Truth Talks: How North America’s Truth and Reconciliation Commissions Engage the Public in Change

Lawrence Schooler
Nova Southeastern University, lschooler@cdandp.com

This document is a product of extensive research conducted at the Nova Southeastern University College of Arts, Humanities, and Social Sciences. For more information on research and degree programs at the NSU College of Arts, Humanities, and Social Sciences, please click here.

Follow this and additional works at: https://nsuworks.nova.edu/shss_dcar_etd

Part of the Political Science Commons

Share Feedback About This Item

NSUWorks Citation
https://nsuworks.nova.edu/shss_dcar_etd/125.
Truth Talks:
How North America’s Truth and Reconciliation Commissions Engage the Public in Change

by

Lawrence Paul Schooler

A Dissertation Presented to the
College of Arts, Humanities, and Social Sciences of Nova Southeastern University
in Partial Fulfillment of the Requirements for the Degree of
Doctor of Philosophy

Nova Southeastern University
2019
Nova Southeastern University
College of Arts, Humanities, and Social Sciences

This dissertation was submitted by Lawrence Paul Schooler under the direction of the chair of the dissertation committee listed below. It was submitted to the College of Arts, Humanities, and Social Sciences and approved in partial fulfillment for the degree of Doctor of Philosophy in Conflict Analysis and Resolution at Nova Southeastern University.

Approved:

January 25, 2019
Date of Defense

Ismael Muvingi
Ismael Muvingi, Ph.D.
Chair

Robin Cooper, Ph.D.

Toran Hansen, Ph.D.

March 15th 2019
Date of Final Approval

Ismael Muvingi
Ismael Muvingi, Ph.D.
Chair
Dedication

This dissertation is dedicated to the members of the Greensboro Truth and Reconciliation Commission, the Maine Wabanaki State Truth and Reconciliation Commission, Canada’s Truth and Reconciliation Commission, and all those who participated in and supported the Commissions’ work.
Acknowledgments

I would like to acknowledge my beloved wife, Jolie, for her incredible support that enabled me to complete this monumental project; our beloved children, Sammy and Robby, who have already shown a great zeal for learning; my parents, Marsha and Lonnie, for instilling within me a love of learning; and my entire family and many friends, both within and beyond Nova Southeastern University, for their support.

I would also like to thank Dr. Ismael Muvingi and my committee, Drs. Cooper and Hansen, for their sage counsel on this project and for their patience and steadfast dedication to my success.

I would finally like to thank G-d for guidance, strength, courage, and protection during this important journey.
# Table of Contents

Abstract ................................................................................................................................. iv

Chapter 1: Introduction to the Study .................................................................................. 1

Maine and Canada: Differing Scales, Similar Topics ......................................................... 5
  Maine: Residential Schooling and Foster Care ................................................................. 6
  Canada ................................................................................................................................. 8

Truth and Reconciliation Commissions .............................................................................. 9

TRCs: How They work ......................................................................................................... 13

A new model for North America ......................................................................................... 14

Examining the Effectiveness of Truth and Reconciliation Commissions in
  North America .................................................................................................................... 16

Research Design .................................................................................................................. 18

Chapter 2: Literature Review ............................................................................................. 21

Studies of Truth and Reconciliation Commissions ......................................................... 21
  Schools of Thought ........................................................................................................... 22
  Critique of Existing Literature ......................................................................................... 37
  Theoretical Foundations and Frameworks ........................................................................ 38
  Transitional and Restorative Justice theory ................................................................... 43

Truth and Reconciliation Commissions: Theoretical Foundations ............................ 50

Chapter 3: Research Method ................................................................................................ 54

Choice of Case Study Method ............................................................................................. 54

Archival Research ................................................................................................................ 55

Research Methods: Oral ....................................................................................................... 58
Data Collection .................................................................60
Interviews ............................................................................61
Data Analysis: Testimony ......................................................63
Data Analysis: Commission Recommendations ....................63
Data Analysis: Interviews .....................................................64
Data Analysis: News Coverage ..............................................65

Chapter 4: Results ..................................................................68

Case I: Greensboro Truth and Reconciliation Commission ...........68
Data Analysis, Results, and Findings: Public Testimony on Economics ....75
Data Analysis, Results, and Findings: Ku Klux Klan Testimony .............78
Data Analysis, Results, and Findings: City of Greensboro and District
Attorney Statements ................................................................80
Data Analysis: Commission Recommendations .............................82
Data Analysis, Results, and Findings: Connections between Recommendations
and Statements ..................................................................85

