

Springer Series in Transitional Justice

James Edward Beitler III

# Remaking Transitional Justice in the United States

The Rhetorical Authorization  
of the Greensboro Truth  
and Reconciliation Commission

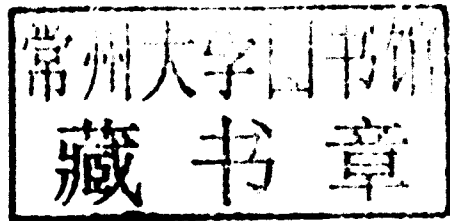


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The Rhetorical Authorization of the  
Greensboro Truth and Reconciliation  
Commission



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# Springer Series in Transitional Justice

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*For Brita Elizabeth & Sweet Baby James*

## Preface

In June of 2004, a group of citizens from North Carolina created the Greensboro Truth and Reconciliation Commission (GTRC) to address lingering issues surrounding the November 3, 1979 murders of five members of the Communist Workers Party by members of the Ku Klux Klan and American Nazi Party. From its inception and throughout its operation, one of the central issues facing the Commission was its authorization. While the Commission was often recognized as being the “first of its kind” in the USA, the distinction did not automatically result in widespread public support. Many in the Greensboro community were opposed to the initiative, and the city council voted not to endorse the Commission’s work. How, then, did the Commission—how does any grassroots transitional justice initiative—attempt to garner the authority needed to carry out its mandate and bring about lasting change?

*Remaking Transitional Justice in the United States* offers an answer to this question by exploring the rhetorical activity surrounding the operation of the GTRC—rhetorical activity that was at once local and global. I argue that the development of the field of transitional justice has given rise to a transnational rhetorical tradition that provides those working in the field with rich rhetorical resources. Then I demonstrate, through a series of rhetorical analyses, how Greensboro stakeholders attempted to reaccentuate this rhetorical tradition in their own rhetorical performances to construct authority and bring about justice. My book concludes by reflecting on the development of transitional justice in the United States and by discussing the implications of the project for scholars and practitioners working in the field.

The theme of interdependence is woven throughout my account of the Commission’s authorization. It is a theme that, in an increasingly connected world, matters profoundly to all individuals and institutions working for social change, as well as those studying their work. I was reminded of this fact 6 years ago, shortly after attending the GTRC’s Report Release Ceremony at the Annie Merner Pfeiffer Chapel at Bennett College in Greensboro. Looking into the chapel’s history, I discovered that it had been fitting for the Commission to deliver its findings there: the chapel had already served, several times, as the site for other gatherings devoted to the redress of racial and economic disparities in Greensboro and the USA. The chapel was the location where, in 1937, Bennett College students and professors planned a

boycott of Greensboro movie theaters (Ahearn, 2006, p. B1). It was also the site where—on February 11, 1958, nearly 50 years before the commissioners took the stage—Martin Luther King, Jr. delivered a sermon entitled “Room in the Inn” to an auditorium overflowing with Greensboro citizens.<sup>1</sup> The size of the crowd that came to hear King preach in 1958 belies the fact that he did not initially receive a warm reception in Greensboro. As Greensboro historian William Chafe (1980) noted, “Fearful of economic reprisals, A&T College and the black public schools refused to make their auditoriums available for King’s speech. Many ministers also held back, unwilling to identify openly with the direct-action tactics associated with King’s Montgomery bus boycott” (p. 112). In the end, only Willa Player, the President of Bennett College, offered King a place to speak: “‘I told them,’ Player recalled, ‘that this is a liberal arts college where freedom rings—so Martin Luther King can speak here’” (Chafe, 1980, p. 112). On that occasion, King (1958/2000) preached about whether there had been “any real progress in the area of race relations” (p. 3), advocated for nonviolent protest (p. 22), and claimed, “We’ve come a long, long way, but we have a long, long way to go” (p. 5).

