "as a political institution" or their ideology, as many former CWP members have claimed was their aim, but is personally insulting and expresses a desire for their physical confrontation.

Navigating the often murky divide between free expression and unacceptable aggression comes with the territory of an open, democratic society. While being provocative is often acceptable when exchanging opposing ideas, language can also be aggression when "fighting words" are used that are intended as actionable threats and are likely to be immediately successful. However, speech that is protected cannot be used to justify violent response, especially when that response comes weeks later. Provocative speech may contribute to the environment that leads to violence but cannot justify violence.

We believe there is a difference between the Klan and Nazi's speech at the corner of Carver and Everitt on the morning of Nov.3, 1979, and that of the WVO/CWP. The Klan and Nazi caravan drove slowly through a black neighborhood, where they knew an anti-Klan rally was forming, while displaying the Confederate flag and shouting "You asked for the Klan, you Communist son of a bitch, you got the Klan!" Other passengers yelled "Nigger" "Nigger lover" "Kike" at the mixed race crowd assembled there to protest the Klan. The WVO/CWP responded with chants of "Death to the Klan!" Mark Sherer shouted, "Show me a nigger with guts and I'll show you a Klansmen with a gun!" and "Shoot the niggers!" as he waved a loaded pistol in the air and as his fellow Klansmen were getting out of their cars to join in a stick fight. We believe the WVO/CWP's chants cannot be equated to the Klan's insults and direct exhortation of violence.

Many former WVO/CWP members themselves now recognize that the language they used in the months and weeks leading up to Nov. 3 was reprehensible in that it added to the dehumanization of people and was dangerous because it invited retaliation. For this, many of the former WVO/CWP members have publicly expressed regret (see Box "Violent language in retrospect" above). The GTRC celebrates this reconciliatory gesture, as it does the public expression of regret of former Klansman and Nazi Roland Wood for his racist hatred.

We note that, in general, the public debate on the use of provocative rhetoric has largely focused on WVO/CWP rhetoric and not on that of the Klan. We find that unbalanced formulation of responsibility to reflect the pervasive over-emphasis of the threat posed by outspoken anti-Klan activists and a striking dismissal of the threat posed by the Klan. We hope that community members will look into their own hearts and answer for themselves the source of this fear and apathy. We hope that each of us will question what role we play as community when we silently acquiesce or deliberately distance ourselves when wrongs are done to people whose demeanor we might find offensive and whose political views some of us reject.

# **Were Victims Targeted?**

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

There is some evidence that caravan members discussed targeting particular individuals, although not for shooting. Sworn testimony of Chris Benson, a high ranking officer in Virgil Griffin's Klan, offered compelling evidence that the night before Nov. 3, 1979, he, Griffin, Pridmore and Jerry Paul Smith used photos of China Grove to choose who they were going to "beat up" at the march. However, even if it were their explicit plan to beat up selected CWP leaders, we have seen no evidence that the plan extended to shooting them.

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

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

# **Morningside Homes Residents**

The GTRC finds that some Morningside residents were not in agreement with the march and felt resentful that they were exposed to this risk and trauma. At the same time, however, the WVO/CWP felt it had sufficient support and personal ties with the Morningside community after years of working on housing and education issues there. In addition, the WVO/CWP did leaflet in this and other housing projects along the route. Further, the WVO/CWP did hold a meeting with the Neighborhood Residents Council, who did not adequately inform Morningside residents about the upcoming event and must bear some responsibility for the breakdown in communication. However, by staging the gathering there, the WVO/CWP exposed residents to a risk they had not accepted as a community.

As a legal matter, the parade permit meant that the WVO/CWP had permission from the city to conduct the march and did not legally need permission from Morningside residents to carry out the march. However, the GTRC feels that an anti-racist organization explicitly advocating for the empowerment of working-class, black people had an ethical obligation to ask permission of the residents before staging the parade and conference in their neighborhood, rather than simply informing them. This is especially true given the risks involved.

From the GTRC's own experience, we know that the fear produced by the history of the Klan, and this event in particular, means that many in black working class communities, and especially former residents of Morningside, are still afraid to talk about this issue. For this reason, we acknowledge that there may well be others with viewpoints in support of the WVO/CWP who have not felt at liberty to come forward.

# **Greensboro Police Department**

While we find the WVO/CWP members were naïve in their expectation that no Klan would accept their challenge to attend the march, we find the police were irresponsible in their deliberate absence from the parade starting point, given the information that the Klan indeed were coming and would likely provoke violence. While we believe the highest responsibility for bringing about the confrontation lies with those Klansmen and Nazis who went to the parade intending to provoke a fight and ultimately opened fire on the demonstrators, the GTRC also believes that the deaths could have been prevented with visible police presence. Hostility between the WVO/CWP and white supremacist groups ran high, and was unnecessarily inflamed by violent language on both sides. Yet vocal expression of political disagreement is the lifeblood of a healthy democracy. The two groups had met before at China Grove and exchanged insults and jeers and displayed weapons, and no violence resulted. The GTRC firmly believes this was due to the presence of a few uniformed police officers, who did nothing other than to be present. They did not draw guns. They made no arrests.

The GTRC recognizes the complex decisions and judgment called required in police work. We further acknowledge that police departments have the difficult and crucial job of protecting those whose are views are distasteful, who are hostile and who may do things that obstruct protection.

But these difficulties do not negate or minimize the responsibility of protection. Indeed, civil and human rights do not derive their meaning from their protection for the universally adored; rights only have meaning if we apply them to everyone, even the most despised and hostile and groups whose ideas we may even find threatening. Further, officers are surely trained to deal with this hostility as it is a routine occurrence in police work.

The GTRC finds strong evidence that there were those in the GPD who had strong negative feelings toward Communists in general, and Nelson Johnson in particular, feelings that were out of proportion to the threat the Communists posed. We believe that the GPD's demonization of Johnson as a public threat was attributable to his abrasive outspokenness on unpopular causes of black advocacy in the late 1960s, including one—a community demand for justice in the 1969 Dudley High School student government election—resulted in the unsolved shooting death of A&T student Willie Grimes. Although we have seen no evidence that Johnson had anything to do with that death and was only charged with disorderly conduct in association with this whole event, the GPD viewed him as, a "threat" that they also associated with the WVO/CWP. The GPD further overstated the criminal threat posed by the WVO/CWP because of their unpopular political views and hyperbolic rhetoric, and used this as a justification to conduct surveillance of the group's members and unionizing activities at Cone Mills.

At the same time, we find a pattern of underestimation of the risks posed by the Klan that amounted to reckless disregard for the safety of the marchers and the neighborhood residents. This fear of vocal black activists who advocated armed self-defense but who had no criminal record other than disorderly conduct, stands in stark contrast to the dismissal of the threat posed by Klansmen and Nazis who openly advocated and had a criminal record of committing racist violence. This double standard is evident in the police department's characterization of Klan leader Virgil Griffin as "a hothead with a short fuse" while WVO/CWP leader Nelson Johnson was "the most dangerous man in Greensboro."

The police took steps to contain the threat posed by Communist activists by requiring that marchers relinquish their right to bear unconcealed weapons, a step we believe was prudent. Yet, police refused to stop the Klan caravan, even for an investigative stop, although one key commander admitted that he "could think of no more suspicious circumstance" than that posed by the nine cars of Klansmen

and Nazis heading toward the parade route, probably armed, to confront anti-Klan demonstrators. The police double standard of threats posed by blacks advocating armed self-defense and white supremacists advocating racist violence clearly affected decisions about the parade in a way that endangered marchers and neighborhood residents, as well as caravan passengers.

From the totality of evidence available to us, we find that the key officers in charge of planning—Chief Swing, Deputy Chief Burch, Capt. Thomas, Sgt. Melton, Det. Talbott, Det. Cooper, Capt. Steele, Capt. Hampton, Lt. Spoon, Maj. Wynn, Capt. Gibson and Lt. Daughtry—knew there was a high likelihood of violence when the Klan and demonstrators came into contact.

# This timeline summarizes our findings on the GPD's information about the anti-Klan parade, based on GPD records and testimony:

Oct. 10	WVO/CWP planned an anti-Klan parade on Nov. 3 in Greensboro, weapons restrictions for marchers discussed to avoid trouble.
Oct. 17	Klan and Nazis planning to demonstrate at parade.
Oct. 17	Windsor Center would be assembly point for out-of-town people, who would
Oct. 19	be brought over to Everitt and Carver to begin parade.
Oct. 22	50-85 Klansmen planning to come to confront parade, guns discussed.
Oct. 26	Klansmen and Nazis organizing to come from all over the state, under
	leadership of Virgil Griffin, Harold Covington and Leroy Gibson (all known
	for violent and incendiary tendencies). Group would assemble at house
	in Greensboro, and collectively "heckle" and throw eggs at marchers.
	The Klan planned to ride the parade route beforehand to find a spot for a
	"confrontation."
~Oct. 27	A member of the Nazi Party in Winston-Salem recently bought a machine
	gun and planned to come to Greensboro and "shoot up the place."
~Oct. 30	The WVO/CWP and Klan had a conformation in China Grove in July that
	nearly erupted into violence and resulted in the Klan backing down and the
	Confederate flag being burned. The Klan publicly vowed revenge.
Nov. 1	Klan given copy of the parade permit by GPD, and knew the requirement for
	demonstrators to be unarmed.
	WVO/CWP had publicly called the Klan "cowards" and "scum" and
	challenged them to come to the march.
	Virgil Griffin is known to have a short fuse.
	GPD Klan informant tried to call off the march and then obtained a copy of
	the permit route and starting point.
	Everitt and Carver was the designated step-off point for parade, but some
	marchers also would be assembling at Windsor.
Nov. 3	Klansmen and Nazis assembling on the outskirts of town, had guns.

Yet key police planners, Dep. Chief Burch, Capt. Hampton, Lt. Spoon, Capt. Gibson, and Lt. Daughtry made repeated decisions to divert officers away from the designated and agreed upon assembly point. In making this explicit decision to be absent given the reasonable expectation that violence would result from any contact between the Klan and WVO/CWP, key GPD officers were negligent in their duty to protect the marchers and residents of Morningside.

# Based on available GPD intelligence, these are our findings of the key GPD decisions that increased the likelihood of violence and guaranteed police absence:

1. Did not take Lt. Ford's invitation to arrange a meeting between informant Dawson and Deputy Chief Burch to discuss the Klan's plans to confront the marchers (Burch, Thomas,

- Talbott).
- 2. Did not ask Dawson why he wanted to cancel the march (Warren, Talbott, Cooper).
- 3. Did not ask Dawson, a known Klansman, why he wanted a copy of the permit (Gibson).
- 4. Did not notify WVO/CWP that the Klan intended to attend and that the Klan had a copy of the parade permit. Also failed to pass this information on to officers in charge of parade security (Gibson, Henderson, Wynn, City Attorney Warren, Talbott, Cooper).
- 5. Did not question intelligence that any confrontation would only occur at the end of the march (all GPD involved in planning).
- 6. Interpreted "low profile" as having <u>no</u> officers on the site or within view or a reasonable distance from the designated parade starting point (Burch, Hampton, Gibson).
- 7. Observed Nelson Johnson's press conference and/or received literature, and so knew that the All Nation's Pentecostal Holiness Church had pulled out as the location for the conference. Yet no one ensured that this information was discussed in the Nov. 1 planning meeting where Hampton instructed Spoon to check the church for bombs on the morning of Nov. 3, nor at the 10 a.m. line up on Nov. 3 (Thomas, Cooper, Gibson, Burke).
- 8. Spoon did not contact church staff to discuss plans for securing the conference site. Upon arriving to find the church locked, Spoon did not adjust his understanding of the location of the march, nor did he make further arrangements for securing the church.
- 9. Daughtry and Spoon did not remain in radio contact at all times (nor did Hampton).
- 10. Cooper did not to stop the caravan once they were on their way to the parade formation point, when he admitted there was a "reasonable chance" there were concealed guns in the cars.
- 11. Comer stationed his men away from Everitt and Carver, deviating from the location designated by parade organizers and discussed in all planning meetings.
- 12. Comer only checked Everitt and Carver once, more than one hour before the appointed time to meet Johnson, and did go back to check again, even though it had been reiterated to him that the parade was starting at that location and he was to meet Johnson there.
- 13. Once Comer had decided to deviate from this policing plan and place his men at Windsor Center, he did not call for additional officers to cover Everitt and Carver.
- 14. Daughtry did not immediately call tactical units to Everitt and Carver when he heard the caravan was heading toward the parade assembly point.
- 15. In view of Daughtry's radio silence, Burke did not step into the breach and order his men to get into position once Cooper had sent word that the caravan was heading toward the parade starting point.
- 16. Further, although they knew their assignment was to get in between demonstrators and the Klan/Nazis, when tactical officers themselves heard that a caravan of nine cars of Klan and Nazis intent on confronting the marchers and possibly armed was en route to the parade formation point, tactical officers did not leave their breakfast spots to get to their assigned posts, nor were they ordered to move.
- 17. Upon learning that the caravan was on its way to Everitt and Carver, League and Bryant drove within a half a block of that intersection, saw that demonstrators were gathered there that no police were present, yet nevertheless departed for Dudley, without reporting any of this information to commanding officers.
- 18. No officers in a position to do so—Daughtry, Spoon, Hampton or Burke—acted to stop the majority of the fleeing caravan cars.
- 19. No one responded to Wise's report that a Fairlane departing the scene had threatened pedestrians with a shot gun. Wise did not attempt to give pursuit.

TIME	RADIO TRANSMISSION <sup>179</sup> (from the GPD Internal Affairs Division's publicly released transcription)
11:13.51	Cooper: Caravan of nine cars moving toward the parade starting point from Interstate 85 and Randleman Road (~four miles away from Everitt and Carver)
11:16:20	Cooper: Caravan on U.S. 29 and Florida Street (2.5 miles away).
11:16:35	Daughtry: Tells tactical units they "have 14 more minutes" to get into position.
11:17:45	Cooper: Caravan "turning onto Lee Street" (seven blocks away)
11:18:57	Cooper: Turning onto Willow Road (four blocks away)
11:19:28	Daughtry: "Hustle into those positions. They're moving before we anticipated."
11:20:14	Cooper: "Part of (the caravan) should be there by now almost."
11:20:52	Cooper: The caravan "parking on Everitt and Willow" (one block away)
11:21:20	Spoon: Tells Daughtry (three blocks from Everitt and Carver) to meet him at the train station (20 blocks in opposite direction)
11:22:02	Cooper: Caravan "arrived at the formation point"
11:22:25	Cooper: "They're heckling Demonstrators are scattering"
11:23:10	Cooper: Fight in progress. "Get some units in here." League and Bryant (five blocks away), Boyd and Gerringer (24 blocks away) and Henline and Toomes (24 blocks away) head for Everitt and Carver
11:23:27	Cooper: "Shots fired."  Remaining tactical units proceed toward Everitt and Carver
11:23:31	Spoon: "Move the cars into that area."
11:23:37	Daughtry: "Move tactical units in"
11:23:47	Cooper: "Heavy gunfire."
11:23:51	Spoon: "All available units to Windsor Center"
11:24:14	(Unknown): "I think they're at Everitt and Carver. We're at Windsor and there's nothing here."
11:24:29	Cooper: "Most of the gunfire from yellow van. It's now leaving the scene."
11:25:27	League: "We've stopped the van. Need help"
11:26:26	Daughtry: Situation under control.

Underestimation of risks and careless disregard for protection of the march

In light of the information they possessed, the officers in charge of planning protection for the march

displayed a reckless disregard for the risks posed by the Klan and Nazis' plan to confront the marchers. Although Dawson repeatedly reported the number of Klansmen and Nazis who planned to attend was upwards of 50 men, some officers in planning meetings insist that the number discussed was "approximately 10," if any were expected to come at all.

Another of the GPD's staggering underestimations was of the likelihood that the Klan and Nazis, who planned to confront the marchers, would bring firearms. While Dawson reported to his handlers that he told Klansmen he could not order them not to bring guns, he also surmised, as anyone with even a passing knowledge of the Klan would, that many members would indeed bring guns.

Similarly, the GPD appears to have accepted uncritically most everything Dawson said. For example, the GPD knew for certain that the Klan had a copy of the parade route and Dawson had made repeated reports that the Klan had met numerous times to discuss plans to follow the marchers to heckle and possibly assault them by throwing eggs. Yet, the GPD seems to have accepted uncritically that Klan and Nazis were going to limit themselves only to these activities. The GPD's unquestioned acceptance that the end of the march would be the site of any possible problems was another example of an erroneous assumption.

Although much of Dawson's information was accepted without question, when the GPD received information from a police officer (who received it from an independent source) that a Nazi planning to attend the march might be in possession of a machine gun and intended to use it in Greensboro, this information was dismissed as an "unconfirmed rumor."

This lack of critical thinking about the intelligence they had revived about the Klan and Nazis' plans demonstrates extremely negligent regard for the safety of all concerned. The failure of trained police officers to consider the likely consequences of the Klan and Nazi's planned actions is incomprehensibly poor police work. In light of the animosity between the two groups that the GPD knew to exist, it was reasonably foreseeable that any contact between them would result in violence.

### Leadership Role of Police Informant

We find that Eddie Dawson, in his capacity as both Klansman and police informant, took a leadership role in bringing his fellow Klansmen to Morningside. The facts show that Dawson:

- Made the initial racist speech designed to incite those at the Lincolnton rally;
- Arranged the meeting point at Fletcher's house;
- Was in regular contact with Griffin about plans to confront the march;
- Obtained a copy of the parade permit and route;
- Drove the route with Pridmore and Smith the night before the march;
- Posted KKK posters with the threat to "traitors, communists, race mixers and black rioters" that "The crosshairs are on the back of YOUR necks;"
- Pointed out the route on a map to the assembled Klansmen and Nazis;
- "Rushed" everyone to leave the house;
- When someone at the house asked "Who's in charge of this thing?" Imperial Wizard Griffin said, "I guess he is." (indicating Dawson);
- Organized the order of cars in the caravan to have CBs in the front and rear;
- Was in the lead car of the caravan;
- Was the first to drive by and shout insults at the assembled marchers.

These deliberate actions demonstrate Dawson's leadership role in encouraging Klansmen to confront the marchers and to incite violence, a role about which his GPD handlers were well aware and did nothing to prevent or mitigate. In fact, commanding officer Capt. Thomas said he believed Dawson was problematic as an informant because he was clearly a believer in the KKK's views and had allegiance to them as a group. He claimed he told Talbott and Cooper to ensure that Dawson did not attain a position of leadership in the Klan. 180 Although Dawson was not the only leader in bringing about the violence, he clearly played a central role in the Nov. 3, 1979, confrontation. Dawson was poorly instructed and supervised, and inflamed anti-Communist sentiments and urged Klansmen into a violent confrontation with the Communists and facilitated that contact.

Further, Dawson appears to have believed he was acting with the approval and even encouragement of his police handlers, who paid him for his information.<sup>181</sup> Dawson claimed that when he went to the GPD to meet with Maj. Colvard, who was the head of Criminal Intelligence when he was an informer in the early 1970s, Colvard took him to Cooper's office with the suggestion, "If you want somebody to go to one of these Communist meeting things, you ought to talk to Dawson here." Dawson also claimed that it was Cooper and Talbott who suggested that he attend the Klan rally in Lincolnton on Oct. 22, where Dawson made a speech urging the conformation of "the Communists" in Greensboro. As further evidence of his assumed approval, after he was named as a defendant in the civil suit Dawson approached the police department to ask if the city attorney would represent him in the case. 184

GPD officials admit that there were not written guidelines for handling informants in 1979. <sup>185</sup> While Talbott and Cooper say they told Dawson he couldn't break the law. In Cooper's words:

And I told him that, you know that if he went to the meeting that's fine we would like to know what he found out and if he did disrupt the meeting, that he would be arrested, just like anybody else who violates the law. 186

However, there is no evidence that Cooper and Talbott ever advised Dawson *specifically* what would constitute a violation of the law, specifically what would be viewed as illegal behavior in the context of the Klan's plans to disrupt the march and potentially assault the demonstrators by throwing eggs. We believe this omission is negligent in overseeing informants who are known to have been involved in racist violence and who are providing information about plans that could be reasonably foreseen as producing violence.

## Permit process

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

According to Capt. Gibson, the parade permitting process ordinarily involved an assessment by the Chief's Office if there were any problems with the parade route and requirements for police personnel. The permit was then passed to the City Manager's office to issue the permit, which was either mailed to the applicant or picked up at the station. Johnson's permit took almost two weeks to process even though the restrictions on demonstrators were already discussed among the officers and agreed to by Johnson in his application.<sup>187</sup> Gibson said he did not know what caused this delay, saying that his only involvement with the process was initial discussions with Maj. Wynn about denying the permit and

# Planning for and sequence of November 3, 1979

then taking the application from Johnson. However, Gibson speculated that, "If I had to guess, I'd say they were having meetings and discussions about it upstairs." We have found insufficient evidence to make a finding about what caused the delay.

WVO/CWP demand police "stay out of our way"

The facts show that the WVO/CWP were openly hostile to the police and made the job of protecting them difficult. However, hostility and verbal abuse do not preclude their right to police protection. The police knew this enmity existed and yet delivered the explicit promise of protection of the marchers and their First Amendment rights when Johnson applied for the permit. <sup>189</sup>

"Low Profile" or No Profile?

The key decision to be absent from the starting point of the march turned on the concept of a "low-profile" approach to policing the march., Given the enmity between police and WVO/CWP, the GTRC feels some version of a "low-profile" presence by the police was reasonable. However, the discussion of the profile of the police in relation to Nov. 3 often seems as though only two options were available to the GPD: full presence in riot gear at the starting point or removing officers to a location four minutes away from the parade. However, a range of intermediate options also could have been considered as "low profile." These options would have been much more reasonable given the available intelligence about the risks of violence. For example, a few unmarked cars with uniformed officers sitting inside, within sight of the parade, would have provided protection without agitating the crowd. Indeed, Comer and Johnson did just this at the Windsor Center without producing a violent clash between marchers and police.

The police have publicly argued that this version of low profile is indeed what was planned, and it was because Comer and his officers were in the wrong place that the police protection was absent (see police investigation). However, both Comer and Spoon knew the designated assembly point for the march was Everitt and Carver; yet, they did not call in any back up to provide coverage to this location.

### Early lunch

Over the years, those in the community who suspect a police conspiracy have pointed to Daughtry's decision to send the tactical officers to an early lunch before assuming their assigned positions. Given the information available—that the Klan and Nazis were already in town with guns and a copy of the parade route (which indicated the demonstrators were required to be unarmed), and intended to engage in a confrontation and assault, in some form, on the demonstrators—we believe the decision to not have a single unit on hand as back up until 30 minutes before the parade step-off shows deliberate indifference to the safety of the marchers and the neighborhood residents.

However, while the decision to send units to an early lunch was clearly a poor one that reflects a pattern of a stunning underestimation of the threat posed by the volatile situation, it is very important to note that even if the tactical units had been in position when the caravan arrived, they would not have been at either Windsor Center or Carver and Everitt. The decision was made by Gibson and Hampton that a "low-profile" approach was to have tactical units in positions located many blocks from the actual parade starting point. Starting positions were to be at Dudley High School, (five blocks away from Carver and Everitt) and Gillespie Junior High School (some 24 blocks away from Carver and Everitt). Indeed, several of the cars of tactical units were in position when the call came in regarding the confrontation, and these units say they immediately proceeded to the scene when they heard a fight was in progress. Nevertheless, they arrived too late, which demonstrates that this aspect of the "low profile" option was insufficient to protect the marchers and locals, regardless of the decision to send

officers to lunch.

Starting point

One of the police department's most often repeated reasons for why no police were present on Nov. 3 was over confusion because the WVO/CWP changed the starting point of the parade. The GTRC finds this to be simply untrue. The WVO/CWP designated on their parade permit that Everitt and Carver was the starting point, and Nelson Johnson explained the discrepancy with the posters to Capt Gibson when he applied for the permit. The discrepancy was repeatedly discussed in planning meetings on Nov. 1 and Nov. 3. It was repeatedly emphasized that the starting point was to be at Everitt and Carver. In their depositions, Spoon, Daughtry, Burke, Hightower and Cooper all say they understood Carver and Everitt to be the starting location.

With the facts available to us, we cannot determine whether a significant crowd was gathered at Everitt and Carver when Comer went there at 10:13. However, given his deviation from the plan for coverage, which was for the parade to begin at Everitt and Carver and for Comer to meet Nelson Johnson there, we find Comer's failure to return there, to post his second officer there, or to call in for additional officers to be negligent, and not due to confusion or to a change on the part of the WVO/CWP.

Failure to adequately plan for foreseeable events

Lt. Spoon briefed Sgt. Comer on the location of tactical units, which Comer had asked to be in place as back up in case of trouble. However, Spoon did not give Comer specific instructions on what might constitute a basis for calling in tactical units, or how to instruct his own two officers in what police intelligence indicated was the likely event of Klan and Nazi protesters confronting the march.<sup>190</sup>

Likewise, it is not entirely clear what the specific orders were, if any were given, to tactical officers and patrol officers about their respective responsibilities in protecting the demonstrators should the Klan and Nazis show up. Many of the officers present at the lineup, including tactical field commander Lt. Daughtry, <sup>191</sup> understood their assignment was to "get in between" the Klan and marchers, but only after the parade had begun. <sup>192</sup>

However, Capt. Gibson<sup>193</sup> and Hampton<sup>194</sup> said that they understood the tactical assignment was only as back up to be called for if needed by Comer. Clearly the responsibilities and contingencies were not adequately discussed.

Tactical officers do not recall any instructions at all on what would constitute a need for tactical units to respond. <sup>195</sup> In addition, the tactical units were supposed to "get in between the Klan and demonstrators," yet Daughtry made the decision not to call them in, even when it was obvious to Daughtry that the groups were about to come into contact.

This is why, they explain, that they did not proceed to Carver and Everitt, or even to their posts, when—knowing that Comer and his men were at Windsor Center and that there was no one stationed at Everitt and Carver—they heard that the Klan and Nazi caravan had departed the house and was headed in the direction of the parade starting point. <sup>196</sup> In fact, when Officer Freeman relayed the order to "rush up" into position because the caravan was moving, Tactical Officer R.L. Smith reportedly replied, "You tell the lieutenant I'll be there just as soon as I finish eating," <sup>197</sup> a comment that shows reprehensible disregard for the safety of the marchers and local residents.

Confusion about the cancelled use of the church as rally site

Lt. Spoon had not discussed with church staff in advance his plan to do a bomb check at the church that

was to be the location of the conference after the parade. <sup>198</sup> If he had done, he would have been aware that the church had already backed out, as Nelson Johnson announced in his Nov. <sup>1</sup> press conference, as the officers observing the press conference also would have known. We have seen no evidence that Spoon investigated further why the church was locked or if that served as an indication to him of a change in venue. Rather, from the information available to us, he continued to believe the church was the conference site. If that is true, Spoon left what he understood to be the conference site unattended and unsecured because he was unable to do his bomb check, even though the known intelligence was that the confrontation with the Klan was to be at the end of the march.

#### Failure to stop the caravan

Cooper admits there was a "reasonable chance" guns were in the cars and the caravan was "probably" heading toward the parade assembly point. The Klan informant had communicated to Cooper the Klan's intent to interfere with the march and assault the demonstrators. However, Cooper (and all other officers questioned on this topic) insisted there was no probable cause to stop the caravan.

Is "probable cause" or "articulable suspicion" needed to make such a stop? Daughtry admits they had articulable suspicion but not probable cause. 199 Gibson said,

Had I been there I would have ordered them to stop them. It would saved a lot of trouble... Under those circumstances, you may have been overstepping your boundaries a bit, but you could have said, guys I'm going to put you in jail for something. I'll think of something, there's always something. But the civil suits had everybody afraid of getting sued. It was drilled into us. That was the problem.<sup>200</sup>

"Probable cause" exists where there is reasonable grounds to believe that the proposed stop or search of a designated person or premise will reveal criminal conduct or contraband. To satisfy the legal test, the operative facts must show that it is "more probable than not" that the designated crime has been committed or that contraband is stored at a particular identified location. The information which establishes "probable cause" must be specific, but need not rise to the level of proof beyond a reasonable doubt. The test used by the court to determine whether "probable cause" exists is the totality of the circumstances. <sup>201</sup>

The State and Federal constitutions also allow a limited "stop and frisk" upon a showing of reasonable suspicion by a law enforcement officer. "Reasonable suspicion" is based on a showing that an officer has received information or observed circumstances where specific and articulable facts are available which, based upon the officer's background, training or specific experience, taken together with reasonable inferences warrants the officer's belief that a crime is about to occur.<sup>202</sup>

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

Further, the report of the police witness who said he saw a man walking alongside a line of parked cars on the I-85 on-ramp carrying an AR180, coupled with Dawson's claim that he reported to police the presence of more guns at the house, and Talbott's recollection that Cooper had reported seeing guns loaded into the cars, combine to raise questions about Cooper's credibility in what he knew about weapons and, therefore, the reasonableness of not stopping the caravan.

Finally, when the caravan was pulled over on the ramp into I-85, there were eight cars of tactical officers less than two blocks away. Some officers said they did not move to intercept or visibly accompany the caravan because they were not ordered and because they understood that Comer and his men were in charge of security and tactical was there for back up (even though they knew from his transmissions that Comer and his men were at Windsor and not at Everitt and Carver). Others said they believed they were to stay out of sight of the Klan, that such an approach was what was implied by "low profile." Police Attorney Cawn argued that for marked police cars to follow the caravan would have been "chilling" to the Klan's free speech rights.

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

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

#### Failure to stop fleeing vehicles

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

## Notes

- <sup>1</sup> "Answer of Defendant JT Williams to Plaintiffs' Interrogatories," *James Waller v. Bernard Butkovich et al.*, Civil Action No.80-605-G, Middle District North Carolina, (6 August 1984), 3-4; W.D.Comer Testimony, *Waller v. Butkovich* (29 April 1985), 99.
- <sup>2</sup> Administrative Report (19 November 1979), 7.
- <sup>3</sup> Now deceased.
- <sup>4</sup> GPD Officer GF Minor, Statement of Michael Clinton (3 November 1979); GPD Cuthbertson, Statement of Billy Franklin (3 November 1979), 1; GPD Officer GF Minor, Statement of Harold Flowers (9 November 1979), 1. GPD Criminal Evidence Report "Crime Scene Investigation," J.R. Ballance Notebooks 1983, Activity 79-145368, page 81, shows that indeed seven dozen eggs were found in the van.
- <sup>5</sup> GPD Statement of Billy Franklin (3 November 1979), 1. Jerry Paul confirms that he "thought there might be street fights," GPD Statement of Jerry Paul Smith, (8 November 1979), 8.
- <sup>6</sup> Now deceased.
- <sup>7</sup> GPD Statement of Claude McBride (5 November 1979), 1.
- <sup>8</sup> Jerry Cooper Deposition, *Waller v. Butkovich* (25 June 1984), 128; Edward Dawson Deposition III, *Waller v. Butkovich* (13 June 1984661, 672, 688, Edward Dawson FBI Pre-Grand Jury Testimony (22 June 1982), 99-100.
- <sup>9</sup> Cooper Deposition, Waller (25 June 1984), 36-37; Burke Grand Jury Testimony (19 August 1982), 10.
- <sup>10</sup> T.L. Burke Federal Grand Jury Testimony (19 August 1982), 10.
- <sup>11</sup> GPD, Statement of Virgil Griffin (20 November 1979), 1.

- <sup>12</sup> B.L. Thomas Testimony, Waller (26 August 1982), 38; Thomas Deposition, 130.
- <sup>13</sup> Jerry Cooper Testimony, US v Griffin (10 February 1984), 139.
- <sup>14</sup> R.L. Talbott Federal Grand Jury Testimony, (5 August 1982), 41.
- <sup>15</sup> IAD DC Williams, "Summary Report Incident at Everitt and Carver Street, November 3, 1979," to Chief Swing (6 November 1979), 2.
- <sup>16</sup> IAD DC Williams, "Summary Report Incident at Everitt and Carver Street, November 3, 1979," to Chief Swing (6 November 1979), 2; GPD Chief of Police William E. Swing, "An Administrative Report of the Anti-Klan Rally, Greensboro, NC, Nov 3, 1979," Greensboro (19 November 1979), 11.
- <sup>17</sup> "Answer of Defendant Dixon to Plaintiffs' Interrogatories," *Waller* (30 July 84), 2; Daughtry Grand Jury Testimony (19 August 1982), 25; "Answer of Defendant Wells to Plaintiffs' Interrogatories," *Waller* (31 July 84), 2; "Answer of Defendant Clark to Plaintiffs' Interrogatories," *Waller v. Butkovich* (26 July 84), 2. Spoon Deposition, *Waller* (14 August 1984).
- <sup>18</sup> GPD license plate report, produced at 10:04 a.m., 3 November 1979.
- <sup>19</sup> P.W. Spoon Testimony, *Waller* (no date given on transcript), 58; Spoon Deposition, *Waller* (14 August 1984), 41
- <sup>20</sup> Maurice Cawn Deposition, Waller (14 August 1984), 99-100.
- <sup>21</sup> The WVO had planned to announce the change of their name to the Communist Workers Party at the rally following the parade.
- <sup>22</sup> Floris Weston, interview with the *Greensboro Truth and Reconciliation Commission*, 26 August 2005.
- <sup>23</sup> Nelson Johnson, statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 26 August 2005.
- <sup>24</sup> Gibson reported that when he arrived on the scene after the shooting, he saw the long guns in cases through a window in the back of a locked parked car. Police Attorney Cawn who had also arrived by that time, said that because there was no evidence that they had been used in any crime they could not be seized. Larry Gibson, interview with the *Greensboro Truth and Reconciliation Commission*, 5 May 2006.
- <sup>25</sup> FBI SA Brereton, "Greenkil Report: Civil Rights," to US Attorney, Greensboro 44-81521, FD-204 (no date), 13-14.
- <sup>26</sup> Doris Blitz Deposition, Waller (24 July 84), 114-121.
- <sup>27</sup> GPD Statement of Edward Boyd (12 November 1979); GPD Statement of Laura Blumenthal (9 November 1979); GPD Statement of Matthew Sinclair (9 November 1979); GPD Statement of Charles Travis (3 November 1979); GPD Statement of David Dalton (3 November 1979); GPD Statement of George Vaughn (8 November 1979); GPD Statement of James Waters (8 November 1979).
- <sup>28</sup> GPD Statement of Laura Blumenthal 5 November 1979. Johnson said he can't deny anyone told journalists this but that no demonstrators were instructed to tell media to keep information from the police. (Nelson Johnson, statement to the GTRC, Public Hearing, 26 August 2005.). We have seen no evidence that police sought any information from any journalists that morning about where the parade was to start.
- <sup>29</sup> FBI SA Beckwith and SA Lowe interview of Sgt W.D.Comer (28 November 1979), 7; W.D.Comer Testimony, *Waller v. Butkovich* (29 April 1985), 99, said that he sat at the intersection of Everitt and Carver from 10:05 or 10:10 until 10:30. So it is not clear from these two sources whether Comer stayed in one place to observe or drove around the neighborhood. See also, IAD DC Williams, "Summary Report Incident at Everitt and Carver Street, November 3, 1979," to Chief Swing (6 November 1979), 3; GPD Chief Swing, "An Administrative Report," 19 November 1979, 12; J.T. Williams Federal Grand Jury Testimony (20 August 1982), 20, says he didn't know what Nelson looked like; T.R. Johnson Federal Grand Jury Testimony (20 August 1982), 17, says he knew what Nelson looked like; W.D. Comer Federal Grand Jury (23 August 1982), 29-30.
- <sup>30</sup> W.D. Comer Federal Grand Jury testimony (23 August 1982), 29-30. Williams Federal Grand Jury Testimony (20 August 1982), 20.
- <sup>31</sup> "Nelson was causing problems down at the service center, which is the city garage, or I heard them mention him and that they had seen him do this or that or the other on previous occasions." T.R. Johnson, Grand Jury Testimony 20 August 1982), 17-18.
- <sup>32</sup> W.D. Comer Deposition, Waller (27 June 1984), 48.
- <sup>33</sup> Federal Bureau of Investigation, "Subject: Paul Bermanzohn," Charlotte Field Office (CE 44-3527 Sub. A, Vol. 5), name blacked out
- <sup>34</sup> Federal Bureau of Investigation, "Subject: Paul Bermanzohn," Charlotte Field Office (CE 44-3527 Sub. A, Vol. 5), name blacked out
- <sup>35</sup> GPD, Statement of J.R. Ballance, 14 March 1980.

- <sup>36</sup> FBI interview of W.D.Comer (28 November 1979), 7.
- <sup>37</sup> GPD Statement of JT Williams (3 November 1979), 1, JT Williams Grand Jury Testimony (20 August 1982), 19.
- <sup>38</sup> FBI interview of W.D.Comer (28 November 1979), 8.
- <sup>39</sup> P.W. Spoon Deposition, Waller v. Butkovich (14 August 1984), 76.
- <sup>40</sup> W.D. Comer Federal Grand Jury Testimony (23 August 1982), 52-53.
- <sup>41</sup> GPD, "Police Chronology of Events," 28 February 1980, 55-56.
- <sup>42</sup> FBI SA Brereton, "Greenkil Report: Civil Rights," to US Attorney, Greensboro 44-81521, FD-204 (no date), 12-13; GPD Cuthbertson, Statement of Billy Franklin (3 November 1979), 2; GPD Fuller and Warrant, Statement of Lisford Carl Nappier (3 November 1979),5; FBI SA Brereton interview of Chris Benson (17 June 1982), 92; GPD Welch, Cuthbertson and Knight, Statement of Ruby Sweet (10 December 1979), 1.
- <sup>43</sup> GPD Melton, Statement of Edward Dawson (5 November 1979); GPD Minor, Statement of Harold Flowers (4 November 1979), 2; GPD Fuller and Warren, Statement of H. Flowers (3 November 1979); GPD Fuller and Warrant, Statement of L.C. Nappier (3 November 1979), 10.
- <sup>44</sup> FBI SA Thomas Brereton, Pre-Grand Jury interview of Edward Dawson, Winston Salem (22 June 1982),106. In his deposition, Dawson changed his recollection and said he made the first call at 7:30 but Cooper was in the shower. See Dawson Deposition, *Waller v. Butkovich* (13 June 1984), 667, he went to Fletcher's and then left on the excuse of going to find one of the Klansmen who had gotten lost. He arrived at his own home around 10: 00 and called Cooper to tell him who was there and that they had guns. Dawson said this was the first time he spoke to Cooper. Dawson Deposition, *Waller v. Butkovich* (13 June 1984), 675-79.
- <sup>45</sup> Jerry Cooper Deposition, *Waller v. Butkovich* (25 June 1984), 151. Dawson claimed that he called Cooper at his home, which seems impossible since Cooper was in the police station by that time.
- <sup>46</sup> Cooper Deposition, *Waller v. Butkovich* (25 June 1984), 152; Jerry Cooper, Report of interview with James Buck (8 November 1979); GPD Melton, Statement of Grady B. Hoppes (19 November 1979), 1 (statement taken at the Forest City, N.C. Police Department).
- <sup>47</sup> GPD McNair, Statement of Virgil Griffin (20 November 1979). See also GPD, "Police Chronology of Events," (28 February 1980), 58.
- <sup>48</sup> GPD J.H.Cooper, Statement of James Buck (8 November 1979), 1, GPD Melton, Statement of Roy Splawn (19 November 1979), 5; GPD Minor and Cuthbertson, Statement of Miller (no date), 2.
- <sup>49</sup> GPD J.H. Cooper, GPD Statement of J.Buck (8 November 1979), 1.
- <sup>50</sup> GPD J.Cooper, Statement of J.Buck (8 November 1979); GPD Minor and Cuthbertson, Statement of Miller (no date), 2; "Statement of Mark J. Sherer" given in conjunction with is plea bargain agreement with Daniel L. Bell II, US Department of Justice Attorney, witnessed by FBI Special Agent (10 March 1983), 2.
- <sup>51</sup> GPD Warren and FBI Brereton, Statement of Terry. Hartsoe (3 November 1979), 2-3.
- <sup>52</sup> GPD Belvin and FBI Brereton, Statement of Jerry Paul Smith (8 November 1979), 2.
- <sup>53</sup> GPD Statement of J.P.Smith (8 November 1979), 2-3. [NOTE: There is a section of tape missing from this interview.] Newspapers later reported that Virgil Griffin and David Matthews had plotted to kill Smith for giving information about the shooting to prosecutors. (See Justice System chapter.)
- <sup>54</sup> GPD Melton, Statement of Edward Dawson (5 November 1979).
- <sup>55</sup> Plea Bargain "Statement of Mark J. Sherer," (10 March 1983), 2, signed by Daniel L. Bell II, U.S. Dept of Justice Attorney, witnessed by FBI Thomas Brereton.
- <sup>56</sup> Roland Wood, interview with the *Greensboro Truth and Reconciliation GTRC*, 7 December 2005. That same fall, undercover ATF agents arrested several Ft Bragg soldiers for stealing weapons and selling them. One soldier said he believed the weapons were being sold to the Klan, who intended to take them to Greensboro in November 1979 (*Fayetteville Observer*, 26 November 1980). In his deposition, however, Dukes said he had no knowledge of the investigation or arrests. Dukes Deposition, *Waller v. Butkovich* (2 July 1984), 164-165.
- <sup>57</sup> This is a quote from Cooper who interviewed Fletcher the evening of Nov 3. Cooper Testimony, *US v. Griffin* (10, 13 February 1984), 8.
- <sup>58</sup> GPD L.C.Fuller and Det. R.L.Warren, Statement of L.C.Nappier (3 November 1979), 19.
- <sup>59</sup> Chris Benson, FBI interview with SA Brereton (17 June 1981), 94.
- <sup>60</sup> FBI SA Brereton, "Greenkil Report: Civil Rights," to US Attorney, Greensboro 44-81521, FD-204 (no date).13.
- <sup>61</sup> Plea Bargain "Statement of Mark Sherer," (10 March 1983), 2.
- <sup>62</sup> Chief W. Swing, IAD "Administrative Report of the Anti-Klan Rally" (19 Nov.1979), 11.
- <sup>63</sup> April Wise Deposition, Waller v. Butkovich (23 October 1983), 21-22.
- 64 *Ibid*, 25.

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- 65 Dawson Deposition Waller v. Butkovich (13 June 1984), 634
- <sup>66</sup> GPD Melton, Statement of Roy Splawn (19 November 1979), 6. Dawson admits to rushing people, Dawson Deposition, *Waller v. Butkovich* (13 June 1984), 634.
- <sup>67</sup> GPD, Statement of Splawn (19 November 1979), 6.
- <sup>68</sup>GPD Statement of Hartsoe, (3 November 1979); Jim Wicker, "Prosecution says Matthews alters story" *Greensboro Record* (9 October 1980)
- <sup>69</sup> GPD, "Police Chronology of Events," 28 February 1980, 58-59.
- 70 Cooper Deposition, Waller v. Butkovich (25 June 1984), 163, 174.
- <sup>71</sup> GPD Statement of Fred Don Taylor (3 November 1979), 1. "Mr. Taylor stated he was going south on 220 between 9:30 and 10:30 a.m. on 11/3/79. He stated he saw several cars parked on the left side of the road as he was going south. The first car he saw was a light blue, four door older model Ford. The second car was an older model van that needed painting. The third car was a light colored car. The fourth was a pickup truck. He stated as he was traveling south, he observed a white male exit vehicle 1, the light blue, four -door, older model Ford, with what appeared to him to be an automatic weapon of some type. He stated when the suspect exited the vehicle, he looked directly at him, and he could visibly see the automatic weapon. He stated the man he observed had on a plaid colored shirt and had a neatly trimmed dark brown beard and dark brown hair and was wearing a hat that he described as an Ivy League type hat. This officer made a sketch, and Mr. Taylor stated that resembled closely the hat the subject was wearing.
- Mr. Taylor was shown a photographic spread of approximately 10 to 12 people and identified Roland Wayne Wood, Terry Wayne Hartsoe, and Lawrence Gene Morgan. Mr. Taylor further positively identified the light blue Ford vehicle that was in a photograph that is in this officer's possession. Mr. Taylor's lawyer later speculated that his client had a distant relative who may have been in the Klan and therefore might have communicated the information Mr. Ford had to the Klan. According to the lawyer's statement to the police the Klan had offered to pay the witness in exchange for his not testifying. We have no evidence for why he was not subpoenaed for any of the trials. Prosecutors in the murder trial did not recall Taylor's name or anything about his statement."
- <sup>72</sup> Cooper Testimony, *Waller v. Butkovich* (13 April 1985), 47-48; GPD "Radio Transcript," in Annex of GPD Chief Swing, "An Administrative Report of the Anti-Klan Rally, Greensboro, NC, Nov 3, 1979," Greensboro (19 November 1979), 66.
- <sup>73</sup> IAD DC Williams, "Summary Report Incident at Everitt and Carver Street," to Chief Swing (6 November 1979), 4.
- <sup>74</sup> IAD DC Williams, interview of Jerry Cooper (20 November 1979), 5; Cooper Testimony, *Waller v. Butkovich* (13 April 1985), 194; Cooper Deposition, *Waller v. Butkovich* (25 June 1984), 177.
- <sup>75</sup> GPD "Radio Transcript," in Annex of GPD Chief Swing, "An Administrative Report of the Anti-Klan Rally, Greensboro, NC, Nov 3, 1979," Greensboro (19 November 1979), 66-70
- <sup>76</sup> GPD "Radio Transcript," 62.
- <sup>77</sup> IAD DC Williams, "Summary Report Incident at Everitt and Carver Street," to Chief Swing (6 November 1979), 5.
- <sup>78</sup> GPD Statement of Lt S.Daughtry (3 November 1979), 1.
- 79 "Answers of Defendant S.A.Bryant to Plaintiffs' Interrogatories," Waller v. Butkovich (12 October 1984), 4.
- 80 A.A. League Federal Grand Jury Testimony (24 August 1982), 11, 22-23.
- <sup>81</sup> IAD DC Williams, "Summary Report Incident at Everitt and Carver Street," to Chief Swing (6 November 1979), 4.
- 82 GPD "Radio Transcript," 70.
- 83 GPD "Radio Transcript," 70.
- <sup>84</sup> IAD DC Williams, "Summary Report Incident at Everitt and Carver Street," to Chief Swing (6 November 1979), 4.
- <sup>85</sup> IAD DC Williams, "Summary Report Incident at Everitt and Carver Street," to Chief Swing (6 November 1979), 4.
- 86 GPD "Radio Transcript," 70.
- <sup>87</sup> IAD DC Williams, "Summary Report Incident at Everitt and Carver Street," to Chief Swing (6 November 1979), 5.
- 88 GPD "Radio Transcript," 71.
- <sup>89</sup> Herb Belvin Federal Grand Jury Testimony (24 August 1982), 16. Daughtry describes this exchange as Belvin "flagged me down." see GPD, Statement of Lt. S. Daughtry (3 November 1979), 1.
- <sup>90</sup>Sally Bermanzohn, statement to the *Greensboro Truth and Reconciliation Commission*, 26 August 2005; Paul Bermanzohn, statement to the *Greensboro Truth and Reconciliation Commission*, 15 July 2005; GPD Statement

- of Percy Simms (14 November 1979).
- 91 GPD, "Radio Transcript," 72.
- <sup>92</sup> Lacy Russell Testimony, Waller v. Butkovich, page 11; GPD Statement of Lacy Russell (2 January 80), 1.
- 93 GPD, "Police Chronology of Nov.3 Shooting, Audio/Video Synchronization," (28 February 1980), 6.
- <sup>94</sup> *Ibid*, 7
- <sup>95</sup> *Ibid*, 7.
- <sup>96</sup> Ed Butler Federal Grand Jury Testimony (3 May 1982), 30.
- <sup>97</sup> GPD GC Ritter, Statement of Brent Fletcher (28 December 1979); GPD Cuthbertson, Statement of Billy Franklin (3 November 1979), 2; GPD Melton, Statement of Roy Splawn (19 November 1979), 7; GPD Fuller, Statement of David Matthews (3 November 1979), 1.
- <sup>98</sup> Jim Ballance, interview with the *Greensboro Truth and Reconciliation Commission*, 12 December 2005.
- <sup>99</sup> GPD Statement of Hayes, (20 November 1979), 2.
- <sup>100</sup> FBI SA Brereton, "Greenkil Report: Civil Rights," to US Attorney, Greensboro 44-81521, FD-204 (no date),
- 3; Plea Bargain "Statement of Mark J. Sherer" (10 March 1983), 2.
- <sup>101</sup> Nelson Johnson Testimony, Waller v. Butkovich (16 April 1985), 138.
- <sup>102</sup> GPD, Statement of E. Boyd (12 November 1979).
- <sup>103</sup> GPD, Statement of J. Waters (8 November 1979). GPD, Statement of Robert Lee Marshall (31 December 1979); GPD, Statement of Ansly Jessup (15 November 1979).
- <sup>104</sup> GPD, Statement of Floris Cauce (8 March 1980); GPD Statement of Nelson Johnson (18 January 1980). GPD, Statement of Robert Lee Marshall (31 December 1979); GPD, Statement of Ansly Jessup (15 Nonember 1979).
- <sup>105</sup> GPD, Statement of B.Fletcher (28 December 1979), 2; GPD, Statement of Timothy Rockett (27 November 1979), 1.
- <sup>106</sup> Also corroborated by eyewitnesses GPD GC Ritter, Statement of Nelson Napoleon Johnson (18 January 1980); GPD GC Ritter, Statement of Paul Bermanzohn (1 February 1980); GPD GC Ritter, Statement of Elizabeth Parker Slade (12 March 1980); GPD GC Ritter, Statement of Derrick Sims (10 December 1979);
- <sup>107</sup> GPD A.Travis, Statement of M. Sherer (12 May 1980).
- <sup>108</sup> GPD A. Travis, Statement of M. Sherer (12 May 1980).
- <sup>109</sup> Elizabeth Wheaton, *Codename GREENKIL: The 1979 Greensboro Killings* (Athens, GA: The University of Georgia Press, 1987), 136.
- <sup>110</sup> GPD Melton, Statement of Dawson (5 November 1979), 1.
- <sup>111</sup> GPD, Statement of H. Matthews (28 November 1979), 1.
- <sup>112</sup> GPD, Statement of Frankie Powell (no date).
- <sup>113</sup> David Matthews, Testimony State v. Fowler, 41
- <sup>114</sup> Dale Sampson Federal Grand Jury Testimony, page 29.
- <sup>115</sup> Sally Bermanzohn, statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 26 August 2005.
- <sup>116</sup> Nelson Johnson, statement to the *Greensboro Truth and Reconciliation GTRC*, Public Hearing, 26 August 2005.
- <sup>117</sup> Winston Cavin, statement to the *Greensboro Truth and Reconciliation GTRC*, Public Hearing, 26 August 2005.
- <sup>118</sup> Don Pelles, interview with the *Greensboro Truth and Reconciliation Commission*, 23 December 2005.
- 119 GPD "Radio Transcript," 72.
- 120 GPD "Radio Transcript," 72.
- <sup>121</sup> GPD, Statement of A. League (3 November 1979), 1; GPD, Statement of S.A.Bryant (3 November 1979), 1.
- <sup>122</sup> GPD, Statement of E.Boyd (3 November 1979).
- <sup>123</sup> GPD, Statement of G.K.Henline (6 March 1980), 1; GPD Chief Swing, "An Administrative Report," 19 November 1979, 87.
- <sup>124</sup> IAD DC Williams, "Summary Report Incident at Everitt and Carver Street," to Chief Swing (6 November 1979), 6.
- 125 GPD, "Radio Transcript," 72.
- 126 Ihid
- <sup>127</sup> GPD Cuthbertson, Statement of Roy Toney (3 November 1979), 1.
- <sup>128</sup> Jim Wrenn, interview with the *Greensboro Truth and Reconciliation Commission*, 6 July 2005.
- <sup>129</sup> Toney said it was a red haired man who knocked him down and punched him in the face (Grand Jury Testimony (13 April 1983), 85). GPD Statement of B. Franklin (3 November 1979), 2; GPD Statement of

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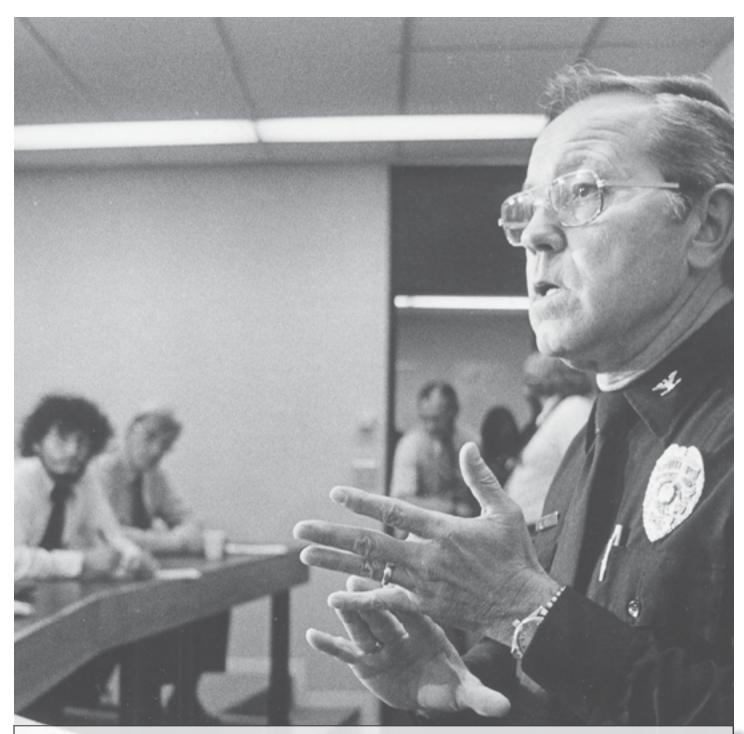
- H. Flowers (9 November 1979); GPD, Statement of J.P.Smith (8 November 1979); GPD of L.C.Nappier (3 November 1979), 26.
- <sup>130</sup> Roland Wood, interview with the *Greensboro Truth and Reconciliation Commission*, 7 December 2005.
- <sup>131</sup> GPD, "Police Chronology of Nov.3 Shooting, Audio/Video Synchronization," 28 February 1980.
- <sup>132</sup> Toney Federal Grand Jury Testimony (13 April 1983), 89.
- <sup>133</sup> *Ibid*.
- <sup>134</sup> Roland Wood, interview with the *Greensboro Truth and Reconciliation Commission*, 7 December 2005.
- <sup>135</sup> GPD, Statement of L. Morgan (5 November 1979).
- 136 Matthews, State v. Fowler 49, 51
- <sup>137</sup> GPD, Statement of D. Matthews (3 November 1979), 5-7.
- <sup>138</sup> GPD, Statement of H. Flowers (9 November 1979), 2.
- <sup>139</sup> GPD Warren, Statement of T. Hartsoe (3 November 1979), 3.
- 140 GPD "Radio Transcript," 72.
- <sup>141</sup> GPD "Radio Transcript," 72.
- <sup>142</sup> IAD DC Williams, "Summary Report Incident at Everitt and Carver Street," to Chief Swing (6 November 1979), 6.
- 143 GPD "Radio Transcript," 73.
- <sup>144</sup> IAD DC Williams, "Summary Report Incident at Everitt and Carver Street," to Chief Swing (6 November 1979), 7.
- <sup>145</sup> GPD, "Police Chronology of Nov.3 Shooting, Audio/Video Synchronization," 28 February 1980, 13.
- <sup>146</sup> Cooper Testimony, Waller v. Butkovich (13 April 1985), 58.
- <sup>147</sup> GPD, "Radio Transcript," 73.
- <sup>148</sup> Cooper Deposition, Waller v. Butkovich (25 June 1984), 186.
- <sup>149</sup> Cooper Testimony, Grffin (10 February 1984), 173.
- <sup>150</sup> GPD Evidence Control Form, 8 November 1979, Activity #79-145368; Office of Chief Medical Examiner, Chapel Hill, NC, File # ME 79748, 3 November 1979. On file at GTRC. "Doctor testifies one rally victim shot in the back" *Winston Salem Journal* (27 August 1980); J.R. Balance physical evidence files noting ammunition fired by different suspects guns (no date). On file at GTRC.
- <sup>151</sup> Doris Blitz Deposition, *Waller v. Butkovich* (24 July 84), 114 Don Pelles also told the GTRC he saw Blitz pointing her gun at the caravan. Interview with the GTRC, 23 December 2005.
- <sup>152</sup> GPD Criminal Evidence Report "Crime Scene Investigation," J.R. Ballance Notebooks 1983, Activity 79-145368.,On file at GTRC. J.R. Balance physical evidence files noting ammunition fired by different suspects guns (no date). On file at GTRC. See also report on FBI ballistics expert Don Havekost, "FBI expert testifies on shots fired by Klan" Fayetteville Observer, (3 Sept 1983).
- <sup>153</sup> GPD Evidence Control Form, 8 November 1979, Activity # 79-145368; Office of Chief Medical Examiner, Chapel Hill, NC, File # ME 79748, 3 November 1979. On file at GTRC. "Buckshot killed four of the five slain communists" *Burlington Times-News* (27 August 1980). J.R. Balance physical evidence files noting ammunition fired by different suspects guns (no date). On file at GTRC.
- <sup>154</sup> Claire Butler Deposition, Waller v. Butkovich (1 December 1984), 7.
- <sup>155</sup> GPD Evidence Control Form, 8 November 1979, Activity # 79-145368; Office of Chief Medical Examiner, Chapel Hill, NC, File # ME 79748, 3 November 1979. On file at GTRC. J.R. Balance physical evidence files noting ammunition fired by different suspects guns (no date). On file at GTRC.
- <sup>156</sup> "Buckshot killed four of the five slain communists" Burlington Times-News (27 August 1980).
- 157 Rand Manzella Testimony Waller v. Butkovich (6 March 1984), 56.
- <sup>158</sup> GPD, Statement of J.P.Smith (8 November1979), 10; Gary Terpening, "Klansman Claims Not To Remember Rally" *Winston-Salem Journal*, 3 April 1984.
- <sup>159</sup> Jim Wicker, "Examiner links pistol, death" (28 August 1980); GPD Criminal Evidence Report "Crime Scene Investigation," J.R. Ballance Notebooks 1983, Activity 79-145368.,
- <sup>160</sup> GPD, Statement of Matt Sinclair (3 January 1980).
- <sup>161</sup> Sally Bermanzohn, statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 26 August 2005.
- <sup>162</sup> Jim Wrenn, interview with the Greensboro Truth and Reconciliation Commission, 6 July 2005.
- <sup>163</sup> GPD, "Police Chronology of Nov.3 Shooting, Audio/Video Synchronization," 28 February 1980, 18.
- <sup>164</sup> GPD, Statement of Waters (8 November 1979).
- <sup>165</sup> Comer reported that he found the gun sticking out of the purse by Cauce's body. Since Blitz appears in the video with Sally Bermanzohn attending Cauce's body, he may have placed it there after the caravan had fled

- the scene. Comer reported that he picked up the purse and carried it around the scene before replacing it (GPD Comer, Supplementary Report, 3 November 1979 at 20:00), which might have resulted in tainting physical evidence collection.
- <sup>166</sup> GPD Fuller and FBI Phillips, Statement of D. Matthews (3 November 1979),11; GPD Fuller and Warrant, Statement of L.C. Nappier (3 November 1979), 27.
- <sup>167</sup> GPD, Statement of Nappier (3 November 1979), 8. He further added, "This is a shining example of why I am against the use of guns…those men lying there dead, they shouldn't be there. They didn't deserve that. I mean, even if they're Communists." GPD, Statement of Nappier, (3 November 1979),18.
- <sup>168</sup> GPD Chief Swing, "An Administrative Report," 19 November 1979, 22.
- <sup>169</sup> GPD FH Wilson, "Supplementary Report" filed at 10:45 (6 November 1979) 2.
- <sup>170</sup> GPD Comer, Supplementary report, 3 November 1979 at 20:00.
- <sup>171</sup> Sgt T.L.Burke "Shooting at Everitt Street and Carver Drive," Letter to Lt Daughtry (3 November 1979), 2; IAD DC Williams, interview of T.L. Burke (3 June 1980), 2; GPD Chief Swing, "An Administrative Report," 19 November 1979,77.
- 172 GPD, "Radio Transcript," 63.
- <sup>173</sup> GPD, Statement of April Wise (3 November 1979), 2.
- <sup>174</sup> Smith was actually shot over her right eye.
- <sup>175</sup> Rosalyn Pelles, interview with the *Greensboro Truth and Reconciliation Commission*, 23 December 2005.
- <sup>176</sup> Winston Cavin, statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 26 August 2005.
- <sup>177</sup> Nelson Johnson, statement to the *Greensboro Truth and Reconciliation Commission*, 26 August 2005.
- <sup>178</sup> Willena Cannon, statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 30 September 2005.
- <sup>179</sup> Chief Swing, "An Administrative Report," (19 November 1979), 68-77.
- <sup>180</sup> B.L.Thomas Federal Grand Jury Testimony (26 August 1982), 12-14.
- <sup>181</sup> Dawson deposition, *Waller v. Butkovich* (13 June 1984), 313; Dawson Pre-Grand Jury Testimony (22 June 1982), 29. Cooper Deposition, *Waller v. Butkovich* (25 June 1984), 55; Talbott Deposition, *Waller v. Butkovich* (1 November 1984), 184. Cooper and Talbott deny in their depositions that they asked him to attend the meetings, but would be interested in his information.
- <sup>182</sup> Dawson Deposition, Waller v. Butkovich (13 June 1984), 348.
- <sup>183</sup> Dawson Deposition, Waller v. Butkovich (13 June 1984), 303, 306, 313.
- <sup>184</sup> GPD Chief Swing, "Conversation with Edward Dawson," 25 February 1980.
- <sup>185</sup> Swing Deposition, *Waller v. Butkovich* (18 August 1984), 61; Cooper Deposition, *Waller v. Butkovich* (25 June 1984), 80; Talbott Deposition, *Waller v. Butkovich* (1 November 1984), 17, 112.
- <sup>186</sup> Cooper Deposition, Waller v. Butkovich (25 June 1984), 23.
- <sup>187</sup> "Application for Parade Permit," Appendix E at pages 45-46; and "Sec. 12-90. Parades regulated." Appendix G at pages 58-59, both in GPD Chief Swing, "An Administrative Report," 19 November 1979.
- <sup>188</sup> Larry Gibson, interview with the *Greensboro Truth and Reconciliation Commission*, 5 May 2006.
- <sup>189</sup> Attorney Irvin Joyner, Memo on "Amended Discussion of Applicable North Carolina Law," 17 February 2006, 12.
- <sup>190</sup> P.W. Spoon Federal Grand Jury Testimony (18 August 1982), 34-35.
- <sup>191</sup> Daughtry IAD interview (29 November 1979).
- <sup>192</sup> IAD DC Williams, "Summary Report Incident at Everitt and Carver Street," to Chief Swing (6 November 1979), 9; Gibson Grand Jury Testimony (23 August 1982), 92; "Answers of Defendant Dixon to Plaintiffs' Interrogatories," *Waller v. Butkovich* (30 July 1984), 4.
- <sup>193</sup> Gibson, interview with the Greensboro Truth and Reconciliation Commission, 5 May 1980.
- <sup>194</sup> T. Hampton Federal Grand Jury Testimony (24 August 1982), 10.
- <sup>195</sup> "Answers of Defendant Boyd to Plaintiffs' Interrogatories" number 15, Boyd, Gerringer, Henline, Toomes; League Federal Grand Jury Testimony (24 August 1982), 21.
- <sup>196</sup> IAD interview of Burke (3 June 1980).
- <sup>197</sup> IAD interview of Freeman (3 June 1980).
- <sup>198</sup> Spoon Deposition, Waller v. Butkovich (14 August 1984), 47.
- <sup>199</sup> Daughtry Federal Grand Jury Testimony (19 August 1982), 54-57.
- <sup>200</sup> Larry Gibson, interview with the *Greensboro Truth and Reconciliation Commission*, 5 May 2006.
- <sup>201</sup> South Dakota v. Opperman, 426 U.S. 364, 96 S. Ct. 3092 (1976); United States v. Ross, 456 U.S. 798, 102 S.

# Planning for and sequence of November 3, 1979

Ct. 2157 (1982) ;Michigan v. Long, 463 U.S. 1032, 103 S. Ct. 3469 (1983); State v. Blackwelder, 34 N.C. App. 352, 238 S.E.2d 190 (1977); State v. Braxton, 90 N.C. App. 204, 368 S.E.2d 56 (1988); State v. Green, 103 N.C. App. 38, 404 S.E.2d 363 (1991).

<sup>202</sup> Terry v. Ohio, 392 U.S. 1, 88 S. Ct. 1868 (1968); Sibron & Peters v. New York, 392 U.S. 40, 88 S. Ct. 1889 (1968); Florida v. Rodriquez, 469 U.S. 1, 105 S. Ct. 308 (1984); United States v. Place, 462 U.S. 696, 103 S. Ct. 2637 (1983); State v. Butler, 331 N.C. 227, 415 S.E.2d 719 (1992); State v. Hendrickson, 124 N.C. App. 150, 476 S.E.2d 389 (1996); State v. Fleming, 106 N.C. App. 165, 415 S.E.2d 782 (1992)



**Greensboro Truth and Reconciliation Commission Final Report** 

Police Internal Affairs investigation: Making the facts known?

# Chapter 8

The Internal Affairs Division (IAD) of the GPD is tasked (among other things) with investigating police performance and ensuring accountability. Investigations are normally kept as internal documents, but on Nov. 27, 1979, the GPD opted to release the Administrative Report on the shootings of Nov. 3, 1979 (hereafter "Administrative Report"), in the words of IAD Commander Capt. D.C. Williams, in order "to make the facts known." <sup>1</sup> In addition, the city established a Citizens Review Board to investigate what happened on Nov. 3, 1979 and specifically the police role (see following chapter).

However, our review of material from the GPD and other sources demonstrate that the commitment to "make the facts known" was unmet. Documents reviewed include previously unreleased IAD interviews and transcripts of testimony by GPD and city officials to a Federal Grand Jury and at the civil trial, as well as their responses to the civil suit discovery interrogatories and depositions and other discovery material collected by the plaintiffs. Rather than an effort to fully explore and communicate all the facts in an impartial manner, we find evidence of deliberate manipulation and concealment of the facts that we can only interpret as intended to sever the GPD from any responsibility.

For example, in comparing individual officers' police statements, IAD interviews and the various IAD summaries undertaken in the days and weeks immediately following Nov. 3, 1979, the IAD report shows a pattern of playing down certainty of information relating to the risks of violence and/or dismissal of the possible threats. This distancing strategy is consistent with public statements by GPD and city officials to the press and the Citizen's Review Committee regarding knowledge of planning for the march (see following chapter).

Further, regarding the actual operations of the parade protection on Nov. 3, 1979, there are inconsistencies in police narratives regarding alleged "communication failures," a pattern of removal of officers from the area at critical time points, inconsistencies that are not revealed or examined in the IAD report. More troubling, there are deliberate omissions of important facts from the IAD investigation report, which were dismissed as "irrelevant" by Chief Swing, who had ultimate authority over the final report content. These omissions obscure the advance information police had and their failure to take adequate steps to prevent violence, as well as the failure to apprehend suspects and criminal evidence as cars fled the scene.

In addition to the publicly released Administrative Report, there are other sources of individual officers' trial testimony, statements to the city-established Citizens Review Committee, statements to the press that offer contradictory explanations of the events and the failure of police protection.

### Denied awareness of likely violence

Denial of knowledge of WVO-Klan confrontation in China Grove

The city of Greensboro's Director of Public Safety, Hewitt Lovelace, repeatedly and emphatically claimed to the city-established Citizens Review Committee that, prior to Nov. 3, 1979, neither the city nor the police had any information about the China Grove confrontation between the WVO and the Klan. In fact, he repeated this assertion a remarkable <u>seven times</u> during his interview with the committee.<sup>2</sup> In answering the committee's question regarding the actions taken by city officials with

respect to the Nov. 3, 1979 rally, Lovelace referred to China Grove but added,

I hasten to point out that it is information that was received after. Please hear me, after the Nov. 3, 1979 incident. We were not aware, the police administration and I don't think—no, I know—that those people working in police intelligence at the time were not aware of the incident at China Grove. ... The still pictures show the volatility of the situation....We did not have that information and I am not making excuses. I am damning a situation that exists and I very sincerely mean that. I am damning it...it has tied one hand behind the back of the protection that we can afford you. Governor Hunt at the present time is attempting to alleviate that situation (referring to Hunt's instruction to allow investigation of "extremist" groups ]3. Since this incident the police and FBI have been authorized to monitor and keep track of *Klan organizations.*<sup>4</sup> *Up to that time even the FBI was prohibited from doing that.* What I am saying to you is that we didn't have any information to let us know that this situation was as volatile as it is. That's not an excuse, it's a statement of fact ... if we had known on the morning of Nov. 3, 1979 what we know today we would have violated the law (and stopped the caravan) ... and you might have five people alive todav who are dead. 5

Lovelace "damned" the lack of knowledge about China Grove not only as an explanation for the failure to protect the parade, but also as a justification for expanded authority to gather "civil" intelligence on groups not suspected of any crime, which was previously legally prohibited.

However, his assertions are not borne out by the GPD's own evidence. Almost as soon as Dawson began providing information to Talbott and Cooper, GPD records of their conversations show that he began talking about China Grove, a confrontation he personally found particularly galling. In an IAD interview, Talbott recalled that on Oct. 15 Dawson met with him and Cooper (only their second meeting), and in the course of discussing his desire to disrupt an RCP meeting recounted that the WVO sponsored an anti-Klan rally and march in China Grove. The incident, he said, "almost turned into a riot."

Dawson was not the only one who recognized the volatility of the face-off between the WVO and the Klan in China Grove. In his sworn Federal Grand Jury testimony, Lt. Spoon recalled that after the WVO march in Greensboro was announced, an intelligence memo on China Grove was circulated around the Department. In addition, Swing told the Federal Grand Jury that Nelson Johnson had received six parade permits in the years prior to 1979 and had never had restrictions on carrying unconcealed weapons or on placard posts. It is, therefore, reasonable to conclude that the difference in parade restrictions this case was a result of the confrontation at China Grove. When the discussion about permit restrictions took place on Oct. 10, none of the other events often cited as justifications for the restrictions had yet occurred. The WVO's fistfight with the RCP, the WVO's open challenges to the Klan, and the press conference demanding the police "stay out of our way" all happened later.

Likewise, Lt. Ford, upon hearing from Dawson that the Klan planned to come and confront the WVO's anti-Klan rally, went to meet with Deputy Chief Burch to discuss the "potentially explosive situation" posed by such a confrontation. During this conversation Ford says he specifically mentioned the near-violence at China Grove as one of his concerns regarding the security of the situation.<sup>8</sup>

Both Capt. Hampton and Capt. Gibson recall that this volatile recent altercation in China Grove was also specifically mentioned by Cooper in the Nov. 1 executive planning meeting. In addition, according to tactical officers Dixon and Clark, Cooper mentioned China Grove in the 10 a.m. line-up briefing on Nov. 3, 1979. It is worthy of note that Gibson told the GTRC in his statement that while they knew from

the media about the China Grove confrontation, they did not bother to talk directly to the China Grove police, which Gibson in retrospect believes resulted in mistakes in the adequacy of GPD's planning.

Given the weight of all this evidence that the GPD did indeed know about China Grove and was well aware of the volatility of that incident, we believe Lovelace's repeated and categorical declarations to the contrary a full three months after the shootings can be no mere slip of the tongue. They can only be interpreted as a deliberate attempt to mislead the public and sever the city from responsibility.

Downplaying the number of Klansmen expected

The most clear cut and significant aspect of the GPD's denial of knowledge the likelihood of violence is its downplaying of the number of Klansmen they expected to come to Greensboro from what informant Eddie Dawson reported as 85 to "approximately 10," and even denying any "reliable information" that anyone would come at all.

- Det. Talbott said that on or about Oct 22 Dawson told him and Det. Cooper that **85** Klansmen raised their hands at the Lincolnton rally when Griffin asked who would come. <sup>11</sup> Talbott further reported that Dawson said that Griffin expected **60** to actually come. <sup>12</sup>
- Capt. Thomas told the Federal Grand Jury that **80** local Klansmen were planning to come.<sup>13</sup>
- Chief Swing told the Grand Jury that the information they had indicated the number planning to come was "in the hundreds" from Raleigh and Charlotte.<sup>14</sup>
- Dep. Chief Burch recalls that in the Nov. 1 staff meeting Cooper and Thomas told him that **80 Klansmen + and an unknown number** from Covington's Nazis and Gibson's Rights of White People were planning to come. 15
- GPD Attorney Maurice Cawn said in his deposition that he recalled the number cited in the Nov. 1 meeting was **50-60**. 16
- Capt. Hampton recalled in his Grand Jury testimony that Cooper and Thomas told the Nov. 1 meeting that **10** Klansmen were planning on coming.<sup>17</sup> Hampton further claimed that the first he had heard of Klan planning to come at all was at this meeting. However, Talbott said he relayed all the information he and Cooper received from Dawson to Thomas and that he specifically passed on to Hampton any information regarding the parade beginning in Oct. 14, 1979. <sup>18</sup>
- Capt. Gibson recalls either Cooper or Thomas saying at the Nov. 1 meeting that "if any showed up, it would be maybe 10," but that "the final analysis was they really didn't expect anybody." In addition, although Gibson was in attendance in the staff meeting on Oct. 17, where minutes show that they discussed the intelligence that the Klan was planning to march in Greensboro, he claims in his deposition that when he and Maj. Wynn discussed permit restrictions, the possibility of the Klan coming was "the furthest thing from my mind." <sup>20</sup>

Those officers who were best in a position to know the facts about the intelligence, Talbott and Thomas, both agree that Dawson put the number of those planning to come as some 80 Klansmen, a number that Dep. Chief Burch confirms was discussed. However, the IAD summary memo to the Chief nevertheless reports the number discussed as being "approximately 10" with no qualification of the conflicting and better-informed sources.<sup>21</sup> The Administrative Report does not make any mention of the number

expected until the Nov. 3 tactical briefing, in which it says "the number of Klan members that might be present was unknown." <sup>22</sup>

Even this watered-down summary of intelligence and planning discussion in fact was more detailed than what ultimately was included in the publicly released Administrative Report. In that report, the intelligence of the Klan and Nazis plans and police discussion of those plans is reduced to one clause in a summary of agenda items in the Nov 1. 9 a.m. planning meeting that included, "the parade permit and its content, *groups that might attend the march*, and police assignments." <sup>23</sup> In the report, it is not until the 10 a.m. tactical line up that any mention of knowledge that the Klan planned to confront the march is mentioned. <sup>24</sup> The reader is left with the impression that the police only learned on the morning of Nov. 3 that any Klansmen "might be present" and does little to reveal the depth of intelligence and formal discussions the Department had received for a month prior to the meeting. <sup>25</sup>

#### Dismissal of information that the Klan might be armed

One of the most incomprehensible aspects of the Administrative Report is the absence of any discussion of the likelihood that there would be guns in a group of Klansmen and Nazis who had publicly sworn vengeance for China Grove, and might come armed to confront the group that had burned their Confederate flag. This silence is especially remarkable given the photos and news footage of the confrontation plainly show the Klan and Nazis openly brandishing a large array of heavy weapons. The Administrative Report indeed acknowledges that the Klan had been armed in China Grove. However, the report's first mention of any guns in planning meetings was in the tactical briefing on Nov. 3 in which Cooper states that there were two handguns at the house where some Klansmen had begun to assemble.

In fact, Dawson had reported to his handlers Cooper and Talbott that at the Lincolnton Klan rally, when Dawson exhorted Klansmen to confront the WVO, the discussion immediately turned to guns. Dawson told Cooper and Talbott that when the Klansmen asked if they could bring guns, he had told the crowd, "I ain't your daddy. I can't tell you whether to bring guns or not. But if you bring them, you better have bond money in your pocket because the place is going to be crawling with police and they will arrest you."<sup>26</sup>

Police officers seem to have interpreted this rather ambiguous statement as an unequivocal indication that there would be no firearms present, even though Dawson later also told Cooper and Talbott that he didn't know if they would bring guns or not.<sup>27</sup> Ford said when he asked Dawson if the Klan planned to come armed, Dawson had told him what he told Cooper and Talbot but added, "Well, these are a bunch of rednecks."<sup>28</sup> As Dawson stated what would seem to be obvious even to a layperson without access to insider information, "Everyone knows the Klan takes weapons wherever they go." <sup>29</sup>

Both Dawson and Cooper agree that Dawson had already called Cooper by 10 a.m. on Nov. 3, 1979, to tell him that the Klan and Nazis assembling on the outskirts of Greensboro indeed had brought guns, as reported in the Administrative Report.<sup>30</sup> Yet, those present at the 10 a.m. tactical lineup that day are split on whether guns were even mentioned, and if so, how strongly this point was made to those responsible for the security of the march. Those who did recall that Cooper mentioned guns couldn't specifically remember whether the Klan and Nazis either "had" guns or "might" have guns.

- Hightower said in his IAD interview<sup>31</sup> that Cooper said the Klan "either did or may have guns," but later in his Grand Jury testimony said he didn't recall any discussion of guns at the lineup at all<sup>32</sup>
- Wells says he remembers a discussion about "guns either coming or being in Greensboro."

- Clark remembers Cooper saying the Klan "might have guns but none have been seen at this time"<sup>34</sup>
- Burke<sup>35</sup> and Bryant,<sup>36</sup> in their Federal Grand Jury testimonies, didn't recall any discussion of guns at line up

Further, Hightower Grand Jury Testimony (19 August 1982), 18-19, specifically recalled information related to Klan Imperial Dragon Virgil Griffin:

• Cooper reportedly told the briefing that Griffin was known to be a "hothead with a short fuse" and often carried large caliber hand guns.<sup>37</sup> Further, Griffin was meant to come to the rally. Griffin's name was in fact on the list of tags that Cooper ran at 10:04 a.m. on Nov. 3.<sup>38</sup>

No prior knowledge related to Griffin and his propensity for violence is mentioned in the report, although repeated reference is made in the report to the implied violent tendencies of the WVO and Nelson Johnson in particular.

Another important piece of intelligence about the information received regarding firearms is Burke's conversation with Detective Montgomery that a Klansman in Winston-Salem had purchased a machine gun and planned to come to Greensboro to "shoot up the place." Cooper denied any knowledge of a machine gun in his deposition. Burke says he told Cooper. Hampton says Cooper specifically mentioned it in the Nov. 1 meeting, Which GPD staff meeting minutes confirms. This information is absent from the report and police officers' subsequent testimony said they dismissed it as "unconfirmed rumor."

Another persistent explanation by the GPD (and many city officials, see City Response chapter) for their absence was that they simply were taken off guard by the violence. Gibson also said that even after they discussed the confrontation at China Grove and the Klan got a copy of the permit, the police thought that "possibly some Klansmen would show up, very few, and if they did, they would be on the sidewalk heckling. I don't think we ever lost perspective of that viewpoint. Certainly did not expect any of them to show up with guns or anything else, you know, do any shooting."<sup>45</sup>

However, statements from key GPD officers in the planning contradict this portrayal:

- Swing told the Grand Jury they expected some kind of violence, "We expected some problems...heckling, interfering with speeches, possibly some **rock throwing**, egg throwing" (emphasis added). 46 When asked if they expected there would be fights as a result of this, Swing answered yes. 47
- On Nov. 1 the GPD had a copy of the CWP's open letter insulting and challenging Klan leaders Joe Grady and Gorrell Pierce, 48
- Key planners knew about the near physical confrontation at China Grove between the WVO and Klan/Nazis. China Grove was discussed in the Nov. 1 executive planning meeting<sup>49</sup> and in the 10 a.m. line-up briefing on Nov. 3, 1979.<sup>50</sup>
- Lt. Ford's meeting with Dep. Chief Burch expressed concern for the "potentially explosive situation." Dawson told him that he didn't know if the Klan would bring guns, but "this is a bunch of rednecks." Ford said he told D.C. Williams from IAD what he had told Burch, yet it is not mentioned in the report. 52
- Patrol Officers Williams and Johnson were told by Sgt. Comer that Klansmen

and Nazis were coming to confront the marchers and might have guns, and that officers Williams and Johnson should be ready for trouble.<sup>53</sup>

Concealed discussions of discrepancy in starting point/time

One of the major explanations provided by the GPD about the failure of police to provide protection for the marchers is the fact that the GPD was confused about the starting point for the parade. The report and police public comments after the shooting made repeated reference to posters and a newspaper article citing Windsor Community Center as the assembly point at 11 a.m. on Nov. 3, implying that this was a last minute change by the WVO.

However, the potential discrepancy in starting locations was discussed on at least five separate occasions by police planners, and on one occasion was discussed and clarified directly by Nelson Johnson to Capt. Gibson.<sup>54</sup> Further, in the police transcripts on the day of the shooting there was no discussion of confusion. Comer, although he and his men were waiting at Windsor, told his men that they might have to escort the demonstrators gathered there to Everitt and Carver at 11:30 a.m. to start the parade.<sup>55</sup>

- In the parade application submitted on Oct. 19, the starting point was at 12 noon at Everitt and Carver. Both Johnson and Gibson recall that Gibson specifically asked Johnson about the conflict between the permit and the starting point advertised in posters (Windsor Center at 11 a.m.). In Gibson's recollection, Johnson explained that parking was easier at Windsor, and that they planned to transport everyone from Windsor to the Everitt and Carver location for the noon start.<sup>56</sup>
- The discrepancy was discussed at the Oct. 31 staff meeting.<sup>57</sup>
- It was discussed again at 9:30 a.m. Nov. 1.58
- Again at 4:30 p.m. Nov. 1.<sup>59</sup>
- And a fifth time at 10 a.m. Nov. 3, 1979.6

We do not know the WVO's full reasoning behind why there were two starting points, but given that the GPD's own records show well-documented repeated discussion of the two possible locations for assembly of marchers, the failure to provide safeguards at both locations is inexcusable and the claim that officers were confused about where the parade would start is simply not credible.

Further, if the posters and fliers were indeed such a major point of confusion as to the true starting point, the Commission has difficulty understanding why the difference in time between the parade permit (12 noon) and the posters/fliers (11 a.m.) seemed to have posed no similar confusion on the part of the police. There was no effort to address that discrepancy by putting tactical units in place before 11 a.m. since that was the time publicly advertised on the posters and fliers and in the news article.

### Decisions based on this knowledge

Was there an Operational Plan?

There is conflicting information about whether a written Operation Plan was prepared for the parade and, if so, what became of it.

The report of McManis Associates, the management consulting firm commissioned by the city to review the police planning and actions, reported that there was no written operational report for the

event.61

In contrast, Retired Patrolman Ramon Bell, who worked in the traffic division of the Field Services Bureau in 1979, told commissioners at a public hearing that he had personally seen and read the Operational Plan for the march,

The physical location of my office was near the patrol assembly area. It was also near an area where all the district captains had their offices... There was an administrative plan. I read it, and I saw it. I have no idea what happened to it, or where it went after November 3. But there was an administrative plan. It was written by, I suppose, Captain Hampton and approved by administrative.

...I had access to these documents. I have read them. In fact, I read that Operational Plan twice because I couldn't believe it. A lot of us read the operational plans and just shook our heads. You don't let 2 groups with extreme political views from each other come together without a buffer; and the buffer would have been the police. 62

On its own, Bell's recollection is not sufficient to conclude that there was indeed a written plan when none of the officers directly involved in the planning have mentioned it. Indeed, Gibson noted that he did not believe that in 1979 Operational Plans were standard procedure, although they became so afterwards. However, Bell's insistence that he clearly recalls the document and read it twice raises questions about the existence of such a written plan.

In addition, while the GTRC received from the GPD some 4 linear feet of documents made from microfilm there was nothing resembling a 10 page operation plan that Bell described. Police Attorney Cawn, who was appointed to redact the documents for release to the GTRC, also did not recall seeing an Operational Plan.

If there was a plan, it is concerning that it appears to be no longer in existence when voluminous other documents were preserved in microfilm. Bell told the GTRC that he did not know what happened to the Operational Plan. In addition, Capt. Gibson told the GTRC that Bell had recently called and asked Gibson "if I knew that the Department had shredded all the documents after the trial in Winston Salem. I said I had no knowledge of that. I had no reason to know anything about that." The documents we received from the GPD were made from microfilm, so it may well be that paper documents were shredded after they had been filmed.

Based on available evidence, we cannot make a clear determination about whether there was indeed a written Operational Plan that was not microfilmed with the other records, or if one never existed. However, we are troubled by either alternative, and that such a basic fact is not known about such a controversial event in our city.

'Low profile' approach attributed to Hampton

Many officers and others in the community attribute the decision to take a 'low profile' approach to Capt. Hampton. For example, Sgt. Hightower stated that it was Hampton who wanted the low profile approach in order to not provoke Nelson Johnson. Gibson testified in the civil trial that it was Hampton who planned the 'low profile. Further, Ret. Officer Bell told the audience that he had come to one of the GTRC's public hearings at the specific request of the District Attorney, Mike Schlosser, for whom Bell said he does private investigations work. Both Bell and Schlosser offered newspaper clippings with statements about Hampton's decision to have the police take a low profile (neither Officer Bell nor Mike Schlosser were involved in any of the parade planning).

However, while Hampton may have been in agreement with the "low Profile" approach as a way to minimize a confrontation with Nelson Johnson that so many other officers in the GPD seemed to fear, GPD staff minutes show that in fact it was Dep. Chief Burch who suggested that the parade be handled on a low key, low profile.<sup>67</sup> This decision was made on Nov. 1 at the 9:30 a.m. commanders' planning meeting chaired by Burch, where Hampton and Gibson were both present. Burch was the one who decided no armed police force should be at the starting point,<sup>68</sup> and it was Gibson, Spoon and Hampton who jointly planned where tactical units would be located.<sup>69</sup> In fact, Gibson himself told the GTRC during his statement that he now recollects that the decision had been Chief Swing's (although Swing was not in the planning meetings because he was out sick having dental surgery).<sup>70</sup>

The mistaken idea of Hampton as being the sole source of this decision often repeated today in community discussions of the event, has led many to make the argument that there could be no possible wrongdoing on the GPD's part because Hampton is an African American and it would, therefore, be unthinkable for him to allow or conspire with the Klan to assault and kill people in a black neighborhood.<sup>71</sup> We do not of course infer a police-Klan conspiracy based on this misapprehension, but believe it is worthy of dispelling since it is so often repeated in the retelling and interpretation of the event. We further question why this mistaken impression seems to have taken such hold in public debate and why no one who has the facts to the contrary has publicly refuted it.

Why was Hampton not on duty?

Numerous rumors and speculation have circulated in the community as to why Capt. Hampton, Commander of District II, which included the Morningside neighborhood, was not on duty on Nov. 3. Although Hampton declined to speak to the GTRC, his testimony in the Federal Grand Jury and the civil suit as well as his IAD interviews indicate that he had a pre-existing commitment to attend a Law Enforcement Association meeting at the Cosmos Restaurant on that day. Hampton's acting supervisor Capt. Steele apparently had strong reservations about Hampton's absence on that day, which left a lieutenant as event commander. Gibson said both he and Hampton's acting supervisor were concerned about Hampton's planned absence on Nov. 3,

I had thought about working that event and for two reasons I didn't. One reason was because Hampton wasn't going to be there, which would have left me subordinate to a Lieutenant and that would have just created confusion. The other reason was because Hampton was bowing out of this for some reason, and I wasn't going to go down there and take the blame for him. That's exactly what I told the investigators who came down here from DC. The problem was that Bob Steele told me, when he was asked the chief on two different occasions to order Hampton to work, whether that's true or not I don't know. That's what he told me. 73

## Operations on Nov. 3, 1979

Communication failures?

There are several apparent contradictions in what have been portrayed by the GPD as breakdowns in radio communications. Commanding officers decided that all officers assigned to the parade function would operate on police radio Frequency 3 (F-3), while regular patrol traffic would remain on the standard Frequency 1 (F-1).<sup>74</sup>

Was Spoon in or out of radio contact?