Case II: Maine Wabanaki-State Child Welfare Truth and Reconciliation
Commission ........................................................................90
Data Analysis: Statements .....................................................95
Data Analysis: TRC Report, Findings, and Recommendations ..............101
Data Analysis, Results, and Findings: Government Response ..............102

Case III: Canada’s Truth and Reconciliation Commission ..............105
Data Analysis: Testimony (sample) ..........................................107
Data Analysis, Results, and Findings: Testimony and Connections to
Commission Calls to Action ................................................................. 112

Data Analysis, Results, and Findings: Testimony Around Residential Schools’ Legacy and Commission Calls to Action ......................................................... 112

Data Analysis, Results, and Findings: Testimony Around Reconciliation and Commission Calls to Action ................................................................. 118

Data Analysis, Results, and Findings: Relationship Between Testimony and Commission Calls to Action ................................................................. 119

Chapter 5: Discussion, Conclusions, and Recommendations ........................................ 122

Conclusions ........................................................................................................ 122

References ........................................................................................................ 137

Appendix A: Interview Protocols ........................................................................ 155

Appendix B: Listing of Common Themes .............................................................. 157

Appendix C: Data Coding Sample ..................................................................... 158

Appendix D: Commission Recommendations and Outcomes .............................. 180

Appendix E: Bio .................................................................................................. 189

Appendix F: Endnotes ......................................................................................... 190
Abstract

Within the last 15 years, the first three Truth and Reconciliation Commissions (TRCs) in North America formed and completed their work. Patterned after similar efforts in South Africa, Latin America, and elsewhere, the TRCs in Greensboro, North Carolina; Maine; and Canada heard voluntarily-offered testimony from members of the general public and key parties to decades-long conflicts. The Commissions also evaluated responsibility for the conflicts and offered recommendations for change in their respective communities and countries, informed by the testimonies they received. This qualitative methods multiple case study of the three Commissions’ recommendations involved archival research and data analysis of testimony to the Commissions, alongside the subsequent recommendations made by those Commissions and any further policy measures taken by host governments in Greensboro, Maine, and Canada. The dissertation attempts to answer the research question: to what extent can truth and reconciliation commissions empower parties to long-running and wide-reaching conflicts to influence changes in their communities, states, or countries in ways courts cannot? Among the conclusions reached in this research is that TRCs integrated public testimony to a significant extent into their findings and recommendations, though the three governments in Greensboro, Maine, and Canada have implemented those recommendations with varying levels of commitment. This study can assist others tackling large-scale conflicts to consider how best to incorporate a truth and reconciliation commission into their efforts at healing and growth in their communities.
Chapter 1: Introduction to the Study

In the 1990’s, the newly democratic nation of South Africa captured international attention by forming a Truth and Reconciliation Commission (TRC), designed to address the country’s painful and notorious history of racial injustices and human rights violations, inviting witnesses, victims, and perpetrators to come forward voluntarily, without fear of prosecution or persecution (Tutu, 2017). Although not the first of its kind, it quickly became the most widely known TRC, and over the next decade, this landmark method of resolution and understanding opened never before explored avenues of reconciliation for many countries and cities (Truth Commission Digital Collection, 2011).

In 2004, inspired by the Commissions of South Africa, Peru, and some twenty other countries around the world, the city of Greensboro, North Carolina organized the first ever Truth and Reconciliation Commission in the United States (Schooler, 2009). Within the next decade, two other commissions formed in North America: in the state of Maine, and a national Commission in Canada.