It was a sermon that turned out to be important for one member of the audience in particular—Ezell Blair, Jr., a high school student at the time, who, 2 years later, would take a seat at the segregated Woolworth’s lunch counter in downtown Greensboro with three other black men. That action would, in turn, lead to similar protests across the South. When, some years later, Blair was interviewed by Chafe about his role in initiating the sit-in movement, he talked about some of the influences that led him to take a seat at that lunch counter: one was King’s 1958 speech, about which Blair remarked, “[H]is words were such that the vibrations that came over the microphone, over the loud speaker.... It was so strong, I could feel my heart palpitating, it brought tears to my eyes” (as cited in Carson, 1992, p. 38). Another influence, Blair said, was Langston Hughes’s poem “The Negro Speaks of Rivers,” introduced to him by his eleventh-grade English teacher (Chafe, 1980, p. 112). The poem’s speaker connected African-American identity, in part, to Africa: “I bathed in the Euphrates when dawns were young/I built my hut near the Congo and it lulled me to sleep/I looked upon the Nile and raised the pyramids above it” (Hughes, 1994, p. 23).

When King spoke at Bennett in the February of 1958, he, too, had been thinking about Africa. Roughly 1 year before his address in Greensboro, King had traveled to Ghana to join in that country’s independence celebration (Carson, 1992, p. 8). While he was there, he met with anticolonial activist Michael Scott to discuss the ongoing civil rights initiatives both in the USA and in Africa (Carson, 1992, p. 8). King is said to have “expressed admiration for the bus boycott then taking place in Johannesburg, South Africa, and remarked that there was ‘no basic difference

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<sup>1</sup> Elsewhere the speech is referred to as “A Realistic Look at Race Relations” (Carson, 1992, p. 94). No recording or transcript of this speech was thought to exist until 1999, when the audio recording of the speech was rediscovered in the archives at Bennett College. Bennett College later made a transcript of the speech available in *The Bennett College Social Justice Lecture Series* (King, 1958/2000).

between colonialism and racial segregation...at bottom both segregation in America and colonialism in Africa were based on the same thing—white supremacy and contempt for life” (as cited in Carson, 1992, pp. 8–9). Later that year, on July 27, 1957, King traveled to New York City to meet with Ambrose Reeves—the Anglican Bishop of Johannesburg, South Africa—to take stock of the twin liberation movements occurring in South Africa and in the USA (Carson, 1992, p. 45). That same year he also joined the National Committee of the American Committee on Africa (ACOA)—an organization that would initiate an anti-apartheid protest on December 10th to condemn the recent arrests of Nelson Mandela, Walter Sisulu, Oliver Tambo, and 153 other South African antiapartheid activists (Carson, 1992, p. 516).<sup>2</sup> The ACOA protest helped contribute to a victory in South Africa: on December 17th, the South African government dropped the charges against 61 of the 156 activists.

Over the next decade, the ACOA was instrumental in establishing economic sanctions against South Africa, and such actions were significant in bringing about South African reforms. Les de Villiers, a South African diplomat to the USA, acknowledged that the ACOA’s tactics helped to bring about the end of apartheid rule in South Africa (Korey, 1999, p. 7). Nelson Mandela (1993/2012) made similar claims when he received the Nobel Peace Prize in Oslo, Norway. In his acceptance speech for the award, he referred to all those around the world who helped to end institutionalized apartheid in South Africa, citing, in particular, Martin Luther King, Jr. (de Villiers, 1995, p. 194; Mandela, 1993/2012, para. 4–5, 8–9).

Likewise, South African Archbishop Emeritus Desmond Tutu praised Americans for their support of the antiapartheid cause in South Africa on a number of occasions—one of which was at Guilford College in Greensboro, North Carolina on November 3, 2005, the 26th anniversary of the Greensboro killings. In that speech, entitled “Reconciling Love,” Tutu (2005) remarked, “I now speak on behalf of millions of my compatriots when I say, even now, thank you for that remarkable support you gave to help us.” Tutu did not mention Martin Luther King, Jr. explicitly in the speech he gave in Greensboro; however, he did repeat something that King had said while he was in Greensboro in 1958. During King’s visit to Bennett College, he had been interviewed by the student campus publication *The Bennett Banner*. In the