Lt. Spoon, event commander for the parade, said that the first radio communication he received was when he got in the car at 11:14 a.m., and therefore was unaware of the development regarding the

caravan moving toward the parade site.<sup>75</sup> Spoon claimed that he "did not feel it was necessary" to monitor the hand radio to remain updated on Cooper's surveillance of the Klan and Nazis. <sup>76</sup>

However, this statement is contradicted by the radio transcript, which shows at 11 a.m. Comer and Spoon discussing the hostile crowd at Windsor Center and Spoon telling him to go back and look for Nelson.<sup>77</sup> This demonstrates that Spoon was in fact monitoring his walkie talkie, at least on Frequency 1. Indeed, both Daughtry and Cawn remember Spoon receiving this call while they were talking together inside the station.<sup>78</sup>

Spoon's reported phone call with Williamson about All Nations Church

Lt. Spoon further said he was delayed and out of radio contact for some five minutes by a telephone call at a critical time, just minutes before the shootings. He says that around 11:14 a.m. he then got in the car, but GPD Communications immediately radioed to tell him to telephone Communications Staff Duty Officer E. Williamson. Spoon said he walked back and used the phone inside the building to call Williamson, who told him about Rev. Johnson refusing to host the WVO's post-parade rally at All Nations Pentecostal Holiness Church. Spoon said after he received this information from Williamson he hung up and tried to call Rev. Johnson but was unsuccessful. Spoon said he then went back to the car and radioed Communications to have Daughtry meet him at the train station so Spoon could discuss the cancellation of the rally location with him.<sup>79</sup>

However, the radio transcript shows a somewhat confusing and contradictory story:

- the F1 operator tells Spoon to call communications at 11:14 a.m.;
- at 11:15 (when Spoon is inside calling Williamson) Williamson calls the F3 operator trying to get in contact with Spoon<sup>80</sup> and the F3 operator tries to reach Spoon at 11:15:30<sup>81</sup>
- At 11:21:54, Williamson again calls the F3 operator to ascertain if Spoon had received the information he was trying to pass on and expresses surprise when the operator tells him Spoon already knows, 82 so it is clear that Spoon did not talk with him. Williamson says in his deposition that he never spoke with Spoon but another staff duty officer 83

In addition to this confusing exchange that put Spoon out of touch with the caravan developments at a critical moment, the GTRC is troubled by the failure to communicate the public announcement of the cancellation of All Holiness as the conference site two days earlier during Nelson Johnson's press conference that was attended by several police officers (see Sequence).

Use of alternate radio channels to discuss caravan movement

There is some discussion in the administrative report about confusion in communications but no discussion of the fact that Cooper was transmitting information about the movement of the caravan on an unassigned frequency. Although Frequency 3 had been designated as the frequency for all parade transmissions, and Frequency 1 was the standard patrol frequency, key information about the caravan was only transmitted on Frequency 4.

- At 11:06:37, Cooper observes the Klan/Nazi caravan parked on the on ramp heading to the parade route. He calls to inform Daughtry and Spoon, but Burke answers. Cooper tells Burke to switch to F-4 to relay the information about the caravan.
- At 11:15:46, Burke tells Daughtry to switch over to F4 to relay the information that he got from Cooper that the caravan of nine cars with 30-40 people was heading "toward the starting point," and that Comer had encountered a "boisterous" crowd of demonstrators a dangerous combination about which no one else on the designated parade frequency would have heard.

• Later, at 11:16:20, Cooper tells Daughtry over the F4 frequency that the caravan was approaching Florida Street.

Since only one conversation could be transmitted at a time, it was normal for unrelated conversations to switch to another channel so as not to tie up the airwaves in case relevant information needs to be communicated. However, Cooper's transmissions about nine Klan and Nazi cars traveling toward the parade point can hardly be seen as irrelevant conversations and should have been on the designated event frequency or on the standard patrol frequency. It is reasonable that these transmissions should have been on a channel where all personnel tasked with security for the march would be made aware of this increasingly dangerous circumstance.<sup>84</sup>

Officers called away or delayed from arriving at Carver and Everitt

In addition to the explicit plan to be absent from the designated parade starting point, officers were repeatedly called away from the area immediately around Everitt and Carver. Shortly before 11 a.m., officers Wise and Cundiff were on the block from that intersection on an unrelated domestic call when they were told by the frequency operator to "clear the area." Additionally, at 11:03:15, Officer McMillan was at Dudley High School (four blocks away) and was called by the F3 operator from to police headquarters to pick up a reserve officer. 86

Further, Spoon sent Comer and Williams back to Windsor Center to look for Nelson Johnson at 11:01:36, even though the agreed starting point for the parade <u>and</u> the meeting point arranged between Johnson and Hampton were both at Carver and Everitt.<sup>87</sup> Even though he ordered his men to deviate from these agreed upon plans, Spoon does not arrange for one of Comer's men to go to Carver and Everitt to double-check for Nelson Johnson or to look for demonstrators assembling there, even though the one and only time Comer checked the designated point was almost two hours before the designated parade start time. One of Comer's men remained stationed at neither location, but rather at Washington School. This advance visit to Everitt and Carver is even more striking in comparison with the order for tact units not to be in place until 30 minutes before the designated start time.

In addition, the radio transcript shows that <u>one second</u> after Cooper announces the caravan is parking on Everitt and Willow – *just two blocks from the designated parade starting point* – Spoon asks Daughtry, who was about three blocks from Morningside, to meet him at the train station, some 20 blocks in the opposite direction. Det. Herb Belvin further delays Daughtry by reportedly flagging him down to discuss an unrelated police matter.<sup>88</sup>

### **Omissions from the IAD Public Report**

One of the most troubling aspects of the Administrative Report is the clear alteration of the record in a way that omits important elements of police action.

Omissions from transcript

Chief Swing admitted that the radio transcript released publicly in the IAD administrative report was altered and information deleted that was not deemed "relevant." Among the omitted transmissions that were in earlier transcriptions but not in the final report are those of Wise and Cundiff being told to clear the area just before 11 a.m. (described above).

In addition, Wise's later radio transmission reporting that someone in a blue Ford Fairlane using a shotgun to threaten pedestrians on Gillespie Street immediately after the shooting was also omitted from radio transcripts in the report. On There is no response to this transmission by Wise and without an order, she chose not to give pursuit. As a result, invaluable evidence was lost, since the guns that had been used to shoot the victims were returned to the trunk of the Fairlane, and shooter Jack Fowler was

not apprehended and later fled the state.

Information omitted and altered

April Wise reported that when she responded to the domestic call on Dunbar Street, just half a block from Carver and Everitt, just before 11 a.m., she and Officer Cundiff saw some 20-30 people gathered there. She was interviewed by IAD Commander D.C. Williams, and she said that during this interview they drove to Dunbar to demonstrate their location. But her information was not included in any of the IAD reports or summaries. She

Further, Wise claims in her deposition that both she and Cundiff drove by Carver and Everitt and commented to each other that the crowd, she estimated of some 20-30 people, was smaller than they expected.<sup>93</sup> However, Cundiff is cited in the IAD report as recalling that there was no one at the intersection. Although it conflicts with Wise's report, this version of Cundiff's recollection <u>is central</u> to the IAD's interpretation that,

"Both Sgt. Comer and Officer Williams firmly believe that between the first and second time they were at Windsor Community Center Mr. Johnson arrived and took back part of the group from Windsor Community Center to Everitt and Carver Drive. **This assumption would appear to be correct** as Officer L.S. Cundiff answered an unrelated call in the area of Dunbar near Everitt at or about 10:55 am. Cundiff later reported that he saw **no group** gathered on Everitt Street." 94

Although the report was released to the public, in Chief's Swing's words, "to provide a complete explanation of what happened on that day," there is no mention in it that information came from informants inside the Klan, nor was there any mention of the ATF's undercover agent inside the Nazi group. Internal Affairs officers tasked with producing the report, D.C. Williams and Capt. R.G. Bateman, claim they did not learn of Dawson's informant status until the day after the IAD report was publicly released. Chief Swing claims he did not learn of Butkovich until July 1980 when he was exposed in the press.

However, this conflicts with evidence from Capt B.L. Thomas, who recalled in his Grand Jury testimony that Butkovich called him on Nov. 3, 1979 after the shootings and offered information, and was allowed to personally interview Wood on Nov. 4. The DA's office recalled that they learned about Dawson on Nov. 4, 1979. It seems unlikely that this information was not shared with the IAD, which would indicate that the IAD deliberately concealed it. On the other hand, if the fact that the GPD had a Klan informant who provided intelligence and took a leadership role in bringing about the conflict was not shared with the agency tasked with investigating police wrongdoing, it is a strong indication of an attempt to conceal that fact, at least from the IAD.

Although Chief Swing and IAD officers Williams and Bateman all insist that there was only one draft of the IAD administrative report, the GTRC has seen two different reports, one with a second page of conclusions added and the subsequent page numbers hand written. The extra conclusions in that apparent subsequent report were findings that:

- there was insufficient probable cause to stop caravan;
- police response time was not delayed by Spoon's call to send all cars to Windsor Center rather than to Everitt and Carver; and
- Cooper had acted properly maintaining continuous contact with the caravan rather than intervening

# **Findings**

Our review of the GPD's own internal records and statements as well as sworn trial testimony and depositions reveal that overall city officials and the GPD:

- denied information about prior volatile confrontation between the WVO and Klan and Nazis in China Grove, in which the Klan and Nazis brandished large firearms;
- downplayed the information about the number of Klansmen and Nazis that they expected;
- dismissed information that Klansmen and Nazis might have guns;
- concealed repeated discussions about the apparent discrepancy in parade starting points;
- falsely attributed the "low profile" approach solely to Capt. Hampton;
- concealed inconsistencies in claims of communication "failures" at key moments;
- omitted important information regarding police presence at Everitt and Carver and the failure to stop fleeing caravan vehicles.

Taken together, these facts lead us to conclude that both the GPD and key city managers deliberately misled the public about what happened on Nov. 3, 1979, the planning for it and the investigation of it. It is difficult to view these statements as sincere efforts to "make the facts known." To the contrary, these statements can only be interpreted as a tactic to deflect blame away from the police department.

#### Notes

- <sup>1</sup> This report is on file at the GTRC and available at the Greensboro Public Library.
- <sup>2</sup> Citizens Review Committee Meeting, interview of Hewitt Lovelace (11 February 1980), 88, 89, 92, 95.
- <sup>3</sup> Jack Betts, "Hunt Says FBI Should Spy on Extremists," *Greensboro Daily News*, 20 December 1979.
- <sup>4</sup> This change also resulted in the authorization to monitor the WVO: "On November 5, 1979, a full Domestic Security investigation of the WVO, also known as the CWP, was authorized under guidelines set forth by the Attorney General of the United States," quoted in FBI Special Agent Zachary T. Lowe, "Report on Workers Viewpoint Organization, also known as Communist Workers Party Domestic Security," Federal Bureau of Investigation, Charlotte 100-12202, FD-204 (29 January 1980), 3. The GPD carried out its own surveillance of the WVO, see "Answer of Defendant J.P. Dixon to Plaintiffs' Interrogatories," *James Waller v. Butkovich et al.* v. Bernard Butkovich et al., Civil Action No.80-605-G, Middle District North Carolina, (30 July 1984), 7-8; GPD reports of informant #006 in UNC Wilson library, Southern Historical collection, Greensboro Civil Rights Fund archive (folders 1137-38).
- <sup>5</sup> Citizens Review Committee Meeting, interview of Hewitt Lovelace (11 February 1980), 88-89.
- <sup>6</sup> Internal Affairs Division Captain DC Williams, "Incident at Everitt St and Carver Dr, Nov 3, 1979," interview of R.L.Talbott (20 November 1979), 2.
- <sup>7</sup> P.W. Spoon Federal Grand Jury Testimony (18 August 1982), 55-56.
- <sup>8</sup> S.N. Ford Deposition *Waller* (19 July 1984), 64. Ford further informed IAD Commander Williams of his meeting with Burch. Ford said he was never interviewed by the McManis reviewers.
- <sup>9</sup> Trevor Hampton Deposition, *Waller* (24 August 1982), 13; "Answers of Defendant Larry Gibson to Plaintiffs' Interrogatories," *Waller* (19 July 1984), 3.
- 10 "Answers of Defendant J.P. Dixon to Plaintiffs' Interrogatories," *Waller* (30 July 1984), 2; "Answers of Defendant J.B. Clark to Plaintiffs' Interrogatories," *Waller* (26 July 1984), 2. However, Hightower does not recall any mention of China Grove, Jimmy Hightower Federal Grand Jury Testimony (19 August 1982), 2.
   11 IAD DC Williams, "Incident at Everitt St and Carver Dr, Nov 3, 1979," interview of R.L.Talbott (20 November 1979), 2-3.
- <sup>12</sup> *Ibid.*, 3.
- <sup>13</sup> B.L.Thomas Federal Grand Jury Testimony (26 August 1982), 32-33. He had this information from Talbott who reported it from their conversations with Dawson.
- <sup>14</sup> W.E. Swing Federal Grand Jury Testimony (17 August 1982), 47-48.
- <sup>15</sup> IAD DC Williams interview of Lt Col. W.A. Burch (30 November 1979), 2.
- <sup>16</sup> Maurice Cawn Deposition, Waller (14 August 1984), 52.

- <sup>17</sup> IAD interview of Trevor Hampton (29 November 1979). In the "IAD Planning Memo," (7 Dec 79), 5, states that Cooper gave the information that approx 10 Klan members would be present on Nov. 3. GPD "Staff Meeting Minutes," 1 November 1979, 9:30 a.m., 'Info Spider' (Det. Cooper) states "local KKK 10 members." <sup>18</sup> IAD interview of Talbott (20 November 1979), 4.
- <sup>19</sup> Larry Gibson Deposition, Waller (26 June 1984), 46.
- <sup>20</sup> Gibson Deposition, Waller (26 June 1984), 33.
- <sup>21</sup> IAD Planning Memo: "Summary of Planning Activities for the Anti-Klan March Scheduled November 3, 1979" dated 7 December 1979, submitted by Internal Affairs Division Commanding Officer, Capt. DC Williams to Chief William Swing, 5.
- <sup>22</sup> GPD Chief William Swing, ""An Administrative Report of the Anti-Klan Rally, Greensboro, NC, Nov 3, 1979," (19 November 1979), 9.
- <sup>23</sup> GPD Chief Swing, "An Administrative Report," (19 November 1979), 4, emphasis added.
- <sup>24</sup> *Ibid*, 9.
- <sup>25</sup> Capt Gibson recalled between six and eight intelligence meetings to discuss what was known about the Klan and Nazis plans. Larry Gibson, interview with the *Greensboro Truth and Reconciliation Commission*, 5 May 2006.
- <sup>26</sup> Edward Dawson Deposition, *Waller* (13 June 1984), 315-317, 334-335; Jerry Cooper Deposition, *Waller* (25 June 1984), 62-63; IAD DC Williams interview of J.H. Cooper (20 November 1979), 6; R.L.Talbott Deposition, *Waller* (1 November 1984), 115.
- <sup>27</sup> Det. J.H. Cooper, "Contact with Confidential Informant 1068," Investigator's Report (31 October 1979), 1.
- <sup>28</sup> Ford Deposition, *Waller* (19 July 1984), 69.
- <sup>29</sup> Dawson Deposition, *Waller* (13 June 1984), 245, 366-368; FBI Pre-Grand Jury Interview with Edward Dawson (22 June 1982), 74.
- <sup>30</sup> Cooper Deposition, *Waller* (25 June 1984), 128; FBI Pre-Grand Jury Interview with Edward Dawson (22 June 1982), 99-100.
- <sup>31</sup> IAD interview with Hightower (2 June 1980).
- <sup>32</sup> Hightower Federal Grand Jury Testimony (19 August 1982), 20.
- <sup>33</sup> "Answer of Defendant E.D. Wells to Plaintiffs' Interrogatories," Waller (31 July 1984), 2.
- <sup>34</sup> "Answer of Defendant Clark to Plaintiffs' Interrogatories," Waller (26 July 1984), 2.
- <sup>35</sup> T.L. Burke Federal Grand Jury Testimony (19 August 1982), 10.
- <sup>36</sup> S.A. Byant Federal Grand Jury Testimony (24 August 1982), 10.
- <sup>37</sup> Hightower Federal Grand Jury Testimony (19 August 1982), 18; Cooper Deposition, *Waller* (25 June 1984), 116.
- <sup>38</sup> Copy in GTRC files.
- <sup>39</sup> IAD DC Williams interview with Sgt T.L.Burke (3 June 1980), 2.
- <sup>40</sup> Cooper Deposition, Waller (25 June 1984), 219.
- <sup>41</sup> IAD DC Williams interview with Sgt T.L. Burke (3 June 1980), 2.
- <sup>42</sup> "Answer of Defendant Hampton to Plaintiff's Interrogatories," *Waller* (23 July 1984), 2; Hampton IAD interview (29 November 1979).
- <sup>43</sup> GPD "Staff Meeting Minutes," 9:30am, 1 November 79.
- <sup>44</sup> Swing Deposition, *Waller* (18 August 1984), 188-89. Answer of Defendant Hampton to Plaintiff's Interrogatories," *Waller* (23 July 1984), 2; Cooper deposition, *Waller* (25 June 1984), 115-116, Talbott Deposition, *Waller* (1 November 1984), 129, B.L.Thomas Deposition, *Waller*, 102; Daughtry Federal Grand Jury Testimony, (13 August 1983), 15.
- <sup>45</sup> Gibson Deposition, *Waller* (26 June 1984), 93. Additionally, Police Attorney Maurice Cawn recalled in his deposition that "I knew that it had the potential for trouble, but nothing of the magnitude that resulted. I thought it was a possibility that if the Klan showed up somebody would chunk a rock or call somebody a name or there would be a fist fight or something. I saw that as a possibility that I felt we were prepared for." Cawn Deposition, *Waller* (14 August 1984), 106.
- <sup>46</sup> Sgt Hightower also recalled that he had expected "rock throwing." IAD interview with Hightower (2 June 1980).
- <sup>47</sup> W.E. Swing Federal Grand Jury Testimony (17 August 1982), 78-79.
- <sup>48</sup> IAD Planning Memo (7 December 1979), 3.
- <sup>49</sup> Hampton Deposition, *Waller* (24 August 1982), 13; "Answer of Defendant Gibson to Plaintiffs' Interrogatories," *Waller* (19 July 1984), 3; Hightower Federal Grand Jury Testimony (19 August 1982), 11.
- <sup>50</sup> "Answer of Defendant Dixon to Plaintiffs' Interrogatories," Waller (30 July 84), 2; "Answer of Defendant

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- Clark to Plaintiffs' Interrogatories," *Waller* (26 July 1984), 2. However, Hightower does not recall any mention of China Grove: Hightower Federal Grand Jury Testimony (19 August 1982), 21.
- <sup>51</sup> S.N.Ford Deposition, Waller (19 July 1984), 64.
- <sup>52</sup> *Ibid*.
- <sup>53</sup> "Answer of Defendant Williams to Plaintiffs' Interrogatories," *Waller* (6 August 1984), 3-4, Answer of Defendant Johnson to Plaintiffs' Interrogatories," *Waller* (6 August 1984), 4,; W.D. Comer Testimony, *Waller* (29 April 1985), 99.
- <sup>54</sup> Nelson Johnson Testimony, *Waller* (no date on transcript), 106; Larry Gibson Federal Grand Jury Testimony (23 August 1982), 12-13.
- <sup>55</sup> FBI SA Beckwith and SA Lowe interview with Sgt W.D. Comer, CE 44-3527 (29 November 1979), 8.
- <sup>56</sup> Gibson Federal Grand Jury Testimony (23 August 1982), 12-13.
- <sup>57</sup> GPD "Staff Meeting Minutes," 31 October 1979; Comer Federal Grand Jury Testimony (23 August 1982), 28, 31; IAD Planning Memo (7 December 1979), 3.
- <sup>58</sup> Hampton Federal Grand Jury Testimony (24 August 1982), 16; FBI SA Brereton, interview of W.A. Burch (26 August 1982), 5; IAD DC Williams, interview of Lt Col Burch (30 November 1979), 1; IAD Planning Memo (7 December 1979), 6.
- <sup>59</sup> Spoon Deposition, *Waller* (14 August 1984), 29; Daughtry Deposition *Waller* (13 August 1984), 21; Hampton Federal Grand Jury Testimony (24 August 1982), 18; Gibson Federal Grand Jury Testimony (23 August 1982), 30
- <sup>60</sup> Burke Federal Grand Jury Testimony (19 August 1982), 24; Daughtry Federal Grand Jury Testimony (19 August 1982), 54-57; FBI SA Beckwith and SA Lowe, interview of Sgt W.D. Comer (28 November 1979), 5, Comer on Nov. 2 tells Spoon that there was a conflict between the WVO poster stating 11am at Windsor C.C. and parade permit stating 12noon at E&C, Spoon advices Comer to use his judgment on where to place men; Comer Federal Grand Jury Testimony (23 August 1982), 41.
- <sup>61</sup> McManis Associates, Assessment of Planning and Operations of Greensboro, North Carolina, Police Department for Demonstration of November 3, 1979 (May 1980), II-6.
- <sup>62</sup> Ramon Bell, statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 26 August 2005.
- <sup>63</sup> It was not clear if he meant the federal criminal trial or the civil trial, which were both held in Winston Salem. Larry Gibson, interview with the *Greensboro Truth and Reconciliation Commission*, 5 May 2006.
- <sup>64</sup> Hightower Federal Grand Jury Testimony (19 August 1982).
- 65 "Answer of Defendant Gibson to Plaintiffs' Interrogatories," *Waller* (19 July 1984), 2; Gibson Deposition, *Waller* (26 June 1984), 74.
- <sup>66</sup> Officer Bell, although not a scheduled speaker, said he was asked by former DA Mike Schlosser to come to the hearing (after Schlosser had declined to speak) to "monitor" the proceedings and "tell them what you know." Because he told the GTRC Research Director he had direct knowledge of the Operational Plan and what happened to it, and "why the police were not at Everitt and Carver" an exception was made to allow Officer Bell to speak.
- <sup>67</sup> IAD Planning Memo (7 December 1979), cites date of decision on 1 November 1979. At the 9:30am meeting on Nov.1, minutes show that it was Burch who ordered officers remain "low key." In the memo from D.C. Williams to the Chief on "Summary of Planning for Nov. 3" (7 Dec 1979), it also notes that Burch was not present in the afternoon meeting, and that Hampton relayed the decision to take a low profile approach. See IAD Planning Memo (7 December 1979), 9.
- <sup>68</sup> IAD DC Williams interview with Lt Col. W.A.Burch (30 November 1979), 2.
- <sup>69</sup> Larry Gibson, interview with the *Greensboro Truth and Reconciliation Commission*, 5 May 2006. Chief Burch said he thought the placement of tact units had been Gibson's decision as commander of the tactical division. See IAD interview with W.A. Burch (30 November 1979), 2. Burch's IAD interviews states that Gibson advises that the tact squads would be at Dudley & Gillespie. IAD Planning Memo (7 December 1979), 9, says that it was joint decision between Gibson and Hampton.
- <sup>70</sup> Gibson, interview with GTRC 5 May 2006.
- <sup>71</sup> This view is also widely held among key city officials. (pp102-103 of Lovelace interview to CRC, 11 Feb 80, states that the GPD makes a point of knowing everything about their officers and they would know for sure if a Klan member was in the police dept...in the following interview to CRC on 19 feb 80 p1-2, he states in depth the city's equal employment program in the 70's and specifically the GPD's high rate of minority applicants in 1979.) Former DA Mike Schlosser and former Assistant DA Jim Coman (who was one of the co-prosecutors in the murder trial) repeated several times in their statements to the Commission that a "low profile" for police

- was Hampton's call. (Michael Schlosser, Jim Coman and Rick Greeson, interview with the *Greensboro Truth and Reconciliation Commission*, 4 August, 2005, 16 November 2005.) This view was reiterated in a letter to the GTRC Research Director, dated 26 April 2006.
- <sup>72</sup> Hampton Grand Jury Testimony (24 August 1982), 25; Daughtry Deposition Waller (13 August 1984), 27-28
- <sup>73</sup> Larry Gibson, interview with *Greensboro Truth and Reconciliation Commission*, 5 May 2006.
- <sup>74</sup> IAD Planning Memo (7 December 1979), 8; Gibson, interview with the *Greensboro Truth and Reconciliation Commission*, 5 May 2006.
- 75 Spoon Deposition, Waller (14 August 1984), 58.
- <sup>76</sup> *Ibid.*, 52.
- <sup>77</sup> Chief Swing, "An Administrative Report," (19 November 1979), 60-61; Daughtry Federal Grand Jury Testimony (19 August 1982), 27, says he was talking to Spoon and Cawn in headquarters when this call came in from Comer.
- <sup>78</sup> Daughtry Federal Grand Jury Testimony (19 August 1982), 27.
- <sup>79</sup> Spoon Deposition, *Waller* (14 August 1984), 47-48; "Answers of Defendant Spoon to Plaintiffs' Interrogatories," *Waller* (31 July 1984), 4.
- 80 Chief Swing, "An Administrative Report," (19 November 1979), 68.
- 81 *Ibid.*, 69.
- 82 *Ibid.*, 71.
- 83 Williamson
- <sup>84</sup> Gibson agreed that Cooper should have been transmitting on Frequency 1. (Gibson interview with GTRC, 5 May 2006.)
- 85 April Wise Deposition, Waller (23 October 1983), 20-22.
- <sup>86</sup> 11:03:21 F-1 transcript in GPD Chief Swing, "An Administrative Report," 61.
- 87 11:01:21, *Ibid*.
- <sup>88</sup> IAD interview of Lt. S.Daughtry (3 November 1979), 1-2. Belvin confirms this brief conversation, but says that he found Daughtry parked some three blocks from Morningside. Belvin Grand Jury Testimony (24 August 1984), 16
- 89 W.E. Swing Deposition, Waller (18 August 1984), 33.
- <sup>90</sup>This transmission was on Frequency 5 and was transcribed for the GPD Supplementary report on Nov. 3, 1979 (on file at the GTRC). Wise recalls the transmission in her deposition, Wise Deposition, *Waller* (23 October 1983), 83. Jim Ballance, tasked with investigation, specifically noted this omission to the Federal Grand Jury: Ballance Federal Grand Jury Testimony (17 August 1982), 111.
- 91 Wise Deposition, Waller (23 October 1983), 25.
- <sup>92</sup> *Ibid.*, 98.
- <sup>93</sup> *Ibid.*, 25-27.
- <sup>94</sup> IAD DC Williams, "Summary Report Incident at Everitt and Carver Street, November 3, 1979," to Chief Swing (6 November 1979), 8, emphasis added.
- 95 Swing Deposition, Waller (18 August 1984), 30-33.



**Greensboro Truth and Reconciliation Commission Final Report** 

City response

# Chapter 9



Photos courtesy of the Greensboro News & Record

An objective interpretation of the testimony received by the committee indicates that human and race relations, though far from ideal prior to the November 3 incident, suffered more from the aftermath than from the event itself. Many in Greensboro saw these responses as defensive and repressive. In any case, city officials appeared to be out of touch with an appreciable segment of the community, both black and white. If anyone had the impression that all was well in Greensboro, that progress in human relations had been optimum, that concern for the poor and the persons of limited access were being adequately addressed, November 3 and its aftermath clearly dispelled this notion.

Report of the Citizens Review Committee (1980)<sup>1</sup>

Many people in Greensboro, and indeed the community as a whole, were traumatized by the events of Nov. 3, 1979, and have suffered, largely in silence. From the day of the shootings through the end of the three trials and the completion of several government-commissioned reports to the declaration in 2003 of this truth and reconciliation process, there has been evidence of pain that has gone unaddressed. This chapter traces the various efforts, and silences, on the part of the City of Greensboro, former CWP members and other activists, white supremacist organizations and other Greensboro community members to acknowledge, learn from and respond to people harmed by this tragic event.

### **Initial City response**

With state and federal law enforcement agencies assisting the Greensboro Police Department (GPD), the City of Greensboro's elected government, city manager's office and public safety officials reacted quickly and strongly on their fears that chaos and more violence were imminent dangers following Nov. 3, 1979. Actions included declaring a state of emergency that would allow wider leeway for searches and the seizure of any weapons,<sup>2</sup> setting roadblocks and restricting access to neighborhoods along the route and around college campuses,<sup>3</sup> heavy surveillance along the route in days leading up to the CWP's funeral march held Nov. 11, 1979,<sup>4</sup> insisting on a City-prepared route for the marchers,<sup>5</sup> enacting a curfew,<sup>6</sup> setting up a "rumor control center," urging residents to stay away from the funeral march through television and radio public service announcements,<sup>8</sup> and calling out the National Guard for that march.<sup>9</sup> Local business leaders, hospitals, emergency transportation services and college security forces were among those contacted in regards to security for the march; the sale of liquor and weapons was temporarily banned prior to the march.<sup>10</sup>

Reflecting on those days immediately after the shootings, former Mayor John Forbis recalled being "camped out at city hall" with the then-current Mayor Jim Melvin:

There were several areas in the community where some of the antagonists, and I'm not talking about the Klan, I'm talking about some of the other folks, were stockpiling weapons. There was a case of the new tennis-ball-sized hand-grenades missing from Fort Bragg – a search of a dormitory at Duke University uncovered two of them. And these people were intending to come to Greensboro to participate in a march. So, you know, one of those things in a trash can in the Coliseum would make a tidy little mess.

And there were several fires attempted in grocery stores and other buildings in and around the black community at night. ... So there was a lot more going on in the community. We avoided two bombings. We drank four thousand gallons of coffee just trying to stay, you know,

calm or maintain some degree of sanity during a very stressful, traumatic period. 11

In addition to concerns that more violence could follow the shootings, city officials exhibited a great deal of concern over Greensboro's image in the national and international media. U.S. Rep. Richardson Preyer told members of the House just days following, that the violence of Nov. 3, 1979, "was entirely out of character for the Greensboro community. The city has had a proud history of nonviolent demonstrations during the civil rights era." In a Nov. 23, 1979, *Greensboro Daily News* article, Mayor Jim Melvin is quoted, "This whole thing turned into a media event. For a period of 54 straight hours our community was spotlighted by the world press." In the article, author Jim Schlosser goes on to say, "The mayor and others at City Hall are worried about the damage the city's reputation may have suffered because of massive publicity on the shootings. They are outraged that some national publications choose to portray Greensboro as a racially troubled city." 14

One of the primary concerns seems to have been the impact the events would have on companies considering new locations. Executive director of the Greensboro Chamber of Commerce in 1979, John Parramore said:

The companies we are working with know enough about the true character of our community and are in a position to understand what really happened here. The damage comes from the companies we don't know about and who might not contact us because of this ... In our dealings with people from outside Greensboro, we are trying to emphasize our city was an unfortunate victim to outsiders and that Greensboro rallied together after the incident.<sup>15</sup>

Melvin told the *Greensboro Record* that he believed that race relations in Greensboro improved in the immediate aftermath of the violence.

I think all of this has pulled the entire community together ... Dialogues are taking place between groups that have not been that close in the past. Feelings and concerns are being expressed that perhaps have been overlooked in the past.<sup>16</sup>

Others disagreed. "I don't think five people can be shot down on the streets of the city and you can just walk away from it," said Bobby Doctor, regional director of the U.S. Commission on Civil Rights. "The problem of race relations in the city of Greensboro is going to undergo a lot of scrutiny in coming weeks." George Simkins, president of the Greensboro chapter of the NAACP, agreed. He said, "A lot of (black residents) feel hostile to the police force because they did not provide the protection necessary to prevent the incident."

Candy Clapp, who was living in Morningside Homes when the killings happened, five days before her 16<sup>th</sup> birthday, reported a feeling other than hostility in the aftermath of the shootings. The fear she describes has been echoed by many other former Morningside Homes residents.

After the smoke cleared it was a silence. There was a stillness in the air. We knew people were dead. It was the creepiest thing that any little girl or adult should have to go through. I still have fear of crowds because of what happened that day. We didn't have a clue what we would see the next day. It was like the children didn't matter to the City of Greensboro. They knew we were there, but they didn't seem to care. Nobody came back from the City to question about what we were feeling, what our feelings were after the killings. Nobody but the church could tell us anything to make it better, and preachers could only tell us to hold on to our faith, God would make it better. God would handle it.

The schools didn't do anything to support us. Nobody seemed to care how we were affected. We had to go to school the following Monday. We were expected to function and be focused. And some of us couldn't. There were rumors that the Klan was going to blow up the gas line running through Morningside Homes so we were afraid to sleep at night.

After November third the police treated us like <u>we</u> had committed a crime, like <u>we</u> had killed the Communist Workers on November the third. We were put on curfew. There were helicopters. There were tons of police. We were in a war zone. We were treated like prisoners in our own community. The police threatened to put us in jail if we broke curfew. <sup>19</sup>

While city officials managed to prevent further physical violence in the aftermath of Nov. 3, 1979, they did nothing to strengthen trust or race relations. In fact, their focus on the city's image as opposed to concern for the most vulnerable in the city created more distrust.

### **Initial grassroots response**

There was a strong tension between feelings of fear and hostility about the shootings and the City's handling of them, both on a local and national level. Locally, the shooting victims' family members had a difficult time finding a funeral home that would make funeral arrangements for the deceased.<sup>20</sup> Describing his personal experiences with the national response, Rev. Cardes Brown recalled:

The Pulpit Forum especially was constantly being contacted by persons who had viewed this footage ... this was the actual footage and people around the nation had seen it. I remember being called by (Southern Christian Leadership Conference leader) Joseph Lowery to meet with me several times. I talked to Jesse Jackson and different ones who wanted to do something. We talked about a mobilization.

Being very honest with you, there was a time when the city was divided, but even within the clergy there was a division. There were those who felt that I was too outspoken and speaking too candidly about it and they wanted me to be quiet, and actually suggested that I be impeached. There was a resistance to allowing any organizations to come in. The SCLC wanted to come in, but the ministers had said, "Don't try this. This is not going to happen. We don't need any outsiders." So the distortions that had been created made even persons within the city ... other black pastors who were reluctant to get involved (said) "just leave it alone." 21

Organizers from around the city, state and country who were not scared into silence by the shootings were inspired to initiate a national coalition-building movement to demonstrate publicly a broad condemnation of the hate and violence for which the Klan and Nazis stood. The Pulpit Forum of Greensboro and Vicinity, the state chapter of the ACLU, the Equal Rights Congress and Durham-based Southeast Regional Economic Justice Network discussed building a coalition and hosting a rally on Nov. 18, 1979.

During the same period, the CWP was planning its funeral march to honor and bury the victims on Nov. 11, 1979. Members had announced plans to be fully armed to protect themselves given that the police had not protected them on Nov. 3, 1979. Nelson Johnson explained their rationale in Sally Bermanzohn's book, *Through Survivors' Eyes*: "We said we would never again put ourselves in the position of being disarmed by the police and then gunned down. We would not rely on the police to

defend us."<sup>22</sup> This position and others like it played into the hands of those who viewed the CWP as a dangerous threat.

### **Community Relations Service counter-response**

The Community Relations Service (CRS) was established as part of the Civil Rights Act of 1964 "to provide assistance to communities and persons therein in resolving disputes, disagreements or difficulties relating to discriminatory practices based on race, color or national origin." The CRS sent a "conciliation" team to Greensboro after Nov. 3, 1979.<sup>24</sup>

Pat Bryant of the Institute for Southern Studies investigated the CRS for a 1980 article in *Southern Exposure*, the institute's magazine. The article criticized the CRS for gathering information on the legal activities of many Americans, in part through a "spider web of city, county and state 'human relations councils' (that form) an essential part of the CRS operation – both the gathering of intelligence and the dispensing of rumors and threats."<sup>25</sup>

Bryant suggests there is some evidence that the Greensboro CRS team participated in both – gathering intelligence and dispensing of rumors and threats – in the aftermath of Nov. 3, 1979, using tactics including red-baiting, rumor-mongering and intimidation. It started before plans for the funeral march and for the Nov. 18, 1979, gathering. According to Bryant: "The (conciliation) team's mission, ostensibly, was to help maintain civil order, but the actual effect of its activity was to sow seeds of dissension."

Bryant cites the work of the CRS team, led by a U.S. Department of Justice agent named Robert Ensley, to "keep tabs on the college student population."<sup>27</sup>

Ensley's first task — a relatively simple one — was to discourage local college students (mainly at A&T State University) from participating in the Nov. 11 march. Most of the students were anxious to express their outrage over the murders, yet they feared further violence and, very often, were leery of becoming involved with a Communist group. Ensley's message played on those fears. Lyn Wells, a Southern Conference Educational Fund (SCEF) organizer, recalls that Ensley told the A&T students, "Oh, we're not telling you not to take a position. We're not telling you not to march. We just want to tell you that on Sunday there will be 5,000 National Guardsmen, there may be a state of emergency — and all of the guns will be aimed at you." 28

In her statement at the GTRC's second hearing, Leah Wise recalled that Wells herself became a target when the CRS told people she was a Communist.

Another major opposition that we encountered in doing this ... came from the Community Relations Service of the United States Justice Department. They played a role in red-baiting the initial organizers. We, within about two weeks' time, tried to do a demonstration in Greensboro. ... the CRS came with a dossier on Lynn Wells, whom I had known when she was an activist in the Student Nonviolent Coordinating Committee; she'd been involved in other activities since that time. Basically, they red-baited her, and the core group of ministers who were in support of that effort backed out, and so, that demonstration, you know, went "poof." 29

In a February 1980 editorial, the Carolina Peacemaker wrote: "Between the activities of the Justice Department's Community Relations Service and Greensboro's Human Relations Office, under the

direction of City Hall, enough fear and distrust in the form of red-baiting was spread to cause a disintegration of the fragile coalition building towards Nov. 18."<sup>30</sup>

### Mill workers react

Virginia Turner, who worked in White Oak Mill from 1979 to 1990, recalled at the Commission's second public hearing her reaction and that of her co-workers to the killings of union organizers.

The day of November third I woke up to the news on TV about a shooting in Morningside Homes. My first thought was really disbelief. I really couldn't imagine, and my first thought was, "Oh my God, that is us," and I say us because we were a union. I think our minds and our bodies went into shock. I mean, if electrical shock is what it feels like, then I think this was it.

Inside the mill was devastation. I mean everybody was wondering, and looking and trying to find answers and asking what happened and there were no answers. As time passed, the union seemed to lose its strength. I felt our thumbs had been taken out of our mouths and a pacifier put in, and we've been sucking air for a long time. That day, a dark cloud came over Greensboro, and to this day, 25 years later, I feel that we're still waiting for the sun to come out.

(After the shootings) I think the union became weak. I think people lost their desire to be a part of union. The union just, it seemed like after shootings the union became a part of Cone Mill. It was times when we felt like the union was not giving us good representation.<sup>31</sup>

Henry Graham Dail, manager of security and safety at Cone Mills, said that the management feared violence in the mills after the killings.

After Nov. 3 there were rumors that the plant would be blown up and violence against the employees. Workers refused to come to work. We thought it was the people involved in shootings ... The only one I remember is Nelson Johnson. But I guess also the others that were affiliated with them or who also agreed with their philosophies.

... Workers expressed concern that people would come and take revenge against them. We were concerned there would be confrontations. We added additional guards, and had guards to protect key management people. The guards at White Oak were on horses because the property was large.<sup>32</sup>

## White supremacists react

On Dec. 16, 1979, the Klan held a fundraiser, attended by an estimated 100, to help defend 14 men who were charged in connection with the deaths on Nov. 3, 1979. In addition to raising \$217 for the cause, they marched, in robes with lighted torches, around a 30-foot high cross chanting "God, country, Klan." One of the participants, also a caravan member on Nov. 3, was Renee Hartsoe, the 17-year old wife of Terry Wayne Hartsoe, one of the 14 charged with murder. At the fundraiser, Renee Hartsoe predicted that the men would be given "fair trial" saying that "people in Greensboro are pretty much on the Klan side ... It is bad that it happened but white people need to wake up."<sup>33</sup>

At the same event, Virgil Griffin, the Mount Holly, N.C.-based Imperial Wizard of the Invisible Knights of the KKK, told audience members they should "stand up and fight communism ... It's time to wake up and fight for America. We're not bowing down to communism."<sup>34</sup>

On Feb. 26, 1980, the North Carolina Advisory Committee to the U.S. Commission on Civil Rights conducted "an open, fact-finding meeting to inquire about the status of race relations in the city of Greensboro" (more information below). Among those who spoke were Griffin and Harold Covington, national leader of the National Socialist Party of America (Nazi Party). Griffin's statement to the Committee described the Klan at war with a new enemy:

Asked if he maintained that the enemy is no longer the blacks, Mr. Griffin reiterated that the enemy was the Communist Party, adding, the same enemy against whom thousands of soldiers lost their lives in fighting the Viet Nam and Korea wars. He maintained that Communist parties were all over the state, and that their plan to take over North Carolina called for attacking the Klan as a strategy for turning the blacks to their side: "to get the blacks, we're (the Communist) going to attack the Ku Klux Klan." He stated that if attacked, the Klan would fight back, maintaining that the government should have more respect for those who lost limbs and lives in Viet Nam than to permit the Communist Party to "run up and down the streets of Greensboro flying the Communist flag, rallying to overthrow our government."

Covington, who, like Griffin, maintained that the Klan and Nazis intended only a peaceful counterdemonstration on Nov. 3, 1979, said both groups had had their rights violated "right, left and center." Covington essentially threatened the Greensboro community:

Covington protested that the arrest of 14 men by the Greensboro police had been in violation of their rights, adding that the main reason he was appearing at the hearing was to let everyone know they would not rest until those 14 innocent men were returned to their families. He said that although they had been bending over backwards not to irritate Greensboro citizenry, that if those men, who had only been defending themselves, were sent to prison, "then we intend to make Greensboro a center for National Socialist agitation." He reminded the panel that the national headquarters of the Nazi Party is to be moved to North Carolina – probably Raleigh. If the 14 are sent to prison, he concluded, "you're going to have Nazis coming out of your ears." ...

... Covington said what had happened in Greensboro proved that the races cannot get along and that integration is a costly failure. ...

He maintained that bringing black people here as slaves was "a horrible mistake" which should not be compounded by "trying to force them into our society," but should be corrected by "sending them back to their own land."<sup>37</sup>

## The funeral march - Nov.11, 1979

After an initial announcement by then-City Manager Tom Osborne that the City would not issue any parade permits "until further notice," he later allowed that the Funeral March did not need a parade permit, because funeral processions are automatically allowed, whether in cars or on foot. "You simply

can't deny people a funeral," Police Chief Swing said.<sup>39</sup> City government and law-enforcement officials responded to the CWP's plan for its funeral march with a high-profile security plan that included some 500 National Guardsmen to supplement 400 on-duty state and local law enforcement personnel.<sup>40</sup>

In declaring a 24-hour state of emergency the day before the march,<sup>41</sup> law enforcers added restrictions to civil liberties that already had included prohibitions against demonstrations of any kind and a moratorium on permits to buy hand guns. The state of emergency also made other acts illegal such as "clustering" in neighborhoods, buying gasoline not pumped directly into a vehicle's tank or carrying weapons of any kind. The lobby of the post office was closed and extra security was present at all entrances of N.C. A&T.<sup>42</sup> This was accompanied by an influx of FBI agents.

Under a 24-hour search warrant, issued by Superior Court Judge Douglas Albright, all cars with out-of-state plates and all other "suspicious" vehicles were stopped and searched.<sup>43</sup> Thirty-five people in a CWP caravan from Durham were arrested on the outskirts of town for carrying dangerous weapons during a state of emergency. The GPD reported that it seized 18 guns from this caravan.<sup>44</sup> A police department list of people arrested and weapons seized lists 29 arrested for weapons and curfew violations, and 39 guns seized.<sup>45</sup>

The *Greensboro Daily News* and the *Greensboro Record* articles leading up to the march focused on the CWP's promise to be armed and reflected widespread tension and fear of another violent clash. Irwin Smallwood, *Greensboro Daily News* managing editor at the time, said he can't recall the paper ever taking greater care with a story because of its volatility. Gary Cepnick, news editor for the local WFMY station, recalled immediately after the shooting that he felt pressure from the City not to show the footage of the shootings. He recalled a visit from top City officials:

The mayor and the police chief and the public safety officer and a deputy were all in the lobby and were wanting to come back to the newsroom and wanted to talk to us. Well, I'm in the middle of trying to get this program on the air ... so they come back to the newsroom ... .the thrust of the conversation was, "Do we really think it is necessary to put this on the air ... isn't it going to do more harm than good?"

... It was a very intimidating group. I was incredulous. I looked at them and I said, "I think you need to look at this from the perspective that this has been on the radio and it has been reported. People are aware ... that it is going on and we are going to report it. We are going to put it on television. We were there. We witnessed it, we have footage that shows what happened. And we're going to air it. And I'm sorry if you don't agree with that, but you are not going to dictate editorial policy to us. I respect what you are telling me here, but we're not going to..."

"But you are going to incite a riot."

"Well we'll have to take the chance. And we'll have to live with that. We'll have to live with the results of whatever happens. The public does have a right to know ... This is something that people now want to know because they've heard about it. If they want to tune in and watch this they can judge for themselves ... would you like to be interviewed?"

They didn't. I don't recall having the mayor on the air that night, but they expressed concern, but basically we went with the story itself without City reaction, without police reaction.<sup>47</sup> The Revolutionary Worker, the newspaper of the Revolutionary Communist Party (RCP), also wrote

extensively about Nov. 3, 1979, and its aftermath, despite the fact that the group had ideological differences with the CWP that had caused at least one clash – fisticuffs outside a mill both groups were trying to organize (See Planning chapter). The *Revolutionary Worker* portrayed the *Greensboro Daily News* and the *Greensboro Record* coverage, and law enforcement efforts around the march, as part of a campaign of fear to keep people away from the funeral march.

A raging debate boiled in the factories and neighborhoods, especially among Black people, about whether or not to go to the march. The cold threats of violence pulled many people away who were afraid there would be another massacre. 48

City officials contributed to this fear by broadcasting public service radio and television announcements urging people to stay away from the march. In addition, a rumor control center, managed by city staff, was installed to respond to citizens' concerns; and in the three days leading up to the march, fielded over 3,000 calls. The call center was reactivated the following Thursday, in anticipation of the Nov. 18 march.<sup>49</sup>

On the day of the funeral march, the *Revolutionary Worker* described the scene:

Downtown Greensboro was a virtual armed camp, where people were frisked once, twice, sometimes three times in several blocks walking from their cars to the rally site. Standing at attention on both sides of the hearses were rows of policemen with riot shotguns ready. Squads of National Guardsmen were blocking every intersection, with reserves in armored personnel carriers nearby. Undercover cops with walkie-talkies were swarming inside the gathering crowd. These combined cops outnumbered the demonstrators at least 2 to 1.50

Marty Nathan recalled her experience in *Through Survivors' Eyes*:

I walked next to Mike's casket. Next to me was this young National Guardsman, he wasn't mean, but he had a gun with a bayonet that he kept pointing at my head. I felt like that characterized what my life was — walking through the street with this bayonet pointed at me, on and on and on, through freezing rain, not particularly caring, just knowing that I had to be there. I knew that there was a purpose to all this, that it was important to fight. But there was no joy left. Michael was gone. 51

Somewhere between 400 and 1,000 CWP members and supporters participated in the march, along with nearly 1,000 law-enforcement officers and some 200 reporters.<sup>52</sup>

Capt. Larry Gibson commanded the police presence at the funeral. He recalled,

The state attorney general's office got involved. I know the city manager got involved ... There was a lot of discussion as to whether or not the CWP was going to be allowed to carry weapons or not and I was told that the North Carolina Attorney General had said they could. I wasn't going to buck the North Carolina Attorney General, but they weren't going to carry loaded weapons or he could come down here and command it and I was going home. They were allowed to carry them, I believe Signe Waller was allowed to carry a shotgun, but it was broken open. It was unloaded and we checked it. Can you imagine if someone had fired a shot? It would have been bad. I thought it was a bad decision, but it wasn't mine. I had to do what they told me to do. Once the chief said to do it, I had no choice.<sup>53</sup>

Although the CWP had determined to carry loaded weapons, they compromised and agreed to carry

unloaded rifles.

Trust was completely broken down between the police and march participants. The CWP did not trust the city to protect the marchers and feared another police snare. At the gravesite, marchers conducted their ceremony in raw, drizzly weather. Although cold, wet and tired afterward, they refused to ride back to town in city-provided buses but instead trekked back on foot. On the return march, people were fearful of being attacked and shot at, but they were even more fearful of getting on a city bus under police supervision. The city behaved throughout as the aggrieved party.<sup>54</sup>

If trust was broken down between the CWP and the police, the CWP's behavior at the funeral march also drove what would become a growing wedge between itself and other organizations trying to be supportive, including the RCP. "Unfortunately," the *Revolutionary Worker* wrote, "the CWP doesn't understand much about building a united front," noting that members forced all march participants to get rid of any banners or slogans other than CWP slogans.<sup>55</sup>

That behavior, as well as other factors including national CWP leader Jerry Tung's eulogy in which he referred to the five people who died as martyrs and urged a CWP 5 Enrollment Drive to honor their deaths, would foreshadow further difficulties the CWP would have in its attempts to work with other groups, both locally and nationally.

We must make the deaths of the CWP 5 the costliest deaths the U.S. bourgeoisie ever inflicted.

We have learned to fight, and we will continue to fight, to deal more punishing and more deadly blows to the bourgeoisie. The proletarian revolution is the greatest struggle in human history. There is no other way for us to uplift our class to be the masters of our own society except to learn warfare through actual warfare. A bloodbath in the class struggle for the seizure of state power is inevitable. Active preparation in all forms of struggle, including military defensive armed struggle now is the only way to minimize our casualties in the upcoming bloodbath.

Yes, in the final analysis, the practice of our party's correct and militant line, and indeed the party itself, can only be forged by blood – by sacrificing the most sacred of all things – our lives. <sup>56</sup>

### Mobilizing against the Klan

Many activists viewed what happened on Nov. 3, 1979, as being much bigger than Greensboro and bigger than the CWP. In the words of an editorial in the city's African-American newspaper, the *Carolina Peacemaker*:

The Klan struck in Greensboro in a manner that demanded response. A number of people from around the nation mobilized for a response; neither the Atlanta conference nor the mobilization for the February 2 march originated with the CWP, both concepts were born of people and forces with no relation to the CWP.<sup>57</sup>

Although the Nov. 18, 1979, march did not take place, community responses, largely in opposition to the Klan and racist violence, continued through December of 1979 and beyond. They included the following:

• the formation, locally, of the mostly white Citizens for Justice and Unity;

- an interfaith and interracial "Union" worship service on Dec. 2, 1979, voicing opposition to all violence and calling for healing within the community, featuring an address by then-N.C. Rep. Henry E. Frye, who spoke mostly about the resurgence of the Klan;
- a forum about the shootings at the Uhuru Bookstore; and
- a conference in Atlanta involving the Interreligious Foundation for Community Organizations (IFCO) and the Southern Christian Leadership Conference (SCLC) about strategies for combating the Klan, at which attendees agreed to longtime activist Anne Braden's suggestion for a national rally in Greensboro.

At the GTRC's second public hearing, Dr. Larry Morse, an A&T economics professor who was out of town on Nov. 3, 1979, but was friends with the rally organizers, recalled his community's response.

I was a member of Citizens for Justice and Unity, a group that sprang up in the immediate aftermath of Nov. 3<sup>rd</sup>. The group, composed primarily of whites, wanted to express our horror and outrage and indignation at the killings. In late December 1979, on a Saturday or Sunday, we had a rally, an afternoon rally at the governmental plaza. I served as moderator. As I recall, our message was twofold: we were horrified by the killings, and wanted the killings never to happen again, certainly not in our city.<sup>58</sup>

Roy Innis, chairman of the Congress of Racial Equality (CORE) at the time the nation's largest civil rights organization, said, "We do not agree on all issues with the CWP nor do we agree on some of their political views, however, this issue, the KKK, goes beyond our differences. All freedom fighters regardless of their color, philosophy or religious beliefs must be opposed to racist hate groups such as the KKK and the Nazi Party." <sup>59</sup>

Members of other organizations expressed similar feelings. Leah Wise was the lead organizer of the National Anti-Klan Network, a coalition made up of civil rights and church organizations begun at that Atlanta meeting in response to Nov, 3, 1979. She said,

Nov  $3^{rd}$  really kicked the movement community out of their sectarian rut, which is one of the things we had fallen into. And folks began talking who hadn't been talking to each other because of ideological differences all over the country. But, sort of immediately phone calls were happening in the Deep South, with people in Detroit, with people in New York – I mean, everybody saw this as something so dangerous, such a wake up call, that all the differences we had had, it was time to put them down. That is, except the CWP.

The rally conceived by Anne Braden at the Atlanta conference was timed and located both to celebrate the 20<sup>th</sup> anniversary of the start of the national Sit-In Movement at Greensboro's Woolworth's lunch counter, and to decry the Nov. 3, 1979, violence. Two decades later, Braden wrote about it in "A Cry for Unity:"

The massacre of anti-Klan demonstrators on the streets of Greensboro, North Carolina, by Klansmen and Nazis on November 3, 1979, and the protest march that brought 10,000 people there on February 2, 1980, produced a major turning point in this nation's struggle against racism. These events created a new unity among people's movements and touched off a decade of activism at a critical moment. ... the story of how that movement was built is especially important today, as the nation faces a new wave of racist violence.

The February 1980 march responding to the Klan attacks was one of the most broad-based

and diverse anti-racist actions ever mobilized in this country, and a symbol of changing times among social change activists. About 60 percent of the marchers were African American, just under 40 percent white. They came from the entire Eastern Seaboard, the South, and the West and represented countless civil rights groups, religious institutions, unions, students and many left political groups. Many of the more than 300 national endorsing organizations had constituencies in the thousands, and despite a curtain of fear that enveloped the city, an estimated 2,000 of the marchers were Greensboro citizens.<sup>61</sup>

Wise also remembers the mobilization for the Feb. 2, 1980, rally as an important point in history. Making it happen was an organizing effort rife with challenges, including the opposition of City leaders, who Wise said were trying to paint a different view of race relations and so wanted to keep people from protesting this violence. In a Jan. 25, 1980, *Greensboro Record* article, Katherine Fulton explained: "City officials . . . see the march as another threat to the peace and the pocketbooks of Greensboro citizens."

Coinciding with the efforts to plan the march were city-wide debates about how to protect First Amendment rights and also "limit the cost to the city of protecting parades and reduce the danger of violence in residential areas." One proposal considered by the City Council required parade sponsors to pay a fee before receiving a permit, if the city determines that extraordinary protection is needed. <sup>65</sup> The proposal ultimately was rejected after community leaders, including CWP members, argued that this proposal would prevent groups who could not afford substantial amounts of money from marching, therefore denying their First Amendment rights. <sup>66</sup>

On Thursday, Jan. 3, 1980, the Anti-Klan Mobilization Committee filed for a march permit for the Feb. 2, 1980, anti-Klan demonstration which they hoped would end at the War Memorial Coliseum. At that time, Coliseum Director Jim Oshust said that the Coliseum was already booked.<sup>67</sup>

On Jan. 16, 1980, the *Greensboro Daily News* reported:

At a news conference ... (Lucius) Walker charged some established "economic interests" are paying for a Danville (Va.) promoter to conduct a concert in an attempt to prevent the organizing committee from renting the coliseum.

"Somebody is working against us and apparently some money has passed," Walker said, attributing his information to "rumors" and a "fairly reliable source" whom he declined to name ...

Lawrence Toller, the Danville, Va., promoter who has rented the coliseum for a rhythm-andblues concert Tuesday denied receiving any payoffs and said he had not been in contact with anyone in Greensboro except coliseum officials and march organizers.<sup>68</sup>

Two days later, however, the *Greensboro Daily News* reported that the City of Greensboro had signed a contact to co-sponsor the concert with Toller to decrease his risk of losing money. Also reported was that a staff attorney with the Center for Constitutional Rights, who was representing march organizers, threatened to file a lawsuit in an attempt to force the City to allow the march to end at the Coliseum.<sup>69</sup>

March organizers believed that this co-sponsorship was a deliberate attempt on the part of the City

to deny the marchers the use of the Coliseum, while the City's spokesman claimed that the City was "merely seeking altruistically to help the small black entrepreneur who wants use of the coliseum for a concert and to foster rhythm and blues music in the city." <sup>70</sup>

Ultimately, City leaders admitted that this agreement was the first time the City had entered into such an arrangement for this type of a show and agreed to postpone the concert by one day so that the march organizers could host their event as they had originally requested. This agreement came only after the march organizers' attorneys filed a suit against the City for use of the Coliseum and the judge required the City and organizers to sit down and work out an agreement.<sup>71</sup>

Defending the City's actions, City Manager Tom Osborne explained to the Human Relations Commission on Jan. 23, 1980,

There's been no attempt to keep a march from occurring in the City of Greensboro on (Feb. 2, 1980), but only in the route and the point at which the march would terminate, and that is the Coliseum. In both of the applications, this has been the problem on which we could not agree with the applicants. The reason for this, of course, is that in our opinion, the Coliseum for the evening of February 2 is taken ... It was done in good faith and in my opinion was the thing to do. If it's wrong to uphold what I think are the City's commitments, then it's wrong. If we should do what some of the New York based organizations, the Atlanta based organizations, the Communists organizations say we should, and what some of the papers appear to think we should, then we're wrong.<sup>72</sup>

The Mobilization Committee identified another source of resistance to the march when it filed a suit on Jan. 29, 1980, asking the court to direct the SBI to "stop harassing and intimidating students organizing for the march." An example of that intimidation was offered by the committee on behalf of Kelvin Buncum, president of the Student Government Association at N.C. A&T State University, as described in a *Greensboro Daily News* article on Jan. 30:

Buncum said two A&T security guards, "accompanied by two men who I knew to be agents of the SBI," attended a Jan. 24 SGA meeting at which participation in the march was discussed. "I feel that the presence of campus security and the SBI agents had a chilling effect on the students at the meeting," Buncum said. "Most have not participated in any further activities with respect to the Feb. 2 march."

Wise, who also is director of the Durham-based Southeast Regional Economic Justice Network and a founder of North Carolinians Against Religious and Racist Violence, placed the CWP members and their insistence of being armed for self-defense among all the other hindrances organizers faced in mobilizing people for the February 2 march.

In addition to those efforts by the media, by the City of Greensboro, and by the federal government to squash any attempt by the public to protest the horror of these events and to assert a different image of race relations in the country, there was also the challenge of what I would call the aggressive opportunism of the Communist Workers Party. And why do I say that? Because I think that, in the role of, first of all, having just been declared a Communist Party from the Worker's Viewpoint Organization; it's important for those that were not in the movement community to understand that that had very big significance. To them, that meant that they were the leaders of the working class. And so, the martyrdom and victimhood took on a very special role, and what it did was also take on a role where they were beyond criticisms. ... It was really hard to get them to compromise, and to trust the rest of the

community to have their back.74

IFCO leader Lucius Walker, who balked at even including the CWP when he first came to Greensboro to begin mobilizing in January 1980, was furious when the CWP – wanting to ensure recognition of its involvement – announced the planned rally before he could. Nelson Johnson acknowledged the negative impact of that decision:

Problems developed in the February 2 coalition because the CWP announced the February 2 march before SCLC and IFCO did. That sent IFCO leader Lucius Walker all the way up the wall. And it made it hard for the coalition to come together ... I can't defend everything CWP did, but it was clear to me that there was an attempt to bury us completely in this united front. I am thoroughly convinced that state machinery was at work to isolate us in Greensboro, and isolate us in any national coalition.<sup>75</sup>

The main points of contention were the CWP's insistence on being armed and on pushing its party-building agenda, which was one among many agendas brought by sponsoring organizations and individuals, Wise says. <sup>76</sup> She blamed the CWP for prompting some coalition members to back out by breaking an agreement the coalition had worked to create "where the CWP would agree to not publicly announce that they thought they had the right to defend themselves and to carry weapons in the demonstration." Nelson Johnson disputes this characterization and recalls that the agreement was not to have a policy regarding guns one way or the other because the CWP leaders did not feel they could either ask or not ask their membership to come armed. <sup>78</sup>

In another indication of what CWP members perceived as attempts to isolate them, Marty Nathan and Paul Bermanzohn recall being thrown out of Durham meeting held in preparation for the Feb. 2, 1980, march. Bermanzohn had just gotten out of rehab and was able to walk, very slowly, with a cane.

It was a middle-class neighborhood and there was this lawn that I had to get over. It was January, and slippery. It seemed like it took a half-hour just to get across that lawn. So we finally made it into the house, and then people told us to leave. They threw Marty and me out of a meeting held to protest our being shot! These were people who didn't want to antagonize the local power structure. This put them in the position of being verbally upset about the murders while they iced us out of the fight back.<sup>79</sup>

Marty Nathan adds, "There was an increase in this trend to isolate us as victims, to try to maintain a 'pure' anti-racist movement not 'contaminated' by Communists who had been killed."80

The dispute over weapons continued all the way through the march itself, Johnson says.

We took the same position on the February 2 march that we had taken on the funeral march about upholding the right of armed self-defense. That led, eventually, to the February 2 coalition taking a vote and putting us out. And we said we did not accept being put out.

On the day of the march, ten thousand marched through Greensboro, led by the widows. Until the very hour of the rally at the Greensboro Coliseum, the coalition leadership's position was that we would not speak. Our position was that we would speak. Ben Chavis brokered the negotiations while the march was going on. We were all behind the stadium, and Ben was trying to put restrictions on the time, what we would say. 81

Somewhere between 7,000 and 10,000 marchers convened at the end of the march in the Coliseum,

where they heard speeches from several civil rights leaders, including Ben Chavis, Rev. C.T. Vivien, Anne Braden, and Rev. Lucius Walker.<sup>82</sup> Despite the challenges, the rally served as a source of valuable lessons that Wise said organizers now are using. It also served as the impetus for beginning efforts by organizations such as hers and Klanwatch to monitor the Klan and other right-wing hate groups. <sup>83</sup>

### OFFICIAL EXAMINATIONS AND FINDINGS

In the aftermath of Nov. 3, 1979, the city's Human Relations Commission (HRC) "recognized the fact that it had to be about the business of trying to help restore harmony and trust throughout the City in an effort to avert the appearance of racial disunity."

The HRC established the Citizens Review Committee and the City hired McManis Associates, a management consulting firm, to assess "the manner in which the Greensboro Police Department planned for the rally and parade scheduled for November 3, 1979, and then performed on that day."<sup>84</sup>

# **McManis Report Recommendations**

- 1. The City should alter its forms and its procedures concerning application for and issuance of parade permits.
- 2. The Police Department should establish formal, written planning procedures for parades, demonstrations, and similar events. Such procedures should include the designation of a planning coordinator and the development of a written Operations Plan, including personnel assignments.
- 3. The Greensboro Police Department should reconsider its recent organizational decision to split its intelligence personnel into two separate units.
- 4. The Greensboro Police Department should reconsider its new "show of force" policy with respect to coverage of demonstrations and other controversial events.
- 5. For parades, demonstrations, and similar events where the formal planning process is invoked and a written Operations Plan developed, the Chief of Police should designate a senior command officer as field commander for the operations phase.
- 6. The field commander should be in the field, where the events are to take place, and should be in constant communication with, and available to, all units subject to his command.
- 7. In all future situations that warrant development of a written Operations Plan, an after-action analysis and critique should be conducted by the Greensboro Police Department.
- 8. All after-action critiques should include objective evaluations of individual performances, with appropriate actions taken as a result.
- 9. The City should proceed with its plan to acquire more sophisticated recording equipment for its communications operations so that all transmissions can be heard on playback.
- 10. For future planning for potentially serious events, the City of Greensboro should seek an advisory opinion by an appropriate North Carolina legal authority concerning the "stop and frisk" powers of local police.
- 11. Legal research should be conducted to determine whether or not the City of Greensboro, in the absence of action by the State of North Carolina, can regulate the possession and use of firearms at controversial public assemblages that may lead to disorder.

Citizens Review Committee Report, May 22, 1980

The Citizens Review Committee was a group of private citizens who volunteered their time and spent several months, working in the evenings, interviewing people and conducting an investigator-less investigation of Nov. 3, 1979, and its aftermath. Michael Curtis, one of the members, said he was always surprised later when the City claimed the event had been investigated and would "point to our little committee." <sup>86</sup>

In its preface, the committee's report highlighted the racial realities behind the tragedy.

The Citizens Review Committee found that a very real problem of segregation and discrimination still has an effect on the lives of citizens in Greensboro. Only a recommitment by the entire community to a dialogue of unity will achieve equal opportunity for all. A view of Greensboro on the part of many citizens is still based on a parochial perception of their own neighborhoods. Only the inter-action of citizens from all neighborhoods will achieve a true sense of community in the City of Greensboro.<sup>87</sup>

The report had earmarks of Greensboro's characteristic civility. About the police, it said: "The committee commends the Police Department for its efforts to plan to secure the parade. However, it is clear that several unfortunate miscalculations contributed to the violent outcome which ensued."88 The Citizens Review Committee congratulated the police for quick action afterward, for releasing an administrative report right away and for cooperating with its investigation. However, the report did remark that police should have at least followed the Klan-Nazi caravan in marked cars since it was headed into a black neighborhood with guns and malice.

Police had argued, and gotten an opinion from the state attorney general supporting the view, that they had no right to stop the caravan. The committee also criticized the police for relying on intelligence that said any confrontation would happen later in the march, saying in the future that police should "go early and stay late" in such cases.

The Committee found no substance to claims of police conspiracy, "however, testimony before the committee indicates some indifference by some police officers to the welfare of the CWP and the Klan." 110

With regard to the Feb. 2, 1980, march, the Committee chastised the City for trying to rewrite its parade ordinance and for trying to block the use of the Coliseum:

Instead of focusing on ways of preventing illegal acts and acts of violence, the City attempted to discourage the exercise of First Amendment rights. It seriously considered passing a city ordinance which would have made it virtually impossible for any controversial group to have held a parade in the City of Greensboro. To the great credit of the local newspaper and television stations which opposed the ordinance, and to reason which finally prevailed, the ordinance in its most oppressive form was not enacted.

The City's handing of events leading up to and surrounding the February 2 anti-Klan mobilization was mixed. While the City's apprehension is understandable, its conduct

appeared to many to be an overt effort to block the march.89

The report added that "action by city officials at least created the impression that the city had engaged in a charade in an effort to deny the marchers the use of the Greensboro Coliseum." 90

The report went on to point out how the City's militant responses hurt race relations.

A consequence of the city's handling of the aftermath of the November 3 tragedy has been the creation of a negative, even distrustful attitude toward city officials. This attitude of distrust extends beyond the black and low-income community. Among many in the City of Greensboro, a feeling persists that the city lacks sensitivity and consistency in dealing with the human and civil rights of all citizens.

After the November 3 shootings, the City was out of touch with the reaction of many of its citizens to the event. While resources were available to the City through the Police Community Relations unit of the Police Department and the Human Relations Commission, the City, initially at least, appears to have made limited use of these resources. 91

## RECOMMENDATIONS OF THE CITIZENS REVIEW COMMITTEE<sup>92</sup>

Our recommendations are based on our analysis of human and race relations in the City of Greensboro. Some are essentially independent of the events of November 3. We make the following recommendations.

- 1. The City Council should enact an ordinance prohibiting discrimination and should give the Human Relations Commission the power to go into court to seek injunctive relief in cases where the Human Relations Commission has determined discrimination exists.
- **2.** The Human Relations Commission should be adequately staffed to monitor human and race relations and to possess the capability of in-house research and documentation.
- **3.** Efforts should be made by the City Council and other groups in the City to encourage white participation in events planned and promoted by the City to be held in Southeast Greensboro and black participation in events held in other parts of the City. The City Council and other organizations in the City should provide leadership in an effort to break down the barriers which separate the citizens in our community.
- **4.** The City should take steps to bring about an independent assessment of community performance in the areas of housing, employment, education, and criminal justice. Even though the problems in those areas are difficult and are national as well as local, greater local initiative needs to be taken in attempting to solve these problems.
- **5.** The City should reaffirm its commitment to the right of all groups to exercise their First Amendment rights.
- **6.** Steps should be taken to provide more diverse representation in the City government, acknowledging the socio-economic and racial differences that characterize the citizens of our community. City Council should lead this effort.

- 7. The staffing and promotion practices of City management and particularly the Police Department must reach and maintain levels of minority employment at all levels of authority as designated in the Affirmative Action Program on file with renewed and special emphasis on the recruitment and promotion of minorities and women within the ranks of sworn police officers.
- **8.** A citizen advisory board, independent of the Police Department, should be established to provide a forum for community-police communication and to provide a forum in which advice to the police and complaints about police conduct could be considered.
- **9.** The police-community relations division of the Police Department should be given a greater role in assessing and communicating community attitudes directly to the Chief of Police. Regular conferences with the Chief of Police should be scheduled for this purpose.
- **10.** In cases which are likely to involve confrontations between groups like the Communist Workers Party, the Nazis and the Ku Klux Klan, police presence should be visible and substantial. The safety of the groups, as well as the safety of the general citizenry, should be of primary consideration by the police.
- 11. Both internal and external lines of communication among law enforcement officers and agencies must be more adequately used. All intelligence information must be communicated to officers in the field. Existing inter-agency communication networks need to be more fully used by our department and by state and the other local agencies to share available information and planning particularly involving activities or events which appear to be related.
- **12**. A state statute should be passed banning the possession, carrying or displaying of weapons (except by law enforcement personnel) within 500 feet of a parade or demonstration. The statute should also make it a crime to possess a weapon for the purpose of taking it to a parade or demonstration.
- **13**. The City should enact an ordinance to control and restrict the carrying of weapons in parades and demonstrations, whether by participants, bystanders, or others, exclusive of law enforcement officers.

Human Relations Commission Report, October 1980<sup>93</sup>

The HRC report, released in October of 1980 by the City of Greensboro's Human Relations Commission, offered a summary and analysis of the findings of the Citizens Review Committee and the McManis Associates reports. While it acknowledged and included many of the Review Committee's observations, its own interpretation was much more favorable to city officials and criticized in much harsher terms the actions of the CWP.

While it acknowledged the existence of and addressed ways to combat the city's racial inequities in such areas as housing, employment and education, it placed the greatest blame for what happened on the "small band of Communist Worker's Party members and Klansmen." <sup>94</sup>

It is important to be aware of the ways in which many of our people-problems begin, and how the actions of a few infringe on the rights of many. 95

Although it includes the Citizens Review Committee's assertions that City officials at least "gave the appearance of engaging in a charade," it still offers this praise: "City officials and the police were cooperative with the media in providing answers and/or explanations along with an open above board record of all events." 96

In analyzing the events of November 3 and the days following, it is obvious that mistakes were made by some officials in the handling of certain sensitive issues. There is no evidence to indicate that City officials were not operating in good faith throughout the ordeal with protection of life and property uppermost in their minds.

The HRC report also highlighted city officials' and the media's distaste for outsiders.

The tragic event of November 3 and subsequent events that followed, have left a mark on Greensboro that will remain indelible for years to come. From the day of the first sit-ins up to the present, Greensboro has had its problems in dealing with matters concerning civil rights and human relations. Greensboro could very well become a target city for future activities of outside groups who wish to be seen and heard on a national level.

Our city must face up to this possibility and plan its strategy accordingly. It is time we begin directing our attention away from being fire-fighters, to becoming experts in fire prevention.

The HRC agreed in its report to some recommendations offered by its review committee, such as a need for the City to build more subsidized housing and to provide more supervised activities for older teens. "The city has made some recent attempts to address itself to some of the problems of the 'low income' citizen group," the report said. "Further commitment needs to be encouraged."<sup>97</sup>

However, the report rejected other recommendations offered by the committee and by McManis Associates, who urged, among other things, that the police department "reconsider its recent organizational decision to split its Intelligence personnel into two separate units," including a new Special Intelligence Section that 26 years later is implicated in the current police scandal (see below).<sup>98</sup>

The HRC also rejected the Citizen's Review Committee's recommendation that an independent Citizens Advisory Board be established to oversee police conduct. The police did, however, reassign the community relations director to report directly to the chief of police on community attitudes. The GPD also promised that the new special intelligence section would cooperate better with other agencies and other units of the police department.

In response to the committee's finding that the city needed to sponsor more programs giving black and white citizens the opportunity to interact, the HRC's only response was to point to City plans to build a park in the largely black southeast quadrant of the city.

In its own recommendations and conclusions, the HRC said the City should make certain improvements in prohibiting discrimination in housing, employment and government spending including making equalizing "attempts" to "diminish the feelings that Dudley High School is not up to par with the others." It also recommended the City "lead the way and encourage industry to follow in demonstrating a positive commitment to affirmative action by placing minorities in more managerial and decision-making positions thereby eliminating tokenism or the notion thereof."

While it offered no recommendations or conclusions of its own related to the police department, it commended the City for implementing some of the McManis suggestions and for making progress "to correct certain policies and procedures for more efficient handling of problems."

The HRC report acknowledged the City's need to "win the confidence of its people" and "create a meaningful dialogue that seeks to resolve conflict. ... the City must have patience with those who do not understand, and provide guidance and counsel for however long it may take." <sup>100</sup>

The Human Relations Commission's report followed what many see as a pattern in Greensboro of scorning authentic self-examination in favor of cover-up and scapegoating. This was evident in the way the report downplayed criticisms of the City's actions while focusing on the responsibility borne by the Klan, Nazis and CWP.

# **HUMAN RELATIONS COMMISSION REPORT RECOMMENDATIONS**

It is recommended:

- 1. That the City Council seek special local enabling legislation from the General Assembly to authorize the City of Greensboro to enact separate ordinances prohibiting discrimination in housing, employment and public accommodations.
- 2. Upon adoption of the above-mentioned ordinance that the duties of the Human Relations Commission should be expanded to provide that it may investigate, review, and conciliate specific complaints of discrimination in housing and employment which are in violation of these ordinances, and that either complaint procedure be included in that established City ordinance or the Commission be authorized to utilize the complaint procedure by amending the present ordinance.
- 3. The City of Greensboro should lead the way and encourage industry to follow in demonstrating a positive commitment to affirmative action by placing minorities in more managerial and decision-making positions thereby eliminating tokenism or the notion thereof.
- 4. That the City call upon all agencies and organizations using City tax dollars or operating under the endorsement of the City to become accountable for their activity, especially agencies and organization involved with preparing and promoting minority upward mobility.
- 5. That the City should take a leadership role in establishing meaningful dialogue of unity between the races, the various arms of government and the local citizenry.
- 6. That the City make better use of its educational institutions to monitor socioeconomic indicators.
- 7. That attempts be made to equalize equipment, facilities and educational programs at all Greensboro high schools to diminish the feelings that Dudley High School is not up to par with the others.
- 8. That the City review its position on the ward system and seek to come up with an acceptable recommendation that would provide for more effective representation.
- 9. That the community educational specialist be employed full-time as a Human Relations staff member who could communicate to the community various self-help programs and resources in addition to developing human relations training programs that could address the restive feelings among unemployed youth.
- 10. That a researcher be employed as a full-time staff member of the Human Relations Office to provide up-to-date data upon which sound decisions can be made to correct problems in housing, imbalances in employment and gather information that would foster good race relations.
- 11. That the City Council utilize the Human Relations Commission Talent Bank to establish wherein qualified persons who serve on boards and commissions would be screened for their potential contributions and that the respective boards and commissions have some input

on the prospective members. Further, that major community organizations interested in the welfare and goodwill of the City and race relations be given an opportunity to nominate at least one member to the Human Relations Commission Talent Bank.

### U.S. Commission on Civil Rights Report, November 1980

Greensboro's race relations were further examined under the auspices of the U.S. Commission on Civil Rights. That Commission's North Carolina Advisory Committee took testimony from people representing Greensboro's government, business, religious, educational and media communities, as well as representatives of local and national civil rights organizations, the Klan, the Nazis and City staff. Its report, "Black White Perceptions: Race Relations in Greensboro," found a polarized city with "two diverging Greensboro societies: one with economic and political power and one which possesses neither." <sup>101</sup>

While making no attempt to present a detailed account of the actual shootings or to assess responsibility for what transpired on November 3, 1979, this report by the Commission's Advisory Committee of North Carolina offers suggestions – largely from Greensboro residents themselves – on how black/white relations in Greensboro might be improved. 102

### Among the people who spoke to the Committee:

- then-Mayor Jim Melvin, who decried the Klan, the CWP and "media coverage of the events in Greensboro which drew conclusions that race relations in Greensboro were poor and that discord and ill will abounded;" 103
- the late Dr. George Simkins and the late Ervin Brisbon, who both painted bleak pictures of local race relations and criticized the police performance;<sup>104</sup>
- Nelson Johnson, who also criticized the police performance and objected to the Klan and Nazis being allowed to speak to the Committee to "further spread their poison;" 105
- William Snider, editor of the *Greensboro Daily News* and the *Greensboro Record*, who described a Greensboro that "encourages openness to new ideas and a sense of enlightenment and tolerance, is moderate in racial matters rather than liberal, and generally follows the course of courtesy and civility rather than confrontation and upheaval;" he also acknowledged that as a newspaperman he had responsibility in molding and shaping public opinion;<sup>106</sup>
- Father George Kloster, pastor of St. Pius X Catholic Church, who echoed and crystallized others' assessments:

According to Kloster, in Greensboro the power structure historically has been paternalistic in dealing with its problems – as best evidenced by the debate over the ward system of government 107 ... he believed the reluctance of city leadership to support a change in governmental structure, or even to acquiesce to change, reflects an attitude that certain people know what is best for everyone. ...

... Expressing his view that the city administration has lost credibility, he was specifically critical of the City's handling of the February 2<sup>nd</sup> march ...

In summary, Father Kloster stated that Greensboro's problems were similar to those found in other cities, but that overall the city does better than most places. He said, however, that Greensboro was not doing as well as in the past, and asserted that the city needs to be "more self-critical, more honest, perhaps a little less concerned about our image, (and) more concerned

about the substance of problems ... "108

That paternalism was evidenced in this quote from the HRC's report, which – instead of tapping into and developing community leadership in neighborhoods such as Morningside Homes – called for keeping a closer eye on community members and keeping them away from outsiders:

The Human Relations Commission has established a line of communication with the youth and adult groups of the various communities in an effort to be tuned into vibrations of unrest, as well as successes experienced by them. While many residents appear to be dormant, they may become easy targets to be manipulated by groups espousing propagandized half truths that may distort the real facts." <sup>109</sup>

The North Carolina Advisory Committee's report recommended more "people-to-people contact and cooperative action" to solve the intertwined problems of economics and race; that the City Council enact a district election system and improve its affirmative action polices for recruiting, hiring and promotions in all City departments, including the police department, where it found that the "preponderance of minorities and females" were "in the lowest paid categories." 110

## U.S. COMMISSION ON CIVIL RIGHTS FINDINGS AND RECOMMENDATIONS ...

### In Summary

While a review of the statements summarized in this report reveals no consensus on the state of black/white relations in Greensboro, attitudes on just how good or bad these relations are do fall along racial lines. Greensboro citizens who are white emphasize the progress made. They see the Greensboro glass as more than half full. The city's citizens who are black focused on the problems that remain, perceiving the glass to be almost empty.

The white and black citizens who gave information to the Advisory Committee seemed to be telling tales of two cities. Elected officials and most businessmen concentrated for the most part on the image of Greensboro. They presented selective evidence of racial progress: lack of violence for a decade, desegregation of the schools, and social and cultural interchange at the college level.

Standing aloof from the events of November 3, 1979, city officials and members of the establishment made frequent reference to "outside agitators" and attempted to balance off the extremist groups, the KKK and the Communists, who confronted one another in the "Morningside Homes Shootout." The identification of the site with the killings, tended to imply involvement of the black residents from the housing project – although reportedly no current residents took part in the rally. The designation also seemed to insinuate that somehow "Morningside" was a remote place, not part of the Greensboro. ...

### Findings:

The Greensboro community is comprised of many factions, separated by income, influence, education and race.

### Recommendations:

Toward the ultimate goals of "diverse representation in city government" prescribed by the Citizens Review Committee, the North Carolina Advisory Committee recommends that the city administration maintain the CRC as a "civilian" adjunct to the Human Relations Commission. Such a group of persons,

themselves representing a cross section of Greensboro, would be invaluable in keeping communications open between the citizenry and the administration.

The Human Relations Commission, as the Citizens Review Committee suggests, should be given investigatory powers by the Greensboro City Council so that HRC can process, as well as receive, complaints and conduct meaningful reviews of community issues and concerns.

The Greensboro city administrators, City Council and the Human Relations Commission should seek the advice and counsel of other ad hoc citizen groups with professional backgrounds and living experience in particular areas – housing, education, employment, etc. – areas of concern to various segments of the city and to the greater community. Only through such people-to-people contact and cooperative action can the intertwined problems of economics and race be solved. ...

### Finding:

Members of minority groups are not adequately represented in city government.

#### Recommendations:

The Advisory Committee urges the City Council to enact a resolution calling for a district election system both for nominating and voting for candidates.

The Committee believes all residents of Greensboro should avail themselves of the city's convenient voter registration and exercise their right to vote. ...

### Finding:

The preponderance of minorities and females employed by the Greensboro Police Department are in the lowest paid categories. Blacks and women are still underrepresented among higher ranked Department personnel.

#### Recommendation:

The Advisory Committee recommends that the Greensboro Personnel Department and Department of Public Safety seek more creative approaches to recruitment, training and upward mobility to overcome the underrepresentation and to meet the Department's own goals and timetables. The overall objective is not merely to reach goals on a chart but to achieve a city police force that would be reflective of the populace and its interests in public safety and protection.

# Post-Nov. 3, 1979, human relations

Nearly 26 years after the tragic Nov. 3, 1979, killings,

- Greensboro has a modified district system for city elections.
- Spending on city services is much less lopsided across quadrants of Greensboro.
- Dialogue across racial lines has benefited from efforts ranging from the now-defunct City Stage arts festival<sup>113</sup> begun in 1980, to current Mayor Keith Holliday's Mosaic Project, which matches white leaders with black leaders for informal, trust-building conversations.<sup>114</sup>

However, fear and distrust in many segments of the community – especially of the GPD – linger since 1980.

Impacts of the City's response

In not taking seriously the Citizens Review Committee's findings that city officials were viewed as "defensive," "out of touch," "repressive" and "insensitive" to many in the community, the city leadership has been doomed to repeat that history, which was evident at the start of the truth and reconciliation process.

When survivors of the Nov. 3, 1979, violence and community supporters of the process planned the 25<sup>th</sup> anniversary march under the slogan, "Facing our Past, Shaping our Future," the police response was a reprise of the 1979 funeral march. The vast numbers of police lining the route re-emphasized the apparent perception in police circles of a false dichotomy of parade protection options: 1) absence or 2) intimidating overkill. Heedless of the lessons available from 1980, city police and government officials planned and executed security for the march that included an intimidating phalanx of officers in riot gear and a borrowed Highway Patrol helicopter circling in the sky above the peaceful marchers.

Similarly, in April 2005, over the vocal objections of its three black members, the City Council voted 6-3 to oppose the Commission's work when representatives of the GTCRP presented over 5,000 signatures on a petition encouraging the City Council's endorsement of the truth and reconciliation process. The Council's discussion surrounding this decision and members' concerns with their image afterwards was reminiscent of City responses to Nov. 3, 1979. Allen Johnson, editorial page editor for the News & Record wrote in a column following this decision:

(T)he council, on the whole, still seems too concerned with image over substance, especially in the national media. "They didn't hear all the information we got," Councilman Don Vaughan said Thursday. They'll just see that three African Americans voted one way and six whites voted the other, he said, and go off and report that "Greensboro is racially divided."

After all, got to keep up appearances...

And maybe somewhere along the way someone will realize that if one meeting or one vote could racially split the community – if the state of our union is that fragile – we're already divided.<sup>115</sup>

City response to the GTRC

Several other incidents with regard to the GTRC smacked of the old Community Relations Service's tactics:

- Before the GTRC's official announcement, someone in the GPD, city council or city manager's office leaked to the *News & Record* that Klansman Virgil Griffin was to speak at the first public hearing, prompting an article raising concerns about security. The leak jeopardized Griffin's participation as he had specifically requested that we keep it confidential so as not to attract too much press or protestors. In addition, some citizens say they stayed away from the hearing out of fear when they heard comments from council members implying that the GTRC was putting the city in danger. One council member compared the hearings to the violence in 1979 by saying, "We never wanted an incident then and we don't want an incident now." Another said, "I don't understand what they're doing to start with and don't know what they want to gain... It's nuts to me." 116
- · Police officials met with representatives of Mount Zion Baptist Church without GTRC staff

before the GTRC's Community Dialogue. The police official responsible said that not inviting the GTRC staff was an oversight. Although police told church officials there was a chance the Klan would be present in robes, church officials said they never felt intimidated or frightened.

- Prospective statement givers and community dialogue participants indicated being discouraged to participate.
- Throughout the process, rumors have been spread by community leaders and others about the GTRC's funding, its relationship to the GTCRP and allegations that the GTRC has "intimidated" statement givers who wished to express opinions and facts that might counter those held by people affiliated with the CWP.

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

## Conclusion

With an approach since 1979 that has focused on controlling "the low-income citizens group" and isolating those with unpopular political views, the City created distrust in the community that lingers to this day in Greensboro. We share former Morningside Homes resident and community activist Tammy Tutt's view that Greensboro would benefit from authentic dialogue on the community's lingering pain, approached with respect for all people and all points of view.

I think we need to submit ourselves to the truth. I think we need to commit to staying with it. I think we need to commit to hurting together. I think we need to commit to being angry without torturing ourselves and others for what our opinions and judgments have been over the last 30 years. I think we need to allow ourselves to flow as people so that healing can flow. And let people scream as loud as they need to and turn over all the tables that they need to. And people need to be able to shake their heads as much as they need to as long as they are hearing and accepting the truth. I think that we're doing better because we're at the table. We're finally regurgitating a lot of things that have gone on inside. A lot of years that we've eaten that were not good for us that have been poisoning our systems. Whether we're fussing and fighting or eating or whatever we're doing at the table, we're talking. Lots of good relationships in my opinion have been lost because people stopped talking.

In 1979, racist people were able to come into a predominantly black community and launch an attack on people who were demonstrating in a peaceful way. And the community itself did not say a word. I can still see that happen today. I see crack houses, violent gun carriers, stores that sell drug paraphernalia, cigarettes sold to children, small grocery stores who sell forty ounces and no grocery or very little grocery, red lining in grocery stores or other businesses, boarding houses that are boarded up and not rented out. These are small and present attacks that are going on in communities today. And still the police are not doing anything. The city officials are still sitting by. And the community is not saying a word. When I call the police and say, "Can you come out and take care of a matter?" What they usually do is tell me what my part should be in the whole matter. I'm clear about what my part is and my part is actually inevitable, but where is your presence? Can I trust you? Can you come visit me and see me and hear me as a strong black woman and can you stop trying to conform me and make me what you feel I should be so my community can be right and

so I don't have to call you? Can you hear me and stop judging me? Can you please not be my daddy? I think that we need to have a police review board that consists of grassroots community people, business people, city officials and fellow officers with subpoena power in order to hear the grievances that are going on in the community. 117

## **FINDINGS**

Following the trauma of the shootings, the City missed the opportunity to reassure its most vulnerable citizens that their government institutions would protect them and would conduct a rigorous investigation into what happened on Nov, 3, 1979.

Instead, the City's response to the shootings sought to restore "stability" by repressing citizen protest through 1) an attempted ban on public demonstrations, 2) the attempted block of the widely supported Feb. 2, 1980, march by trying to book the Coliseum, 3) the use of CRS rumor mongering to intimidate and red-bait.

These government actions, coupled with the CWP's own aggressive and isolationist actions and rhetoric, served to splinter progressive citizen response.

City officials often spoke publicly in the aftermath of Nov. 3, 1979, about their concerns about Greensboro being portrayed in the national and international media as a racially troubled city. Current city leaders still express similar concerns about Greensboro's image with regard to this truth and reconciliation process.

Rather than using it as a tool for dialogue and healing, the Human Relations Commission effectively marginalized the report of the HRC-established Citizens Review Committee by dismissing findings and recommendations that were critical of the City and police.

In combination, these responses served to reinforce in the minds of citizens either that 1) the Communists were the real danger, or that 2) the City did not wish the real facts to be known and did not intend to protect its most vulnerable citizens.