The Greensboro Commission emerged not from any government mandate, but rather from the grassroots initiative of a pained community. Greensboro had suffered too long from unhealed, festering wounds stemming from a violent confrontation between anti-Klan protesters from the Communist Workers Party (CWP), and Ku Klux Klansmen and American Nazi party members, at a morning anti-Klan rally twenty-five years earlier (Wheaton, 1988). Although four crews from nearby television stations had captured the shooting deaths of five of the protesters, and the wounding of ten others, subsequent criminal trials produced no guilty verdicts, and left witnesses and survivors – and the city at large—shaken, and forever changed.
In the aftermath of the shooting, a shocked city government quickly worked to restore peace. The mayor convened a meeting of African-American ministers later that day, in the hopes they would include calls for calm in their sermons the next day. Police enforced a curfew at Morningside Homes, site of the original anti-Klan protest and the shooting deaths of five protestors, which further angered many residents who wanted answers, not restrictions on their movements (Cunningham, 1980, 46-47). The city avoided a backlash of violence, even after the surviving members of the Communist Workers Party staged another anti-Klan march, this one nonviolent and monitored by the National Guard and scores of police officers (Wheaton, 1988). But in the aftermath of the shootings, many Greensboro residents felt deserted by a city that did not protect them and now would not help them sort out what had happened. In the scramble to restore order and preserve Greensboro’s stable reputation, they felt they had been swept under the rug.

When the Klansmen went to trial nine months later, an all-white jury did acquit the shooters, accepting that the Klansmen didn’t go to Morningside Homes intending to kill the protesters and that the Klansmen were defending themselves when protesters showed their guns (Berry, 1980, 1).

Although the CWP won some vindication a few years later in a civil lawsuit ruling that police did not adequately protect the protesters from a possible confrontation with the Klan and American Nazis, the City of Greensboro did not admit any fault or wrongdoing in its handling of November third and its aftermath—primarily in its declaration of a state of emergency and in its jailing of some protestors. The Klan also admitted nothing and paid nothing (Barkley, 1985, 1). That lack of more definitive closure gnawed at the survivors, and others in Greensboro, for many years to come.
After an off-Broadway play retold the story of the shooting as a collection of unhealed wounds, local leaders invited South African Archbishop and Nobel Laureate Desmond Tutu to Greensboro. They worked with him and other veterans of South Africa’s Truth and Reconciliation Commission to design a similar process for Greensboro (Tosczak, 2003).

In the 1990’s, the newly democratic nation of South Africa captured international attention by forming a Truth and Reconciliation Commission (TRC), designed to address the country’s painful and notorious history of racial injustices and human rights violations, inviting witnesses, victims, and perpetrators to come forward voluntarily, without fear of prosecution or persecution (Tutu, 2017). Although not the first of its kind, it quickly became the most widely known TRC, and over the next decade, this landmark method of resolution and understanding opened never before explored avenues of reconciliation for many countries and cities (Truth Commission Digital Collection, 2011).

In 2004, inspired by the Commissions of South Africa, Peru, and some twenty other countries around the world, the city of Greensboro, North Carolina organized the first ever Truth and Reconciliation Commission in the United States (Schooler, 2009). Within the next decade, two other commissions formed in North America: in the state of Maine, and a national Commission in Canada.

The Greensboro Commission emerged not from any government mandate, but rather from the grassroots initiative of a pained community. Greensboro had suffered too long from unhealed, festering wounds stemming from a violent confrontation between anti-Klan protesters from the Communist Workers Party (CWP), and Ku Klux Klansmen and American Nazi party members, at a morning anti-Klan rally twenty-five years earlier.
(Wheaton, 1988). Although four crews from nearby television stations had captured the shooting deaths of five of the protesters, and the wounding of ten others, subsequent criminal trials produced no guilty verdicts, and left witnesses and survivors – and the city at large—shaken, and forever changed.

In the aftermath of the shooting, a shocked city government quickly worked to restore peace. The mayor convened a meeting of African-American ministers later that day, in the hopes they would include calls for calm in their sermons the next day. Police enforced a curfew at Morningside Homes, site of the original anti-Klan protest and the shooting deaths of five protestors, which further angered many residents who wanted answers, not restrictions on their movements (Cunningham, 1980, 46-47). The city avoided a backlash of violence, even after the surviving members of the Communist Workers Party staged another anti-Klan march, this one nonviolent and monitored by the National Guard and scores of police officers (Wheaton, 1988). But in the aftermath of the shootings, many Greensboro residents felt deserted by a city that did not protect them and now would not help them sort out what had happened. In the scramble to restore order and preserve Greensboro’s stable reputation, they felt they had been swept under the rug.

When the Klansmen went to trial nine months later, an all-white jury did acquit the shooters, accepting that the Klansmen didn’t go to Morningside Homes intending to kill the protesters and that the Klansmen were defending themselves when protesters showed their guns (Berry, 1980, 1).