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<sup>2</sup>King served as vice-chairperson of the December 10th protest alongside U.S. chairperson Reverend James Pike and international chairperson Eleanor Roosevelt, and he was also instrumental in publicizing it. In a letter dated November 8, 1957, addressed to Chester Bowles, a man actively involved in international relations throughout his lifetime, King and Pike wrote, “We are writing to you in the conviction that the time has come for a world-wide protest against the organized inhumanity of the Government of the Union of South Africa” (as cited in Carson, 1992, p. 313). Bowles responded enthusiastically to the idea of a protest, as did imprisoned South African activist Oliver Tambo, who sent a letter addressed to King, which thanked those involved in sponsoring the event: “We, the oppressed people of South Africa, highly appreciate this step and we now appeal to you to give your full support” (as cited in Carson, 1992, p. 325). Oliver Tambo was not the only person in South Africa who received the American Committee on Africa’s message. Two days after the December 10th day of protest, the South African Foreign Minister could be heard on the radio decrying the ACOA as “decidedly pinkish” and characterizing its leader as “a known leftist” (de Villiers, 1995, p. 23).



interview, King repeatedly emphasized the importance of human dignity (Carson, 1992, pp. 364–367). He and the student interviewers also talked about forgiveness:

[Interviewer 3:] Doctor, I have just a few questions. Now you talk about forgiveness and that you must forgive. Do you find that really in your heart you can forgive the men who, say, killed Emmett Till or castrated this innocent man? And don't you find it really hard [...]

[King:] [interrupting] Well, if you really love on the basis of Christian concepts, forgiveness is very difficult. *It isn't easy* [emphasis added]. And when it becomes so easy it really isn't forgiveness. There is pain and agony. (Carson, 1992, p. 366)

Nearly 50 years later, in the same U.S. city, Desmond Tutu (2005) spoke the same words to a community that had, in the interim, seen the integration of public businesses and schools and had struggled to address the November 3, 1979 murders. "Forgiveness," Tutu said, "is not cheap. *It isn't easy* [emphasis added]. It cost God the death of God's son."

As these examples highlight, in their work for justice and equality, both King and Tutu made use of transnational networks in bringing about social change. Interdependence was, moreover, a central theme of both of their messages. In an oft-quoted passage from "Letter from Birmingham Jail," King wrote, "Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality tied in a single garment of destiny" (King, 1963/2004, p. 693). Similarly, Tutu grounded his arguments against apartheid in the South African concept of *ubuntu*. "We are," he asserted in *No Future Without Forgiveness*, "bound up in a delicate network of interdependence because, as we say in our African idiom, a person is a person through other persons" (2004, p. 35). Willa Player, Martin Luther King, Jr., Ezell Blair, Jr., Langston Hughes, Michael Scott, Ambrose Reeves, Nelson Mandela, Desmond Tutu: these people—and many others, known and forgotten—have formed an extensive and complex transnational network, a web of interdependence, of individuals working for social change. However, the individuals listed (and not listed) here are not all there is to the network. The narrative above also attests to the fact that the network is stitched together through rhetorical activity: Player *defended* King's right to speak, King *advocated* nonviolence, Blair *was moved to act* by King's words, the ACOA *condemned* the South African government's actions against Mandela and others, and Tutu—speaking in Greensboro—*echoed* King's remarks and *praised* the international community for their support.

Which brings us to the subject of the present work. When Tutu spoke in Greensboro, he did not simply praise the international community for their support. He also lent his support to the GTRC:

It is...a very great privilege to come to this city, which is the very first in the USA to have set up a Truth and Reconciliation Commission, embodying—wonderfully—the theme of this series of lectures—reconciling love. And the world salutes Greensboro. And I wonder whether we shouldn't ourselves here want to recognize all of those wonderful people associated with this extraordinary initiative. Maybe we should give them a small clap. Don't you think? (Tutu, 2005)

My book aims to bring rhetorical activity of this sort into relief, focusing, in particular, on the discursive connections between those working in the field of transitional justice and the Greensboro Truth and Reconciliation Commission. These connec-

tions were instrumental in empowering the GTRC in its work—work that culminated in the Annie Merner Pfeiffer Chapel on May 25, 2006, when the seven commissioners presented their *Final Report* to the Greensboro community. On that occasion, commissioner Pat Clark summarized the Commission's main findings:

We found that the offense of November 3, 1979 [was] woven through with issues of race and class. Our report discusses underlying issues including racial and economic justice, white supremacy, and the failure of the police and justice system to provide equal protection to all residents. (Seel, 2006)

Following Clark's comments, the Annie Merner Pfeiffer Chapel erupted in applause. While such applause was undoubtedly intended to recognize the diligence of the commissioners and the significance of their findings, it also attested to the Commission's authority, which was constructed, in no small part, by drawing upon the rich rhetorical resources of the field of transitional justice.

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# Abbreviations

ACOA	American Committee on Africa
AFF	Andrus Family Fund
AFL-CIO	American Federation of Labor and Congress of Industrial Organizations
ANC	African National Congress
AZAPO	Azanian Peoples' Organization
CAMCWP	Committee to Avenge the Murder of the Communist Workers Party 5
CPUSA	United States Communist Party
CWP	Communist Workers Party
DTRC	Metropolitan Detroit Truth and Reconciliation Commission on Racial Inequality
FBI	Federal Bureau of Investigation
GTRC	Greensboro Truth and Reconciliation Commission
GTCRP	Greensboro Truth and Community Reconciliation Project
ICTJ	International Center for Transitional Justice
IFP	Inkatha Freedom Party
KKK	Ku Klux Klan
LTRC	Liberian Truth and Reconciliation Commission Diaspora Project
METRC	Maine Tribal-State Child Welfare Truth and Reconciliation Commission
MRDI	Michigan Roundtable for Diversity and Inclusion
MTP	Mississippi Truth Project
NAACP	National Association for the Advancement of Colored People
NCAC	North Carolina Advisory Committee to the US Commission on Civil Rights
NCCJ	National Conference for Community and Justice
NGO	Non-governmental Organization
NTLA	National Transitional Legislative Assembly
PPEHRC	Poor People's Economic Human Rights Campaign
SATRC	South African Truth and Reconciliation Commission
SCLC	Southern Christian Leadership Conference
TRC	Truth and Reconciliation Commission

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## Chapter 1

# The Problem of Power: Authorizing a Truth and Reconciliation Commission in Greensboro, North Carolina

**Abstract** This chapter introduces the socio-political context and events of November 3, 1979 as well as the context and events leading up to the formation of the Greensboro Truth and Reconciliation Commission (GTRC). Drawing upon various accounts of Greensboro's history, it highlights, in particular, city officials' responses to both November 3, 1979 and the formation of the GTRC 25 years later. In doing so, it demonstrates that a central issue facing the GTRC was how to establish the authority to act efficaciously. This account leads into a discussion of the book's theoretical framework—which involves using the concepts “rhetorical tradition,” “rhetorical performance,” and “reaccentuation” to explore the interplay between specific instances of language use and patterns of language use in the field of transitional justice. With this framework in place, the chapter introduces the book's central arguments and concludes with a brief overview of each of the book's chapters.

*"I am cognizant of the interrelatedness of all communities and states. I cannot sit idly by in Atlanta and not be concerned about what happens in Birmingham. Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality tied in a single garment of destiny."*

Martin Luther King, Jr. (King 1963/2004, p. 693)

## Introduction

On the morning of November 3, 1979, members of the Communist Workers Party (CWP) gathered in Greensboro, North Carolina to demonstrate against the Ku Klux Klan (KKK) and to petition for the labor rights of factory workers. The event, which was to include a parade and rally, was part of the CWP's campaign to combat racism in the city and improve working conditions in the local textile factories. However, the prevailing attitudes of Greensboro citizens had made the CWP's past work difficult. Many distrusted the group on account of its ideological orientation, and—though Greensboro had served as the birthplace of the sit-in movement nearly 20 years earlier—racial inequalities persisted in the city, especially in relation to education, employment, housing, and access to health care. In the months leading up to the third of November, there had been a recent surge in Klan activity connected to a proposed screening of *Birth of a Nation*, and the CWP's plans to form labor unions in the textile factories had been met with resistance from whites unwilling to collaborate with blacks. The parade and rally was the CWP's latest attempt to bring about change in the city.<sup>1</sup>