## Notes

- <sup>1</sup> Greensboro, North Carolina, *Report of the Citizens Review Committee* (22 May 1980), 36-38. Committee members were Chairperson Mark K. Schott, Judith Behar, Ervin Brisbon, Rev. Cardes H. Brown, Jane Cochrane, Michael K. Curtis, Lloyd Green, Jr., Isaac Miller, Rabbi Arnold S. Task, Barbara Gore Washington, A.S. Webb.
- <sup>2</sup> "Proclamation on State of Emergency," issued by Mayor Melvin on 10 November 1979 at 3 p.m., *Greensboro Daily News*, 11 November 1979, A4.
- <sup>3</sup> Jim Schlosser, "March to Put City in World Spotlight Again," *Greensboro Record*, 10 November 1979; J. Schlosser, "CWP Finds Great Wall of Ho-Hum Here," *Greensboro Record*, 15 November 1979.
- <sup>4</sup> Signe Waller, "A City of Two Tales: The Greensboro Massacre of November 3, 1979, in Fact, Context and Meaning," (Joint copyright of Greensboro Justice Fund and Beloved Community Center, Greensboro, NC, February 2005), 87; J. Schlosser, "City in World Spotlight," *Greensboro Record*, 10 November 1979; Jack Scism, "Funeral March is Peaceful," *Greensboro Daily News*, 12 November 1979; J. Schlosser, "Wall of Ho-Hum," *Greensboro Record*, 15 November 1979.
- <sup>5</sup> City Manager Tom Osborne confirmed the insistence on the part of the city that the funeral march comply with their regulations, "The route will be the easiest for us to provide protection for both the marchers and the citizens ... We will have all other routes blocked off, cordon. We are trying to make it impossible for any outsiders to break into the procession." Quoted in "City to Insist March Follow Set Route," *Greensboro Record*,

- 9 November 1979.
- <sup>6</sup> Police records of arrests around the funeral march list several charges of "violation of curfew." Some have told us that the curfew was only enacted in black neighborhoods but we have not been able to substantiate that.
- <sup>7</sup> Jim Schlosser, "City Wants Extra Police for March," *Greensboro Record*, 8 November 1979.
- <sup>8</sup> Charles Babington, "Police Set Funeral Route," Greensboro Daily News, 10 November 1979.
- <sup>9</sup> J. Schlosser, "Extra Police for March," *Greensboro Record*, 8 November 1979; "Follow Set Route," *Greensboro Record*, 9 November 1979; Jim Wicker, "State of Emergency Lifted," *Greensboro Record*, 12 November 1979; Cavin, "900 to Police Funeral," *Greensboro Daily News*, 9 November 1979; Jack Scism, "City Sets State of Emergency for Funeral March," *Greensboro Daily News*, 11 November 1979; Scism, "Funeral March is Peaceful," *Greensboro Daily News*, 12 November 1979; Cavin, "Crisis Over, City Lifts State
- "Funeral March is Peaceful," *Greensboro Daily News*, 12 November 1979; Cavin, "Crisis Over, City Lifts State of Emergency," *Greensboro Daily News*, 13 November 1979; Signe Waller, *Love and Revolution: A Political Memoir* (Lanham, MD: Rowman & Littlefield Publishers, Inc, 2002), 264-265.
- <sup>10</sup> Winston Cavin, "900 to Police Funeral, Arrest Armed Marchers," *Greensboro Daily News*, 9 November 1979; Rick Stewart, "Security Choked Off Threats of Violence," *Greensboro Record*, 12 November 1979, A4.
- <sup>11</sup> John Forbis, interview by Mark Dorosin, February 15, 1988 (available at the University of North Carolina at Greensboro archives and <a href="http://library.uncg.edu/depts/archives/civrights/detail-iv.asp?iv=9">http://library.uncg.edu/depts/archives/civrights/detail-iv.asp?iv=9</a>).
- <sup>12</sup> House Representative Richardson Preyer quoted in J. Schlosser, "Extra Police for March," *Greensboro Record*, 8 November 1979, A2.
- <sup>13</sup> Jim Schlosser, "Melvin Sees a More United City After Shoot-out." *Greensboro Record*, 23 November 1979.
- 14 Ibid.
- <sup>15</sup> *Ibid*.
- 16 Ibid.
- <sup>17</sup> Martha Woodall, "Nov. 3 Results: Group Says Race Relations Here Need Look," *Greensboro Record*, 18 December 1979, A1.
- <sup>18</sup> *Ibid*.
- <sup>19</sup> Candy Clapp, statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 26 August 2005. Although we have heard anecdotal evidence of a curfew placed on Morningside Homes residents following the violence on Nov. 3, 1979, we have not been able to corroborate those memories with any other written accounts.
- <sup>20</sup> Jim Schlosser, "March Route Designated," Greensboro Record, 9 November 1979, A2.
- <sup>21</sup> Rev. Cardes Brown, statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 27 August 2005.
- <sup>22</sup> Sally Avery Bermanzohn, *Through Survivors' Eyes* (Nashville, TN: Vanderbilt University Press, 2003), 243-244.
- <sup>23</sup> Pat Bryant, "Justice vs. The Movement," Southern Exposure 8, no.2 (Summer 1980): 34.
- <sup>24</sup> Pat Bryant, "Justice vs. The Movement," *Southern Exposure* 8, no.2 (Summer 1980): 31; Leah Wise, Statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 27 August 2005; Editorial, *Carolina Peacemaker*, February 1980, quoted in Greensboro *Human Relations Commission Report* (6 October 1980), 4.
- <sup>25</sup> Pat Bryant, "Justice vs. The Movement," Southern Exposure 8, no.2 (Summer 1980): 39.
- <sup>26</sup> *Ibid.*, 31.
- <sup>27</sup> *Ibid.*, 32.
- <sup>28</sup> *Ibid.*, 32.
- <sup>29</sup> Leah Wise, statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 27 August 2005.
- <sup>30</sup> Editorial, *Carolina Peacemaker*, February 1980, quoted in Greensboro *Human Relations Commission Report* (6 October 1980), 4.
- <sup>31</sup> Virginia Turner, statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 27 August 2005.
- <sup>32</sup> Dail deposition Waller v Butkovich, (12 October 1984), 35-37.
- 33 "Klansmen rally to aid defendants," Associated Press, Greensboro Daily News, 17 December 1979.
- 34 Ibid
- <sup>35</sup> North Carolina Advisory Committee to the U.S. Commission on Civil Rights, *Black White Perceptions: Race Relations in Greensboro* (November 1980), 1.
- <sup>36</sup> *Ibid.*, 10.
- <sup>37</sup> *Ibid.*, 11.

- <sup>38</sup> Martha Woodall, "Group Planning Funeral March," *Greensboro Record*, 6 November 1979.
- <sup>39</sup> Winston Cavin, "Police to Arrest Armed Marchers," *Greensboro Daily News*, 9 November 1979, A12.
- <sup>40</sup> "Follow Set Route," Greensboro Record, 9 November 1979.
- <sup>41</sup> "Proclamation on State of Emergency," issued by Mayor Melvin on 10 November 1979 at 3:00pm, *Greensboro Daily News*, 11 November 1979, A4;
- <sup>42</sup> Schlosser, "City in World Spotlight," *Greensboro Record*, 10 November 1979; J. Schlosser, "Wall of Ho-Hum," *Greensboro Record*, 15 November 1979 quoting Joyce Johnson on the street barricades resulting in low numbers of A&T students at the funeral march, "many others wanted to participate but couldn't because they were barricaded on campus by police. There were looking down a gun barrel."
- <sup>43</sup> Revolutionary Worker, 16 November 1979; Wicker, "State of Emergency Lifted," *Greensboro Record*, 12 November 1979; Cavin, "Crisis Over, City Lifts State of Emergency," *Greensboro Daily News*, 13 November 1979.
- <sup>44</sup> "Letter to FBI Director, William Webster RE: Confiscated Weapons," Greensboro Police Department, 14 November 1979; Signe Waller, "A City of Two Tales: The Greensboro Massacre of November 3, 1979, in Fact, Context and Meaning," (Joint copyright of Greensboro Justice Fund and Beloved Community Center, Greensboro, NC, February 2005), 87.
- <sup>45</sup> "Persons Arrested and Weapons Confiscated," GPD document, no date.
- <sup>46</sup> Irwin Smallwood, conversation with GTRC Communications Director Joya Wesley, Greensboro, December 2005.
- <sup>47</sup> Gary Curtis Cepnick, interview with Greensboro Truth and Reconciliation Commission, 7 April 2005.
- <sup>48</sup> Revolutionary Worker, 16 November 1979.
- <sup>49</sup> Babington, "Police Set Funeral Route," *Greensboro Daily News*, 10 November 1979; J. Schlosser, "Extra Police for March," *Greensboro Record*, 8 November 1979; Wicker, "State of Emergency Lifted," *Greensboro Record*, 12 November 1979; Woodall, "Group Gets March Permit for Sunday; Calm Urged," *Greensboro Record*, 15 November 1979.
- <sup>50</sup> Revolutionary Worker, 16 November 1979.
- <sup>51</sup> Sally Avery Bermanzohn, *Through Survivors' Eyes* (Nashville, TN: Vanderbilt University Press, 2003), 249.
- <sup>52</sup> Signe Waller, "A City of Two Tales: The Greensboro Massacre of November 3, 1979, in Fact, Context and Meaning," (Joint copyright of Greensboro Justice Fund and Beloved Community Center, Greensboro, NC, February 2005), 88; "900 to Police Funeral," *Greensboro Daily News*, 9 November 1979; "City Sets State of Emergency," *Greensboro Daily News*, 11 November 1979; "Funeral March Peaceful," *Greensboro Daily News*, 12 November 1979; "Follow Set Route," *Greensboro Record*, 9 November 1979; "City in World Spotlight" *Greensboro Record*, 10 November 1979; "State of Emergency Lifted," *Greensboro Record*, 12 November 1979; "Wall of Ho-Hum," *Greensboro Record*, 15 November 1979; Woodall, "Rally, March to Cost City 85,000 Plus," *Greensboro Record*, 27 November 1979; *Revolutionary Worker*, 16 November 1979.
- <sup>53</sup> Gibson, interview with GTRC, 5 May 2006.
- <sup>54</sup> Signe Waller, "A City of Two Tales: The Greensboro Massacre of November 3, 1979, in Fact, Context and Meaning," (Joint copyright of Greensboro Justice Fund and Beloved Community Center, Greensboro, NC, February 2005), 88.
- <sup>55</sup> Revolutionary Worker, 16 November 1979.
- <sup>56</sup> Jerry Tung, Eulogy for the five killed on November 3, 1979, quoted in Paul C. Bermanzohn and Sally Avery Bermanzohn, *The True Story of the Greensboro Massacre* (New York: Cesar Cauce Publications: 1980), 237.
- <sup>57</sup> Carolina Peacemaker editorial, Feb. 1980
- <sup>58</sup> Larry Morse, statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 27 August 2005.
- <sup>59</sup> Quoted in "CORE Points to Officials for Murders," Carolina Peacemaker, 17 November 1979.
- <sup>60</sup> Leah Wise, statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 27 August 2005.
- <sup>61</sup> Anne Braden, "The Cry Was Unity," quoted in Signe Waller, "A City of Two Tales: The Greensboro Massacre of November 3, 1979, in Fact, Context and Meaning," (Joint copyright of Greensboro Justice Fund and Beloved Community Center, Greensboro, NC, February 2005), 90.
- <sup>62</sup> Leah Wise, statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 27 August 2005.
- <sup>63</sup> Leah Wise, statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 27 August 2005.
- <sup>64</sup> Katherine Fulton, "The march...what is it for?" *Greensboro Record*, 25 January 1980, A1.
- 65 William March, "City delays permit action," Greensboro Daily News, 4 January 1980.
- 66 Ibid
- <sup>67</sup> Lindsey Gruson, "Anti-Klan march permit filed: support may be faltering," *Greensboro Daily News*, 4 January 1980.

- <sup>68</sup> Lindsey Gruson, "Ministers refuse to endorse March," *Greensboro Daily News*, 16 January 1980.
- <sup>69</sup> Lindsey Gruson and William March, "City signs as co-sponsor of Feb. 2 concert," *Greensboro Daily News*, 18 January 1980.
- <sup>70</sup> Williams March, "City's role in concert raises complex questions," *Greensboro Daily News*, 22 January 1980.
- <sup>71</sup> William March, Lindsey Gruson and Stan Swofford, "City agrees to use of coliseum for Feb. 2 rally," *Greensboro Daily News*, 26 January 1980.
- <sup>72</sup> Greensboro, North Carolina, Human Relations Commission Report (6 October 1980), 12-13.
- <sup>73</sup> Lindsey Gruson, "City won't permit weapons in march," *Greensboro Daily News*, 30 January 1980.
- <sup>74</sup> Leah Wise, statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 27 August 2005.
- <sup>75</sup> Sally Avery Bermanzohn, *Through Survivors' Eyes* (Nashville, TN: Vanderbilt University Press, 2003), 260.
- <sup>76</sup> Leah Wise, statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 27 August 2005.
- <sup>77</sup> *Ibid*.
- <sup>78</sup> Sally Avery Bermanzohn, *Through Survivors' Eyes*, 262; Signe Waller, *Love and Revolution: A Political Memoir* (Lanham, MD: Rowman & Littlefield Publishers, Inc, 2002), 294. CWP position paper.
- <sup>79</sup> Paul Bermanzohn, quoted in Sally Avery Bermanzohn, *Through Survivors' Eyes* (Nashville, TN: Vanderbilt University Press, 2003), 261.
- 80 Sally Avery Bermanzohn, Through Survivors 'Eyes, 260.
- 81 *Ibid.*, 262.
- 82 Lindsey Gruson, "Marchers: Leftist 'iceberg' emerges, unites," Greensboro Daily News, 4, February 1980.
- 83 Leah Wise, statement to the Greensboro Truth and Reconciliation Commission, Public Hearing, 27 August 2005.
- <sup>84</sup> Greensboro, North Carolina, *Human Relations Commission Report* (6 October 1980), on first page of letter accompanying report.
- <sup>85</sup> McManis Associates, Assessment of Planning and Operations of Greensboro, North Carolina Police Department for Demonstration of November 3, 1979 (May 1980), IV-2.
- <sup>86</sup> Michael Curtis, statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 27 August 2005.
- <sup>87</sup> Greensboro, North Carolina, preface to Report of the Citizens Review Committee (22 May 1980).
- 88 Greensboro, Report of the Citizens Review Committee, 31.
- 89 Greensboro, North Carolina, Report of the Citizens Review Committee (22 May 1980), 36.
- <sup>90</sup> Ibid. 37.
- 91 Greensboro, North Carolina, Report of the Citizens Review Committee (22 May 1980), 36-37.
- 92 Greensboro, North Carolina, Report of the Citizens Review Committee (22 May 1980), 39-40.
- <sup>93</sup> Human Relations Commissioners were: James Johnson (Chairperson), Thomas Ward, Jr. (Vice Chair), Ellen Adelman, Robert Albergotti, Josephine Brown, T.L. Jarman, Jerry Lawson, Linda McDougle, Richard Moore, Betty Mullin, Harold Odenwald, Robert Payne, Rabbi Arnold Task, James Van Hecke, Jr., and Dr. Robert Wilson. HRC staff included James Wright, II, Alexander Killens, Program Administrator, Jane Mabe, Jesse Brown, Jr., James Howard, IV, Warlena Lane and Yolanda Leacraft.
- <sup>94</sup> Greensboro, North Carolina, *Human Relations Commission Report* (6 October 1980), 28.
- 95 *Ibid.*, 28.
- <sup>96</sup> *Ibid.*, 18.
- <sup>97</sup> *Ibid.*, 19.
- 98 "Chief Swing's Shuffle", *Greensboro Daily News*, 6 June 1980. Eric Swensen and Eric Townsend, "Chief Curbs Powers of 'Secret Police'," *Greensboro News & Record*, 11 January 2006.
- 99 *Ibid.*, 26-27.
- <sup>100</sup> Greensboro, North Carolina, Human Relations Commission Report (6 October 1980), 28.
- <sup>101</sup> North Carolina Advisory Committee to the U.S. Commission on Civil Rights, *Black White Perceptions: Race Relations in Greensboro* (November 1980), 22.
- <sup>102</sup> *Ibid.*, 2.
- <sup>103</sup> *Ibid.*, 5.
- <sup>104</sup> *Ibid.*, 6-7.
- <sup>105</sup> *Ibid.*, 8-9.
- <sup>106</sup> *Ibid.*, 14-15.
- <sup>107</sup> Until 1983 all Greensboro City Council members were elected at large. This left many in the African American community and white residents living outside the city's northwest quadrant feeling unrepresented. <sup>108</sup> *Ibid.*, 17.
- 109, Greensboro, North Carolina, Human Relations Commission Report (6 October 1980), 19.

# What happened after November 3, 1979?

- 110 *Ibid.*, 24.
- <sup>111</sup> North Carolina Advisory Committee to the U.S. Commission on Civil Rights, *Black White Perceptions: Race Relations in Greensboro* (November 1980).
- <sup>112</sup> City of Greensboro Recommended Budget 2006-2007, Projected Budget 2007-2008, 16 May 2006. (available at <a href="http://www.greensboro-nc.gov/NR/rdonlyres/00BB5CD4-5DD9-411C-83D8-1CE16E5D60AE/0/ProposedBudget0607.pdf">http://www.greensboro-nc.gov/NR/rdonlyres/00BB5CD4-5DD9-411C-83D8-1CE16E5D60AE/0/ProposedBudget0607.pdf</a>).
- <sup>113</sup> Yvonne Johnson, statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 30 September 2005.
- 114 http://www.ci.greensboro.nc.us/mosaic/
- <sup>115</sup> Allen Johnson, "What the Truth and Reconciliation Vote Says about our City Council," *Greensboro News & Record*, 24 April 2005.
- <sup>116</sup> Eric Townsend, "Wizard in Klan to Speak at Hearing list of people slated to address the truth panel this week will be released today," *Greensboro News & Record*, 14 July 2005.
- <sup>117</sup> Tammy Tutt, statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 1 October 2005.



Injustice in the justice Chapter Osystem

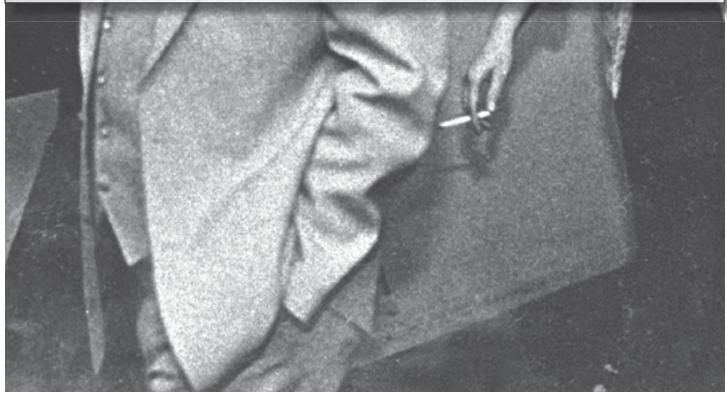


Photo courtesy of the Greensboro News & Record

"(The response to the acquittals in my congregation was) anger. Frustration. (My) message had to be a message of reassurance because at that point people were of the opinion, "What is the purpose of us doing anything? Why not just give up?" So, I said in my statement that the only way to deal with that is to have a faith and a hope that in some way, in God's own time, this matter will come to bear, that right temporarily defeated is better than evil triumphant. Truth crushed to the ground will rise again. You have to do that because otherwise people just come to the point where they don't have any feelings, they become numb and a person who is not able to have the sense of fear will do anything. So keeping people from losing their mind became an issue."

Reverend Cardes Brown<sup>1</sup>

Many people have told the Commission that the murder acquittal was its own form of trauma, creating its own confusion, fear and distrust over whether our system of law enforcement and justice will protect them. Our principle purpose in this section is to explain to a lay audience what happened in the three sets of trials, which were lengthy and dealt with complex legal issues. The three public trials are particularly important to the public consciousness of Nov. 3, 1979. Given the extensive media coverage, these events are the source of many beliefs in the Greensboro community and beyond about what happened and whether justice was served. Many key factual questions alive in the community today relate to the judicial process:

- How could the court have convened an all-white jury?
- Why didn't the relatives of the victims and people involved in the Nov. 3rd march testify at the murder trial?
- How was an acquittal possible when there was a videotape of the shooting?
- Why in the civil case was only one victim compensated?
- Why did the City pay the judgment for the individual police officers, but also the KKK and Nazi members found liable?

These are some of the questions that the Commission considered, along with broader inquiries into the role of the justice system and its impact on the events and consequences of Nov. 3, 1979.

As discussed in previous sections of this report, the aim of TRCs is not to "re-try" trials, nor would it be within our competence or capacity to do so. Rather, after 25 years, our purpose is to take a fresh and more dispassionate look at the procedural and substantive issues involved in these trials and make our own assessment of what transpired and whether there were noticeable flaws in the process, either in violation of legal standards or basic notions of justice.

Another of our aims in this inquiry is to reveal how the legal system inevitably reflects and also is influenced by the prevailing social and political contexts, and how in this particular case the system failed some expectations for justice. Our final purpose is to recognize the different impacts the trial had on those directly affected and on the community at large. In seeking reconciliation, we aim to examine the cracks in public trust in the justice system that were created or exacerbated by these events.

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

The three trials have illustrated, each in its own way, the limits of our court system as it is structured. The "retributive justice" model of the U.S. legal system confines judicial inquiries to the proof of a defendant's guilt (criminal cases) or liability (civil cases), under a narrowly defined set of laws and rules of procedure. As a result, the examination of the role of individuals and institutions, outside of the particular defendants on trial, is limited solely to their relevance to those particular proceedings. Similarly, the scope for defining and addressing other types of harm and other stakeholders in the incident is also very narrow. The courtroom is the realm of technical knowledge and expertise, with little leeway for richness of context or consequences that surround wrongs.

This narrowness is appropriate to the task of trials because they must protect the rights of accused individuals whose liberty is at stake. The issue of collective harm or collective responsibility most often lies outside the grasp of the court system;<sup>2</sup> yet, it is what makes a group of people living near each other into a "community." The retributive justice system is a rather blunt instrument for addressing these issues. Indeed it was not intended to do so. The promise of "restorative justice" is in drawing the community to the table to discuss what wrongs were done and to whom and by whom. Restorative justice also facilitates exchange of diverse perspectives on why these wrongs occurred and what should be done. In this way, restorative justice works in concert with retributive justice, not as a repeat or replacement of it. By looking at the issues more holistically, truth commissions can better diagnose the underlying causes and consequences, which may not be relevant to particular legal proceedings.

### Availability of research materials

Our analysis of the three trials was somewhat limited because certain documents were not available. Transcripts for the state murder trial were eventually destroyed pursuant to the time limitation for keeping such records on file. However, pre-trial motions and orders, as well as verdict sheets, are still on file at the Guilford County Courthouse. Also, the presiding judge in the case, Judge James Long, provided transcripts of some testimony and his jury instructions, which will be preserved in our archives with our other documentary evidence. Also, because there were no appeals in the federal civil rights trial or the trial of the civil lawsuit, no transcripts were available for either of those proceedings. Again, however, we were able to access some testimony through the cooperation of lawyers and others, including playwright Emily Mann, who used interviews and portions of depositions in the dialogue for her play, "Greensboro: A Requiem." Finally, although we made extensive use of her book, "Codename Greenkil," and spent several hours interviewing her, author Elizabeth Wheaton told us she had destroyed all of her interview notes and other related documents.

# **STATE MURDER TRIAL: Aug. 4, 1980, to Nov. 17, 1980**

Myriad legal issues and social contexts complicated a murder case that seemed cut and dried to many in the Greensboro community and beyond. A public that had watched news footage of the shootings was left surprised and confused by the acquittal of the Klan and Nazi members charged with murder in the Nov. 3, 1979, violence. Extensive interviews with prosecutors and defense lawyers in the case, as well as a review of available court documents and media coverage, helped the GTRC arrive at an understanding of the trial and its outcome that we now share here. Our analysis covers the court proceedings from the initial charges through the verdicts, including jury selection, witnesses, testimony, jury instructions and deliberations, as well as charges lodged against CWP members and the influence

those charges had on the Klan/Nazi trial.

### Charges against Klansmen and Nazis

In the early morning hours of Nov. 4, 1979, Assistant District Attorney Jim Coman, one of two lead prosecutors in the murder case, issued warrants for all 14 Klansmen and Nazis who had been arrested in the yellow van. Police were still looking for Jack Fowler, who had fled the state to Chicago. The charges were for four counts of first-degree murder (Michael Nathan was still in a coma), one count of felony riot, and one count of conspiracy.

Conspiracy is legally defined as the agreement by two or more people to commit a crime. Coman and fellow state prosecutor Rick Greeson say that they initially filed the conspiracy charge because they had information that those in the caravan had held numerous meetings about going to Greensboro to confront the march. From interviews with the defendants on the day of the killings, prosecutors knew of the Klan and Nazis meeting in Winston-Salem at Roland Wood's house on Nov. 1, 1979. They also knew about other Klan meetings in Hickory, Gastonia and Lincolnton, and that the passengers in the caravan met beforehand at Brent Fletcher's house. Rick Greeson recalled,

So we inferred a conspiracy. But subsequent investigation concluded that there was not sufficient evidence of an agreement. There was talk about throwing eggs and heckling, which is a misdemeanor. So we dropped the conspiracy charge, which would have only added three to five years to the sentence anyway since each defendant was charged with offenses that carried up to five death sentences or five life sentences. Dropping the conspiracy charges didn't change the evidence that was admissible ...<sup>3</sup>

Trying a murder case is a many-faceted situation. We are trying to keep our eye on the ball. Prosecutors are often accused by the jury of overcharging. If we had needed the "conspiracy to disrupt" charge to make our case, then we would have stuck it in. But we thought we had the evidence already of riot in our murder charge and if we had stuck in a conspiracy to riot as well, it would look like we were overcharging. They were already up for death or life in prison if they were convicted on murder one.<sup>4</sup>

In sum, the prosecutors maintain that they did not have sufficient evidence to support the charge of conspiracy. With insufficient evidence, it would have been unethical for the prosecutors to file that charge. Statements from those present at the Klan/Nazi meetings provided evidence only of plans to disrupt, and possibly commit assault by throwing eggs. Since the State was bringing capital murder charges, the introduction of such lesser crimes might have undermined the prosecution's argument of premeditated murder.

However, for some people with a layperson's knowledge of the law and trial strategy, dropping the conspiracy charges added to suspicion that the prosecutors did not want the full story to come out because it would have brought in evidence of government involvement. Dropping the charges is not a measure of whether or not a conspiracy actually took place, since defendants may well have been withholding information about what was discussed.

# **Definition of Charges**

- 1. FIRST-DEGREE MURDER IS:
  - a) An intentional killing committed with malice, premeditation and deliberation.
  - b) A killing committed during the perpetration of a felony involving violence (such as a riot), also known as "Felony Murder."
- 2. SECOND-DEGREE MURDER IS an intentional killing committed with malice but not with premeditation and deliberation.
- 3. VOLUNTARY MANSLAUGHTER IS:
  - a) An intentional killing committed without malice and without premeditation and deliberation.
  - b) A killing committed in the heat of passion without adequate provocation.
  - c) A killing committed by one acting in lawful self-defense but who was an aggressor
  - (i.e. joined with another in starting the affray that culminated in the killing).
  - d) A killing committed by one acting in lawful self-defense but who uses excessive force.

Judge Long instructed the jury on all three crimes in *State v. Fowler et al*, meaning that the jurors had the option to find any or all of the defendants guilty on any of the above charges.

# The jury selection process

One of the most striking aspects of the state murder trial in many people's recollection is the fact that an all-white jury was convened in the trial of Klansmen and Nazis.

In North Carolina, jurors are initially chosen randomly from three official governmental lists that are designed to obtain a broad cross-section of the county's population as potential jurors. The Jury Commission uses the county tax roll as well as lists of registered voters and licensed drivers. Once the jury panel members are selected, they are directed to appear in court to be examined by the attorneys in the case. Every aspect of the jury selection process is controlled and directed by statute. Judges are not allowed to vary from the designated methodology.

In North Carolina, there are two methods available for attorneys to dismiss potential jurors from the jury panel. The North Carolina General Statutes<sup>5</sup> provides each attorney with an unlimited number of challenges "for cause," which address the statutory qualifications for a person to serve as a juror, e.g. residence, age, current felony charge, mental and/or physical impairment, a previously formed or expressed opinion, and whether the person can be fair. The presiding judge must decide all questions as to the competency of jurors.

The second method used to challenge jurors is the exercise of "peremptory challenges," which allow attorneys to dismiss, without having to give any explanation or reason, seven people in non-capital cases and 14 in capital cases. Both the state and the defense are entitled to the same number of peremptory challenges. Although no longer the case, at the time of the trial a party's reason for using a peremptory challenge could not be questioned.

At all times, the State is the party that must first accept any given juror before the defense is given the opportunity to examine the defendant.

In a capital case involving multiple defendants, each defendant has 14 peremptory challenges while the State has only a total of fourteen challenges. As a result, where six defendants are on trial, the defense team has 84 peremptory challenges, which provide a better opportunity to reject those jurors who are found to be most objectionable by the defendants. Although the right to exclude jurors is personal to each defendant, attorneys work together in a joint trial in order to maximize their power over the selection process.

In this case, jury selection information tends to show that a large number of African Americans were included in the original jury panel. Those who were not excused by the court for cause were accepted by the State, but the defendants were able to use their large number of peremptory challenges and challenges for cause to effectively select an all-white jury. As stated above, in 1979, this racial discrimination in jury selection was entirely legal. However, it was clearly morally wrong, as further evidenced by the fact that this practice was prohibited in 1986.<sup>6</sup>

The following numbers on jury selection were provided to the Commission by former District Attorney Michael Schlosser:<sup>7</sup>

Prospective jurors examined	616
Number excused by court for cause	377
Number of blacks excused for cause	63
Number of blacks accepted by State	31
Number of blacks challenged by defense for cause	15
Number of blacks removed by defense through peremptory challenges	16

In addition to race, anti-communism played a role in jury selection during the state murder trial. Paul Bermanzohn recalled,

Jurors were asked, do you think it is less of a crime to kill a Communist? At least one person answered yes. That it was less of a crime to kill a Communist than to kill a human being, presumably as an alternative. At least one person who answered yes to that question was on the jury. ... The foreman of the jury, a man by the name of Octavio Manduley, was known to be a right wing, anti-Castro terrorist who had been operating in Miami before moving to Greensboro and becoming a foreman of a jury.8

As an indication of what they believed was the anti-communist sentiments of the prosecutors, the former CWP often point to the prosecutor's question to the jurors, "Do you think you could be fair in this case even though the victims were communists who stood for everything we *hate* in America?" 9

Rick Greeson explains that line of questioning was intended to determine whether the potential juror harbored any biases that would affect his or her ability to be impartial:

Anti-communism was very common and we only asked that question to make sure they were telling us the whole truth about whether they could be fair. <sup>10</sup>

The *Greensboro Record* reported that Octavio Manduley, who fled Castro's Cuba, was accepted as a juror by the State even though he was "active in a group called 'the 20<sup>th</sup> of May' that opposed Castro and Communists," and said that he believed the CWP was like "any other Communist organization" in that "they need publicity and a martyr." The paper further reported that Manduley said he sees the Klan as "patriotic" and the Nazis as "strongly patriotic."

Coman, however, denied that Manduley was the one that made those particular comments. "That was someone else. No one who said anything like that made it on to the jury," insisted Coman.

Octavio Manduley, the Cuban exile, was not stricken by the prosecution because he was a college-educated chemist who worked at Lorillard. He would be the only one who could truly understand the testimony we would put on about neutron activation analysis that demonstrated who killed each victim. It was crucial evidence to our case and he was the only one who would know what that witness was talking about. He was NOT the juror who said that the Klan was a patriotic organization. No one who said those things actually made it onto the jury. In fact, he (Manduley) was very opposed to the Klan...<sup>12</sup>

Because the jury selection transcripts are no longer available, it is not clear how many of the other 200 potential jurors would have been similarly suitable. Likewise, because the jury selection transcripts are no longer available and Manduley declined to speak to the GTRC, we cannot know for sure whether he was indeed the one who made the anti-Communist, pro-Klan/Nazi comments.

Nevertheless, the fact that they were reported as his words in the major daily newspaper led many in the community to believe it was true. This news naturally gravely concerned many in the community about the objectivity of the jury.

Meanwhile, the prosecutors had grave concerns of their own, as Coman recalled.

We never excused one African American. I am angry, not so much at the African Americans for taking themselves out, but the upper middle class white community who were called to the jury box and didn't want to serve. They made up all kinds of excuses. They said they had already made up their minds because of the TV coverage. College-educated white people who might be more sympathetic and less threatened by the ideology of the Communists – those are the people we wanted on the jury and they wouldn't serve. They tend to be pro-death penalty, so the capital case doesn't knock them out. We had a jury consultant who was a psychologist sit down with us and help us think about what kind of jury we wanted. Once it was obvious that the middle class people were taking themselves out, we changed our strategy and stopped asking if they supported the death penalty and started going for young people. But in any case, there was no way we were going to get an entire jury made up of people sympathetic to the Communist Party no matter what we did.

The jury was not all white because the prosecution wanted it that way. African

Americans were either stricken because they were honest about their feelings about the Klan or they were afraid for their safety. They were stricken for cause because they were honest people who said they couldn't be neutral.<sup>13</sup>

Defense attorney Robert Cahoon, attorney for Roland Wood, offered his own recollections of the jury selection to the GTRC:

This was an unusual jury selection because they had six defendants, each charged with five first degree capital murders. There were so many challenges available to both sides....

The Defense had so many challenges that we could exclude anybody we had a feeling at all would be prejudiced. The State could do that and we could do that. And the result--I always want black people on my jury particularly in criminal cases because black people know how it is to be on the short end of the stick... But we had to excuse all black people because this was the Ku Klux Klan. If a black person didn't understand the Ku Klux Klan he just didn't understand life... (If a black juror acquitted a Klansman) he couldn't bear to go back into the black community and not be, you know, the pressure would be unbelievable. On black people.

There are two categories of people I've always liked to have on juries, one is black and the others the Jews. Jews have a sense of compassion in my experience ... But in this particular trial I wouldn't risk having Jew or a black person either one on the jury. If you are a Jew then your ancestors were kin folks, those with whom you identify have been slaughtered, tortured, murdered by Nazis ... I owe it to my clients to try and keep anybody off the jury that might be subject to have an overwhelming emotional commitment that would call out to find him guilty. <sup>14</sup>

The prosecution's strategy notwithstanding, it is also true that they did not use all of their peremptory challenges. The state had three unused challenges, which understandably added to the suspicions of many that the jury was not fairly selected.<sup>15</sup>

# Why didn't the CWP testify in the state murder trial?

A question that seems to puzzle many in the community is why the grieving families of those murdered and those living with debilitating injuries would not wish to cooperate with the trial. People with different views and experiences with the justice system have profoundly different opinions on this decision.

Former members of the CWP have told the GTRC that the hostile and distrustful relationship between the CWP and the justice system led to their decision not to testify in the state murder trial. They said they did not have confidence in the District Attorney's good faith to win the case and felt that if they took the stand they would suffer more attacks on their politics, which could ultimately land them or their comrades in jail for rioting. Further, as described below, in May 1980 (during the preparation for the murder trial), five CWP members were charged by the District Attorney with engaging in a felony riot. The CWP felt that testifying in the Klan/Nazi trial might incriminate them or their comrades in their own riot trials. Perhaps most importantly, they believed that the other witnesses and the videotape of the shootings should have been sufficient without their testimony.

Paul Bermanzohn explained his reluctance to testify this way,

...(T)he circumstances surrounding the first trial made it clear that the trial was not going to be an impartial examination of the alleged crime that was committed on the corner of Everitt and Carver. And there was abundant evidence that our view was correct; that what happened in the court room was going to be essentially an attempt to finish the job that was not finished on the street. The reason I say that is, the attorney who was prosecuting the Klan/Nazis, the District Attorney at that time, Michael Schlosser, if I am not mistaken; he made two statements to the press that indicated that his heart was not in this case. He said, the two things he said were "People around here say the Communist Workers Party got about what they deserved." That was one thing he said, not something you want to hear from your lawyer. The second thing he said was "I fought in Vietnam and you know who my enemies there were." ...

The jury selection for this first trial was astonishing and questions were asked of the jurors that should have not been allowed to be asked...

The third big thing on the first trial that convinced me we had no business going in there was that there was a witness list of some 273 names that was released that were going to be potential witnesses for the trial. Many of them were CWP leaders who had never set foot inside North Carolina. They could have no possible relevance to a case about allegations of murder. So all those things combined and the intense hostility led us to say that we are not going to testify at this trial and make it look like it was fair. <sup>16</sup>

Schlosser told the GTRC that the often repeated quote about "you knew who my adversaries were then" has been misrepresented. He recalls that he was asked by the reporter if he had strong feelings about either the defendants or the CWP. He said he answered,

I had no good feelings about any of them. I said my father fought in WWII and so I did not look kindly on the Nazis; I was a Catholic and so did not have good feelings about the Klan and also that I fought in Vietnam and you know who our adversaries were then. But the reporter chose to only quote the last part and did not print the first part of that quotation. <sup>17</sup>

Schlosser further contends that this could not have been the cause of the poor relationship between his office and the CWP because the widows and their lawyers had been uncooperative from the very beginning.

Aside from their reasons for not testifying, there is also debate and conflicting evidence about whether the CWP were in fact even asked to testify in the murder trial. Floris Weston:

Pardon me, I don't recall ever receiving a subpoena in the mail asking me to come testify; it was 25 years ago but I tell you what, if I'd received a subpoena I would still have it with the rest of my papers. The police never called me. They never asked for my statement. They never asked me to corroborate what was on the videotape and according to Judge Long (in his testimony at the public hearing), the video couldn't have been entered into the evidence unless there was eyewitness testimony to back it up. Well, they never asked me. I was there. I never had the opportunity to say anything in court, on the witness stand, during the first trial. <sup>18</sup>

A letter to the GTRC dated September 1, 2005, from widows Marty Nathan, Signe Waller, Dale Sampson Levin and Floris Weston restated their recollection that they had never been

approached. "(I)t was only when once more attacked for our publicly stated choice not to testify that we began to ask each other, 'Did anyone even bother to ask us?' No." 19

However, the prosecutors counter that they did in fact seek CWP testimony, but were ethically bound to do so through the CWP's lawyers, who arrived in Greensboro shortly after the shooting. The prosecutors say they met with CWP attorney Earle Tockman to try to arrange interviews. This is how they say they were able to arrange a meeting with Paul Bemanzohn in the months preceding the trial, "But all we got was a harangue." <sup>20</sup>

Paul Bermanzohn commented in reply that,

I told them (Coman and the other investigators present at the meeting) repeatedly that I did not see who had shot me. I did not even know I had been shot until I came out of anesthesia from my brain surgery ... By that meeting with Coman, I was fairly confident that the Klan and Nazi gunmen had been assisted by police agents. So I thought the people with whom I was meeting may well have been part of the group that had tried to kill me. I doubt I was very friendly but I do not remember delivering any harangues. In fact I was still very weak, unable to do any haranguing if I had wanted to ... I remember leaving the meeting with a certain bitterness. But the interview convinced me I had nothing to add to the proceedings in terms of what I had actually seen.<sup>21</sup>

Jim Coman expressed frustration that the CWP now claim they were not contacted,

Isn't it incredible that now, 25 years later, they are having this realization, saying the lawyers never told them we wanted to talk to them? ... We <u>absolutely</u> told Tockman that we wanted to talk with the CWP! He would have to own up to that if he were here. That's how we got to Paul (Bermanzohn). He's the only one they would let us talk to, and he didn't know anything. I think they did that on purpose ... If their clients didn't know we wanted to talk with them, it is because their lawyers didn't tell them that. <sup>22</sup>

Prosecutors told the GTRC that if the CWP had agreed to meet they would have provided either an oral or written agreement not to use the information they provided against them in court (which is different from an agreement not to charge using other information). But because the prosecutors did not know what the CWP would say before they had ever entered into a discussion with them, the prosecutors say they could not have offered blanket immunity against all charges until after they had met with the demonstrators. Jim Coman commented that, "The CWP could have shot one of their own people for all we knew at that time."<sup>23</sup>

If that proposal was indeed communicated to the CWP attorneys, the CWP attorneys apparently did not trust the DA's word. In fact, CWP attorney Earle Tockman recently stated categorically that the district attorney's office never reached out to the widowed family members or other march participants to seek their cooperation and testimony.<sup>24</sup> However, in his personal statement to the GTRC, Tockman was more circumspect,

There was certainly a generalized feeling of hostility from the DA from the very beginning. He never reached out for our cooperation. It's been a long time, but I really don't recall them ever contacting me to say let's work together on this thing...<sup>25</sup>

Tockman did not recall arranging the meeting with Paul Bermanzohn. However, the riot charges as

the major obstacle to CWP cooperation stood out clearly in his memory.

The idea of non-cooperation wasn't anyone's strategy in the beginning. It evolved as it became clear that they had no intention of seeking justice in this case. I mean, the fact that they brought these indictments (the CWP demonstrators for riot) a month before the Klan trial was starting – I mean you hardly need more proof than that. They were such bogus charges. If they were seriously interested in getting them (the CWP) to testify they never would have brought those charges to begin with.<sup>26</sup>

Mike Schlosser objects to the assertion that his office was not sufficiently motivated to win the case.

The prosecution did not take this case lightly. The team gave up all other cases and worked seven days a week, eight to 16 hours a day for a whole year on trial. There were extra resources from the AOC (Administrative Office of the Courts) and Governor's office. The number of pieces of evidence submitted to FBI was second to Wounded Knee and more than the JFK investigation.<sup>27</sup>

### Rick Greeson added:

It was like we had five bodies entrusted to us, and we couldn't get a conviction. It stays on your conscience afterwards. That's why their failure to cooperate is so frustrating to us.<sup>28</sup>

Coman added that if the CWP testified, in exchange the State would have ended up dismissing any charges against the person who testified. But that was a moot point for most of them, he said, since the widows and seriously injured (whom they most wanted to testify) were never even charged with anything.<sup>29</sup> However, this does not address the fact that the widows and those injured were concerned that information they provided might be used not against them but against their fellow demonstrators.

Two months into the trial, the DA's office obtained a letter from the N.C. Attorney General's office granting immunity to Tom Clark (injured), Frankie Powell (injured), Paul Bermanzohn (seriously injured), Conrad Powell, Rand Manzella (injured), Floris Cauce (widowed) and Jim Wrenn (seriously injured)<sup>30</sup> if they were to testify truthfully in the Klan/Nazi murder trial. Mike Schlosser could not recall when, or if, this offer was communicated to the CWP.

Ultimately, Tom Clark, a demonstrator who was wounded on Nov. 3, 1979, was subpoenaed and called to the stand. He refused to answer any questions and when cautioned that he would be held in contempt, replied, "I have nothing but contempt for this court." He was removed and jailed. Rick Greeson recalled,

He wouldn't even identify the photographs of the dead people! We had to put names on these victims and he wouldn't do it. I made a fool of this whole prosecution team that day by putting him up because I felt like we had to try.<sup>31</sup>

Meanwhile, survivors did attempt to make their voices heard, as on the first day of trial when two of the widows stood in the courtroom and began loudly decrying the trial and the government. Marty Nathan began shouting that the trial was "a sham," and that the federal government was responsible for the five deaths. Bailiffs grabbed her and taped her mouth shut as the judge ordered the jurors removed from the courtroom. Judge Long had Nathan brought before the bench and told her he would cite her for contempt of court. He ordered the tape removed so that she could speak in her defense. "I will never remain silent while the bourgeoisie brings fascism and world war on the heads of the American people,"

she shouted. When the jury was reseated and Judge Long again began his instructions, Floris Cauce dumped a vial of skunk oil on the floor, stood and also began shouting derision. The judge ordered the jury removed again. Long sentenced Cauce, as he had Nathan, to thirty days in jail.<sup>32</sup>

These recollections attest to the deeply adversarial relationship between the CWP and the justice system in general, and the state prosecutors specifically. Former CWP members say they were terrified and deeply suspicious of government involvement in their loved ones' deaths. So they lashed out. Prosecutors on the other hand say while they certainly had no sympathy for the CWP's political views or tactics, they saw themselves as charged with defending the rights of murdered people who could not speak for themselves. It was a matter of professional and personal pride, and they say they are frustrated and deeply emotionally affected by what they viewed as an unnecessary hampering of their ability to present the best case possible. As men who have labored all their professional lives in the justice system, the prosecutors told us that they simply could not fathom distrust so deep that victims would not try to use the system to their advantage.

Floris Weston offered this explanation.

All I had was my gut and my belief that something was wrong and that someone had helped this to happen. So what else was I supposed to do but to cry out, make charges, call for trials, call for special prosecutors. I didn't have any facts. I didn't have any transcripts. <sup>33</sup>

Marty Nathan expressed a similar sentiment:

My life from then on focused on how this could happen even as the avenues to finding out what had happened were cut off ... six demonstrators were arrested for felony riot, threatening them including (two other protestors) the Blitzes, who had two small children, each with 20 years in prison. The papers and the courts were filled with stories describing how foreign and threatening we the victims were. I knew that my friends and I were neither foreign nor threatening, just jobless, impoverished and grieving. I went to bed every night not able to sleep, fearing that my small family's house would be fire-bombed or the windows would be shot into.<sup>34</sup>

More than anyone else, prosecutor Jim Coman blamed the CWP lawyers.

I appreciate (the CWP's) fearful mindset and distrust of the law, and believe me, I have done lots of soul searching over this. I've tried to put myself in their shoes ... All I can say is, when those (CWP) lawyers showed up the problems started for us. A wall went up that we were never able to get past it.<sup>35</sup>

Michael Schlosser agreed.

Several days after the shooting and after the CWP attorneys were in place, I met with Signe Waller to give her Jim's glasses and wedding ring. The meeting seemed agreeable. Perhaps if the attorneys had not intervened the relationship could have continued to be agreeable. That was "reaching out" that we have heard so much about, while the embers were still hot in the fire ... It seemed like the right thing to do ... We can't address their paranoia. Our position was that some of those (CWP) people were involved in wrongdoing, and would be prosecuted for that. But we made a decision that we would not prosecute any widows or anyone seriously injured. We did not consider Nelson (Johnson) seriously injured.<sup>36</sup>

## The effect of the CWP absence on the verdict

Almost as soon as the verdicts were in, the prosecutors pointed to the failure of the CWP, especially the widows, to testify at the murder trial as a major cause of the acquittal of the murder defendants.<sup>37</sup> This is because, they argue, the State was not able to provide any counter to the defense's portrayal of the demonstrators as aggressively provocative Communists or their account of the shootings as self defense. Prosecutors needed, in Schlosser's words, to "give life" to the still photographs of the slain victims.<sup>38</sup>

### Rick Greeson:

Without them (the CWP widows) we weren't able to humanize these people. By not only refusing to testify and humanize themselves and their loved ones, but by also causing these disruptions (in and outside the courtroom), the CWP made themselves into cardboard cutouts, and cutouts of Communists at that.

#### Jim Coman:

These highly educated people ...want you to believe that they didn't know they could pick up the phone and call us, that they didn't understand that their lawyers were in communication with us and that we couldn't talk to them directly? You know better than that! They didn't want us to win that case because if we did, that would mean that the system works. As imperfect as it may be, the system works, even for them. And they didn't want that. The Cause was more important. <sup>39</sup>

The other reason the CWP might have played a useful role in the trial is as witnesses who could counter the defendants' testimony that they shot in self-defense or that some of the people who were shot down were unarmed and posed no threat to any of the caravan members who attacked them. The demonstrators who struck the caravan cars could have testified that they did this because they believed the cars were swerving to hit them.<sup>40</sup>

However, there were other witnesses to the event available including media personnel and Morningside residents, who could (and did) testify and authenticated the several videotapes that were made of the shooting. In fact, the videotapes were the best evidence, despite the blocking of some of the camera views by vehicles, and the cameramen who shot that footage could have been called as witnesses. There was no one person on the scene or in the CWP who had a wide-angle view of what happened and most witnesses' testimony would have been narrowly focused on just what they saw as they ducked and dodged. In fact, subsequent statements from many of the CWP members about what happened after the caravan stopped demonstrate that they would have yielded little firm evidence of what transpired.<sup>41</sup>

The most panoramic view was recorded by the several photographers who were on the scene and each of them was a competent and available witness; all were in fact called by the State. Unfortunately, even these journalists also had only a limited view from the opposite side of the street and could offer no testimony as to what happened on the far side of the truck where defendants said CWP were firing at them.

In addition, arguably the CWP's testimony need not have played such a pivotal role in "humanizing the victims." Although no substitute for a widowed spouse, also available to the State were grieving family members, former classmates and co-workers who could have testified to the victims' character. Many family members were deeply embittered toward the CWP for their loved ones' deaths and may well

have taken the stand if called to do so. However, no such witnesses were called by the State. 42

In addition, it is not clear that the jury would have been sympathetic to the avowed communist widows, if as Greeson put it, "Anti-communism was very prevalent at the time. There was no way we were going to get an entire jury made up of people sympathetic to the Communist Party." Indeed, CWP members did testify in the federal criminal trial and their testimony did not change the jury's disposition toward the victims or the defendants' successful claim of self-defense.

Further, calling the CWP members to the stand would also have made them subject to cross-examination, a possibility that defense attorney Bob Cahoon viewed as favoring the defense:

I felt all the time that the thing I was most wanting to do was get those CWP members on the stand so that I could cross-examine them. Because they had made a multitude of threats and they put out all of these writings in which they were strategizing saying they were going to physically exterminate the Klan and would say things like the police, and the city and everyone in a government position was in a conspiracy to support the Klan in order to divide the working class and beat down poor people. Well I wanted to cross-examine about all these threats they had made and I wanted to examine about where they were standing when the shots were fired. I thought that we would make a lot of hay cross-examining if they would show up. I don't believe that the State would have gained any ground by that, they would have been very vulnerable to cross-examination.<sup>43</sup>

## The State's failure to call Dawson or Butkovich as witnesses

Another lingering question about the murder trial is why the prosecutors did not call government intelligence sources Eddie Dawson or Bernard Butkovich as witnesses, which the CWP saw as evidence of collusion to cover up any government involvement in the shootings.

Prosecutors Coman and Greeson say they thought Dawson would hurt their case. They believed Dawson would "ingratiate himself to the Klan" and would not counter defendants' claim that there was no plan. They felt he was a highly unpredictable witness and therefore too risky to call to the stand. Likewise, Butkovich was also a hostile, difficult witness. His "seeming lack of candor," as Coman put it, was something that the defense could exploit. He would not help their case. Coman believed:

Were there mistakes in the GPD? Certainly! We didn't try to sugarcoat that. When we met with Dawson the first time and he threatened to get up on the stand and tell all kinds of things about the GPD if we didn't quash his subpoena, and I said, "I don't give a damn what you say, but it better be the damn truth. We ain't hiding anything from the jury." We were the ones who brought out that Dawson was an informant when we called Cooper as our first witness! We weren't hiding that.<sup>44</sup>

However, while it is true that Coman did ask Cooper about Eddie Dawson's activity as an informant when he called Cooper to the stand, the questioning was quite limited, quoted here in its entirety:

Coman: Now just tell the ladies and gentleman of the jury, if you would please sir, what did you do upon arriving at work on November 3 at approximately nine o'clock?

Cooper: ... (Sgt. Burke and I) proceeded south to the intersection of U.S. 220 and South Elm to the residence of an individual where I had information from an informant by the name of Eddie Dawson, that the Klan was going to meet there that

morning.

Coman: You had an informant by the name of Eddie Dawson?

Cooper: Yes sir.

Coman: Who was Eddie Dawson?

Cooper: He is a citizen of Greensboro who I knew to be a member of the Klan.

Coman: How many times had he given you information?

Cooper: Several times prior to this day.

Coman: What was that information regarding?

Cooper: Different things, information about activities at different meetings he had attended, information about meetings he had attended in relation to the Klan and their activity.

Coman: And this is why you were going to the house on Randleman Road?

Cooper: Yes it is.

Coman: Now would you please continue?<sup>45</sup>

This cursory probing did little to expose the amount of discussion and information that Dawson was party to (and that he communicated to the police). However, under cross-examination, presumably because they wished to establish Dawson as the one who led their clients to this confrontation, defense attorneys did establish that Dawson had met with or called Cooper on three occasions prior to November 3<sup>rd</sup> (but the attorneys did not inquire about the information Cooper and Dawson discussed).<sup>46</sup>

In addition, Cooper said on the stand that he couldn't remember if Dawson had told him that he himself (Dawson) had seen the guns at the Klan and Nazi gathering point, or if Dawson said someone else told him about the guns. As a result, the information about Dawson telling Cooper about the guns was disallowed as hearsay.<sup>47</sup>

When Dawson met with prosecutors to ask them to quash his subpoena, he threatened to "blow the lid off the GPD" if he took the stand. Dawson said what he meant by this was that when he met with Cooper and Talbott, Cooper had told him there was a new starting point for the parade and that he should get a copy of the permit to find out the new route.<sup>48</sup> This assertion is supported by Talbott's recollection that after the meeting with Dawson, Talbott told Cooper, "we obtain information from informants, we don't give information."

Dawson presented a risk to anyone who considered calling him as a witness. He was clearly a mercurial personality with his own agenda. It is standard practice for trial lawyers not to call witnesses to the stand unless they know 1) exactly what the witness will say, and 2) that the testimony will be helpful to their case. "You don't put a witness up just to see what they will say," Greeson pointed out.<sup>50</sup>

However, judging from their outbursts in court, the CWP could also be reasonably considered "loose cannons" and also clearly had their own agenda, yet the State was very anxious to for them to take the stand. Rick Greeson explained the difference this way:

We could have called (Dawson) just to see, but we couldn't risk it. The same with Tom Clark – we thought he probably wouldn't talk, but it was a calculated risk. If we hadn't tried, then people would say that we never called any of the CWP.

If Dawson had been questioned on the stand about what the Klan's plans and discussions were – that Klansmen had asked about bringing guns and discussed getting into "street brawls" – he may have revealed the extent of police knowledge of these discussions. However evidence of police foreknowledge would have been of little use to the murder trial the State was prosecuting. Further, Dawson may have testified only of plans to heckle

and throw eggs. This would have also been of little use to the State's murder case against the Klan. We further note that Dawson did eventually testify in the second trial and neither "blew the lid off" the GPD nor noticeably undercut the defense's argument for self-defense. Likewise, Butkovich also testified in the civil trial and was not found liable (see section below on the civil trial).

Was the State's failure to call Dawson and Butkovich a reflection of reluctance to reveal the fact that Dawson had provided information regarding the threat of violence, thereby potentially implicating the police, or was it a prudent and even standard strategic choice to avoid difficult and unpredictable witnesses? We do not know the answer to this question, yet we note that the decision clearly added to the overall feeling of suspicion that the CWP and many in the community had about the willingness of the DA's office to investigate police wrongdoing. Within a context in which the state's role in the killings was viewed with suspicion, it is understandable how this decision raised even more doubts.

The murder trial aside, questions raised by the DA's decisions to drop the conspiracy charges and not to call Dawson and Butkovich as witnesses reflect an underlying concern that government wrongdoing was being covered up. Questions linger about the existence of an adequate investigation into potential criminal charges relating to police involvement. DA Schlosser responded to the allegation this way:

We would have brought charges of conspiracy involving the police and the Klan <u>if</u> there had been a crime. We could not show – well, we didn't believe it happened – that there was an agreement. There was no evidence at all of an agreement between the police and these groups to commit a crime. The question of what the police did or didn't do, the proper forum for that was in civil court. And that's where it ended up. 51

This difference in perspectives between the DA's office and the victims' families addresses the fundamental issue with the role and scope of the murder trial and how it often differs from our community sense of justice. CWP members and their allies wanted the trial to investigate the wider role of institutions other than the Klan and Nazis, but that information was not relevant to the murder case against the five Klan and Nazi defendants indicted for murder. Many felt that there were issues that were not fully examined and, therefore continued to linger in the minds of many.

On the first day of jury selection, a group of CWP members and supporters engaged in a scuffle outside the courtroom as they tried to gain entrance after the judge had ordered the doors locked, resulting in some arrests. Elaborate security measures were taken to prevent disruptions and secure safety of court officials; spectators and reporters entering the courtroom were searched, and surrounding offices were searched for explosives. The "tactics" of the CWP to interrupt and denounce the trial, such as those used by Nathan and Cauce on the opening of the trial, stood in sharp contrast to the clean-cut, "respectful demeanor" and patriotism of the defendants to the conservative jury. One reporter notes, "While sympathy for victims of a murder usually can have a profound emotional impact on a jury, the CWP's performance plus testimony that they were looking for a martyr neutralized that hold for them."<sup>52</sup>

# FBI testimony on the origin of shots

A critical question in the trial was the issue of whether caravan members acted in self defense. A key witness in providing evidence on this question was Bruce Koenig, head of the FBI's Video/Audio Signal Processing Unit. Koenig's testimony used a controversial and relatively untested analysis of sound waves produced by gunshots recorded on the TV journalists' footage. Koenig analyzed the

"sound fingerprint" of the shots to determine the amount of echo and calculate the likely location that would have produced such a pattern.

The first two shots, Koenig concluded, came from the Klansmen at the front of the caravan. This testimony coincided with the video footage that showed black smoke hanging in the air and Mark Sherer waving his powder pistol out of the window of the pickup truck. Brent Fletcher testified that he fired his shotgun in the air or in the ground also from that same area, which was confirmed by one of his passengers. A spent shotgun shell was also found in this area.

However, the third, fourth and fifth shots had no echo. As a result, Koenig inferred the possible locations least likely to produce an echo. Given the uncertainty involved, this description of the "possible locations" is significantly different from pinpointing a precise location for the three controversial shots.

In addition, Koenig contradicted himself repeatedly in his calculations of the likely origin of these shots. During the state trial, he first calculated the shots to come from the front of the caravan (where the Klansmen and Nazis were). When Koenig returned to the stand after a lunchtime recess, however, the defense attorneys pressed him to be more specific about where the shots had been fired. Koenig outlined an area north of the intersection, in front of the pickup truck  $\Box$  precisely where the defendants said they first saw demonstrators firing guns and where Toney struggled with Waller over the shotgun. In this later testimony, Koenig had not only changed the size of the area in question but increased the probability that the three shots had been fired from the smaller area north of the intersection to 90 percent.<sup>53</sup>

Jim Coman recalled Koenig's change in testimony in the state trial with some emotion.

I was outraged at what he did. I wrote the FBI and told them Koenig was a perjurer and should be disciplined, and I never even got a letter back.<sup>54</sup>

As confusing as this all sounds, it must have been infinitely more so to listen to such technical testimony in person. Yet both defense and prosecutors nevertheless saw the FBI sound analysis of the shots as key to the self-defense argument for the Klan and Nazis, and the basis for their ultimate acquittals. Jim Coman recalled,

Even if the Klan claimed self-defense because of provocation by the CWP banging on cars, we believed the response was grossly excessive. The Klan were the ones who introduced shooting into the equation, so they were responsible for the firearms being used. The CWP had guns too, we knew that. But they didn't fire first. But that's where we got screwed by Koenig ... In my view, he lied to us. He told us before the trial that the first two shots happened at the front of the caravan where the Klan was. But he winds up changing his testimony ... Koenig gets on the stand and draws a big box around the entire caravan and says this is where shots 3, 4 and 5 came from. Then when we come back from lunch, he all of a sudden draws this little bitty box in front of the truck in the intersection and said 3, 4 and 5 came from there, where the CWP were. But you can't see anything on the video because the pickup truck is in the way. So Bob Cahoon can then say that shots 1, 2 from Mark Sherer at the front of the caravan, which you can see on the video – they didn't mean anything. They were "friendly shots." They can say, "Our guys were shooting from the back of the caravan because they (the CWP) were firing back from shots 3, 4 and 5." And that's how they fell on this defense theory. Before that, it was all this patriotism stuff, not self-defense. I was flabbergasted. We were stuck with what he said because we couldn't rebut him (because the CWP didn't testify that they had not fired those shots).55

Defense attorneys and prosecutors alike ultimately were disappointed with Koenig (see federal trial below). Said prosecutor Rick Greeson,

Every one of them (the defendants) had already said on the stand that "we had to shoot back at the CWP." But they didn't have any evidence for it. In fact, they said they were firing back at a black man with a shotgun, and we were able to use the video — which we got admitted (as a result of letting the defense use Koenig as their witness) — to show there wasn't any guy there. So from our perspective, the introduction of the video was a big help, but they were going to get self-defense up there no matter what and the jury was going to find for that. In retrospect, it was the predominant feeling of the jury no matter what we said.

We find Koenig's later claim in the federal testimony (see discussion below) that his testimony changed because of an incomplete map is not credible. Common sense dictates that it is impossible that could he have done acoustic analysis without an entire schematic of the area with precise location of all buildings (including their height and material), location of cars, trees and anything else that would have produced an echo. If he did his acoustic analysis without a complete map of these features, it would have been incompetent. Certainly the prosecution should have emphasized these inconsistencies to the jury.

Taken even in its most favorable light, Koenig's internal inconsistencies make it impossible to know which version of the analysis is most credible. In addition, his methodology has since been called into question by other scientists.<sup>56</sup> We are not competent to judge the rigor of the scientific validity of his method, or that of his critics', or of the technique overall. However, we find that the inconsistency – if not outright falsehood – of Koenig's testimony make it of little use as credible evidence.

## The self-defense claim

As stated in *State of North Carolina v. Joe Mark Herbin*, 298 N.C. 441, 259 S.E.2d 263 (1979), "a killing would be excused entirely on the ground of self-defense ... if it appeared to the defendant and he believed it to be necessary to ... save himself from death or great bodily harm; and second, the circumstances as they appear to the defendant at the time were sufficient to create such a belief in the mind of a person of ordinary firmness." Additionally, the use of self-defense "rests upon necessity real or apparent; and, in the exercise of his lawful right of self-defense, an accused may use such force as is necessary or apparently necessary to protect himself from death or great bodily harm.<sup>57</sup>

So, in North Carolina, self defense – in this instance, the use of fatal force – is available to the innocent victim of an attack that places the person in imminent fear of death or serious bodily injury. Self-defense is never available to one who has, by his or her action, provoked or caused the confrontation. In *State of North Carolina v. George Junior Jennings*, 276 N.C. 157, 171 S.E.2d 447 (1970), the U.S. Supreme Court explained that "the requirement that a defendant must be free from fault in bringing on the difficulty before he (may utilize) the doctrine of self-defense ordinarily means that he himself must not have precipitated the fight by assaulting the decedent or by inciting in him the reaction which caused the homicide." Usually, determination of the defendant's role in bringing on the conflict hinges on his conduct at the time and place of the killings as well as in a time and place closely related enough as to be reasonably regarded as contributing to the difficulty.<sup>58</sup>

Moreover, the focus of self-defense is on the person who is in imminent danger of death or serious bodily injury. The defendant's conduct must be judged by the facts and circumstances as they appeared to him at the time he committed the act, and it should be ascertained by the jury on the evidence and proper instructions of the court, whether he had a reasonable apprehension that he was about to lose his

life or to receive enormous bodily harm.<sup>59</sup>

## **Jury instructions**

Based on this case law in effect at the time (see above), Judge Long instructed jurors that in order to excuse the killings on the basis of self-defense, the defendant needed to establish:

<u>First</u>, it appeared to the killer and he believed it to be necessary to shoot the person killed in order to save himself from death or great bodily harm, and

<u>Second</u>, the circumstances as they appeared to the killer at the time were sufficient to create such a belief in the mind of a person of ordinary firmness.

It is for you the jury to determine the reasonableness of such a belief from the circumstances as they appeared to him at the time. In making this determination, you should consider the circumstances as you find them to have existed from

the evidence, including the number, size and methods of those who may have attacked the killer, the fierceness of any assault upon him and whether or not the deceased person had any weapon in his possession. (emphasis added)

The <u>third</u> thing necessary to excuse a killing on the ground of self-defense is that the killer was **not an aggressor**. If he voluntarily and without provocation entered the fight, he was an aggressor.

The <u>fourth</u> thing required is that the killer did not use excessive force, that is more force than reasonably appeared to be necessary to the killer at the time. Again, it is for you, the jury, to determine the reasonableness of the force used under all the circumstances as they appeared to him at the time.

The **burden is on the State** to prove beyond a reasonable doubt that the Defendant or the person with whom he was acting in concert, **did not** act in self-defense in shooting the deceased. (emphasis added)

However, if the State proves beyond a reasonable doubt that the defendant, or the person with whom he was acting in concert, though otherwise acting in self-defense, **used excessive** force or was an aggressor, though he had no murderous intent when he entered the fight, the defendant would be guilty of voluntary manslaughter (emphasis added). <sup>60</sup>

Therefore, to be acquitted of all charges, each defendant who used a deadly weapon to kill had to satisfy all four elements.

The judge further instructed that, if a bullet is fired with the intent to kill one person but kills another, the law implies that the intent to kill is transferred to the actual (inadvertent) victim; that is, it would be an intentional and not an accidental killing. "Likewise, if a bullet is fired in proper self-defense at one person but kills another, the killing would not be unlawful." <sup>61</sup>

In addition, to be acquitted of all charges, each defendant who used a deadly weapon to kill must satisfy each element of self-defense for every victim for which they were charged. There is a legal term of "imperfect self-defense," which requires that only the first two requirements must be satisfied. A jury finding of imperfect self-defense, in which a defendant was an aggressor and used excessive force, would still leave open the charge of voluntary manslaughter.

Likewise, the Judge's instructions concerning "Engaging in a Riot" included a discussion of self defense and defense of third parties. During that discussion, the Judge told jurors that a person "has a right to go to the defense of another if he has a well-grounded belief that an assault or physical attack is about to be committed upon such other person" and that "it is his duty to interfere to prevent such an assault or attack." But the person going to the defense of another who uses excessive force or coming to the aid of a person who was an aggressor may be found by a jury to have imperfect self-defense and, therefore, be found guilty of voluntary manslaughter.

#### **Verdicts**

Jurors took at least 12 major votes over six days (jury deliberations began on 11/10/80)<sup>62</sup> before reaching a unanimous decision on Nov. 17, 1980, that the defendants were not guilty of either murder or riot. The Klansmen and Nazis were acquitted on all counts.\_Juror Robert A. Williams told the press that ultimately, their decision turned on the question of self-defense. "From the very beginning, it was the Communists who did the attacking," Williams said. "It was the Communists who started beating the cars with sticks. From then on, it was a case of self-defense."

Another juror, 22-year-old former Marine Robert Lackey, said five members of the 12 juror panel initially "contended they (the Klan/Nazis) had to be guilty of something." He said he held out until the end for a guilty verdict. "I was one of the last to contend they were guilty," Lackey said. "I held out for voluntary manslaughter." Lackey said the claim of self-defense was a critical factor because of evidence that the Communists began hitting the cars of Klansmen and Nazis who drove up to the site of the rally. "The CWP struck the cars first," he said. "Then the first shot was fired, the Communists produced weapons and the Klan started shooting. Once the ball started rolling, it was a snowball effect." <sup>63</sup>

Twenty-five years later, Lackey reflected on the murder acquittals this way, "Well, I always thought they were guilty of something, you know, not just to say Not Guilty across the board, because of what they did. But you know, with the facts that we had – and we saw only one side of the thing since there was no people from the CWP to come in and state their cause, and what they did and why they did it – it was probably just the easy way out was to say Not Guilty, let's go home. We'd been there long enough. But I've said many times I shouldn't of went that way, I should've just hung the jury and said, this ain't right, these guys did something that's not the way that we should behave in this area, in this country, in this nation."

Some jurors' comments following the verdict, however, reflected that their decision was likely colored by the political disposition and attitude of the CWP. Diane Jordan, a juror and the wife of a sheriff's deputy, said that immediately afterwards that she was "still a little paranoid" and frightened of the CWP. She said "I worry about what's going to happen to Greensboro because of the shootout, and I'm really worried about the spread of communism." 65

Lucy Lewis, a former CWP member recalled the reaction to the verdicts.

When the not guilty verdict came out it was horrible and sickening but not a total shock. A lot of people were surprised, a lot of students were surprised, a lot of community people were surprised. But there was also this element of "Well, you know, maybe they were to blame for what happened." But there was a lot of spontaneous response. I know that students here at UNC came out on the streets, and I know that groups were formed in Greensboro of church people and community people, and that those groups who had been tracking what happened were really upset by the verdict and came out and had vigils and rallies and organized. 66

One prominent community member recalled,

I was real upset about it and spoke to a very highly educated person. Not a black person, this was a white person, you know. And I said, 'I can't believe that . . .'

He said, 'They should have turned them loose, them old communists around here doing all these things. That's the problem,' he says, 'these communists, that's the problem.'

And, it just shocked me; it took me a long time to get over that. But that was the feeling, I found out later, of several people that 'these communists, you know, they nothing but communists disturbing everything.' And they goaded them all, you know, that type of thing. It just – it was a terrible time. It was an absolutely terrible time.<sup>67</sup>

## **CWP** criminal charges

### Incitement to riot

Upon seeing the bodies of his dead and wounded friends at the intersection of Carver and Everitt streets on Nov. 3, 1979, Nelson Johnson began to make an angry speech to the assembled Morningside residents, "We declare war on the Police Department, war on Jim Melvin, war on the city of Greensboro ..."

Given the hostility toward the police, officers on the scene reported that they felt Johnson's words presented a danger to them, because they believed Johnson was encouraging the growing crowd to attack the outnumbered police.

Officer Bell, one of the officers on the scene, recalled Johnson's words this way,

(A) black male (was) waving his arms and yelling to the crowd in front of us to, 'Kill the Police. Mayor Melvin and the Police set this up. They told the Klan where we were so they could gun us down. They let them slaughter us on purpose. Declare war on the Police. Kill the pigs. Arm yourself.<sup>68</sup>

Another officer on the scene, Lt. Daughtry (the officer with his foot on Johnson's neck), recalled Johnson's words as, "Go home and get your guns and attack the police."

### Lt. Spoon recalled,

I can't remember exact words but he was talking in terms of the police allowed them to get shot. So 'You all go home and get you'all's guns and come back and we'll kill us some police officers.' Those were not his exact words but I did hear him say 'go get your guns.' Yes, sir ... the way I worded it would be the gist of it – the way I understood it. I can testify under oath that he talked about guns.<sup>69</sup>

The footage of Johnson's speech, however, shows no such statements. Nevertheless, Johnson was arrested for incitement to riot. No riot in fact occurred as a result of Johnson's speech, making any charge for incitement against him unfounded and the charge was later dropped.

## Interfering with an officer

Willena Cannon was arrested at the scene of the shooting for interfering with the arrest of Nelson

Johnson. She intervened because she said one of the arresting officers had his foot on Johnson's neck as they tried to subdue him, and she believed he was in danger of being killed. We cannot know whether or not Johnson was in real danger of bodily harm during his arrest, but Cannon's fear for his safety can be seen as reflecting a larger reality for people of color who often face disproportionate threat of bodily harm from police during arrests. While not every arrest poses a threat of harm, the lived experience of racial profiling and police brutality often provokes bystanders to interfere with arrests that they believe pose a danger to the person being detained.

Charges against Cannon were later dropped and she was released after five hours.

In addition to Johnson and Cannon, other demonstrators arrested were Rand Manzella, for being "Armed to the Terror of the Public" for carrying Sampson's gun when police arrived, and James Carthen for disorderly conduct. Doth were released on bond of \$50.71

#### Riot

In May of 1980 a Grand Jury issued indictments for Johnson and four other CWP members, Lacy Russell, Rand Manzella, Alan and Dori Blitz, as well as Percy Sims for engaging in a felony riot. Bail was set at \$15,000 for Manzella and Johnson, \$5,000 for Russell, the Blitzes, and Sims.<sup>72</sup> However, Sims' bail was later reduced to \$1,000 because he was not a member of the CWP.<sup>73</sup> Sims was charged for verbally challenging caravan members to get out of their cars as they drove through the intersection of Carver and Everitt, Russell was charged because he struck one of the cars in the caravan with a piece of firewood, Johnson was charged because he engaged in the stick fight, the others were charged for firing shots during the melee.<sup>74</sup>

Assistant District Attorney James Knight asked the court to raise Johnson's bail from \$15,000 to \$100,000 because of Johnson's actions after Nov. 3, 1979, to disrupt City Council meetings, hold demonstrations in front of the police department, disrupt a press conference by Gov. Jim Hunt in July 1980 and cause a disruption on the first day of the murder trial. The transcript of the bail hearing documents Knight's argument:

Mr. Knight stated that Mr. Johnson might say that he is not legally responsible for the death of five people on November 3, 1979... but he's morally responsible ... Whether or not Mr. Johnson is to be detained in the Guilford County Jail is not up to our Office. It's not up to the Court, it's up to him. It's up to him. Can he regulate his conduct so as to respect the rights of others? We hear a lot from him about his rights, but what about the rights of other people to be free from intimidation, the imminent danger of being killed, the presence of violence any time he is supposedly exercising his First Amendment rights? He's not exercising his First Amendment Rights, he's going way beyond that. What he's doing is engaging in conduct which is dangerous. Bring people to the point of frenzy, precipitating and then quietly backing out of ... precipitating situations where violence is imminent and on November 3rd it happened, and people died. And we don't want it to happen again.<sup>77</sup>

Many have questioned the proportionality and rationale for this high bond and questioned whether it was in effect a form of preventive detention. The \$100,000 bond is especially striking given that it was twice that of the murder defendants.<sup>78</sup> The highest bond on the indicted Klan and Nazi members was \$52,000 (for Fowler, who was a flight risk) and was as low as \$4,000 (for McBride, who was a minor).

In determining the conditions of a defendant's pretrial release, the Magistrate is directed to consider, based on the available information: (1) the nature and circumstances of the offense, (2) the weight of

the evidence against the defendant, (3) the defendant's family ties, employment, financial resources, character and mental condition, (4) whether the defendant is intoxicated to such a degree that he would be endangered by being released without supervision, (5) the length of his residence in the community, (6) his record of convictions, (7) his history of flight to avoid prosecution or failure to appear in court proceedings, and (8) any other evidence.<sup>79</sup> Preventive detention is not supposed to be one of the considerations for bail or other pre-trial release conditions.

Michael Schlosser emphasized the District Attorney doesn't set bond, although he/she can make recommendations to the Magistrate. Schlosser explained why he did so in the case of Johnson, whom Schlosser believed posed a danger to the public, "I held him if not legally, then morally responsible for Nov. 3, more so than any other person."80

Guilford County District Court Judge Elreta Alexander-Ralston ultimately dropped Johnson's disorderly conduct and resisting arrest charges and set bail at \$200 for the remaining contempt and felony riot charges. <sup>81</sup>

At the same time, murder defendants filed motions to dismiss murder charges because they believed that the CWP wasn't charged in the case and the defense attorneys claimed Schlosser was engaging in selective prosecution.<sup>82</sup>

All charges related to Nov. 3 were all eventually dropped by DA Schlosser following the state acquittals:

The "gunslingers" (defendants for murder) have been acquitted. There is no useful purpose served by prosecuting the "stick people" (the remaining 10 passengers in the caravan charged with aiding and abetting). In the "sense of evenhandedness," likewise, no meaningful purpose is served in proceeding in the prosecution of the members of the CWP who have been indicted for rioting ... There is no perfect decision I can make, but I feel it is the best decision given the circumstances.<sup>83</sup>

# FINDINGS: STATE CRIMINAL CASES

#### **Jury selection**

Flaws in the system, which amounted to institutional racism, undoubtedly affected the jury makeup by allowing potential jurors to be removed on the basis of their race and drawing potential jurors from sources that under-represent the poor and people of color: tax rolls, voter registration and driver's license records.

Because it is an inconvenience, people of all races are often reluctant to serve on a jury and go to great lengths to exhibit bias for which they hope they will be excused from duty. In addition, in this case, many potential jurors expressed fear to serve on a jury that might convict Klansmen and Nazis, for which they might suffer retaliation.<sup>84</sup> Further, because the case was a capital murder case, using the qualification that potential jurors must agree with the death penalty also removed people who were less politically opposed to the CWP's views. These factors all undeniably further skewed the representativeness of the panel and affected the outcome of the verdict.

# **CWP testimony**

The widows have told us that it was because of their fear and distrust of the legal system that

they did not testify in the murder trial. With the evidence available to us, we cannot determine with certainty the extent of the prosecutors' efforts to engage the CWP or whether these efforts were in fact communicated to the CWP by their lawyers. However, if the decision was made not to testify, it stands to reason that the CWP must have known that they had the opportunity to do so. What is clear, however, is that outstanding felony riot charges against some of their fellow CWP members exacerbated the widows' fear and mistrust and were therefore a major impediment to the investigation and successful prosecution of the case.

We can only speculate on what impact the widows' testimony would have had. However, we note that they did, in fact, testify in the federal trial and this did not ultimately change the jury's finding of self defense.

#### **Shots fired and self-defense**

The origin of the first two shots fired on Nov. 3, 1979, is not disputed by any version of the FBI acoustic evidence. Indeed, caravan members admitted to firing these shots, and as Rick Greeson put it, "introducing guns into the equation." Under the circumstances – a caravan of armed Klansmen driving slowly through a black neighborhood where a "Death to the Klan" march was assembling – we find it extraordinarily disingenuous to claim these two shots were intended as "non-hostile" or "calming" shots, especially when they were accompanied by shouts of "Show me a nigger with guts and I'll show you a Klansmen with a gun!" and "Shoot the niggers!" As seasoned police officer Sgt. Michael Toomes put it, "All shots are aggressive as far as I'm concerned."

After these shots were fired from the caravan, and witnesses reported demonstrators fleeing, it seems reasonable that any subsequent shots fired by demonstrators could be considered by demonstrators as defending themselves.

Yet these first two shots, although undisputed, somehow were discounted in the trial. Instead, the focus turned to shots 3, 4 and 5, for which the shooter, origin and target were unclear.

In any case, we find the FBI testimony itself was inconclusive evidence that the defendants acted in self-defense. Nonetheless, the initial FBI testimony that the shots came from north of the intersection (where some demonstrators were located) was convincing to jurors. This may have been because the testimony of the defendants that they were returning fire from demonstrators went unanswered – in part because there was no testimony from the CWP to deny that they shot at the defendants. The view of the television cameras was obstructed and did not show if shots 3, 4 and 5 were fired at or by the defendants. The jury was also probably inclined to view the CWP as violent because of the defense's introduction of aggressive rhetoric in rally fliers and the demonstrators' use of sticks to strike the Klan/Nazi cars; there also was a general environment of distrust of Communists.

We find that a commonsense understanding of self-defense would dictate that because the Nazi/Klansmen in the caravan came to Greensboro expecting to provoke a fight, self-defense cannot be invoked by them as an excuse for the fact that a fight did ensue. Further, the fact that four of the five demonstrators shot to death (one of whom was shot in the back) were unarmed seems to us to make the defendants' argument and the jury's decision of self-defense that much more difficult for the community to understand.

## **CWP** charges

Although ultimately cleared, the cumulative impact of arresting traumatized demonstrators on the scene, the pending charges and high bail undeniably had a chilling effect on the investigation of the killings by intimidating the CWP from giving statements and adding to their suspicion and sense of persecution. Further, bail was abnormally high for some CWP members and disproportionate to their alleged crimes – Johnson's bail on riot charges was twice the highest amount set for the Klan/Nazis charged for murder (whose bail, according to press accounts, ranged from \$4,000 - \$50,000). The GTRC believes this was an attempt to curtail the CWP's outspoken protests following the shooting, which, although discomforting and disruptive to some of the public, were not dangerous.

# Failure to investigate government involvement

The GTRC is satisfied that decisions to drop conspiracy charges and not to call Dawson and Butkovich were not, in themselves, indicative of any cover-up. However, we do find that inconsistencies in the GPD's own reporting, the flawed Internal Affairs Division report, and the false statements by the city manger (see Police Investigations), appear to indicate reluctance to vigorously investigate the government's role in the tragedy. Certainly there was a deliberate attempt by the city manager to mislead the public. It is this lack of transparency and good faith that has lingered for many and continues to feed distrust and suspicion about official government agencies.

#### **Verdict**

We commend the jurors for serving their civic duty in what must have been an emotionally agonizing trial. However, our own assessment of the facts, as we have had access to them including our lack of access to the full transcript, leads us to believe that those in the caravan acted as aggressors and with excessive force, and therefore, at a minimum, should have been found guilty of voluntary manslaughter. Not only does this finding reflect our commonsense understanding of self-defense, but also our review of the legal standards the jury was instructed to apply to the facts.

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(T)his particular transaction in my part of the country has created a deep sense of grief and a considerable sense of perplexity. There is unquestionably profound local dissatisfaction among some on the outcome of the State criminal prosecution. There is beyond that, in my opinion, an honorable sense of quandary as to what appears to be at least a current inadequacy of federal response. Now I measure my words. It appears to be. We have ultimately to trust those in federal office. But the circumstance, the history, the germaneness of these statutes, the irony of their caption as the Ku Klux Klan Act, all suggest to me as an attorney and citizen that this is one of those instances where the Government should be at its greatest aggressive, its most concern to do justice and to appear to do justice.

William Van Alstyne, Perkins Professor of Law Duke University School of Law<sup>87</sup>

# Federal investigation

When Federal Agent Thomas Brereton got news as he played golf on the afternoon of Nov. 3, 1979, that there had been a shooting at the CWP's anti-Klan rally, he says he immediately assumed there would be a federal investigation because "a parade is a Constitutionally protected activity." FBI agents were therefore involved in jointly questioning suspects from the first hours of the investigation on Nov. 3. However, for months after the murder acquittals the Justice Department maintained that there was no federal jurisdiction over the matter. Along with other factors detailed in this report, this reluctance to bring a federal prosecution raised suspicions of government cover-up with many in the community, especially after the State murder trial had produced acquittals. The CWP, in particular, accused the Justice Department and the FBI of refusing the case in order to avoid investigating involvement of government actors, including federal law enforcement officers.

After Nov. 3, 1979, the surviving demonstrators founded the Greensboro Justice Fund<sup>89</sup> as the legal advocacy organization for the CWP, and made a request supported by 1,175 signatures from Greensboro citizens groups, asking that the Justice Department appoint a special prosecutor to lead a federal criminal investigation. The GJF made this request because it alleged that the FBI had a conflict of interest in investigating the case. The GJF alleged that because various agents were named as defendants in their civil suit, this called into question the FBI's ability to be impartial in its investigation. The Justice Fund's allegations against the FBI included:

- 1. FBI hostility toward and targeting of CWP leaders;
- 2. Prior knowledge of likely violence on Nov. 3, 1979, that was not communicated to local authorities;
- 3. Cover up of that knowledge after the shootings;
- 4. Questionable rigor of Special Agent Thomas J. Brereton's investigation;
- 5. Intimidation of citizen protest by the Justice Department's Community Relations Service.

The substance and evidence for these allegations is explored below.

#### FBI concern about CWP organizing and/or involvement in targeting CWP leaders

In 1980, Cannon Mills employee Daisy Crawford<sup>91</sup> claimed that immediately prior to Nov. 3, 1979, FBI agents came to her home and showed her photos of people, some of whom were union organizers:

Within several weeks of November, 3, 1979, definitely on a Tuesday, and probably October 30, 1979, two men came to my trailer home where I stepped outside to converse with them. They flashed FBI identification. The men then showed me pictures of several people and asked me to identify them. One picture was of a black female and the others were of white men. I identified the black female as Sandi Smith. I did not identify the others. The others may have been Paul Bermanzohn, William Sampson, James Waller, Cesar Cauce, and Michael Nathan. 92

#### Concealment of prior investigation of the WVO

Andrew Pelczar, chief supervisory agent in the FBI's Greensboro office, denied to the press that the FBI had investigated the WVO prior to Nov. 3, 1979. 93 However, internal reports and correspondence later obtained through discovery in the civil trial demonstrated an investigation on the WVO was in fact ordered on Oct. 23, 1979. 94

Prior knowledge of violence not communicated to local law enforcement

As demonstrated in earlier sections, FBI and ATF records reveal that the ATF communicated to the FBI information about on-going investigations of possible weapons violations by Wood and other Winston-Salem Nazis, yet neither the ATF nor the FBI shared this information with local law enforcement. (See Federal Law Enforcement chapter.

Civil suit depositions demonstrate that, prior to Nov. 3, Klansman Joe Grady told FBI special agents Alznauer and Schatzman of likely "bloodshed" should WVO and Klan confront each other again because of heightened tensions at China Grove. The agents didn't fill out a report, but told their supervisor, Andrew Pelzcar. Pelczar did not communicate this information further. 95

On Oct. 31, Eddie Dawson called his former FBI handler Len Bogaty and told him that the Klan and Nazis were planning to come confront the WVO on Nov. 3, 1979, and that he wanted to seek an injunction to stop the march. Bogaty told Dawson to speak to the GPD about his concerns, and neither made a formal report nor informed anyone of the conversation.<sup>96</sup>

According to N.C. Attorney General Mickey Michaux, Brereton and Pelczar told him a few days before Nov. 3, 1979, that violence was likely on Nov. 3 because the Klan might seek retaliation for China Grove. Michaux says he asked them to "keep an eye on it." Brereton and Pelczar deny they discussed it with Michaux. 98

On Nov. 2, 1979, Mordechai Levey of the Jewish Defense League reportedly received information that prominent North Carolina Nazi Harold Covington and his men were training with weapons and planning to come "attack and possibly kill" anti-Klan marchers on Nov. 3, 1979. Levey phoned the FBI and asked to speak to Special Agent Goldberg, mistakenly believing he was Jewish. He passed this information on to Goldberg, "whose position in the FBI was investigating political "extremist" groups, including Communists. Goldberg did not communicate the information to local law enforcement because he "did not think it was significant." Goldberg denied getting a call from Mordechai Levey in his deposition, but later recanted.

## Questions about whether the FBI investigation was tainted

The Greensboro Justice Fund made allegations that someone had tampered with interview transcripts and tapes. For example, 20 minutes of Jerry Paul Smith's taped Nov. 3, 1979, interview with Brereton were erased. At the time, Smith talked of being very nervous about the Klan killing him for talking or naming names. <sup>101</sup> In addition, Wood claims he discussed Butkovich in his GPD interviews with Brereton, saying Butkovich urged them to bring weapons: "He wanted to know if I was going to take a gun. I said, 'No.' He (Butkovich) said, 'Well, why aren't you?'" Wood said he told Butkovich he was afraid he could get in trouble if he took a weapon. "He said, 'You can conceal it, can't you?" However, there is no mention of Butkovich in the interview transcript. <sup>103</sup> Brereton denied that Wood had named Butkovich. <sup>104</sup>

During the course of his investigation after Nov. 3, 1979, Brereton conducted excessively long, "COINTELPRO type" investigations of Signe Waller and Nelson Johnson, reportedly impugning their character and focusing on the ideological goals of the WVO rather than on the facts of the Nov. 3, 1979, shootings. <sup>105</sup>

The Fund claimed that the Justice Department exonerated the police but also tried to argue that it had no jurisdiction in the case, which many interpreted as an attempt to forestall any investigation into local or federal involvement in the shootings. In April 1980, Brereton wrote a letter to City Manager Osborne exonerating police of any wrongdoing. However, the summary of Brereton's report (obtained through discovery for the civil trial) leaves the extent and nature of investigation unclear and the full report has

not been made public.

Meanwhile, the CWP raised questions about Brereton's personal connections to the Klan and his hostility toward the WVO. Brereton admits to having "personal dealings" with Dawson, having hired Dawson as a contractor. <sup>107</sup> In addition, Pitts recalled that Brereton attempted to have him disbarred for attempting to introduce information regarding FBI prior knowledge to a federal Grand Jury:

In order to get to that criminal trial, first there had to be a federal investigation, and I've mentioned how much effort it took to force the investigation. Eventually, there was a federal Grand Jury. Who's controlling the Grand Jury but the Washington lawyers ... we weren't thoroughly confident that they were going to do anything but nail the same bad guys ... So (Nelson) Johnson and I prepared a packet of materials (of evidence of government involvement) and carried it over to Winston-Salem, to the federal Grand Jury Room with a letter on it, after we tried to go through the judge to get it introduced ... (A Grand Jury takes place) behind closed doors, it is secret, and they get led around by the nose by the U.S. Attorney – possibly. There's been a concern of that. So we went over there with our packet. Luckily, a media person with a camera went with us. We knocked on the door, we put it down, asked for the Foreperson, put it down, closed the door – they were at lunch. 108

And next thing you know, Tom Brereton and others are on us, and we're then the subjects of a federal criminal investigation for attempting to interfere with the deliberations of the Grand Jury. And they hold that open for a year, and try to use it as a way to get me off the case from representing my clients. 109

#### Justice Department's Community Relations Service intimidated citizen protest

Immediately following Nov. 3, 1979, a team of the Justice Department's Community Relations Service arrived in Greensboro ostensibly to "diffuse racial tension," but instead acted to undermine citizen protest (See City Response chapter). <sup>110</sup>

#### Special Prosecutor request denied

The Greensboro Justice Fund's request for a special prosecutor was based on the 1978 Ethics in Government Act, which authorized special prosecutors to investigate "wrongdoing by high level government officials." U.S. Assistant Attorney General D. Lowell Jensen denied the request, saying the charges were too vague to warrant an investigation and that the Justice Fund had no standing to make the request.<sup>111</sup>

U.S. District Judge Gerhard Gessell, although lecturing the Justice Fund for its "sloppy" and "contradictory" case, also chided the Justice Department, saying "Here are a bunch of people who got killed or wounded in a civil rights atrocity. If they don't have the rights to enforce it (the law permitting special prosecutors), who does?" Gessell ordered the Justice Department to undertake an investigation into the merits of the case. 112 Ultimately, however, after the investigation the request was denied. 113

# Findings on the federal investigation

The evidence supporting the claims of FBI prior knowledge of violence and the attempted concealment of this fact is substantial, and we make findings to this effect elsewhere in this report. Certainly a strong case has also been made for the animosity toward Nelson Johnson in particular and could be made for animosity toward Communist groups in general, given the history of FBI actions to undermine and

disrupt these groups in the COINTELPRO program of the 1950s and '60s.