Although the CWP won some vindication a few years later in a civil lawsuit ruling that police did not adequately protect the protesters from a possible confrontation with the Klan and American Nazis, the City of Greensboro did not admit any fault or
wrongdoing in its handling of November third and its aftermath—primarily in its declaration of a state of emergency and in its jailing of some protestors. The Klan also admitted nothing and paid nothing (Barkley, 1985, 1). That lack of more definitive closure gnawed at the survivors, and others in Greensboro, for many years to come.

After an off-Broadway play retold the story of the shooting as a collection of unhealed wounds, local leaders invited South African Archbishop and Nobel Laureate Desmond Tutu to Greensboro. They worked with him and other veterans of South Africa’s Truth and Reconciliation Commission to design a similar process for Greensboro (Tosczak, 2003).

Greensboro’s commission withstood political resistance, violence, and threats to complete its work. In the process, the Commission’s proceedings inspired acknowledgments of responsibilities and apologies from all sides; recognition that the issues raised by the shootings went far beyond the specifics of the incident; and mobilization to reform the police department, whose responsibility for both the shooting deaths and other social unrest had not previously been understood. This study examined the testimony given, both privately and publicly, to the Greensboro commission, and the extent to which the Commission’s findings and recommendations incorporated that testimony. This study also examined the formation of similar commissions in Maine and Canada and explored the impact testimony to those Commissions had on the Commissions’ final reports.

Maine and Canada: Differing Scales, Similar Topics

Truth and Reconciliation commissions formed in the U.S. state of Maine and at a national level in Canada both sought to understand why so many indigenous, First
Nations, or Native American families had been broken up by authorities who relocated children to boarding schools away from their reservations or communities. The strategy dates back centuries, all the way to the 1800’s, when church groups took Indian children to residential schools and forbade the use of their own language, clothes, or religious practices.

**Maine: Residential Schooling and Foster Care**

In Maine, while the relocation of Native children to residential schools became systematic in the late 1800s with more than 50 children from Maine ended up at Carlisle alone over the course of several decades (Gluckman, 2014), the closure of Carlisle and other boarding schools like it did not stop Native American children from being removed from their families’ care well into the 20th century (Gluckman, 2014). These children were primarily placed in foster homes, where they alleged physical, emotional, and sexual abuse.

An experiment undertaken by the U.S. Bureau of Indian Affairs (a federal government agency) and the Child Welfare League of America (a nonprofit organization) involved the relocation of hundreds of Indian children from their families to the homes of Caucasian-Americans. According to the National Indian Child Welfare Association, studies revealed that large numbers of Native children were being separated from their parents, extended families, and communities by state child welfare and private adoption agencies. In fact, research found that 25%–35% of all Native children were being removed; of these, 85% were placed outside of their families and communities—even when fit and willing relatives were available” (2018).
In Maine, Indian children were taken from their families and placed in white foster homes at a higher rate than most other states (Burns, 2015). One state official cited a federal government review that showed that as late as 1999, Maine was not in compliance with the Indian Child Welfare Act of 1978, a law that intended "to protect the best interests of Indian children" by involving tribal members in the cases of children from their own communities. As one family support specialist in Maine put it, “The foster care and child welfare system kind of picked up where the boarding schools left off” (Gluckman, 2014).

In an article framing the work of a truth and reconciliation commission in Maine (Attean et al, 2012), the authors write,

The dominant narrative in Maine is that Wabanaki people aren't able to take care of their children, that it's best to leave the past in the past, and that the state and tribes cannot work together as equals. Although this narrative was constructed by the dominant white culture. Native people have internalized these messages and have become complicit with their own consequential invisibility. . . .There are thousands of Native people whose experiences with the child welfare system have been silenced. (Attean et al, 2012, 16-17).

A subsequent “declaration of intent” and mandate for the TRC signed both by Maine’s governor and leaders from five recognized Native American tribes or nations indicated,

This TRC was formed to investigate the experiences of Wabanaki people with the Maine state child welfare system and to promote healing and lasting change for Wabanaki children and families. This process gave voices to the stories of Wabanaki people and incorporate them into a new dominant narrative about this
history in an effort to work toward creating a better child welfare system for
Native children and families” (LePage et al, 2012).