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<sup>1</sup> The story of the CWP's development is a complex one. The United States Communist Party's (CPUSA's) interest in North Carolina as a site of resistance had begun nearly 60 years earlier. CPUSA members from northern cities had grown increasingly interested in the South as a site for resisting social, political, and economic inequalities in 1919; nevertheless, throughout much of the twenties, they did not intervene directly, focusing their activities on fact finding about southern injustices (Taylor, 2009, pp. 6–13). Historian Gregory Taylor (2009) recounted how the decision of the CPUSA to intervene in the South—and, in particular, in North Carolina—was tied to Paul Crouch, a native North Carolinian who had been discharged from the military and imprisoned at Alcatraz for supposedly claiming to want to overthrow the government (p. 13). As he grew in the ranks of the CPUSA, Crouch advocated for Party intervention in his home state (p. 18). In 1928, the Party decided to organize in Charlotte, and they began unionizing efforts in 1929 (pp. 19–20). The North Carolina Communist Party was active for three decades; however, as Taylor showed, the Party began to disintegrate in the 1950s as a result of McCarthyism, several tactical missteps by its leaders, "assaults by former members and FBI informants," and arrests of its members (pp. 186, 206). According to FBI records, there was only one person listed on the membership roles by 1960 (p. 206). "By 1960," Taylor wrote, "the North Carolina Communist Party was dead" (p. 186).

Nevertheless, in the early- to mid-seventies, there was a resurgence of interest in Communism from groups that had developed as an indirect result of the CPUSA's activity but that wanted to distance themselves from the CPUSA. Elizabeth Wheaton (1987) recounted the development of these groups in her book *Codename Greenkil*:

Adults and children gathered at the parade starting point, singing songs and carrying placards. But before the parade could begin, members of the KKK and American Nazi Party arrived at the scene in a slow-moving caravan of vehicles. A fight ensued, and shots were fired. Eighty-eight seconds later, five members of the CWP were dead, and ten others were wounded. Despite the fact that the CWP's leaders had requested police protection for the parade and rally, there were no policemen at the scene. There were, however, reporters covering the rally, and several cameramen captured much of attack on film. Yet despite this video evidence of the killings, the KKK and American Nazi Party members who had fired on the demonstrators were acquitted in both a state murder trial and a federal criminal trial. All-white juries decided both verdicts.

To attain the first acquittal, the defense pleaded that the killings were a case of self-defense: they pointed to the fact that both parties had guns and noted that CWP members precipitated the violence by beating on the cars. The second trial turned on whether or not the Klan members and Nazis had violated the civil rights of the protestors because of their race, their religion, and/or their participation in an integrated activity. Jurors said no: they believed "that the exchange of gunfire was equal and that the prosecution's evidence of racial motivation rather than anti-communism was unconvincing" (Greensboro Truth and Reconciliation Commission [GTRC], 2006, p. 289).

In 1985, a federal civil trial took place. In that trial, members of KKK, the American Nazi Party, and the Greensboro Police Department were found jointly liable for the wrongful death of one of the five victims, and the city of Greensboro paid the \$385,000 settlement on behalf of these three groups. Viewing the relatively small settlement as proof of systemic injustice, many surviving members of the CWP continued to seek some form of redress by pleading their case to the Greensboro public, but many Greensboro citizens had long distanced themselves from anyone associated with the events of November 3, 1979. Greensboro Mayor Jim Melvin, for example, claimed that the KKK and Nazi members who carried out the killings

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A number of ultra-left sects studied the science [of Marxist revolution] intensely, convinced that the old Communist Party-U.S.A. had sold out to the capitalist system. The CP-USA had been around since the 1920s, and what had it accomplished? It had made some headway in union organizing in its early years, but had been steadily backsliding into oblivion since then. It was time to launch a new communist party, a party that went beyond Marxism to incorporate the more recent teachings of Lenin and Mao...By 1974 a host of preparty communist groups was active. The October League, which grew out of the Georgia Communist League, was predominantly white and based in the South. The Revolutionary Workers League was all black, with strongholds in the South, the Northeast, and the West Coast. In New York, the Puerto Rican Revolutionary Organization and the Asian Study Group became the Workers Viewpoint Organization. (pp. 20–21)