But evidence we have seen for specific allegations of targeting WVO leaders and bad faith investigation on the part of the FBI is either ambiguous or largely unsupported. At the same time, it should be noted that the lack of evidence to support the allegation that the FBI failed to rigorously investigate or engaged in other misconduct is largely due to the inaccessibility of data controlled by federal authorities. We do not have sufficient evidence to make a finding one way or another on these latter claims.

#### Federal criminal indictments

A federal Grand Jury issued indictments 83 53-01 through 83 53-07 that charged Virgil Griffin, Ed Dawson, David Matthews, Roland Wayne Wood, Jerry Paul Smith, Jack Fowler, Roy Toney, Coleman "Johnny" Pridmore, and Milano Caudle with conspiracy to commit an offense or to defraud United States; 114 conspiracy to violate the civil rights of persons because of their race or religion and their participation in an activity administered by any state or its subdivision; and conspiracy to violate the rights of persons because of their participation in an integrated activity. 115 There were additional charges, including against Matthews, Wood, Smith, Fowler and Toney, for actions that resulted in injury or death, and against Dawson and Griffin for conspiring to interfere with the federal investigation. No government or police official was indicted.

# THE KU KLUX KLAN ACT

Title 18 of the U.S. Criminal Code Section 241 (§241) prohibits two or more people from conspiring to "injure, oppress, threaten or intimidate any person in any state ..." from the use and enjoyment of any Constitutional or federal right. The original form of this act, known as the Ku Klux Klan Act of 1871, was passed as result of a "campaign of terror" perpetrated by the Klan in the early days of Reconstruction from 1866-1869, crimes that state judiciaries were not sufficiently addressing. <sup>116</sup> The Klan Act of 1871 represented the first time the federal government unequivocally declared that certain conspiracies by individuals would be punishable as federal crimes. The Act was directed against and intended to fight conspiracies that nullified citizens' right to vote, hold office, serve on juries and enjoy the full benefits of the Fourteenth Amendment's guarantee of equal protection of law. <sup>117</sup> The Act vested the federal government with sweeping powers to indict, to militarily intervene and to suspend habeas corpus. <sup>118</sup> Shortly after the passage of the Act, hundreds of Klansmen were indicted in North Carolina and arrested with the assistance of federal troops. By late 1872, use of federal law and troops in North and South Carolina and federal indictments in Kentucky and Mississippi "produced a dramatic decline in Klan violence." <sup>119</sup> Frederick Douglass, remarking on these events and the laws' efficacy, stated, "The law on the side of freedom is of great advantage only where there is power to make it respected." <sup>120</sup>

Unfortunately. after a promising beginning, the Ku Klux Klan Act and its use for indicting criminal conspiracies against blacks fell into disuse in the early 20th century as a means of suppressing violent Klan attacks. Courts began to shrink the law's reach by excluding those rights authorized by state law and only authorizing prosecution for violation of federal rights and privileges. By 1966 the U.S. Supreme Court held that §241 protects only those fundamental rights contained within the equal protection and substantive due process clause of the Fourteenth Amendment. A review of the published federal court opinions between 1892 and 2002 shows a profound hesitancy on the part of U.S. attorneys to use §241 in crimes of violence. The period of 1903 to 2002 saw only 74 successful prosecutions on conspiracy for deprivation of civil rights approved by federal district trial courts or circuit courts of appeal. The overwhelming majority of these cases were for election fraud and voting rights issues. Only two cases, one in 1892 and another in 1909, used §241 where violence was perpetrated against a citizen in an effort to deny basic civil rights.

Congress' frustration with the failure to use §241 in prosecuting crimes of racial violence led to the more precise construction of §245, federally protected activities. Sen. Jacob Javits documented the numerous race-related murders of the 1960s that gave rise to §245 in an effort "to provide a federal remedy for victims of racially motivated violence." With this explicit intent, §245 was added as an assured *de jure* method of prosecuting racial violence in the exercise of constitutionally protected activity. Conversely, §241 had devolved in its *de facto* use to primarily address election franchise issues.

Section 245 (b)(2)(B) prohibits any actor "whether or not acting under color of law, by force or threat of force who willfully injures, intimidates, or interferes with, or attempts to injure, intimidate or interfere with" any person "because of his race, color, religion or national origin" in the enjoyment of any right or privilege provided by the government. The statute can be used to convict perpetrators of violent crime, even if they are not participating in federally protected activities if it can be shown that the purpose of the crime was to intimidate others from participating in those activities. At least one respected scholar argued that Section (b)(1)(B), which does not require racial animus, could have been invoked, but charges were not filed under this provision. 127

In the case of the Nov. 3, 1979, shootings in Greensboro, the core issue for the federal civil rights prosecutors in determining whether they could use 18 USC § 241 was whether they could demonstrate state action as part of a conspiracy, which is required under that statute. In 1937 the Eighth Circuit held that simple acquiescence, silence or failure of a state agent to perform a duty was insufficient to make the state agent a participant in the conspiracy. The state agent must act or fail to act with full knowledge of assisting, aiding or protecting the conspiracy. <sup>128</sup>

Michael Johnson, Assistant U.S. Attorney for the Criminal Division of the Justice Department's Civil Rights Division and one of the chief architects of the §245 Greensboro indictment, was acutely aware of the need to show state action for the §241 indictment. When Elizabeth Wheaton interviewed Michael Johnson for her book "Codename: Greenkil" and questioned him on the decision not to indict under §241, Johnson cited the Supreme Court case law mandating state action (see box above). In his estimation, the role of police informant Dawson and ATF informant Buktovich was insufficient to establish state action. Johnson believed that he lacked any evidence to establish that police worked with Dawson to incite the Klan shooting. Therefore, the Justice Department prosecutors chose §245 as a basis for the indictments, which did not require state action but as charged did require that racial hatred be the prime motivation for the crime.

Were the indictments based on racial hatred appropriate?

Although the jury apparently did not find it convincing, there was evidence of racial hatred: posters the Klan/Nazis plastered in Greensboro prior to Nov. 3, 1979 (with a picture of a lynched body and the words "WARNING to communists, race mixers and black rioters"), hate-filled speeches used to rally people to go to Greensboro to confront Communists and "big buck niggers," and racist slurs shouted from the caravan as it drove through the intersection on Nov. 3, 1979. The most inflammatory included "Show me a nigger with guts and I'll show you a Klansman with a gun!" and "Shoot the niggers!" These actions were coupled with the fact that the CWP was working explicitly for racial cooperation in its union and class-consciousness work. and the Klan and Nazis clearly intended to intimidate the CWP and others who might join them from freely organizing and expressing views on integration and communism that the Klan and Nazis found threatening.

Federal trial: Jury selection

Presiding Judge Thomas Flannery took the unusual step of ordering the jury selection in the federal criminal trial conducted in secret in the hopes that potential jurors might speak frankly and without fear. Newspapers went to court to try to overturn this order on the basis that the jury trial is an essential component of democracy and the public had a right to be present for the selection of the jury. Transcripts of the examination of the potential jurors were prohibitively expensive (over \$3000) and would take several months to prepare. However, the appeals court upheld the ruling that, although there is a presumption of openness, proceedings may be held in secret "for good cause." Although the closed session may indeed have produced more candid responses from potential jurors, it also deepened a sense of dread for many trial observers who imagined the worst about what went on behind closed doors of the courtroom. <sup>131</sup>

The jury selection transcripts have since been destroyed, but according to press accounts, of 75 jurors who were not stricken for cause in pre-screening, ten were black. Defense attorneys used their peremptory challenges to strike all of them to get another all-white jury.

News reports of the jury selection quoted eventual jurors, six men and six women, as having little knowledge of either the Klan or the CWP. One juror said of the Klan, "I know they wear white. I don't know what they stand for." Another had both "positive and negative" feelings toward the Klan. "Back years ago, they was taking the law, actually, into their own hands. But there was disciplining done that needed being done ... (But) the Klan has outlived their usefulness."

## Trial arguments: racial hatred and self defense arguments revisited

Based on the statute used to charge the defendants, the prosecution was required to show racial hatred was the motivation for the shootings and interference with the march. The prosecution again used nuclear resonance testing to demonstrate who fired bullets that killed or wounded particular victims, drew heavily on the news videos, and in this trial had the benefit of CWP testimony.

The defense in turn argued that it was not hostility toward blacks but patriotic opposition to communism that inspired their actions. The defense further argued, as they successfully had done in the first trial, that they had fired in self-defense, not out of racial hatred. They argued that the Communists came expecting and provoked a fight. They also cast doubt on the prosecution's expert evidence linking individual defendants with particular guns or victims.

### More FBI sound analysis reversals

Koenig had proven a critical witness for the defense in the state trial, where he had surprised prosecutors by testifying that his analysis suggested that shots 3, 4 and 5 had come from areas occupied by demonstrators. However, when Koenig took the stand in the federal criminal trial, he reverted back to his original conclusion, which was that those shots had come from the front of the caravan. He explain this reversal by saying that in the first trial he had not been asked to consider the full area of the caravan, but rather only the immediate area of the intersection.

Hal Greeson, defense attorney for defendant Coleman Pridmore in both the state trial and the federal criminal trials, called Koenig on his reversal:

There were five Washington prosecutors who decided that they didn't like the way he had testified before, and so they had him come in and testify that "oh no, they gave me a folded map in the state trial to look at. So I was unable to see the part down

the road." Well that's not true because he had already said that shots one and two came from down the road, but I listened. He said, "I have reassessed that and they must have come from down the road, now that I see the other half of the map." I got up out of my seat and I grabbed Tom (Brereton), the FBI agent who was in charge of evidence. We, I asked the judge, could we, could I have five minutes. We marched across the hall to where Tom had all the exhibits from the state trial. Evidently Mr. Koenig didn't know that, and the prosecutors from Washington hadn't looked. Tom Brereton and I brought in the exhibit that the state had used in the state trial and there pretty as you please was that pentagon drawn on there (in front of the truck in the intersection), and the map was long, and took in the whole area. And Mr. Koenig decided that he must have been mistaken in trying to change his testimony. 132

Another key source of evidence of the previously unresolved shots 3, 4 and 5 was the plea bargain of Mark Sherer, the Klansman who fired the first shot. Sherer admitted in his statement that the Klan also fired shots 3 and 4. <sup>133</sup> Roy Toney told the federal Grand Jury that he fired shot number 5 when struggling with Jim Waller over the shot gun. <sup>134</sup>

In addition, Sherer had also claimed in this statement that Griffin had planned to incite a race war throughout the state and that Sherer and Jerry Smith had experimented with making pipe bombs, which Smith had wanted to bring to Greensboro on Nov. 3. Sherer summarized the caravan members' expectations this way,

(I)t was generally understood that our plan was to provoke the communists and blacks into fighting and to be sure that when the fighting broke out the Klan and Nazis would win." Sherer further recalled in his written statement that "Griffin told me that I should deny either having a gun or firing a shot on Nov. 3 if questioned by law enforcement although I had told Griffin that I had in fact fired a weapon at the scene." 136

During the trial, however, Sherer attempted to retract his agreement and refused to testify, because he said he had been "browbeaten" by prosecutors into the agreement. The prosecution countered that his reversal was due to pressure from Griffin and other Klansmen. Sherer ultimately was forced to testify as a hostile witness and the prosecutors had to convince the jury that Sherer was at times lying to appease his fellow Klansmen.<sup>137</sup>

#### Jury instructions

On April 12, 1984, Judge Flannery, in his instructions to the jury before deliberation, explained that for all charges except interference with the investigation, the prosecutors had to prove beyond a reasonable doubt the following:

- 1. The defendants willfully conspired to interfere;
- 2. They used force or the threat of force;
- 3. The activity that was interfered with was administered by the City of Greensboro, and
- 4. The defendants acted because of the race or the religion of the participants <u>and</u> because they were taking part in a racially integrated activity. Race has to be a "substantial motivating factor one without which the defendants would not have acted." It was reported in press accounts that prosecutors claimed this was an incorrect charge. <sup>138</sup>

He also instructed that self-defense was to be considered only "if the government has proved all other elements" and that it was for the government to prove that the defendants did not act in self-defense.<sup>139</sup>

#### Verdict

On April 15, the jury concluded its deliberation and submitted its verdict: all the defendants were acquitted of all charges. The jurors said they had no disagreements, except for the final count which charged Griffin and Dawson with conspiring to withhold information from investigators, which they discussed for five hours.

One juror commented that their decision was based on the fact that they felt the demonstrators made the first aggressive move by hitting the cars. One juror commented that if demonstrators had not hit the cars, the jurors believed the cars would not have stopped. In addition, jurors believed that the exchange of gunfire was equal and that the prosecution's evidence of racial motivation rather than anticommunism was unconvincing.

One editorial expressed the dismay at a second blanket acquittal as "contradicting reality."

The charges were narrow and difficult to prove. The evidence was voluminous. The defense team was skilled. The jury was all white and little is known about how they were chosen because the judge barred the press and public from jury selection proceedings. It was unlikely that every defendant would be found guilty of every charge against him. Yet the implicit message the system has set forth—that no one was <u>really</u> murdered, that no one's rights were <u>really</u> violated—stands in shocking contradiction to the bloody events recorded on the video tape that day. Until reality and the verdicts are reconciled, justice has not been done. <sup>142</sup>

# FEDERAL CRIMINAL TRIAL FINDINGS

#### **Indictments**

When people feel that the state courts have failed to address wrongs by seeing that justice is done, we look to our federal government. Therefore, when it, too, is seen as failing to provide justice, it is particularly damaging to our trust in the judiciary to protect us.

The two statutes chosen by federal prosecutors presented their own challenges, and thus a strategic choice had to be made: §241 required proof of government action, and §245 required racial hatred as the impetus for the Klan and Nazi action.

We believe that there could have been a reasonable argument to make about government action under § 241 because of

- the leadership role of police informant Dawson in bringing about the conflict.
- the awareness of his police handlers of Dawson's lead role and their failure to intervene, and
- the action of the police in deliberately being absent from the parade starting point.

The prosecutors ultimately chose § 245. Certainly suspicions were raised by this choice, coupled with the overall reaction of government officials to the shootings. But we do not know for certain the prosecutors' reasons for making this choice, or even if it was the best

one.

However, we also believe that ample evidence of racial animus also made §245 a reasonable choice:

- The explicitly racist language used by Dawson and Griffin and others to encourage their membership to confront and potentially assault the marchers,
- the posters hung by Dawson, and
- the racist slurs shouted at demonstrators as the caravan drove through the parade assembly point all point to racial animus as a cause of the confrontation.

This animus is further demonstrated when coupled with Klan ideology, which makes both people who advocate for black rights ("race mixers") as well as blacks themselves targets for hate and violence.

## The verdict

The question is, then, why did the jury not find this to be a convincing argument? Was it because the marchers were Communists or because the prosecution did an inadequate job of investigating and arguing its case, or perhaps both? We cannot answer that question.

We do note, however, that one of the hallmarks of racism is the willful invisibility of racism to those who benefit most from it. As a result, it may have been more palatable for the jurors, and indeed for the public more generally, to view Nov. 3, 1979, as a "shootout" between extremists for which both sides were equally to blame, than to examine the racist elements of the killings.

# CIVIL TRIAL: March 11, 1985 to June 7, 1985143

The civil lawsuit, *Waller et.al. v. Butkovich et. al*, <sup>144</sup> was filed on Nov. 3, 1980, one year from the day of the shootings. <sup>145</sup> In this case, the complaint <sup>146</sup> was amended twice, in order both to add parties and to attempt to clarify some of the allegations, especially given the short time frame in which the lawsuit had to be prepared. If anything, the original complaint was over-inclusive in order to insure that no possible defendants would be left out, given the constraints of the one-year filing deadline.

#### Parties to the lawsuit:

**Plaintiffs (the party initiating the lawsuit)** – There were 16 plaintiffs, comprising the 11 demonstrators injured or arrested at the scene of the Nov. 3, 1979, shootings<sup>147</sup> and the spouses of the five people who were killed. The spouses sued both as personal representatives of the deceased persons and in their individual capacities as next of kin.

**Defendants (the parties being sued)** – Initially, the plaintiffs sued 87 different persons and entities and unknown "John Doe" defendants. The following were individual defendants in the lawsuit: 13 individually named "Klan defendants;"<sup>149</sup> seven individually named "Nazi defendants;"<sup>150</sup> 34 named members of the GPD; <sup>151</sup> two persons termed in the lawsuit as "informant-provocateurs" working for the GPD, the FBI or the ATF; two officials of the State Bureau of Investigation (SBI); <sup>152</sup> three officials of the city of Greensboro, including the mayor; <sup>153</sup> three officials of the state of North Carolina; <sup>154</sup> six officials of the FBI, including the director; <sup>155</sup> two officials of the BATF, including the director; <sup>156</sup> two officials of the Community Relations Service (CRS); <sup>157</sup> and three present or former Attorneys General of the United States. <sup>158</sup> The institutional defendants were: the city of Greensboro; the GPD; the State of North Carolina (including the governor); the SBI; the North Carolina Department of Crime Control

and Public Safety; the FBI; the CRS and the BATF.

In addition, the complaint included unnamed "John Doe" defendants, <sup>159</sup> who were members of the Ku Klux Klan or Nazis, members of the GPD, or members of the FBI, BATF or other federal agencies. In all likelihood, these "John Does" were included in the pleadings because on Nov. 3 1980, the plaintiffs did not know the names of all the people who might have been involved in the conspiracy they were alleging. Especially at the pleading stage, the plaintiffs would have wanted to insure that no potentially responsible defendant was left out of the lawsuit.

## Legal basis of the lawsuit:

Waller was a civil lawsuit for money damages. As a civil case, not a criminal case, the standard of proof, that is, the standard by which the plaintiffs had to convince the jury to rule in their favor, is known as "the preponderance of the evidence," rather than "beyond a shadow of doubt." As Judge Robert R. Merhige Jr. explained to the jury, when instructing them on the relevant law, "to establish by the preponderance of the evidence means to prove that something is more likely so than not so." Further, the instructions did emphasize that it was the plaintiffs' burden to prove "every essential element of (their) claims." <sup>161</sup>

In the complaint, the plaintiffs sought the remedy of monetary damages, which was the only relief the jury is empowered to order in a civil case. The plaintiffs sought two forms of damages. They sought compensatory damages, which serve to reasonably compensate the victim for his or her injury, humiliation, emotional distress and/or violation of his or her constitutional rights. They also sought punitive damages, which serve to punish defendants for their extraordinary misconduct and set an example to deter others from that conduct. The plaintiffs sought in excess of \$45 million in damages.

## Claims based on federal law:

The lawsuit was brought under the federal statutes, 42 United States Code (U.S.C.) Sections 1981, 1983, 1985 and 1986. These statutes originated in the Civil Rights Act of 1871 and complement the criminal law provisions reviewed above in connection with the federal criminal case. Like its criminal counterpart, these laws were designed to protect newly enfranchised blacks against terror caused by the Ku Klux Klan or other racist groups and to ensure that they could fully benefit from the new Thirteenth (abolishing slavery), Fourteenth (forbidding the individual states from abridging the privileges and immunities of citizenship or denying due process or equal protection of the law), and Fifteenth Amendments (protecting voting rights against discrimination) of the to the Constitution. Consequently, this statute has been labeled the "Ku Klux Klan" law.

42 U.S.C. §1985 (3) is the section of this law that addresses conspiracies. The U.S. Supreme Court has ruled that four elements are necessary to proof of a claim under this law: (1) a conspiracy; (2) for the purpose of depriving either directly or indirectly, any person or class of persons, the equal protection of the laws, or of equal privileges and immunities under the law; and (3) an act in furtherance of the conspiracy; (4) whereby a person is either injured personally injured or suffers property loss or is deprived of any right or privilege as a U.S. citizen. The second element requires animus based on race, gender, religion or national origin to be a motivation of the conspirators' actions.

Section 1981 provides that all persons, regardless of race, have equal rights to make and enforce contracts, to participate in lawsuits, and to provide evidence in lawsuits. Section 1983 allows individuals to sue state actors in federal courts for civil rights violations. Section 1985(3) provides a cause of action in federal court against those who have conspired, either directly or impliedly, to deprive a person or a class of persons of their civil rights. Section 1986 provides a cause of action in federal court against those who had knowledge of a conspiracy and failed to prevent the action from taking place, either by neglect or by refusal to do so.

Under 42 U.S.C. §1985 and §1986, *every* person "having knowledge that any of the wrongs conspired to be done ... or about to be committed, and having the power to prevent or aid in prevention of the same, neglects or refuses to do so ... shall be liable." In other words, a person who has knowledge of a pending violation could be liable for conspiracy if he or she does not prevent or assist in preventing the violations, whether he or she intentionally refuses to do so or whether he or she neglects to do so.

The jury instructions, discussed in more depth below, laid out the five elements necessary to prove a claim under this section of the statute: (1) a conspiracy; (2) for the purpose of depriving either directly or indirectly, any person or class of persons, the equal protection of the laws, or of equal privileges and immunities under the law; and (3) that the conspiracy was predominantly motivated by a dislike of black people or of advocates of equal rights for black people; and (4) one or more conspirators engaged in an act in furtherance of the conspiracy; and (5) an act or failure to act was the proximate cause of the plaintiffs' injuries or deprivation of constitutional rights. The third element requires dislike for either black people (racial animus) or for advocates for equal rights of black people. If the plaintiffs do not show this dislike as the "predominant motive" of the defendant, then the defendant is not liable. Further, conspiracy requires an act, or a failure to act, by at least one member of the conspiracy in furtherance of the conspiracy that is the cause of the plaintiff's injury.<sup>164</sup>

The essence of the plaintiffs' federal law claims was that their rights to freedom of speech and assembly and the equal protection of the laws had been violated by the defendants. They alleged that the defendants were motivated by racial discrimination or discrimination against them because they were advocates for the equal rights of black people. They alleged that the defendants were acting in a conspiracy by meeting to plan their activities, communicating with informants in the Klan, Nazis and CWP (thereby having prior knowledge of the attacks), attacking and injuring the plaintiffs and then covering up their actions. The plaintiffs alleged that the police defendants also failed to provide police protection to prevent the attacks (third Cause of Action). They further alleged that the local and state police defendants had engaged in a pattern and practice of illegal policies that had led to the violation of the plaintiffs' civil rights and that these defendants had a legal duty to screen and train police and informants to insure that constitutional rights would not be violated (fourth, fifth Causes of Action). They alleged that the defendants had the power to prevent the conspiracy but did not do so (sixth Cause of Action). The plaintiffs asserted that their constitutional rights were violated because of their support for equal rights for black people and for integration as expressed through their "anti-racist organizing of black and white workers" (seventh Cause of Action). The eighth, ninth and tenth Causes of Action were directed at the federal defendants for their role in the conspiracy and cover-up, their policies and practices which led to the denial of the plaintiffs' rights, and their failures in their supervisory responsibility for informants.

## Claims based on state law:

The lawsuit also alleged four violations of North Carolina law. These state law claims are all "civil wrongs" or "torts" under state law. The first state law claim was for "wrongful death." A person may be liable for wrongful death when (1) the death was caused by the conduct of the defendant, (2) the defendant was negligent, (3) there is a surviving spouse, children or other beneficiaries, and (4) monetary damages have resulted from the victim's death. In their wrongful death claim, the plaintiffs stated that the defendants had engaged in the wrongful acts of planning, participating in and/or failing to prevent the attacks on the plaintiffs (11th Cause of Action). 1666

The second state law claim was for "<u>assault and battery</u>." The assault or battery claims specified that the Klan and Nazi defendants and Dawson and John Doe "informant-defendants" intended to damage the plaintiffs by their specified actions against them (12th Cause of Action). The jury instructions stated the following elements of assault: (1) that the defendant threatened or attempted, by force or

violence, to injure the plaintiff; (2) the defendant had the ability to commit the act; and (3) the plaintiff reasonably thought he would be injured. Battery is touching another person without their consent in a "rude or angry manner." Neither of these state law claims requires proof that an official was involved in inflicting the injury ("state action").

The last two state law causes of action were for malicious prosecution and abuse of process (13<sup>th</sup>, 14<sup>th</sup> Causes of Action). A person may be liable for malicious prosecution when: (1) he initiates the proceedings without probable cause and primarily for a purpose other than that of bringing an offender to justice and (2) the proceedings have ended in favor of the accused. 170

(See annex for table of counts and defendants)

## **Trajectory of the lawsuit:**

After the lawsuit was filed, all of the defendants filed motions to dismiss the case. Under Rule 12 of the *Federal Rules of Civil Procedure*, a defendant may make a motion to dismiss on several grounds, including a lack of jurisdiction of the federal court, a lack of jurisdiction over a particular party to the lawsuit, insufficiency of service of process notifying the defendant of the lawsuit, or failure to state a claim upon which judicial relief can be granted.

No action was taken on these motions for several years. The state and federal governments were given the opportunity to prosecute the two criminal cases first.

Because the motions to dismiss were not acted on, no discovery was allowed to proceed in the case. Discovery is one of the unique qualities of a civil lawsuit. In this process, both parties are allowed to "discover," or obtain information, from the opposing side which, conceivably, enables that party to better prove their own case. One of the important by-products of a delay of several years can mean the loss of certain evidence, either because people forget important facts or because documents or other primary source materials are lost.

In this case, however, there were also some advantages to a delay in discovery. The plaintiffs had the opportunity to benefit from the testimony in both the state and federal criminal trials, the transcripts of which could be and were used in the civil case. Further, they might become aware of certain documents that became public during these cases.

#### Civil trial judge:

After all the other North Carolina federal district court judges for the Middle District of North Carolina disqualified themselves from taking the case, a judge outside the district was brought in to preside. Judge Robert R. Merhige Jr., a federal district court judge in Richmond, Va., was appointed to *Waller* on Dec. 3, 1983. Judge Merhige had already presided over a number of very high-profile cases, including the defective Dalkon Shield birth control device, Watergate-related prosecutions, the gender integration of the University of Virginia, and the Richmond, Va., desegregation by cross-town busing order. If anything, he was generally known as a liberal judge and was criticized by conservatives for being too much of an "activist," a codeword for any judge who was willing to wade into the treacherous waters of contentious issues such as desegregation, the Vietnam War and environmental protection. His desegregation order in Richmond resulted in threats to his family, weekly protests at his home, the killing of his dog and the necessity of 24-hour security for him and his family for two years. He had a reputation for non-tolerance of delays or grandstanding in his courtroom, an attribute amply displayed in his rulings and actions in *Waller*.

#### **Decisions on the motions to dismiss:**

Judge Merhige's first, important decision was on the pending motions to dismiss particular defendants and some of the specific claims in the complaint.<sup>171</sup>

He dismissed the "John Doe" defendants because the allegations against them were too vague.

He dismissed the federal agency defendants under the doctrine of sovereign immunity. Sovereign immunity is a legal doctrine that prevents people from bringing lawsuits against a government without its consent. This doctrine protects all federal agencies and federal officials, acting in their official capacity, from liability for money damages. The judge ruled that all the federal defendants, similarly, were immune from the state law claims. It should be noted, however, that a federal, state or municipal official can be sued in his or her individual capacity. These dismissals were based on a matter of law and do not address the involvement or lack of involvement of the dismissed federal agencies or officials.

The sovereign immunity doctrine also applied to the state of North Carolina agencies and officials in their official capacity. Thus, Judge Merhige dismissed these defendants.<sup>175</sup> These dismissals were based on a matter of law and do not address the involvement or lack of involvement of the State or State officials.

The doctrine of sovereign immunity did not apply to the City of Greensboro and its employees because 42 U.S.C. 1983 specifically defines the word "person" to include these entities. The Supreme Court has ruled that municipalities and other local government units are "persons" for purposes of the statute. 176 "Local governing bodies, therefore, can be sued directly under Section 1983 for monetary, declaratory, or injunctive relief where ... the action that is alleged to be unconstitutional implements or executes a policy statement, ordinance, regulation or decision officially adopted and promulgated by that body's officers." But the Greensboro Police Department was dismissed as a separate defendant on the representation of the City of Greensboro that any liability to the GPD would be borne by the city. 178 These dismissals were based on a matter of law and had no bearing on the accountability of the GPD.

According to the court, several defendants were never served with the papers informing them that they were the subjects of this lawsuit, as required by law. Thus, those five defendants (U.S. Attorney General Bell; Civiletti, Smith and Robert Ensley of the CRS; and FBI Agent Monahan) were dismissed.<sup>179</sup> These dismissals were based on a matter of law and had no bearing on their involvement.

Further, to subject a defendant to suit, the court would need personal jurisdiction over a defendant. Personal jurisdiction is the power of a court to require a person or party to appear before it. Without personal jurisdiction, a court can not enforce judgments against the party. For a court to have personal jurisdiction over a party, the party must typically have at least some contacts in the state in which the court is located. To establish personal jurisdiction, a defendant must be given legal notice that he is a party to a lawsuit; this notice, often called "service of process," notifies the party that he is the subject of proceedings in a certain court.

A long-arm statute gives a court in one state jurisdiction over a business or an individual who is not a resident of that state but who caused harm in the state or to a local resident. In North Carolina, the long-arm statute provides that a North Carolina court will have jurisdiction over a party to a lawsuit when that person "is engaged in substantial activity within this State, whether such activity is wholly interstate, intrastate, or otherwise." The statute also provides that a North Carolina court will have jurisdiction over a party to a lawsuit when the lawsuit alleges injury to person or property or wrongful death in or out of North Carolina, arising from an act or omission within the state of North Carolina. <sup>182</sup>

The plaintiffs alleged that certain defendants were subject to jurisdiction in North Carolina, despite their absence from the state, because of their supervisory responsibility for subordinates who participated in the civil conspiracy. <sup>183</sup> The judge ruled that the complaint had not alleged sufficient facts to include CRS Director Pompa in the suit under this theory of liability. Thus, Pompa was dismissed from the case. This dismissal had little significance for Pompa's accountability since the plaintiffs failed to supply the court with the minimal evidence needed on a motion to dismiss to establish personal jurisdiction.

The Court also dismissed the claims against District Attorney Schlosser, the Guilford County District Attorney, under the doctrine of prosecutorial immunity, a doctrine which allows prosecutors immunity from suit. This doctrine is premised on the notion that prosecutors have broad discretion to decide how to pursue cases and, thus, should be immune from suits that seek to question the wisdom of their decisions. The court ruled that the underlying facts that the complaint alleged regarding Schlosser's involvement were those that were within his "prosecutorial function." The only allegation that was not was the accusation of his making "false, inflammatory public statements" that the court ruled would be an exception to Schlosser's absolute discretion. However, the court ruled that the complaint did not allege facts with sufficient specificity to show false and inflammatory public statements that would have warranted waiving his prosecutorial immunity. This dismissal had little significance for Schlosser's accountability in the case, as the court's ruling was premised on Schlosser's prosecutorial immunity.

At this preliminary stage of the proceedings, the court accepted the pleadings as sufficient and rejected the defendants' motion to dismiss on the basis that the complaint failed to state "facts on which the allegations are based." The court specifically rejected the argument that as a civil rights and conspiracy case, the plaintiffs should be held to a heightened standard of clarification at this stage. Judge Merhige found that, as to the allegation of facts about a conspiracy before the Nov. 3, 1979, attacks, the complaint was sufficient. 187

The court next turned to the motions to dismiss the allegations of a cover-up after the shootings.<sup>188</sup> The court dismissed Brereton of the FBI from the lawsuit on the basis that the complaint had failed to allege sufficient facts to sustain an allegation of agreement or cooperation between Brereton, who conducted the FBI investigation after the incident, and any other defendants, nor did it "apprise him of how his role in the investigation is alleged to have constituted participation in a cover-up conspiracy." This dismissal, on the basis of "sufficiency of the pleadings," has little significance for Brereton's accountability as it is premised solely on the insufficiency of the complaint.

The Court also dismissed Mitchell, Starling, Ray and Lovelace from the cover-up charges. These dismissals have little significance for the issue of the accountability of these defendants as they are premised on the insufficiency of pleading particular facts in the plaintiffs' complaint.

The Court found that the complaint had not sufficiently described the role of several of the defendants with supervisory responsibilities, thus Count Five was dismissed, releasing Hunt, Starling, Ray and Mitchell from the lawsuit. These dismissals have little significance for the issue of the accountability of these defendants as they are premised on the insufficiency of pleading particular facts in the plaintiffs' complaint.

In sum, 63 defendants remained: 19 Klansmen and Nazis, 36 GPD officers and other Greensboro officials, four BATF agents, three FBI agents, and the City of Greensboro. 189

#### **Rulings on Claims:**

Several other issues were raised at this stage as to particular claims in the complaint.

First, the defendants argued that the conspiracy claim under §1985(3) should be dismissed. The first argument focused on the requirement that a defendant must be motivated by a discriminatory "animus"

or hatred of the plaintiff. The Court ruled that a relatively recent U.S. Supreme Court decision was controlling as to plaintiffs' allegations that they were subject to a conspiracy because they were labor organizers. In that case, *Carpenters v. Scott*, the Supreme Court had ruled that the plaintiffs' political status as labor organizers was not relevant to a 1983 conspiracy claim.<sup>190</sup> While Judge Merhige was bound to follow that ruling, he did rule that the plaintiffs' argument that the defendants conspired against them because they were "advocates for the equal rights of black people" (as well as because of the defendants' bias against black people) was clearly sufficient for the "animus" requirement of the statute.<sup>191</sup> The Court further ruled that the plaintiffs' communist ideology and their advocacy for black people "may be inextricably intertwined." The Judge left until the taking of evidence his final ruling on whether discrimination based on political association alone is sufficient for §1985(3) conspiracy purposes.<sup>192</sup>

Second, the federal defendants argued that they were not subject to suit under §1985(3) as it was intended only to reach the actions of officials of the individual states. The Court cited a long string of cases, especially the U.S. Supreme Court's decision in *Griffin v. Breckenridge*, to support its ruling that federal officials are subject to liability under this act, and, thus, their motion to dismiss on this basis should be denied.<sup>193</sup>

Third, to the extent that the complaint charged them in a cover-up, the defendants moved to dismiss these charges. The Court ruled that defendants who were alleged to have joined the conspiracy only after the Nov. 3, 1979, attacks could not be held liable for damages caused by the attacks. Thus, no recovery was possible against them in connection with the deceased plaintiffs. The only question remaining for the living plaintiffs would be whether the defendants might have engaged in some action after the attacks that injured these plaintiffs. The Court sided with the plaintiffs that their complaint alleged sufficient facts about cover-up actions by the defendants on which to premise a claim for the deprivation of their constitutional and federally protected rights. 195

Fourth, the complaint alleged various examples of the failures of police protection in Counts Three (as to GPD), count Ten (as to BATF and FBI) and Count Six (GPD, FBI, BATF, and informants). The defendants argued no "protected right to police protection" that gives rise to a "private right of action" or right to an individual lawsuit. While Judge Merhige conceded that this was the general rule, exceptions exist, including the right to police protection for civil rights demonstrators. <sup>196</sup> The Court noted the similarity between this case – where it was alleged that the police had advance knowledge of the Klan's planned attack and failed to arrive at the rally site until after the attack – and the actions of the Montgomery, Ala., Police Department in failing to protect the Freedom Riders from the Klan. However, the court ruled that the failure to provide police protection could not be applied to the federal defendants since he found that the provision of policing at the Nov. 3, 1979, demonstration was purely a local policing function. <sup>197</sup> Nonetheless, the court ruled that the federal defendants could be susceptible to a finding of liability under the federal statute §1986 if their participation in a §1985(3) conspiracy charge is demonstrated at trial. Thus, the Court rejected the motions to dismiss as to Counts Three and Six and dismissed the part of Count Ten as to the federal defendants only.

Fifth, Judge Merhige dismissed Count Seven at this stage. That count articulated the plaintiffs' claims under §1981. The Court ruled that that claim is only viable for persons who alleged that their rights were violated on the basis of their race alone. As the complaint did not do this, this count was dismissed. 198

Sixth, the Court addressed the motions to dismiss premised on the argument that supervisory defendants could not be held responsible on that basis alone. The Court agreed that supervisors can not be found liable under §1983 and *Bivens* unless they acted personally to deprive plaintiffs of their rights. Similarly, a municipality can only be held liable if its employees' acts implemented an unconstitutional policy. The Court ruled here, however, that the complaint did sufficiently outline the basis for the city of

Greensboro's having advance knowledge of the attack.<sup>199</sup> The Court cautioned again that it might be very difficult to prove the deficiencies of the supervisory practices at trial.

Seventh, North Carolina law required the plaintiffs to give the City written notice of the claims against it within six months of the injuries.<sup>200</sup> Consequently, the state law claims of four plaintiffs, Cannon, Allen and Dori Blitz, and Russell, were dismissed for failure to comply with this notice requirement. However, their federal claims were not dismissible on this basis.

Finally, The Court considered the claims based on policies and practices of the governmental agencies. The Court quickly dismissed altogether the claims in Counts Four and Nine as repetitive to Counts Five and Ten.

In sum, Counts Four, Seven and Nine were dismissed. For Count Eleven, Westra, Conroy, Butkovich, Pence, Moses and Pelczar were dismissed and for Count Ten only insofar as it charged them with breaching a duty to protect the plaintiffs. For Counts One and Two, Lovelace was dismissed. Counts Eleven, Thirteen and Fourteen were dismissed for plaintiffs Cannon, the Blitzes and Russell against the City.

**Discovery:** The stay of discovery was finally lifted in April 1984, at the end of the federal criminal trial. The judge set a trial date for September 1984 and ordered that all discovery should be completed in four months.<sup>201</sup> The plaintiffs took some 200 depositions, some lasting two or three days, and obtained over 100,000 pages of documents in discovery. They also reviewed the transcripts of the trials and the federal Grand Jury. The defendants also conducted extensive discovery. They deposed all the plaintiffs as well as many of the people with whom the plaintiffs had worked in their various organizing campaigns. The defendants also sought discovery of the written documentation from the CWP, particularly in regards to the rally on Nov. 3, 1979, as well as other anti-Klan activities.<sup>202</sup>

It became quickly evident that this was a totally unrealistic amount of time in which to carry out the discovery necessary for the case. Further, the plaintiffs alleged that the defendants were obstructing discovery – refusing to give them documents or giving them incomplete documentation. The plaintiffs sought a continuance of the trial, which was reluctantly granted by Judge Merhige until March 1985. Discovery continued throughout this period. It was the subject of numerous motions to the court to compel evidence.<sup>203</sup>

#### **Trial Pleadings/Motions:**

Over 100,000 pages of pleadings and documents were lodged with the Court regarding this case. The papers were bound in 20 volumes for the Judge. As discovery proceeded, the plaintiffs attempted to further amend their complaint to add defendants whom they were discovering were implicated in the conspiracy. Due to a failure to timely file, which the plaintiffs blamed on a faulty computer, the judge rejected the motion to amend.<sup>204</sup>

#### **Counter-claims:**

One of the important aspects of the pleadings was the Klan and Nazi defendants' filing of counter-claims against the plaintiffs. In this pleading, they alleged that their civil rights had been violated, on the same legal basis as the plaintiffs (but, obviously, for the opposite reasons – that is, that the Communist Workers Party had conspired to deprive the Klan and Nazi members of their rights to free speech, assemblage and travel). For the plaintiffs, these counter-claims must have been particularly infuriating because the defendants were attempting to clothe themselves in a statute that was specifically written to prevent the Klan's racist and violent actions. Nonetheless, Judge Merhige issued a lengthy written opinion on the subject in which he defended his decision to allow the counterclaims to go forward. He premised his decision on the equal protection clause of the Constitution, which he ruled would not

permit him to exclude any group from invoking the protections of the Civil Rights Act. However, he quickly moderated the power of this decision by ruling that the counterclaims would have to be heard in a separate trial. Thus, the jury in *Waller* would not even be aware of the defendants' counter-suit.

#### **Motions for summary judgment:**

A motion for summary judgment is the process by which each party attempts to get the Court to rule on important issues of law that, therefore, will not be considered by the jury. At this stage of proceedings, these motions may effectively function as motions to dismiss since they may be attempts to get certain parties thrown out of the case, based on the information then available, which can include information obtained through the discovery process.

In March 1985, right before trial, Judge Merhige issued decisions on these pending motions. In his March 5, 1985 order, Judge Merhige addressed the motion for summary judgment of the FBI defendants, Pence, Moses and Pelczar. Judge Merhige first considered whether Count Ten, the count addressing improper supervision of an informant, could stand against these three men. He ruled that summary judgment on Count Ten was only appropriate as to defendant Pence. The plaintiffs failed to submit any information that Pence was in any way personally responsible for informant Dawson's supervision.<sup>206</sup>

Next, Judge Merhige turned to the FBI defendants' arguments that no evidence of any sort existed that they entered into any sort of agreement to deprive the plaintiffs of their civil rights or to engage in the planning, organizing of, participating in or failing to prevent the November 3 attacks. While the court cautioned that circumstantial evidence was a legitimate form of evidence in a conspiracy case, it, nonetheless, found that summary judgment was appropriate for Moses and Pence.<sup>207</sup> However, the Court found that, given Pelczar's contacts with other informed FBI agents and the U.S. attorney in Greensboro, the plaintiffs might be able to prove his involvement in a pre-attack conspiracy.

As to the issue of a possible cover-up, Judge Merhige reiterated his view that the cover-up claim was a legitimate issue for the jury. However, he ruled that no genuine issue of fact existed as to Pence, who did not take charge of the Charlotte, N.C., FBI office until March 1980 and who did not take an active part in the post-attack investigation; therefore, he dismissed the cover-up claims against Pence.<sup>208</sup> However, Moses and Pelczar were personally involved in the FBI investigation of the November 3 attacks, and both gave misinformation to the public; therefore, the Court denied their motions for summary judgment as to the cover up.<sup>209</sup>

Finally, as to Count Six (failure to prevent the attacks), the Court ruled that it would be unreasonable to infer that Pence or Moses had any awareness that the Klan or Nazis were planning the attack; thus, they could not have prevented the attack. The Court granted a motion for summary judgment in their favor on this count. By the same token, the Court ruled that summary judgment for Pelczar was inappropriate since it could be inferred that he was aware, prior to November 3, of a possible conspiracy to commit violence. As a point of clarification, the Court also noted that Count Six (the plaintiffs' §1986 claim) applied to the conspiracy to commit the November 3 attack and the conspiracy to fail to prevent it, but not the cover-up conspiracy.

In sum, the March 5, 1985, ruling led to the dismissal of all claims against Pence. It led to the dismissal of Counts One, Two and Eight (as to pre-attack and attack conspiracies) and Count Six against Moses. Moses remained in the suit for cover-up purposes only.<sup>210</sup>

The Court made an additional ruling on a pending Motion for Summary Judgment on March 11, 1985.<sup>211</sup> The Court noted again that the applicable standard for ruling on a motion for summary judgment is whether "a genuine issue of material fact remain(s)," which should be decided by the jury. As a result, he denied the motion for summary judgment of the defendants on all bases, except for that filed by

defendant Melvin, the mayor of Greensboro at the time of the shootings.<sup>212</sup>

The entirety of the March 11 ruling focused on Melvin. The Court concluded that the evidence did not support a reasonable inference that Melvin even knew about the planned attack by the Klan and Nazis, much less failed to take any steps to prevent it. On the day prior to the attacks, Melvin appeared to have been informed by the City Manager about the planned march and was assured it was a police matter that was being handled by the GPD. The Court ruled that greater knowledge could not be imputed to him and that any post-attack statements by Melvin do not indicate that he knew about the attack beforehand. Thus, the Court granted the motion for summary judgment as to Melvin's pre-attack conspiracy involvement. Similarly, the Court found that no material issue existed as to former Mayor Melvin's post-attack conspiratorial involvement as his post attack statements could not be inferred to be false or deceptive: thus, summary judgment was appropriate here as well. Consequently, the Court declined to exercise jurisdiction over the state law claims against him. As a result of the March 11 ruling, former Mayor Melvin was dismissed from the lawsuit.

# **Jury Selection:**

The plaintiffs strongly contested the way that the six person jury was going to be selected because they believed that it would lead to the unconstitutional under-representation of African-Americans. The plaintiffs had studied the method that the clerk's office used to select the jury. On July 2, 1984, they asked the judge to allow them to take an interlocutory appeal to the United States Court of Appeals for the Fourth Circuit, the court of appeals designated to review decisions of the North Carolina federal district courts, on the issue of the methodology of jury selection. If granted, this would have allowed the plaintiffs to litigate the issue of the jury selection first and then return to the trial after an appellate decision on that issue. It would have been highly unusual for Judge Merhige to allow such an appeal. Understandably, the plaintiffs were very concerned about the make-up of the jury panel, given that, as discussed previously in this section, in the two prior criminal trials, all-white juries had been empanelled and had acquitted the defendants. 216

Judge Merhige allowed the plaintiffs and defendants to develop an extensive written questionnaire to be distributed to jurors before the trial began. Then, on the first day of trial, March 11, the questioning of the jury pool began. This pool included nine African-Americans. Judge Merhige conducted detailed questioning (or "voir dire") of the individual jurors to determine their biases. As discussed above, the relevance of this questioning is to assist in the process of striking potential jurors for "cause." Relevant here is that "cause" means that the juror will not be able to set aside his or her own prejudices in deciding the case, and, thus, cannot be a fair and impartial juror. The question of which jurors should be struck for "cause" was hotly contested by both parties. Each party has the right to request the judge to strike a juror for cause.

In addition to "cause" challenges, each side is given a certain number of "peremptory" challenges. These are challenges which either side can exercise without having to explain the basis of the challenge. Even before absolutely required by law, Judge Merhige ruled that the defendants could not use their peremptory challenges to strike only black jurors. This was a significant step taken by the Judge that recognized the likely unfair result in empanelling a jury that was unrepresentative of the community.

In the end, one African-American male and five whites, including one who was not a native Southerner, were seated as the jury for this case.

#### The trial itself:217

The trial began on March 25, 1985. The plaintiffs presented 75 witnesses over a period of approximately eight weeks.<sup>218</sup> The defense case lasted only about four days. At trial, Judge Merhige was extremely courteous to the jury and bent over backwards to insure their comfort. In this regard, he had zero

tolerance for delays, repetitiousness or any form of grandstanding in the court room. Despite the fact that he was sometimes perceived as trying to speed up the trial or inappropriately commenting on evidence, the overall assessment is that he was a positive force in the trial. One of his more helpful rulings is that he did not impose a gag order on the parties. Further, he regularly admonished the jury not to allow prejudices to influence their views.<sup>219</sup>

The plaintiffs began the trial with the testimony of two cameramen who were present at the shootings. The videotaped evidence of the shootings was an important part of this presentation. TV monitors were set up in the courtroom, which, at that time, was an unusual occurrence. This evidence was supplemented by an FBI sound expert who analyzed the sound track of the videotapes for the echoes of each of the gun shots. The attorneys interspersed the testimony of the 16 plaintiffs or their family members with the testimony of 30 of the defendants who were called as adverse witnesses. As an adverse witness, the witness is subject to questioning that is more akin to "cross-examination" than "direct examination." Cross-examination allows the attorney a greater scope in the form of the questioning. This was a strategy that was possible because the plaintiffs had taken extensive depositions of defendants and had the benefit of the testimony of some defendants at the previous criminal trials. Therefore, they knew what information a particular defendant had and to which they would be required to testify. Thus, the plaintiffs could use the defendants themselves to tell the story of what had happened on November 3 and to build the case for civil conspiracy and cover-up. The plaintiffs also used sections of the trial transcripts of the previous cases, which were read into the record for the jury.

The plaintiffs' final witness was an expert witness, former Boston Police Department Superintendent Robert di Grazia. As an expert, di Grazia was allowed to offer opinion testimony. He said that he believed the GPD should have stopped the Klan/Nazi caravan and should have had a police presence along the caravan route and at the demonstration. He also criticized the way the police handled their informant, Dawson.<sup>222</sup>

#### Motions for judgment as a matter of law at end of plaintiffs' presentation:

At the end of the presentation of the plaintiffs' evidence, the defendants moved for a judgment as a matter of law. Under Rule 50(a) of the *Federal Rules of Civil Procedure*, during a jury trial, a party may make a Motion for Judgment as a Matter of Law against the opposing party in which they may claim that the evidence is not legally sufficient for a reasonable jury to find for the party on that certain issue.<sup>223</sup> If the court finds that this is true, it may grant the motion against the opposing party. A party may make this motion at any time during trial before the case has been submitted to the jury

for deliberation. This is a common practice in a civil case, given that the burden to prove the case rests with the plaintiff.

Of the 60 defendants who were on trial, at this point, Judge Merhige granted the motion for judgment as a matter of law in favor of 15 of them, a group that included the former city manager of Greensboro and 14 members of the GPD.<sup>224</sup> In addition, he dismissed the claim regarding informant policy and practices and the claim regarding abuse of the criminal proceedings.<sup>225</sup> This decision signifies that the judge was ruling, as a matter of law, that the plaintiffs had not met their burden of proof as to these defendants or as to these particular claims, and, therefore, there was no basis for sending these claims or any claims against these defendants to the jury.

## **Defendants' presentation of their case:**

The defendants presented four days of trial testimony and evidence. The defense set out to accomplish several things. First, they wanted to show that the plaintiffs and the CWP had provoked the confrontation with the Klan and the Nazis. Second, as in the first two trials, the defense wanted to show that the Klan and the Nazis acted in self-defense because they were attacked by the demonstrators. Third, they wanted to show that the police acted reasonably and responsibly. They also used portions of the trial transcripts

from the criminal trials to bolster their case. They entered into the record documents created by the CWP about the anti-Klan rally and their anti-Klan work. They recalled several defendants.<sup>226</sup> They also presented an expert witness, Glenn Murphy, a police consultant on police procedure, who stated that no probable cause or reasonable suspicion existed to stop the caravan. He further stated that few police departments of the size of the GPD would have written guidelines on the use of informants.<sup>227</sup>

#### Plaintiffs' rebuttal:

The plaintiffs offered one witness on rebuttal, another expert who demonstrated that there was ample cause to stop the caravan.

This analysis has made no attempt to evaluate in any way the trial itself. We have not had access to complete trial transcripts, nor did time or resources permit us to systematically interview trial participants about day-to-day events in the trial. Therefore we cannot draw conclusions as to what was "proven" at trial or even as to the content of the testimony of key witnesses and how they handled cross-examination.

# Jury instructions:228

Judge Merhige read the jury instructions on June 6, 1985. It took 2.5 hours to read them, an unusually long amount of time. The instructions were close to 100 pages long. At the time he read the instructions, Judge Merhige commented that he knew the jury could not absorb all that he was telling them. He stated, "Your mind must be popping with all this legal mumbo jumbo ... My personal feeling is I (wish) I could sit down and talk to you. ... But (the attorneys) won't let me, so I've got to do it this way."229

The jury instructions particular to this case were voluminous. First, they laid out the nature of the complaint with a fair summary of the plaintiffs' allegations in their complaint; the instructions further laid out the basic defenses offered by the city, police, federal and Nazi and Klan defendants. They also helped clarify the issue of "official" capacity versus "individual" capacity of the Greensboro City defendants. The instruction advised the jurors that they could only find a defendant liable in his "official capacity" if he failed to act "in accord with an official or *de facto* policy, practice or custom" of the city.<sup>231</sup>

The most important, and most complex, jury instructions were those concerning conspiracy. First, these instructions laid out the general parameters. They stated that "a conspiracy is, in short, an agreement between two or more people to carry out a common plan, with the intent to either accomplish some unlawful purpose, or to accomplish some lawful purpose by unlawful means."<sup>232</sup> The instructions went on to emphasize that no formal, written or oral agreement was needed, and the agreement can be explicit or implicit. A participant has to share the objective of the conspiracy but does not have to know all the details or possess the same motive as another co-conspirator. Within this instruction, the court emphasized that simply because defendants might work for the same organization did not make the existence of a conspiracy more likely. The instruction cautioned that the jury had the burden to figure out who was in and who was not in the alleged conspiracy.

The instructions emphasized that to be a member of a conspiracy, a person must knowingly (meaning voluntarily and intentionally) participate in it with the intent of helping carry it out. The person's own conduct must establish this, based on his words or actions. He is not liable if he does not know of the conspiracy's existence and did not do something to show he joined the conspiracy. Once a person is found to be a member of a conspiracy, then the jury can consider the actions of other members against that defendant because he has now associated himself in a kind of "partnership." The instructions noted that if there was no finding that a conspiracy existed, then the jury would have to find for the defendants on the counts claiming conspiracy.

The instructions next moved to a consideration of conspiracy under the federal statute, 42 U.S.C. 1983.<sup>234</sup> The instructions reiterated the basic allegations in the case. They also made clear that the plaintiffs were alleging that the defendants acted maliciously and without regard for their safety, requirements to sustain their burden of proof for punitive damages. The City defendants did not deny that the plaintiffs had been injured or killed but claimed that their actions had nothing to do with it.

In explaining the requirements of the federal statute, the court advised the jury that at least one of the conspirators had to be acting "under color of state law." Hidden within the jury instruction defining "color of law" was the statement to the jury that "as a matter of law," the city defendants were acting under color of law; thus, the jury would not need to deliberate on that finding.<sup>235</sup> That instruction also, importantly, noted that a private actor can be considered to be acting under "color of law" if he conspires with a state actor.<sup>236</sup>

Further, the instructions noted that conspiracy was not a necessary element of the federal claim, but that it would be a sufficient finding, if the defendant(s) were found to have committed an act during the course of and in furtherance of the object of the conspiracy. The instructions noted that the act could be a knowing or intentional act or a failure to act which had the effect of depriving the plaintiffs of their civil or constitutional rights. In a later jury instruction, the elements of §1983 conspiracy were outlined in greater depth: (1) the defendant acted in concert with others, (2) the defendant acted under color of state law, (3) an act was committed by the defendant in furtherance of the conspiracy to deprive the plaintiff of his or her rights, and (4) the acts proximately caused the plaintiffs' injuries. The instructions also explained the rights that the plaintiffs alleged were abridged by the defendants' conspiracy. These included the denial of due process;<sup>237</sup> the right to equal protection which requires a showing of intentional discrimination;<sup>238</sup> and the rights to free speech and assembly.<sup>239</sup>

Buried in the conspiracy instructions was a crucial instruction concerning the concept of "proximate cause." This is the requirement that the plaintiffs' injuries can be attributed to the defendant only if the defendant's acts or failures to act, in the natural or probable sequence of events, produced the injury. As the instructions explained, this "cause" does not have to be the last or nearest in time or the only cause of the injury. In fact, many factors can independently or together cause an injury. This instruction is not even entitled "proximate cause."<sup>240</sup>

The instructions also addressed the important issue of direct versus indirect responsibility for the federal civil rights claims. The instruction noted that a superior is only responsible for the actions of a subordinate if his failure to control a subordinate rose to the level of "deliberate indifference" or "tacit authorization," not merely that he had the right to control a subordinate. The instruction goes on to say that any defendant who was not personally involved in the "things alleged" cannot be liable under the relevant federal counts.<sup>241</sup> This extremely important instruction is confusing even for a legal expert, and must have been especially so for the laypersons sitting in the jury box.

Next, the instructions considered the liability of City defendants for their collaboration with an informant. The instruction stated that a law enforcement officer could be liable for the acts of an informant in one of three scenarios: (1) if the law enforcement officer authorized the acts or knowing that the informant planned acts was "deliberately indifferent" to them; or (2) the law enforcement officer authorized the informant's wrongful acts; or (3) the informant committed acts at the instruction of the law enforcement officer. Once again, the instructions note that liability may be premised on turning a blind eye, or "deliberate indifference," to the actions of the informant. But this point is buried in a longer instruction that generally seems to emphasize that an informant is not an employee of the city nor does his giving information to the city make the city liable for his actions.<sup>242</sup>

The instructions go on to explain the elements required for the plaintiffs' claim under Section 1985(3). The court emphasized that here the plaintiffs must shown not only that a conspiracy existed but that it was motivated by dislike for blacks and/or advocates of equal rights for blacks and led to the plaintiffs' injuries or deprivation of rights.<sup>243</sup> The instructions next addressed the plaintiffs' claim under Section 1986. After reciting the statutory terms, the instructions laid out the elements of the claim as follows: (1) a conspiracy to plan, organize or fail to take proper action to prevent the violence on Nov. 3, 1979; (2) the defendant knew of this conspiracy; (3) the defendant knew that the wrong that was the object of the conspiracy was about to be committed; (4) the defendant, by reasonable diligence, had the power to prevent or aid in preventing the wrong; (5) the defendant refused or neglected to prevent the wrong; and (6) the defendant's refusal or neglect was a proximate cause of the plaintiff's injury. This instruction contains no further explanation of these elements but merely emphasizes that the plaintiff has to prove each and every element.<sup>244</sup>

The instructions next moved to a consideration of conspiracy under the federal statute, 42 U.S.C. §1983.<sup>245</sup> The instructions reiterated the basic allegations in the case. They also made clear that the plaintiffs were alleging that the defendants acted maliciously and without regard for their safety, requirements to sustain their burden of proof for punitive damages. The City defendants did not deny that the plaintiffs had been injured or killed but only claimed that they had nothing to do with it.

Next, a set of instructions explained the claim that the police failed to protect the plaintiffs in the exercise of their constitutional rights. The instructions make clear that the defendant would have to act intentionally, knowingly or recklessly as to his general duty to protect the gathering on Nov. 3, 1979. It notes that mere negligence is not sufficient.<sup>246</sup>

The jury instruction addressing the responsibility of certain defendants to properly supervise police or informants is interestingly unique as it names two particular defendants. It emphasizes that the jury would have to find that the defendant had a duty to and was responsible for screening, training and/or supervising police and informants. It also required that he have the actual knowledge that his subordinates would injure another person or deprive them of their rights, if the defendant failed to properly supervise. The defendant's acts or conduct would have to show "deliberate indifference" to or tacit approval of the injuries and thereby deprive the plaintiff of his rights and proximately cause the injury.<sup>247</sup> This instruction does not elaborate on that explanation.

The instructions outline the "good faith" defense, which allows a defendant to avoid liability if he neither knew nor reasonably should have known that his acts or failure to act was unlawful. This defense was available to the public officials as to the federal counts.<sup>248</sup>

The jury instructions next went on to define the state law claims. On wrongful death, the instruction recited the N.C. statute, in and of itself a fairly confusing section of law. The instructions then broke down the requirements of proof: (1) that the plaintiff is the personal representative of the named five deceased persons; and (2) that the death was proximately caused by a defendant's wrongful act. To prove this the plaintiff must show that a defendant acted intentionally or recklessly in causing the death. The defendant could also be liable for wrongful death because of his participation in the various acts that constitute his participation in the conspiracy to commit the federal civil rights violations.<sup>249</sup>

The assault and battery instruction defined an assault as a threat to injure another person by force or violence. The plaintiff must demonstrate that the defendant had the ability to commit the injury and that, in the circumstances, it was reasonable for the plaintiff to think he would be injured. An assault claim also can be established by proving battery. Battery is the willful touching of the plaintiff without his or her consent in a rude or angry manner. The force does not have to be direct. The instructions gave the example that it would be sufficient to prove that a defendant fired a gun that in fact resulted

in the injuring of the plaintiff. A concerted action also can be the basis for this claim and exists when there is a common intent to assault or beat the plaintiff.<sup>250</sup>

The false arrest count focused on the arrests of Nelson Johnson and Rand Manzella, both named in the jury instruction. The instruction made clear that an arrest is lawful when the officer arrests without a warrant for a crime committed in his presence or for a felony that he has reason to believe was committed outside of his presence. The instruction notes that Manzella was arrested for the crime of "going about armed to the terror of people." Johnson was arrested for inciting a riot. The instructions define both crimes. Finally, the instruction notes that if these plaintiffs proved that they were restrained against their will unlawfully, then they should prevail on this count.<sup>251</sup> As the reasonableness of a defendant's action is crucial here, the court included a general instruction that what is reasonable must be determined in light of all the facts of the whole incident.<sup>252</sup>

A full seven pages is devoted to the judge's instruction on self-defense. This instruction noted that the Klan and Nazi defendants justified their actions based on this doctrine. The court noted that self-defense is justified when a reasonable person thinks force is necessary to protect himself from serious injury even if the danger is apparent (though not necessarily real). The jury instructions included the following elements: the force cannot be excessive, the defendant cannot be the aggressor; the defendant cannot provoke the conflict himself. The instructions stated that the defendant may act to defend someone other than himself (within certain spelled out limitations), and the defendant may be justified in using deadly force in certain situations. If the defendant succeeded at proving self-defense or a defense of another, then this defense could apply to both the wrongful death count and the assault and battery count. These instructions are another example of a highly sophisticated instruction on the law that would be exceedingly difficult to comprehend, much less reasonably apply.<sup>253</sup>

On the whole, the jury instructions are very difficult to understand. They often are convoluted and confusing. They do not use the same format for similar instructions. They repeat certain points unnecessarily in several instructions. They fail to highlight certain key points; at the same time they emphasize other less important points. It would be literally impossible for the laypeople sitting on the jury to grasp fully the charge they had been given in this case, based on these instructions. No doubt it would have contributed to a deliberative environment in which jurors might feel like they did not know how to grapple with the issues they were confronting.

#### Verdict:

Even before the jury verdict was announced, some inkling of serious divisions among the jurors was evident. On the morning of June 7, 1985, after approximately five hours of deliberation, the jury had indicated to Judge Merhige that they could only agree on one count in the case, which was the one alleging that plaintiffs Johnson and Manzella were falsely arrested.<sup>254</sup> He admonished them to go back and try harder, a charge that would be typical in any court after so little time of deliberation.<sup>255</sup> They ended up deliberating for about 11.5 hours in total.<sup>256</sup> The jurors returned their liability verdict on the afternoon of June 7, 1985.

The next day, the jury held separate deliberations on the monetary damages. At that point, the jury would have applied the jury instructions on compensatory and punitive damages. The compensatory damages instruction emphasized that only actual and reasonable damages were recoverable. The factors the jury could consider were the actual monetary losses, the nature, extent and duration of the injury, the pain and suffering that resulted from the injury, emotional distress of the plaintiffs and any pre-existing conditions.<sup>257</sup>

The punitive damages instruction required the jury to award this form of damages if they made a finding that the defendant acted "maliciously, wantonly, or oppressively." These terms were each defined in the

instructions and signaled to the jury that they would have to find that the liable defendant acted with ill will, was callously indifferent, or was unnecessarily harsh. The instructions emphasize that these are "extraordinary" damages and can only be awarded if the above findings are made.<sup>258</sup>

The jury deliberated for about three hours in reaching its monetary awards, for compensatory damages only.

## The jury's findings:

Jurors found GPD Lt. Paul W. Spoon, field commander on Nov. 3, 1979, and Det. Jerry Cooper, the GPD intelligence officer who was Dawson's "handler" and who followed the Klan and Nazi caravan and reported on its progress to others in the GPD, along with Edward Dawson, the Klan informant, and Klansmen Mark Sherer, David Matthews, Jerry Paul Smith and Nazi Party members Roland Wood and Jack Fowler jointly liable for the wrongful death of Dr. Michael Nathan. They awarded Martha Nathan, Dr. Nathan's widow, \$351,500 in compensatory damages. In addition, they found four Klansmen and Nazis – Matthews, Wood, Smith and Fowler – jointly liable for assault on Dr. Nathan; for this, they awarded \$3,500. They also found these same men liable for assault on Dr. Paul Bermanzohn and awarded \$38,358.55 in compensatory damages. Finally, they found Matthews and Wood liable for the assault of Tom Clark and awarded \$1,500. Thus, all the findings of liability were premised solely on the state law claims of wrongful death or assault. The costs for those plaintiffs who were awarded damages were also to be borne by the liable defendants.<sup>259</sup>

The jury did not find any liability for any of the other four deaths, for any of the other plaintiffs' injuries, or for the arrests of the plaintiffs. They did not determine that civil rights violations, under the applicable federal law, had occurred. They did not find any of the remaining 40-plus defendants liable. They did not overtly find that there was a conspiracy. They did not award punitive damages to any plaintiff.<sup>260</sup>

Despite Judge Merhige's admonition that the jurors not subject themselves to interviews and his protective order preventing the questioning of jurors about their deliberations,<sup>261</sup> some information about the jury deliberations was revealed by jurors. These conversations revealed that the jury was badly divided. The African American jury foreman and the white woman from the North urged a verdict for the plaintiffs on the civil rights conspiracy charges against defendants Butkovich, several members of the GPD, and several members of the federal agencies. They also favored a substantial award. The others were in favor of a narrower verdict or no award. They did not want extensive recovery in any event.<sup>262</sup>

Plaintiffs' attorney Lewis Pitts recalled,

We did a sampling of the population, we got some hired experts to poll 559 people. And 97 percent of them had heard of (the civil suit), 71 percent of them had heard of it a lot, and something like 37 percent said even assuming that the Klan and Nazis were wrong we would not compensate the victims. And that figure went down if we asked them, assume that the Greensboro Police Department was at fault, would you compensate the victims, and it was only something like 34 percent. So roughly three-quarters of the people said "we don't care."...

So we know in our jury, we had one African-American man and five white folks, and we talked with that man afterwards, as you're allowed to do. And he said it was immediately polarized, that he and another – and a woman, kind of saw it together as a civil rights atrocity. The other four were saying, "I don't want anything to do with it." It was ideologically charged. They debated, they discussed, and as a compromise, I think, and how they resolved and sorted it out I didn't get the benefit of, they said

we'll give some award, that added up total to about \$400,000 for wrongful death for Michael Nathan, and assaults on I think it was Dr. Bermanzohn and seems like one other person. And more detail than that I don't know, because once you're in that jury it's subject to how they want to play it out. I don't know if they were making a statement that they didn't want to label this a civil rights issue. I just have no idea how they did it.<sup>263</sup>

Thus, it can be reasonably speculated that the verdict was a compromise between the two factions on the jury. Several factors seem to be at work in the verdict. First, the only GPD officers who were found liable were the two with the closest involvement to the events. Second, in addition to Dawson, the Klan informant, the other Klan and Nazi members found liable were those who most visibly on the videotape were seen firing weapons.

Third, victim Dr. Michael Nathan had several distinguishing attributes. He was not seen with any type of weapon in any of the videotapes and was shot running to the aid of another victim; he was the only one of the five murder victims who was not a member of the CWP<sup>264</sup>; his surviving spouse, Martha Nathan, was and he worked as a pediatrician in a underserved community health center, not in a mill trying to organize workers.<sup>265</sup> He was the only victim with a child who would benefit from the award of damages and could be viewed by jurors as an "innocent victim."<sup>266</sup> However, Sandi Smith was also unarmed and not in the fray, yet her ex-husband, Mark Smith, was not awarded any damages.

Among the two assault victims who recovered damages, Dr. Paul Bermanzohn was seriously and permanently injured, which might account for why the jury chose to compensate him. However, it is not clear why Jim Wrenn, who was unarmed and shot in the head while running to Nathan's aid, was not compensated.

Fourth, the case was extraordinarily complex. There were multiple defendants, multiple plaintiffs and multiple claims. The jury instructions were extensive and inartfully drafted. In addition, it is likely also that the jury would have found it extremely difficult to parse through all the documents and evidence in the case.<sup>267</sup>

Without independent consultation with any of the jurors, it would be unfair to speculate further about the exact significance of the jury verdict other than to take it at face value.

Carolyn MacAllaster had an additional view of why the jury found the way it did:

I think that we had a jury that heard evidence for three months. It was a long trial, they heard a lot of evidence. They decided that there was police department complicity. Not as much as we wanted but they felt that the police should have at least done more to protect these demonstrators. I would say that (is) what the verdict means. I think that it was a courageous verdict back at the time actually. I suspect that there was at least one juror if not more that didn't want to give the plaintiffs anything. They probably did comprise. It was a quick verdict. It was less than a day after three months of trial. There were probably some factors like wanting to get home. They were sequestered the last, I think they were sequestered over a week. They hadn't seen family, they weren't sequestered for the whole trial. So, that could have been a factor. 268

#### After the verdict:

After the trial, each side filed fairly routine motions to set aside unfavorable portions of the verdict and/ or for a new trial. Each of the parties asked Judge Merhige to overturn parts of the jury's decision that were unfavorable to them. The motions asked the judge to grant a new trial if their motions are denied.

Each motion alleged that erroneous rulings during the trial damaged their case, and each claimed that the jury's verdict was not supported by evidence in the more than 10 weeks of trial testimony.

In their motion, the plaintiffs listed 12 decisions by Merhige that they alleged were improper and harmed their case. Several of these rulings dealt with jury instructions the plaintiffs believed were improper. Others dealt with evidence the judge either allowed into evidence or kept out. The plaintiffs also charged that the judge erred in not granting their motion to move the trial outside North Carolina. In addition, they were critical of the judge for making "highly prejudicial comments" in front of the jury about the conspiracy case, and "on numerous occasions" belittling their efforts to prove the conspiracy.

In addition, the plaintiffs previously had filed a second lawsuit against four federal or city agents that was also pending post-trial.<sup>270</sup>

Judge Merhige ordered the plaintiffs to pay the "costs of action" of the City of Greensboro and 35 other defendants whose cases had been sent to the jury but who were not found liable.<sup>271</sup>

#### **Settlement:**

Soon after the verdict, the plaintiffs took a decidedly conciliatory tone in their public statements. They clearly offered the olive branch to the City to consider settling the case.<sup>272</sup> For example, in one press account, plaintiffs' counsel was quoted as saying, "Our clients want to put the case to rest even if the compensation or the number of liable defendants is not what it should be."<sup>273</sup>

In November 1985, a settlement was announced in the case.<sup>274</sup> The city of Greensboro agreed to pay the full \$351,500 that Martha Nathan had been awarded for the wrongful death of her husband. One of the most unusual aspects of the settlement is that the city, in essence, was settling on behalf of both itself and the Klansmen and Nazis who were also found liable for the Nathan murder. This, however, was not an acknowledged part of the written agreement. The settlement agreement states very clearly that the city is not accepting responsibility for the wrongdoing. It further contains no apology for its actions or that of its agents. The settlement states that it should not be construed by the plaintiffs as conferring any liability on the city for any aspect of the events of Nov. 3, 1979.<sup>275</sup>

The settlement agreement itself acknowledged, in part, why the parties chose to conclude the case. It stated that both sides agree that a settlement was warranted "because of the time and expense necessary for the further prosecution and defense of post-trial motions and appeals and in light of the entire verdict." Further, the City of Greensboro noted that its insurance carrier was willing to settle this case in order to bring it to conclusion. The police chief at the time emphasized that neither party would want to be tied up in litigation for another two years and that it was in the best interests of the community as a whole to conclude the litigation "once and for all."

But it is important to emphasize that the agreement made no concessions as to the fundamental legal and factual issues in the case. In numerous ways, the agreement emphasized that each side believed, in good faith, that they had viable arguments to set aside the verdict or win on appeal.<sup>279</sup> Nonetheless, a central part of the agreement was the waiving of all future legal actions against each other. The plaintiffs released all the city defendants, the City of Greensboro, the GPD, and all former or present employees of the city or GPD, from any past or future liability for any type of suit, alleging any type of action or inaction, arising from the Nov. 3, 1979, incident.<sup>280</sup> The waiver provisions were intended to be broad prohibitions against future legal action. The agreement expressly stated that both sides would not pursue their pending motions, nor would they pursue any appeals. The plaintiffs also agreed not to pursue their pending lawsuit against Capt. Talbott.<sup>281</sup> In addition, they would not seek to recover attorneys' fees or costs from the opposing party.<sup>282</sup> Finally, both parties, of course, had to acknowledge their capacity to freely enter such an agreement. In particular, the plaintiffs had to acknowledge that

their injuries might take an uncertain course, but no matter what, they would not seek compensation from the city in the future.<sup>283</sup>

In the press, each side conceded little. City officials were quoted as calling the agreement a "settlement of disputed claims."<sup>284</sup> City officials re-emphasized their perplexity at the jurors' decision to find the two police officers liable. They stated, "We continue to support and stand by all of the police officers involved in this matter."<sup>285</sup> The plaintiffs called the agreement an "affirmation that government officials were involved in the killing and wounding of the demonstrators."<sup>286</sup>

As far as is publicly known, the city took no further actions in addition to the settlement. It did not discipline Lt. Spoon or Det. Cooper, even though both had been held liable at trial for a wrongful death.<sup>287</sup> No transparent process indicated that the city undertook any further action to reprimand other officials or to re-evaluate policies and practices in light of the tragedy. This may have happened later, but at the time of the agreement, the city aggressively defended its right to self-scrutinize and rejected plaintiffs' calls for the convening of a citizen review board.<sup>288</sup>

The other plaintiffs received no awards from the Klan and Nazi defendants held liable for their injuries, nor were they able to settle with them. While the plaintiffs' attorneys discussed the possibility of trying to collect on the recovery amount, no serious attempt was made to pursue the Klan or Nazi defendants' assets.<sup>289</sup> It should be noted, however, that collection often is an expensive process, and given the limited amount of recovery, it most assuredly would have cost that amount or more to obtain it.

After the agreement, in addition to ordering that all motions on behalf of the plaintiffs and the city defendants Spoon and Cooper be withdrawn, Judge Merhige signed formal orders denying the motions for new trial and judgment notwithstanding the verdict of David Matthews, Jack Fowler and Edward Dawson.<sup>290</sup> He further ordered that all the counterclaims that had been filed by any defendants be dismissed.<sup>291</sup>

Lewis Pitts recalled his reactions to the verdicts and awards:

We felt that it was very significant that a Southern jury found liable, jointly, police officers and the Ku Klux Klan in these acts of violence. I don't know that that had been done. And we wanted to, if you will, celebrate that progress. We were disappointed and broken-hearted that it wasn't a more comprehensive across-the-board finding and provision of compensation for the huge tragedy that occurred.<sup>292</sup>

# CIVIL LAWSUIT FINDINGS

The failure of the first two trials to find any wrongdoing left many in the community, especially the survivors of the violence, feeling that justice had not been served. Civil court is fundamentally different from criminal court in that it offers citizens the opportunity to take the initiative to bring a case rather than depend on state or federal prosecutors, and (among other things) offers an alternative venue to seek justice where they feel the criminal system has failed. Plaintiffs have the power in a civil suit to compel defendants to release information and have more leeway to expose more information than is allowed in criminal court, and in this way the discovery process for the civil suit was a great value to the community (and future generations) by providing much more information.

However, even given this flexibility, the complexity of the number of defendants, the complex legal grounds for liability, and the ability of defendants to withhold or misrepresent evidence still provide ample grounds to obscure the real "truth."

Further, the dismissals of defendants from the suit were made on the basis of procedural requirements and are silent on whether these individuals actually had any role or responsibility in the violence.

We believe that Judge Merihge recognized the importance of this trial to the community's sense of justice and for that reason made extra efforts to provide the plaintiffs with leeway to explore their claims and to ensure a more representative jury selection process, including prohibiting attorneys from striking jurors peremptorily on the basis of their race.

However, even these efforts did not address the overall anti-communist sentiment of the jury. Post-verdict interviews with two of the jurors suggest that many jurors simply did not want any money to go to the CWP and this inevitably had an effect on their verdicts and damage awards. Further, plaintiffs' polls of the general public found 37 percent of those asked would not award the plaintiffs any damages even if the defendants were found to be liable, so the jury was likely representative of the community in that sense.

In addition, as the GTRC now well knows, the case was extraordinarily complex and voluminous, making it difficult for the layperson to grasp fully the issues at stake. Further, the trial dragged on for months, taking jurors away from their own lives and concerns. As a result, it is not surprising that the jury came to a rapid, pragmatic compromise verdict that was reflective of prevailing community feelings.

It was not only the jury that wanted to put this case behind them. In some ways, the verdict can be seen as a huge victory because Greensboro police were found liable and it appears to be the first time in the South in which government agents were found jointly liable with Klan members. However, the verdict of only one wrongful death out of the five and the small damages also could be viewed as a defeat. As Floris Weston recalled,

I remember being a little surprised that people thought that we had won a victory in the civil trial. To me it was a limited victory. They said that one person was wrongfully killed and the other four were not. I understand that the public statement had to be that we prevailed. But the fact of the matter is that the others were marginalized in the eyes of the court.<sup>293</sup>

Yet even in the face of such private pain, the plaintiffs were the first to try to negotiate an agreement with the city so they could all move forward. Therefore, although the city's stated reason for settling was to put an end to the litigation, the city's decision to pay the judgment for both Klan/Nazis and police officers gives the appearance of support for the Klan and Nazi defendants. We find that this decision of joint payment, coupled with the city's denial of any responsibility for wrongdoing resolved the legal suit but not underlying questions, hurt and feelings of injustice in the community. The litigation may have been settled, but the moral issues were not.

The Commission finds that, while this case only resulted in limited justice for one of the victims, those killed and injured all enjoyed the same rights and should have been protected equally by the law – first against injury, then later in their efforts to seek justice and redress. We cannot undo this imbalance, but we do find that all of the injuries and deaths are morally condemnable and, in our view, were wrong even in the terms defined within the complex realm of the law.

The GTRC also finds that the City's payment of the settlement on behalf of not only the police officers found responsible but also on behalf of the Klansmen and Nazis, created an appearance (whether or not real in fact) of tolerance or indifference towards white supremacy. The settlement meant that the legal issues had been resolved but the moral ones had not.

# **IMPACTS OF THE TRIALS**

For those who survived the violence of Nov. 3, 1979, the criminal acquittals and the refusal to find that four of the five victims were even "wrongfully dead" in the civil case struck another series of terrible blows to the already traumatized and deeply suspicious families and friends of the dead. Floris Weston reflected,

The verdict of the criminal and the civil trial marginalized Cesar as insignificant. He was unarmed, yet he was killed because the Klan had to defend themselves with guns. In the civil trial he was dead, but he was not wrongfully dead. He was marginalized by the criminal trial because we were not worthy of having our lives protected and marginalized again in the civil trial because his death was not wrongful ... I am here to honor Cesar. I think that justice failed him when no one was convicted of those murders and held responsible for his death.<sup>294</sup>

Lawyers for the State prosecution, who were convinced before the trial of their strong case for convictions, were exhausted by the grueling trial, frustrated by the loss of the case, and outraged by implications from the survivors that they had not really tried to win.

## Rick Greeson:

There's not one of the three of us who doesn't believe those guys were guilty. That's what makes us so frustrated and emotional. We gave a year of our lives. He (Coman) and I both were sick afterwards, physically and emotionally exhausted.

#### Jim Coman:

I don't like to be in the position where it appears that I have any empathy with the KKK. I have spent most of my professional life dealing with them in an adversarial way. I am the one who got his car blown up by them during this. I never had any interest in going light on them ...

I grieve for Morningside Homes. I really do. We talked to residents there and even for me, as a white man, when those people told us with tears in their eyes that they were too afraid to testify, that affected me. Don't think for a minute that I don't feel like we let down some of the poorest of the poor in this community because we didn't convict those people. And I hold the CWP responsible for the fact that we weren't able to do that.

The three trials that only minimally recognized that any wrongs had been committed reverberated in the community for some time.

# OVERALL JUDICIAL PROCESS FINDINGS

We find one of the most unsettling legacies of the shootings to be the disconnect between what seems to be a commonsense assessment of wrongdoing and the verdicts in the two criminal trials. When people see the shootings with their own eyes in the video footage, then the trials lead to verdicts finding that no crimes were committed, it undermines their confidence in the legal system.

Criminal trials have critical social importance of holding people accountable when wrongs are committed. The legal system is an imperfect but necessary tool in this regard. We also appreciate that, given this imperfection, it is necessary to err on the side of acquittals of the guilty rather than conviction of the innocent.

However, when the justice system fails to find people responsible when wrongs were committed, it sends a damaging signal that some crimes will not be punished, and some people will not be protected by the government. In addition, we believe that the system is not just randomly imperfect, it tends to be disproportionately imperfect against people of color and poor people.

#### Jury selection:

The makeup of the jury is critical in the outcome of trials. Because we believe that race is a central factor in how people view these events and the actors in them, we likewise believe that the fact that jury pools in the first two trials were not racially balanced must have had an impact on the verdicts. The racial imbalance was caused by several factors:

- 1. Many citizens frequently refuse to serve;
- 2. Black jurors who appeared for summons and may have been otherwise willing to serve, were stricken for cause because they were afraid of retaliation from the Klan;
- 3. There are socioeconomic barriers that make jury service a hardship or diminish the representation of people of color and poor people in the source lists for jury pools (tax rolls, drivers license and voter registration);
- 4. Statutory shortcomings in the jury selection laws in 1980 allowed race alone to be used to strike potential jurors from the panel;
- 5. Using as qualification for service a positive view of the death penalty often also precludes people of color and more liberal-minded potential jurors, also making the resulting panel less racially representative.

But the composition and proclivities of a jury (normally of concern in the context of ensuring a fair trial to the accused) are more complex than race, especially in this case where the defendants were white and four of the five victims were white. Those who were more likely to be less threatened by communism were also excluded or did not want to serve. Anti-communism was widespread at that time, which was likely a significant factor in how jurors viewed the CWP's language and actions and, therefore, where they placed responsibility.

The jury trial is the very essence of democracy. Citizens are entrusted, rather than experts, and the consensus of the group reigns over the judgment of an individual. Therefore, it is vital that they are representative of the community, not only to protect the defendants but also to protect the community.

To some degree, however, it is impossible to sever the jury selection process entirely from its political and social context. Our adversarial system of justice inherently means that both prosecution and defense attorneys specifically seek, not an impartial jury, but jurors who are predisposed to their clients and strike those who are not. Making this decision to strike jurors who could serve impartially is therefore an inherently socio-political endeavor. The decisions of the jurors and to the degree that we have the

explanation of why they reached those decisions are reflective of a pervasive environment of anticommunism. Unpopular political or cultural stances on either side of a case will almost certainly figure into a jury's ultimate views of evidence and ultimate decision-making.

# Acting as aggressors:

We believe both the law as well as a moral standard tells us that the Klan and Nazis drove through the parade route using racist insults (and displaying the Confederate flag) to deliberately provoke a physical confrontation in a neighborhood that they knew to be a black neighborhood where there was a "Death to the Klan" demonstration forming.

Further, common sense also dictates that the CWP's "Death to the Klan" press conferences and fliers, which threatened to "physically beat" and "physically exterminate" the Klan and challenged them to "come out from under your rocks and face the wrath of the people" could be considered provocative to the Klan. In fact, Virgil Griffin attributed his decision to go to Greensboro to these statements. However, the law says that for language to be considered criminally provocative (and therefore unprotected "fighting words"), it must constitute a credible and imminent threat to cause injury to an individual and it must be likely to be successful.

However, overall, we find that the interpretation of who provoked whom depended not only on one's physical location but one's social and political perspective as well. Because the jurors ultimately found themselves unable to find common ground with the demonstrators' perspective, that the Klan posed a provocative danger in their presence and racist language, the jurors in the criminal cases, instead, found the defendants' self-defense argument to be reasonable. In turn, the CWP's absence from the proceeding meant that they did not help the jurors to understand their perspective and left them vulnerable to the claims, put forth at trial by the defendants, that the WVO were a violent extremist group who were looking for a fight.

Despite the findings of the jury, the GTRC believes that it is common sense that if you start a fight, you cannot use self-defense as an excuse. We believe that, although not legally proven in court, the defendants did not have a reasonable self defense claim because they went to the parade to provoke a fight and, in fact, fired the first gunshots, demonstrators' blows to the outside of cars notwithstanding. We further believe that shooting unarmed demonstrators, some in the back, and the use of excessive force further negate our commonsense understanding of the concept of self-defense.

# Notes

- <sup>1</sup> Rev. Cardes Brown, statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 27 August 2005.
- <sup>2</sup> There are exceptions. Collective harm and responsibility can be investigated in some cases. For example, civil court provides a venue for multiple plaintiffs to bring suit against multiple defendants or institutions.
- <sup>3</sup> Michael Schlosser, Jim Coman and Rick Greeson, interview with the *Greensboro Truth and Reconciliation Commission*, 4 August 2005.
- <sup>4</sup> Michael Schlosser, Jim Coman and Rick Greeson, interview with the *Greensboro Truth and Reconciliation Commission*, 16 November 2005.
- <sup>5</sup> N.C. Gen. Stat. § 9-2, et seq.
- <sup>6</sup> Batson v. Kentucky 476 U.S. 79, (30 April 1986).
- <sup>7</sup> Transcripts on jury selection have been destroyed, as is legally permitted for records after 25 years.
- <sup>8</sup> Paul Bermanzohn, statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 15 July 2005.
- <sup>9</sup> Marty Nathan, "Revisiting the mistakes of Nov. 3," Op-Ed, *Greensboro News & Record*, September 2005; Letter to the *Greensboro Truth and Reconciliation Commission* from Marty Nathan, Dale Sampson-Levin, Floris Cauce Weston, Signe Waller, (dated 1 September 2005).
- <sup>10</sup> Michael Schlosser, Jim Coman and Rick Greeson, interview with the Greensboro Truth and Reconciliation

Commission, 16 November 2005.

- <sup>11</sup> Jim Wicker, "Man who fled Cuba in 1960 is 6th juror," Greensboro Record, 10 July 1980, B-1
- <sup>12</sup> Michael Schlosser, Jim Coman and Rick Greeson, interview with the *Greensboro Truth and Reconciliation Commission*, 4 August 2005.
- <sup>13</sup> *Ibid*.
- <sup>14</sup> Robert Cahoon, interview with the *Greensboro Truth and Reconciliation Commission*, 8 August 2005.
- <sup>15</sup> The defense had seven left. Greeson and Coman interviews with Wheaton, cited in Elizabeth Wheaton, *Codename GREENKIL: The 1979 Greensboro Killings* (Athens, GA: The University of Georgia Press, 1987), 212; Steve Berry, "Klan-Nazi testimony opens Monday," *Greensboro Daily News*, 29 July 1980, B-1.
- <sup>16</sup> Paul Bermanzohn, statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 15 July 2005.
- <sup>17</sup> Michael Schlosser, interview with Greensboro Truth and Reconciliation Commission, 4 August, 2005.
- <sup>18</sup> We note that she likely would not have been subpoenaed without meeting with prosecutors first

because lawyers would never call this witness without knowing exactly what she would say.