As Attean et al (2012) note, “the Maine TRC represents the first truth and reconciliation commission within U.S. territory that has been collaboratively developed between Indian nations and a state government with a focus on Native child welfare issues” (17). The TRC’s objectives included giving “voice to Wabanaki people who have had experience with Maine state child welfare” and “create a common understanding, promote healing, and make recommendations for child welfare systems reform through seeking, learning and reporting the truth” (LePage et al, 2012). In the articulation of this objective, the TRC directly links the participation (via testimony) of ordinary individuals to potential policy and societal changes, which form the basis of this study.

Canada

As in Maine, Canada’s truth and reconciliation commission formed out of a desire to rectify actions taken towards indigenous (often called Aboriginal or First Nations) children. Just as in Maine, according to the report of Canada’s Truth and Reconciliation Commission (2015), “Canada’s residential school system separated Aboriginal children from their families, in order to minimize and weaken family ties and cultural linkages, and to indoctrinate children into a new culture—the culture of the legally dominant Euro-Christian Canadian society” (Truth and Reconciliation Commission, 2). The TRC quotes Canada’s first prime minister, Sir John A. Macdonald, as saying,

When the school is on the reserve the child lives with its parents, who are savages; he is surrounded by savages, and though he may learn to read and write his habits, and training and mode of thought are Indian. He is simply a savage
who can read and write. It has been strongly pressed on myself, as the head of the Department, that Indian children should be withdrawn as much as possible from the parental influence, and the only way to do that would be to put them in central training industrial schools where they will acquire the habits and modes of thought of white men (Truth and Reconciliation Commission, 2)

The schools were in existence for more than a century; according to one report, “Since the 1880s, more than 150,000 aboriginal children had been torn from their families and sent to residential schools that, in many cases, resembled violent prisons. Seven generations of children were scarred by physical, emotional and sexual abuse” (Kennedy, 2015). According to the TRC report, “Children were abused, physically and sexually, and they died in the schools in numbers that would not have been tolerated in any school system anywhere in the country, or in the world. . . .” (Truth and Reconciliation Commission, v). Eventually, the settlement of a large class-action suit brought by residential school survivors helped bring about the formation of a Truth and Reconciliation Commission.

The ultimate formation of a Truth and Reconciliation Commission, writes researcher Rosemary Nagy (2014), took on a hybrid approach crafted by First Nations leadership and a group known as the “TRC Roundtable,” which included survivor, indigenous, and Protestant organizations: combining a more formal, investigative approach in which individuals and institutions would be held accountable with a “bottom-up” process with hundreds of community events and witnesses. As Nagy puts it,

Central to both approaches: statement-taking/truth-sharing, national events, and a report for public education with recommendations. Central to the [TRC]
Roundtable approach: community events and a Survivor Committee. Central to the [Assembly of First Nations] approach: an agreement for the provision of documents and the creation of a National Research Centre (Nagy, 214). This hybrid model is significant to this study in that it afforded thousands of Canadians, over a six-year period, to participate directly in the work of the Truth and Reconciliation Commission, offering both their own testimony of their residential school experiences as well as their recommendations for change in Canada’s relationship with First Nations. This study examines how closely the TRC’s recommendations, and the Canadian government’s actions, aligned with the testimony.