In 1975, a small group from Durham—Jim Waller, Paul Bermanzohn, and Sally Avery—formed the Communist Workers Committee. According to Wheaton, "[T]hey would soon join forces with the black revolutionaries in Greensboro, Nelson Johnson and Sandi and Mark Smith, to organize textile workers at Cone Mills" (p. 34). These individuals united under the banner of the Workers Viewpoint Organization, which changed its name in October of 1979 to the Communist Workers Party (p. 21).



were not members of the Greensboro community—"nor were they welcome"—and that the CWP "actively sought the confrontation" by engaging in "'dare-you-to-step-across-the-line' maneuvers" (North Carolina Advisory Committee [NCAC], 1981, p. 5). Critical of media coverage that "drew conclusions that race relations in Greensboro were poor and that discord and ill will abounded," Melvin described Greensboro as "a quiet community that allows everyone to have full rights and to express them openly and freely on all subjects" (NCAC, p. 5). Such viewpoints were consistent with what Greensboro historian William Chafe (1980) described as "a culture of white progressivism" that pervaded the city (p. 6). In his book *Civility and Civil Rights*, Chafe (1980) maintained that Greensboro had long suffered from what he called a "progressive mystique": Greensboro's progressives believed that public disagreement of any kind was destructive of a "genteel and civilized way of life," and these beliefs, along with the accompanying calls for consensus and moderation, functioned as a means of preserving the status quo (p. 7).<sup>2</sup> Given the socio-political context of the time, it is perhaps not surprising that the survivors' calls for justice were unanswered.<sup>3</sup>

As of 2004, several aspects of Greensboro's socio-political context had not changed substantially from the late seventies and early eighties. William Chafe still held that the progressive mystique operated in powerful ways in the city (GTRC, 2006, p. 38), and many racial inequalities still existed, particularly in relation to income. City administrators' views about November 3, 1979 had not changed much either. Like his predecessor Jim Melvin, Mayor Keith Holliday attempted to distance the people of Greensboro from the events of November 3, 1979, which he described as "a confrontation between *two extremist groups* [emphasis added] where over ninety percent of the participants were from *outside of Greensboro* [emphasis added]" (Truth and reconciliation: Listen for yourself, 2005). Nevertheless, a call by a group of concerned Greensboro citizens for a public inquiry into the events of November 3, 1979 began to gain traction among some members of the community. Several factors allowed the case to reappear. Two of the former members of the CWP had recently

<sup>2</sup> According to William Chafe (1980), in a 1949 study of southern politics conducted by V.O. Key, Greensboro had been celebrated for its "progressive outlook...especially [in] industrial development, education, and race relations" (p. 2). But this evaluation, Chafe argued, was incorrect: throughout the first half of the twentieth century, there were widespread racial inequities in the city. In 1957, three years after *Brown v. Board of Education* declared school segregation unconstitutional, desegregation in Greensboro was a mere pretense. At that time, six blacks were admitted to all-white schools; however, "the action was taken," Chafe noted, "not to promote integration, but—as the school board leader later recalled—to 'hold an umbrella' over the rest of the state and preserve segregation" (p. 159). In 1961, the rate of desegregation in North Carolina was 0.026% (p. 159).

<sup>3</sup> Taylor (2009) has argued that the "murders and the failed court cases marked the end of the CWP and the end of active efforts on the part of various Communist groups in North Carolina" (p. 212). While Taylor may be correct that the activity of Communist groups diminished after the November 3, 1979 murders and court cases, the survivors of the CWP remained active in the public sphere long after the event. Over the next two decades, they would continue to tell their story—in a variety of venues—with mixed success. Along the way, some of the survivors changed some of their views about Communism. Others took on professional roles, as academics and medical doctors. In rhetorical terms, they began to affiliate themselves with other rhetorical traditions besides those of Communism. It would be through these avenues that their story would gain its widest hearing.