- <sup>19</sup> Letter to the *Greensboro Truth and Reconciliation Commission*, (dated 1 September 2005).
- <sup>20</sup> Michael Schlosser, Jim Coman and Rick Greeson, interview with the *Greensboro Truth and Reconciliation Commission*, 4 August 2005.
- <sup>21</sup> Paul and Sally Bermanzohn, "Our response to the summary of (the first) interview with the state prosecution team," memo to the *Greensboro Truth and Reconciliation Commission*, (30 October 2005).
- <sup>22</sup> Michael Schlosser, Jim Coman and Rick Greeson, interview with the *Greensboro Truth and Reconciliation Commission*, 16 November 2005.
- <sup>23</sup> Michael Schlosser, Jim Coman and Rick Greeson, interview with the *Greensboro Truth and Reconciliation Commission*, 4 August 2005.
- <sup>24</sup> Earle Tockman, "DA contributed to acquittals in Klan/Nazi trial," *Greensboro News & Record*, 16 October 2005.
- <sup>25</sup> Earle Tockman, interview with the *Greensboro Truth and Reconciliation Commission*, 2 December 2005.
- <sup>26</sup> *Ibid*.
- <sup>27</sup> Michael Schlosser, Jim Coman and Rick Greeson, interview with the *Greensboro Truth and Reconciliation Commission*, 4 August 2005.
- <sup>28</sup> *Ibid*.
- <sup>29</sup> *Ibid*.
- <sup>30</sup> Rand Manzella was the only person who had been charged with any crime. It is also not clear why Floris is the only widow specifically mentioned. (Letter dated 6 August 1980). On file at GTRC.
- <sup>31</sup> Michael Schlosser, Jim Coman and Rick Greeson, interview with the *Greensboro Truth and Reconciliation Commission*, 16 November 2005.
- <sup>32</sup> "Lured by CWP. Defense: Clients Ambushed," *Greensboro Daily News*, 5 August 1980; Wheaton, *Codename GREENKIL*, 213.
- <sup>33</sup> Floris Weston, statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 26 August 2005.
- <sup>34</sup> Marty Nathan, statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 15 May 2005.
- <sup>35</sup> Michael Schlosser, Jim Coman and Rick Greeson, interview with the *Greensboro Truth and Reconciliation Commission*, 16 November 2005.
- <sup>36</sup> *Ibid*.
- <sup>37</sup> Steve Berry, "CWP Called Key Factor in Acquittal," *Greensboro Daily News*, 19 November 1980, A-1.
- <sup>38</sup> Michael A. Schlosser, "CWP Members Sabotaged Klan/Nazi Trial," News & Record, 30 September 2005.
- <sup>39</sup> Michael Schlosser, Jim Coman and Rick Greeson, interview with the *Greensboro Truth and Reconciliation Commission*, 16 November 2005.
- <sup>40</sup> Lacy Russell, Federal Grand Jury Testimony, (date unknown), 11. Edward Butler Federal Grand Jury Testimony (5 May 1982), 30.
- <sup>41</sup> GPD Det. Brady, interview with Signe Waller (18 January 1980), 1-2; GPD Det. Travis and State Prosecutor's interview with Paul Bermanzohn (1 February 1980), 1-2.
- <sup>42</sup> Prosecutors told the GTRC they attempted to contact Mike Nathan's mother and Jim Waller's parents to ask them to testify but were refused.
- <sup>43</sup> Robert Cahoon, statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing Statement, 27 August, 2005
- <sup>44</sup> Michael Schlosser, Jim Coman and Rick Greeson, interview with the *Greensboro Truth and Reconciliation Commission*, 16 November 2005.
- <sup>45</sup> Jerry Cooper, Testimony State V. Fowler (no date on transcript), 5-6.

### What happened after November 3, 1979?

- <sup>46</sup> *Ibid*, 49
- <sup>47</sup> *Ibid.* 10-11.
- <sup>48</sup> "Answers of Defendant Thomas to Plaintiffs' Interrogatories," *Waller* (24 July 1984), 4. Thomas was head of the Criminal Intelligence Division, was present at this meeting.
- <sup>49</sup> Talbott, IAD interview (20 November 1979), 4.
- <sup>50</sup> Michael Schlosser, Jim Coman and Rick Greeson, interview with the *Greensboro Truth and Reconciliation Commission*, 16 November 2005.
- <sup>51</sup> *Ibid*.
- <sup>52</sup> Steve Berry, "CWP Tactics May Slant Trial in Defendants' Favor" *Greensboro Daily News*, 8 August 1980, A-1. Jim Wicker, "Klan-Nazi trial: plenty of firsts and just begun", *Greensboro Daily News*, 20 September 1980, A-1; Steve Berry, "CWP Called Key Factor in Acquittal," *Greensboro Daily News*, 19 November 1980, A-1.
- 53 Wheaton, Codename GREENKIL, 218-219.
- <sup>54</sup> Michael Schlosser, Jim Coman and Rick Greeson, interview with the *Greensboro Truth and Reconciliation Commission*, 16 November 2005.
- <sup>55</sup> Michael Schlosser, Jim Coman and Rick Greeson, interview with the *Greensboro Truth and Reconciliation Commission*, 4 August 2005.
- <sup>56</sup> Harry Hollien, *Acoustics of Crime* (New York: Springer, 1990), 310. Hollien also commented "It's impossible. There's so many sources of error…I don't think there's a person in the world who could do it, including me." The analysis is hopelessly complicated, he said, because of the stop signs, cars, windows, pavement that could potentially cause thousands of echoes. Hollien said he would "guess" from the intensity of the echoes that shots 3,4 and 5 probably came from the area north of the intersection. *Greensboro Record* "Klansmen said statement was under pressure" 29, March, 1984, C-1.
- <sup>57</sup> State v. Jennings, 276 N.C. 157, 171 S.E. 2d 447 (1970), and cases cited." State of North Carolina v. Bennie Lee Jackson, 284 N.C. 383, 200 S.E.2d 596 (1973).
- <sup>58</sup> 40 Am. Jur. 2d, Homicide, § 145, at 434."
- <sup>59</sup> State v. Henry Mosley, 213 N.C. 304; 195 S.E. 830 (1938) citing State v. Barrett, 132 N.C. 1005, 43 S.E. 832 (1903). State v. William Ellerbe, 223 N.C. 770, 28 S.E.2d 519 (1944), State v. Kirby, 273 N.C. 306 (1968), State v. Spaulding, 298 N.C. 149 (1979).
- <sup>60</sup> Judge's Jury Instructions, 53-54.
- <sup>61</sup>*Ibid*, 10.
- 62 Wheaton, Codename Greenkil, 225-226.
- <sup>63</sup> "Jurors Say Self-Defense Was Critical Factor in Klan-Nazi Trial," *AP wire service*, 18 November 1980.
- <sup>64</sup> "Panel to Probe N.C. Communist Party Killings", *WUNC* Report by Rusty Jacobs (for NPR news), 27 June 2005. Mr. Lackey declined to give a statement to the GTRC for fear of retaliation.
- 65 "Klan Trial Opened One Juror's Eyes" By Steve Berry. *Greensboro Daily News* 9 February 1981, B-1. Jordan said she quit her job because the trial went on for so long she was afraid she would be fired. Afterwards, she believes she had trouble finding work because people disagreed with the verdict. Nevertheless she believes the trial was overall positive experience because it forced her out of her "little world." The jurors also appear to have developed a close relationship to the defense attorneys, who were invited to a Christmas party held by all the jurors at the Bailiff's house. DA Schlosser said he was not invited to the party.
- <sup>66</sup> Lucy Lewis, interview with the Greensboro Truth and Reconciliation Commission, 30 May 2005.
- <sup>67</sup> Confidential interview with the *Greensboro Truth and Reconciliation Commission*, June 2005.
- <sup>68</sup> Letter from GPD officer S.E. Bell to R.L. Warren, Criminal Intelligence Division (6 November 1979).
- <sup>69</sup> Paul Spoon, Deposition, Waller (14 August 1984), 70.
- <sup>70</sup> GPD arrest reports 3, November, 1979. On file at GTRC.
- <sup>71</sup> FBI interview of James William Carthen, 56; Carthen GPD arrest report for disorderly conduct (3 November 1979). On file at GTRC.
- <sup>72</sup> "US could intervene in Klan/Nazi case," *Greensboro Record*, 18 November 1980, A-1; *Winston-Salem Journal*, 30 May 1980.
- <sup>73</sup> "Bond is cut for man facing rioting charge," *Greensboro Record*, 19 May 1980, B-3.
- <sup>74</sup> "US could intervene in Klan/Nazi case," *Greensboro Record*, 18 November 1980, A-1
- <sup>75</sup> In one incident in the summer of 1980, during the murder trial, Capt. Larry Gibson, who arrested Johnson for disorderly conduct and resisting arrest, claimed that Johnson was shouting obscenities (Johnson denies this). The trial transcript shows that Gibson testified he did not feel threatened by Johnson, although the CWP leader lunged at him with his right fist clenched during the arrest. (Testimony of Capt. L.S. Gibson in Guilford County Superior Court, 7 August 1980 before Judge D. Marsh McLelland. Case 80-CRS-16537, On file at GTRC).

See also "CWP chief wins two, loses one," *Greensboro Daily News*, 8 August 1980, D1. Gibson said he was angered by the CWP's harassment of a mentally disabled man who was known to often hang around the police department and that's why he arrested Johnson and Marty Nathan (interview with the *Greensboro Truth and Reconciliation Commission*, 5 May 2006.

- <sup>76</sup> "CWP Leader's Latest Bond at \$100,000" Greensboro Daily News, 7 August, 1980
- <sup>77</sup> State of North Carolina v. Nelson Napoleon Johnson (52 N.C. App. 592; 279 S.E.2d 77; 1981)
- <sup>78</sup> Steve Berry, William March, "Higher Bond Sought for CWP Leader", *Greensboro Record*, 2 August 1980; Steve Berry and Lindsey Gruson. "Bonds set for 13 held in slayings" *Greensboro Daily News.* 14 November 1979.
- <sup>79</sup> N.C. Gen. Stat. § 15A-534.
- 80 Michael Schlosser, conversation with GTRC staff, 9 May 2006.
- 81 Lindsey Gruson, "CWP Chief Wins Two, Loses One," Greensboro Daily News (8 August 1980), D-1.
- 82 Steve Berry, "DA Defends Shootout Indictments", Greensboro Daily News, (25 March 1980). See also
- "Motion to Dismiss" *State v. Morgan* (11 January 1980), filed by Robert. D Douglas III, attorney for Lawrence Gene Morgan.
- 83 Copy in GTRC files. (no date).
- <sup>84</sup> Steve Berry, Wiliam March, "Mayors Wife Cites Threats; off Jury", *Greensboro Daily News*, 19 July 1980, A-1; Jim Wicker, "New Potential Jurors Refused" *Greensboro Record*, 24 July 1980, A-1; Steve Berry, "Klan Views Keep Blacks off Jury?" *Greensboro Daily News*, 29 July 1980, A-4.
- 85 AP wire service article, 14 November 1979 (from Charlotte News).
- <sup>86</sup> Criminal Action No. CR-83-53-G. US District Court, Middle District of North Carolina, Greensboro Division.
- <sup>87</sup> Testimony before the Subcommittee on Criminal Justice of the Committee of the Judiciary, House of Representatives, 99<sup>th</sup> Congress, First session of Hearings on Racially Motivated Violence. (4 March, 3 June and 12 November1981). Serial No. 135, 394.
- 88 Wheaton, Codename GREENKIL, 156.
- <sup>89</sup> The Greensboro Civil Rights Fund was a coalition effort built by the GJF and the Christic Institute to fund the civil suit. The Civil Rights Fund dissolved in 1985 and the GJF continued.
- <sup>90</sup> Now deceased.
- <sup>91</sup> Now deceased.
- <sup>92</sup> Daisy Crawford affidavit for Waller. On file at GTRC.
- 93 Charlotte Observer, 5 November 1979, A12; 6 November 1979, A18.
- <sup>94</sup> FBI Memo from Beckwith to SAC (100012202 p). (23 October 1979). Pelczar, Federal Grand Jury, (31 March 1982), 11-13.
- <sup>95</sup> Depositions from Alznauer (memo to SAC Charlotte, 16 November 1979, 2); Schatzman (29 August 1984, 64-65); Pelczar, "Klansman say he warned agents," *Greensboro News & Record*, 8 May 1985.
- <sup>96</sup> Bogaty did not report this conversation until after Nov 3: SA Leonard Bogaty Memo to the SAC Charlotte (44-3527), (20 November 1979), on file at GTRC; Declaration of Special Agent Leonard Bogaty, *Waller* (14 June 1984).
- <sup>97</sup> Michaux, Testimony in *Waller* (no date given), 20-21.
- <sup>98</sup> Brereton, Testimony *Waller (2 May 1985)*, 34; "Answers by Special Agent Pelczar to Plaintiff's Interrogatories," Waller (12 June 1984), 4.
- <sup>99</sup> Mordechai Levey affidavit. (18 April 1983),1; FBI Memo from Robert Goldberg to SAC Charlotte (14 Nov. 1979). <sup>100</sup> Goldberg memorandum to SAC Charlotte (14 November 1979).
- <sup>101</sup> (GPD) Herb Belvin and (FBI) Thomas Brereton, Statement of J.P. Smith (date of report 8 November 1979),
- 2; Belvin, Grand Jury Testimony (24 August 1982), 30. US Department of Justice prosecuting attorney in the federal criminal case made allegations that Virgil Griffin and David Matthews had threatened to kill Smith for cooperating with law enforcement investigations. Klan witnesses reportedly heard Mathews saying "They can't do any more to me for killing six (people) than they can for killing five," "Prosecutor: Klan pair plotted to kill witness," *Greensboro Record*, 5 May 1983, A-1. Mark Sherer later testified in court that he participated in two or three conversations with other Klansmen a prosecution witness. "Sherer says Klan plotted assassination," *Greensboro Record*, 2 February 1984, C-1.
- 102 "Klansman, Nazi say agent urged guns for rally," Greensboro News & Record, 7 May 1985.
- <sup>103</sup> GPD Belvin and FBI Brereton, Statement of Roland Wayne Wood (4 November 1979).
- <sup>104</sup> Brereton deposition (27 August 1984), 33.
- <sup>105</sup> Greensboro Justice Fund, "The Need and Basis for the Appointment of a Special Prosecutor in the November 3<sup>rd</sup> Case," (no date given).

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<sup>106</sup> Ibid., 3.
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- <sup>107</sup> Brereton, Deposition in Waller (27 August 1984), 14.
- <sup>108</sup> Lewis Pitts, statement to the *Greensboro Truth and Reconciliation Commission* Public Hearing, 27 August 2005.
- <sup>109</sup> *Ibid*.
- <sup>110</sup> Pat Bryant, "Justice v. the Movement," Southern Exposure vol. 14, no. 6 (1980).
- 111 "Prosecutor Request Denied." Greensboro Record, 5 October, 1982, B-2.
- <sup>112</sup>Greensboro Record, 17 February 1983, A-1.
- 113 "Shootout case probe is rejected by appeals court," Greensboro News and Record, 5 June 1984, A-1.
- 114 Title 18, U.S.C. § 371.
- 115 Title 18, U.S.C. §245.
- <sup>116</sup> Congressional Globe, 42nd Congress, 1st session, 820.
- <sup>117</sup> Congressional Globe, 41st Congress, 2nd session, 3656
- <sup>118</sup> *Ibid.* See also Eric Foner, *Reconstruction, America's Unfinished Revolution, 1863-1877* for a good overview of the circumstances supporting the passage of the Ku Klux Klan Act, 454-459; See also Allen Trelease, *White Terror: The Ku Klux Klan Conspiracy and Southern Reconstruction* (Louisiana: LSU Press, 1971, 1999), 385-391.
- <sup>119</sup> Clarence Griffin, History of Old Tyron and Rutherford Counties, North Carolina, 1730-1936, 326-332.
- <sup>120</sup> Frederick Douglass, Life and Times of Frederick Douglass, 62
- <sup>121</sup> Cartello v. U.S. , 93 F.2d 412 (8th Cir. 1937); U.S. v. O'Dell, 462 F.2d 224 (6th Cir. 1972)
- <sup>122</sup> U.S. v. Price, 383 U.S. 787 (1966); U.S. v. Guest, 383 U.S. 745 (1966)
- <sup>123</sup> Other issues included deportation, involuntary servitude, contract rights, informer rights, witness rights and labor rights. See case notes, 18 U.S.C. §241, notes 11-25, contract rights-witnesses (2002)
- <sup>124</sup> U.S. v. Powell, 212 U.S. 564 (1909); Logan v. U.S., 144 U.S. 263 (1892)
- <sup>125</sup> 114 Congressional Record, S533-534 (daily edition, 22 January 1968, statement of Senator Javits); See also *U.S. v. Griffin et al*, 585 F. Supp. 1439 (M.D. North Carolina, 1984) for a thorough review of § 245's legislative intent history and its application to the Greensboro 245 claim.
- <sup>126</sup> Arthur Kinoy, Supplementary Memorandum (prepared jointly with Attorneys Frank Deal and Doris Peterson of the Center for Constitutional rights, (no date), 4. On file at the GTRC.
- <sup>127</sup> William van Alstyne, Prepared statement to U.S. House Committee on the Judiciary hearings on racially motivated violence. 97th Congress. Serial No. 135. (4 March 1981), 397. On file at GTRC. van Alstyne made the argument in his statement that the Federal labor laws were relevant privileges for the purposes of applying this section.
- <sup>128</sup> Luteran v. U.S. 93 F.2d 395 (8th cir. 1937)
- 129 Wheaton, Codename Greenkil, 232, 233.
- <sup>130</sup>Jim Schlosser, "Court rules against open jury selection,," *Greensboro Record*, 16 January 1984, B-1. AP *AP wire service*, "Court rules jury selection must be open to public," *Charlotte News*, 18 January 1984., A-1.
- <sup>131</sup> Mab Segrest, a trial observer for North Carolinians Against Racist and Religious Violence, voiced her suspicions about the jury selection taking place behind closed doors with transcripts prohibitively expensive and time consuming to obtain. She said, "This jury is rigged." *Memoir of a Race Traitor*, (Cambridge: South End Press, 1994).
- <sup>132</sup> Hal Greeson, statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing Testimony, 27 August, 2005.
- <sup>133</sup> There is reason to believe Sherer may have been threatened, since there were reports of Virgil Griffin threatening other witnesses who might have testified to information damaging to the Klan. See Larry King, "Prosecutor: Klan pair Plotted to Kill Witnesses" *Greensboro Daily News*, 5 May 1983, A-1; Associated Press, "Witnesses in Klan-Nazi Trial Say They Were Told to Lie," *The Highpoint Enterprise*, 7 February 1984, A-10. In addition, Fred Taylor, who saw reported to the police that he saw a man carrying a machine gun alongside a line of cars parked on I-85 also told his attorney that he feared retaliation from the Klan. See GPD P.M. Shockley, Statement of Fred Don Taylor (3 November 1979).
- <sup>134</sup> R. Toney Federal Grand Jury Testimony (13 April 1983), 89; Steve Berry, "Jury Hears Theory on Shootings," *Greensboro Daily News*, 20 October 1980, B-20
- 135 Plea Bargain, "Statement of Mark J. Sherer," (10 March 1983), 1-2.
- <sup>136</sup> *Ibid*, 3.
- <sup>137</sup> John Monk, "Witness switches sides in Klan-Nazi trial, harming prosecution" *Charlotte Observer* (2 Feb. 1984), B-1. "Klansman asks to back out of agreement" *Winston Salem Journal* (26 January 1983) <sup>138</sup> Wheaton, 278.

- 139 Ibid., 278-279.
- <sup>140</sup> "Jury foreman explains verdict" Charlotte Observer, 19 April 1984, B-4.
- <sup>141</sup> "Race motive not proven, foreman says" Winston Salem Journal, 17 April 1984, 13.
- <sup>142</sup> "Greensboro Killings: Justice has not been done" Charlotte Observer, 18 April 1984, A-10.
- <sup>143</sup> This section of our report is quite lengthy, because of the complexity of the case and the wealth of records from the case available to the Commission from discovery, selected transcripts of testimony, depositions, exhibits, etc.
- <sup>144</sup> Civil Case No.80-605-G. The reference "et al" means that there is a long list of names that follow, both of Plaintiffs and of Defendants. The title of the case, *Waller et al. v. Butkovich et al* is a shorthand form of reference used by the courts and we also refer to the case simply as "*Waller*."
- <sup>145</sup> The timing was as a result of the applicable legal requirement that an injured party has one year from the date of the injury to file a lawsuit.
- <sup>146</sup> The complaint which sets out the plaintiffs, the defendants, the facts, the "claims," or legal causes of action, and the remedy sought by the plaintiffs
- <sup>147</sup> Paul Bernamzohn, Nelson Johnson, Thomas Clark, Frankie Powell, James Wrenn, Donald Pelles, Rand Manzella, Willena Cannon, Allen Blitz, Dori Blitz and Lacie Russell.
- <sup>148</sup> James Waller, Sandra Smith, William Sampson, Michael Nathan and Cesar Cauce, by their respective Adminstratrixes and Adminstrator Signe Waller, Mark Smith, Dale Sampson, Martha Nathan and Floris Cauce, who were suing in their independent capacities as next of kin of the deceased.
- <sup>149</sup> Virgil Griffin, David Wayne Matthews, Lawrence Gene Morgan, Harold Dean Flowers, Brent Fletcher, Coleman Blair Pridmore, Terry Wayne Hartsoe, Lisford Carl Nappier, Sr., Billy Joe Franklin, Jerry Paul Smith, Michael Eugene Clinton, Lee Joseph McLain, and Roy Clinton Toney.
- <sup>150</sup> Roland Wayne Wood, Claude Matthew McBride, Jr., Rayford Milano Caudle, Jack Wilson Fowler, Jr., Harold Covington, Mark Shere, and Gorrell Pierce.
- William Swing, Chief of GPD, Capt. R.G. Bateman, Lt. W.D. Ozment, Capt. D.C. Williams, Capt. T.A.
   Hampton, Capt. L.S. Gibson, Lt. P.W. Spoon, Sgt. W.D. Comer, Off. J.T. Williams, Off. T.R. Johnson,, Lt. S.
   Daughtry, Sgt. T.L. Burke, Off. J.G. Freeman, Off. G.M. Toomes, Off. E.D. Wells, Off. R.L. Smith, Off. J.F.
   Compton, Off..K. Henline, Off. S.C. Boyd, Off. R.D. Gerringer, Sgt. J.L. Hightower, Off. J.B. Clark, Off. S.A.
   Bryant, Off. T.F. Anderson, Off. J.P. Dixon, Off. A.A. League, Off. S.H. Smith, Off. W.L. Mackey, Det. J.H.
   Cooper, Det.H. Belvin, Off. J.T. Matthews, Off. J. M. Baucom, Atty. M.A. Cawn, and Capt. B.L. Thomas.
   Haywood Starling, the Director of the SBI, and Charles Ray, the supervisor of the Greensboro office of the SBI.
- <sup>153</sup> E.S. Melvin, the Mayor of Greensboro, Thomas Z. Osborne, the City Manager of Greensboro, and Hewitt Lovelace, the Director of the Greensboro Department of Public Safety.
- <sup>154</sup> Governor James Hunt, Burley Mitchell, the Director of the Dept. of Crime Control and Public Safety, and Michael Schlosser, the District Attorney of the 18<sup>th</sup> Judicial District.
- <sup>155</sup> Director William Webster, Herbert Monahan and Robert Pence, directors of the NC FBI office, Cecil Moses, Asst. Spec. Agent in Charge, Andrew Pelczar, Supervisory Senior Resident Agent of the Greensboro office, and Thomas Breteton, FBI Special Agent.
- <sup>156</sup> Director G.R. Dickerson, John Westra and Ed Conroy, Special Agents for NC and Cleveland.
- <sup>157</sup> Robert Ensley and Gilbert Pompa, Director of the CRS.
- <sup>158</sup> William F. Smith, Benjamin Civiletti, and Griffin Bell.
- <sup>159</sup> Complaint.
- <sup>160</sup> Jury Instructions, 28 (Preponderance of the Evidence).
- 161 *Ibid*.
- <sup>162</sup> *Ibid.*, 86-87. Compensatory damages are sometimes thought as a form of "restorative justice," as they are an "attempt to restore the plaintiff, that is, to make him or her whole or as he or she was immediately prior to his or her injury." *Ibid.*, 87.
- <sup>163</sup> In a 1961 case, the Supreme Court discussed three purposes behind this statute: 1) to "override certain kinds of state laws" 2) to "provide()() a remedy where state law was inadequate"; and 3) to "provide a a federal remedy where the state remedy, though adequate in theory, was not available in practice." *Monroe v. Pape*, 365 U.S. 167, 173-174 (1961).
- <sup>164</sup> Jury Instructions, 57-59.
- <sup>165</sup> In general, federal courts have authority to hear claims based on federal law, while state courts have authority to hear claims based on state law. However, federal courts have discretion to hear claims that are

based on state law if the federal and state law claims "derive from a common nucleus of operative fact." This principle – called "pendent jurisdiction" – allows federal courts to determine whether it is more judicially efficient to hear federal and state claims together in order to allow plaintiffs to litigate their case in one court instead of two when the claims are based on the same set of facts. In this case, since the state and federal claims arose from the same set of facts, the federal court judge exercised his discretion to have the claims tried together.

<sup>166</sup> *Ibid.*, 79-81. The wrongful acts listed in the jury instructions were the same wrongful acts which the jury needed to find for the federal law claims (planning, organizing, facilitating or participating in the attacks (or failing to take steps to prevent them), failing to provide police protection, failing to provide adequate training of police or informants, and/ or directly committing the acts or conspiring to commit the acts.

- <sup>167</sup> Complaint, 36.
- <sup>168</sup> Jury Instructions, 83-85 (Assault/Battery, Wrongful Death).
- <sup>169</sup> The latter two state law claims were related to the arrest of some of the anti-Klan demonstrators on a November 1979. These criminal charges were later dropped.
- <sup>170</sup> Restatement 2d of Torts § 653.
- <sup>171</sup> Several other motions were pending at the time Judge Merhige decided the motions to dismiss. He ruled against the plaintiffs on a pending motion to amend to add plaintiff Claire Butler and to 'specify further' particular facts in the complaint. Judge Merhige denied these motions as untimely (beyond the statute of limitations) and prejudicial to the defendants. *Waller et. al. v. Butkovich*, 584 F. Supp. 909, at 920-921 (Mid. Dist. N.C. 17 April 1984).

He also denied several of the Klan/Nazi defendants request for discretionary appointment of counsel and ordered them to proceed *pro se* (representing themselves). *Waller* at 947-948. At a later date, Judge Merhige requested local counsel to appear as "Friends of the Court" on behalf of unrepresented Klan and Nazi defendants, Caudle, Matthews, McBride, Pridmore and Fowler, all of whom complied with the Court's request for information to determine indigency.

Judge Merhige used this decision as an opportunity to admonish the plaintiffs and remind their attorneys of the Rule 11 sanctions for making unfounded claims available to him against them. He urged the plaintiffs to seek voluntary dismissal of any defendant for whom they could not prove liability as a matter of fact and law. He further noted his ability to assess attorneys' fees against the plaintiffs at the conclusion of the proceedings if the court should determine that the suit was "frivolous, vexatious or brought for harassment purposes." *Ibid.*, 947. Judge Merhige seems to be referring to the second amended complaint in this ruling. . <sup>172</sup> The only exceptions are cases brought under a particular federal statute, the Federal Tort Claims Act, which was not the basis for this lawsuit

- 173 Ibid., 929.
- <sup>174</sup> Therefore, the FBI, the CRS, the ATF and the JUSTICE DEPARTMENT listed above as defendants were dismissed. All federal government officials, acting in their official capacities, were dismissed. See notes 11-14. <sup>175</sup> The state agencies, the SBI, the NC Dept. of Crime Control and Public Safety and the state of NC, and state officials, acting in their official capacities were dismissed. See notes 8, 10.
- <sup>176</sup> Monell v. Dep't of Soc. Svcs., 436 U.S. 658, 690 (1978).
- <sup>177</sup> *Ibid.* (citations omitted).
- <sup>178</sup> 584 F. Supp., 925.
- <sup>179</sup> FBI Agents Pelczar and Brereton raised similar arguments that were rejected by the court. FBI Agents Pence and Moses and ATF Agent Westra raised challenges to service under the applicable N.C. service of process requirements. The court, similarly, rejected these objections. *Ibid.*, 926.
- <sup>180</sup> See International Shoe v. Washington, 326 U.S. 310, 316 (1945).
- <sup>181</sup> N.C. Gen. Stat. § 1-75.4(1)(d).
- <sup>182</sup> N.C. Gen. Stat. § 1-75.4(3).
- <sup>183</sup> The judge termed this the "conspiracy theory of personal jurisdiction." *Ibid.*, 927. He stated that an out-of-state co-conspirator, such as FBI Director Webster, ATF Director Dickerson and Pompa, who raised this defense to jurisdiction, can be found subject to suit in the forum state even if they never entered the forum state if "they had co-conspirators who performed substantial acts in furtherance of an unlawful conspiracy" in NC and "knew or "should have known" that those acts would be performed in NC. *Ibid.*, 928 (*citing Gemini Enterprises, Inc. v. WFMY Television Corp.* 470 F. Supp. 559, 564 (M.D.N.C. 1979). While denying Webster and Dickerson's motion to dismiss on this basis, he invited them to file appropriate affidavits to demonstrate that they did not have the required advance knowledge of the conspiracy in NC. He stayed discovery as to these two defendants as well. *Ibid.* Webster later was dismissed from the lawsuit when the Court ruled that the plaintiffs had failed to

show any connection between Webster and the events in NC. Order, Waller et. al. v. Butkovich et.al. 13 June 1984.

- <sup>184</sup> Prosecutors are considered to be part of the executive branch, because they bring lawsuits on behalf of the executive. Under the principle of separation of powers, other branches may not infringe on the power or authority of any another branch. As such, the judicial and legislative branches may not infringe on the authority of a prosecutor as an agent of the executive. Just as the executive is protected by the doctrine of sovereign immunity, prosecutors also enjoy immunity from civil liability for acts committed in their official capacity; this concept is prosecutorial immunity.
- 185 Ibid., 929.
- 186 Fed. R. Civ. P. 8(a).
- <sup>187</sup> *Ibid.*, 930-932.
- <sup>188</sup> The Court notes that the cover-up conspiracy claims were found in Counts One, Two and Eight of the complaint. The court went further and criticized the complaint for being "no model of clarity" and castigated the lawyers for causing the Court "unnecessary effort" to separate out the claims. *Ibid.* 932-3, n. 3.
- <sup>189</sup> The Court dismissed Klan defendants Brent Fletcher and Lee Joseph McLain on the basis that they had not been properly served. Judge Merhige evidently had given the plaintiffs an opportunity to explain the failure on April 27, 1984 but plaintiffs had failed to supply the explanation. Order, *Waller et. al. v. Butkovich et. al.*, 21 May 1984; see *Waller et. al. v. Butkovich*, 605 F. Supp. 1137, 1139 n.2. The plaintiffs agreed to a voluntary dismissal of Lt. W.D. Ozment of the GPD. Order of Dismissal of Claims, (31 January 1985). As noted above, Director of the FBI Webster was dismissed by the Court in a June 1984 order.
- <sup>190</sup> 463 U.S. 825, 103 S.Ct. 3352, 3359 (1983).
- <sup>191</sup> 584 F. Supp. at 937-939. Judge Merhige extensively supports his finding with citations. But he admonishes the plaintiffs that they will not succeed in demonstrating a conspiracy on the basis of their membership in the class of "advocates of equal rights for black people" unless they show that "they were identifiable in the defendants' eyes as members" of this class. *Ibid*, 937.
- <sup>192</sup> *Ibid.*, 937-8.
- <sup>193</sup> Ibid., 938-9 (citing Griffin v. Breckenridge, 403 U.S 88 (1971)).
- <sup>194</sup> *Ibid.*, 940. The Court summarized the basis for the complaint as the conspiracies under § 1983, under §1985(3) and under *Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics*, 403 U.S. 388 (1946). That historically significant case stands for the notion that if legal rights have been violated and a statute provides a right to sue, then the federal courts must make a remedy available to the injured party. The Court stated, "Historically (money) damages have been regarded as the ordinary remedy for an invasion of personal interests in liberty." *Bivens*, 95.
- <sup>195</sup> *Ibid.*, 940-2. Judge Merhige cautioned the plaintiffs that they might have a problem meeting their burden of proof in relation to claims for damages for impeding their "legal redress" since they had been able to institute this action. He further stated that as to the false arrest charges, the fact that the charges were never pursued might "seriously undercut proof of damages." *Ibid.*, 941.
- <sup>196</sup> *Ibid.*, 942. The right to police protection in this context emanates from the picketers' First Amendment rights, right to interstate travel, and right to equal protection. *Ibid.* (citations omitted).
- <sup>197</sup> *Ibid.*, 942. The plaintiffs cannot allege that the federal defendants are liable for failure to properly screen, train and control their informants because they would have had to bring such a lawsuit under the Federal Tort Claims Act which they did not. *Ibid.*, 943.
- 198 Ibid., 943-944.
- <sup>199</sup> The after-the-fact statements of officials of Greensboro could be used as evidence of their tacit authorization of the attacks or their deliberate indifference to it. *Ibid.*, 945.
- <sup>200</sup> *Ibid.*, 946 (*citing N.C.G.S.* § 1-539-15).
- <sup>201</sup> Flint Taylor, "Waller v. Butkovich: Lessons in Strategy and Tenacity for Civil Rights Litigation," 1 *Police Misconduct and Civil Rights Law Report* 13, 145 (Jan/Feb 1986).
- <sup>202</sup> Conversation with Carolyn McAllister, 16 March 2006.
- <sup>203</sup> Taylor, *supra.*, 148.
- <sup>204</sup> *Ibid*.
- <sup>205</sup> See comments of attorney Flint Taylor, *Ibid.*, 148.
- <sup>206</sup> Order and Memorandum, *Waller et. al. v. Butkovich et. al.*, 13 March 1985 (memorandum, 4-6). The Court denied Pelczar's similarly argued claim since he could conceivably be proved to have a closer nexus with Dawson through Agent Bogaty, the agent with whom Dawson had contact, and because of his post-November 3 direct contact with Dawson. *Ibid.*, 6.

- <sup>207</sup> The Court noted that plaintiffs agreed in their response papers that Pence was not involved in the pre-attack or attack phase of any conspiracy. *Ibid.*, 8 (citing Pls. Opposition to Def. Pelczar, Moses and Pence's Motion for Summary Judgment at 21). The Court engaged in a more extensive analysis of Moses' role and concluded that no reasonable inference from the facts could prove that Moses had any awareness of the Klan and Nazi plan to attack the rally nor that he engaged in any conspiracy. *Ibid.*, 8-9.
- <sup>208</sup> *Ibid.*, 11-12.
- <sup>209</sup> *Ibid.*, 12-14.
- <sup>210</sup> *Ibid.*,16. Order, *Waller et. al. v. Butkovich et. al.* (5 March 1985). Following what happened to all the federal agency defendants was very difficult, given the constraints of access to documents. This summary represents the best understanding of which federal defendants remained in the lawsuit.
- <sup>211</sup> At that time, the Court noted that a total of five summary judgment motions had been filed. He noted that he orally denied in their entirety the three that are not discussed in this memo. These were the plaintiffs motion for summary judgment against defendant Dawson; the plaintiffs' motion for summary judgment against defendant Sherer and defendant BATF employees motion for summary judgment on all claims against them. Memorandum, *Waller et. al. v. Butkovich et. al.* (15 March 1985), 1, n. 2.
- <sup>212</sup> *Ibid.*, 2.
- <sup>213</sup> *Ibid.*, 3-7.
- <sup>214</sup> *Ibid.*, 7-9.
- <sup>215</sup> Judge Merhige justified his actions in regards to jury selection in a detailed, reported decision, 593 F. Supp. 942 (M.D.N.C. 1984). This decision is a rigorous defense of the constitutionality of the jury selection system in the Middle District.
- <sup>216</sup> After conducting a random survey of potential jurors in the Middle District area, the plaintiffs concluded that they could not get a fair trial and moved to change the location of the trial. Judge Merhige denied this motion. Taylor, 149.
- <sup>217</sup> It is impossible to make an objective assessment of the trial because there is not a complete set of trial transcripts. A complete transcript, which is extremely costly to prepare, was never created because of the decision to settle the case. See discussion, *infra*.
- <sup>218</sup> "Klan trial plaintiffs believe they've proven case," *Greensboro News and Record*, C3 (19 May, 1985). The plaintiffs rested their case on 18 May 1985.
- <sup>219</sup> This would be especially relevant to jury deliberations. See "Civil Rights Forces Win Part of 1979 Klan Case," *Washington Post*, (8 June 1985), A-6.
- <sup>220</sup> Taylor, *supra.*, 150.
- <sup>221</sup> Conversation with Carolyn McAllister, (16 March, 2006).
- <sup>222</sup> Taylor, *supra*, 151.
- <sup>223</sup> Fed.R.Civ.Pro. 50(a).
- <sup>224</sup> Judgment Order, *Waller et. al. v. Butkovich et.al.* (24 May 1985). The dismissed defendants were: GPD officers: T.R. Johnson, G.M. Toomes, E.D. Wells, R.L. Smith, J.F. Compton, G.K. Henline, S.C. Boyd, R.D. Gerringer, T.F. Anderson, J.P. Dixon, S.H. Smith, W.L. Mackey, H. Belvin, and J.M. Baucom. City Manager Thomas Osborne also was dismissed. The Court dismissed Court Two as to Westra, Count Eight as to Westra and Dawson, Count Twelve as to Dawson, Griffin, Covington and Pierce, and Count Thirteen as to Thomas, Swing and Lovelace. He dismissed Cannon's claim for relief on Count Thirteen. He also added Daughtry, Burke and Hightower to Count Thirteen. See also *Washington Post*, (22 March 1985), A-15.
- <sup>225</sup> Judgment Order, 3-4.
- <sup>226</sup> Conversation with Lewis Pitts, 23 March 2006.
- <sup>227</sup> "Plaintiffs try to show conspiracy led to shootings," Greensboro News and Record, (8 June 1985), A-4.
- <sup>228</sup> The jury instructions available in the UNC archive do not appear to be complete.
- <sup>229</sup> "Nov. 3 jurors begin deliberations," Greensboro News and Record, (7 June 1985), C-8.
- <sup>230</sup> See Jury Instruction, 4-5, 8-9 (Nature of Complaint). These defendants are referred to as "the defendants who are alleged by the plaintiffs to have physically assaulted them."
- <sup>231</sup> Jury Instruction, 33 (Official Capacity).
- <sup>232</sup> Jury Instructions, 34 (Conspiracy-Generally).
- <sup>233</sup> *Ibid.*, 35-36. The previous two paragraphs of text are taken from only one jury instruction. This instruction is very repetitive.
- <sup>234</sup> The parameters of the statute are laid out in still another instruction. Jury Instructions at 45 (§1983 Conspiracy Statute Involved).
- <sup>235</sup> Jury Instructions, at 47 (§1983 Conspiracy).

- <sup>236</sup> *Ibid.*, 47-48.
- <sup>237</sup> The instruction on denial of due process was particularly confusing. *Ibid.*, 49.
- <sup>238</sup> This was another confusing instruction. *Ibid.*, 49a.
- <sup>239</sup> This instruction emphasized that everyone has the right to speak and assemble even to express unpopular views, but the right does not protect lawless conduct or "fighting words," which incite violence. *Ibid.*, 50-51. <sup>240</sup> *Ibid.*, 51.
- <sup>241</sup> *Ibid.*, 52 (Personal Involvement Civil Rights Claims)
- <sup>242</sup> *Ibid.*, 53-53a (Liability for Acts of Informants)
- <sup>243</sup> *Ibid.*, 54-59 (42 U.S. C. §1985(3) Conspiracy and Plaintiffs' Claim 1985(3) Conspiracy).
- <sup>244</sup> *Ibid.*. 67-69.
- <sup>245</sup> The parameters of the statute are laid out in still another instruction. Jury Instructions at 45 (§1983 Conspiracy Statute Involved).
- <sup>246</sup> *Ibid.*, 71-72 (42 U.S.C. §1983 Failure to Protect).
- <sup>247</sup> *Ibid.*, 73-74 (42 U.S. C. §1983 Failure to Screen or Supervise)
- <sup>248</sup> *Ibid.* (unknown page number.) (Good Faith).
- <sup>249</sup> These would include the planning, organizing, facilitating or participating and/or knowingly failing to take proper action to prevent the alleged attack, by intentionally, knowingly and/or recklessly failing to provide police protection, proper supervision and screening of police and/or informants. It also includes the conspiracy to commit an assault and battery in violation of N.C. law. *Ibid.*, 9-81 (Wrongful Death).
- <sup>250</sup> *Ibid.*, 83-85 (Assault/Battery)
- <sup>251</sup> *Ibid.*, 93-95 (False Arrest). There are additional jury instructions on probable cause to search and arrest and vehicle stops in the context of the events of November 3. *Ibid.*, 97-98a, presumably these instructions were related to the plaintiffs' expert witness's testimony that the defendant police had probable cause to stop the Klan and Nazi vehicles.
- <sup>252</sup> *Ibid.*, 98a. This instruction also notes "this long prevailing standard seeks to safeguard citizens from rash and unreasonable interference with liberty and life."
- <sup>253</sup> *Ibid.*, 86-92 (Self-Defense Instruction).
- <sup>254</sup> "Jurors tell judge they can't agree," *Greensboro News and Record*, (7 June 1985), C-1.
- <sup>255</sup> *Ibid.* Judge Merhige contemplated a range of solutions to get the jury to reach a verdict from giving them some time off to conducting a "mini-trial" to recap the evidence. Judge Merhige was quoted as telling the attorneys, "I'm not leaving Winston-Salem in this terrible state of frustration…not yet at least." *Ibid.*
- <sup>256</sup> Washington Post (8 June1985).
- <sup>257</sup> Jury Instructions, (unknown page number). (Compensatory Damages)
- <sup>258</sup> *Ibid.*, (unknown page number). (Punitive Damages).
- <sup>259</sup> Judgment in a Civil Case (Jury Verdict forms), 8 June 1985.
- <sup>260</sup> At the beginning of the trial, *Washington Post* indicated that the plaintiffs hoped that the trial would answer the following questions: (1). Did a federal undercover agent act as a provocateur?; (2) Did a police informer lead the attack on demonstrators?; (3) Did Greensboro police deliberately stay away from the confrontation, knowing that rival groups were armed and spoiling for a fight?; (4) Did local and federal law enforcement agencies cover up critical evidence in the case? *Washington Post*, 16 March 1985, A-4. None of these questions were answered by the jury verdict, although the verdict does not definitively indicate that they are all answered in the negative.
- <sup>261</sup> "Judge orders elaborate security to protect Klan-Nazi trial jurors," *Greensboro New and Record, A12* (9 June 1985).
- <sup>262</sup> Taylor, *supra*. n., 151-152. Taylor reports that the jurors who were against recovery did not want to give any award to Mark Smith, Sandy Smith's widower, because they "disliked" him. Further, "they limited Dr. Paul Bermanzohn's recovery to his actual out-of-pocket expenses, despite permanent paralysis, because he was still a member of the CWP and they feared that any additional money would go the Party." *Ibid.*, 152.
- <sup>263</sup> Lewis Pitts, interview with *Greensboro Truth & Reconciliation Commission*, Public Hearing, 27 August 2006.
- <sup>264</sup> He evidently was "sworn in" as a member of the CWP on his death bed. *Washington Post*, A6 (8 June 1985). See also, "8 in Klan Trial to Pay Plaintiffs \$390,000," *New York Times*, A35 (9 June 1985) ("The jury's rationale is the subject of speculation among people who have followed the case. Some people noted that Martha Nathan was not at the rally where her husband was fatally wounded and that Michael Nathan was not a member of the CWP until he was on his deathbed, when his wife arranged for his membership."); "Disquieting Verdict," *Greensboro News and Record*, A12 (editorial) (11 June 1985).
- <sup>265</sup> He evidently was "sworn in" as a member of the CWP on his death bed. Washington Post, (8 June 1985),

- A-6. See also,"8 in Klan Trial to Pay Plaintiffs \$390,000," *New York Times*, (9 June 1985), A-35 ("The jury's rationale is the subject of speculation among people who have followed the case. Some people noted that Martha Nathan was not at the rally where her husband was fatally wounded and that Michael Nathan was not a member of the CWP until he was on his deathbed, when his wife arranged for his membership."); "Disquieting Verdict," *Greensboro News and Record*, (editorial) (11 June 985), A-12.
- <sup>266</sup> Conversation with Carolyn McAllister, 16 March 2006.
- <sup>267</sup> Ibid. See also "After Six Years, A Historic Victory," Carolina Peacemaker, (15 June 1985), 1-2.
- <sup>268</sup> Carolyn MacAllister, interview with (with Lewis Pitts and Gayle Korotkin Shepherd) the Greensboro Truth and Reconciliation Commission.
- <sup>269</sup> "Parties ask overturn of verdict," *Greensboro News and Record*, (19 June 1985), B-1.
- <sup>270</sup> "Agents dropped from lawsuit," *Greensboro News and Record*, (4 November 1985), B-1. This lawsuit had been filed in March. Three of the defendants were dropped because, according to an attorney for the plaintiffs, "the jury...had failed to find other federal agents liable for wrongdoing in the incident and because his clients have limited money with which to work." The remaining defendant was Capt. Robert Talbott of the GPD.

  <sup>271</sup> Judgment in Civil Case, *Waller et. al. v. Butkovich, et. al.* (7 June 1985).
- <sup>272</sup> "After Six Years, A Historic Victory," *Carolina Peacemaker*, 1-2: 'They (the city of Greensboro) have as much an interest as we do to close the case and heal the wounds,' Pitts said. 'We would be disappointed if the city looked for a way to avoid payment on the basis of technicalities." See also *Greensboro Civil Rights Fund*, "Press Statement," 19 July 1985: "Our clients have stated they will abide the jury's verdict if the other parties do also. We renew our request to the City of Greensboro on behalf of the plaintiffs to join in a speedy resolution of this case." "Lawyers to pursue motion to overturn Klan-CWP lawsuit," *Greensboro News and Record*, 20 July 1985.
- <sup>273</sup> "Civil Rights Lawyers Ask City to Pay Clients," Carolina Peacemaker, (27 July 1985).
- <sup>274</sup> The information in this section of this report is taken from Agreement and Release, accompanying Order, *Waller et. al. v. Butkovich et. al* (5 November 1985). As a result of the settlement agreement, Judge Merhige ordered that the plaintiffs and city defendants were relieved from the judgments in the case and were released from any further obligations to each other.
- <sup>275</sup> *Ibid.*, 4-5.
- <sup>276</sup> *Ibid.*, 4.
- <sup>277</sup> *Ibid.* The Agreement was quick to note, however, that the insurance carrier "may have a legal right to deny coverage for the incident which occurred on November 3, 1979." This right was being waived by the Agreement. The city's insurance carrier had stated early on that it covered the costs of damages against employees who were "performing in the line of duty."
- <sup>278</sup> Agreement of duty and Release, 3-4.
- <sup>279</sup> *Ibid.*, 1-2. The city defendants released were Swing, Bateman, Oxment, Williams, Hampton, Gibson, Spoon, Thomas, Cawn, Comer, Williams, Johnson, Daughtry, Burke, Freeman, Toomes, Wells, Smith, Compton, Henline, Boyd, Gerringer, Hightower, Clark, Bryant, Anderson, Dixon, League, Baucom, Simth Mackey, Cooper, Belvin, Matthews, Melvin, Osborne, Lovelace and Talbott. This list included Robert Talbott who was the subject of the separate legal action.
- <sup>280</sup> A formal order was entered to this effect. Order, Waller et. al. v. Butkovich et al., (6 November 1985).
- <sup>281</sup> Agreement and Release, 5.
- <sup>282</sup> *Ibid.* at 5-6.
- <sup>283</sup> "Nov. 3 plaintiffs to get \$351,500 from Greensboro," *Greensboro News and Record*, (6 November 1985), A-1. <sup>284</sup> *Ibid*.
- <sup>285</sup> "Greensboro to pay plaintiffs \$351,500," *Greensboro News and Record*, (7 November 1985), A-1. The mayor at the time, John Forbis responded that the plaintiffs' statement was "malarkey." *Ibid.*
- <sup>286</sup> *Ibid.* The Agreement functioned as a formal absolution of liability for the two police officers.
- <sup>287</sup> *Ibid.* See also "City Agrees to Pay \$351,000," *Carolina Peacemaker* (9 November, 1985).
- <sup>288</sup> Carolyn McAllister, interview with the *Greensboro Truth and Reconciliation Commission*, 16 March 2006.
- <sup>289</sup> Order, Waller et. al. v. Butkovich et. al.(6 November 1985).
- <sup>290</sup> *Ibid*.
- <sup>291</sup> Lewis Pitts, statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 27 August 2005.
- <sup>292</sup> Floris Weston, statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 26 August 2005.
- <sup>293</sup> Ihid.



**Greensboro Truth and Reconciliation Commission Final Report** 

Reporting the story:

Media portrayals and public opinion

Chapter 11

Given the level of confusion and lingering questions surrounding Nov. 3, 1979, as well as if and how justice was served afterward, the GTRC asked how and in what ways did the media address the issues, concerns, and conversations circulating in the community at the time of the shootings and during the court trials? For instance, was the event itself represented as a "shootout" as murder defendants claimed, or a "massacre" or "ambush" as the survivors claim? Were portrayals of the players in this drama – including CWP, Klan and Nazi members as well as involved police and government agencies - fair and impartial? What background reporting was done by media to help the city understand this event?

To answer these questions and to examine how local newspapers' reporting affected the community's understanding of what happened and why, the GTRC assessed the relationship between the media and the more broad-based concerns of political and social power. This research examined the news reporting in 617 articles from Greensboro's daily and weekly newspapers from 1979 to 1985 surrounding Nov. 3, 1979. Central to this study were a number of guiding questions:

- 1. What can we learn about the media if we treat news stories as vital to the community understanding of Nov. 3, 1979, rather than peripheral to it?
- **2.** How did the media explain Nov. 3, 1979, and its aftermath?
- **3.** In what ways and to what ends did news coverage frame Nov. 3, 1979, to help the community understand the event, its context, causes, and consequences?

By clarifying the role of the media in 1979 and afterward, we hope to equip citizens and journalists in 2006 and beyond to work together more effectively to discuss critical community issues that contribute to reconciliation.

# Role of media in community conflicts

It would be easy to blame to the media for the misunderstandings that circulated then and now among citizens. Indeed, the media do shape individual and community views and actions by putting forth the relevant facts as reporters and editors see them. Still, the media is just one factor among many that influence people. Several other factors operated alongside media representation to affect the community's understanding of Nov. 3, 1979.

First, people's prior knowledge, biases, and interpretive frameworks combine to make sense of the news in ways consistent with or extending previous understandings. As a result, news consumers do not always trust media reports that are inconsistent with previously held beliefs, even in the face of compelling evidence.

Second, media reports in Greensboro's daily newspapers in 1979, The Greensboro Daily News and The Greensboro Record, contrasted sharply with what was communicated in the weekly Carolina Peacemaker that circulated in the African American community. The daily morning and evening newspapers focused on the unfortunate actions of the Klan/Nazis and the CWP, suggesting each side was culpable

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for what happened. In contrast, the weekly newspaper focused on the actions of the Greensboro Police Department and most often organized articles around the suspicion of official wrongdoing.

Consider these daily newspaper headlines and the use of select words – leftists, hate, shootout – to describe the Nov. 3, 1979, participants and event:

- Leftists Plan War on Klan (Greensboro Record, 11/6/79)
- 'They All Hate Each Other,' Professor Says of Leftists (Greensboro Daily News, 11/6/79)
- Radical Left, Right Gain Supporters (Greensboro Daily News, 11/7/79)
- Melvin Sees a More United City After Shootout (Greensboro Record, 11/23/79)

With a different tone and approach, the Carolina Peacemaker, the African American newsweekly, featured headlines that used quite different words to describe what happened – massacre and murders:

- The Morningside Massacre (Carolina Peacemaker, 11/10/79)
- Cops Surround CWP Marchers (Carolina Peacemaker, 11/17/79)
- CORE Points to Officials for Murders (Carolina Peacemaker, 11/17/79)

These headlines are indicative of the predominant type of coverage in the newspapers in the immediate aftermath of the event.

Third, mistrust within the community surrounding the event in 1979 was rampant. From the very beginning, individuals and groups called for independent reviews of the event because they were not satisfied with internal police department records or media accounts. Various citizens' groups in Greensboro and outside its geographic borders organized in support of the CWP members. Alternatively, in support of police action, one citizen organized a petition to demonstrate that citizens were satisfied with government policies and procedures that day. The Klan/Nazis and the CWP all claimed misrepresentation in the local newspaper reporting. Many journalists expressed frustration with the city's lack of cooperation. Community members were confused by the sequence of events. Their bewilderment was compounded by the conflicting stories advanced by all involved.

Fourth, distinguishing among similar names in a complex matter spanning six years may have also caused confusion, especially in coverage of the three trials. Someone who was reading a news story might have easily confused the discussion of a bullet fired by Smith as being fired by victim (Sandi) Smith instead of the actual shooter (Jerry Paul) Smith. Many people may have mixed up District Attorney (Mike) Schlosser when the newspaper was reporting on defense counsel (Steve) Schlosser. Likewise, it could have been difficult to remember it was (Rick) Greeson who was on the prosecution team while (Hal) Greeson was on the defense team. WVO member (Nelson) Johnson could have been confused with federal prosecutor (Michael) Johnson or Patrol Officer (T.R.) Johnson. Similarly, federal criminal judge Flannery and Flannagan, a federal prosecutor, might have been hard to distinguish. There were two Klansmen named Matthews (Horace Greeley Matthews and defendant David Wayne Matthews) as well as a police photographer riding with Det. Cooper named J.T. Matthews.

Fifth, reader exhaustion no doubt became a factor. As new evidence was presented, readers may have tuned out the new or more nuanced information. According to Nov. 3, 1979, eyewitness and reporter Winston Cavin, "The sheer power of videos was overwhelming – to the general public and probably the journalists as well." Multiple versions of sound analyses of the gun shots were presented with conflicting defense and prosecution witness testimony. The experimental and highly technical procedure left jurors and news consumers unsure of how to interpret evidence about which even experts could not agree. Even the FBI's analyst changes his interpretation of the data multiple times (see Justice chapter).

Sixth, the larger social environment or community culture also impacts how we come to understand a news event. In the case of Nov. 3, 1979, many view the city overall as reliant on civility as a means to avoid overt conflict and to downplay racial and class undertones of the event.<sup>4</sup>

Despite these other factors, we speculate that the media played a significant role in community understanding of the event. That is because in the absence of direct experience or previous knowledge, citizens get information about major events from the mass media. This phenomenon, explained in media dependency theory, is not uncommon to most Americans who turn on the television or look for the newspaper in the wake of a crisis to learn from the media experts what is happening.<sup>5</sup>

Functionally, the media's role is to provide information. Reporters and editors make decisions daily about the number of articles to write on a given topic, the length of the story, and the depth of the coverage. These decisions yield information, but extend beyond the scope of just providing information. Reflecting on the role of the media nearly a century ago, Walter Lippman said, if reporting were just a recitation of obvious facts, then the job of a reporter would be reduced to that of a clerk.<sup>6</sup> Indeed, the facts are often voluminous, complex and hardly obvious. Someone must choose which facts to present and how to make sense of those specific facts – that is, to weave a "story" out of them. To do so, media often rely upon interested parties to provide the substance for any given article.

The analysis of the news reports in Greensboro following Nov. 3, 1979, shows that citizens were left to make sense of the event through the eyes of lawyers, government officials, police representatives and to a lesser extent, the members of the CWP, Klan and Nazis. While these groups were clearly the interested parties involved in the action that day and after, there were others involved who were only rarely present in the daily media accounts, namely the residents of Morningside Homes where the rally was planned and the violence ensued. Community supporters were cited more often and discussed in articles in the weekly Carolina Peacemaker than either the daily Greensboro Record or Greensboro Daily News.

Greensboro's experience was not unique in this regard. Research demonstrates that when community conflicts erupt, the media most often reflects the views of local political and economic leaders. For example, a study of the 1967 riots in Winston-Salem concluded that the media depended so much on government and police reports to the exclusion of other community stakeholders that the news coverage reflected only a specific and narrow point of view of the local authorities. In other studies of regional planning efforts and the installation of electricity lines that presupposed opposing sides, the research revealed that the media attributed statements and perpetuated an understanding of the community conflict through the lens only of the political elite.

## Methodology: Greensboro media in 19799

In Greensboro, two daily newspapers operated in 1979. The Greensboro Daily News, which was introduced to the city in 1909, was the morning paper with a circulation of 80,562 in 1979. The Greensboro Daily Record, a Greensboro staple since 1890, was published for delivery in the afternoons and claimed a circulation of 31,072 in 1979. By 1982, the papers merged into what is now known as the Greensboro News & Record. The community in 1979 was also home to the Carolina Peacemaker newsweekly serving the African American population. Four network-affiliated television stations covered the events of November 3, 1979: WFMY-TV (CBS); WXII-TV (NBC); WGHP-TV (ABC); and, WTVD-TV (ABC). Commercial and public broadcasting radio stations also covered the event and its aftermath.

The GTRC's media research chose to focus on newspaper coverage due to relatively easy access in electronic archives, the ease of duplication and review of the data in this analysis, and to provide what will be the most comprehensive printed record to date of newspaper coverage for the GTRC archives. In addition, we chose to examine newspapers instead of broadcast news because print media is typically able to report with more depth than what is generally possible on television or radio.

Reporters themselves were eyewitnesses to the shooting. Four television stations had reporters and cameras present, as well as a reporter and photographer for the Greensboro Daily News. Winston Cavin, a reporter for the Daily News, offered a compelling and thorough account of what took place. He relayed then, and recounted at the GTRC's second public hearing, that his position transformed from a detached journalist to an involved participant. His eyewitness accounts were relied upon not only for newspaper articles, but also for important trial testimony.

Other reporters played important roles in covering the story after the fact. Among them, Martha Woodall, a reporter for The Daily Record, made a significant contribution to understanding the story surrounding the events by uncovering the role of undercover BATF agent Bernard Butkovich and his infiltration of the Nazi Party. Woodall provided valuable in-depth reporting on the role and knowledge of federal law enforcement agents in the lead up to the shooting.

These reporters and others played pivotal roles in the coverage of Nov. 3, 1979, beyond their typical reporting duties. Journalists provided eyewitness accounts, revealed personal stakes in the aftermath, engaged in investigative reporting that uncovered other witnesses, and offered testimony that in the end benefited both the prosecution and defense teams in the three trials.

We chose a stratified sampling design for the daily newspapers to capture coverage in time periods of key events from Nov. 4, 1979, to the end of what would be the final and third, civil trial in 1985 (see Annex for details). We used this design to ensure that we would read and analyze articles about the most distinctive events surrounding Nov. 3, 1979, and its aftermath.

From these time periods, we selected articles based on compelling headlines and/or length of stories. The rationale for this method came from recognizing that the community's collective understanding of Nov. 3, 1979, would have been based primarily on media coverage and that people generally scan pages for the headlines that stand out and stories that occupy the greatest and/or most prominent space. The goal was to examine how the newspapers told the Nov. 3, 1979, story, so best efforts were made to read every article that appeared to be substantive in nature. The articles included in the analysis represent roughly 46 percent of the daily newspaper coverage devoted to Nov. 3, 1979, by the two daily Greensboro newspapers and 100 percent of the weekly newspaper coverage (with the exception of articles from 1981, which were unavailable for the Carolina Peacemaker).<sup>15</sup>

## Daily newspaper analysis

Based on a close reading of the newspaper accounts in the Greensboro Daily News and The Daily Record, we find that the daily newspapers fulfilled their obligation to report on the most important facts of the event and the years-long legal struggle surrounding three trials over a period of nearly six years. In doing so, however, what stands out in the coverage is that a rhetoric of blame emerged. In other words, the paper began to focus its reporting on the responsibility of individual actors. Further, the protestors with the CWP were essentially caricatured in descriptive news accounts, particularly in the first six months following the event. Not a single article was ever published about Sandi Smith, the African American graduate and former student body president of Bennett College for Women. At the same time, the police were regularly praised (in editorials and in news accounts) for their diligent action

despite charges and some evidence that the police absence on Nov. 3, 1979, may have contributed to or even caused the ensuing violence. The focus of the media on the Klan/Nazi actions and CWP images early on deflected attention away from other actors in the drama such as the police informants.

Police informant and undercover processes, labor and worker rights, racial tensions, and social unrest were barely cited in the daily newspaper coverage and nearly eliminated from mention altogether as the reporting narrowed in on event details, subsequent protests (to which media coverage was limited to how to maintain law and order), and trial-specific details. While this information would be considered necessary for any good reporting, it was a minimum standard that had the affect of leaving out much of the discussion surrounding labor practices, race relations, First Amendment rights, national and international political contexts, and other large issues in which the event was embedded.

As the trials unfolded, the media coverage in the daily newspapers did include statements made by the protestors about police and government complicity leading up to Nov. 3, 1979. In fact, by 1984-1985, the largest number of stories focused on just this issue. However, with the prior caricature portrayals of the CWP members firmly established, it is perhaps not surprising that the subsequent coverage included the protestor's quotes but little else. Comments by the CWP members were most often presented without analysis or investigation, serving primarily to reinforce that portrayal of them as dogged conspiracy theorists. That portrayal of events bypassed opportunities to engage legitimate questions of police and government action in relation to racist violence.

For the readers who followed the coverage in the daily Greensboro newspapers regularly or sporadically from 1979 to 1985, it is likely that the story they understood best was one that revolved around who shot who first, and therefore was more guilty than the others. That was the story that was repeated over and over again, sometimes with more detail, but generally returning to that central theme. To the extent that deep, structural factors were involved in the commission of violence on Nov. 3, 1979, the daily newspaper readers were not given an array of views held by various stakeholders nor how those issues were connected to activities happening not only in Greensboro, but around the country.

## Weekly African American newspaper analysis

The tragedy of Nov. 3, 1979, was first reported in the weekly paper a week after the event, on Nov. 10. From a reading of this newspaper's articles, readers learned about the activities surrounding Nov. 3, 1979, but also the parallel developments in racist violence around the country. As the Carolina Peacemaker continued its coverage, there was greater attention and a larger percentage of column inches devoted to the black community's reaction and response than what was provided in the daily newspapers. The community response featured in the newspaper was generally suspect of the police role in the events leading up to and following Nov. 3, 1979.

The assumption that underscored the articles was that the Klan/Nazis were responsible for the killings that day. This was not a point that needed any greater evidence than the eyewitness accounts and film footage that showed the shots being fired. Rather, it was stated simply and without particular malice, hate, or even retribution toward the Klan/Nazis. The reporting that flowed from the basic assumption of Klan/Nazi guilt was geared toward discussing or questioning what was not resolved. Namely, was the police and government action reasonable and adequate? It would be difficult for a reader of this newspaper to reach any other conclusion than that the CWP members, for all their faults – which were discussed in the newspaper – were not protected as they should have been by the police on Nov. 3, 1979. The newspaper continued to raise the question of FBI and other federal agency relationships with the Greensboro Police Department, even before the existence of informants and undercover agents was known.

### Use of emotive labels

The newspapers used labels to describe the violence that occurred on Nov. 3, 1979, that in effect planted the seeds for blame or not with the CWP demonstrators, the Ku Klux Klan, and the Nazi Party. To illustrate how the newspapers told their respective stories, the emotive labels used by reporters (not quoted individuals) were counted and then grouped into three broad categories.<sup>16</sup>

- Equal Culpability by Two Groups (Klan/Nazi & CWP)—Shootout, confrontation, conflict, crossfire, clash, gun battle, fight;
- Blame Attributable Primarily to One Group, the KKK/Nazis—Massacre, ambush, attack, carnage, slaughter, slayings, murder, killings; and,
- No one group implicated/blame not the issue—Shootings, violence, incident, shooting deaths, nightmare, bloodshed.

It is important to point out that for all categories listed above, the police and/or local government were not considered possible targets for blame.

The daily newspapers routinely invoked language that found both "extremist" groups at fault for what happened on Nov. 3, 1979. To do so, they used labels in 45 percent of the stories that found both groups culpable for what happened. Labels such as shootout, confrontation, conflict, crossfire, clash, gun battle, and fight suggest that the CWP and the Klan/Nazis were ready, willing, and able to assault one another. This high percentage (45 percent) stands in sharp contrast to the use of these same labels by the Carolina Peacemaker, which amounted to only 8 percent (See Annex for data tables).

The Carolina Peacemaker's negative perspective toward the KKK built upon a history of violence against blacks, which might lead us to believe that terms like massacre and murder used in early headlines would dominate their continued coverage. We found that not to be the case. Instead, the weekly newspaper adopted an approach that questioned police and government action in contributing yet another chapter to the history of tension between the African American and law enforcement communities. In doing so, the newsweekly used primarily neutral labels to describe Nov. 3, 1979. In the 146 stories examined, 55 percent of the time the words selected to describe the event were shootings, incident, violence, shooting deaths, tragedy, or rally/demonstration. To a lesser degree, amounting to 36 percent of the time, the newspaper did indeed use words such as murder, killings, slayings, and massacre.<sup>17</sup>

### Comparison of Labels Used by Daily Newspapers and Weekly African American Newspaper

1981

1/82-4/83

5/83-4/84

4/84-12/85

TOTAL

11%

6-12/80

11/79-5/80

20%

Weekly

Incident

		Nov. 3rd	1st Trial	1st Trial	Grand Jury	2nd Trial	3rd Trial	
		Aftermath		Aftermath				
			•	•			•	•
Equal Culpab	nility:							
Dailies	Shootout	26%	20%	15%	3%	9%	2%	16%
Weekly	Shootout	3%	0%	%	0%	14%	0%	4%
Dailies	Confrontation	9%	24%	26%	7%	22%	58%	20%
Weekly	Confrontation	9%	5%	%	0%	0%	0%	3%
KKK/Nazis Bl	amed:							
Dailies	Massacre	2%	0%	7%	0%	0%	0%	0.9%
Weekly	Massacre	17%	11%	%	11%	0%	17%	13%
Dailies	Murder	2%	0%	0%	0%	0%	0%	0.05%
Weekly	Murder	6%	6%	%	4%	0%	35%	10%
No One Grou	p Implicated:							
Dailies	Shootings	31%	17%	33%	76%	44%	31%	36%
Weekly	Shootings	23%	39%	%	37%	57%	30%	34%
Dailies	Incident	4%	8%	7%	0%	2%	0%	4%
			<del> </del>					

In both the daily and the weekly newspapers, the word most often used was "shooting," which cast blame on no one in particular in describing Nov. 3, 1979. Not only in total, but also across every time period in the Carolina Peacemaker, shooting was the word of choice. That wasn't so for the daily newspaper, where shootout and confrontation together were used 36 percent of the time, nearly as much as shootings and incident at 40 percent or massacre and murder which were together used less than 2 percent of the time. In sharp contrast, the African American newsweekly only used shootout and confrontation in total 7 percent of the time whereas shooting and incident were used 45 percent of the time and massacre and murder were used 23 percent of the time.

Readers take cues from media reports about how to define a news story, how to name an event, and how to talk about it. For readers of the daily newspapers, Nov. 3, 1979, was as much of a shootout (between two extremist groups) as it was a shooting (an incident where people were killed by others). Blame was rarely attributed to the Klan/Nazis alone as murders or massacre. For readers of the weekly newspaper, Nov. 3, 1979, was read first and foremost as an event that was a shooting or incident. It was rarely considered a collision between two extremist groups. As a result of these two very different presentations, community members, divided to a large degree along racial lines, learned to understand and remember Nov. 3, 1979, differently.

### Framing the story: "making sense" of the news

Framing refers to the ways in which the media selectively punctuates the information in a news story. A frame is an interpretive tool used to simplify the complexity of the news by focusing on a particular aspect of it. Like a picture frame that highlights what is inside its borders and draws attention away from what's outside, a news frame emphasizes what reporters or editors conclude to be the most important features of a news event. Critical readers ask why a particular news frame is deemed most relevant and what stakeholder(s) influenced the media to choose that frame as the relevant one to interpret the story.

We deconstruct news frames to understand what is being made prominent in a story by way of what information is included, while also considering what is being positioned as secondary or irrelevant to the story by virtue of its absence. News framing involves decisions of what's in and what's out of a story, how often, and more. "Framing the news is a question of slant, structure, emphasis, selection, word choice, and context," explain media analysts Joseph Cappella and Kathleen Hall Jamieson.<sup>19</sup>

Frames define terms and content of the story of the event, in short, what the story means. These interpretations are often reflected in ensuing community conversations. When news frames have an agenda-setting function that reflects the dominant expressions of community leaders or the elite understandings of the conflict, community members are led down a designated path of understanding.<sup>20</sup> News frames affect not only short-term communication of information, but also long term cultural understandings of society.

Despite the critical role of news framing in the community's understanding of the news, news reporters and their editors, particularly for the daily papers, are by the nature of their jobs forced to make quick decisions daily. To make the required fast judgments, the media rely on their own common sense to ferret out the unimportant from the necessary facts. Naturally, news professionals rely on their best judgment to guide their decisions. This in-the-moment decision making tacitly encourages the media to return to the familiar and traditional understandings of culture and conflict, rather than moving toward creative, unconventional and critical thinking of events.<sup>21</sup>

There is wide scholarly agreement that information stripped from its context is a mystery at best and a misrepresentation at worst.<sup>22</sup> A news event such as Nov. 3, 1979, or any other tragedy for that matter, remains unexplained and misunderstood as long as the range of observation, reporting and discussion fails to include the context in which the news occurred. For many in Greensboro, the news framing in 1979 and after was adequate. For others, the news coverage of the event in the daily newspapers, while replete with facts (some of which they contested), was absent the context and causes of the events leading up to that day.<sup>23</sup>

In matters of labor, around which November 3, 1979, centered, the framing of union activity and protection of workers' rights have historically been usurped by coverage of management practices and corporate values. Though there are relatively few studies examining the content of news coverage of labor-management concerns, one of the earliest was conducted in 1945. In that analysis, unions were typically portrayed as the "wrong" party in organizational conflicts.<sup>24</sup> Since then, other news analyses have shown that media typically report in ways that describe union workers according to negative stereotypes that point to laziness, chaotic behavior, disheveled appearance, and the unwillingness to bargain in good faith in what are regarded as senseless conflicts.<sup>25</sup>

The fact is that labor's views have not been widely covered either in terms of frequency or depth. When

coverage of strikes, protests, or other labor practices is included in the news, it is most often done in ways to isolate the event, thereby divorcing grievances from the larger social and economic issues to which many union leaders and activists speak.<sup>26</sup>

For media critics, the debate centers on the pathways news reporters provide to readers to see and understand the news. "Episodic" frames often focus on specific events, acts, and players. Responsibility in these frames is often attributed to an individual. By contrast, "thematic" frames explore the social and historical conditions that give rise to the events with detailed discussions of root causes of dissatisfaction. Responsibility in thematically framed stories is more often attributable to systems, norms, and cultural practices.<sup>27</sup>

### THE EIGHT FRAMES OF NOV. 3, 1979

In media depictions of Nov. 3, 1979, we found eight different explanations, slants, or news frames were most commonly used for what happened and why. These are the explanations commonly used by the news reporters. They are not our own interpretations.

**1.** Nov. 3, 1979, was an unfortunate event and a disruption to Greensboro's civility

This frame portrays Nov. 3 violence as a surprise. No one anticipated it; violence erupted spontaneously; violence was unpredicted. The focus is on the event, not the issues surrounding the event (CWP goals, GPD absence). Larger issues are ignored or trivialized. As media coverage turns to trials, specifics of trial process are emphasized – how many jurors selected, costs, subpoenas issued.

**2.** Police acted responsibly and were the pride of the town

This frame portrays the bold actions of police as not only perfectly acceptable, but helpful in curtailing the violence. Greensboro, as a city, was the victim of two extremist groups. Police were misinformed about the location of the march. This frame suggests two extremist groups were the culprits of the violence, and the police were the innocent bystanders. This frame also portrays the police as following prudent action in marches and educational events involving the CWP after the shootings.

**3.** Police and government knew of and ignored violence and CWP protection

In this frame, city and federal officials are portrayed as knowing violence would occur through informants and other intelligence efforts. Police saw the Klan/Nazi guns and tailed caravan all the way to the march. Claim is the event was a government assisted massacre. Government representation of CWP survivors failed to put forth the best case, leaving out key information that could implicate the government.

**4.** The march and its aftermath were part of Greensboro's civil rights history

This frame describes the march, led by people described as educated and opposed to racism and the oppression of minorities. The march is seen as part of a wave of labor strikes and events sweeping the South in 1978-1979, in part as a response to the resurgence of Klan activity. Cone Mills in Greensboro

was attempting to bust union organizing efforts. "Death to the Klan" was a slogan used around the country. Organized labor in 1979 may have been at a tipping point where a shift in favor of worker's and minorities was imminent. The police and the justice system failed to serve the unpopular CWP.

#### **5.** Protestors' legitimacy is denied

In this frame, CWP protestors are portrayed as militant, deviant, disorganized, and dishonest. They are presented as misleading the police about the march starting point. They misled the community about their ulterior motives – to promote communism over and above workers' rights. Protestors were crazy in that they wanted violence and martyrs to occur to bring attention to the cause. They baited the Klan. They put innocent children and community members in harm's way. These were outsiders, leftists, extremists who advocated revolutionary overthrow of the government. They refused to cooperate with the justice system and were responsible for the unjust outcomes.

#### **6.** Patriotism of the Ku Klux Klan/Nazis explains their reasonable actions

This frame focused on the Klan and Nazis as patriotic people who wanted to defend the good name of their groups and the admirable mission of protecting the United States against communist take-over. Their character as church-going people is highlighted and their plans at most were to hurl eggs at the crowd of Communists. They represented the plight of the poor, white workers in America being increasingly displaced. Although they brought and shot guns, they did so only when provoked and in self-defense.

### 7. Klan/Nazi legitimacy is denied

This frame portrays the Klan and Nazis as hate-filled individuals involved in criminal activity to eradicate the world of blacks, Jews, and non-Christians. They were uneducated, stuck in a Civil War mentality where white supremacy was reinforced in the South. These were deviant individuals.

#### **8.** Community pulse and response

In this final frame, community members respond with collective concern and/or support for the response to Nov. 3, 1979. Other communities or groups outside Greensboro issue statements and initiate action in response to the aftermath of Nov. 3, 1979. National and local groups issued statements or were the subject of newspaper coverage.

## Frame analysis

In some articles, one frame dominated the coverage to the near exclusion of any others and therefore the dominant frame only was noted in the analysis. In other articles, more than one frame was used within the news report, and thus multiple frames were coded for those articles. The following chart shows a comparison of the frames used by the daily and weekly newspapers.

Frames cast an agenda to be sure, but once again it is important to point out that individual news readers interpret stories according to their own predispositions, understandings, biases and prior knowledge. Social conditions, too, influence how people make sense of news at a given time.

### Comparison of Labels Used by Daily Newspapers and Weekly African American Newspaper

	1st Six Months  Nov. 3rd  1st Trial		1981-1983 Grand Jury		1983-1984 2nd Trial 3rd Trial	
Event & Aftermath Focus (no issue)	20%	13%	18%	18%	27%	14%
Police Acted Responsibly	11%	4%	4%	0%	8%	0%
Police/Gov't Knew of Potential Violence	6%	37%	37%	46%	28%	40%
Another Civil Rights Action for CWP	8%	6%	13%	14%	4%	21%
Protestors' Legitimacy Denied	29%	5%	11%	0%	14%	0%
Patriotic Klan/Nazi Act Reasonably	7%	0%	4%	0%	10%	0%
Klan/Nazi Legitimacy Denied	13%	17%	13%	4%	9%	3%
Community Pulse and Response	6%	26%	0%	18%	0%	15%

<sup>\*</sup> Articles from the 1981 editions of the *Carolina Peacemaker* are missing from archives and unavailable for research.

### **Conclusion**

The value of looking back at an event and analyzing its media parts is to pass judgment for the sake of changing or sustaining reporting practices. From our analysis, while many in the media deny its influence on public opinion, we suggest that the media played a crucial role in the community's understanding of Nov. 3, 1979, even as other factors influenced the community's response. The daily newspapers reported the facts. But they did not report all the facts. They could have attended to the aforementioned concerns of police, labor, and race by illuminating the central arguments offered in various reports, evidence provided by the protestors' legal representatives, and charges made by numerous civil rights organizations that linked Greensboro actions to larger, national matters. To do this, the media would have contextualized Nov. 3, 1979, within the labor movement that was taking place not only in North Carolina but throughout the South. As African Americans were moving from outside the mills to working inside them, the impulse for union organizing was growing to reflect a commitment to a multiracial workforce that arose out of the Southern civil rights movement.<sup>28</sup> This was the reporting strategy essentially adopted by the Carolina Peacemaker but that newsweekly arguably did not reach as many readers, and certainly not the white, Anglo-Saxon community that held the reins of power in Greensboro in 1979.

To discuss Nov. 3, 1979, within the movement of resistance to racist action and violence to which it was connected would have necessitated a discussion of the relationship between law enforcement policies and practices with Ku Klux Klan activity and membership. While the Klan's membership figures in 1979 were nowhere near its peak, its influence in North Carolina began a resurgence in 1975.<sup>29</sup> Residents in the South at the time were all too familiar with the nearly collaborative work carried out in the recent past by local law enforcement and rogue Klan members.<sup>30</sup>

To contextualize Nov. 3, 1979, fully would have meant addressing more significantly the role of government agencies in the racist violence that day. A question never fully engaged by the print media was what knowledge local law enforcement had of the violence, and if and how law enforcement officials looked the other way or worse, incited the violence through their informants who provoked and encouraged illegal activity by the Klan and Nazis.<sup>31</sup>

Finally, the news media did not engage the communist rhetoric espoused by the protestors and its implication on our democratic systems and way of life. The daily and weekly media failed to enter any meaningful conversation about the possibilities or threats of communism being espoused prior to and following Nov. 3, 1979.

As we have shown elsewhere in this report, what happened in Greensboro in many ways was not unique. Racial and labor strife were rampant throughout the South. Many law enforcement officers and political leaders often shared the belief that community stability would be maintained by adhering to traditional norms.<sup>32</sup> However, Greensboro had a unique opportunity to engage with critical social and economic concerns as a result of Nov. 3, 1979. The media had the floor to question the assumptions of race and class privilege that informed the prevailing cultural and ideological practices. To the degree that the media failed to delve into these issues, there was a missed opportunity to discuss, inform the community, and engage the questions that lead people to talk and learn from a momentous event.

As civil rights historian Timothy Tyson told the GTRC, refusing to acknowledge painful chapters in our histories "is like hiding the empty pie plate and wondering why you got fat." Greensboro proceeded without pause, without self reflection, laying blame for the tragedy outside itself. The media did not make this so, but to the extent that it did not press the issues by using its resources to highlight the underlying currents and struggles, it too, missed the opportunity to prompt the kind of substantive changes that could bring about a stronger, healthier city.

In 2006, Greensboro has additional print media voices. Greensboro's News & Record and Carolina Peacemaker are currently joined by two other weekly newspapers, Yes! Weekly and the Rhinoceros Times. Blogs, web-based commentaries, have been initiated by journalists at the various newspapers as well as by city officials and citizen activists. Taken together, a lively discussion has ensued since the naming of the GTRC. This is a healthy development that brings more voices from the community into conversation about community issues to provide a balance to the reliance of journalists on official sources for their reporting.

As newspapers change to meet the demands of a more discriminating society, they are challenged with adapting to reader preferences in ways perhaps not so evident in 1979. In commenting on the future of newspapers, Carl Sessions Stepp noted that newspapers "must unhesitatingly help the audience with connection and context" in coping with the data that readers encounter.<sup>33</sup> Newspapers today face the same challenge they had in 1979 – to serve as a clearinghouse of information about information.

Beyond "reporting the facts," newspapers will serve the broader interests of the community by positioning the content within necessary contexts, by providing relevant background information, and by pointing readers to other sources for additional information. Investigative duties remain critical, maybe more so in the 21st century where citizens are bombarded by information that must be analyzed for accuracy and relevance.

Winston Cavin, speaking at the second public hearing, responded to what he has seen in the evolution of news reporting on Nov. 3, 1979.

I think the coverage has changed over the years. In the beginning, there were some voices in the media and elsewhere blaming the CWP. I think that has changed ... Over time, people look at events in a different light. Reporters who initially looked for someone to blame have taken a longer view.<sup>34</sup>

If Cavin is right, the results of this report can be understood not as an indictment against the daily news media in 1979, or as perpetuating the rhetoric of blame, this time targeting journalists. Instead, this report will serve the community interests when it is read as recognizing that the media can do better in its reporting practices than what was demonstrated in 1979. The media does influence the community, but the community pulse affects the media as well.

As a community, we are still working on understanding what happened on Nov. 3, 1979, and reconciling our many views of why it happened and what it means. The media today can play a vital role. In doing so the media can fulfill its civic promise to connect readers, arouse their interest, and detail the rich spectrum of evidence worthy of extended discussion and consideration.

## **Findings:**

We did not find that the daily papers predominantly used "loaded" words like "shootout," "ambush" or "massacre" to describe Nov 3. Rather, neutral terms like "shootings" were the most common descriptors. <sup>35</sup>

Newspapers fulfilled their duty to report on the basic salient facts of the event but overall the dailies failed to provide context of police involvement or why the conflict happened in Greensboro. Rather, the daily coverage tended to focus blame on the two "extremist" sides of the CWP and Klan/Nazis.

The weekly Carolina Peacemaker provided more in depth contextual coverage.

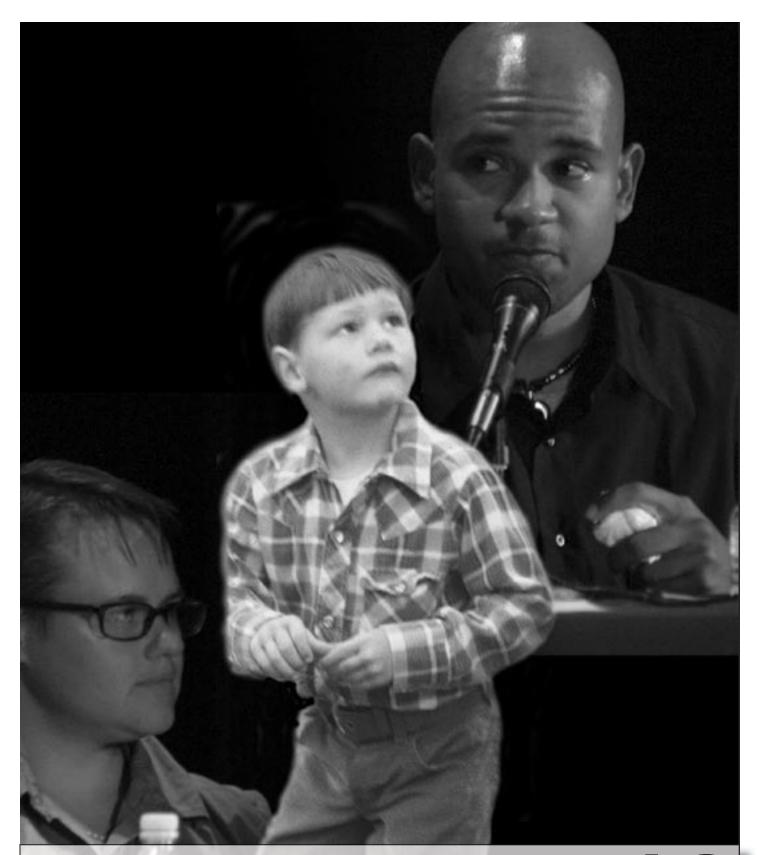
#### Notes

- <sup>1</sup> Greensboro Daily News, November 17, 1979. See also defense motions to change venue of state murder trial due to "biased" news coverage.
- <sup>2</sup> Greensboro Daily News, January 25, 1980.
- <sup>3</sup> W. Cavin (2005, August 26). Testimony to the Greensboro Truth and Reconciliation Commission Public Hearing.
- <sup>4</sup> Chafe, W. H. (1980). *Civilities and civil rights: Greensboro, North Carolina, and the* black struggle for freedom. New York: Oxford.
- <sup>5</sup> Media dependency theory as explained by Ball-Rokeach & DeFleur (1976) suggests that the media is an important factor in creating and reinforcing images that community members receive.
- <sup>6</sup> Lippman, W. (1965). *Public opinion*. New York: Free Press. (Originally published 1922).
- <sup>7</sup> Paletz, D.L. & Dunn, R. (1969). Press coverage of civil disorders: A case study of Winston-Salem, 1967. *Public Opinion Quarterly, 33,* 328-345.
- <sup>8</sup> Tichenor, P.J., Donahue, G.A. & Olien, C.N. (1999). Community conflict and citizen knowledge. In M.S. Mander (Ed.), *Framing friction: Media and social conflict*, pp. 29-57. Urbana, IL: University of Chicago.
- <sup>9</sup> See Media Annex for more details on methodology.
- <sup>10</sup> Reporter Laura Blumenthal and cameraman David Dalton
- <sup>11</sup> Reporter Charles Travis and camerman George Vaughn
- <sup>12</sup> Reporter Pamela Hill and cameraman Jim Waters
- <sup>13</sup> Reporter Matthew Sinclair and cameraman Ed Boyd.
- <sup>14</sup> Reporter Winston Cavin and photographer Don Davis
- <sup>15</sup> A total of 617 newspaper artifacts were identified and coded: 471 from the *Greensboro Daily News* and *The Daily Record* and 146 from the *Carolina Peacemaker*. Most were news articles, but approximately a dozen editorials and/or letters to the editor were included in the analysis.
- <sup>16</sup> This report recognizes that quotes that marked Nov. 3, 1979 according to the spokesperson's views also impacted the community's understanding of that event. However, with our focus on media representation, the choice was made to make relevant here only the media's voice.
- <sup>17</sup> See Table 1 in annex.
- <sup>18</sup> Noakes, J.A. & Johnston, H. (2005). Frames of protest: A road map to a perspective. In J. A. Noakes & H. Johnston (Eds.) *Frames of protest: Social movements and the framing perspective*, pp. 1-29. Lanham, MD: Rowman & Littlefield.
- <sup>19</sup> See p. 57 in Cappella, J.N. & Jamieson, K.H. (1997). *Spiral of cynicism: The press and the public good.* New York: Oxford.
- <sup>20</sup> Noakes, J.A. (2005). Official frames in social movement theory: The FBI, HUAC, and the communist threat in Hollywood. In J. A. Noakes & H. Johnston (Eds.) *Frames of protest: Social movements and the framing perspective*, pp. 89-111. Lanham, MD: Rowman & Littlefield.
- <sup>21</sup> Martin, C.R. (2005). Framed! Labor and the corporate media. Ithaca, NY: ILR.
- <sup>22</sup> Watzlawick, P., Bavelas, J.B. & Jackson, D.D. (1969). Pragmatics of human communication: A study of interactional patterns, pathologies, and paradoxes. New York: W.W. Norton & Co.
- <sup>23</sup> Waller, S. (2005, February). *A city of two tales: The Greensboro massacre of November 3, 1979, in fact, context and meaning.* A report presented to the Greensboro Truth and Reconciliation Commission.
- <sup>24</sup> Sussman, L. (1945). Labor in the radio news: An analysis of content. *Journalism Quarterly*, 201-214.
- <sup>25</sup> See Parenti, M. (1993). *Inventing reality: The politics of mass media, 2<sup>nd</sup> ed.* New York: St. Martins and Puette, W.J. (1992). *Through jaundiced eyes: How the media view organized labor.* Ithaca, NY: ILR.
- <sup>26</sup> Carreiro, J.L. (2005). Newspaper coverage of the U.S. labor movement: The case of anti-union firings. *Labor Studies Journal*, *30* (1), 1-20.
- <sup>27</sup> Noakes, J.A. & Johnston, H. (2005). Frames of protest: A road map to a perspective. In J. A. Noakes & H. Johnston (Eds.) *Frames of protest: Social movements and the framing perspective*, pp. 1-29. Lanham, MD: Rowman & Littlefield.
- <sup>28</sup> Si Kahn, Statement to the Greensboro Truth and Reconciliation Commission public hearing. (15 July 2005)
- <sup>29</sup> Jeff Woods, Statement to the Greensboro Truth and Reconciliation Commission public hearing, (15 July 2005)
- <sup>30</sup> See "North Carolina Resurgence of the Klan" chapter.
- <sup>31</sup> Lewis Pitts. "Investigate police's role." Greensboro News & Record. (2005, May 29).
- <sup>32</sup> Woods, J. (2005, July 16). Presentation to the Greensboro Truth and Reconciliation Commission at the 1st

## What happened after November 3, 1979?

public hearing. Greensboro, NC.

- <sup>33</sup> Stepp, C.S. (1993). How to save America's newspapers. American Journalism Review, 15, 3, 18-23.
- <sup>34</sup> Winston Cavin public hearing statement.
- <sup>35</sup> There was a significant difference, however, between the daily and weekly newspapers. In the daily newspapers, shootout and confrontation together were used 36 percent of the time, nearly as much as shootings and incident at 40 percent or massacre and murder which were together used less than 2 percent of the time. In sharp contrast, the African American newsweekly only used shootout and confrontation in total 7 percent of the time whereas shooting and incident were used 45 percent of the time and massacre and murder were used 23 percent of the time.