**Truth and Reconciliation Commissions**

To understand the idea behind a Truth and Reconciliation Commission, it is worth examining how it contrasts to other forms of conflict resolution. Humans have used battlefields and courts to resolve conflicts for centuries. But wars and trials have failed to resolve age-old conflicts that continue to leave thousands or millions with lasting wounds. South Africa’s racial discrimination under apartheid, Peru’s twenty-year-long civil war between the government and the Communist “Shining Path” party, Ghana’s numerous coups d’état and military regimes, and Indonesia’s authoritarian rule over East Timor all extend beyond the reach of traditional justice. Their courts often have massive existing backlogs, and the public often views courts as biased in favor of a governing party partially (or fully) responsible for the atrocities in question. For instance, judges in South Africa appointed by the government of former president F.W. de Klerk would likely face concerns about their ability to remain impartial in the face of accusations against de Klerk’s government.
In the past three decades, dozens of countries have turned to Truth and Reconciliation Commissions (TRCs) as a method of bringing closure and healing to communities wracked by strife. Truth and Reconciliation Commissions have given those accused of wrongdoing and those hurt by that wrongdoing a chance to stop pointing fingers and, in some cases, start holding hands. TRCs have enabled people in countries like South Africa, Peru, Ghana, and East Timor, to realize that many of their countrymen feel similar pain, hurt, and guilt about their shared past. The Commissions have coupled that awareness with a venue empowering people to step forward, *en masse*, and share their experiences feelings openly, in the hopes that the ensuing conversation will contribute to greater communal good. In the process, people in many countries with TRCs have developed new bonds of trust amongst themselves and with institutions like the police and the military. Courts and wars punish or destroy individuals guilty of wrongdoing but rarely change the underlying culture that enabled the wrongdoing to occur. TRCs probe the tragedy, its contexts, its causes, and its lasting effects on society to affect more substantial and meaningful change. However, few researchers have reached any definitive conclusions about the impact that past TRCs have on their communities, a fact which has inspired this dissertation. Researchers have attempted evaluations of truth commissions and found they often produce more negative outcomes when carried out in isolation from other strategies like trials or amnesties, but their evaluation explored different, more politically transitional contexts than the cases to be studied here (Olsen et al, 2010, 95-101). Researchers Tricia D. Olsen, Leigh A. Payne, and Andrew G. Reiter themselves concede,
Those advocating truth commissions, in particular, will find it puzzling that truth commissions on their own have a negative and significant impact on human rights and democracy. Why? It may be that by failing to bring perpetrators to justice perpetrates, rather than ends, the culture of impunity. But if this were the only explanation, amnesties should have an equally negative and significant outcome for democracy and human rights measures, yet they do not. An alternative explanation is that encouraging the truth about the past may catalyze spoilers to reemerge and threaten human rights and democracy. But this would mean that trials should have the same effect as truth commissions, yet they do not. Alternatively, perhaps truth commissions raise expectations about justice or amnesty that they do not fulfill, disillusioning those who once supported them and undermining their accountability and stability functions. Certainly, this puzzling finding echoes our earlier discussion about the importance of creating categories of truth commissions. Without such typologies, we cannot know specifically which of the truth commission’s characteristics negatively affects democracy and human rights (Olsen et al, 2010, 100).

While the cases under review in this study differ from those studied by the researchers above, it is clear that truth and reconciliation commissions, or “truth commissions” (with less emphasis on reconciliation) have significant limitations. For one thing, the commissions often lack the authority to compel the participation of anyone, particularly alleged perpetrators and state actors who directed, encouraged, or facilitated alleged wrongdoing. That can open the TRC up to criticism that the “truth” that it posits in its final report will lack validity because it lacks key sources of information (i.e., the
testimony and perspective of those who choose not to participate). TRCs also generally cannot implement any reforms in the wake of their findings; they can merely make recommendations and hope that the sponsoring government (as well as other organizations and individuals) act on them. That can engender feelings of disinterest or distrust in the TRC’s process generally, in the sense that potential witnesses may doubt that anything will come from their participation in the TRC’s work; they may, in turn, choose not to participate, which could limit the findings and recommendations. It could also produce a traumatic reaction in a participant twice over, in encouraging them to revisit painful memories and subsequently failing to deliver on healing mechanisms. Additionally, without the power to institute reforms, countries, states, localities, or other societies seeking structural change cannot rely upon a TRC to deliver that structural change; they can merely recommend it.

TRCs fit into a larger model known as “restorative justice,” a movement that emphasizes repairing the harm caused by a crime by involving victims, offenders, and the surrounding community (Centre for Justice & Reconciliation). Examples include an initiative in High Point, North Carolina, in which police worked with prosecutors, community leaders, alleged drug dealers, and their families to understand the impacts of drug dealing and provide incentives to stop the practice and repair the harm (Kennedy and Wong, 2005). Practitioners have used restorative justice practices in households, schools, courtrooms, prisons, workplaces, and beyond.

**TRCs: How They work**

While traditional courts often review a single incident, TRCs have most often been used to review massive and long-running acts of violence, discrimination, and other
Wrongdoing. Truth and Reconciliation Commissioners are often chosen by an independent selection panel, which often includes representatives from several different and even opposing communities or political groups. Commissioners can invite witnesses to testify, but they generally lack the power or legal authority to compel anyone to do so. They conduct their own research but cannot demand any evidence using warrants; they can only review what is voluntarily made available to them. When a TRC is formed, governments often lend their endorsement, but they have largely pledged to stay out of the TRCs operations and conclusions.