**Greensboro Truth and Reconciliation Commission Final Report** 

Consequences and the relevance Chapter 2 of Nov. 3, 1979, to today

The most direct consequences of the tragedy of Nov. 3, 1979, are the deaths of five people (all anti-Klan demonstrators): César Vicente Cauce; Michael Ronald Nathan, M.D.; William Evan Sampson; Sandra Neely Smith; and James Michael Waller, and the wounding of demonstrators Paul Bermanzohn, who remains seriously disabled from his injuries, Claire Butler, Thomas Clark, Nelson Johnson, Rand Manzella, Don Pelles, Frankie Powell, James Wrenn, Klansman Harold Flowers, and news camerman David Dalton.

Because the events of Nov. 3, 1979, took place within an already broken, unjust society, it is impossible to distinguish the direct consequences of the event from the issues that led up to it and still linger today. However, as the GTRC gathered its statements in private settings and public hearings, several common threads emerged with regard to how statement givers understood the consequences of these events. The themes included:

- o Individual trauma
- o Economic and social retaliation against CWP members and their associates
- o Surveillance of CWP members and their associates
- o General distrust in the police, justice system and media
- o Increased awareness of race, class and power dynamics
- o Effects on labor and political organizing
- o Distrust of outsiders and denial of responsibility for community problems
- o Tacit approval of violence against political dissenters
- o Positive effects

We have chosen to share direct quotes from our statements so that readers can understand these consequences in the words of the speakers.

### Individual trauma

The trauma experienced by individuals from such an event varies greatly. Effects can include personal difficulties with work or sleep, anxiety, distrust and general fear. In Greensboro, those traumatized included a mass of the community not even present at the scene on Nov. 3, 1979, as well as those who witnessed and/or lost loved ones in the horror of the 88 seconds of violence. The following quotations reflect the wide range of trauma experienced as a result of Nov. 3, 1979, much of which continues and even affects those who hadn't yet been born.

### **Broadly felt trauma**

**Nettie Coad**, organizer with the Partnership Project who has been a community activist for 30 years in Greensboro, focusing on housing and education inequity:

November 3rd left a paralyzing fear on lots of people. I was coming home from work one evening shortly after the November 3rd – not an incident, the November 3rd killings – and I was driving down Murrow Boulevard, and I heard a shot, it could have been a car backfiring, I will never know. But I knew that I was shot, from about the time I came under the bridge at Murrow Boulevard until I got to Market Street, I was still alive but I couldn't believe it. That's how fearful I was that something could happen. It just gripped me, and then I started shaking, my foot was shaking, you know. But I knew I

was dead, because I had been shot. That was the kind of fear that existed in this community. People didn't talk about the incident; I don't know how we could ever have gotten to any truth because people were afraid to talk about it. People that I knew didn't talk about it. The only accounts we got of the incident came out of the newspaper. It wasn't like we could talk to the people who this happened to and get some information. It was such a gripping fear that if you read it in the paper, then that's the information you got. And I guess that's what people had to go on, what they read. Truth or not, that was what existed at that time. And I will tell you it was many years before I had an opportunity to hear that much about the November 3rd shooting at all, until two years ago, there were beliefs I held, because I had no way of knowing anything different than what I read in the paper.

**Rev. Mazie Ferguson**, president of the Pulpit Forum of Greensboro and Vicinity ministerial alliance:

And people say there is no need for us to be going back and pull up all this old stuff and reopen all of these old wounds and I am saddened by that sentiment. The wounds are not old, the wounds are still here. The wounds are quite present. The wounds walk up and down our streets. The wounds go by the names of homelessness. The wounds go by the name of the unemployed. The wounds are still with us. The wounds are still known by the name of racism, and it is still rearing its ugly head.<sup>2</sup>

#### Trauma at the scene

Floris Weston, widow of César Cauce:

I was there and I saw what happened. I saw all of the people who were killed as they were lying in the streets. I saw my husband, dead. I saw the police come in and attack the demonstrators. I saw the children running for their lives. I saw everyone trying to take cover, getting under cars and it traumatized me. It's understandably traumatic. It has a lifelong impact. ...

I think I functioned. Some people would probably say I functioned well. As far as I was concerned, I was not functioning well. I couldn't bear the thought that I was not functioning well, that I was not doing my part, and that I wasn't doing a good job. ...

The impact it has had on me it has to have also had on all the children who were present, all the people living in the neighborhood, all the people watching the TV. ...

I resolved after November 3rd, to take more care about the situations that I became involved in. I'm very methodical about anything that I commit to. I'm a very, very independent thinker, all of my friends will tell you that. I am very less likely to join groups. I've discovered that I'm a tremendous introvert and I don't like being in the public eye. I have become baptized and I'm a Christian. I believe very much in God. I work within my church and within my community and that's my way of trying to stay true to helping people and trying to play a meaningful role in the rest of my life.<sup>3</sup>

**Doris Little**, a former Morningside Homes resident who was a teenager and a witness on Nov. 3, 1979:

During that time there were a lot of kids at the laundromat across the street, at the dry cleaners ... I felt like our whole community was jeopardized ... That was the first time I ever seen anybody dead. You know, it jeopardized the whole community, it jeopardized me. I was real scared. They put our families, they put the whole community on curfew. I felt like justice wasn't done pertaining to this. A lot of us was hurt by this. A lot of people got away with it.<sup>4</sup>

Joyce Johnson, wife of Nelson Johnson and former CWP member who talked about her daughters'

#### suffering:

It had an impact on family. It's just a strain...And I think I'm blessed with the way my girls have grown up and moved on or whatever. But I do know it still impacts them. And that's painful to me. I wish that they would feel free to come and talk in this setting. I think they do now talk more to friends about it. That's good it's creating that space. You know everybody won't talk to the commission to open up dialogue or what have you. But they carry that weight of the lies and the misspeaking that occurred in this city. And these were little kids going to school, public school. So on one hand folks were sympathetic because there's this view particularly in the black community about the Klan and what have you. But at the same time the line was that "your daddy caused this problem". And "your daddy brought this up in here". And "he threatened the lives of folks in Morningside." You know because "he brought them he invited them. And then he wasn't even ready. You know he was out there he didn't even have a gun himself" ... They had to deal with that. My oldest daughter who never probably had a fight. And one of the fights she almost had was around some guy who came up and said that...

So to the degree a 7 or 8 yr old could understand... we talked about it. But they didn't want to talk much about it. You see, people withdrew, it was a real period of isolation where folks were literally scared to be around you... So that's a point of pain ... They are supportive; they are really very happy now. They are trying to get out this truth. They have more political understanding...But still when you don't discharge the pain...I know it's there. No mother wants that for her child.<sup>5</sup>

**Elijah Andrews**, resident of Morningside Homes on Nov. 3, 1979, who experienced depression afterwards:

It put me into a state of mind, like I just don't want to be bothered with anybody, because it made me feel like I was just useless there, due to the fact I'd seen what went on. I was already going through a lot, through the projects, and when I seen that, I just lost all hope. ... It just hurt me a whole lot, seeing this happen.<sup>6</sup>

**Jim Wrenn**, former CWP member wounded on Nov. 3, 1979:

I saw Mike Nathan laying in the street, wounded, a few feet from where I was. My only thought was, I need to go to him and do something, pull him out of the street. I was aware they were shooting and I was aware that I might get shot. If I had not gone to Mike Nathan, I think I would have regretted it the rest of my life, that I would feel entirely different about November 3<sup>rd</sup> than I do. But I went to him and I got shot as I went to him. I got shot in nine places ... I am missing these teeth and I don't want to have a permanent partial (bridge) put in because I want to be able to take it out every day so I don't forget.<sup>7</sup>

**Evelyn Taylor**, former community leader in Morningside Homes:

We wished someone in the leadership of that group (the CWP)would have came back and ask forgiveness or tell us they were sorry, 'cause I almost lost two kids in there ... The bullets hit my house ... Some of the kids had to be taken out into other neighborhoods 'cause they were scared to stay in there that night. ...

Everybody was calling me, "I heard 25 children got killed," and I told them, "I'm gonna walk down there and see." They pulled the sheet off of that man's face and it was blowed up. I took off back to the house and took three Valiums and it did not even calm me.

After the shooting it was not about the Klan. We were only scared to death. I was scared to go

out and get in my car and go to the store and get a loaf of bread. I didn't know who was out there. I guessed it was fear had fell over the community. It wasn't about the Klans, it wasn't about the Communist workers. It was about what had happened that day ... I was just afraid, everybody was afraid. You could've heard a pin fall on the sidewalk, it was just that quiet. There was no noise period in Morningside. Nobody stirred. Fear shouldn't take over a community like that.<sup>8</sup>

**Tom Clark**, former CWP member who was wounded on Nov. 3, 1979:

My pain was emotional and social ... There was not a lot of physical pain but I was thinking of my friends that I had just seen get killed. That was what was painful. ... I named my son Cesar in (Cesar Cauce's) honor.<sup>9</sup>

**Gary Cepnick**, news director at WFMY, Greensboro's CBS affiliate, on Nov. 3, 1979, who recalled the reactions of fellow WFMY employee Jim Waters and colleague Laura Blumenthal, who was at the scene covering the rally for competing WXII:

We sprung into action ... tried to get other people into the field and over to the location to find out what's going on. I immediately went to the TV station and I remember, Jim Waters when he would get excited or upset or whatever, he would stutter. It was a bad stutter. I say that only because here he is caught in the crossfire of this event, absolutely he had the good sense to just turn on the camera and keep shooting but it was absolutely horrific of course. People were falling around and people were being shot to death. He was absolutely freaked. I called him on a two-way radio, we had a handheld radio like the police would use, and I called him on the two-way radio. I said to him, trying to raise him, Jim are you there? Are you there? Nothing! I said, "Oh my god, they killed the guy." One point, kept calling and calling, finally I said Jim if you can hear me just hit the key on the radio and he did. Later on of course he, we got him, he was going crazy. We all know him. Sometimes you needed an interpreter cause he talked fast and when he was excited he would stutter. It was a side to everything that was going on. It was deathly serious that one of our own people had been hurt or shot.

(Laura Blumenthal) had been assigned that day to cover the rally. My executive producer friend knew that his girlfriend, that later became his wife, was out there for the other station and he was trying to get a hold of her. She also literally got caught in the crossfire and literally had the good sense to get out of the car that they were in, the vehicle had the call letters of the station on the news car, and crawled under the car. One of the victims, I don't remember which one, fell down right by the car, right beside the car.<sup>10</sup>

#### Trauma in the immediate aftermath

**Winston Cavin**, a journalist who was at the scene as a 26-year-old reporter for the Greensboro Daily News:

The shootings and their aftermath have affected me for all these years. My father insisted that I keep a shotgun in my house – I hated guns before November the  $3^{rd}$ , 1979 – because he, my father, thought that some bad people would come after me. I was, after all, a witness. Nothing like this happened, but I was afraid at night and despised having a gun in my house.

I knew it was a story that I could never get away from. I helped cover, along with the News & Record staff, the aftermath of the Funeral March through the criminal trial and the outrage that followed the verdict. I testified at the 1980 criminal trial and at the 1984 federal civil rights trial. I was never called to testify in a civil trial. I felt fortunate I wasn't killed. On that day I was a long-haired,

dressed down – I was long-haired, dressed down, and looked a lot more like a member of the CWP than anything else. During the shooting I noticed that Nelson Johnson had ducked behind the same car with me. I began to freak out. I thought they would come and kill him. I couldn't escape. I just had to hang on. Apparently they didn't see us.

I've suffered survivor guilt along with other psychological affects including anger and profound sadness. At times I blamed the Communists for bringing it on themselves: "They started it. They were spoiling for a fight. What were they thinking?" At the same time, I felt such resentment towards the shooters. The CWP may have been – the CWP people may have been a little off-center but they were human beings who were murdered in cold blood. There was no resolution to it. Over the years I've realized that assigning blame is too simple to be true. I hoped to find some reconciliation within myself as part of this process. <sup>11</sup>

**Signe Waller**, widow of Dr. Jim Waller, killed on Nov. 3, 1979:

One consequence of the enabling and complicit role played by the police, the FBI and the BATF was my sudden widowhood. That was just one consequence. I was severed forever from the man I truly loved, the man with whom I had enjoyed two years of married life, the man who had married me taking on the responsibility of being a father to a 9-year-old and a 12-year-old. Immediately after November 3rd, the media lies and vilification of Jim and of the other four who were my friends dug into my heart. It is indescribable how wounding this was on top of the devastating loss itself.

My life energy was completely consumed in practical matters of survival, in the struggle to obtain justice for the killings, and in daily efforts to publicly expose what had happened and why it had happened. I was part of a larger effort in the early 1980s to build a united people's movement to fight back against the increasing repression of civil and human rights for which November 3rd was a defining moment.

Something amazing happened: the victims of the attack of November 3rd became the villains. The message drummed into people was that the victims, not the killers, were responsible for the killings. We were branded as unpatriotic, communist deviants. The mainstream media and culture warned people to stay away from us. Severe attempts were made to isolate us from anyone who would support our quest for justice. They were likely to be stigmatized along with us. When the late John Kernodle wanted to help raise funds for the Greensboro Justice Fund, which was doing education around the incident and the trials, he was hounded about having a wine and cheese party.

In this atmosphere came the second cruelest blow to me personally after losing Jim. The circumstances of my life after November 3rd, living under siege, resulted in first my older child, Tonie, then my younger, Alex, leaving my home. They had always lived with me. Upon my marrying Jim they lived with me and with Jim. After the murders I painfully, but perhaps prudently, released them to their father, my first husband. The guns of November 3rd took not only my beloved husband and friends, but my family life and the sharing of my children's adolescent years, although my daughter tells me that many parents would welcome not sharing their children's adolescent years. They were not to live with me again in my household although I did see them frequently. And I am very proud of them and of my two grandchildren, Benny and Cassie from my daughter and son-in-law. But even so, my children, my daughter and son bear the scars of November 3rd.

My son was at the November 3rd rally when the bullets started flying. He continues to suffer from post-traumatic stress syndrome. My daughter did not go to the rally. Only when I returned to Greensboro in 2003, after living in the Midwest for 15 years, were we able to have the conversation that helped me understand that what I had misinterpreted as callous indifference was her own

suffering and attempt to deal with the painful loss of her stepfather.<sup>12</sup>

**Alex Goldstein**, stepson of Jim Waller who was a 12-year-old at the scene on Nov. 3, 1979, and suffered from post-traumatic stress:

Right afterwards I was like, 'I want to be exactly like Jim. I wanted to grow a thick black beard, all the way through, you know, call me black beard junior ... I wanted to change my name legally ... Then I realized, that he had his own talents and skills and that I had to find mine.

There was a feeling of waste and death that came over me...

My grades, they reflect. For the first six and a half years, I made top grades. And then after that, in seventh grade, I was barely passing. ... There was this kind of thing with waste, people dying young.<sup>13</sup>

**Lea Adams**, former Durham TV producer who interviewed Marty Nathan after the tragedy and was fired after refusing the news director's request to ask about Nathan's decision to discontinue her husband's life support:

My story is, what happened to me was my career took a u-turn. My sense of where I fit into activism and social justice movements took a turn, not a u-turn, but changed. My social life changed. It was a big deal for me but it was a big deal that I put under the covers and said that's it. Nobody has to look at this but me.

In a sense, this process for me is partly letting go of not just things that I haven't talked about except to Marty, I did talk to Marty earlier, but also letting go my feeling about not having talked about it because I don't feel good about that. I feel there's a little bit shame but there's a whole lot of, 'Gee whiz, I wish that I had gotten all of this out while it was fresh in my mind,' cause now, you know, it's years later and my mind definitely isn't what it was in terms of keeping those kinds of memories. ...

I came under a lot of scrutiny at work after that. (Her boss said,) "Why don't you tell truth ... you are a Communist right?" <sup>14</sup>

#### Marty Nathan, widow of Michael Nathan:

I went to bed every night unable to sleep, fearing that my small family's house would be fire-bombed or the windows would be shot into. We had chosen this house with these huge picture windows because we loved light; boy did I regret that. I lived off of Mike's social security as I worked with Dale, Signe, Floris, Nelson, Joyce and many others in the newly formed Greensboro Justice Fund to defend the indicted demonstrators and get justice for Mike, César, Bill, Jim and Sandi. 15

**Virgil Griffin**, Grand Dragon of the Cleveland Knights Ku Klux Klan (CKKKK) in 1979; Imperial Wizard since 1985; in Klan/Nazi caravan on Nov. 3, 1979:

I was released on \$100,000 bond, and I was put on federal probation for one year before the trial even started. They wanted to put me under house arrest, but they didn't. I couldn't leave Gaston County except to go to Camden, South Carolina. My mother was up in age and she had heart trouble and didn't drive, I could go to her house. But I had to go a certain road, I couldn't get off that road, go into no town, if the car broke down somebody else had to go. Go to her house only, I couldn't go to none of my sisters or my brothers or no house, just her house, had to come back that way. I could work, and stay in the county. I couldn't speak to no one in the Klan for a year. They told me if I seen a Klansman walking down the street, better cross over the street and go to the other side. Except for

my wife, she was the only one in the Klan I could speak to, couldn't make me leave my wife. No other Klansmen, my best friends couldn't come to my house, I couldn't go to their house for a year, and things. And when I was tried, I's found not guilty. 16

**Jean Chapman**, close friend and colleague of CWP members who recalled the funeral march and political organizing in North Carolina after Nov. 3, 1979:

(At the funeral march) the National Guard was out, the helicopters were out ...tanks – it was so scary. Along the way, the National Guard would fall into formation, on their knees, pointing guns at us. And I thought, who is being protected here? I was so astounded. They were pointing guns at us! ...

Locally, I became a local instant, notorious character. I was consistently accused of trying to get my name in the paper, of just wanting publicity. The only thing I wanted to do at that time was to crawl in a hole in a cave and never come out. ...

(Afterward) people were just reeling, and also doing their jobs, and also out almost every night doing organizing work, and being isolated, still wondering if you were going to be attacked, getting no support from other progressive folks, and people's families were freaked out.

By 1982, I was really depressed. There was a time when I knew I couldn't do political work anymore.

I've come to realize that November.  $3^{rd}$  was the seminal event of my adult life. The work I did with the CWP was among some of the most intense, vibrant times of my life. This event has also shaped the rest of my life. I have two daughters. One of them was named for Sandi Smith and the other was named after Joyce Johnson.<sup>17</sup>

**Judge James Long**, who presided over the state murder trial:

People often ask me how tough it was to provide over so controversial a case and how I came to be chosen as the presiding judge. The day I received the call from Raleigh informing me I would be assigned to try this case would have been a terrible day except for the honor of the thing. Chief Justice Exum of our state Supreme Court could have assigned any superior court judge in the state to preside over this trial. The fact he thought I was up to the task was a source of pride on the one hand, but the assignment would be a daunting challenge on the other.<sup>18</sup>

#### Labor organizer who recalled impact of shootings:

After November 3<sup>rd</sup> things really began to fall apart. We all needed a little bit of breathing space and it took us a couple of years. I went to Winston-Salem for three years. I had to kind of process all of this. I needed time to step back and take a look ... Tension was too high. I had young children. I wanted to step away from it a little bit ... We had to figure out where we were going to put our energies. <sup>19</sup>

**Willena Cannon**, former CWP member, longtime community activist and current employee of the Greensboro Housing Coalition who was arrested on Nov. 3, 1979, and recalled her son Kwame's reaction upon her release later that day after the shooting:

[Kwame] was terrified. He was scared. He grabbed me like he had seen heaven. He didn't know if I was dead or alive when he saw me...People I'd been knowing since the late 60s, early 70s...were scared not of me, but of being associated with me... People would say to my kids, 'your mama helped get people killed'...so it did affect the children at school...they wanted me to get away from that, from the pain. It wasn't like they didn't believe me, but they didn't want to deal with it and didn't want me

to deal with it...I started to leave Greensboro, NC, but I guess to me that would be letting them get away with [what they've done to me].<sup>20</sup>

### Continuing trauma

**Richard Bowling**, Greensboro businessman friend of Nelson Johnson and former owner of the Cosmos Restaurant, where the Nov. 3, 1979, march was to finish:.

I didn't talk with Nelson for many years after that. As a matter of fact, I didn't talk with him until just recently about any of my feelings or thoughts (surrounding Nov. 3, 1979), or the fact that I spent two hours with him prior to all of that happening. I have talked about this incident many times. I am a presenter for the Urban League in Winston-Salem talking about the issues of race, and issues in our community, and I've used November 3<sup>rd</sup> as an example of further injustice to a community of people.<sup>21</sup>

#### Nelson Johnson, former CWP leader:

It got to a point, in my work, where the police literally followed me around, everywhere I went. That's the kind of scrutiny I was under...(they) said that I was the most militant person in Greensboro ... I was viewed this way by the white community, and in a different capacity as clergy by the black community ... I felt the pressure of that statement, is one of many examples.

My identity jumped from that of '69 to '79. ... there was no mention of the other work I was doing.

Within months of the assassinations in 1979, the sitting mayor said publicly that I was the most dangerous person in Greensboro.<sup>22</sup>

**Gorrell Pierce**, former Nazi who in 1979 was the Grand Dragon of the Federated Knights of the Ku Klux Klan:

I've had to live with it, I've thought about it every day of my life since then. And you can bet every day I was in the federal penitentiary I thought about it two or three times that day ... But it wasn't the city's fault, it wasn't my fault, it wasn't no one person's fault ... They must have had a heck of a time picking a jury because there was a lot of people coming there saying, "I don't give a damn about neither side, I wish they'd all killed each other." <sup>23</sup>

**Leah Nathan**, daughter of Michael and Marty Nathan who was an infant on Nov. 3, 1979, yet finds her decisions affected by the tragedy:

I've sort of found myself seeking really "normal" people, not as complicated people, people that aren't carrying the weight of the world. ...

At the same time, having this be so much a part of my identity (I feel) like I have to live up to something. I couldn't go through my life being trivial -I at least need to talk about important things. If not, then I've wasted a father, and I've wasted his dreams and aspirations for me. ...

It makes me feel conflicted. I think I tend to seek out people who I don't feel that pressure with, but at the same time, I find myself being angry at myself, angry at the people I'm spending time with for not getting it. At the same time, when I am around people who are so dedicated, I also get uncomfortable. But it's part of my DNA, activism, it's second nature to me, at the same time it stresses me out. I think it's because I know the potential for letdown, disappointed, heartbroken. Because you're so passionate about it ... fighting the fight is so hard.

I worry that people will disappear, or also that I'll disappoint them ... It's like a death complex.<sup>24</sup>

**Tammy Tutt**, a community activist who was a child living in Morningside Homes on Nov. 3, 1979:

Even as a child I felt so much anger and frustration... People knew about it and they were so disempowered that they could not join together to bring about a change. ...

Although since that time I have seen some shifts in the community. Economically we've grown. Socially we've grown. We look like we're coming out of our shells. We're better educated today. And businesses are definitely growing. There is a lot of new construction going on in our city. I can see that as a whole community not many things have changed. We're still somewhere in hiding and despite some shifts in our community, we're not better as a whole in my opinion. In fact, I think we're worse today than we were all those years ago because now we've gone into a hiding that is covered up by things. We've not been able to pull away from things to see what the truth is today. We're so suspicious of each other that there is little or no trust in our community. In my opinion, I feel that this has everything to do with how the surviving members of the CWP have been treated since the massacre. <sup>25</sup>

**Alison Duncan**, daughter of former CWP members Robert and Alaine Duncan, who believes her life has been colored by Nov. 3, 1979, although she hadn't yet been born:

Anyone who knows me knows that I play rugby. There are few people who know me that know one of the reasons why I joined the team, after watching demonstrations from the civil rights movement and from knowledge of this event, I thought that in order to prepare myself for the inevitable fight for equality that I would need to physically prepare myself for a beating. I've played for five or six years now, and I'm very physically able to take whatever comes so that's one preparation that I have to fill in the place of those five.<sup>26</sup>

**Cesar Weston**, son of Larry Weston and Floris Weston, who on Nov. 3, 1979, was newly wed to César Cauce:

I came into the world wearing the name of a martyr, into the physical and emotional wreckage the state sanctioned murder put down to resistance. ... I am continually moved by an unquiet past.

I hated talking about what moved me in front of others because I did not want to trivialize the past and wanted to keep something of mine for myself. I suspected that folk would be interested in me as a person only for that past. I hoped and prayed that I would not gain notoriety, good or bad, because of the work my parents and predecessors had done before me.

It's a challenging place to live in, this world ... especially as a black male. It's kind of an honor, in the way that this has affected me. It's almost like I was marked to do some special work, whether I wanted it or not. I feel like I can rise to the occasion.

When I realized this is not something to play with, this was American history, this was the reason my mom cries at night sometimes even if she didn't think I heard her. ... It's an honor and a pain, how the past can still affect the present. <sup>27</sup>

## Social and economic reprisals for CWP members and their associates

The environment of fear that pervaded the city contributed as much as their own mistakes to losses CWP members suffered after Nov. 3, 1979, including friends, reputations and jobs. Greensboro's elected leaders and government managers focused blame for the violence on them and the Klan-Nazis, and many in the progressive community did the same. The daily Greensboro newspapers exhibited little sympathy for grieving CWP members who were wounded and/or lost loved ones, creating what Spoma Jovanovic described as caricatures of them in news pages (see Media portrayals chapter). The following quotations reflect varied personal experiences and observations of what transpired.

#### Social isolation

**Jean Chapman**, recalling the CWP's strained relationships with other progressive activists after Nov. 3, 1979:

It was very complicated by the fact that all the other progressives were sorting out, I think, in this time, what their outlook toward us was going to be. ... We tried to do work with a lot of ministers and groups. Some of the progressive groups, some of the more left, but not communist groups didn't trust us and thought that we were just full of BS. ... The bottom line was that we were very isolated, and that was very sad, because ideally, it could have been a time for the progressive community to pull together. But it didn't. ...

There were a handful of rare people that stuck with us, but mostly people isolated us. I remember being so isolated ... I felt like I was absolutely alone ... It was a terrible, terrible feeling – just that people wouldn't talk to you, wouldn't even walk near you. We were so pushed to the edge by the progressives in North Carolina ... A very common line was, "that we asked for it and we got it." <sup>28</sup>

**Tim Tyson,** author of "Blood Done Sign My Name" and other award-winning books, senior research scholar at Duke University's Center for Documentary Studies and visiting professor in the Duke Divinity School:

There was a sense in which people blamed the shootings on the CWP. There was not very much sympathy for the CWP's politics. They were unreasonable. One of them threw an egg and hit Governor Hunt. ... It may have been after the shootings. But I remember thinking, if you hit Governor Hunt with an egg is that going to win anybody's support? No. It's stupid. They talked this militant Marxist line with a sprinkling of left-wing political jargon and took positions that seemed ill-considered whose general thrust I would tend to agree with, but whose specific language I would think was inflammatory and not likely to recruit anyone.

**Richard Parks**, a former mill worker who recalled the environment around the factory after the killings:.

There was a lot of hatred. It had made the working conditions even worse. Right after that I had got laid off and about a year later they closed that plant down. Still in that community it was deeply divided. Most of the white people in that area said they got what they deserved. And in some ways, the way I look at it, they brought that on to themselves because they left random flyers out, not to show up, that anything could and would happen.

I've become a victim of hatred acts. My house has been vandalized, my vehicle has been vandalized because I've spoken openly about this...because I would help a black individual out.<sup>29</sup>

#### **Employment woes**

#### Willena Cannon:

Nobody would hire me. People who wanted to.... I had, and I'll call his name, Lefty Williams was a black male who had an educational supply business. And he was looking for somebody to deliver. He said, "we can't hire you. I'd lose all my contracts. I'll tell you what I'll do. If you tell me somebody else to hire, I'll hire him." It was like he was trying to do me a favor. He was trying to say I'm with you, but I would lose my business. I couldn't get mad with him. That was true. If I was driving here anywhere, he would lose business.

And I remember I got a job... Roy's Hamburger. I worked there two days. The second day I worked there a policeman came in. I didn't pay much attention. The manager told me an hour later to punch out, that he didn't need me the rest of the day. So I came in the next day, and he said, "Well, I don't need you today either. Just call in before you come in, and find out what the schedule is." I did that for four or five weeks, and he never scheduled me. I just figured that the police might have told him who I was ... what had happened. I had no more job.

I couldn't get a job. I was on welfare, for the first time in my life. And I really understand people on welfare, and the whole system saying that you LIKE this ... people are dehumanizing.<sup>30</sup>

#### Joyce Johnson:

My manager was pressured to fire me, but he said, until you personally do something that deserves firing, I won't fire you.<sup>31</sup>

#### Marty Nathan:

We had nothing. I didn't have a job. I couldn't get a job. I didn't even talk about that. The two jobs that were available for doctors with as limited training and experience as I had at that point ... they had been existing at Dorothea Dix for two years. Nobody had applied for these jobs. And I applied, and they suddenly disappeared. You know ... we were all ... None of us could get jobs. We were scared.<sup>32</sup>

#### Signe Waller:

A week after November 3rd, when I went back to work, I was fired from my job as a spinner at Collins and Aikman. When I tried to find another job I discovered that I was blacklisted. I was told by a friend with an inside track at a school that rejected me for a teaching position that my credentials were excellent and they would have hired me except for who I was – meaning my association with the CWP and November 3rd. ... At one point, I was virtually hired by a small advertising company in Greensboro to write copy when I thought that I should tell the man hiring me, who was new in town, something about my background. He appreciated my honesty but un-hired me on the spot.

Ultimately I got a job as a welder at a small metal fabrication plant in the city by dropping my unusual first name and presenting myself with my middle name, Barbara. And then I got another job — also obtained by hiding my real identity with my middle name — as a waitress in a hotel near the airport. I didn't want to lose this job as low-paying as it was and fall into worse poverty. Once I nearly spilled a pot of hot coffee all over a customer when I noticed that he was reading a newspaper that had my picture on the front page and I abruptly turned my face away from him so he wouldn't

recognize me.

Routinely, our attempts to exercise our rights to freedom of speech and of assembly were compromised or abrogated. It was difficult to find or to keep a venue for a public meeting. Those offering such a venue were discouraged by law enforcement efforts aimed at shutting down our opportunities to reach out to people and for people to hear directly from us, unmediated by newspapers or government officials. All of our attempts at public outreach ran a gamut of obstacles. More than once our best efforts were disorganized when a venue that we thought we had for a public meeting was pulled at the last minute. At all of our press conferences at Governmental Plaza we were surrounded by sharpshooters on rooftops.<sup>33</sup>

#### Distorted media portrayals

#### **Nelson Johnson:**

We have been projected by establishment culture as evil, manipulative, liars and ideologically driven people with little regard for the life and the welfare of others. And the reason I took a moment to sketch out my own journey is because all of the history stands in opposition to that distorted point of view.

Nevertheless, under such a cloud of distortions, we have found very few empathetic ears that would listen to the difficult and painful events related to the killings of our relatives and our loved ones. In addition to the loss of life, injuries, disruption of careers and families, we've had to endure ongoing perversion of the context, a constant stream of distortions of the facts as well as demeaning assaults on our motives and characters.<sup>34</sup>

**Claude Barnes**, member of the N.C. A&T State University political science faculty and Greensboro native whose embattled candidacy for Dudley High School's student government president sparked the Dudley/A&T Revolt, speaking on the role of the press:

Given the history of the Greensboro police and official dom here, which is denial and slander ... the press is part of the powers that be. They really did a job on (CWP) people after November  $3^{rd}$ . 35

#### Willena Cannon:

Sometime after this happened, we was out in the community, talking to people. Nelson was there too. And he was talking to this lady for a while, and then somebody called him ... and she made a remark to me that he was a nice young man; he was very articulate and so intelligent, that he was going places. He was not like that Nelson Johnson! So I said to her, "have you ever met Nelson Johnson?" and she said no, and she didn't want to. And I told her that she had just finished talking to him. I told her that this was just what the newspaper said about him. And then she got mad and said that the people downtown and the newspapers hurt people and tell lies about people, and about him, that they're spreading that. So then I reminded her that she had bought into that, and was kind of spreading it, and to try to learn from that, not to believe things she read in the paper. Actually, I told her not to believe most of the stuff she read in the paper...

Willena Cannon, Statement to the Greensboro Truth and Reconciliation Commission, Public Hearing 30 September 2005.

#### Surveillance of CWP members and their associates

In addition to social and economic isolation, CWP members in Greensboro and Durham felt a loss of privacy as a result of surveillance over many years, both before and after Nov. 3, 1979. The following quotations recount some of their memories of surveillance.

#### Signe Waller:

I spent years living under siege, physically and mentally. My house at the corner of Cypress Street and Yanceyville was a place where my comrades typically gathered and where some press conferences took place. It was under police surveillance. My next-door neighbor was interrogated by the FBI. Another neighbor reported to me that she actually saw a surveillance post and the man setting it up in her attic. The equipment was arranged to spy on my house across the street.

Shortly after November 3rd a car drove by my house with its occupants firing guns. When my son Alex ... When my son Alex Goldstein, who was present at the anti-Klan rally on November 3rd, was having some problems in elementary school, I set up a parent-teacher conference and when I went there I was greeted by a phalanx of armed policemen.<sup>36</sup>

#### Marty Nathan:

The sense of physical threat was combined with the constant surveillance. Twice I got out of my car—once in Charlotte, I was going to a NAACP convention, and once at Duke's campus—to hear walkie-talkies report "She is arriving at blankety-blank place," where I was, right at that moment. Several times when doing the Greensboro Justice Fund work, showing the videotape and speaking, I would find that the folks with whom I worked had had a visit, usually by the State Bureau of Investigation—although most of the time people didn't know one thing or another, which is why I can't give you specifics about this. It's just ... they were obvious police people. ... It happened so often that I never wrote it down; I wish now that I had. ...

One day I spoke to my next door neighbor, whose name I will give you later in confidence, about what was going on in my life, and he told me that he was acting as an informant on me for the Durham police, and he also, separately, but sort of the same, attended KKK meetings. He said that he had been asked to put an electric device on my car as a locator, which explained the police's knowledge about where I was.<sup>37</sup>

#### Willena Cannon:

We felt watched all the time. ... We felt information was coming from someone listening or spying on us. Walter Johnson was a black lawyer appointed to defend the Klan but he had to let that go. He would deny that now. He heard the Sheriff asking the Klan why didn't they finish Nelson off. So we were afraid they were going to come and finish us all off.

I know that there was times that a phone would be tapped, because a certain way/sound on the phone, that you knew you were being listened to. I know that there was occasions that, whatever the conversation was. ... One in particular: I think Signe called Nelson to pick her up from the airport. That conversation was on the phone. When he picked her up at the airport and, coming back, a large truck ran them off the road, actually ran them in a ditch. They got out of the car and ran, and then it got back on the road and left.

So those kinds of things happened. And some other things that I'm not – that people would talk about but ask you not to say.<sup>38</sup>

#### **Alex Goldstein:**

There was a period where there were safety and other concerns focused on legal stuff. The way people were attacked in the media and misunderstood. Right after November 3rd our house became sort of a headquarters for things. For a while, as I understand it, the FBI had the house bugged. It was very chaotic, but the community spirit was just incredible.

Right afterwards, my maternal grandparents came down to visit. ... My grandparents, my mother, my sister and I were in a hotel, I don't know for how long, because there was this kind of, safety issue. There was, kind of, raw emotions.<sup>39</sup>

## General distrust in the police, justice system and media

In much of the Greensboro community, especially among its poor black members, the events and aftermath of Nov. 3, 1979, either created (especially in the large number of children living in Morningside Homes at the time) or affirmed a view that neither the police nor the courts could be trusted to protect them, their families or their interests. Some were shocked by the events and then again by the acquittals; others – conscious of history and cognizant of institutional racism – were surprised by neither. The following quotations represent a range of reactions.

## Distrust of police

**Elijah Andrews**, speaking of his attitude and that of other Morningside youth:

It just put no faith into the justice at all, period. Because the police is not going to do anything, so what's the use? ...

I was young at the time, and that's all I knew how to do was to try to survive. Because I didn't have no kind of protection around here, and I had to try to protect myself. That's all what we knew how to do was to figure out how to try to protect ourselves.<sup>40</sup>

#### **Rev. Mazie Ferguson:**

Our police officers are not properly scrutinized by government. And we have got to do better than that because we need them. I need to know, and I need my 8-year-old grandson to respect police officers. But I can't deny that it's frightening to me. That I know that that child in eight years will have his life in danger as a practical matter because of racism that exists in our society. And what's happening now is that the police of the country reflect the powers that they bow to. And those powers are not the powers of the people. So I'm saying that what we need to do as a community and as a people, we must organize, and let our city council members and our government officials know and understand that we understand enough and know enough about the law that subpoena power and not having a police review board is simply a temporary situation and we must struggle and fight, and when we struggle and fight we get resistance because we still live in a culture where there is a tremendous amount of racism.<sup>41</sup>

**Rev. Cardes Brown**, pastor of New Light Baptist Church who was president of the Pulpit Forum in 1979 and linked the shootings with the later police killing of Darryl Howerton and the current investigation into alleged police department corruption:

I remember the Darryl Howerton incident that many of us came together to work to see if there could be a means of bringing light to what was so troubling and certainly some real issues. There has been concern about the excessive use of force by those that are placed in authority. Without question it appears to me that excessive force was used, which resulted in the death of a young man. There are many other incidents and even like today we are faced with an issue in the police department with black officers it appears are being targeted for intimidation, and there is still the sense of doubt as respect to trust. It is my opinion that if we can come together to seek the truth of November 3rd, then it will also bring us to the truth of 2005, where we are challenged to meet the truth that will set us free.

That verdict, which was almost predictable with the way the jury selected and the way the process was going on, the fact that those who were in position to really get the truth had basically demonized (the CWP) – I was always criticized, and this was from other ministers, because of my association with Nelson and different things of this sort. So in terms of what had happened people were angry and they didn't know how to vent so I took a lot of times in counseling and dealing with people in trying to get them through that particular issue. ... I think that people were angry and I felt in a real sense hopeless so I tried to tell them there's still hope.  $^{42}$ 

**John Shaw**, executive director of the City's Human Relations department, who recalled the reaction in the black community after the civil trial:

When you don't have much faith (in the police) anyway, it confirms why you don't have faith in the police.<sup>43</sup>

Cesar Weston, speaking about his distrust of police:

They have shown that there is a potential for an abuse of power, especially with us. I've always carried that around ... I have grown never to rely on the police ... I always show them respect, and am willing to be cooperative, but I always know it's two or three seconds from them pulling a gun on me, and telling me to get on the floor, or worse. With that, I think there's a little more self-reliance that you take upon your own shoulders and willingness to act ... because you know you can't rely on them all the time. I don't see that really as a good thing, given the situation that a lot of black folks are in. 44

**Candy Clapp**: a former Morningside Homes resident who was 15 on Nov. 3, 1979.

There should've been more police protection ... they knew it was going to take place. They should have protected them and us more ... They didn't care about them, they didn't care about us, they didn't care about no one. They cared about that money and that power that they had at the time.<sup>45</sup>

**T. Diane Bellamy-Small**, city councilwoman and police officer prior to Nov. 3, 1979:

I had just left the police department the year before. I had been a police officer for two years. I had a very difficult time when I was with the police department; I was harassed constantly as a woman, a female, and African American. I eventually left the department. I used to feel that if I had been still in the department at the time they probably would have set me up to be in the middle of that thing (because that was the way I had been treated when I was a police officer). 46

## Distrust in the justice system

**Dewey Harris**, who was a teenager growing up in Smith Homes and who remembered his reaction to the trial:

You know they (the Klan) was going to get off. Because that's the way the system was set up, it was always set up that way for white people – you could go around with a white sheet on your head and kill people but it'll be alright, you'll end up gettin'off. ... Even in '79, how many black people you know was sittin' on those juries up there when the Klan was up in court? Not a one.<sup>47</sup>

**Ed Boyd**, who was at the scene on Nov. 3, 1979, as a camerman for Durham TV station WTVD and who spoke about the verdict:

I expected it. I was surprised they even went to trial. It was a sham trial ... Something to try to just appease people's feelings ... (the Klan members) were the peons, they didn't help plan it. That trial was nothing but a sham, it wasn't going to get to the root. That was not the plan. 48

**Virginia Turner**, Greensboro native who worked in the White Oak mill from 1979-1990:

I don't want to feel prejudice, but I do feel like the Klan has always wiggled their way out of everything. So when they were not found guilty it did not surprise me.<sup>49</sup>

#### **Tammy Tutt:**.

I remember the outcome of the first trial and hearing a lot of people say, "They should've known that. They should've known nothing was going to happen." What I got from that, what I brought to me in my adult life from the events of November 3<sup>rd</sup> is that when things happen, people really would have rather everybody sat down and just allow things to happen and not even disturb the KKK or anybody else rather than stand up and say anything against them because they didn't want to have to deal with whatever repercussions they thought they would have to deal with.<sup>50</sup>

#### Alison Duncan:

I always went to as many (political activist events) as I could and, but at the same time it never felt like I was doing enough. I don't know if there's anyone that feels like they are doing enough but I never did. And one of the reasons I give myself for never doing as much as I feel as I could, is the inevitable feeling that if I do this that I could die ...that working and challenging the system is a blood task. And there are endless numbers of people who led the movement, worked for the movement and were not killed. But you know, growing up, with this as my frame of reference, my basis, I never had the privilege of knowing anything else ... There were many people's lives that changed that day, changed to not trusting the system that's supposed to protect you, changed to fear of many things, but my life never changed, it started that way. As a child I was afraid to go to the south of Greensboro, not that I ever acted it out but in the back of my mind I thought, you know, people were gunned down in the streets, the events as it was described to me as a small child, you know it had to be simplified beyond what was actually going on. I, you know, I didn't understand that the Nazis and KKK weren't running around all the time.<sup>51</sup>

## Changes in awareness of race, class and power dynamics

For many, Nov. 3, 1979, and its aftermath removed a veil that had obscured local realities about issues of race, class and power. Many were surprised to discover that the revered U.S. democracy could renege on its promises. The following quotations reveal the myriad thoughts and emotions that arose for people in the wake of that discovery.

#### **Richard Bowling:**

When you don't want to solve a problem then how you gonna get at the truth? You can't get at the truth when the people at the top with the power control everything that's being done, don't want the truth to come up.

Look at the real, underlying motive as to why they didn't want these workers bringing attention to the working conditions of the poor people ... The powers that be don't want that coming out ... And they will do everything they can do within their power to keep you from getting at the truth...

The key is to camouflage the truth. 52

**Gary Cepnick,** speaking about WFMY staff experiences and national media coverage after Nov. 3, 1979:

The mayor (Melvin), the police chief (Swing), and a public safety director (Lovelace) wanted to talk to us... did we really think it was necessary to put this on the air? That we were just going to do more harm than good ... It was a very intimidating group. Having the mayor, the police chief and the public safety director show up. But it came down to First Amendment rights.<sup>53</sup> ...

Everyone was incredulous that it happened. You don't think it's going to happen, not in 1979, not under the circumstances that existed at the time. You just don't drive into a neighborhood and calmly get out of a pickup truck and blow somebody away. It doesn't happen. Well, it did. This was a real keg of dynamite that could really blow up, as far as the community goes. The community was already divided, this would only continue that and make it more divisive.

In the aftermath of November  $3^{rd}$ , we were not real popular with the (Greensboro) police department. ...

Greensboro was under the microscope at that point. For the mayor and for the politicians in town it was an unfortunate time. They were asked to respond and didn't really want to respond. "If we ignore it, it will go away." That attitude existed prior to November 3<sup>rd</sup> and certainly after the fact.<sup>54</sup>

#### Ray Eurquhart, Durham labor and community organizer:

We learned...It could have been the Progressive Labor Party, could have been the Socialist Worker Party. It just happened to be the CWP. It was us, when they shot all those folks. It was us. That target included everybody out there trying to change ... The Klan and the "powers that be" had to make some examples. They had to beat back this political groundswell that was transforming the workers movement. Any target would have been OK for them. 55

#### **Tim Tyson,** contextualizing the political climate at the time:

There was a huge backlash all across the South amongst whites against the Civil Rights Movement. It was consolidating in the candidacy of Reagan in early 1980... making speeches that served into people's fear and racial resentment, and distaste for the Civil Rights Movement and what it had done to shake the South ...Reagan was playing the race card very, very hard in late 1979 and 1980. In a sense, the shootings in Greensboro, though I'm not trying to suggest that the Presidential campaign caused them, they sort of fit. They are way at one extreme of what was happening.<sup>56</sup>

Gloria Rankin, president of the Smith Homes Community Association:

I wasn't actively engaged in the community at that time. That time, it made me become involved, after November the 3<sup>rd</sup>. That event made me become more active in the community ... It really bothered me, I knew where I come from the Klan was really active, but I didn't think they were that active in Greensboro.<sup>57</sup>

#### Rev. Cardes Brown:

People were angry because they saw no way that this could happen and no one be held accountable. But in our community there is this, this opinion that you hope for the best, but you look for the worse. In other words, because of dealing with the judicial system and dealing with what we'd say in my church at the time that when you go to court that you find justice because that's who you see, just us. We've come to a point where we don't expect — we're happy to see a verdict, I guess it's easy to remember the O.J. Simpson, if you noticed that along racial lines people were happy? I guess, many were happy especially who were shades of ebony because it just don't happen. I mean, we look for us to be found guilty and I think that in the sense, two things happened. One is because we've seen it happen so much, even thought it was painful and there was anger, but we've come to know that this is the way the judicial process occurs for those who either align themselves with us, and for those viewed as being supportive of us. And anytime you're talking about the poor, we know that the majority of the poor are white, they just always assume that when you're talking about poor, you're talking about black. So in a real sense, although those who gave their lives for them were white, they were seen as us in a very real sense, so the trial outcome, while it disturbed and angered many, it was sort of expected.<sup>58</sup>

#### **Tammy Tutt**:

Watching the news that night, seeing them drag (Nelson Johnson) down the street. For me it was the fact that I didn't see white people who shot people in cold blood. Some people who got shot were white, some people were black. But the people I knew who did this were never drug down the street. I remember seeing Nelson Johnson with his irises stretched wide. It's a memory that always stays with me. Until when I got older ... I didn't even recognize him. I only had this vision of this man with these stretched irises. It just always made me want to be honest and truthful about where and what actually happened. There are still people who don't say anything about what the Klan has done. Black people, white people. The blame has always shifted back to one person (Nelson). 59

#### **Candy Clapp:**

After November 3rd the police treated us like we had committed a crime, like we had killed the Communist workers on November the 3rd. We were put on curfew. There were helicopters. There were tons of police. We were in a war zone. We were treated like prisoners in our own community. The police threatened to put us in jail if we broke curfew and everybody knew that the police were always in the community because of the fights, the drugs and the illegal activity that went on in the community. So the community constantly questions why there were no police when those Communist workers were shot. We questioned why the Communist workers chose to march in our community, a community that was already going through its own private hell. How did they decide to march in front of the office. We had no idea that they were even there. If we had known something like this shooting would have taken place we would have left.<sup>60</sup>

#### **Floris Weston:**

I struggled with the racial implications of the murders. Five people dead, one black. I came to the conclusion that there was less of a racial implication to the murders themselves, but the racial

implication I feel that lingers was in the city of Greensboro. I don't know for sure, but I don't think that most white communities are as afraid and affected as black communities were affected and I think we just heard from Candy Clapp; she said the police were on them like they had done something and they hadn't done anything.<sup>61</sup>

**Jim Turner**, state senator and attorney who represented the Greensboro Housing Authority in 1979:

My major feeling was one of total helplessness. I remember walking by the municipal building, and being pretty sure that the mayor and others were inside talking about what to do about this matter, and thinking that I wish I were included. I guess I feel regretful that I never made any attempt to get a meeting together of public officials.<sup>62</sup>

## Effects on labor and political organizing

If the CWP members had been experiencing success in attracting black or white workers to unions and/or their Party, it abruptly ended on Nov. 3, 1979. Organizers throughout the state report what amounted to a mini "red scare" that plagued their efforts. The shootings had a chilling effect that was profound and long-lasting.

#### **Claude Barnes:**

I think Sandi was a leader, she was a "dangerous" person, because she could articulate and get support ... I think that's probably why they were killed. As a team, they were very effective at organizing. ...

"We live in a democracy, but it ends at the mill door." ... In terms of workers organizing ... I think something major was about to happen in Greensboro. ...

November 3<sup>rd</sup>, at least on a local level, had something to do with ... the way that social movement was basically destroyed. With the excessive use of force, a massacre in broad daylight – that's got to have a chilling effect. It has traumatized people. It helps the demobilization – that this is what happens when you get involved in politics. You may get gunned down, you may get burnt, and your killers may get away ... Tragic too, it also had a morally chilling effect on the white progressive community, especially among white business persons, who in the past had at least tried to make an effort to be socially responsible. Now I don't see very many people who are aware and concerned about the problems in our community.<sup>63</sup>

**Virginia Turner**, on relations between mill owners and the labor union before and after Nov. 3, 1979:

There was definitely some tension there. I think the union was very strong at that particular time, it was gaining power. And mill owners and supervisors would do anything to get rid of it. ...

Working in the mill after that everybody was walking on pins and needles ... It was a lot of fear with the employees, from not knowing what happened. I think the power (of the union) began to decline at that particular time, the mill itself gained power, I think our jobs became more threatened. 64

#### **Nettie Coad:**

The incident of November the 3rd had a lot to do politically in this town. I told you we were working with ACORN. This, in 1980 I went to the Democratic National Convention as an alternate delegate. And this was due to the, our ability as organized neighborhoods to bargain and to bring attention

to our efforts and to the power that we had at the polls. November 3rd just brought a diffusion into this community in the efforts of our organizing, in the, even in the Teamsters union, in the union organizing, and a lot of the organizing that was going on across this city, and in other cities, sort of got, I don't know what word to use to tell you what was happening, but I do know that these efforts were getting politically invaded, and it left neighborhoods to begin to have to start fending for themselves. I can't tell you all that was going on with the CWP at that time or with ACORN or with the union, but I know that was a collaborative effort going on in many ways, and it's just seemed to be some political pressure was being brought to bear. I know that Wilbur Harvey was the president of the AFL-CIO at that time, and I know some charges were brought against him and he had to go make time. I know that a lot of the people that I knew who were part of my family, who were with ACORN who were friends, I don't know, there were some things happening in this community that were circumventing some of our organizing efforts. And to put my finger on it, to tell you exactly what it was, I don't know, but I know that it happened. I know that our power was diluted through some political intervention in this, in this city. And it happened after November 3rd. So I, you know, a lot of things were happening to dissuade people, to silence people, and to stop efforts.

**Richard Koritz**, representative of the Letter Carriers Union to the AFL-CIO and managing partner of a small multicultural publishing company:

Working class people in this community, union and non-union, as well as black people in general were really pushed back by the events of November 3<sup>rd</sup> and subsequently, the negative verdicts from the point of view of justice. Most working people and most black people in this community, that I observed, were afraid to get involved because of what had happened to these very dedicated folks in November of '79. And the subsequent lack of punishment for the murders of these people.<sup>66</sup>

**Ed Whitfield**, longtime Greensboro activist, intellectual and columnist who came to Greensboro in 1970:

It made it (labor organizing) very difficult. People who had seen me on the television talking about the strike at Hilton Inn, translated that in their minds that this was something the CWP had been doing during the summer. At work, word got out that I had been a CWP member. At the point when I ran for union president, they said, "We don't support that communist." The amount of right-wing reaction after that time just made the climate for talking about unions and talking about progressive causes among working people ... more difficult.

North Carolina would regularly brag about having the lowest percentage of organized workers in the country as a means of attracting business and industry.<sup>67</sup>

**Leah Wise**, Durham-based activist who was a lead organizer of the National Anti-Klan Network, a coalition of civil rights and church organizations, that organized the national February 2nd (1980) mass mobilization in response to Nov. 3, 1979.

People were not only hesitant to talk about the Klan, but when we started asking questions about what kind of plants closed here, the immediate reaction was a kneejerk, "what are you, a bunch of Communists or what?"

Leah Wise, interview with the Greensboro Truth and Reconciliation Commission, 24 June 2005.[1]

**Si Kahn**, executive director of Grassroots Leadership who has spent 40 years as a civil rights, labor and community organizer and musician in the South:

The contract at Roanoke Rapids comes a year after Greensboro. It did not, in my view, significantly undercut the ability of the union to continue. I found that there was a – the mix of responses among my friends and co-workers that I find always when there's tragedy and trauma; there's some people who are disabled by the emotions. That's a legitimate way to respond. There were people who felt like they couldn't go on. There were other people who felt strengthened for many different reasons. There were people who felt like we cannot allow something like this to slow us down and stop us, that to do so gives in to the Klan. And so every reaction that was possible was there. There's also a level at which you have to say this is the work that I've been asked to do and I have to do that work. And that's sometimes hard to do. And sometimes you can't do it. I'm not saying that I myself could always do it. But you have a responsibility and accountability if you are an organizer for a union, you can only mourn for so long. At a personal level, at a heart level, at an emotional level, at a friendship level, you can mourn forever. At a work level, the day comes when you have to go back to work. 68

**Mab Segrest**, Fuller-Matthai professor and department chair of Gender and Women's Studies at Connecticut College, and former executive director of North Carolinians Against Religious and Racist Violence, a group that monitored hate crimes in North Carolina during the 1980s:

Now at NCARRV we talked, saw two causal factors in this sharp increase in hate activity which had made North Carolina the worst state in the country for far right activity and hate violence by 1983. One was the result of (the failure of the) criminal justice system to bring anyone to account for these events that had left five people dead. And this sent a pretty powerful message that other organizing of this type would probably be permitted. And then the second factor, the November  $3rd^{rd}$  attacks were part of a shift towards the right in national politics and a global restructuring in our economy that was sending North Carolina jobs over boarders and overseas where newly emerging multi-national corporations were in search of cheaper labor forces and fewer labor and environmental restrictions. <sup>69</sup>

## Distrust of outsiders, denial of responsibility for community problems

While the events of Nov. 3, 1979, certainly didn't create it, they reinforced a feeling in Greensboro's power structure that all would be well with the city's human relations if only "outside agitators" would stay out and leave the city alone. Similarly, many residents of Morningside Homes felt "used" after the shootings and joined willingly in efforts to concentrate blame on the CWP members in general, and Nelson Johnson in particular. A consequence, as the following quotations show, has been a perception that the city's leadership avoids self-reflection and the growth and enhancement that results from it.

#### Richard Koritz:

They (the WVO/CWP) did not, apparently, do enough education work in the black community where this tragedy (this political-economic-social crime) took place on the part of Klan/Nazis and the rulers of GSO, to actually have the community have ownership. They had not done sufficient work for that community to take ownership for such a serious thing as "Death to the Klan." I think those folks have a lot to answer for to that black community, the black workers, the white workers, and the working class in general in this community because that defeat, they had some responsibility for the setting up, even though they certainly were not the criminals. They were the most blatant victims, but they also helped set the stage for it. 70

#### George "Mac" McGuire, labor historian:

The (local) government disturbed me more. There was an immediate denial of wrongdoing, a denial of mishandling. That is a typical political response ... A lot of finger-pointing occurred. The thing

that got me most was the federal government's involvement, in the sense that they had an occasional informant, a member of the Klan, involved in this.<sup>71</sup>

**Larry Morse**, an economics professor at N.C. A&T State University and former member of the Greensboro Human Relations Commission who helped organize an anti-Klan community response to Nov. 3, 1979:

I think their (the city government's) response has been, around '79 and the years close to, but following that, one of denial. Almost a concern that this makes our city look bad and that we're not going to be able to recruit certain employers in to the city – we don't like looking bad. As opposed to a concern for five people were killed in our streets ... The city never apologizing ... hides behind language, such as "let's leave it alone," "let's move beyond it," never want to deal with the truth. <sup>72</sup>

#### Candy Clapp:

To me Greensboro is still a mess because nobody ever paid the penalty for those workers and the unborn child<sup>13</sup> that was killed. Greensboro leaders have never done anything that was necessary to think about justice for those people who were killed and the people that were affected in the community. After November the 3rd my family wanted out of the hell on earth (Morningside Homes), and we got out. Some stayed until it was being torn down. You all can put new buildings on old soil, but the dirt will never change. The soil is still the same – bloody. Until some justice is done about all this there will always be a dark cloud over Greensboro and every year on my birthday and I remember what happened in my community to those Communist workers.<sup>74</sup>

**Dennis Cox**, former shop steward in the White Oak plant who criticized the existence and work of the GTRC:

I don't see no need to rehash it. They'd be better to just forget it. They just rehash old memories. Lot of the people that worked there (in the mills) was not involved. Just outsiders.<sup>75</sup>

**Millicent Brown**, associate professor in history at N.C. A&T State University who experienced being an "outsider" while doing voter registration work in Mississippi:

The events of '79 are a part of an absence of advocacy for certain issues by people right in their own communities. These "outsiders," with all the best intentions, came into a community trying to advance some of their own aims and objectives, but in some ways were hampered by the fact that they had not been embraced by folks who were actually involved in the situation, in the textile factories or living in Morningside Homes. ...

(Working in Mississippi) I understood that change was going to come from the demand by people the most affected. Some of '79 went down the way it did, because you did have a difference between who was most affected by the injustice and those who wanted to advocate on their behalf. From what I understand, it seems that part of what happened in '79, not enough time had been spent to make sure the voices were in fact the local voices.<sup>76</sup>

#### Gary Cepnick, on his experience hiring at WFMY:

We operated in the Triad area that at the time was quite provincial (from a marketing perspective). We brought in a lot of new people, most of whom were from outside of the immediate area. We were criticized for bringing in outsiders – they didn't go to a local high school, they were not raised in the area. <sup>77</sup>

Yonni Chapman, Chapel Hill activist, Ph.D. candidate and former CWP member:

November 3<sup>rd</sup> is remembered as an event outside of history that seems to have no deep connection to the past or our present lives. The storyline that has been projected by the mainstream media is that November 3<sup>rd</sup> was a shootout between two extremist fringe groups, the Klan and the Communists, outsiders who brought trouble to Greensboro. Although the historical facts contradict this interpretation, the story has gained power because most public opinion makers in Greensboro have projected a progressive mystique to hide the reality of continuing injustice. They have portrayed the city as a progressive community without the potential for significant race or class conflict. They project the events of November 3<sup>rd</sup>, 1979 as an anomaly. To accomplish this deceit, they have played on long established negative stereotypes of African Americans, labor organizers and Communists to deny the truth of systemic injustice, effective grassroots organizing and the role of higher powers in the suppression of dissent.<sup>78</sup>

**Michael Roberto**, former Greensboro journalist and assistant professor of history at N.C. A&T State University who commented on the daily newspaper's coverage of Nov. 3, 1979, and its aftermath:

I think many times the paper failed to be objective. For one thing it called these murders a shootout, for years. That's old news... How is this ignorance perpetuated? Where does it start and who is responsible for starting it? ...

People in the community who are trying to be objective find it difficult because their sources are not objective and it breeds confusion. Confusion breeds a kind of learned ignorance of the matter. ...

There is no progress without the struggle. No antagonism, no progress. We have to be able to struggle over these issues, and the struggle has to take place in the community. And political leaders must recognize this. They can't turn their back on history. <sup>79</sup>

#### Jim Wrenn:

The tendency of the media has been to isolate the events of November 3<sup>rd</sup>, to isolate the people who were there, and disconnect that from the larger picture that was going on. I think it's very important for the Commission to see the larger picture, of what was going on in the late 1970s in North Carolina. There were a lot of big forces at play, in terms of workers fighting for their rights, and big corporations trying to stop unions in North Carolina.<sup>80</sup>

#### Floris Weston:

I don't hold the individual police officers responsible. I feel like they were pawns, like they were used, like so many other people in this scenario.

I believe that you have to work for justice, and even though I'm not the one that's going to be on the front lines doing it, I very much support the efforts of anyone that will do it. I don't feel that justice was done for me. I don't feel that justice was done for Cesar. The verdict of the criminal trial said that he got what he deserved and that no one was responsible or guilty for his murder or his death. ... The justice system chose to marginalize him and his death. 81

## Tacit approval of violence against political dissenters

While the killings themselves and the hatred and divisions that prompted them illustrate how one

group of people can dehumanize other groups, attitudes in Greensboro and elsewhere demonstrate how less obvious dehumanization allows people to rationalize injustice, then accept and ignore it. This process is a barrier to reconciliation that the GTRC hopes this report, including the following quotations, can help illuminate and destroy.

#### Virgil Griffin:

I think every time a senator or a congressman walks by the Vietnam Wall, they ought to hang their damn heads in shame for allowing the Communist Party to be in this country. Our boys went over there fighting communism, came back here and got off the planes, and them ... that they call the CWP was out there spitting on them, calling them babykilllers, cursing them. If the city and Congress had been worth a damn, they would've told them soldiers turn your guns on them, we whooped Communists over there, we'll whoop it in the United States and clean it up here. And that's the way I feel about the Communist Party. 82

#### Paul Bermanzohn:

I am not sure but I think that the word "Communist" has always been a despised term. Literally it was a despised term even before the insane anti-Communist crusade that constituted U.S. foreign policy during the Cold War. Even before that it was a despised term. And what I learned is that Marx and Engels picked it precisely because it was despised and feared by the upper classes. So it was the whole idea of a really revolutionary movement was and is, to work with the people who were the most oppressed, the poorest people the folks who have no friends downtown to take care of their case for them. They have no more money to pay off some person to arrange their situation for them but to work with people who are really the wretched of the earth. And the very fact that the term Communism so offends so many people in the middle classes was actually an advertisement for it in many of our eyes. But I think there is a very large population in the United States that doesn't identify itself as middle class, so I am not sure the term was a wise thing to use. I do not consider myself a Communist today even though I still think that what we need is socialism. We need a fundamental, total change, in the way the system operates. I still believe that.

So in a basic way I would say that my beliefs haven't changed although my name may have been changed. And you are right because of the atmosphere, created by the Cold War hysteria, McCarthyism and mad wars in Korea and Vietnam. And Virgil Griffin said something that was not stupid; he is not a stupid man by any means. He said, "We killed Communist in Vietnam – that is why we are killing them here." Well I will take the opposite view. I don't think it is right to kill them here or to kill them there. So I disagree with him on that but his plea for consistency is sensible in the sense that the U.S. was really going after murdering Communist and is still trying to murder progressive people all over the world. 83

#### Rev. Cardes Brown:

There are those who really believe that things are better today and in some ways they are. When it comes to racial relationships, I recognize that there are those who have made some tremendous effort to bring harmony and peace within people of different races. And even on that day there were those who, of course, took up the issue, regardless to race, and joined hands together in the interest of others. But far too many are encumbered with the hatred and bigotry that keeps our races divided. The differences that exist even today are directly a reflection of troubled times. While I do believe that things are somewhat better, in many ways they are worse because of the covertness that so often hides the real truth concerning our feelings toward one another. It's one thing to sit in a room and share in conversation, but when it comes to really being able to open one's heart to the real truth that all of

us are created with certain rights and privileges, not granted just by the Constitution, but by virtue of the fact that God has seen fit to place us here. Wouldn't it be wonderful to recognize that all of us who live upon planet Earth have been uniquely situated that none of us are (alike). That is, not how much we may look alike, that He who created us thought enough of us to make us so unique that there is not another of us.

I pray for the day that true brotherhood and love might exist among all of God's people. I pray that this effort today to seek truth might not be hampered or hindered by our failure to recognize that the forces that would speak against knowing the truth are only the forces that intend to keep us bound and enslaved, for only the truth will set us free. I could remind you even today of painful moments that seem to point to the fact that we who feel at times that the way to live without being disturbed is not to get involved, to deny the importance of standing for what is right. It was a wise man who said that he who did not stand for something would fall for anything.<sup>84</sup>

#### William Jones, longtime Greensboro resident, poet and blogger:

They (CWP) wanted to be seen as "the liberators." They wanted to be viewed in the same light as Martin Luther King. To do that would require a lot of media exposure. I think they picked a Death to the Klan march in order to get a lot of media exposure. But their actions a few months prior in China Grove, well, came back to bite them. Basically we had two groups of people, who had become thugs. The CWP might not have been thugs in the beginning, but when they crossed the line and attacked the Klan in China Grove, they became thugs … I see the CWP as conspiring to riot, trying to start trouble.<sup>85</sup>

**Tim Lane**, a physician conducting rounds at Moses Cone Hospital on Nov. 3, 1979:

Here were these two great poles in American politics ... clashing.

As a society we just paved it over. I don't think justice was served. Because of the radicalism, at least in thought, of the group of CWP, so radical to the rank and file in the U.S. and Guilford County, that that actually turned the tide. Communism was so reviled; the jury represented that revulsion, and found the Klansmen not guilty. Almost as kind of justifiable homicide, which of course is a total miscarriage of justice. I can understand a little bit of that, but that was certainly a miscarriage of justice. That is why the Commission is so important to dig up those potholes and examine them ... taking testimony from all sides. It is a very complicated story of American life, politics and culture. It is very difficult to state it in a simple kind of way.<sup>86</sup>

**John Shaw**, speaking of reports written after Nov. 3, 1979:

I read the three reports and all of them seemed to be saying pretty much the same kind of thing. After I read that, I guess I passed it off – not that I was not sorry that five people had died, but the way all parties acted at that time. I said it was obvious that something like that was going to happen.<sup>87</sup>

#### Lane Tritt, Greensboro resident:

Nelson Johnson had everybody's attention. The press gave him free reign, that the CWP didn't need the police department. I thought, if you have a Death to the Klan march you better show up with a German tank ... But they just showed up with sticks and one measly little pistol that someone tossed aside. They seemed to have total disregard for any kind of help. Like, we can do it for ourselves no matter what ... It's hard to have sympathy for people like that. But I would have had sympathy for them if they had testified. ...

(After the trials) I don't think anybody missed a beat. The only people hurt by it were the CWP people. It's obvious — the film speaks for itself. The newspaper speaks for itself when it declined to testify against the Klan the first time. As for what happened afterwards ... I remember the CWP trying to sue everybody they could think of, and thinking how silly that was. They brought it on themselves. It's not like they had the support of the community. They didn't invite the Democratic Party to come join them, they didn't invite the Republicans to come join them ... Nelson Johnson was too angry to deal with. I don't know whether they would have or not.

Lane Tritt, interview with the Greensboro Truth and Reconciliation Commission, 30 May 2005.

#### **Brown lung activist:**

The CWP was supposed to be friends of brown lung but they could not be trusted because they were too zealous about their own cause. They always had their own agenda. The CWP was bent on convincing working class white people that they were racist. The CWP was naïve and opportunistic. They were rich kids going to med school who didn't understand what the real dynamics were like. They were so far removed from the victims of brown lung that they really couldn't understand what was happening. By the time of November 3<sup>rd</sup>, the CWP was isolated and not an effective group. Anyone at the time should know that holding a "Death to the Klan" rally was asking for trouble. I was horrified by November 3<sup>rd</sup>. The CWP didn't deserve it but they were so stupid because they didn't understand what they were up against.<sup>88</sup>

#### Jean Chapman:

We misread the world situation. We misread the ability of the United States system to stabilize itself despite major instability, despite economic crisis. We underestimated the ability of that system to right itself and continue to consolidate itself.

With globalization, third world revolutionary movements, things got bought out, sold out, coopted, COINTELPRO – there was a much more highly organized way of silencing dissent. We had underestimated what would be done to stop movements and overestimated the power of the worldwide kinds of liberation movement.<sup>89</sup>

## **Positive effects**

In addition to the range of negative consequences, some who participated in our process by giving statement both privately and at our public hearings reported consequences that were positive. The following quotations affirm that some good did come out of the tragedy.

#### China Grove resident who participated in July 1979 anti-Klan demonstration:

I think it (the China Grove confrontation) gave the people a little more self respect as human beings in that you got rights, you got a voice that you can get a permit and march and protest something that you are against. And had that not happened a lot of people would still be in the dark...thinking that it is okay for Ku Klux Klan to use this community building but black folk can't use it...

...It just made me pretty much know that I don't have to accept things from any race; that we are all equal. We bleed the same blood. Our money is the same color...the color of the skin don't make the person. I stand for what I believe in, even if I got to stand by myself...Fight for a cause that I believe in, not just being a follower because somebody else believes in this cause. It makes me do the

homework in any event.90

Carolyn McAllaster, part of the team of plaintiff's attorneys in the civil trial:

It's very moving. I think it's important to remember what happened ... I wouldn't be here if I hadn't had that work. When I started teaching, I started teaching trial practice. That was my biggest trial experience. It gave me skills that allowed me to then teach ...<sup>91</sup>

#### Marty Nathan:

We have converted one room of our house into the office of the Greensboro Justice Fund, a small foundation that, as you said, Pat, was born from the struggle for justice in the Greensboro Massacre. In my spare time I serve as its executive director. The Greensboro Justice Fund was an initiator of this process; it also has over the last nineteen years given away over \$500,000 to groups throughout the South working for racial and economic justice, civil liberties, peace, and protection from homophobic violence. Vis a vis the theme for this hearing, the Greensboro Justice Fund is a consequence of the Greensboro Massacre. We have provided funding for the organizing of the Kmart workers, the families of Gil Barber and Daryl Howerton, who were killed by local enforcement officials, and for Kwame Cannon, who was sent to prison for two life terms for non-violent burglary. A good friend of mine, Robbie Meeropol of the Rosenberg Fund for Children, has labeled the Greensboro Justice Fund, and he should know -- a work of (and I will quote him) "constructive revenge." It is also our form of reconciliation, to be combined with yours, creating meaning out of the horror. 92

#### **Mab Segrest:**

... what connects me most to November  $3rd^{rd}$  is its aftermath – a sharp upsurge in far right activity and hate violence and my own decision when I was 34 to take an active role in opposing it, which had a profound affect on the course of my life. <sup>93</sup>

Like ripples in a pond, the consequences of Nov. 3, 1979, extend far beyond that day and the people directly involved in the tragedy. Understanding the range of people impacted and empathizing with some of the different ways the events touched them is an important step toward community reconciliation and healing.

#### Notes

- <sup>1</sup> Nettie Coad, Statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 15 July 2005.
- <sup>2</sup> Rev. Mazie Ferguson, Statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 1 October 2005.
- <sup>3</sup> Floris Weston, interview with the Greensboro Truth and Reconciliation Commission, 26 August 2005.
- <sup>4</sup> Doris Little, interview with the *Greensboro Truth and Reconciliation Commission*, 6 May 2005.
- <sup>5</sup> Joyce Johnson, interview with the *Greensboro Truth and Reconciliation Commission*, 4 May 2005.
- <sup>6</sup> Elijah Andrews, interview with the *Greensboro Truth and Reconciliation Commission*, 13 July 2005.
- <sup>7</sup> Jim Wrenn, interview with the *Greensboro Truth and Reconciliation Commission*, 6 July 2005.
- <sup>8</sup> Evelyn Taylor, interview with the *Greensboro Truth and Reconciliation Commission*, 16 August 2005.
- <sup>9</sup> Tom Clark, interview with the *Greensboro Truth and Reconciliation Commission*, 27 May 2005.
- <sup>10</sup> Gary Cepnick, interview with the *Greensboro Truth and Reconciliation Commission*, 7 April 2005.
- <sup>11</sup> Winston Cavin, Statement to the Greensboro Truth and Reconciliation Commission, Public Hearing, 26 August 2005.
- <sup>12</sup> Signe Waller, Statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 15 July 2005.

## Consequences and the relevance of Nov. 3, 1979, to today

- <sup>13</sup> Alex Goldstein, interview with the Greensboro Truth and Reconciliation Commission, 2 April 2005.
- <sup>14</sup> Lea Adams, interview with the *Greensboro Truth and Reconciliation Commission*, 22 December 2005.
- <sup>15</sup> Marty Nathan, Statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 26 1 October 2005.
- <sup>16</sup> Virgil Griffin, Statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 16 July 2005.
- <sup>17</sup> Jean Chapman, interview with the *Greensboro Truth and Reconciliation Commission*, 14 May 2005.
- <sup>18</sup> Judge James Long, Statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 26 August 2005.
- <sup>19</sup> Anonymous, interview with the *Greensboro Truth and Reconciliation Commission*, 23 September 2005.
- <sup>20</sup> Willena Cannon, interview with the Greensboro Truth and Reconciliation Commission, 13 March 2005.
- <sup>21</sup> Richard Bowling, interview with the *Greensboro Truth and Reconciliation Commission*, 17 August 2005.
- <sup>22</sup> Nelson Johnson, interview with the Greensboro Truth and Reconciliation Commission, 12 August 2005.
- <sup>23</sup> Gorrell Pierce, Statement to the Greensboro Truth and Reconciliation Commission, Public Hearing, 16 July 2005.
- <sup>24</sup> Leah Nathan, interview with the *Greensboro Truth and Reconciliation Commission*, 1 October 2005.
- <sup>25</sup> Tammy Tutt, Statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 1 October 2005.
- <sup>26</sup> Alison Duncan, Statement to the Greensboro Truth and Reconciliation Commission, Public Hearing, 1 October 2005.
- <sup>27</sup> Cesar Weston, Statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 1 October 2005.
- <sup>28</sup> Jean Chapman, interview with the *Greensboro Truth and Reconciliation Commission*, 14 May 2005.
- <sup>29</sup> Richard Parks, interview with the Greensboro Truth and Reconciliation Commission, 2 August 2005
- <sup>30</sup> Willena Cannon, Statement to the Greensboro Truth and Reconciliation Commission, Public Hearing, 30 September 2005.
- <sup>31</sup> Joyce Johnson, interview with the Greensboro Truth and Reconciliation Commission, 4 May 2005.
- <sup>32</sup> Marty Nathan, Statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 1 October 2005.
- <sup>33</sup> Signe Waller, Statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 15 July 2005.
- <sup>34</sup> Nelson Johnson, Statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 26 August 2005.
- <sup>35</sup> Claude Barnes, interview with the *Greensboro Truth and Reconciliation Commission*, 6 July 2005.
- <sup>36</sup> Signe Waller, Statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 15 July 2005.
- <sup>37</sup> Marty Nathan, Statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 1 October 2005.
- <sup>38</sup> Willena Cannon, interview with the Greensboro Truth and Reconciliation Commission, 13 March 2005.
- <sup>39</sup> Alex Goldstein, interview with the Greensboro Truth and Reconciliation Commission, 2 April 2005.
- <sup>40</sup> Elijah Andrews, interview with the Greensboro Truth and Reconciliation Commission, 13 July 2005.
- <sup>41</sup> Rev. Mazie Ferguson, Statement to the Greensboro Truth and Reconciliation Commission, Public Hearing, 1 October 2005.
- <sup>42</sup> Rev. Cardes Brown, Statement to the Greensboro Truth and Reconciliation Commission, Public Hearing, 26 August 2005.
- <sup>43</sup> John Shaw, interview with the *Greensboro Truth and Reconciliation Commission*, 15 September 2005.
- <sup>44</sup> Cesar Weston, interview with the *Greensboro Truth and Reconciliation Commission*, 2 September 2005.
- <sup>45</sup> Candy Clapp, interview with the *Greensboro Truth and Reconciliation Commission*, 20 June 2005.
- <sup>46</sup> T. Dianne Bellamy-Small, interview with the *Greensboro Truth and Reconciliation Commission*, 23 September 2005.
- <sup>47</sup> Dewey Harris, interview with the *Greensboro Truth and Reconciliation Commission*, 28 March 2005.
- <sup>48</sup> Ed Boyd, interview with the Greensboro Truth and Reconciliation Commission, date?
- <sup>49</sup> Virginia Turner, interview with the Greensboro Truth and Reconciliation Commission, 23 August 2005.
- <sup>50</sup> Tammy Tutt, Statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 1 October 2005.
- <sup>51</sup> Alison Duncan, Statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 1 October 2005.
- <sup>52</sup> Richard Bowling, interview with the *Greensboro Truth and Reconciliation Commission*, 17 August 2005.
- <sup>53</sup> Gary Cepnick, interview with the *Greensboro Truth and Reconciliation Commission*, 7 April 2005.
- <sup>54</sup> Gary Cepnick, interview with the *Greensboro Truth and Reconciliation Commission*, 7 April 2005.
- 55 Ray Eurquhart, interview with the Greensboro Truth and Reconciliation Commission, 30 June 2005.
- <sup>56</sup> Tim Tyson, interview with the *Greensboro Truth and Reconciliation Commission*, 8 November 2005.
- <sup>57</sup> Gloria Rankin, interview with the Greensboro Truth and Reconciliation Commission, 23 June 2005.
- <sup>58</sup> Rev. Cardes Brown, Statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 27 August 2005.
- <sup>59</sup> Tammy Tutt, interview with the *Greensboro Truth and Reconciliation Commission*, 12 July 2005.
- <sup>60</sup> Candy Clapp, Statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 26 August 2005.
- <sup>61</sup> Floris Weston, Statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 26 August 2005.
- <sup>62</sup> Jim Turner, interview with the Greensboro Truth and Reconciliation Commission, 18 May 2005.
- <sup>63</sup> Claude Barnes, interview with the *Greensboro Truth and Reconciliation Commission*, 6 July 2005.
- <sup>64</sup> Virginia Turner, interview with the Greensboro Truth and Reconciliation Commission, 23 August 2005.
- 65 Nettie Coad, Statement to the Greensboro Truth and Reconciliation Commission, Public Hearing, 15 July 2005.
- <sup>66</sup> Richard Koritz, interview with the Greensboro Truth and Reconciliation Commission, 30 April 2005.
- <sup>67</sup> Ed Whitfield, interview with the Greensboro Truth and Reconciliation Commission, 17 May 2005.
- <sup>68</sup> Si Kahn, Statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 15 July 2005.

## What happened after November 3, 1979?

- <sup>69</sup> Mab Segrest, Statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 15 July 2005.
- <sup>70</sup> Richard Koritz, interview with the *Greensboro Truth and Reconciliation Commission*, 30 April 2005.
- <sup>71</sup> George "Mac" McGuire, interview with the *Greensboro Truth and Reconciliation Commission*, 24 May 2005.
- <sup>72</sup> Larry Morse, interview with the *Greensboro Truth and Reconciliation Commission*, 26 August 2005.
- <sup>73</sup> Although many people in the community remember that a pregnant woman and her unborn child were killed that day, this represents one of many myths that have lived on in the community. There was a pregnant woman (Frankie Powell) who was shot that day, but neither she nor her unborn child were killed.
- <sup>74</sup> Candy Clapp, Statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 26 August 2005.
- <sup>75</sup> Dennis Cox, interview with the *Greensboro Truth and Reconciliation Commission*, 19 May 2005.
- <sup>76</sup> Millicent Brown, interview with the *Greensboro Truth and Reconciliation Commission*, 21 September 2005.
- <sup>77</sup> Gary Cepnick, interview with the *Greensboro Truth and Reconciliation Commission*, 7 April 2005.
- <sup>78</sup> Yonni Chapman, Statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 16 July 2005.
- <sup>79</sup> Michael Roberto, interview with the *Greensboro Truth and Reconciliation Commission*, 28 September 2005.
- <sup>80</sup> Jim Wrenn, interview with the Greensboro Truth and Reconciliation Commission, 6 July 2005.
- 81 Floris Weston, interview with the Greensboro Truth and Reconciliation Commission, 26 August 2005.
- 82 Virgil Griffin, Statement to the Greensboro Truth and Reconciliation Commission, Public Hearing, 16 July 2005.
- 83 Paul Bermanzohn, Statement to the Greensboro Truth and Reconciliation Commission, Public Hearing, 15 July 2005.
- <sup>84</sup> Rev. Cardes Brown, Statement to the Greensboro Truth and Reconciliation Commission, Public Hearing, 27 August 2005.
- 85 William Jones, interview with the Greensboro Truth and Reconciliation Commission, 1 June 2005.
- <sup>86</sup> Tim Lane, interview with the *Greensboro Truth and Reconciliation Commission*, 23 August 2005.
- <sup>87</sup> John Shaw, interview with the *Greensboro Truth and Reconciliation Commission*, 15 September 2005.
- <sup>88</sup> Anonymous interview with the *Greensboro Truth and Reconciliation Commission*.
- 89 Jean Chapman, interview with the Greensboro Truth and Reconciliation Commission, 14 May 2005.
- <sup>90</sup> Pam Jordan, interview with the Greensboro Truth and Reconciliation Commission, 9 March 2006.
- <sup>91</sup> Carolyn McAllaster, interview with the Greensboro Truth and Reconciliation Commission.
- 92 Marty Nathan, Statement to the Greensboro Truth and Reconciliation Commission, Public Hearing, 1 October 2005.
- <sup>93</sup> Mab Segrest, Statement to the Greensboro Truth and Reconciliation Commission, Public Hearing, 15 July 2005.

## **MOVING FORWARD: RECOMMENDATIONS**

The retributive justice system is by nature oriented toward the individual, and separates that individual from the community in which both perpetrators and victims live. In so doing, this system fails to address wider community harms. Aside from (unequal) opportunities to serve on juries, everyday community members are not often viewed as stakeholders in the process, which is controlled by "experts" who often cannot relate to the experiences and perspectives of communities of poor people and people of color. As a result, most of the community has no involvement in righting wrongs.

As an exercise in transformative justice, we have taken a larger view and examined context within which these events occurred, the wide range of stakeholders harmed by the events of Nov. 3, 1979, and by official decisions surrounding it. Our recommendations seek to address the direct harm of those who were killed, wounded or psychologically traumatized, as well as what we believe were indirect harms suffered by groups including:

- residents of the City of Greensboro, which lost ground on human relations progress made after school desegregation;
- relatives and associates of both CWP demonstrators and Klan-Nazi shooters, who were stigmatized and suffered various forms of backlash;
- progressive grassroots organizers whose work was made more difficult by such processes as red-baiting;
- mill workers and other low-income residents who would have been beneficiaries of more successful organizing for racial and economic justice.

Recognizing that there is no way to undo the harm caused to individuals and communities on Nov. 3, 1979, we believe there are positive steps toward reconciliation, justice, and reparations that can be undertaken. With these goals in mind, we offer the following recommendations to the residents of Greensboro, to the governments of the City and Guilford County, and other local institutions. Previous commissions and review boards have gone before us and offered their own recommendations, some of which we wish to place again before the public since they have yet to be implemented.<sup>1</sup>

## 1. General steps toward reconciliation

This section includes steps taken to recognize rights and responsibilities and acknowledge that wrongs were committed and harms occurred. Usually such steps are called reparations and aim to make restitution, compensate for harms, rehabilitate, provide satisfaction to victims and take measures to prevent future abuses. Nothing can restore a loved one's life that has been taken, or fully restore the health and well-being of those battered by the events, but we believe that some meaningful gestures toward acknowledgment and redress can help those most harmed see a better future ahead. We believe that facing the truth about the past is an important first step toward repair. This section also includes measures to incorporate the information about Nov. 3, 1979, into the city's official history and collective memory, attend to the second generation of survivors, promote dialogue and commemorate what happened.

a. The City should formally recognize that the events of Nov. 3, 1979, provided a tragic, but important occasion in our city's history; it should make a proclamation that lifts up the importance of that date in the history of the city.

b. Individuals who were responsible for any part of the tragedy of Nov. 3, 1979, should reflect on their role and apologize – publicly and/or privately – to those harmed.

Throughout this truth and reconciliation process, some individuals (Roland Wayne Wood and Nelson Johnson, for example) have issued apologies – in private, in the media and at the GTRC's public hearings – about the roles they played in the events of Nov. 3, 1979. Such apologies offer hope that community reconciliation is possible around these events. We believe that sincere apologies, even after 26 years, are important because they open up the possibility for a renewed relationship and dialogue between otherwise alienated individuals and groups.

- c. The Greensboro Police Department and the City of Greensboro should issue public apologies for their failure to protect the public specifically, the Communist Workers Party demonstrators, Morningside Homes residents, media representatives and others present at the shooting site. These institutions also should issue an apology to city residents for not appropriately acknowledging the event and taking the necessary steps for community healing.<sup>2</sup>
- d. Others who were involved in the shootings on Nov. 3, 1979, and who regret the role they played are encouraged to offer restitution to the victims by making contributions in their name to support the public monument commemorating this tragedy (see recommendation 1.h) or to organizations advocating for civil and workers rights and other economic justice initiatives.
- e. The Greensboro Historical Museum and the International Civil Rights Museum should work either collaboratively or independently to create exhibits commemorating the tragic shootings on Nov. 3, 1979.
- f. As described in its Declaration of Intent, the Greensboro Truth and Community Reconciliation Project, along with GTRC Report Receivers, should host community forums at which this report will be reviewed and discussed.

A portion of these discussions should offer opportunities for former members of the Communist Workers Party, former residents of Morningside Homes, former Klan and Nazi members, and others directly involved and impacted by the events to engage in meaningful discussions.<sup>3</sup>

- g. The religious leadership in Greensboro should plan and facilitate a healing workshop or retreat for the children of CWP members, shooters and others directly involved in the events of Nov. 3, 1979. Furthermore, these children should be actively consulted in all of the reconciliation and reparation efforts recommended in this report.
- h. A public monument should be built on the site of the shootings to honor those killed and wounded on Nov. 3, 1979.

A committee should be formed under the auspices of the City's Human Relations Commission for the purpose of planning and fundraising for this monument, and should include representatives from the surviving demonstrators and their children, former residents of Morningside Homes, neighborhood associations, and other grassroots groups. The committee should decide on the design of the monument.<sup>4</sup>

#### 2. Institutional Reform

This group of recommendations is intended as part of the effort to prevent future abuses and ensure that when wrongs do occur there is an adequate response.

#### a. City and County Government

i. All city and county employees should be paid a living wage; all city and county contractors and sub-contractors should be required to pay workers a living wage.

Our research into the context and consequences of Nov. 3, 1979, revealed a socio-economic divide that underlies the events of Nov. 3 and continues to plague our community. The City of Greensboro and Guilford County should adopt and fully enforce an ordinance that requires that all employees of the city and county, as well as all employees of those companies that contract or sub-contract to provide services or products to the city or county, be paid a "living wage" as determined by the North Carolina Justice Center.<sup>5</sup>

Additionally, we recommend that the city and county jointly seek enabling legislation that will allow them to provide incentives to businesses that pay a living wage to all of its employees.

#### ii. All city and county employees should engage in anti-racism training

The City of Greensboro and Guilford County should contract with a training group, such as the People's Institute for Survival and Beyond<sup>6</sup> to prepare and conduct an anti-racism curriculum – like the Institute's "Undoing Racism" workshops – as part of the orientation required for all new employees. This training should include developing a definition of racism, both institutional and personal; developing an understanding of the ways that it impacts mental health for individuals; and developing ways to recognize it and work towards its elimination. The training should sensitize employees about the impacts of racism on the community.

Furthermore, every employee already working for the City or County should be required to complete anti-racism training within a period not to exceed two years. Descriptions of the contents and outcomes of the trainings should be made available to the public. Following the training, employees should have opportunities to engage with the community members they most affect in their work in order to help them gain greater insight from residents about how racism has impacted their community relations (e.g. police officers should meet face-to-face with residents in the neighborhoods they serve in order to better understand the role racism has played in poor police/community relations).

#### a. City Government

#### i. The City should issue annual reports on race relations and racial disparities.

The May 1980 Citizens Review Committee made the following recommendation: "The Human Relations Commission should be adequately staffed to monitor human and race relations and to possess the capability of in-house research and documentation." While this has largely been accomplished, we recommend that the City go further by regularly consulting with and informing residents about the status of race relations and progress on erasing racial disparities within city government as well as within the city as a whole. Such an annual report will ensure continued discussions and work toward ending racial disparities and the impact of racism. Community leaders should issue their own report on racial disparities and racism to complement the City's report.

## ii. The Mayor's Mosaic Project<sup>1</sup> should be continued and expanded as planned to include more people from all sectors of the community.

The May 1980 Citizens Review Committee recommended the following: "The City Council and other organizations in the City should provide leadership in an effort to break down the barriers which separate the citizens in our community." We believe that the Mayor's Mosaic Project is a substantial response to this recommendation. Given the low levels of cross-cultural trust in Greensboro, the city needs trust-building programs like the Mosaic Project, the value of which has affirmed by its first participants.

# iii. A citizen's committee should be established immediately by the Human Relations Commission to create both temporary and permanent police review boards. The committee's role would be to determine the respective boards' purposes, powers, funding, and relationships to the city government structure.

In light of the overwhelming current public call for truth-seeking and truth-telling with regard to racism and other corruption in the Greensboro Police Department – including allegations of links between this corruption and the historical events including Nov. 3, 1979, and even the Dudley/A&T Student Revolt in 1969 – we recommend that the City of Greensboro immediately establish a short-term citizen's review board to examine these allegations.

We recommend the permanent board in the interest of ongoing police accountability and community trust. Its members should rotate on a regular basis.

Both boards should have subpoena power as well as significant enforcement power and should include representatives from each City Council district. In addition, the review board should include representatives from the Human Relations Commission, the Greensboro Bar Association, the Greensboro Neighborhood Congress, the Greensboro Chamber of Commerce, the Greensboro chapter of the NAACP, and representatives of the community's spiritual leaders. The organizations represented should appoint their own

board members.

#### **b.** County Government

- i. The Guilford County Board of Commissioners should commit to addressing the need for increasing funding to Departments of Social Services and Public Health, two key agencies serving low-income residents, in order to expand and enhance staff and services, and to fund staff sensitivity training.
- ii. Social work departments should work in conjunction with advocacy and faith organizations to: (1) document the need for increased funding based on information from service providers and clients, and (2) urge state & federal policymakers to increase funding to Social Services and the Health Department commensurate to meet the need in Guilford County.

Significant reductions in federal, state and county funding available to Social Services and the Health Department has resulted in understaffing of these agencies and increased case loads for the remaining staff, which contributes to insensitivity to clients and inability to provide needed services.

iii. The Guilford County Schools should create a curriculum based on the events of Nov. 3, 1979, for use in public elementary and secondary schools.

The Commission recommends that the Guilford County Schools contract with an appropriate curriculum development provider<sup>8</sup> to create a curriculum for elementary and secondary schools about the context, causes, sequence and consequences of the events of Nov. 3, 1979. This curriculum could include the following topics: the actual events of Nov. 3, 1979, the history of many civil rights organizations, labor movements and white supremacist organizations; and related legal issues (definitions, roles of prosecutors and defense, jury selection, the importance of jury duty, retributive vs. transformative justice, etc.). The GTRC report itself could be made part of this curriculum.

The curriculum also should include segments and open discussions that address related context issues including anti-racist education about slavery and respecting diversity.

#### c. Justice System

i. Citizens as well as city and state officials should push for enabling legislation, if necessary, to create a community justice center in Greensboro, then make sure its existence is well-publicized.

The outcomes of the three trials following Nov. 3, 1979, highlighted the limits of our retributive justice system, reflecting a need for more opportunities to apply restorative justice. These limitations, combined with the low levels of trust in the justice system

among people of color and poor people lead us to recommend the creation of a community justice center in Greensboro. A good example is the Red Hook Community Justice Center (RHCJC)<sup>9</sup> in Brooklyn, N.Y. Through the RHCJC, the Red Hook District Attorney's office used the center to process misdemeanor cases by first assessing underlying problems that led to the alleged criminal activity. Care is taken to ensure the public's safety; sentences incorporate available RHCJC services including intensive drug treatment, mediation, anger management, high school equivalency classes and youth groups.

ii. Citizens as well as city and state officials should push for enabling legislation to expand the pool of potential jurors to be more representative of the community as a whole.

Currently, potential jurors are selected from a list created by the Department of Motor Vehicles which compiles the list using driver's license and voter registration data. Because these lists are not representative of the community as a whole, we recommend that state law be modified so that the pool of potential jurors can be drawn from additional lists such as utility bills, welfare rolls and U.S. Postal Service's database of address changes.

#### a. Local Media Outlets

i. The city's largest local newspaper, the News and Record, should act alone or in concert with other media outlets including the Carolina Peacemaker, Yes! Weekly, and the Rhinoceros Times to host a citywide citizen group that would comment on news process, content, quality and ethics.

The absence of in-depth local news coverage of the context of Nov. 3, 1979, and its aftermath played a central role in the community misunderstanding of that event. As Greensboro community members struggle decades later to reconcile the competing views of why the tragedy occurred and what should be done now, the media can play an important role in helping community members move beyond contested facts, frames and claims to a common understanding. In addition to informing the public, media can and should play a role in fostering dialogue and exchange of views.

Also, a diverse citizen group could improve local journalism and the community-building role it can play. Citizen input should be solicited for: story development, source development, recognizing other perspectives, critique of news coverage, commentary on newspaper practices, and suggestions for better addressing community concerns.<sup>10</sup>

#### b. Other Institutions

- i. Other community organizations such as the Chamber of Commerce should engage in anti-racism training similar to that described in Recommendation 2.a.ii.
- ii. The City of Greensboro and other organizations should provide resources to support

the participation of grassroots leaders in local or out-of-state programs and activities that affirm and enhance their leadership ability.

Many of the existing leadership programs sponsored through prestigious organizations like the Center for Creative Leadership are generally cost prohibitive to low income grassroots leaders. Citizens are rarely empowered to hold institutions and power figures accountable for injustices in the community. Community institutions that impact the entire community across race and class lines are usually composed of middle/upper class and highly educated people. This leadership needs to be more diverse to include lived experience of all sectors of the community so all perspectives can be given adequate consideration in the policies and practices of the city and its institutions.

Reconciliation can happen when diverse leaders are in the same room, learning from each other and developing personal relationships. These leadership programs should be easily accessible to the widest range of leaders from diverse racial and socio-economic backgrounds for the maximum benefit to all involved. <sup>11</sup>

iii. In response to unresolved crises or lingering issues in the community, such as the issues surrounding the events of Nov. 3, 1979, city officials, religious leaders and civic organizations should play an active role in acknowledging, investigating and providing open forums for discussion.

## 3. Criminal Justice and Civil Remedies

a. The current investigations into the alleged corruption in the Greensboro Police Department, including the surveillance of citizens, should be thoroughly and expeditiously completed. We recommend that the reports of these investigations be publicly released once they are finalized and a town hall meeting held to solicit citizen questions and feedback. If appropriate, criminal prosecutions or civil action should be pursued to help heal the damaged credibility of the police department and reassure the citizens that there is accountability for illegal acts done by the city's agents.

## 4. Citizen transformation/engagement

a. Recognizing the role they play in creating the environment for events like Nov. 3, 1979, individual community members must commit to understanding issues of capital, labor, race, poverty, oppression, privilege and justice, and exploring ways to have a positive impact on the way they play out in the community.

Individuals should take the initiative to engage in study and dialogue within diverse groups to understand various ideologies or other beliefs present in the community, especially unpopular ones. They should seek to understand their own part in community problems as well as their potential role in finding workable solutions.

Institutions should exist for the welfare of ALL citizens in a healthy democracy. The process of pushing institutions to become accountable to the citizens they are supposed to serve assumes and involves a collective citizenry that understands and practices principles of democracy and participation. In a large democracy such as ours, this is a learned skill that includes responsibilities, rights, and privileges.

b. Individuals, like institutions, can benefit from anti-racism and diversity education programs, and we encourage people to take advantage of pre-designed programs they first evaluate for both breadth and depth.

Unless individuals learn based on an alternative analysis of the society we live in and unlearn biases and misinformation at the same time, many diversity programs may become mere "Bandaids" rather than solutions. The following questions should be asked of any such program: Does it provide an historical perspective on power, privilege, oppression, and economic and social injustice? Do people learn about the various manifestations of racism, classism, sexism, and other forms of oppression? Are participants given the opportunity to examine their individual roles?

## The way forward

While the above recommendations are directed toward specific institutions, we recommend that all grassroots community organizations, religious leaders and, specifically, the Greensboro Truth and Community Reconciliation Project, work collectively with each other and city and county government to advocate for the effective implementation of these recommendations.

To other communities considering processes to seek the truth and work for reconciliation around tragic, unjust events in their own histories, we heartily recommend the truth and reconciliation model as such a tool.

We believe the truth and reconciliation process in Greensboro opened up the debate around Nov. 3, 1979, in a positive way and has successfully engaged a broad spectrum of the community in an effort that offers hope for reconciliation. As a Commission that looks a bit like Greensboro in microcosm, we found that this process –and our own struggle to hear and understand each other- had a profound impact on our perceptions of the issues we explored. Our individual and collective commitment to the truth helped us persevere. And the human stories and emotions we encountered along the way moved us to do our best to leave behind a legacy we hope will serve Greensboro for years to come. We cannot say what the future will hold for this community or what the long-term impact of this process will look like, but we hope that this process also serves as a learning tool for others in this country who, like Greensboro, are burdened by a legacy of hurt and inspired by the possibility of honestly coming to terms with their own history.

Respectfully submitted to the residents of Greensboro, the City, the Greensboro Truth and Community Reconciliation Project and other public bodies on May 25, 2006, by the Greensboro Truth and Reconciliation Commission:

**Cynthia Brown** 

Cysthia SBrown

Patricia Clark

Dr. Muktha Jost

**Angela Lawrence** 

**Robert Peters** 

Angela Lawrence Robert Y. Peters

(subject to his concurring opinion) 17

Barbara P. Walker

Rev. Dr. Mark Sills

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Barbara Walker

## Notes

<sup>&</sup>lt;sup>1</sup> If organizations to whom recommendations are made feel financially unable to act on them, we recommend that they make use of the extensive grant library housed in the Glenwood Branch by the Greensboro Public Library, www.greensborolibrary.org

<sup>&</sup>lt;sup>2</sup> For examples of institutional apologies, we recommend that the Greensboro Police Department and City look to the recent institutional apologies offered by Wachovia Bank for the role their predecessor company played in financing slavery and by the United States Senate for failing to enact anti-lynching legislation.

<sup>&</sup>lt;sup>3</sup> One model for such meaningful dialogues around tragic events can be found in the work of Father Michael Lapsley at the Institute for Healing of Memories (www.healingofmemories.co.za).

<sup>&</sup>lt;sup>4</sup> One Commissioner has suggested that the monument be in the form of a sculpture made from guns voluntarily donated.

<sup>&</sup>lt;sup>5</sup> www.ncjustice.org

<sup>&</sup>lt;sup>6</sup> www.pisab.org

<sup>&</sup>lt;sup>7</sup> www.ci.greensboro.nc.us/mosaic

<sup>&</sup>lt;sup>8</sup> One possibility is the Center for Diversity Education (<a href="http://eduweb.unca.edu/diversityed/">http://eduweb.unca.edu/diversityed/</a>) or the North Carolina Association of Educators (<a href="https://www.ncae.org">www.ncae.org</a>).

<sup>&</sup>lt;sup>9</sup> http://www.brooklynda.org/Redhook/red\_hook.htm

<sup>&</sup>lt;sup>10</sup> Grants are available to involve citizen input in newspaper reporting from foundations such as the Pew Center for Civic Journalism (<a href="www.pewcenter.org">www.pewcenter.org</a>). Other resources are available from organizations such as the Kettering Foundation (<a href="www.wettering.org">www.kettering.org</a>), Grade the News (<a href="www.gradethenews.org">www.gradethenews.org</a>), and Community Journalism (<a href="www.rtnda.org/resources/cjgs.pdf">www.rtnda.org/resources/cjgs.pdf</a>).

<sup>&</sup>lt;sup>11</sup> An example of a program with similar goals and methods is the Greensboro Civic Entrepreneurship Initiative sponsored by the Pew Charitable Trust that took place from 1998 through 2000



## **Conclusions**

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

#### CONSPIRACY

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

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

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

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

Nevertheless, police made decisions

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

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

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

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

## GREENSBORO POLICE DEPARTMENT PERFORMANCE

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

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

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

Role of GPD Informant Dawson

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

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

## **Overall conclusions & recommendations**

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

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

#### Low profile

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

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

#### Change in parade starting point

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

#### Protecting unpopular and hostile citizens

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

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

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

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

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

#### Permit process

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

#### Failure to stop the caravan

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

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

them to stop it (the caravan)".

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

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

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

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

Failure to stop fleeing vehicles

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

## FEDERAL LAW ENFORCEMENT PERFORMANCE

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

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

Were Victims Targeted?

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

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

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

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

## **VIOLENT LANGUAGE & PROVOCATION**

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

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

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

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

### only language they understand."1

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

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

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

### CITY GOVERNMENT AND COMMUNITY RESPONSE

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

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

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

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

• attempting to influence media coverage;

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

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

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

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

### INJUSTICE IN THE JUSTICE SYSTEM

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

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

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

### **Overall conclusions & recommendations**

The chief purpose of a trial, whether criminal or civil, is not to uncover the "truth" of the events about which it is concerned. In this way, trials are fundamentally different from the task the GTRC has undertaken. Understanding the inherent limitations of

what was accomplished in the courts helps us clarify and distinguish our own mission.

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

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

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

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

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

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

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

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

The "retributive justice" model of the U.S. legal system confines judicial inquiries to the proof of a defendant's guilt (criminal cases) or liability (civil cases), under a narrowly defined set of laws and rules of procedure. As a result, the examination of the role of individuals and institutions, outside of the particular defendants on trial, is limited solely to their relevance to those particular

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

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

### **FEAR & SILENCE**

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

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

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

# GRASSROOTS ORGANIZING AND CONNECTION TO COMMUNITY CONCERNS

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

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

### **FIREARMS**

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

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

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

### **RACISM**

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

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

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

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

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

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

### **CONSEQUENCES**

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

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

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

Positive consequences that emerged included:

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

### TRUTH SEEKING AND RESISTANCE

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

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

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

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

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

### Notes

<sup>&</sup>lt;sup>1</sup> Emphasis in original.

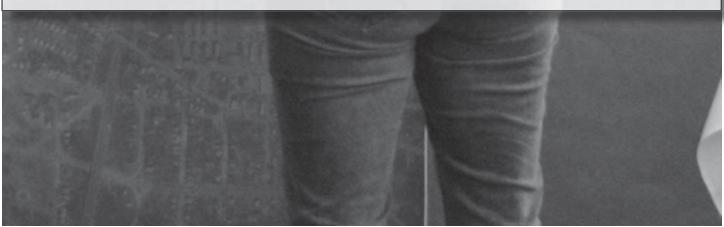
<sup>&</sup>lt;sup>2</sup> The Weathermen are an exception.

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



**Greensboro Truth and Reconciliation Commission Final Report** 

Annexes



# Commissioners, reflections and concurring opinion summary



Cynthia Brown Durham, N.C.

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

### PERSONAL REFLECTION

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

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

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

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

is why I allowed myself to be nominated.

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

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

### The context

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

Since June 2004 we have witnessed:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I've thought a lot about this notion of people participating in their own oppression.

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

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

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

### One final note

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

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



Patricia Clark Nyack, N.Y.

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

### PERSONAL REFLECTION

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

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

for transformation, to facilitate reconciliation.

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

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

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

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

I've also experienced the limitation of not understanding the power dynamics of the city – in terms of politicians afraid of too close an alliance with the Commission process.

I've had the limitation of not being able to engage in the spontaneous conversations about the work of the Commission or the face-to-face feedback following the public hearings and community dialogue. I had the limitation of not fully appreciating the challenges that face communities of color and poor people in Greensboro.

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

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

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

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

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

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



**Dr. Muktha Jost** Greensboro, N.C.

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

### PERSONAL REFLECTION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



# Angela Lawrence

Greensboro, N.C.

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

### PERSONAL REFLECTION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



Atty. Robert Peters Greensboro, N.C.

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

### **CONCURRING OPINION SUMMARY**

### Introduction

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

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

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

Goal: Healing, Reconciliation by Truth

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

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

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

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

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

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

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

### **Truth**

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

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

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

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

substantial damages for the families of the victims.

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

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

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

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

# **Opportunity to be Heard**

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

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

# Success

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

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

### Mistakes, Missteps, Poor Judgment, Wrongdoing and Fault

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

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

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

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

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

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

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

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

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

On this issue, we interviewed lawyers who either presided over a number of capital murder cases as judges or tried these kinds of cases before a jury either as prosecutors or as defense counsel. The interviews also included the plaintiffs' lawyers in the civil law trial (the third trial). Time was also spent with a criminal law expert with teaching and defense experience and a civil law expert also with teaching and trial experience.

In addition, much time was spent researching the facts and law on the issue of self defense. Many times we viewed videotape of the November 3 tragedy made by cameramen of four TV channels present at the tragedy. Some of the available trial transcripts were reviewed.

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

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

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

as previously explained.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### Conspiracy

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

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

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

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

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

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

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

# **The Justice System**

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

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

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

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

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

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

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

## **Recommendations**

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

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

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

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

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

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

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

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

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

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

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

### **Conclusion**

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



Rev. Dr. Mark Sills Randleman, N.C.

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

### PERSONAL REFLECTIONS

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

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

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

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

you live in."

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

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

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

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

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

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

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

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

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

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

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

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



Barbara Walker Greensboro, N.C.

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

### PERSONAL REFLECTIONS

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

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

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

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

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

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

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

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

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

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

# **Staff Biographies**



Phyllis Carter
Administrative Specialist

Phyllis Carter is a native of Greensboro and brings deep community roots and experiences to the Truth and Reconciliation Commission. She has always been passionate about any role she takes on, be it marriage, parenthood and career. She takes seriously the values of respect and kindness and is always willing to help her fellow man.

In her spare time, Phyllis enjoys the regular fellowship of her book discussion group and she loves to create customized gift baskets.

After graduating from Dudley High School, Phyllis attended Greensboro Technical Community College where she learned many skills that have helped with her administrative career. She hopes to attend a local college in the near future to acquire a degree in Organizational Management.

Phyllis wants to be a part of the Truth and Reconciliation Commission because she feels that the universe rewards truth - thus, the saying, "the truth will set you free." But our great country has difficulty embracing hard truths, a shortcoming that limits the freedom that we claim as our ideal. It is only through a commitment to humility and unity that we will embrace the truth and move closer to achieving our ideas.



Dr. Emily Harwell Research Director

Dr. Emily E. Harwell (Ph.D. Yale University, B.S. The University of the South) came to us from the East Timor Commission for Reception, Truth and Reconciliation. Emily served as research coordinator and senior researcher, as well as writer and editorial advisor for the final report on the Commission's findings.

As research coordinator, Emily helped develop the research plan for the East Timor Commission's mandate to document human rights abuses from 1975 to 1999, including special research attention to massacres and forced disappearances, political imprisonment, famine and forced displacement, the conflict's effects on women and children, and the role of international actors, governments, media and activist organizations. She focused her own research and writing for the final report on social and economic violations, including the rights to health, education, housing, and livelihood.

Prior to joining the East Timor Commission in 2002, Emily worked since 1996 in Indonesia where she conducted anthropological and historical research on ethnicity and conflicts over natural resources and co-wrote a book on indigenous property rights and natural resource trade. Emily has worked with Human Rights Watch to research and write a book on human rights violations in the Indonesian pulp & paper industry and has taught at Yale University, George Mason University and Middlebury College on violence, human rights and identity.



Chelsea Marshall
Public Hearings Coordinator

Chelsea Marshall took the second semester of her junior year at Smith College off to spend seven months with the Commission as the public hearings coordinator. Chelsea came to the Commission following a semester spent in Durban, South Africa, studying reconciliation and development with the School for International Training. Chelsea arrived as an intern in January with enthusiasm for the existence of a Truth and Reconciliation Commission in her own country and quickly changed her spring plans to become a part of this initiative. Having spent a summer as a legal intern at the Center for Reproductive Rights in New York City, Chelsea is interested in a variety of approaches to justice and would like to pursue a legal career in the future. At Smith, Chelsea studied Government and African Studies and graduated in May, 2006.



Jennifer McHugh Research Assistant

Jennifer McHugh (MA University of Sussex, BA University of Minnesota) comes to the Commission after recently completing studies in International Relations, where she focused on issues of migration, identities and borders. While in Southeast England, she worked with the Sussex Centre for Migration Research, conducting interviews amongst ethnically diverse neighborhoods in London for a project on Immigration and Social Cohesion. Prior to that, Jennifer worked for three years as a Program Assistant with the International Center for Transitional Justice, to support the work of countries seeking accountability for human rights abuse and to build capacity of local actors.



Elijah Mungo Research Assistant

Elijah P. Mungo (B.A Business Management, NC State University) is a native of SE Greensboro and is member of the 1991 graduating class of Grimsley High School. He came back to Greensboro after spending the last 14 years in Raleigh. He came back to Greensboro with the specific intention of working with the Commission. During his time in the capital city, Eli held a number of different positions in the computer and biochemistry sectors. Eli is a self-described curious child, always looking to learn more. He is an avid fan of all things music and computers. Upon finishing his work with the Commission, Eli has hopes of opening a spot where he can introduce the masses to new types of music.



**Scott Pryor** 

#### Consultant

Scott Pryor, a native of eastern North Carolina and central Virginia, is an independent artist and songwriter whose work is fueled by a deep belief in the transforming and reconciliatory power of bearing witness through song. For his senior thesis in Religious Studies and Sociology at Guilford College, Scott immersed himself in the history of November 3,1979 in an effort to write a collection of songs that bore witness to the tragedy in all its complexities. After graduating, Scott joined the staff of the Greensboro Truth and Community Reconciliation Project (GTCRP), where he helped lay the groundwork for the establishment of the independent Truth and Reconciliation Commission in June 2004. He was hired by the Commission in August 2004 to help set up an office, raise funds, orient new staff, and begin the work set forth in the Mandate. Scott left the Commission's staff in April 2005 to pursue his lifelong dream of making music for a living.



Joya Wesley Communications Director

Joya Wesley (B.A. Sociology, Stanford University) is a freelance writer, editor and PR consultant who came to us from the staff of the group that brought this independent Commission into being, the Greensboro Truth & Community Reconciliation Project (GTCRP). Having grown up in California, Joya came to Greensboro after graduating from college to work as an intern with the News & Record. She left in 1989 to work for the Associated Press, which she served in Milwaukee, New York and Raleigh as an editor, writer and news manager. She returned to Greensboro in 1995 and has since served in a variety of roles including editor of the Carolina Peacemaker, the African American newsweekly.



Jill Williams
Executive Director

Jill Williams (M.A. Conflict Resolution, Antioch University McGregor; B.A.. Religion, Davidson College), a native of Pulaski, VA, came to the Greensboro Truth and Reconciliation Commission from Davidson College, where she most recently spent four years as the Assistant Director of the Programs for the Theological Exploration of Vocation and the preceding two years as the Assistant Coordinator of the Community Service and Bonner Scholars Programs.

Prior to her work at Davidson College, Jill collected oral histories about the desegregation of the Charlotte-Mecklenburg School System for the Museum of the New South (Charlotte, NC); researched clergy and community responses to a tragic shooting in Davidson, NC; and created a directory of community resources in the Lake Norman area of North Carolina.

Outside the office, Jill spends time mediating family and community disputes; facilitating difficult meetings for non-profit organizations; and teaching conflict resolution, facilitation, and oral history theory and techniques.

# Timeline of the Initiation and Activity of the Greensboro Truth and Reconciliation Commission

This timeline describes the initiation and major activities of the Greensboro Truth and Reconciliation Commission. Links to samples of relevant documents and media coverage are included.

### 1999

The idea of bringing a truth and reconciliation process to Greensboro was conceived during the 20th anniversary observances by survivors of the Nov. 3, 1979, shootings.

### **November**

Twentieth Anniversary observances of **the Nov. 3, 1979, shootings held, including the local premiere of** Emily Mann's play, "Greensboro: A Requiem" at the <u>University of North Carolina at Greensboro</u>. Public dialogue following opening night begins a process of brainstorming possibilities for healing that would involve the whole community.

# 2000

Brainstorming continues, raising ideas including a mock trial or other re-investigation.

# 2001

With help from Andrus Family Fund, a grantor with a focus on community reconciliation, ideas congeal into the notion of a truth and reconciliation process.

# **September**

Terrorist attacks in New York City, Washington, D.C., and Pennsylvania. Joyce Johnson from <u>Beloved Community Center</u> calls to check on Andrus executive director Steve Kelban and he commits to idea of truth and reconciliation in Greensboro.

### **October**

15 <u>Beloved Community Center</u> and <u>Greensboro Justice Fund</u> submit to the <u>Andrus</u>

Family Fund a "Proposal for a Truth and Reconciliation Process in Greensboro, N.C.: Forging Community while seeking truth and reconciliation related to the November 3, 1979 Incident."

Fall Funding is granted to pay staff and to contract with the International Center for Transitional Justice (ICTJ). The Greensboro Truth and Community Reconciliation

Project (GTCRP) is established, with its administrative base located at the Beloved Community Center.

### December

GTCRP representatives meet with <u>Lisa Magarrell</u>, senior associate of <u>International Center for Transitional Justice</u>. The Project's goals and process are refined and a decision made to form a <u>National Advisory Committee</u>, a broad-based assembly of local, national and international supporters

# 2002

#### **Early**

Informal committee meetings and conversations held with concerned citizens in Greensboro to share and discuss the truth and reconciliation vision.

### March

16 First meeting of the National Advisory Committee held at the Dudley Inn in Kernersville, N.C. The co-chairs chosen are Dr. Vincent Harding, 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 visiting professor at Duke Divinity School; and Cynthia Nance, professor of law at the University of Arkansas. Structure is defined including establishment of a Local Task Force to plan and oversee the project.

# **Spring**

<u>Local Task Force</u> (LTF) is established with co-chairs Carolyn Allen, former Mayor of Greensboro and Rev. Z Holler, a retired Presbyterian minister. Rev. Gregory Headen is later appointed as an additional LTF co-chair. Henry Sholar and Joseph Frierson are hired to staff Project.

### **October**

National Advisory Committee and Local Task Force hold first joint meeting at the Dudley Inn in Kernersville and began work on documents declaring the purpose and intent of the effort, the mandate to the Commission, the qualifications of commissioners and the method of selecting them.

### 2003

### **January**

- LTF co-chairs Carolyn Allen and Z Holler send final version of <u>Declaration of Intent</u> to all who had worked over the previous months helping to draft it.
- The Declaration of Intent, signed by 32 leaders from Greensboro's government, churches and temples, communities and educational institutions, is presented at a media conference encouraging the public to participate in the process.

# **February**

21-22 Second joint meeting of National Advisory Committee and Local Task Force held at N.C. A&T State University. Mandate and Selection Process documents approved. Scott Pryor, a former student intern, hired soon after this meeting, after Sholar's resignation, to join Frierson as co-coordinator of the GTCRP.

# **April**

- 2 Local Task Force members of <u>Greensboro Truth and Community Reconciliation</u> <u>Project</u> meet with Archbishop Desmond Tutu at Elon University to receive guidance and blessings for their work.
- Local Task Force sends invitations to 17 broadly representative community organizations, groups, and sectors, asking each to appoint one person to a <u>Selection Panel</u>.

# May

- 5 Local Task Force holds news conference to announce the publication of the <u>Mandate</u> and <u>Selection Process</u>, and to seek <u>community nominations</u> of potential Commissioners.
- Full-page ad with the two documents and call for nominations published in <u>The Greensboro News & Record</u>. The same week the ad also is published in, The Carolina Peacemaker and The Rhinoceros Times.
- Over 200 community members gather at the Greensboro Marriott Hotel for a panel discussion and premier showing of the film "Voices of Greensboro: The Purpose, Process, and Possibilities of the Greensboro Truth and Community Reconciliation Project," by documentary filmmaker Laura Seel.

### June

2 National media take notice of the truth and reconciliation process in Greensboro

with publication of an article entitled "How to Mend a Massacre" by Ellis Cose in *Newsweek*.

# July

A workshop, "Equipping the Local Task Force to Carry Out the Work of Building the Project," was organized by Rosemarie Vardell, the Economic Justice Coordinator for the Beloved Community Center. Local Task Force members heard presentations given by attorney Lewis Pitts, Carolyn Allen, Rev. Nelson Johnson, and Lisa Magarrell, International Center for Transitional Justice. Topics included: "Deepening our Understanding of the Background and History of Basic Facts Related to the Events of November 3, 1979," "Understanding our Understandings: The GTCRP as a Means for Building Community," and "Truth and Reconciliation Processes: Lessons for Greensboro."

13-15 Joyce and Nelson Johnson from the <u>Beloved Community Center</u> travel to Peru at the invitation of the <u>International Center for Transitional Justice</u> (ICTJ) for a meeting of the ICTJ's Managing Truth Commissions affinity group, including representatives from truth commissions (East Timor, Ghana, Peru and Sierra Leone).

### **October**

- Over 200 community members and students gather at Bennett College's Pfeiffer Chapel to hear a report on progress over previous months, which featured soliciting nominations as well as media discussion with editorials and letters to the editor that gave evidence both of strong support and resistance.
- Beginning of 24<sup>th</sup> anniversary observance, "Spiritual Preparation for Truth-Seeking, Healing and Reconciliation: A Gathering of People from All Spiritual Traditions and Walks of Life." Panel discussion held at Bennett College's Pfeiffer Chapel (including Cynthia Brown, grassroots leader and a 2002 U.S. Senate candidate; Dr. Linda Brown, poet, novelist, professor and assistant to Dr. Johnnetta Cole, president of Bennett College; Rev. Bongani Finca, Commissioner of the South African Truth and Reconciliation Commission; Dr. Ken Massey, Pastor of the First Baptist Church in Greensboro; Mr. Ched Meyers, Co-Founder of Bartimaeus Cooperative Ministries in California; Rev. J. Herbert Nelson, Pastor of Liberation Presbyterian Church in Memphis and former pastor of Greenboro's St. James Presbyterian Church; David Potorti, coordinator of September 11th Families for Peaceful Tomorrows and N.C. journalist).

### **November**

- More commemorative presentations and workshops held at New Light Baptist Church (including Eduardo Gonzalez, Coordinator of public hearings in <a href="Peru's Truth">Peru's Truth</a> and Reconciliation Commission, Rev. Joyce Hollyday, a United Church of Christ minister, author, and co-founder of Witness for Peace in Nicaragua; and Rev. Nelson Johnson).
- Joint meeting of the National Advisory Committee (NAC) and the Local Task Force. NAC welcomes new members: Congressman Melvin Watt, Rev. W.W. Finlator, and Cynthia Brown.

### 2004

### **February**

- 2 <u>Greensboro Truth and Community Reconciliation Project</u> (GTCRP) hires <u>Joya</u> <u>Wesley</u> as media consultant to help promote the effort through the media.
- 9 First meeting of <u>Selection Panel</u> representing 14 community organizations and coalitions in Greensboro begin work. Panel names District Court Judge Lawrence McSwain chair, Local Task Force delivers 67 nominations and Lisa Magarrell of <u>International Center for Transitional Justice</u> provides orientation.

# **April**

GTCRP launches petition drive to ask that the City Council to endorse and fully embrace the truth and reconciliation process, and to encourage the community to do the same.

# May

27 <u>Selection Panel</u> names the seven <u>Greensboro Truth & Reconciliation Commission</u> members: Cynthia Brown, Patricia Clark, Muktha Jost, Angela Lawrence, Robert Peters, Rev. Mark Sills and Barbara Walker.

### June

More than 500 people fill Greensboro's historic Depot to witness the GTRC's s swearing-in by District Court Judge Lawrence McSwain. Ceremony participants include U.S. Rep. Mel Watt and the Rev. Bongani Finca.

# July-December

Greensboro Truth & Reconciliation Commission (GTRC) begins meeting regularly, focusing on preliminary foundational tasks necessary to fulfill the Mandate. Work includes establishing organizational protocol, securing office space, seeking funding, hiring an executive director and making arrangements with the Community Foundation of Greater Greensboro to act as its fiscal agent. It also established its Guiding Principles. Scott Pryor, on "loan" from the Greensboro Truth and Community Reconciliation Project, acted as the sole GTRC staff member during this time.

# September

27-28 Commissioners hold two-day retreat with ICTJ consultants and draft a work plan and timeline to fulfill the Mandate.

### November

13 The Beloved Community Center and Greensboro Justice Fund sponsor the 25<sup>th</sup> anniversary "Transforming Tragedy into Triumph" March for Justice, Democracy and Reconciliation as part of a series of events commemorating the 25<sup>th</sup> anniversary of Nov. 3, 1979. More than 1,000 people participate.

### 2005

# **January**

Greensboro Truth & Reconciliation Commission Executive Director Jill Williams begins work and helps hire staff members including:
Emily Harwell, Ph.D., research director
Joya Wesley, communications director
Phyllis Carter, administrative specialist
Chelsea Marshall, public hearings coordinator

25 Commissioners announce official start of statement-taking process at an Open House.

# **February**

Open community dialogue, "What is Truth? What is Reconciliation?" Held at the Greensboro Central Library, facilitated by UNCG's Ashby Dialogue series.

### March

Statement takers (Commissioners, staff, volunteers) are trained and begin recording statements from willing individuals throughout Greensboro community.

- 1 Ashby Dialogue Media Panel with Allen Johnson, *The News & Record* editorial page editor; Jordan Green, *Yes! Weekly* staff writer; and Joya Wesley, GTRC communications director
  - Community host: University of North Carolina at Greensboro
- Greensboro Truth and Community Reconciliation Project's Local Task Force presents petition requesting endorsement with more than 5,000 signatures to the Greensboro City Council, which agrees to include it as an agenda item at its April 19, 2005 meeting.
- GTRC holds breakfast meeting with media representatives in order to educate them on the truth and reconciliation process as well as to gather input on how to make the process accessible to reporters.

29 GTRC holds conversation with former Morningside Homes residents.

### **April**

<u>Greensboro Truth & Reconciliation Commission</u> begins Wednesday afternoon door-to-door campaign community wide.

- 10 Greensboro Truth & Reconciliation Commission (GTRC) participates in Faith, Prayer and Reconciliation Service at First Baptist Church, featuring Dr. Peter Storey as guest speaker
- 13-15 Sofia Macher from the <u>Peruvian Truth and Reconciliation Commission</u> meets with GTRC to consult about planning public hearings.
- 19 Greensboro City Council accepts petitions from GTCRP, then votes to oppose the work of the truth and reconciliation process by a 6-3 vote along white/black racial lines.
- Dr. Cornel West, scholar and author of books including "Democracy Matters," meets with GTCRP, GTRC and staff.

# May

- 9 GTRC Conversation with CWP/WVO demonstrators
- 24 GTRC holds conversation with current and former textile workers
- Implosion of historic Burlington Industries headquarters in Greensboro to make way for shopping mall. Once one of the world's largest textile companies, Burlington (and most other textile mills in the region) declared bankruptcy as textile jobs moved overseas.

#### June

- 8 Commission holds conversation with current and former textile mill workers at the Glenwood Branch of the Greensboro Public Library.
- 14 <u>Greensboro Truth & Reconciliation Commission</u> (GTRC) invites community to its first informal GTRC Social at the Green Bean coffeehouse.
- Greensboro Truth and Community Reconciliation Project and other community organizations hold the Interfaith Spiritual Reflection Community Service featuring a sermon by the Rev. J. Herbert Nelson, former pastor of St. James Presbyterian Church, at Genesis Baptist Church.

# July

- Inaugural edition of "TRC Talk" television show, produced in the <u>N.C. A&T</u>

  <u>State University</u> TV Studio, broadcast on local public-access channel <u>Greensboro</u>

  <u>Community Television</u>.
- 15-16 <u>Greensboro Truth & Reconciliation Commission</u> holds first public hearing at the <u>Guilford County Schools</u>' Weaver Education Center. Hearing entitled **"What Brought Us to November 3, 1979?"**

# **August**

All Summer

Throughout Summer 2005, 15 interns from high schools, colleges, and graduate level studies worked with the GTRC on its research and community engagement efforts.

- 9 <u>Greensboro Truth & Reconciliation Commission</u> (GTRC) holds second GTRC Social at the Green Bean coffeehouse.
  - GTRC Blog Coverage-- http://gtrc.blogspot.com/2005/08/gtrc-social-pics.html
- GTRC hosts a conversation with media representatives who have covered Nov. 3, 1979.
- 26-27 GTRC holds second public hearing in N.C. A&T State University's McNair Hall Auditorium. Hearing is entitled "What Happened On, and After, November 3, 1979?"

# **September**

- GTRC holds benefit entitled "Three Chords and the Truth: An Evening of Grassroots Music," featuring folk singer and activist Si Kahn, Laurelyn Dossett and Riley Baugus of Polecat Creek, Scott Pryor and poet Amaris Howard at New Garden Friends Meeting.
- GTRC holds "Teaching Through the TRC," a brainstorming meeting with university faculty from Greensboro's higher education institutions at the Little Theatre at Bennett College for Women.

### **30 – October** 1

<u>Greensboro Truth & Reconciliation Commission</u> (GTRC) holds third and final public hearing in <u>The University of North Carolina at Greensboro's</u> Elliott University Center Auditorium, with the sponsorship of the *American Democracy Project. Hearing is entitled*, "What Does the Past Have to Do with the Present and the Future?"

29 The News & Record agrees to share the FBI files they had received through a former Freedom of Information Act Request with the GTRC.

### **November**

- 2 Archbishop Desmond Tutu meets with GTRC commissioners, staff and other community members in Greensboro.
- Archbishop Desmond Tutu speaks at Greensboro's War Memorial Auditorium as part of <u>Guilford College</u>'s Bryan Series on "Spirit and Spirituality."
- More than 100 community members gather for the GTRC Community Dialogue at Mount Zion Baptist Church, a day of reflecting on the public hearings and offering recommendations for working towards community reconciliation.

### December

- 7 Commission meets with Roland Wayne Wood, the former Klansman and Nazi who was among the shooters on Nov. 3, 1979. He expresses regret and his support of community healing project. (STATEMENT SAMPLE)
- Retired Greensboro Police Officer Jim Ballance, despite early public criticism of truth and reconciliation effort, spends three hours with Commissioners, sharing documents as well as his perspective and recollections. (STATEMENT SAMPLE)

### 2006

# **January**

25 Greensboro Truth & Reconciliation Commission and Greensboro Truth and Community Reconciliation Project hold news conference announcing that Bennett College for Women will house the archives of the truth and reconciliation process in its Carnegie Negro Library.

# **February**

21 N.C. A&T University sponsors the panel discussion "Healing Via Truth and Reconciliation," as part of its "The American South Meets South Africa" project . GTRC staff participate in the event, held in the New Classroom Building.

### March

Commission begins soliciting organizations to serve as "report receivers," groups that agree to read and discuss the report and work toward enacting recommendations the group agrees will serve to build community.

# **April**

Greensboro Truth & Reconciliation Commission co-sponsors "Poetry, Truth and Reconciliation," a poetry workshop at the <u>Greensboro Public Library</u> led by Jacinta White of *the Word project*, who presented techniques for using poetry as a means of community healing and facilitated the group in writing individual and group poetry about Nov. 3, 1979.

# May

- 5 GTRC holds a gathering of more than 50 GTRC Report Receivers at Tuscana Cuisine to introduce representatives to one another, explain what it means to be a receiver and plan for the Report Release Ceremony.
- 25 TRC delivers its final report to the community at its Report Release Ceremony held in Bennett College's Annie Merner Pfeiffer Chapel.

# GREENSBORO HISTORY: BLACK ADVANCEMENT AND IDEOLOGICAL LABOR STRUGGLES AMID ADVANCING GLOBALIZATION

(*International and national events are in italics*, Greensboro and North Carolina events are in regular font)

### The 1800's

- 1865 General Robert E. Lee surrenders to Grant at Appomattox ending the Civil War and slavery. President Lincoln is fatally shot at Ford's Theater by John Wilkes Booth.
- **1865** The Ku Klux Klan is founded in Pulaski, TN
- **1868** Fourteenth Amendment to the U.S Constitution is ratified--giving civil rights to blacks.
- 1886 The American Federation of Labor (AFL) is founded by Samuel Gompers. Membership is restricted to skilled workers effectively excluding blacks, women and new European immigrants.
- **1870** Fifteenth Amendment to the Constitution is ratified—giving blacks the right to vote.
- **1893** North Carolina Agricultural & Technological State University (A&T) is founded for black students under auspices of 1890 federal land-grant act.
- 1893 New Zealand becomes first country in the world to grant women the vote.
- **1895** Construction of Cone Mills Factories by Moses and Ceasar Cone begins in Greensboro and the textile Industry continues its relocation from American northeast to southeastern states.
- 1896 Plessy vs. Ferguson—a landmark U.S. Supreme Court decision holds that racial segregation is constitutional, resulting in the expansion of the repressive black "Jim Crow" laws in the South.

# The 1900's

- **1910** Blacks are excluded from mill jobs. Not a single black person is listed as a factory worker in Greensboro, NC. Many black women did domestic work in homes of white residents, including white women mill workers.
- 1911 The National Association for the Advancement of Colored People (NAACP) is founded by a multiracial group which included W.E.B. DuBois and Ida Wells-Barnett. The initial campaign focuses on enforcing the Fourteenth and Fifteenth Amendments.
- **1914** Greensboro City ordinance bars blacks from purchasing homes on any street where the majority of residences belong to whites.

World War I—the US enters World War I, declaring war on Germany and Austria in 1917. The Armistice ending WWI is signed in 1918.

1915 The silent film Birth of a Nation is released and premiered at the White House. The film assumes that black people are barbaric and subhuman and is used by the Klan for recruitment. Birth of a Nation is often credited with fueling the Klan's revival.

### 1917-1918

Labor union membership doubles to 5 million workers as a result of US participation in World War I.

- **1919** The United Textile Workers Union grows in North Carolina and a series of strikes demanding "industrial emancipation at home" begins.
- **1919** Mahatma Gandhi *initiates satyagraha* ("truth force") campaign, beginning his nonviolent resistance movement against British rule in India.
- 1920 Nineteenth Amendment to the Constitution is ratified-- giving women the right to vote (until the 1965 U.S. Voting Rights Act, most black women in the Jim Crow south would not be able to exercise this new right.
- 1920 Over a quarter of the 420,000 textile workers in the United States belong to unions, roughly half of them in the South.
- 1921 Communist Party of America (CPUSA) is founded by the Third (Communist) International consolidates all Communist groups operating within the US. and changes CPUSA strategy from revolutionary militancy to mobilizing workers at established labor organizations.
- **1925** Ku Klux Klan reaches an all time high of five million members. 40,000 Ku Klux Klansmen march on Washington, D.C.
- **1926** The Women's Home Missionary Society joins with the Board of Education of the Methodist Episcopal Church to make Bennett College in Greensboro, N.C., formerly co-educational, a college for black women.
- **1928** National Textile Workers' Union (NTWU) which has ties to Moscow forms in Massachusetts.
- **1929** First strike organized by the NTWU takes place in Gastonia, NC. Violence erupts between militant labor organizers, the police, and anti-Communist vigilantes.
- **1929** *U.S.*, stock market crashes, with U.S. securities losing \$26 billion—initiating the first phase of Depression and world economic crisis.
- **1929** Dudley High School (Greensboro's first black public high school school) is founded.
- 1931 Notorious Alabama Scottsboro trial (nine black youths, none older than twenty-one, are accused of raping two white women on a train) begins, exposing depth of Southern racism.

- 1933 The National Industrial Recovery Act focused on fighting the Depression passes. The Cotton Textile Board is formed and charged with enforcing a code of fair competition for the industry, although in practice the mill owners who run Board use these regulations to keep wages down.
- **1934** *20,000 Alabama mill workers observe a wildcat strike which begins in Guntersville, AL.*
- 1934 340,000 textile workers in southern states (the majority of whom were white women) observe strike called by AFL's United Textile. Twenty nine textile workers are killed and more than 10,000 are blacklisted from getting jobs in the south.
- 1935 Congress of Industrial Organizations (CIO) is founded to organize laborers in mass-production industries ignored by the AFL. The CIO promotes racial and ethnic inclusiveness.
- 1935 The Labor Relations (or Wagner) Act establishes the National Labor Relations Board (NLRB), an independent federal agency meant to govern relations between unions and employers. The statute guarantees workers the right to organize and engage in collective bargaining.
- **1935** Bennett College students attempt to desegregate public facilities in Greensboro.
- **1939** *Textile Workers' Union of America (TWUA) is founded.*
- 1939 *James A. Colescott becomes leader of the Klan and begins to work in the Carolinas where unions are trying to organize textile workers.*

World War II begins in 1939. The U.S. declares war on Japan on December 8<sup>th</sup>, 1941 and drops atomic bombs on Hiroshima and Nagasaki, Japan in 1945. Over two and a half million African Americans serve, afterwards returning to an America that still offers second class citizenship.

**1942** Congress of Racial Equality (CORE) founded in Chicago under the leadership of James Farmer.

#### 1943-1946

Over 300,000 black and white men pass through Camp ORD in Greensboro, a large army camp and later replacement depot for troops on their way to war.

- 1943 NAACP youth chapter is founded in Greensboro by high school student Randolf Blackwell. Blackwell becomes a leader of the Southern Christian Leadership Conference (SCLC) in the 1960's. Blackwell's father had been involved in Marcus Garvey's United Negro Improvement Association.
- **1945** Greensboro, home to Cone Mills, Burlington, and Blue Bell is the world leader in textile production.
- **1946** First meeting of United Nations General Assembly opens in London.

- **1946** The Congress of Industrial Unions (CIO) launches "Operation Dixie" to revitalize union membership in the South. First campaign begins in Cannon Mills in Kannapolis, N.C. The drive fails due to a lack of resources and local support.
- 1947 Taft-Hartley Act makes changes to the NLRB, among them a provision allowing individual states to pass "right-to-work" laws (which are favorable to employers, hostile to unions). North Carolina will become a 'right-to-work" state. The Taft-Hartley Act denies bargaining rights and legal protection to unions that fail to file affidavits avowing that their officers were not Communists.
- 1947 The Fellowship of Reconciliation organizes the Journey of Reconciliation, the first "freedom ride" of mixed race civil rights activists attempting (not always successfully or safely) to ride interstate buses in the Jim Crow south.
- **1948** *Segregation ends in the U.S. military.*
- **1948** *Mahatma* Gandhi *is assassinated in New Delhi by Hindu fanatic.*
- **1949** South Africa *institutionalizes* apartheid *under Afrikaans National Party.*
- **1949** Waldo C. Falkener, Sr., a local black civil rights activist demands access for black citizens to public golf courses in Greensboro. In response, the city closes the golf courses.

The CIO expels 11 Communist-led unions, representing 1 million workers.

#### 1950-1975

Prolonged conflict in Vietnam begins; US planes begin bombing in 1965.

- **1950** Ten black elementary schools (six in Greensboro) are accredited in North Carolina.
- **1950s** Greensboro's first public housing communities are built: Morningside Homes for poor blacks (future site of 1979 incident) and Smith Homes for poor whites.
- **1951** Failed Textile Workers' Union of America (TWUA) southern strike weakens the union movement.
- 1951 Dr. William Hampton becomes first black elected to Greensboro city council following a voter registration campaign led by the Greensboro Citizen Association (GCA), an organization of black community leaders headed by William Hampton and Bennett College.
- **1951** *Julius and Ethel* Rosenberg *sentenced to death after being accused of passing atomic secrets to Russians.*
- **1953** Dr. David Jones becomes first black elected to the Greensboro school board.
- **1954** Brown v. Board of Education mandates desegregation in public schools.
- 1954 US Senator Joseph McCarthy accuses army officials, members of the media and other public officials of communism during well publicized hearings.

- **1955** The American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) merge.
- Pupil Assignment Act passes to circumvent *Brown v. Board of Education* in North Carolina. The act removed control for education from the state to local school boards preventing a statewide desegregation suit by the NAACP.
- **1955** Edward Edmonds (a founder of the Southern Christian Leadership Conference (SCLC) is hired by Bennett College, and works to revitalize the NAACP.
- **1955** Rosa Parks commits civil disobedience and sparks the Montgomery Bus Boycott.
- 1956 Klansman Elden Edwards uses opposition to Brown v. Board of Education to host some of the largest Klan rallies in years, drawing 3,000 people to a Klan rally in Stone Mountain, GA.
- 1957 North Carolina General Assembly adopts resolution opposing integration of North Carolina's public schools. This resistance from North Carolina state and local governments would continue until 1971.
- **1957** The City of Greensboro sells public swimming pools to avoid integrating the facilities.
- 1957 The Southern Christian Leadership Conference (SCLC) founded by black ministers from throughout the south, Dr. Martin Luther King, Jr. serves as the founding president.
- 1957 The "Little Rock Nine" integrates Arkansas high school. Eisenhower sends troops to quell the mob and protect school integration.
- **1957** Former Dudley High School student Josephine Ophelia Boyd becomes first black high school student to attend white Greensboro High School. Full integration of Greensboro schools would not take place until 1971.
- 1958 Greensboro school system defies order to admit two black students to Caldwell School by moving out white students and teachers. Caldwell becomes an all black school. Early local example of phenomenon of "white flight."
- 1958 Textile Workers' Union of America (TWUA) strike at the Harriet-Henderson Cotton Mill in Henderson, NC in response to company's attempt to break the union by eliminating its right to arbitrate grievances. The company breaks the strike and forces the union out of business in 1960 by framing TWUA's vice president and seven strike leaders for conspiring to dynamite company property.
- Ezell Blair, Sr., a shop teacher at Dudley High school, leads a drive to pressure merchants in a new shopping center near black neighborhoods to employ black sales personnel.
- **1959** The American Federal Savings and Loan in Greensboro, the first African American owned and managed savings and loan institution in North Carolina is established, providing home loans to African American citizens excluded by white banking institutions.
- **1959** Waldo C. Falkener, Sr. is elected to Greensboro City Council; he is the second black member

to serve.

1960s Several US-based (Chinese influenced) Maoist parties are formed-- including the Revolutionary Communist Party (RCP), which split from the Students for a Democratic Society and the Progressive Labor Party (PLP), which split from the Communist Party of American (CPUSA).

#### Mid-1960s

The Black Power Movement emerges, emphasizing black self-determination and awareness of black consciousness of race and racial pride.

#### 1960s and 1970s

Thousands of black workers moved into textile jobs in North Carolina. Between 1960 and 1970, the labor market for the textile industry increases 42%. Between 1970 and 1980, the labor market in the textile industry continues to grow but at a decreasing rate. Experienced white workers are leaving the industry with black workers taking their places.

- **1960** NAACP membership in Greensboro increases from 1200 to 2300 following a membership drive led by Otis Hairston, minister of Shiloh Baptist Church.
- 1960 Sit-In Movement begins on February 1<sup>st</sup>, when A&T freshmen Ezell Blair Jr., Franklin McCain, Joseph McNeil, and David Richmond sit down at Woolworth's lunch counter in Greensboro and ask for service. This event is widely considered the spark for the 1960s civil rights movement. Similar youth led sit-in actions quickly spread across the south.
- Amid growing sit-in protests across the south, the Student Non-Violent Coordinating Committee (SNCC) forms at Shaw University in Raleigh, NC. SNCC's focus on direct action and class politics is a major departure in substace and in style from the practices of national and regional groups like the NAACP
- **1961** The Greensboro Citizens Association (GCA) brings two petitions to the Greensboro Board of education to integrate the schools. It would take 10 more years for integration to be realized in Greensboro.
- 1961 The first four Greensboro eating establishments, Woolworth's, Kress department stores, Meyer's Tea Room and Walgreen's Drug Store, integrate. Other Greensboro restaurants remain segregated.
- **1962** William Thomas, a North Carolina A&T student organizes Greensboro CORE chapter and engages in the "Freedom Highways" program to integrate interstate restaurants like Howard Johnsons.
- 1963 The number of people demonstrating in Greensboro exceeds that of any city except Birmingham. The activism becomes so frequent and arrests so common the jails fill to capacity. Jessie Jackson, a North Carolina A&T student, begins his rise to leadership in the Civil Rights Movement.
- **1963** The Greensboro Community Fellowship (GCF), a bi-racial coalition, forms to provide leverage for desegregation of both schools and public accommodations and to serve as a study group to find answers to problems of jobs and housing.

- 1963 Dr. Martin Luther King writes "Letter from Birmingham Jail" challenging all church leaders to resist unjust laws.
- 1963 On May 11, 30 students picket McDonalds at the Summit Shopping Center. KKK demonstrators set up a counter picket. Two whites are arrested when a can of beer is thrown in the face of a black picketer.
- 1963 On May 15<sup>th</sup>, 2000 students from Bennett College and A&T protest in front of S&W and Mayfair cafeterias and the Center and Carolina theaters. Two hundred demonstrators are arrested. The Greensboro Men's Club (black men's civic group established in 1930s) issues a letter of solidarity for the students.
- 1963 On May 16th, the Mayor's Human Relations Commission and the Chamber of Commerce draft resolutions endorsing access of all citizens to all government and business facilities within the city. The resolutions carry no enforcement power.
- 1963 On May 19<sup>th</sup>, CORE Director James Farmer addresses a rally at North Carolina A&T and urges the audience to boycott white businesses and risk jail to support the students. Activities are supported by Bennett College President, Dr. Willa Players.
- Greensboro Mayor appoints a new committee to end the demonstrations. Dr. George Evans, a black physician and a member of the school board is elected chairman of the Committee. The Committee pressures the city to issue a formal resolution of support for equal public accommodation and for business owners to desegregate. Pressure also comes from Attorney General Robert Kennedy and Governor Terry Sanford who request theaters to integrate by June 1.
- 1963 Demonstrations continue to build throughout the summer. After a June 5<sup>th</sup> rally led by Jesse Jackson, Jackson is arrested on charges of inciting a riot. By the end of summer a number of restaurants, theaters, motels, bowling alleys and other facilities desegregate. Cooperating becomes the most conservative policy to avoid further disruption and instability.
- 1963 CORE and the Greensboro Citizens' Association (GCA), the NAACP's political arm and precursor of the George C. Simkins Jr. Memorial Political Action Committee, the American Friends Service Committee and 30 students from around the country participate in registering voters locally.
- **1963** On August 28th, Dr. Martin Luther King Jr. delivers "I have a Dream" speech before a crowd of 200,000 people in Washington, DC.
- **1963** In a landmark 4<sup>th</sup> Circuit Court of Appeals case, *Simkins vs. Moses H. Cone Hospital*, segregation in healthcare facilities receiving federal funding is ruled unconstitutional. Dr. George Simkins is a local Greensboro dentist and civil rights leader.
- **1964** Three civil rights workers—Schwerner, Goodman, and Cheney—murdered in Mississippi for promoting voting rights.
- **1964** The AFL-CIO campaigns to recruit black textile workers. Within 10 years, nearly 30% of the AFL-CIO textile workers are black

- 1964 President Johnson signs the landmark U.S. Civil Rights Act.
- **1965** First labor organizing campaign supported by the American Federation of State, County and Municipal Employees (AFSCME) takes place at Duke.
- **1965** President Johnson proposes his "Great Society" program.
- 1965 Rev. Dr. Martin Luther King, Jr., and more than 2,600 other blacks are arrested in Selma, Ala., during three-day demonstrations against voter-registration rules.
- **1965** Malcolm X, black-nationalist leader is shot to death at Harlem rally in New York City.
- 1965 President Johnson signs the landmark U.S. Voting Rights Act which prohibits discriminatory voting practices. Black citizens in southern states begin mass voter registration drives.
- 1965 Blacks riot for six days in Watts, a section of Los Angeles: 34 dead, over 1,000 injured, nearly 4,000 arrested, fire damage put at \$175 million.
- 1966 *COINTELPRO, a counterintelligence endeavor designed to destroy, undermine and discredit any groups felt to be non-supportive of the US government is established by the FBI.*
- 1967 United Neighborhood Improvement Team (UNIT) is founded by Nelson Johnson and other black activists to address public housing issues.
- **1967** Thurgood Marshall is appointed by President Lyndon Johnson as the first black U.S. Supreme Court justice.
- **1968** On April 4<sup>th</sup>, Dr. Martin Luther King is assassinated in Memphis TN. Three hundred black students march into downtown Greensboro chanting "Black Power". After the crowd starts to smash car windows and throw rocks; riot police respond, armed with tear gas and shotguns.
- 1968 On April 5, hundreds of mostly Bennett College students gather at the courthouse for a memorial service for Dr. Martin Luther King Jr. 4000 students gather for a service in the North Carolina A&T gymnasium. President Lewis Dowdy announces spring break will begin five days early. Two white men in a station wagon fire into a crowd of blacks. Police, National Guardsmen and students engage in shootings, wounding three police and injuring six protestors.
- 1968 April 9th, 1000 people gather at Trinity A.M.E Zion Church, and found the Citizens Emergency Committee (CEC) which demands the appointment of Blacks to important policy-making posts, especially the Board of Health, the Alcoholic Beverages Commission, the Draft Board, the Airport Authority, and the Housing Authority. It also requests enactment of an open-housing ordinance, stronger building-code enforcements, enlightened police practices, enactment of a ward system, the development of Negro history curriculum in public schools, and more frequent appointment of blacks to municipal and school administrations.
- **1968** Robert F. Kennedy is assassinated in Los Angeles, CA.

- Black activists create the Greensboro Association of Poor People (GAPP) with an initial grant of \$27,000 from the Ford Foundation. GAPP advocates for housing and other issues affecting poor people and engages in educating poor in political activism.
- **1968** Duke hospital workers spontaneously walk out for two days.
- **1968** U.S. Fair Housing Act (civil rights act prohibiting discrimination in accommodation) passes.
- **1968** Riots take place in Wilmington, NC.
- **1968** In December, North Carolina A&T students boycott classes.
- **1969** On February 5<sup>th</sup>, student activists occupy North Carolina A&T's central administration building to follow up on the December boycott.
- **1969** GAPP holds memorial service for Malcolm X at a black community center near North Carolina A&T. 400 black students and visitors attend. Students are blocked by police from entering the center. During the service, the police detonate a tear-gas canister.
- 1969 Nelson Johnson, vice president of the student body at A&T, supports the A&T Cafeteria Workers strike by working with the Citizens Emergency Committee (CEC) to provide food to students to keep them from crossing the picket lines and by distributing leaflets to the community to drum up support for the strike.
- 1969 In April, the Black Liberation Front (BLF), an organization dedicated to armed insurrection, is founded. BLF chapter starts at A&T openly allying with the Black Panthers of Winston-Salem.
- 1969 Sandi Smith (killed Nov. 3, 1979) moves to Greensboro to attend Bennett College, becomes founding member of SOBU (Student Organization for Black Unity) and is elected study body president of Bennett. She also becomes involved with GAPP as a community organizer, YOBU (Youth Organized for Black Unity), ALSC and eventually becomes a community organizer with GAPP and other organizations included WVO/CWP (Worker's Viewpoint Organization and the Communist Worker's Party.)
- Workers strike for 13 days at Duke University. The university offers to make a collective bargaining agreement and set-up "Employees Council" to resolve grievances.
- 1969 In May, North Carolina A&T hosts founding conference of Student Organization for Black Unity (SOBU). SOBU later becomes Youth Organized for Black Unity (YOBU) and the Greensboro Association of Poor People (GAPP).
- 1969 Dudley High School student, Claude Barnes, begins a write-in campaign after being barred by a joint student-faculty election committee for student government president on a platform advocating for facilities and resources at Dudley equal to other public high schools, for a dress code that would permit more Afro-centric styles, for a curriculum that included African American studies and for allowing students more input into choosing reading material. Barnes wins a landslide victory through write-in votes; however the school administration declares the runner-up the winner.

A week after the election, over 700 students participate in activities protesting the administration barring Barnes' election. Several altercations take place between students and police. Police arrest and beat demonstrators. 650 National Guard are deployed to Greensboro at the request of Greensboro Mayor Jack Elam. North Carolina A& T student Willie Grimes is shot in the head and killed—the circumstances around his death are contested and still unknown

- 1969 Nelson Johnson and Robert Evans are jailed as a result of the events of May 21st. Johnson starts serving his sentence in 1970, but is pardoned by Governor Scott after one month.
- 1969 May 27th, articles in the Greensboro *Daily News* suggest a relationship between the FDC and the events of May 21st. Prior to May 21st, Howard Fuller and others purchase high-powered rifles and ammunition because their lives have been threatened. FCD head Nathan Garrett asks the OEO in Washington to investigate his agency to see if any wrongdoing has occurred. Nelson Johnson asks for an inquiry by the United States Civil Rights Commission to investigate his own involvement and that of other non-Dudley students.
- In July, Chief of police Paul Calhoun tells a Senate Investigating Committee that the Black Panther Party is behind the May 21st incidents and implies that Nelson Johnson and Howard Fuller are Panther agents.
- The North Carolina Advisory Committee to the United States Civil Rights Commission holds hearings on the May 21st incidents. The Commission report questions the veracity of blaming Nelson Johnson and outside agitators for May 21st and concludes that the prevailing system in Greensboro is unjust. The report criticizes both the city and National Guard officials.
- 1969 The three poorest census divisions in Greensboro are in the black community. 5,000 families live in substandard housing; more than 1000 of these houses are beyond repair.
- 1969 Vance Chavis becomes one of two blacks on the seven man city council when appointed to fill a vacancy.
- 1969 In November, residents testify at a city council hearing, demanding improvements to housing conditions, general infrastructure (street lights, etc.) and the creation of a rent-control system with strict code enforcement.
- 1969 The Workers' Viewpoint Organization (WVO), a Maoist revolutionary group is formed. At its peak, the WVO has between 800 and 1,000 members in 20 American cities.
- 1969 In October, the US Supreme Court orders school districts to end racial segregation 'at once.'

#### 1969-1970

GAPP becomes involved in labor strikes, including a strike by blind workers against Skillcraft Industries of the Blind.

#### 1969-1970

49% of Greensboro public schools are still segregated. 40% of Greensboro public schools have less than 18% minority students. 11% of Greensboro public schools have between 18-50% minority students.

- Malcolm X Liberation University (MXLU) is founded by Howard Fuller in Durham, and moves to Greensboro in 1970. Ed Whitfield comes to Greensboro in 1970 as a MXLU faculty member.
- **1970s** North Carolina leads the nation in textile manufacturing, with over 400,000 industry-related jobs.
- 1970s During the early 1970's the Textile Workers' Union of America (TWUA) represents about 5,000 Cone workers at eight plants in the Greensboro area. The union has been weakened by the failure of the 1951 strike.
- 1970 A group of women launch a strike of cafeteria workers around the city to demand better wages.
- 1970 Four students at Kent State University in Ohio are slain by National Guardsmen at demonstration protesting incursion into Cambodia.
- More than twice as many blacks as whites are below the poverty line in NC. Blacks make up 20.5% of the labor force and more than 30% of the unemployed.
- 1970 75% of Greensboro city employees are white, 20% black.
- 1970 The Greensboro police department names a black officer as commander of the police community relations division, a long time demand of black activists.
- 1970 GAPP helps build a coalition of students, middle-class blacks and others to support the long-running AAA Rent Strike. During the strike, members prevent landlords and police from evicting people by physically standing in front of them. The strike eventually wins tenants several concessions and also calls attention to welfare recipients' inability to afford safe and healthy housing and other basic living costs, a situation that continues to the present.
- 1971 Supreme Court rules unanimously that busing of students may be ordered to achieve racial desegregation.
- 1971 In March, Otis Hairston, the former head of the Greensboro Citizen Association (GCA), joins the Greensboro school board, bringing black representation on the school board to two out of seven seats.
- 1971 On April 20th, the Federal court in Charlotte, NC, orders cross-town busing to achieve integration of public schools, Supreme Court upholds the decision in Swann v. Charlotte-Mecklenburg Board of Education.
- 1971 Greensboro public schools are compelled to begin desegregation and busing in earnest.

  Greensboro would also begin to experience the phenomenon of 'white flight' which would continue for decades
- 1971 Dudley High, Greensboro's traditional black high school, will soon attain a white student population of upwards of 40%.
- 1972 Eleven Israeli athletes at Olympic Games in Munich are killed after eight members of an

- Arab terrorist group invade Olympic Village; five guerrillas and one policeman are also killed.
- 1972 Duke Hospital Workers union wins first election.
- 1972 The Black Citizens Concerned with Police Brutality (BCCPB) is formed by GAPP members frustrated by the city government and justice system's mistreatment of the black community.
- 1973 Vietnam War ends with signing of peace pacts.
- 1974 GAPP issues a memorandum in response to the 1974 Duke Power rate increase.
- 1974 Howard Fuller becomes the business manager for American Federation of State, County and Municipal Employees (AFSCME).
- 1975 Former neo Nazi, David Duke, a well dressed and articulate Klansman provides an improved public image for the Klan and begins traveling around the country to solicit radio and television appearances. Duke runs for the Louisiana Senate and receives a third of the vote.
- 1976 The Textile Workers' Union of America (TWUA) merges with the Amalgamated Clothing and Textile Workers' Union (ACTWU) and launches a boycott at J.P. Stevens in Roanoke Rapids, NC.
- 1976 Supreme Court rules that blacks and other minorities are entitled to retroactive job seniority.
- On May 30<sup>th</sup>, The RWL, CWC and WVO meet to see if the CWC and RWL will merge into the WVO or continue to operate separately. Howard Fuller speaks for the RWL. Jerry Tung speaks for the WVO. Tung is a New York-based Communist who had met Mao and will go on to become the General Secretary of the Communist Workers' Party (CWP). The meeting strengthens WVOs position in the state.
- 1976 National Socialist party of America leader, Harold Covington receives 56,000 votes in a losing bid for attorney general of North Carolina.

- Many of the grassroots efforts in the city are alienated in the transition from Black Power to Marxism. As a result, Claude Barnes drops out of the activist movement
- 1978 WVO's Trade Union Education League (TUEL) is formed by workers committees at four Cone Mills plants and Duke University Hospital. TUEL gains leadership in several unions and organizes six strikes in 1978 and four in 1979. Jim Waller is elected president of ACTWU Local 1113. (p23)
- 1978 Rhodesia's prime minister, Ian D. Smith and three black leaders agree on transfer to black majority rule
- 1978 The Greensboro ALSC chapter wins a major victory by helping to bring about justice in the police beating of a black youth named Gernie Cummings. The Greensboro ALSC chapter is also a leading force in forming a statewide coalition to support the Wilmington 10.
- 1979 The United States establishes diplomatic ties with mainland China for first time since

- Communist takeover in 1949.
- 1979 African Americans hold a quarter of all production jobs in the Southern textile industry.
- 1979 TWUA /ACTWU boycott at J.P. Stevens reaches its zenith. The ACTWU settles with J.P. Stevens, but the union doesn't succeed in creating a broader campaign. William Sampson goes to work at Cone Mills and is elected president of the local union. He is subsequently fired.
- 1979 The WVO claims a presence in four mills in North Carolina, all belonging to the Cone Corporation: White Oak and Proximity in Greensboro, Granite Finishing in Haw River and Edna in Reidsville. Overall, union membership is miniscule. According to one WVO analysis prepared in the late 1970s, in a bargaining unit of 2,200 workers, only about 12 workers are in the union half of whom were WVO members.
- 1979 On February 14<sup>th</sup>, the ACTWU place all five of the Cone local mills into receivership, canceling all elections.
- 1979 On February 16<sup>th</sup>, Duke Hospital workers vote to reject AFSCME.
- 1979 In July, WVO/CWP members disrupt KKK rally in China Grove, NC.
- 1979 In October, the Workers View Point Organization (WVO) joins and becomes the Communist Workers Party (CWP), making the transition from a labor union organizing to a political party.
- 1979 On November 3<sup>rd</sup>, The WVO/CWP organizes a "Death to the Klan March" in Greensboro, NC. Organizers hope the march will draw black residents to community activism. Violence erupts between march organizers and Klan/Nazi party members, and in the absence of police protection, five people are killed and 10 wounded.
- 1979 On November 4, the American hostage crisis begins in Iran. This crisis would consume American and world attention for 444 days up until the day of President Ronald Reagan's inauguration.
- 1979 80 Klan members armed with pistols, shotguns and clubs confront a demonstration in downtown Decatur, AL. Two blacks and two Klansmen are shot in the battle.
- 1980 In May, a Greensboro ballot referendum to move the city council to a district system to increase minority representation on the council is unsuccessful.
- 1980 J.P. Stevens and Roanoke Rapids are awarded labor contract.
- 1980 N.C. Advisory Committee finds in its investigation among city employees that white males dominate higher paid positions. Minorities and women are concentrated in menial jobs.
- 1980 California Klan leader Tom Metzger wins the Democratic nomination for a seat in the US Congress; he loses in the general election.
- 1981 More than 1,000 people learn advanced guerilla warfare techniques at an annual paramilitary training camp sponsored by the Christian Patriots Defense League which had

- ties to the white supremacist pseudo-religion, Christian Identity.
- On August 26h, Capt. B.L. Thomas admits before a grand jury that the police had been monitoring demonstrations at Cone in the months prior to Nov. 3, 1979.
- 1982 Citizens for a Responsible Government force city Council to move to a modified district system of electing city council members, ending old at-large system. Prior to 1982, the City Council had few African American members.
- 1984 19-year old Darryl Hunt is arrested for rape and murder of a white woman in Winston-Salem, N.C. DNA testing clears him in 1994 and he is released through Governor's pardon in 2004.
- 1985 Glen Miller's Carolina Knights of the Ku Klux Klan have 23 local units and an estimated 1,000 members.
- **1986** Guilford County Commissioners change to district-system as a result of law suit, opening way for more black representation.
- **1986** Desmond Tutu is elected archbishop in South Africa.
- 1986 North Carolinians, Glen Miller and his lieutenant Stephen Miller, leaders of the White Patriot Party, (renamed from Confederate Knights of the Ku Klux Klan) are found guilty of violating an order that bans them from conducting paramilitary training.
- **1987** Glen Miller issues a "declaration of total war" against the government, blacks and Jews.
- **1989** *Tens of thousands of Chinese students take over Beijing's* Tiananmen Square *in rally for democracy.*
- **1989** *After 28 years*, Berlin Wall *is open to West.*
- **1990** South Africa frees Nelson Mandela, imprisoned 27<sup>1</sup>/2 years.
- **1991** Soviet Union *breaks up after President* Gorbachev's resignation; constituent republics form Commonwealth of Independent States.
- **1991** Rev. Nelson and Joyce Johnson found the Beloved Community Center (BCC) in Greensboro.
- **1992** Greensboro City, High Point City and Guilford County Schools merge.
- 1992 Four police officers are acquitted in the Los Angeles beating of Rodney King; rioting erupts in South-Central Los Angeles.
- **1992** U.S. forces leave Philippines, ending nearly a century of American military presence.
- 1994 The North American Free Trade Agreement (NAFTA) is implemented, easing the way for American companies to take advantage of cheaper labor costs and relocate plants outside the U.S. Burlington Industries and Cone Mills merge as part of a survival strategy.
- **1994** Rwandan genocide of Tutsis by Hutus begins; an estimated 800,000 are slaughtered in

approximately 100 days. 1994 South Africa holds first interracial national election and Nelson Mandela is elected president. 1995 K-Mart labor struggle begins. 1995 Members of the Christian Knights of the Ku Klux Klan set fire to and destroy a black church in South Carolina 1995 Timothy McVeigh, an army veteran with links to right wing paramilitary groups bombs an Oklahoma City federal building. 1995 Million Man March draws hundreds of thousands of black men Washington, D.C. 1996 *United Nations Tribunal charges war crimes by Bosnian Muslims and Croats.* 1999 Kwame Cannon is released from two life sentences for burglaries he committed as a 17 yearold). Kwame's mother, Willena Cannon was an organizer of the 1979 anti-Klan rally--10 year-old Kwame joined his mother at the rally. 1999 Cannon Mills, Kannapolis, NC, after 25 years of organizing struggle, votes to unionize and, after a legal challenge, is certified by the federal government. The 2000's 2000 U.S. Supreme Court orders halt to manual recount of presidential votes in Florida (Dec. 9). Supreme Court seals Bush victory by 5–4; rules there can be no further recounting. 2000 Pillowtex (Cannon Mills) files for bankruptcy. 2001 Morningside Homes neighborhood, location of 1979 massacre, is demolished to make way for "Willow Oaks" neighborhood renewal project funded by the federal Hope VI program. 2001 Hijackers ram jetliners into twin towers of New York City's World Trade Center and the Pentagon. A fourth hijacked plane crashes 80 miles outside of Pittsburgh. More than 3,000 people are killed. 2002 Burlington Industries declares bankruptcy. 2002 Homeland Security is established as a new cabinet department. 2003 The U.S. Supreme Court decisively upholds the use of affirmative action in higher education. 2003 The United States and Britain launch war against Iraq. 2003 Cone Mills declares bankruptcy.

Pillowtex (Cannon Mills) liquidates and lays off 7,650 workers, the largest permanent layoff

2003

- in North Carolina history.
- **2003** J.P. Stevens announces the closure of Roanoke Rapids mill.
- **2005** *In January, the World Trade Organization abolishes textile quotas worldwide.*
- **2005** Burlington Industries corporate headquarters, once considered an architecturally significant building and symbol of the Greensboro textile industry, is blown-up to make way for a new shopping area in Starmount.
- 2005 In July, after 60 years, the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) split. The Teamsters, Service Employees International Union, United Food & Commercial Workers, and other unions depart the AFL-CIO.
- Hurricane Katrina wreaks catastrophic damage on the Gulf coast; more than 1,000 die and millions are left homeless. The hurricane provides worldwide attention to racial, gender, and economic differences and mistreatment in a major U.S. city as the Iraq war is proclaimed as a major victory over a "repressive regime in the Middle East."
- Return to neighborhood schools phenomenon continues in Greensboro, resulting in return to more segregated schools. For example, Dudley High School, Greensboro's historically black high school, is now nearly 100% black (during the integration period of the early 1970s, the percentage of white students was as high as 40%). With a predominantly poor demographic, Dudley is today considered a 'failing school' by the state of North Carolina and the federal government. A North Carolina judge threatens to close it down if dramatic action is not taken.

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# THE DECLARATION

It is the declared intent of the signers of this document to work with all sectors of Greensboro and with a cross section of national and international leaders to forge a broad and effective Greensboro Truth and Community Reconciliation Project. The focus of the project will be the killing in Greensboro of five anti-Klan demonstrators in 1979. Our overall purpose is to lead Greensboro into becoming a more just, understanding and compassionate community. We believe this project can have positive implications for cities and communities throughout the United States.

One of the worst breakdowns in human relations in the history of Greensboro, and maybe in the State of North Carolina, occurred on November 3, 1979. On that day, Klan and Nazi members interrupted preparations for a legally scheduled parade through neighborhoods in Southeast Greensboro. These gunmen killed five people and wounded ten others. The African American neighborhood in which this event occurred was terrified and our city thrown into shock. Although there have been three directly related trials, a full accounting of the relevant factors connected to this tragedy has yet to be entered into the public record and the public consciousness.

The Greensboro Truth and Community Reconciliation Project will provide opportunities for the entire city to heal and to come to a clear understanding of the events of November 3, 1979 and their aftermath. Our hope is to reach an understanding based on careful and honest reexamination of the roles of the various actors, groups, and institutions, as well as the role of the ordinary citizen. To this end, a commission composed of people with integrity and a variety of gifts, who are willing to commit themselves to seeking the truth amidst all the data and perspectives surrounding this complex situation, will be created.

We envision the commission engaging the questions of: What happened? How did it happen? Why did it happen? And, how can we learn from this episode of our history so as not only to prevent such occurrences in the future, but also to transform this tragedy into triumph for truth and good will? The findings of the commission will serve as the basis for a six to twelve month community discussion that will constructively engage the confusion, division, and bitter feelings related to that event and hopefully lead to greater reconciliation and to proposals for restorative justice.

We believe that by helping to clear up lingering confusion, division and ill feelings and by promoting reconciliation among individuals, sectors and institutions within our community, the project will transcend the hurtful legacy of events of November 3, 1979. It is our conviction that this undertaking will go a long way in both healing long-standing wounds and opening new possibilities for Greensboro to become a better, more just and compassionate city.

By working together with others to creatively engage in the truth of our past, we will not only be acting in our city's best interest, but we will also be reflecting new depths of community values and modeling new vistas of democracy for our nation.

Therefore, we, the undersigned, commit ourselves to work diligently and honestly with the people and institutions of Greensboro and, together with the aid of our National Advisory Committee, to carry out this project with integrity, promoting truth, understanding and reconciliation.

# Mandate for the Greensboro Truth and Reconciliation Commission

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

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

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

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

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

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

We affirm that the intention of this examination shall be:

- **a)** Healing and reconciliation of the community through discovering and disseminating the truth of what happened and its consequences in the lives of individuals and institutions, both locally and beyond Greensboro.
- **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.

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

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

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

It is in this spirit that we affirm the South African Truth and Reconciliation Commission's motto:

"Without Truth, no Healing; without Forgiveness, no Future."

Therefore, toward these ends,

- **1.** The Greensboro Truth and Community Reconciliation Project (referred to here as "the Project") hereby establishes a Greensboro Truth and Reconciliation Commission (GTRC), charged with the examination of the context, causes, sequence and consequence of the events of November 3, 1979.
- **2.** The GTRC will consist of seven (7) Commissioners who shall be persons of recognized integrity and principle, with a demonstrated commitment to the values of truth, reconciliation, equity and justice.

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

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

- **3.** The Commissioners will carry out their mandate by reviewing documents, inviting people to come forward with information, consulting with experts and by any other means, public or private, they consider appropriate.
- **4.** The Commission may decide to carry out some activities in private in order to protect, to the extent possible, the security and privacy of individuals and the integrity of its ongoing truth-seeking, but in general the Commission's activities will be carried out in a manner that is as public and transparent as possible.
- **5.** The Commission will issue a report to the residents of Greensboro, to the City, to the Project, and to other public bodies, encompassing the items outlined in paragraph 1 and in keeping with the intentions and spirit of the mandate. The Commission will ensure that its findings are fair, based on the information compiled and reviewed, and adequately documented in its report. The Commission may take steps to protect the identity of individual sources, if requested. The Commission will also make specific, constructive recommendations to the City, to the residents of Greensboro, and to other entities as it deems appropriate, particularly to further the intentions set forth in the mandate.
- **6.** The Commission will have no authority either to pursue criminal or civil claims or to grant immunity from such claims. Its focus is reconciliation through seeking, understanding and reporting the truth.
- **7.** The Commission will convene a first meeting, as determined by the Commissioners, no later than 60 days from the date on which the Selection Panel confirms and announces the selection and acceptance of its members. From its first meeting, the Commission will have a period of 15 months to fulfill the terms of its mandate. This period includes initial planning and set-up, the determination of its internal procedures and selection and appointment of its key staff. The Commission may call upon the Project staff and other resources for administrative support during its initial planning and set-up phase.

If absolutely necessary, the period of the Commission's mandate may be extended for up to 6 more months, with the permission of the Project.

- **8.** The Commission will carry out its mandate while operating independently from any external influence, including the Project. It may reach cooperative agreements with organizations, institutions and individuals in order to strengthen its capacity and resources, in so far as such agreements do not compromise the Commission's independence. The Commission will have full authority to make decisions on its spending, within the limits of available funds, and may elect to have a fiscal sponsor through another institution so long as that relationship is consistent with the spirit of the mandate and the Commission's substantive independence.
- **9.** At the completion of its work, all documents of the Commission, its notes, findings, exhibits and other collected materials, shall be permanently archived in Greensboro in an institution whose purpose and tradition is in keeping with the objectives and spirit of the Commission mandate. The identity of this institution and the structure of the archive will be determined by agreement between the Commission and the Project. If deemed appropriate, multiple institutions and locations may be used for archival purposes. Such an archive shall, to the extent feasible and respectful of any recommendations by the Commission with regard to the continued confidentiality of records, be accessible to the public.

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

# THE GREENSBORO TRUTH AND RECONCILIATION COMMISSION

The Greensboro Truth and Reconciliation Commission is an independent body of seven individuals appointed through a democratic and community-wide nomination and selection process. Drawing on similar efforts from around the world, the Commission is the first of its kind in the United States.

#### What we believe...

- Human life is valuable.
- We must examine why five lives were lost and what brought about this tragedy.
- We must examine and understand the beliefs and issues surrounding the tragedy.
- The Commission emerged out of a community selection process and is an integral part of the community.
- "The passage of time alone cannot bring closure, nor resolve feelings of guilt and lingering trauma, for those impacted by the events of November 3, 1979. Nor can there be any genuine healing for the city of Greensboro unless the truth surrounding these events is honestly confronted, the suffering fully acknowledged, accountability established, and forgiveness and reconciliation facilitated."—Mandate of the Greensboro Truth and Reconciliation Commission

#### What we know...

- As a result of the November 3, 1979 violence, five people were killed and at least ten were physically injured.
- The present needs to be reconciled with the past in order to move into the future.
- The tragedy is broader in context and time than a violent clash between two groups on the morning of November 3, 1979.

# GUIDING PRINCIPLES OF THE GREENSBORO TRUTH & RECONCILIATION COMMISSION

[Above or beside text]: As the commissioners began planning how to accomplish their mandated tasks, they discerned a need to build on the Mandate by articulating their own underlying values. These Guiding Principles were written by the Commissioners in November 2004. [end side text]

We, the members of the Greensboro Truth and Reconciliation Commission, are committed to carrying out our work in accordance with the ideals and objectives set forth in our Mandate. In this spirit, we have adopted the following guiding principles:

## Principle one

Because we recognize that injustice anywhere affects us everywhere, we will seek the truth in all its layers and will seek to provide creative ways for all members of our community to explore their experiences and feelings, engage in fruitful dialogue, and work together in our search for both truth and reconciliation.



As the commissioners began planning how to accomplish their mandated tasks, they discerned a need to build on the Mandate by articulating their own underlying values. These Guiding Principles were written by the Commissioners in November 2004.

## Principle two

Because we enthusiastically embrace the twin principles of honesty and openness, we will work hard to assure that every part of our examination is open, fair and impartial.

## Principle three

Because we are a totally independent entity, not accountable to or dependent on any particular group or segment of our community, we will earnestly seek to hear and will honestly value everyone's story. No evidence or testimony will be rejected. In every aspect of our work we will give respect to and provide opportunity for expressions of diverse viewpoints.

## Principle four

We commit ourselves to the ideal of restorative justice, freed from the need to exact revenge or make recriminations. The work that we do, and the report that we ultimately will issue, will be inspired by the belief that divisions can be bridged, trust restored and hope rekindled.

In service to the entire Greensboro community, and in accordance with the principles described above, we accept the responsibility given us.

# seeking truth, working for reconciliation GREENSBORO TRUTH & RECONCILIATION COMMISSION

# **GTRC Report Receiver Agreement Form** Name of Organization: Mailing Address: Citv State Zip Contact Name: Contact Telephone:\_\_\_\_\_ (daytime) (evening) Contact Email: (organization name) believes that truth and reconciliation are worthy goals, and that the Greensboro Truth and Reconciliation Commission – the first of its kind in the United States – has taken its mandate seriously.\* This organization agrees to do the following: Send a representative to symbolically receive the Commission's final report at the Closing Ceremony, 6 p.m. Thursday, May 25, 2006, in the Annie Merner Pfeiffer Chapel at Bennett College for Women, 900 E. Washington St. (local organizations only) Send a representative to a community-wide gathering of GTRC Report Receivers at 6 p.m. Thursday, May 4, 2006, at Tuscana Cuisine, 709 E. Market St. Read the report or the executive summary as a group, then engage in open and honest dialogue about the Commission's findings. Assess the report's findings and recommendations, then work to help implement any of the recommendations we agree will further the cause of community reconciliation and healing. (Optional) We are able to make a financial contribution in the amount of \_\_\_\_\_ to offset the cost of producing the report. \*Becoming a GTRC Report Receiver does not indicate prior agreement with the Commission's findings.

122 N. Elm St., Suite 505, Greensboro, NC 27401  $\square$  Phone: 336-275-6462  $\square$  Fax: 336-275-6227  $\square$  www.greensborotrc.org

Printed Name

Signature

# Greensboro Truth & Reconciliation Commission Community Dialogue Data November 5, 2005

On November 5, 2005, approximately 150 community members and volunteers participated in a day-long series of facilitated conversations designed:

- To give the community a voice in the Commission's final report recommendations
- To help the community, including the Commission, to better understand the issues surrounding the events of Nov. 3, 1979, and how they are connected to our present and future.
- To lay a foundation for community bridge building over time.

Early in the day, participants generated lists of <u>brainstormed issues</u> still affecting Greensboro that are either directly or indirectly linked to the events of November 3, 1979. From this extensive list of brainstormed issues, a shorter list of issues were generated and each of the following were then discussed further:

- · Health Care/Housing/Living Conditions
- Developing Community Leadership
- Continuing Reconciliation
- Media Accountability
- Government Accountability (including police)
- Acknowledging November 3, 1979
- Economic Justice
- Workers' Rights (no one chose to participate in this discussion)
- Confronting Racism
- Education/School System
- Education/Civic Participation

Each of the small groups were assigned one of these topics and were asked to generate ideas (first individually, then as groups) for ways to address these issues. Each small group was asked to consider the following overarching themes:

- Confronting Racism
- Building Community (Trust and Communication)
- Fostering Reconciliation
- · Healing the Soul

Participants first <u>brainstormed ideas for recommendations</u> addressing their chosen issue and then groups processed these ideas and ultimately created a list of <u>group recommendations</u>.

Included in this document are the data generated in these discussions, including:

- <u>Group recommendations</u>—At the end of the day, small groups generated a list of 66 recommendations for working toward community healing around the events of November 3, 1979. These recommendations are directed to the city, institutions, and individuals in the Greensboro, NC community. (This data came from the following two sets of raw data.)
- <u>Brainstormed issues</u> –Early in the day, participants brainstormed issues either directly or indirectly linking Greensboro in 2005 to the events of November 3, 1979. This is a list of all of the ideas generated by individuals in this session.
- <u>Brainstormed recommendations</u>—This is a list of all of the participants' ideas for recommendations generated during a silent brainstorming session.
- <u>Bridge Building Groups</u>—Because one of the goals of the Community Dialogue was to lay the foundation for community bridge building, we asked participants to add to a list of local organizations which contribute to bridge building in Greensboro.

(IMPORTANT NOTE: None of this data represents views formally endorsed by the GTRC.)

# **Group Recommendations**

Listed below are the recommendations that grew out of group discussions at the Community Dialogue. Participants chose their groups based on the issues each group discussed. After brainstorming lists of related recommendations, group members discussed their ideas and generated this list of recommendations and related comments. (For background information on this list, look at the following raw data including <u>Brainstormed Issues</u> and <u>Brainstormed Recommendations</u>.)

Issue	Recommendation
Acknowledging Nov. 3, 1979	A tour to all public schools to educate students about truth and reconciliation and peace among all people. (Books, DVDS, photos, etc.) One month a year.
Acknowledging Nov. 3, 1979	A major donor should be contacted to give money to the Bryan Foundation earmarked for the truth and reconciliation process to discuss the issues.
Acknowledging Nov. 3, 1979	Get direct quotes and testimonies from survivors to spread throughout final report.
Acknowledging Nov. 3, 1979	Acknowledgement of children who feel affected by the events. Ex: Children of media, lawyers, Klan, demonstrators. Also setting up dialogues with those people whose children were 18 or younger on November 3, 1979.
Acknowledging Nov. 3, 1979	Chamber of Commerce to post an ad in media (full page) acknowledging the day and commitment to not allow an environment that fosters this type if disaster
Acknowledging Nov. 3, 1979	TRC develop a model ad for Chamber of Commerce to place in newspaper.
Acknowledging Nov. 3, 1979	All Greensboro College Institutions should create a mandatory "Greensboro History" class for all freshmen to take. That way they are informed from the get-go about all that's happened.
Acknowledging Nov. 3, 1979	The Human Relations Commission should assume primary responsibility for holding public forum of Truth and Reconciliation Commission report.
Acknowledging Nov. 3, 1979	Following the submission of the report to the mayor and city council, the TRC meet to discuss, answer questions and support the recommendation including calling for the mayor and the city to acknowledge and apologize for the failure of the police.
Acknowledging Nov. 3, 1979	To "heal the soul" and move forward, the city of Greensboro has a moral responsibility to apologize for lack of protection of all citizens on Nov. 3, 1979, and lack of support to date.
Acknowledging Nov. 3, 1979	Post-report video to be shown to groups.
Acknowledging Nov. 3, 1979	Win-Win Resolution and TRC partner to develop a program that focuses on peace. (Tours, programs in schools, etc.)
Acknowledging Nov. 3, 1979	Produce a shorter summary of the report with conclusions and recommendations of the report. (Make it user friendly)

Acknowledging Nov. 3, 1979	The public recognition of the failure of the police and city government to provide adequate protection for the CWP march and to apologize for the failure of the mayor and the city council in taking the TRC report seriously and responding publicly.
Acknowledging Nov. 3, 1979	Purchase a page in the News and Record publishing the results and recommendations of the Commission report.
Confronting Racism	Collaborate on confronting racism in GSO.
Confronting Racism	Continue the T&R process (and probe the fear of some in participating in itwhere does it come from?)
Confronting Racism	Acknowledge the work of organizers in Greensboro who have been fighting for racial, economic, and social justice all their lives and have been discredited and erased and the communities they have fought for have been robbed. Also, make symbolic restitution.
Continuing Reconciliation	Formulation of committee charged to find ways for reconciliation (use representatives from community and church-based organizationsuse events such as upcoming bicentennial as a vehicle)
Continuing Reconciliation	Public Health Issuemeeting needs of people victimized.
Continuing Reconciliation	Use rituals such as art, community gatherings, dance, food, etc., possibly victim-offender mediation (publicize reconciliation)
Continuing Reconciliation	Informal, formal dialogue (in homes)
Continuing Reconciliation	Independent, official police review board
Continuing Reconciliation	Find creative ways of continuing reconciliation with the "GTRC Report" that we have.+
Developing Community Leadership	Redefine "leadership" in a way that is open to everyone and everyone's gifts and then educate everyone in the exercise of this "servant leadership" for the common good…none excluded.
Developing Community Leadership	Strive to make community a sacred word, with its end truth: unity. Developing community leadership through the "co" modelmale and female cooperative model. Developing community leadership is not "ground up" or "top down" hierarchical model; it is equal voice speaking from the heart. Bring dialogue across tables and living the truth.
Developing Community Leadership	Self Improvement; responsibility is the basic for community development: (a) self knowledge, (b) proper knowledge of God and Satan ("Processing the proper knowledge and information in a timely fashion", a true knowledge and understanding of the word of the true and living God), (c) Self ExaminationSelf AnalysisSelf correction
Developing Community Leadership	Develop an anti-racist and grassroots justice coalition among groups so that we can determine common goals for community.
Developing Community Leadership	include an introduction to "servant leadership" at every level of our public education efforts
Economic Justice/Policies	Implement livable wage policy
Economic Justice/Policies	Nurture minority businesses by providing mentors and policies that will help sustain minority businesses
Economic Justice/Policies	Equality of business development policies across the city.
Economic Justice/Policies	Policies put into action that are in the best interest of the masses (i.e. buying of land in underprivileged areas of town to build condos)

Economic Justice/Policies	Microfinance groups for those who can't get access to credit (without predatory interest practices)
Economic Justice/Training	Implement job development/ creation programs that train and employ low wealth people
Economic Justice/Training	Provide training to potential city contractors who are economically disadvantaged
Economic Justice/Training	Education and training for people so they can obtain economic wealth and materialism.
Education and Civic Participation	The events of November 3, 1979, have been denied, distorted, and/or confused for 26 years. This reflects a cultural phenomenon of evasion, denial, and unwillingness to face the flaws within ourselves, our community story and national history. The confusion, denial and distortion so deeply ingrained in our thinking prevents us from envisioning a true alternative, vibrant, just and inclusive community. We believe, therefore, we must seek creative ways to promote the broadest possible discussion of the events of November 3 and the related thinking associated with this history.
Education and Civic Participation	These are the times to grow our souls. We are profoundly disturbed by the absence of broad participation of Greensboro citizens in these proceedings and believe that this is rooted in the growing tendency of the American people to be preoccupied with material accumulation rather than the well-being of our community and country. To address this apathy, we propose: (a) sponsoring grassroots discussions of the TRC in the public square, community organizations, and neighborhood groups; and (b) including community building in the school curriculum for our children K-12.
Education, School System	Equity of resources: better pay and treatment of teachers, acknowledge teachers' knowledge, and distributing PTA money more equitably.
Education, School System	A new philosophy of education: (1) smaller schools, (2) children are natural learners, (3) develop arts, dance and recognize all cultures, (4) movement, (5) make schools fit needs of children.
Education, School System	Community involvement: (1) input from parents/students, (2) lunch buddies, (3) honor contributions from all families, (4) valuing human to human connection, (5) have opportunities for children to be around adults from the community of diverse backgrounds.
Education, School System	Testing/Assessment: (1) make it diagnostic, (2) testing generates recommendations for the child, (3) value all skills and talents
Government Accountability	Government should stop worrying more about image than it does about the problem. Put more energy/money into problem solving than image building.
Government Accountability	Police Review Board with subpoena power (one suggestion for a mechanism to make this happen: boycott the city so as to not impact the poor, but to impact powerful financial interests)
Government Accountability	Incentives for citizen involvement, such as funding for strengthening democracy (should be a budget item)
Government Accountability	Clear, proactive education about what the government is doing and how it does it.

Government Accountability	Explore apathy and mechanisms to combat it.
Government Accountability	Diversity and history education for police and other elected officials (e.g. racism prevention, etc.)
Health Care	Encourage people (especially young people) to train for jobs in health careespecially nursingin which there is a severe shortage.
Health Care	Increase the availability of school nurses and teaching of healthy lifestyles in school.
Health Care	Increase the health insurance benefits for workers
Media accountability/community responsibilities	No stereotypes/assumptions about specific reporters
Media accountability/community responsibilities	Citizen advisory panel to talk with editors/publisher
Media accountability/community responsibilities	Media host community forums to educate citizens
Media accountability/community responsibilities	Truth and Reconciliation Process represent itself on the web
Media accountability/community responsibilities	Communicating more/responding faster to reporters
Media accountability/specific issues	Cover role of informants
Media accountability/specific issues	Engage young people as media watchdogs
Media accountability/specific issues	Provide adequate resources (investigative funds) to support thorough and frequent reporting
Media accountability/specific issues	Training/discussion of past actions to develop direction for future reporting
Media accountability/transparency	More openness by media about processes
Media accountability/transparency	More responsiveness to community
Media accountability/trust building	Initiate reconciliation between media and truth and reconciliation process.
Media accountability/trust building	Monthly meetings between media and community leaders

## **Brainstormed Issues**

Listed below, in no particular order, are the issues identified by the participants from the Community Dialogue held at Mt. Zion Baptist Church. The participants were to generate ideas about issues that currently exist in Greensboro that are either directly or indirectly linked to the events of November 3, 1979. These issues were transcribed directly from the notes of the participants. (\*\* indicates that the issue was listed more than once.)

- 1. Homelessness
- 2. Inequitable economic development
- 3. Lack of trust in the community
- 4. Outside police review board with power
- 5. People not paid a living wage (\*\*)
- 6. Quality education for everyone in the County
- 7. Distrust of Institutions of Government with the Community (Perception Issue)
- 8. How black working class communities are perceived by the media, other areas of Greensboro and surrounding areas.
- 9. Overcoming ignorance and arrogance regarding class, race and gender
- 10. Overcoming Fear
- 11. Lack of spiritual grounding
- 12. Entitlement/Power
- 13. Civility-not willing to face issues
- 14. Intentionality about sharing power in the community representing a better Greensboro
- 15. Lack of trust in the dialogue. Unwillingness to tackle the tough issues
- 16. Disparity in health care
- 17. Trust/relationship building (\*\*)
- 18. Legal process needs to be involved to reconcile the community about Nov. 3
- 19. How to help the whole community understand the trial better
- 20. The denial of the community and the history (\*\*)
- 21. A tale of two Greensboros (reputation vs. reality)
- 22. Housing: All low income housing shouldn't be in urban areas
- 23. The T & R process is as much about the problems of today as the problems of 1979.
- 24. Linking 1979 to all of Greensboro's problems
- 25. Politicians do not reflect the diversity of the city.
- 26. Lack of inclusiveness
- 27. Racism
- 28. Exclusion of majority from public discourse
- 29. People of Greensboro do not have a equitable quality of life
- 30. Work-jobs-labor
- 31. Poor transit system and planning, leaving Greensboro very spread out. (\*\*)
- 32. Lack of locally owned businesses, particularly minority owned businesses
- 33. Deep divisions that have remained in Greensboro (race, class & education have remained significantly unchanged)
- 34. Building baseball stadiums when people are struggling to get jobs.
- 35. The sit in movement doesn't mean the attitudes of Greensboro have changed
- 36. People are generally insensitive and not respectful of differences
- 37. Segregation of ourselves by race and religion (i.e., housing, schools and other social

- functions)
- 38. Policy
- 39. Homelessness
- 40. Need for affordable housing (\*\*)
- 41. Economic Conditions
- 42. T & R Commission-lacked subpoena power
- 43. Police brutality-misuse of force (abuse of power)
- 44. Honest media coverage
- 45. Involvement of the city
- 46. Capitalism
- 47. Secret Police
- 48. Workers continue to be at the mercy of powerful Corporations who are closer to politicians than constituents
- 49. Confront what makes us afraid
- 50. High incarceration rates for people of color
- 51. Distrust & fear of law enforcement/institutions
- 52. Systemic racism still exists
- 53. Immigration issues-Corporate justification for illegal immigration
- 54. Historical amnesia-loss of story
- 55. The movement organizing efforts to mobilize working people was attacked on Nov. 3, 1979. The fallout of this victimization has not been acknowledged.
- 56. Poor city leadership
- 57. The legal and justice system
- 58. Gap between rich and poor
- 59. Misguided and misdirected educational system
- 60. Lack of healthy communications based on Nov. 3
- 61. Lack of energy to change the system towards a positive change
- 62. No full disclosure of all documents related to Nov.3
- 63. Public recognition and acknowledgement of the failure of the police and city government to provide adequate protection for the CWP March-and an apology
- 64. Responsive and responsible government
- 65. Systemic problems in primary and secondary education
- 66. How people are educated about the event
- 67. Ignorance of the past
- 68. Misunderstanding of connections between issues then and now
- 69. Persistence of old story in the face of testimony
- 70. Equity to participation in civic decision making
- 71. Displacement of poor communities
- 72. Commitment to economic development in east Greeensboro.
- 73. City leadership: lack of integrity
- 74. 2 Greensboros
- 75. Gap between people of color and whites
- 76. Status Quo mentality for those in power
- 77. Not enough people of color in real positions
- 78. Lack of creativity-doing the same things even when they aren't working
- 79. Lack of city involvement in grassroots prompted issues
- 80. Questions of community empowerment have been ignored

- 81. Generations of Greensboro children (including college students) have been mislead and miseducated regarding the circumstances of Nov. 3
- 82. Lack of space to have difficult conversations
- 83. Racial division
- 84. Community disconnect
- 85. Racism
- 86. Loss of a strong sense of a beloved community
- 87. Individual violence
- 88. Lack of "movement" bldg capacity in disenfranchised communities
- 89. Lack of cultural competence
- 90. People of conscience not taking action
- 91. Education priorities
- 92. Loss of good paying manufacturing jobs
- 93. Lack of strong democracy
- 94. No accountability regarding police conduct
- 95. No historical memorial for marker Nov. 3
- 96. Lack of equitable delivery of city services
- 97. Division/inequality amongst races, classes, etc.
- 98. Lack of public gathering spots throughout Greensboro
- 99. Lack of knowledge regarding healthy communication
- 100. Unwillingness to face truth
- 101. No "real" room or space to confront issues of racial tension
- 102. Economic conditions in business and education
- 103. Role of informants not covered in 2004-05
- 104. School funding
- 105. Problems that happen at school when adults are not around
- 106. Not enough social time for students in schools
- 107. Lack of protest politics
- 108. Lack of civic and historical education for Greensboro children on civil rights
- 109. Disparity within education system
- 110. Disconnect between the world view of GTRC and Greensboro view of GTRC

## **Brainstormed Recommendations**

Listed below (in no particular order) are the specific recommendations brainstormed by the attendees of the Community Dialogue held at Mt. Zion Baptist Church, November 5, 2005. These recommendations were transcribed directly from the participants' notes.

- 1. Support for locally owned small businesses
- 2. Corporate and government accountability to the community for working conditions
- 3. Corporate incentives
- 4. Redistribution of resources-economic reparations to African Americans
- 5. Public Acknowledgement of truth about Nov. 3
- 6. Educate citizens, especially children about what racism is and how to act so it is properly dealt with.
- 7. Listen to the prophetic voices-the people who have been speaking about this for a long time
- 8. Learn better communication strategies (dialogue) to better understand each other
- 9. Restitution to victims
- 10. Equal education opportunities for everyone
- 11. A school system that works for all kids
- 12. Welcoming new Americans to Greensboro
- 13. Celebrating diversity of human spirit
- 14. Strengthening the relationship between law enforcement and blacks in Greensboro
- 15. Broader involvement for a continuing reconciliation effort
- 16. Hosting community forums to educate citizens
- 17. Developing community leadership
- 18. Bring dialogue across the table
- 19. Engage young people as media watch dogs
- 20. Need for youth to have high skills in technology, information and global studies
- 21. Leadership development
- 22. Protect public education
- 23. Expand training of public school administrators, counselors, social workers, etc. to work with all students
- 24. Develop safe and affordable housing
- 25. Continued dialogue among the various populations in Greensboro
- 26. Equitable quality of life for all
- 27. Media reform
- 28. Supporting workers and small, local businesses
- 29. Police accountability to community
- 30. Empowerment of grassroots organizations
- 31. Raising education achievement for low income and minority populations
- 32. Fair housing
- 33. Intervention in schools
- 34. Integration of schools
- 35. Support for children before problems occur
- 36. Continued dialogue and forums for discussion

- 37. Health care (equitable access)
- 38. Community dispute resolution mechanism
- 39. Media should be acknowledged as primary educators
- 40. Don't sugarcoat the truth
- 41. Confront racism
- 42. Develop community leadership
- 43. Police community relationship (citizen review board with subpoena power)
- 44. Equal opportunity for education between school districts
- 45. Citizen advisory panel to talk to editor/publisher
- 46. Better public transit system
- 47. Citizen review board for police action
- 48. Open government
- 49. Proactive citizen involvement
- 50. Government and law enforcement accountability
- 51. Regulating police conduct
- 52. Deep anti-racism training
- 53. Encourage young people to train for jobs in health care
- 54. Increase health benefits for workers
- 55. Increase the availability of school nurses and teaching of healthy lifestyle in schools
- 56. Training or discussions of past actions to develop directions for future actions of the GTRC process
- 57. Trust building
- 58. Create a common definition of racism
- 59. Have truth and reconciliation process
- 60. Do not make assumptions /strengths about media and reporters
- 61. Develop an anti-racist and grassroots justice coalition (among groups) so that we can determine common goals for our community
- 62. Establish community leaders we want and hold trainings about how to develop and train new leaders
- 63. Encourage leadership
- 64. Establish leadership training programs
- 65. Develop an aggressive community education institute
- 66. Thorough and frequent reporting by providing adequate resources to reporters
- 67. Work to balance individual and community
- 68. Economic justice and development
- 69. Grassroots involvement of "regular folks"
- 70. Creative education for all children
- 71. Civic education and participation
- 72. More transportation options for walkers and biking lanes
- 73. Media as community building resource
- 74. Integrated schools
- 75. Opportunities to develop communities such as community dialogue
- 76. Promoting healthy environment-energy policies and pollution
- 77. Equal health care
- 78. Conflict/community discussions
- 79. Education

- 80. Enhancing civic responsibility and rewards (i.e., neighborhood programs
- 81. Communication (dialogue)
- 82. Community and historical restoration/preservation
- 83. Integrated schools as much as possible
- 84. Voter education
- 85. How to recognize a racist act or omission and raise your voice in protest
- 86. Acknowledge that racism is prevalent and go to the root of it!
- 87. Continue the process that began 6 years ago (1999-20<sup>th</sup> Anniversary)
- 88. Define community engagement
- 89. Take the opportunity to understand what happened and how it happened
- 90. Understand the situation, context, aftermath of November 3
- 91. Organize racially mixed dialogue sessions
- 92. Continue the process that began 6 years ago with the night of 1,000 conversations (engage honestly)
- 93. Organize effort in high schools and colleges
- 94. Public acceptance of apology
- 95. Police accountability through anonymous complaint and submission process
- 96. Allow the truth to be heard regarding November 3
- 97. Emphasis on the historically excluded.
- 98. Respecting, protecting, empower, equipping, unleashing children
- 99. Hearing the sides of survivors and all they have to say
- 100. Strengthening the communication between the black working class and the former CWP and the Commission (\*\*)
- 101. Fair pay for women
- 102. Involve voice directly of victims

# Index of individuals named

Individuals	Description
Adams, Lea	News reporter for WTVD in Durham
Alexander, Dan	China Grove resident
Alexander-Ralston, Elreta	Judge who dropped Nelson Johnson's disorderly conduct charges and reduced his bail
Allen, John	Cone Mills worker
Alznauer, George	FBI Special Agent, interviewed Klansman Joe Grady, who warned of violence on Nov. 3, 1979
Anderson, T.F.	Greensboro police officer, patrol unit that assisted at the scene, riding with J. P. Dixon
Andrews, Elijah	Resident in Morningside Homes
Avakian, Bob	Revolutionary Communist Party Chairman
Bailey, Rosa Lee	Gorrell Street community resident
Baker, Ella	Civil rights activist and organizer of the meeting that spawned the Student Non-Violent Coordinating Committee
Barnes, Claude	Former Morningside resident, 1969 Dudley High School student activist and elected student body president who was not allowed to take office
Bateman, R. G.	Greensboro police captain, internal affairs division, civil suit defendant
Baucom, J. M.	Greensboro police identification specialist, responded to scene in police arrest van with E.D. Wells
Bell, David	U.S. Dept of Justice prosecutor
Bell, Griffin	U.S. Attorney General
Bell, Ramon	Greensboro police officer

Belvin, H. G.	Greensboro police detective, criminal intelligence division
Benson, Chris	Virgil Griffin's close advisor, Invisible Knights of KKK
Bermanzohn, Paul	WVO/CWP member and demonstrator on Nov. 3, 1979, seriously injured, plaintiff in civil suit
Bermanzohn, Sally (Avery)	WVO/CWP member and demonstrator on Nov. 3, 1979
Blair, Ezell, Jr./Jibreel Khazan	Feb. 1, 1960, A&T Four sit-in Participant
Blitz, Allen Phillip	WVO/CWP member and demonstrator on Nov. 3, 1979, Charged with felony riot, plaintiff in civil suit
Blitz, Dorothy Dietz	WVO/CWP member and demonstrator on Nov. 3, 1979, charged with felony riot, plaintiff in civil suit
Blumenthal, Laura	Channel 12 WXII reporter present on the scene
Bowling, Richard	Greensboro businessman, owner of Cosmos Restaurant where Nov 3 <sup>rd</sup> rally was to be held after All Nations Church cancelled
Boyd, Ed	Channel 11 WTVD (Durham) cameraman who captured footage at the scene on Nov. 3, 1979
Boyd, S. C.	Greensboro police tactical officer that responded to the scene with patrolman R. D. Gerringer
Braden, Anne	Southern social justice activist, organizer for Feb 2 anti-Klan march
Bradshaw, Bobby	Klansman and caravan member
Brandon Lewis A., III	Greensboro community activist and local historian
Brereton, Thomas	FBI Special Agent and lead investigator for federal criminal trial
Brisbon, Ervin	Greensboro activist, Greensboro Citizens Review Committee member
Brown, Millicent	Civil Rights historian

Brown, Rev W. T.	Chairman, Steering committee of Black Citizens Concerned with Police Brutality
Brown, Rev. Cardes	Pastor of New Light Missionary Baptist Church, Pulpit Forum of Greensboro leader (president in 1979)
Bryant, Pat	Institute for Southern Studies staff
Bryant, S.A.	Greensboro police tactical officer, responded to scene with A. A. League, intercepted and arrested fleeing suspects, civil trial defendant
Buck, Jim	Greensboro Klansman, drove lead vehicle in caravan with Eddie Dawson
Burch, Walter A. "Sticky"	Greensboro police deputy chief
Burke, Tracy L.	Greensboro police sergeant, tactical unit leader on Nov. 3, also rode with Det. Jerry H. Cooper to Klan and Nazi assembly point on Randleman Road prior to incident and compiled tag numbers, responded to the scene with patrolman Freeman, civil trial defendant
Butkovich, Bernard	BATF agent from Ohio assigned to infiltrate NC Nazi party to build a case for Title II weapons violations on Ronald Wayne Wood and associates, civil trial defendant
Butler, Claire	WVO/CWP member and demonstrator on Nov. 3, 1979
Butler, Ed	WVO/CWP member and demonstrator on Nov. 3, 1979
Cahoon, Robert	Defense team in state murder trial, Wood's attorney
Cannon, Willena	WVO/CWP member and demonstrator on Nov. 3, 1979, arrested for interfering with Nelson Johnson's arrest, plaintiff in civil suit
Carmichael, Stokely (Kwame Ture)	Black activist and former leader of the Student Non-Violent Coordinating Committee and the Black Panther Party
Cauce, César	One of the five WVO/CWP members who was killed on Nov 3, 1979
Caudle, Rayford Milano	Nazi party member and caravan member, federal criminal and civil trial defendant
Cavin, Winston	Eyewitness and reporter for the Greensboro Daily News c. 1979
Cawn, Maurice	Greensboro police attorney, civil trial defendant
Cepnick, Gary	News Director at WFMY, Greensboro CBS affiliate, c. Nov 3, 1979

Chafe, William	Civil rights historian
Chaney, James	One of three civil rights workers killed in Neshoba County, MS on June 21, 1964
Chapman, Jean	WVO/CWP member and demonstrator on Nov. 3, 1979
Chapman, John Kenyon "Yonni"	WVO/CWP member and demonstrator on Nov. 3, 1979
Chavis, Ben	One of the Wilmington 10 and former national director of the NAACP
City of Greensboro	Civil trial defendant
Civiletti, Benjamin	U.S. Attorney General
Clapp, Candy	Former resident of Morningside Homes; sixteen years old on Nov 3, 1979
Clark, J. B.	Greensboro police tactical officer, responded to the scene, civil trial defendant
Clark, Thomas	WVO/CWP member and demonstrator on Nov. 3, 1979, injured, jailed for contempt for refusal to testify in murder trial, plaintiff in civil suit
Clinton, Michael	Klansman and caravan member, civil trial defendant
Clinton, Michael Eugene	Klansman and caravan member
Coad, Nettie	Trainer and organizer for the Partnership Project, long-time African American community activist focused on housing and education
Coman, James	Former Assistant District Attorney, co-prosecutor in state murder trial
Comer, W.D. "Dave"	Greensboro police sergeant, went to Windsor Center prior to the incident and responded to the scene, civil trial defendant, patrol field commander for parade, civil trial defendant
Compton, J. F.	Greensboro police tactical officer, patrol unit, riding with R. L. Smith and responded to the scene
Conroy, Ed	BATF, civil trial defendant
Cooper, Jerry H.	Greensboro police detective, Greensboro police detective in Criminal Intelligence Division, handler for Klan informant Eddie Dawson, assigned to keep Klan and Nazi caravan under surveillance on Nov. 3, 1979, witness to shooting, civil trial defendant, found jointly liable for one wrongful death and two injuries

Covington, Harold	Commander of National Socialist Party of America (Nazis), under ATF investigation in 1979, civil trial defendant
Cox, Dennis	Cone Mills White Oak plant shop steward
Cundiff, L.S.	Greensboro police officer, called from the area one block from parade assembly point, when investigating unrelated domestic call 20 minutes before shooting
Curtis, Michael	Greensboro Citizens Review Committee member
Dail, Herman Graham	Cone Mills manager of security and safety in 1979
Daughtry, Sylvester	Greensboro police lieutenant, commander of tactical units on Nov. 3, responded to the scene, civil trial defendant
Dawson, Edward	Klansman and paid GPD and FBI informant from 1969-1976; Greensboro police informant who led caravan on Nov. 3, 1979, federal and civil trial defendant, found jointly liable for one wrongful death and two injuries
Dickerson, G. R.	BATF Director, civil trial defendant
Dixon, J. P.	Greensboro police officer, patrol unit that assisted at the scene, riding with T. F. Anderson
Dukes, Robert Fulton	ATF Special Agent, Supervisor to Bernard Butkovich, who infiltrated the Nazis in Winston Salem
Duncan, Alison	Daughter of WVO members (who were not present on Nov.3), born after Nov. 3, 1979
Elam, Jack	Greensboro mayor 1969-1971
Elbaum, Max	Journalist and former Students for a Democratic Society member
Ensley, Robert	U.S. Department of Justice, Community Relations Service team leader who monitored student and citizen response to Nov. 3, 1979
Eurquhart, Ray	Durham labor and community organizer
Evans, Dr. George	Local Greensboro African American physician who pushed for desegregation
Farmer, James	Congress of Racial Equality national director
Ferguson, James	Civil rights attorney

Ferguson, Mazie	Current Pulpit Forum of clergy of Greensboro president
Finley, Charles	Klansman and caravan member
Nora Jean Flannagan	US Dept of Justice prosecutor
Flannery, Thomas A.	Judge in federal criminal trial
Fletcher, Brent	Greensboro Klansman and caravan member, his house on Randleman Road served as the assembly point for the caravan
Flowers, Harold Dean	Klansman and caravan member, civil trial defendant, injured
Ford, S.N.	Retired Greensboro police lieutenant and handler for Dawson in Criminal Intelligence during early to mid 1970s
Fowler, Jack Wilson, Jr.	Nazi party member and caravan member, defendant in all three trials, found jointly liable for one wrongful death and three assaults
Franklin, Billy Joe	Klansman and caravan member, civil trial defendant
Freeman, Bob	Amalgamated Clothing and Textile Workers' Union organizer
Freeman, J.G.	Greensboro police tactical officer, riding with sergeant T. L. Burke, and responded to the scene, civil trial defendant
Fuller, Howard /Owusu Sadukai	Durham activist and mentor to Nelson Johnson, founder of Malcolm X University, leader of Revolutionary Workers League, manager of American Federation of State, County and Municipal Employees chapter at Duke University
Fulp, Mark	Cone Mills White Oak plant security manager c. 1979
Gardner, O. Max	Former NC governor
Gay, Rev. Dr. George	Pastor of St. Stephen United Church of Christ in 1979
Gerringer, R. D.	Greensboro police tactical officer that responded to the scene with patrolman S. C. Boyd
Gessell, Gerhard	U.S. District Judge
Gibson, Larry S.	Greensboro police captain, civil trial defendant

Goldberg, Richard	FBI Special Agent, received call from Jewish Defense League warning of planned Nazi violence in Greensboro on Nov. 3, 1979
Goldstein, Alex	Signe Waller's son, WVO youth brigade demonstrator on Nov. 3, 1979
Goodman, Andrew	One of three civil rights workers killed in Neshoba County, MS on June 21, 1964
Grady, Joe	Klan Grand Dragon of Federated Knights of KKK in Winston-Salem
Greeson, Howard "Rick"	Assistant District Attorney, co-prosecutor in murder case
Greeson, Harold "Hal"	Defense team in state and federal criminal trials, for Coleman Pridmore
Griffin, Virgil	Imperial Dragon, Invisible Knights of KKK, Mt. Holly, N.C. Klan, former textile mill worker, federal and civil trial defendant
Grimes, Willie	Shooting victim of the May 1969 Dudley/A&T Revolt
Hall, Bob	Southern Exposure founding editor, former Brown Lung activist
Hampton, Trevor A.	Greensboro police captain, district II commander not on duty but responded to scene, civil trial defendant
Harris, John	Klansman and caravan member
Hartsoe, Renee	Klanswoman and caravan member
Hartsoe, Terry Wayne	Klansman and caravan member, civil trial defendant
Harvey, Oliver	Janitor who was one of the first African American workers to organize at Duke
Hatcher, Jerry	Klansman and caravan member
Hayes, Harry	Klansman and caravan member
Henline, G. K.	Greensboro police tactical officer, responded to the scene
Hightower, J. L.	Greensboro police sergeant and tactical unit leader, responded to the scene, civil trial defendant

Hodges, James	Historian
Hoppes, Grady	Klansman and caravan member
Hunt, James "Jim" B.	NC Governor in 1979
Jackson, Jesse	Former NCA&T student body president and activist
Johnson, Dorothy 'Dot'	WVO/CWP member and demonstrator on Nov. 3, 1979
Johnson, Joyce	WVO/CWP member and demonstrator on Nov. 3,1979
Johnson, Michael	Asst. U.S. Attorney for the Criminal Division of the Justice Department's Civil Rights Division
Johnson, Nelson	WVO/CWP member and demonstrator on Nov. 3, 1979
Johnson, T.R.	Greensboro police officer, patrol unit under Comer to cover parade
Jones, J. Robert	United Klans of America NC organizer
Jones, Johnny B.	Blind Workers Association
Jones, Rev. Marion	Pastor of First Congregational United Church of Christ
Jones, William	Blogger, poet, Greensboro native
Kahn, Si	Labor activist and community organizer
Kilimanjaro, John Marshall	Editor of the Carolina Peacemaker
Kloster, George	Pastor of St. Pius Catholic Church c. 1979
Knight, James	Assistant District Attorney
Koenig, Bruce	Head of FBI's video/audio signal processing unit, testified in both criminal trials

Koritz, Richard	Labor activist
Krumperman, Kurt	WVO/CWP member, Cone Mills worker
Lackey, Robert	Juror in state murder trail 8/4/80 to 11/17/80
Lane, Tim	Physician conducting rounds at Moses Cone on Nov. 3, 1979
Laughinghouse, Umgaza Sobabu	Labor and black liberation activist, on CWP civil suit legal team
Lazar, David	ATF Special Agent, investigating Harold Covington
League, A.A.	Greensboro police tactical officer, responded to scene with S. A. Bryant, present at the scene, civil trial defendant
Ledford, Barbara	Klanswoman and caravan member
Levey, Mordechai	Founded Jewish Defense League, called FBI Special Agent Goldberg to warn of Nazis conducting training camps and planning to attack
Lewis, Lucy	WVO/CWP member and demonstrator on Nov. 3, 1979
Lewis, Owen	Public Relations Director of the Greensboro School Board in 1969
Little, Doris	Morningside resident and demonstrator on Nov.3
Long, James	Presiding judge in the state murder trail of the Klan-Nazi defendants in 1980
Lovelace, Hewitt	Director of Greensboro Department of Public Safety, civil trial defendant
Lowell, D.	U.S. Asst. Attorney General
Lowery, Joseph	Southern Christian Leadership Conference leader in 1979
Luckey, Paul	China Grove community leader, active in organizing anti-Klan protest in July 1979
Luy, Autherine	Historian

Mackey, W. L.	Greensboro police tactical officer, responded to scene
Manduley, Octavio	Juror (foreman) in state murder trail 8/4/80 to 11/17/80
Mann, Emily	Playwright, "Greensboro: A Requiem"
Matthews, David Wayne	Klansman and caravan member, defendant in all three trials, found jointly liable for one wrongful death and three assaults
Matthews, Horace	Klansman and caravan member
Matthews, John T.	Special investigator, Greensboro police lab, rode with J. H. Cooper, followed the caravan to the scene and took surveillance photos, witness to
McAllaster, Carolyn	One of the lead Plaintiffs' (CWP's) attorneys for the civil trial
McBride, Claude Matthew, Jr.	Nazi party member and caravan member, 16 years old in 1970
McCain, Franklin	One of the Feb. 1 A&T Four sit-in participants
McClain, Lee Joseph	Klansman and caravan member, civil suit defendant
McElvaine, Robert	Historian
McGloin, Tim	North Carolina Central University professor who worked with Paul Bermanzohn on the campaign to protest Durham's plans to build a new hospital in
McGuire, George "Mac"	Labor historian
McNeil, Joseph	One of the Feb. 1 A&T Four sit-in participants
Melton, F. M.	Greensboro police sergeant, Criminal Investigation Division, Cooper's immediate supervisor
Melvin, E. S. "Jim"	Mayor of Greensboro 1971-1981
Merhige Jr. Robert R.	Civil Trial Judge
Michaux, Mickey	NC Attorney General, now State Rep.

Miller, Glenn	Former Klansmen, National Socialist Party member (Nazi) and caravan member, ex-marine from Ft. Bragg
Mitchell, Burley	NC Director of Public Safety
Monahan, Herbert	One of the directors of the NC FBI office in 1979
Manzella, Rand	WVO/CWP member and demonstrator on Nov. 3, 1979, arrested at scene for Armed to the Terror of the Public, charged with felony riot, plaintiff in civil suit
Morgan, Lawrence Gene	Klansman and caravan member, defendant in all three trials
Morse, Larry	Worked with citizens for Unity and Justice
Moses, Cecil	FBI Assistant Special Agent in Charge, Charlotte field office c. 1979, civil trial defendant
Nappier, Sr. Lisford Carl	Klansman and caravan member, civil trial defendant
Nathan, Leah	Marty Nathan's daughter (infant in 1979)
Nathan, Marty (Martha Arthur)	WVO/CWP member and demonstrator on Nov. 3, 1979, widow of Michael Nathan, plaintiff in civil suit
Nathan, Michael	One of the five demonstrators who was killed on Nov 3, 1979, not a CWP member on Nov. 3, 1979
Osborne, Tom	Greensboro City Manager in 1979
Overcash, Richard	China Grove Chief of Police in 1979
Ozment, W. D.	Greensboro police lieutenant, Internal Affairs Division
Palmer, Charles	Klansman and caravan member
Pelczar, Andrew	FBI Charlotte field office Special Agent in Charge, defendant in civil trial
Pelles, Don	WVO/CWP member and demonstrator on Nov. 3, 1979, injured, plaintiff in civil suit
Pelles, Roz	WVO/CWP member and demonstrator on Nov. 3, 1979

Pence, Robert	Special Agent in Charge of Charlotte field office of FBI in c. 1980
Pierce, Gorrell	Grand Dragon of the FKKKK c. 1979, Nazi caravan member, civil trial defendant, convicted of conspiring to blow up gas storage facility in
Pitts, Lewis	One of the lead attorneys for the plaintiffs in the federal civil trail
Pompa, Gilbert	U.S. Department of Justice, director of Community Relations Service in 1979
Powell, Conrad	WVO/CWP member and demonstrator on Nov. 3, 1979
Powell, Frankie	WVO/CWP member and demonstrator on Nov. 3, 1979, injured, plaintiff in civil suit
Pridmore, Coleman Blair	Klansman and caravan member, defendant in all three trials
Rankin, Gloria	Smith Homes resident
Ray, Charles	Supervisor of the Greensboro office of the SBI
Richmond, David	One of the Feb. 1 A&T Four sit-in participants
Roberto, Michael	Journalist in 1979
Rockett, Timothy	Klansman and caravan member
Russell, Lacy	Nov. 3, 1979, demonstrator and Morningside resident, first to strike caravan vehicle, charged with felony riot, plaintiff in civil suit
Sacks, Karen Brodkin	Historian
Sampson, Dale	WVO/CWP member and demonstrator on Nov. 3, 1979, William Sampson's widow
Sampson, William	One of the five WVO/CWP members who was killed on Nov 3 <sup>rd</sup>
Schatzman, Robert	FBI SA, Charlotte office, interviewed Klansman Joe Grady, who warned of violence on Nov. 3, 1979
Schlosser, Michael	District Attorney - 18th District c. 1979

Schwerner, Michael	One of three civil rights workers killed in Neshoba County, MS on June 21, 1964
Segrest, Mab	Former Executive Director of North Carolinians Against Religious and Racist Violence (NCARRV) that monitored racist violence in NC in the 1980s
Shaw, John	Executive Director of Greensboro Human Relations Department (1986 – present)
Sheldon, Bob	Cone Mills worker, Revolutionary Communist Party member
Shelton, Robert	United Klans of America organizer
Sherer, Mark	Nazi party member, Klansman and caravan member, civil trial defendant, fired first shot, found jointly liable for one wrongful death, served time for a plea bargain in
Simkins, Jr. George C.	African American civil rights activist, president of Greensboro NAACP, dentist, and now deceased, who integrated the golf course
Sims, Percy	Visiting Morningside on Nov. 3, 1979, charged with felony riot
Smallwood, Irwin	Greensboro Daily News and Greensboro Record editor in 1979
Smith, Jerry Paul	Klansman and caravan member, defendant in all three trials, found jointly liable for one wrongful death and three assaults
Smith, Mark	Sandi Smith's widower, plaintiff in civil trial
Smith, R.L.	Greensboro police tactical officer, patrol unit riding with J. F. Compton, responded to the scene
Smith, S.H.	Greensboro police officer, responded to the scene
Smith, Sandi (Sandra Neely)	One of the five WVO/CWP members who was killed on Nov 3 <sup>rd</sup>
Smith, William F.	U.S. Attorney General
Snider, William	Greensboro Daily News and Daily Record editor
Splawn, Roy	Klansman and caravan member
Spoon, Paul W.	Greensboro police lieutenant, event commander of parade, responded to the scene, civil trial defendant, found jointly liable for one wrongful

	Greensboro Neighborhood activist who has
Stamey, Marie	worked cooperatively with police to clean up Eastside Park
Stanley, Len	Brown Lung activist
Starling, Haywood	Director of the SBI
Steele, Robert	Greensboro police captain, Hampton's acting supervisor, Acting Commander of Field Operations Bureau, responded to the scene
Sweet, Ruby	Klanswoman and caravan member
Swing, William	Greensboro police chief, civil trial defendant
Talbott, R. L.	Greensboro police lieutenant, Criminal Investigations Division, handler with Det. Jerry Cooper of Klan informant Eddie Dawson
Taylor, Beulah	Klansman and caravan member
Taylor, Evelyn	Morningside Homes community leader c. 1979
Thomas, Byron L.	Greensboro police captain and commanding officer of C.I.D., Cooper and Talbott's supervisor, in charge of investigation, civil trial defendant
Tockman, Earle	CWP attorney during 1980
Toney, Roy Clinton	Klansman and caravan member, civil trial defendant
Toomes, G. Michael	Greensboro police tactical officer, responded to scene
Tritt, Lane	Greensboro resident
Tung, Jerry	WVO National Party Chairman
Turner, Jim	NC State Senate, practicing lawyer whose major client at the time was Greensboro Housing Authority
Turner, Virginia	Textile worker and union organizer at Cone Mills White Oak plant
Tutt, Tammy	Morningside Homes resident, 10 years old in 1979

Tyson, Tim	NC Civil Rights historian	
Van Alstyne, William	Duke law professor who gave testimony before the Subcommittee on Criminal Justice of the Committee of the Judiciary, House of Representatives, 99th Congress, First session of Hearings on Racially Motivated Violence (March 4, June 3, and Nov 12, 1981)	
Walker, Lucius	Interreligious Foundation for Community Organizations leader	
Waller, James "Jim"	One of the five WVO/CWP members who was killed on Nov 3, 1979	
Waller, Signe	WVO/CWP member and demonstrator on Nov. 3, 1979, widow of James Waller, plaintiff in civil suit	
Warren, Jesse "Skip"	Greensboro City Attorney in1979	
Waters, Jim	WFMY cameraman, witness to shooting	
Webster, William	One of the directors of the NC FBI office c. 1979	
Wells, E.D.	Greensboro police tactical officer, rode with J. M. Baucom and responded to scene	
Wells, Lynn	Student Non-Violent Coordinating Committee member, union and civil rights organizer	
Weston, Cesar	Floris Weston's son with second husband Larry Weston.	
Weston, Floris	WVO/CWP member and demonstrator on Nov. 3, 1979 and César Cauce's widow	
Westra, John	Agent in charge of NC BATF operations, civil trial defendant	
Wheaton, Elizabeth	Trial observer and author of book <i>Codename Greenkil</i>	
Whitfield, Ed	Local grassroots activist and writer	
Wilderman, Liz	CWP member and demonstrator on Nov. 3, 1979	
Wilkerson, Bill	Imperial Wizard, Imperial Empire of KKK, Alabama	
Williams, D. C.	Greensboro police captain, internal affairs commander, prepared Administrative Report	

Williams, J. T.	Greensboro police officer, patrol unit, under Comer to cover parade on Nov. 3, 1979, was at Windsor Center, and responded to the scene, civil trial defendant
Williams, Robert A.	Juror in state murder trail 8/4/80 to 11/17/80
Williamson, E. E.	Greensboro police communications staff duty officer
Wise, April	Greensboro police patrol officer not assigned to parade, was called from the area within one block of parade assembly point when she was responding to an unrelated domestic call 20 minutes before the shooting, later responded to the scene after the shooting
Wise, Leah	Southeast Regional Economic Justice Network director and lead organizer for the National Anti-Klan Network, and founder of the North Carolinians Against Religious and Racist Violence, one of the lead organizers for the Feb 2 anti-Klan march
Wood, Roland Wayne	Former Nazi Party member and Klansman, former Green Beret in Vietnam, and caravan member, defendant in all three trials, found jointly liable for one wrongful death and three assaults
Woodall, Martha	Daily Record reporter in 1979, exposed Butkovich as an ATF undercover agent in the Nazis
Woods, Jeffrey	Sociologist and historian
Wrenn, James "Jim"	WVO/CWP member and demonstrator on Nov. 3, 1979, seriously injured, plaintiff in civil suit
Wright, Lacy	Cone Mills worker who contracted Brown Lung
Wynn, E.R.	Greensboro police officer, Commander of Field Services Bureau, Daughtry and Gibson's supervisor

### James Waller et. al v. Bernard Butkovich et. al Civil Claims and Parties to Lawsuit

# **AMENDED COMPLAINT (3 MAY 1982)**

### 16 Plaintiffs:

5 spouses of victims killed on November 3, 1979

6 persons injured on November 3, 1979

5 persons arrested on November 3, 1979

### 14 Causes of Action

4 N.C. tort claims

10 Federal civil rights claims

### 88 Defendants:

8 Detendants:					
KKK/NAZI DEFENDANTS					
1	Griffin, Virgil	KKK			
2	Matthews, David Wayne	KKK			
3	Morgan, Lawrence Gene	KKK			
4	Harold, Dean Flowers	KKK			
5	Fletcher, Brent	KKK			
6	Pridmore, Coleman Blair	KKK			
7	Hartsoe, Terry Wayne	KKK			
8	Nappier, Lisford Carl Sr.	KKK			
9	Franklin, Billy Joe	KKK			
10	Smith, Jerry Paul	KKK			
11	Clinton, Michael Eugene	KKK			
12	McLain, Lee Joseph	KKK			
13	Toney, Roy Clinton	KKK			
14	Dawson, Edward	KKK			
15	Wood, Roland Wayne	Nazi			
16	McBride, Claude Matthew Jr.	Nazi			
17	Caudle, Rayford Milano	Nazi			
18	Fowler, Jack Wilson Jr.	Nazi			
19	Covington, Harold	Nazi			
20	Sherer, Mark	Nazi			
21	Pierce, Gorrell	Nazi			
	GREENSBORO POLICE DEPARTMENT				
22	Swing, William	GPD - Chief			
23	Bateman, R.G.	GPD - Captain			
24	Ozment, L.D.	GPD - Lieutenant			
25	Williams, D.C.	GPD - Captain			
26	Hampton, T.A.	GPD - Captain			
27	Gibson, L.S.	GPD - Captain			
28	Spoon, P.W.	GPD - Lieutenant			
29	Comer, W.D.	GPD - Sergeant			
30	Williams, J.T.	GPD - Officer			
31	Johnson, T.R.	GPD - Officer			

32	Daughtry, S.	GPD - Lieutenant
33	Burke, T.L.	GPD - Sergeant
34	Freeman, J.G.	GPD - Officer
35	Toomes, G.M.	GPD - Officer
36	Wells, E.D.	GPD - Officer
37	Smith, R.L.	GPD - Officer
38	Compton, J.F.	GPD - Officer
39	Henline, K.	GPD - Officer
40	Boyd, S.C.	GPD - Officer
41	· · ·	GPD - Officer
	Gerringer, R.D.	
42	Hightower, J.L.	GPD - Sergeant
43	Clark, J.B.	GPD - Officer
44	Bryant, S.A.	GPD - Officer
45	Anderson, T.F.	GPD - Officer
46	Dixon, J.P.	GPD - Officer
47	League, A.A.	GPD - Officer
48	Smith, S.H.	GPD - Officer
49	Mackey, W.L.	GPD - Officer
50	Cooper, J.H.	GPD - Detective
51	Belvin, H.	GPD - Detective
52	Matthews, J.T.	GPD - Officer
53	Baucom, J.M.	GPD - Officer
54	Cawn, M.A.	GPD - Attorney
55	Thomas, B.L.	GPD - Captain
		·
	CITY OFFICIALS	
	CIT I OFFICIALS	
56	Melvin, E.S.	Mayor
	Melvin, E.S.	Mayor City Manager
57	Melvin, E.S. Osborne, Thomas Z.	City Manager
	Melvin, E.S.	
57	Melvin, E.S. Osborne, Thomas Z. Lovelace, Hewitt	City Manager
57 58	Melvin, E.S. Osborne, Thomas Z. Lovelace, Hewitt  STATE OFFICIALS	City Manager City - Dir. Dept. Public Safety
57 58 59	Melvin, E.S. Osborne, Thomas Z. Lovelace, Hewitt  STATE OFFICIALS Starling, Haywood	City Manager City - Dir. Dept. Public Safety SBI
57 58 59 60	Melvin, E.S. Osborne, Thomas Z. Lovelace, Hewitt  STATE OFFICIALS Starling, Haywood Ray, Charles	City Manager City - Dir. Dept. Public Safety  SBI SBI
57 58 59 60 61	Melvin, E.S. Osborne, Thomas Z. Lovelace, Hewitt  STATE OFFICIALS Starling, Haywood Ray, Charles Hunt, James	City Manager City - Dir. Dept. Public Safety  SBI SBI Governor NC
57 58 59 60 61 62	Melvin, E.S. Osborne, Thomas Z. Lovelace, Hewitt  STATE OFFICIALS Starling, Haywood Ray, Charles Hunt, James Mitchell, Burley	City Manager City - Dir. Dept. Public Safety  SBI SBI Governor NC State - Dir. Public Safety
57 58 59 60 61	Melvin, E.S. Osborne, Thomas Z. Lovelace, Hewitt  STATE OFFICIALS Starling, Haywood Ray, Charles Hunt, James	City Manager City - Dir. Dept. Public Safety  SBI SBI Governor NC
57 58 59 60 61 62	Melvin, E.S. Osborne, Thomas Z. Lovelace, Hewitt  STATE OFFICIALS Starling, Haywood Ray, Charles Hunt, James Mitchell, Burley Schlosser, Michael	City Manager City - Dir. Dept. Public Safety  SBI SBI Governor NC State - Dir. Public Safety
57 58 59 60 61 62 63	Melvin, E.S. Osborne, Thomas Z. Lovelace, Hewitt  STATE OFFICIALS Starling, Haywood Ray, Charles Hunt, James Mitchell, Burley Schlosser, Michael  FEDERAL OFFICIALS	City Manager City - Dir. Dept. Public Safety  SBI SBI Governor NC State - Dir. Public Safety D.A 18th District
57 58 59 60 61 62 63	Melvin, E.S. Osborne, Thomas Z. Lovelace, Hewitt  STATE OFFICIALS Starling, Haywood Ray, Charles Hunt, James Mitchell, Burley Schlosser, Michael  FEDERAL OFFICIALS Webster, William	City Manager City - Dir. Dept. Public Safety  SBI SBI Governor NC State - Dir. Public Safety D.A 18th District  FBI - Director
57 58 59 60 61 62 63	Melvin, E.S. Osborne, Thomas Z. Lovelace, Hewitt  STATE OFFICIALS Starling, Haywood Ray, Charles Hunt, James Mitchell, Burley Schlosser, Michael  FEDERAL OFFICIALS Webster, William Monahan, Herbert	City Manager City - Dir. Dept. Public Safety  SBI SBI Governor NC State - Dir. Public Safety D.A 18th District  FBI - Director FBI - NC Director
57 58 59 60 61 62 63 64 65 66	Melvin, E.S. Osborne, Thomas Z. Lovelace, Hewitt  STATE OFFICIALS Starling, Haywood Ray, Charles Hunt, James Mitchell, Burley Schlosser, Michael  FEDERAL OFFICIALS Webster, William Monahan, Herbert Pence, Robert	City Manager City - Dir. Dept. Public Safety  SBI SBI Governor NC State - Dir. Public Safety D.A 18th District  FBI - Director FBI - NC Director FBI - NC Director
57 58 59 60 61 62 63 64 65 66 67	Melvin, E.S. Osborne, Thomas Z. Lovelace, Hewitt  STATE OFFICIALS Starling, Haywood Ray, Charles Hunt, James Mitchell, Burley Schlosser, Michael  FEDERAL OFFICIALS Webster, William Monahan, Herbert Pence, Robert Moses, Cecil	City Manager City - Dir. Dept. Public Safety  SBI SBI Governor NC State - Dir. Public Safety D.A 18th District  FBI - Director FBI - NC Director FBI - NC Director FBI
57 58 59 60 61 62 63 64 65 66 67 68	Melvin, E.S. Osborne, Thomas Z. Lovelace, Hewitt  STATE OFFICIALS Starling, Haywood Ray, Charles Hunt, James Mitchell, Burley Schlosser, Michael  FEDERAL OFFICIALS Webster, William Monahan, Herbert Pence, Robert Moses, Cecil Pelczar, Andrew	City Manager City - Dir. Dept. Public Safety  SBI SBI Governor NC State - Dir. Public Safety D.A 18th District  FBI - Director FBI - NC Director FBI - NC Director FBI FBI
57 58 59 60 61 62 63 64 65 66 67 68 69	Melvin, E.S. Osborne, Thomas Z. Lovelace, Hewitt  STATE OFFICIALS Starling, Haywood Ray, Charles Hunt, James Mitchell, Burley Schlosser, Michael  FEDERAL OFFICIALS Webster, William Monahan, Herbert Pence, Robert Moses, Cecil Pelczar, Andrew Brereton, Thomas	City Manager City - Dir. Dept. Public Safety  SBI SBI Governor NC State - Dir. Public Safety D.A 18th District  FBI - Director FBI - NC Director FBI - NC Director FBI FBI FBI
57 58 59 60 61 62 63 64 65 66 67 68 69 70	Melvin, E.S. Osborne, Thomas Z. Lovelace, Hewitt  STATE OFFICIALS Starling, Haywood Ray, Charles Hunt, James Mitchell, Burley Schlosser, Michael  FEDERAL OFFICIALS Webster, William Monahan, Herbert Pence, Robert Moses, Cecil Pelczar, Andrew Brereton, Thomas Butkovich, Bernard	City Manager City - Dir. Dept. Public Safety  SBI SBI Governor NC State - Dir. Public Safety D.A 18th District  FBI - Director FBI - NC Director FBI - NC Director FBI FBI FBI FBI BATF
57 58 59 60 61 62 63 64 65 66 67 68 69 70 71	Melvin, E.S. Osborne, Thomas Z. Lovelace, Hewitt  STATE OFFICIALS Starling, Haywood Ray, Charles Hunt, James Mitchell, Burley Schlosser, Michael  FEDERAL OFFICIALS Webster, William Monahan, Herbert Pence, Robert Moses, Cecil Pelczar, Andrew Brereton, Thomas Butkovich, Bernard Dickerson, G.R.	City Manager City - Dir. Dept. Public Safety  SBI SBI Governor NC State - Dir. Public Safety D.A 18th District  FBI - Director FBI - NC Director FBI - NC Director FBI FBI FBI BATF BATF - Director
57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72	Melvin, E.S. Osborne, Thomas Z. Lovelace, Hewitt  STATE OFFICIALS Starling, Haywood Ray, Charles Hunt, James Mitchell, Burley Schlosser, Michael  FEDERAL OFFICIALS Webster, William Monahan, Herbert Pence, Robert Moses, Cecil Pelczar, Andrew Brereton, Thomas Butkovich, Bernard Dickerson, G.R. Westra, John	City Manager City - Dir. Dept. Public Safety  SBI SBI Governor NC State - Dir. Public Safety D.A 18th District  FBI - Director FBI - NC Director FBI - NC Director FBI BATF BATF BATF - Director BATF
57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73	Melvin, E.S. Osborne, Thomas Z. Lovelace, Hewitt  STATE OFFICIALS Starling, Haywood Ray, Charles Hunt, James Mitchell, Burley Schlosser, Michael  FEDERAL OFFICIALS Webster, William Monahan, Herbert Pence, Robert Moses, Cecil Pelczar, Andrew Brereton, Thomas Butkovich, Bernard Dickerson, G.R. Westra, John Conroy, Ed	City Manager City - Dir. Dept. Public Safety  SBI SBI Governor NC State - Dir. Public Safety D.A 18th District  FBI - Director FBI - NC Director FBI - NC Director FBI FBI FBI BATF BATF BATF BATF
57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74	Melvin, E.S. Osborne, Thomas Z. Lovelace, Hewitt  STATE OFFICIALS Starling, Haywood Ray, Charles Hunt, James Mitchell, Burley Schlosser, Michael  FEDERAL OFFICIALS Webster, William Monahan, Herbert Pence, Robert Moses, Cecil Pelczar, Andrew Brereton, Thomas Butkovich, Bernard Dickerson, G.R. Westra, John Conroy, Ed Ensley, Robert	City Manager City - Dir. Dept. Public Safety  SBI SBI Governor NC State - Dir. Public Safety D.A 18th District  FBI - Director FBI - NC Director FBI - NC Director FBI BATF BATF BATF CRS
57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73	Melvin, E.S. Osborne, Thomas Z. Lovelace, Hewitt  STATE OFFICIALS Starling, Haywood Ray, Charles Hunt, James Mitchell, Burley Schlosser, Michael  FEDERAL OFFICIALS Webster, William Monahan, Herbert Pence, Robert Moses, Cecil Pelczar, Andrew Brereton, Thomas Butkovich, Bernard Dickerson, G.R. Westra, John Conroy, Ed Ensley, Robert Pompa, Gilbert	City Manager City - Dir. Dept. Public Safety  SBI SBI Governor NC State - Dir. Public Safety D.A 18th District  FBI - Director FBI - NC Director FBI - NC Director FBI FBI FBI BATF BATF BATF BATF
57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74	Melvin, E.S. Osborne, Thomas Z. Lovelace, Hewitt  STATE OFFICIALS Starling, Haywood Ray, Charles Hunt, James Mitchell, Burley Schlosser, Michael  FEDERAL OFFICIALS Webster, William Monahan, Herbert Pence, Robert Moses, Cecil Pelczar, Andrew Brereton, Thomas Butkovich, Bernard Dickerson, G.R. Westra, John Conroy, Ed Ensley, Robert	City Manager City - Dir. Dept. Public Safety  SBI SBI Governor NC State - Dir. Public Safety D.A 18th District  FBI - Director FBI - NC Director FBI - NC Director FBI BATF BATF BATF CRS
57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75	Melvin, E.S. Osborne, Thomas Z. Lovelace, Hewitt  STATE OFFICIALS Starling, Haywood Ray, Charles Hunt, James Mitchell, Burley Schlosser, Michael  FEDERAL OFFICIALS Webster, William Monahan, Herbert Pence, Robert Moses, Cecil Pelczar, Andrew Brereton, Thomas Butkovich, Bernard Dickerson, G.R. Westra, John Conroy, Ed Ensley, Robert Pompa, Gilbert	City Manager City - Dir. Dept. Public Safety  SBI SBI Governor NC State - Dir. Public Safety D.A 18th District  FBI - Director FBI - NC Director FBI - NC Director FBI BATF BATF BATF CRS CRS CRS

78 Bell, Griffin U.S. Atty. Gen.

#### **ORGANIZATIONAL DEFENDANTS**

- 79 City of Greensboro
- 80 Greensboro Police Department
- 81 State of North Carolina
- 82 SBI
- 83 NC Dept. of Crime Control and Public Safety
- 84 FBI (Dept. of Justice)
- 85 CRS (Dept. of Justice)
- 86 Department of Justice
- 87 Bureau of Alcohol, Tobacco, and Firearms

#### OTHER

88 John Doe Defendants

# DEFENDANTS AFTER MOTIONS TO DISMISS (ORDERS OF APRIL, JUNE 1984 AND JANUARY 1985)

1304 AND JANUANT 1303)				
	KKK/NAZI DEFENDANTS			
1	Griffin, Virgil	KKK		
2	Matthews, David Wayne	KKK		
3	Morgan, Lawrence Gene	KKK		
4	Harold, Dean Flowers	KKK		
5	Pridmore, Coleman Blair	KKK		
6	Hartsoe, Terry Wayne	KKK		
7	Nappier, Lisford Carl Sr.	KKK		
8	Franklin, Billy Joe	KKK		
9	Smith, Jerry Paul	KKK		
10	Clinton, Michael Eugene	KKK		
11	Toney, Roy Clinton	KKK		
12	Dawson, Edward	KKK		
13	Wood, Roland Wayne	Nazi		
14	McBride, Claude Matthew Jr.	Nazi		
15	Caudle, Rayford Milano	Nazi		
16	Fowler, Jack Wilson Jr.	Nazi		
17	Covington, Harold	Nazi		
18	Sherer, Mark	Nazi		
19	Pierce, Gorrell	Nazi		
	GREENSBORO POLICE DEPARTMENT			
20	Swing, William	GPD - Chief		
21	Bateman, R.G.	GPD - Captain		
22	Williams, D.C.	GPD - Captain		
23	Hampton, T.A.	GPD - Captain		
24	Gibson, L.S.	GPD - Captain		
25	Spoon, P.W.	GPD - Lieutenant		
26	Comer, W.D.	GPD - Sergeant		
27	Williams, J.T.	GPD - Officer		
28	Johnson, T.R.	GPD - Officer		
29	Daughtry, S.	GPD - Lieutenant		

30	Burke, T.L.	GPD - Sergeant
31	Freeman, J.G.	GPD - Officer
32	Toomes, G.M.	GPD - Officer
33	Wells, E.D.	GPD - Officer
34	Smith, R.L.	GPD - Officer
35	Compton, J.F.	GPD - Officer
36	Henline, K.	GPD - Officer
37	Boyd, S.C.	GPD - Officer
38	Gerringer, R.D.	GPD - Officer
39	Hightower, J.L.	GPD - Sergeant
40	Clark, J.B.	GPD - Officer
41	Bryant, S.A.	GPD - Officer
42	Anderson, T.F.	GPD - Officer
43	Dixon, J.P.	GPD - Officer
44	League, A.A.	GPD - Officer
45	Smith, S.H.	GPD - Officer
46	Mackey, W.L.	GPD - Officer
47	Cooper, J.H.	GPD - Detective
48	Belvin, H.	GPD - Detective
49	Matthews, J.T.	GPD - Officer
50	Baucom, J.M.	GPD - Officer
51	Cawn, M.A.	GPD - Attorney
52	Thomas, B.L.	GPD - Captain
		•

#### CITY OFFICIALS

53 Melvin, E.S. Mayor

54 Osborne, Thomas Z. City Manager

55 Lovelace, Hewitt City - Dir. Dept. Public Safety

#### FEDERAL OFFICIALS

56 Moses, Cecil57 Pelczar, AndrewFBI

58 Pence, Robert
 59 Dickerson, G.R.
 FBI - NC Director
 BATF - Director

60 Westra, John BATF

61 Conroy, Ed BATF
62 Butkovich, Bernard BATF

#### **ORGANIZATIONAL DEFENDANTS**

63 City of Greensboro

## **DEFENDANTS AT BEGINNING OF TRIAL**

#### KKK/NAZI DEFENDANTS

1	Griffin, Virgil	KKK
2	Matthews, David Wayne	KKK
3	Morgan, Lawrence Gene	KKK
4	Harold, Dean Flowers	KKK

5	Pridmore, Coleman Blair	KKK
6	Hartsoe, Terry Wayne	KKK
7	Nappier, Lisford Carl Sr.	KKK
8	Franklin, Billy Joe	KKK
9	Smith, Jerry Paul	KKK
10	Clinton, Michael Eugene	KKK
11	Toney, Roy Clinton	KKK
12	Dawson, Edward	KKK
13	Wood, Roland Wayne	Nazi
14	McBride, Claude Matthew Jr.	Nazi
15	Caudle, Rayford Milano	Nazi
16	Fowler, Jack Wilson Jr.	Nazi
17	Covington, Harold	Nazi
18	Sherer, Mark	Nazi
19	Pierce, Gorrell	Nazi

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24	Gibson, L.S.	GPD - Captain
25	Spoon, P.W.	GPD - Lieutenant
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27	Williams, J.T.	GPD - Officer
28	Johnson, T.R.	GPD - Officer
29	Daughtry, S.	GPD - Lieutenant
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33	Wells, E.D.	GPD - Officer
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41	Bryant, S.A.	GPD - Officer
42	Anderson, T.F.	GPD - Officer
43	Dixon, J.P.	GPD - Officer

44	League, A.A.	GPD - Officer
45	Smith, S.H.	GPD - Officer
46	Mackey, W.L.	GPD - Officer
47	Cooper, J.H.	GPD - Detective
48	Belvin, H.	GPD - Detective
49	Matthews, J.T.	GPD - Officer
50	Baucom, J.M.	GPD - Officer
51	Cawn, M.A.	GPD - Attorney
52	Thomas, B.L.	GPD - Captain

### **CITY OFFICIALS**

53 Osborne, Thomas Z. City Manager

54 Lovelace, Hewitt City - Dir. Dept. Public Safety

### **FEDERAL OFFICIALS**

Moses, Cecil
 Pelczar, Andrew
 Butkovich, Bernard
 BATF

58 Dickerson, G.R. BATF - Director

59 Westra, John BATF 60 Conroy, Ed\* BATF

#### **ORGANIZATIONAL DEFENDANTS**

61 City of Greensboro

### SUBMITTED TO THE JURY FOR A VERDICT<sup>1</sup>

### Claims

Counts 1, 2, 3, 5, 6 (federal civil rights claims) (all plaintiffs)

Count 11 (wrongful death) (5 plaintiffs who were killed)

Count 12 (assault and battery) (6 plaintiffs who were injured)

Count 13 (false arrest and malicious prosecution) (plaintiffs Manzella and Johnson)

#### **KKK/NAZI DEFENDANTS** KKK Griffin, Virgil 2 Matthews, David Wayne KKK 3 Morgan, Lawrence Gene **KKK** Harold, Dean Flowers **KKK** 5 Pridmore, Coleman Blair KKK Hartsoe, Terry Wayne KKK 7 Nappier, Lisford Carl Sr. KKK 8 Franklin, Billy Joe KKK

9	Smith, Jerry Paul	KKK
10	Clinton, Michael Eugene	KKK
11	Toney, Roy Clinton	KKK
12	Dawson, Edward	KKK
13	Wood, Roland Wayne	Nazi
14	McBride, Claude Matthew Jr.	Nazi
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16	Fowler, Jack Wilson Jr.	Nazi
17	Covington, Harold	Nazi
18	Sherer, Mark	Nazi
19	Pierce, Gorrell	Nazi

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31	Hightower, J.L.	GPD - Sergeant
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33	Bryant, S.A.	GPD - Officer
34	League, A.A.	GPD - Officer
35	Cooper, J.H.	GPD - Detective
36	Matthews, J.T.	GPD - Officer
37	Cawn, M.A.	GPD - Attorney
38	Thomas, B.L.	GPD - Captain

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39 Lovelace, Hewitt City - Dir. Dept. Public Safety

### **FEDERAL OFFICIALS**

40	Moses, Cecil	FBI
41	Pelczar, Andrew	FBI
42	Butkovich, Bernard	BATF

43 Dickerson, G.R. BATF - Director

44 Westra, John BATF

45 Conroy, Ed\*

**BATF** 

#### ORGANIZATIONAL DEFENDANTS

46 City of Greensboro

## **JURY FINDING (7-8 JUNE 1985)**

	KKK/NAZI DEFENDANTS		VERDICT FOR PLAINTIFF
1	Matthews, David Wayne	KKK	Martha Nathan (Counts 11, 12); Paul Bermanzohn (Count 12); Thomas Clark (Count 12)
9	Smith, Jerry Paul	KKK	Martha Nathan (Counts 11, 12); Paul Bermanzohn (Count 12)
12	Dawson, Edward	KKK	Martha Nathan (Count 11)
13	Wood, Roland Wayne	Nazi	Martha Nathan (Counts 11, 12); Paul Bermanzohn (Count 12); Thomas Clark (Count 12)
16	Fowler, Jack Wilson Jr.	Nazi	Martha Nathan (Counts 11, 12); Paul Bermanzohn (Count 12)
18	Sherer, Mark	Nazi	Martha Nathan (Count 11)
GREENSBORO POLICE DEPARTMENT		TMENT	
25	Spoon, P.W.	GPD - Lieutenant	Martha Nathan (Count 11)
35	Cooper, J.H.	GPD - Detective	Martha Nathan (Count 11)

### Damage Awards:

Count 11 (wrongful death):

1. For Plaintiff Martha Nathan as Administratrix of Estate of Michael Nathan, liability of 6 KKK/Nazi defendants and 2 GPD defendants: \$ 351,500.00

### Count 12 (assault and battery):

- 1. For Martha Nathan as Administratrix, liability of 4 KKK/Nazi defendants: \$3600.00
- 2. For Paul Bermanzohn, liability of 4 KKK/Nazi defendants: \$38,359.55
- 3. For Plaintiff Thomas Clark, liability of 2 KKK/Nazi Defendants: \$1500.00

### Settlement (5 November 1985):

City of Greensboro paid for 6 KKK/Nazi defendants and 2 GPD defendants: \$351,500 to Martha Nathan

### Notes

<sup>&</sup>lt;sup>1</sup> A Judgment as a Matter of Law on 24 May 1985 dismissed some of the defendants and claims due to the judge's assessment that inadequate evidence had been presented by the plaintiffs in trial. The defendants listed in this portion of the table are those that went to the jury (i.e. were not dismissed).

## "Media Portrayals and Influence of Public Opinion"

## Media research methodology and tables

The daily newspaper articles were identified according to the following subgroups for analysis:

- 1. The facts of the Nov. 3, 1979 shooting and its immediate aftermath.
- 2. The key players involved in Nov. 3, 1979.
- 3. Contextual features that affected the unfolding of events leading to November 3<sup>rd</sup> such as union work, government action, Klan/Nazi activities, WVO activities, etc.
- 4. The CWP funeral march on November 11th.
- 5. The local response to Nov. 3, 1979.
- 6. Demonstrator's indictments, bonds, court hearings.
- 7. February 2, 1980, anti-Klan network rally.
- 8. All three trials.

All of the articles from the weekly *Carolina Peacemaker* from November 1979 to June 1985 were reviewed except for those in 1981. The 1981 newspapers were missing from archived files at the time of our research.

A total of 617 newspaper artifacts were identified and coded, 471 from the *Greensboro Daily News* and *The Daily Record* and 146 from the *Carolina Peacemaker*. Most were news articles, but approximately a dozen editorials and/or letters to the editor were included in the analysis. We did not examine photographs since our data was gleaned from microfilm that rendered poor resolution of the images. Further, we noted the placement of the articles in our notes but could not easily see the articles in comparison to others on the full newspaper page in the photocopied files from the microfilm.

To organize the articles for the purpose of a content analysis, they were further separated into six time periods:

- 1. November 4, 1989 to May 1980 (event coverage and immediate aftermath, 199 articles);
- 2. June 1980 to December 1980 (1st state criminal trial, 175 articles);
- 3. 1981 (first trial aftermath, 29 articles);
- 4. January 1982 to April 1983 (Grand Jury deliberations, 72 articles);
- 5. May 1983 to April 1984 (2<sup>nd</sup> federal criminal trial, 73 articles); and,
- 6. May 1984 to November 1985 (3<sup>rd</sup> federal civil trial, 69 articles).

## Table 1: Rhetoric of Blame in newspaper coverage

	CWP, KKK/Nazis	CWP, KKK/Nazis	CWP, KKK/Nazis
	Blamed	Blamed	Blamed
Daily Newspaper	45%	11%	44%
Weekly - African American	8%	36%	55%

# Table 2: Rhetoric of Blame in newspaper coverage

11/79-5/80	6-12/80	1981	1/82-4/83	5/83-4/84	4/84-12/85
Nov. 3rd	1st Trial	1st Trial	Grand Jury	2nd Trial	3rd Trial
Aftermath		Aftermath			

By actual mentions in the newspaper	(n=):					
Shootings	40	19	9	45	24	14
Shootout	33	22	4	2	5	1
Confrontation	11	27	7	4	12	26
Slayings	6	11	1	2	5	0
Violence	5	0	0	1	0	0
Incident	5	9	2	0	1	0
Clash	4	6	1	1	0	4
Shooting Deaths	4	0	0	3	4	0
Ambush	3	1	0	0	0	0
Nightmare	3	0	0	0	0	0
Massacre	2	0	2	0	0	0
Killings	2	3	1	1	1	0

Table 2: Rhetoric of Blame in newspaper coverage cont...

11/79-5/80	6-12/80	1981	1/82-4/83	5/83-4/84	4/84-12/85
Nov. 3rd	1st Trial	1st Trial	Grand Jury	2nd Trial	3rd Trial
Aftermath		Aftermath			

By actual mentions in the newspaper	(n=):					
Attack/Assult	2	0	0	0	0	0
Gun battle	2	2	0	0	3	0
Murder	2	0	0	0	0	0
Carnage	1	0	0	0	0	0
Malee	1	2	0	0	0	0
Slaughter	1	0	0	0	0	0
Tragedy	0	0	0	0	0	0
Bloodshed	1	0	0	0	0	0
Conflict	0	7	0	0	0	0
Crossfire	0	1	0	0	0	0
Fight	0	1	0	0	0	0
Rally/Demo	0	0	0	0	0	0
TOTAL(425)	128	111	27	59	55	45

By percentage:							Total
Shooting	26%	20%	15%	3%	9%	2%	16%
Confrontation	9%	24%	26%	7%	22%	58%	20%
Massacre	2%	0%	7%				0.9%
Murder	2%	0%	0%	0%	0%	0%	0.05%
Shooting	31%	17%	33%	76%	44%	31%	36%
Incident	4%	8%	7%	0%	2%	0%	4%

By category of blame:	Equal Culpability	KKK/Nazi Blamed	No on Considered at Fault
11/79-2/80 Nov. 3rd Aftermath	n=51; 40%	n=19; 15%	n=58; 45%
6-11/80 1st Trial	n=68; 61%	n=15; 14%	n=28; 25%
1981 1st Trial Aftermath	n=12; 44%	n=4; 15%	n=11; 41%
1/82-4/83	n=7; 12%	n=3; 5%	n=49; 83%

Grand Jury:	Equal Culpability	KKK/Nazi Blamed	No on Considered at Fault
4/83-4/84 2nd Trial	n=20; 36%	n=6; 11%	n=29; 53%
4/84-11/85 3rd Trial	n=31; 69%	n=0; 0%	n=14; 31%
TOTAL (425)	n=189; 45%	n=47; 11%	n=189; 44%

# Table 3: Labels Used by the Carolina Peacemaker

	11/79-5/80	6-12/80	1981	1/82-4/83	5/83-4/84	4/84-12/85
	N. 0.1	1st Trial	4 . 77 . 1	Grand Jury	2nd Trial	3rd Trial
	Nov. 3rd Aftermath		1st Trial Aftermath			
	11/79-5/80	6-12/80	1981	1/82-4/83	5/83-4/84	4/84-12/85
	Nov. 3rd Aftermath	1st Trial	1st Trial Aftermath	Grand Jury	2nd Trial	3rd Trial
By actual mentions in the newspaper	(n=):					
Shootings	8	7		10	8	7
Shootout	3	0		0	2	0
Confrontation	3	1		0	0	0

	11/79-5/80	6-12/80	1981	1/82-4/83	5/83-4/84	4/84-12/85
	Nov. 3rd Aftermath	1st Trial	1st Trial Aftermath	Grand Jury	2nd Trial	3rd Trial
By actual mentions in the newspaper	(n=):					
Slayings	1	1		0	1	0
Violence	1	0		0	0	0
Incident	7	4		1	1	0
Clash	0	0		0	0	0
Shooting Deaths	0	1		1	1	1
Ambush	0	0		0	0	0
Nightmare	0	0		0	0	0
Massacre	6	2		3	0	4
Killings	0	0		10	0	0
Attack/Assault	0	0		1	0	1
Gun battle	0	0		0	0	0
Murder	2	1		1	0	8
Carnage	0	0		0	0	0
Slaughter	0	0		0	0	0
Tragedy	1	0		0	0	1
Conflict	0	0		0	0	0
Crossfire	1	0		0	0	0
Fight	0	0		0	0	0
Rally/Demo	2	1		0	1	1
TOTAL (117)	35	18		27	14	23

By percentage:							Total
Shooting	3%	0%	%	0%	14%	0%	4%
Confrontation	9%	5%	%	0%	0%	0%	3%
Massacre	17%	11%	%	11%	0%	17%	13%
Murder	6%	6%	%	4%	0%	35%	10%
Shooting	23%	39%	%	37%	57%	30%	34%
Incident	20%	22%	%	4%	7%	0%	11%

By category of blame:	Equal Culpability	KKK/Nazi Blamed	No on Considered at Fault
11/79-2/80 Nov. 3rd Aftermath	n=7; 20%	n=9; 26%	n=19; 54%
6-11/80 1st Trial	n=1; 6%	n=4; 22%	n=13; 72%
1981 1st Trial Aftermath		no data available	
1/82-4/83	n=0; 0%	n=15; 56%	n=12; 44%

Grand Jury:	Equal Culpability	KKK/Nazi Blamed	No on Considered at Fault
4/83-4/84 2nd Trial	n=2; 14%	n=1; 7%	n=11; 79%
4/84-11/85 3rd Trial	n=0; 0%	n=13; 57%	n=10; 43%
TOTAL (425)	n=10; 8%	n=42; 36%	n=65; 55%

# Table 4: Frames Used by Greensboro Daily Newspapers

11/79-5/80	6-12/80	1981	1/82-4/83	5/83-4/84	4/84-12/85
Nov. 3rd	1st Trial	1st Trial	Grand Jury	2nd Trial	3rd Trial
Aftermath		Aftermath			

Event & Aftermath Focus (no issues)	33 (15%)	36 (28%)	0 (0%)	13 (28%)	14 (27%)	10 (27%)
Police Acted Responsibly	34 (16%)	4 (3%)	2 (7%)	1 (2%)	5 (10%)	2 (5%)
Police/Gov't Knew of Potential Violence	9 (4%)	12 (9%)	12 (43%)	15 (33%)	9 (17%)	16 (42%)
Another Civil Rights Action	26 (12%)	2 (2%)	4 (14%)	6 (13%)	2 (4%)	2 (5%)
Protestors' Legitimacy is Denied	68 (31%)	32 (25%)	7 (25%)	1 (2%)	7 (14%)	5 (13%)
Patriotic Klan/Nazi Act Reasonably	9 (4%)	16 (12%)	1 (4%)	2 (4%)	7 (14%)	5 (13%)
Klan/Nazi Legitimacy is Denied	17 (8%)	27 (21%)	2 (7%)	8 (18%)	7 (14%)	1 (3%)
Community Pulse and Response	23 (10%)					
TOTAL	196 (100%)	129 (100%)	28 (100%)	46 (100%)	51 (100%)	38 (100%)

# Table 5: Frames in Three Time Periods Used by Daily Greensboro Newspapers

	1st Six Months Nov. 3rd - 1st Trial	1981-1983 Grand Jury	1983-1984 2nd & 3rd Trials
Event & Aftermath Focus (no issues)	20%	18%	27%
Police Acted Responsibly	11%	4%	8%
Police/Gov't Knew of Potential Violence	6%	37%	28%
Another Civil Rights Action	8% 29%	13% 11%	4% 14%
Protestors' Legitimacy is Denied			
Patriotic Klan/Nazi Act Reasonably	7%	4%	10%
Klan/Nazi Legitimacy is Denied	13%	13%	9%
Community Pulse and Response	6%	0%	0%

# Table 6: Frames Used by African American Weekly Carolina Peacemaker

11/79-5/80	6-12/80	1981	1/82-4/83	5/83-4/84	4/84-12/85
Nov. 3rd Aftermath	1st Trial	1st Trial Aftermath	Grand Jury	2nd Trial	3rd Trial
Antermatii		Aneimani			

Event & Aftermath Focus (no issues)	5 (16%)	5 (11%)	 5 (18%)	1 (6%)	6 (16%)
Police Acted Responsibly	3 (9%)	0 (0%)	 0 (0%)	0 (0%)	0 (0%)
Police/Gov't Knew of Potential Violence	12 (37%)	17 (37%)	 13 (46%)	5 (34%)	16 (43%)
Another Civil Rights Action	4 (13%)	1 (2%)	 4 (14%)	4 (27%)	7 (19%)
Protestors' Legitimacy is Denied	2 (6%)	2 (4%)	 0 (0%)	0 (0%)	0 (0%)
Patriotic Klan/Nazi Act Reasonably	0 (0%)	0 (0%)	 0 (0%)	0 (0%)	0 (0%)
Klan/Nazi Legitimacy is Denied	0 (0%)	7 (15%)	 1 (4%)	2 (13%)	3 (8%)
Community Pulse and Response	6 (19%)	14 (31%)	 5 (18%)	3 (20%)	5 (14%)
TOTAL	32	46	 28	15	37

Table 7: Frames in Three Time Periods Used by African American weekly Carolina Peacemaker

	1st Six Months Nov. 3rd - 1st Trial	1981-1983 Grand Jury	1983-1984 2nd & 3rd Trials
Event & Aftermath Focus (no issues)	13%	18%	14%
Police Acted Responsibly	4%	0%	0%
Police/Gov't Knew of Potential Violence	37%	46%	40%
Another Civil Rights Action	6%	14%	21%
Protestors' Legitimacy is Denied	5%	0%	0%
Patriotic Klan/Nazi Act Reasonably	0%	0%	0%
Klan/Nazi Legitimacy is Denied	17%	4%	3%
Community Pulse and Response	26%	18%	15%

<sup>\*</sup> Articles from the 1981 editions of the *Carolina Peacemaker* are missing from archives and unavailable for research.

## **Statement Givers**

The GTRC wishes to thank the following people who gave statements about the context, causes, sequence and consequence of the events on Nov. 3, 1979:

Lea Adams Carolyn Allen Elijah Andrews

Christopher Vance Arnold

Ann Atwater
Raleigh Bailey
Richard Ball
Jim Ballance
Claude Barnes
Ossie Ruth Beasley
Ramon Bell

T. Dianne Bellamy Small Paul Bermanzohn Sally Bermanzohn Sandy Bermanzohn

Allen Blitz Richard Bowling

Ed Boyd

Martha Bradshaw Lewis A. Brandon, III

Lewis A. Brandon, III
Eric Brown
Millicent Brown
Rev. Cardes Brown
Robert Cahoon
Willena Cannon
Winston Cavin
Gary Curtis Cepnick
William Chafe
Jean Chapman
Yonni Chapman
Candy Clapp
Tom Clark

Ben Cone Dennis Cox

Nettie Coad

Michael Curtis Samuel Cykert

Christina Davis McCoy Alison Duncan

Charles Dupree
Ron Eldridge
Ray Eurquhart
James Ferguson
Rev. Mazie Ferguson

Herman Fox
Gayle Fripp
Ray Gibbs
Larry Gibson
Earl Gill
Alex Goldstein
Jordan Green
Hal Greeson
Virgil Griffin
Rabbi Fred Guttman

Bob Hall
Dewey Harris
Linda Harris
Deena Hayes
E.H. Hennis
Ben Holder
Bill Holder
Daisy Holland
Rev. Z. N. Holler
Linda Huff
Elijah Jenkins
Joyce Johnson
Rev. Nelson Johnson

William Jones Clyde Jones

Spoma Jovanovic

Si Kahn Deborah Kelly Richard Koritz Gayle Korotkin Tracy Lamothe

Tim Lane

Umzaga Laughinghouse

Tony Ledford Tony LeTrent-Jones Dale Levin Sampson Jennifer Lewis

Lucy Lewis Doris Little James Long

Bishop Chip Marble Thomas May

Carolyn McAllaster George McGuire Wane McNair Edward Morrison

Larry Morse Elaine Mungo Elijah Mungo Leah Nathan Marty Nathan

Richard Parks Don Pelles Roz Pelles Gorrell Pierce Lewis Pitts

**Barton Parks** 

Michael Roberto Joe Roy

Gloria Rankin

Evelyn Schmidt

Mab Segrest John Shaw Gayle Shepherd Hal Sieber

Marie Stamey Len Stanley Calvert Stewart Evelyn Taylor

Jeff Thigpen Marnie Thompson

Marnie Thompson
Lane Tritt
Jim Turner
Virginia Turner
Tammy Tutt
Timothy Tyson
Percy Wall
Signe Waller
Cesar Weston
Floris Weston
Elizabeth Wheaton

Leah Wise Roland Wayne Wood Jeffrey Woods

James Wrenn John Young

Ed Whitfield

Liz Wilderman

Many more people sent letters, gave interviews or otherwise provided statements to the GTRC, but requested that their names be kept confidential for various reasons.

# Acknowledgements<sup>1</sup>

## **Monetary Donations from Foundations**

This report and the work of the GTRC has been made possible through the generous support — financial and otherwise — of the following foundations. In particular, we want to thank the Andrus Family Fund for its significant initial gift that made it seem financially possible for this project to happen. The JEHT Foundation's gift also provided an additional financial base that allowed for hiring staff. Finally, we recognize the Community Foundation of Greater Greensboro for its contributions and for acting as the GTRC's fiscal sponsor, receiving and handling our finances.

Andrus Family Fund	\$185,000
Anonymous Fund	\$2,000
Community Foundation of Greater Greensboro	\$13,000
Ervin L. Brisbon Fund	\$6,000
Fenwick Foundation	\$1,000
InSight Fund of the Triangle Community Foundation	\$1,500
JEHT Foundation	\$150,000
NC Humanities Council	\$1,200
Romano Family Fund	\$10,000
Julian Price Family Fund	\$2,000
Wachovia Foundation	\$1,000
Z. Smith Reynolds Foundation	\$30,000

## **Grassroots Donations**

At its heart, this work is a grassroots effort, so generous donations from everyday individuals have sustained the GTRC. The following individuals and organizations contributed either through direct financial donations, fundraiser attendance or other gifts.

Carolyn Allen	George Dimock
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Ira & Susie Bell	Episcopal Diocese of NC
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Sally Cone	Group Process Consulting
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## **In-Kind Donors**

Although financial support is critical, many organizations offered in-kind donations that outweighed any direct monetary gifts they could make. The following organizations offered in-kind donations in ways including gifts for our volunteers, hosting our website, providing images and text from newspaper coverage, meeting space, food, assistance with security for our events, technical services and equipment for our public hearings and television programs.

Applebee's (Battleground Ave.)

Bennett College for Women

Bruegger's Bagels (Friendly)

Carolinanet.com

Carolina Peacemaker

Chick-fil-a

Community Foundation of Greater Greensboro

Davenport, Marvin, Joyce and Co., L.L.P.

Harris Teeter

Golden Corral (Lawndale Ave.)

The Green Bean

Greensboro Police Department

Greensboro Public Library

Kimber Guard and Patrol

Maxie B's (Battleground Ave.)

Mayflower Restaurant

NC A&T State University Television Studio

New Garden Friends Meeting

News & Record

Outback Steakhouse (Four Seasons)

Panera Bread

Qdoba's Mexican Grille

Sound Lab Recording Studio

**Rhinoceros Times** 

Sam's Club

Target

**Televisual Productions** 

Tuscana Cuisine

University of North Carolina at Greensboro's American Democracy Project

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## **Advisors and Report Consultants**

Many individuals have contributed their experience and wisdom to enhancing our public hearings, community dialogue and final report. In particular, we appreciate the sustained guidance offered by our principal advisor, Lisa Magarrell of the International Center for Transitional Justice (ICTJ), who has been consulting with the truth and reconciliation process in Greensboro since its inception. We also thank Lisa and the ICTJ for facilitating contacts with many of the following advisors, both in and outside of the United States. We also thank Irv Joyner for serving as a primary legal advisor as we have struggled to understand the legal complexities surrounding the events of Nov. 3, 1979.

Catherine Admay, Professor, of Law and Public Policy, Duke University

David Billings, Trainer, The People's Institute for Survival and Beyond

Arthur Blundell, Chair, Panel of Experts to Liberia, United Nations

Alex Boraine, former President, ICTJ, and former deputy chair, South Africa TRC

Carolyn Blum, Lecturer-in-Law, Columbia University

Millicent Brown, Assistant Professor of History, North Carolina A&T State University,

William Chafe, Professor of History, Duke University

Roger Conner, Andrus Family Fund

David Cunningham, Associate Professor of Sociology, Brandeis University

**Carlos Iván Degregori**, Visiting Professor of Sociology, Princeton University, former Commissioner, Peruvian TRC

E. Franklin Dukes, Director, Institute for Environmental Negotiation, University of Virginia

John Esmerado, Assistant Prosecutor, Union County, State of New Jersey

Rev. Bongani Finca, former Commissioner, South African TRC

Madeline Fullard, former Researcher, South African TRC

Eduardo Gonzalez, Senior Associate, ICTJ, and former member of the staff of the Peruvian TRC

Suzana Grego, Communications Director, ICTJ

Priscilla Hayner, Director, International Policymakers Unit, ICTJ

Deena Hurwitz, Director, Human Rights Program, University of Virginia School of Law

Marvin Johnson, Andrus Family Fund

Spoma Jovanovic, Assistant Professor of Communication, UNC Greensboro

Irv Joyner, Professor of Law, North Carolina Central University

Steve Kelban, Andrus Family Fund

Robin Kirk, Coordinator, Human Rights Initiative, Duke University

Robert Korstad, Associate Professor of History and Public Policy, Duke University

Neil Lerner, Associate Professor of Music, Davidson College

Sofia Macher, former Commissioner, Peruvian TRC

Lisa Magarrell, Senior Associate, ICTJ

Graeme Simpson, Country Program Director, ICTJ

Judge Stephen Swanson, Fourth District Court, State of Minnesota

Paul van Zyl, Program Director, ICTJ

Monica Walker, Trainer, The People's Institute for Survival and Beyond

### **Volunteers and Other Contributors**

Without the help of the following people, the GTRC could not have completed its work. These individuals contributed to this process in a variety of ways including: serving as Commissioners; taking, transcribing and summarizing statements; encouraging people to give statements; volunteering at public events; collecting newspaper articles or other research material; performing at and/or helping plan benefit concerts; conducting surveys about our public events; filming and editing our public events and our public access television show; and many other responsibilities vital to this work.

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## **Greensboro Truth and Community Reconciliation Project**

The Greensboro Truth and Community Reconciliation Project (GTCRP) launched the democratic process that created this Commission. Numerous individuals worked through the Project at various points in the organization's history, which dates back to 2001. (Names provided by the GTCRP).

#### Selection Panel

The following individuals were appointed to the Selection Panel, which worked independently of the Project and its initiators to whittle 67 community nominations to our panel of seven Commissioners.

### **Selection Panel Representative**

### Appointing Group/Individual

Dara Edelman Local college and university student body presidents
Linda Brown Local college and university chancellors & presidents

Dorothy Brown Greensboro Neighborhood Congress

Edward Whitfield GTCRP

Judge Lawrence McSwain Mayor of Greensboro

George Hines Guilford County Democratic Party
Curtis Douglas Guilford County Republican Party

Badi Ali Muslim Community Sylvia Berkelhammer Jewish Community

Viola Fuller NAACP
Steve Simpson NCCJ
Rev. Eric Griffin Pulpit Forum

Donny Brown Triad Central Labor Council
Bishop Woodrow Dawkins Community Representative

#### Local Task Force

The following individuals served at some point on the GTCRP's Local Task Force, which first gathered in the spring of 2002.

Dr. Robert Davis Rev. Z.N. Holler Carolyn Allen Melvin Alston Vernie Davis Rev. Nelson Johnson Margaret Arbuckle Libby Detter Joyce Johnson Rev. Frank Dew Yvonne Johnson Vance Arnold Marilyn Baird Rev. Jim Dollar Randy Johnston Dr. Claude Barnes Spoma Jovanovic Tom Droppers Dr. Ernest Bradford Rev. Chris East Jim Keith

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Jeff Thigpen
Dr. Signe Waller
Ed Whitfield
Peter Wohlwend
Rev. William Wright

John Young Emily Zeanah

#### National Advisory Committee

The following individuals served on the GTCRP's National Advisory Committee, which first gathered in March 2002.

Donald and Carolyn Allen

Jose Alvarez Dr. Sally Bermanzohn Sandy Bermanzohn Lewis A. Brandon, III

Alex Charns
Vaughn Crandall
Constance Curry
Dr. Robert Davis
Rev. James Fenhagen

Joseph Frierson Dr. Vincent Harding Priscilla Hayner Rev. Z.N. Holler Charlene Holler

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Kerry Raquel Little Harris Raynor Dr. Gloria Scott Stephen Simpson Dr. Peter Storey Dr. William Strickland Rev. Doug Tanner Ruth Trujillo Dr. Signe Waller

Honorable Melvin Watt Dr. Eve Weibaum

Kent Wong

### Notes

<sup>&</sup>lt;sup>1</sup> These acknowledgements refer to gifts to the GTRC made as of May 12, 2006.