In many cases, TRCs have replaced traditional courts that would impose definitive verdicts and punishments on wrongdoers. In South Africa, for instance, the TRC allowed those alleged to have participated in apartheid-era crimes to offer a public confession to the TRC in lieu of a criminal trial, thereby avoiding punishment. The Peruvian TRC set up a “judicialization unit” to recommend that certain individuals be later prosecuted. But a TRC usually restricts itself to completing an inquiry of past events, an account of those events from the perspectives of those who lived them (particularly victims), and recommendations for how to reconcile parties embittered toward one another.

A new model for North America

During and since the Commission’s work, other U.S. communities have followed in Greensboro’s footsteps. In Maine, a truth and reconciliation commission was formed to examine the troubled history of foster care placements allegedly designed to assimilate Native Americans by separating them from their language, clothing, and religion. At the founding of the Commission, Maine’s governor declared, “I see this Commission as a
critical step to improve relations between the State and the Tribes. . . . Repairing damage from prior administrations is a gesture that is important to me” (LePage et al, 2012).

Other cities have launched similar efforts that, like a truth and reconciliation commission, aim for “restorative justice”—which focuses on repairing the harm caused by crime rather than punishments for the offenders. Programs in Texas, Connecticut, California, and elsewhere empower numerous practitioners—including judges, social workers, mediators, and mental health professionals—to help victims, offenders and community members process the effects of a crime or other tragic incident and find healing.

Numerous communities in North America have pasts as dark, and often as silenced, as Greensboro’s November third, Maine’s decades of Native American adoption, and Canada’s similar experiences. Historians and social activists are still learning the extent of damage and societal pain caused to people and groups, from women to African-Americans, Native Americans to immigrants, at the hands of events and tragedies that have gone unresolved for years, and even centuries. In many cases, Americans have redressed past wrongs in courtrooms—often relegating the task of knowing and disseminating the truth to a chosen few legal professionals. Those attorneys carefully and strategically select witnesses, guiding them in their testimony in hopes of reaching a predetermined outcome. Courtroom trials usually focus primarily on definitive findings of right and wrong and on punishment, not healing.

As with Greensboro’s case, a TRC also gives those guilty of past crimes and transgressions a chance to speak candidly about their misdeeds and offer apologies. The Greensboro TRC represents a bold, new experiment being embraced worldwide and
examined nationally—complementing traditional processes for punishment and retribution with communication and reconciliation. Widespread interest in recent independent commissions like the Iraq Study Group underscore Americans’ desire to do more than vote out, impeach, or even prosecute elected officials when things aren’t right. Many Americans now want to understand why extraordinarily bad things happened, how to heal, and how to prevent recurrences. The TRC experiences in Greensboro, Maine, and Canada provide a guide for seeking that understanding, that healing, and that sense of restorative justice and transformation.

**Examining the Effectiveness of Truth and Reconciliation Commissions in North America**

Around the world, “truth and reconciliation commissions” have spent months or even years examining entrenched, decades-old conflicts that courtroom battles have not resolved. A single definition of, or set of standards for, a “truth and reconciliation commission” or a “truth commission” has proved elusive for scholars and organizers of commissions. Generally speaking, a “truth and reconciliation commission” or “truth commission” commonly functions independently of a court, using laypeople as commissioners, who receive voluntarily given testimony, which the commissioners then condense into a report with recommendations to the government. Those recommendations may include policy changes, reparations to victims, or even future prosecutions of alleged wrongdoers.

As one might imagine, these commissions can be fraught with controversy. Governments often establish these commissions, but because they themselves may be under investigation by the commissions, they avoid micromanaging the commissions’
work. That arms-length relationship between the commission and the host government can limit the commission’s ability to get to the truth. The commission often lacks authority to subpoena witnesses, even though requests to have witnesses testify voluntarily have yielded substantial results for past Commissions. The commission also usually does not have the power to punish those found to have committed wrongdoing. Some believe a public confession, particularly in front of one’s victims, is punishment enough. A commission also can undertake a broader analysis and investigation than can a court of law. Commissions usually meet for extended periods of time and hear from hundreds or thousands of witnesses, occasionally triggering a backlash among adherents and making them feel desperate to “move on.” Others, though, view the commissions as vital to moving on—providing healing as long hidden truths are revealed.

In North America, use of the truth and reconciliation commission has caught on more slowly than it has worldwide; only a few commissions have met, compared to more than three dozen globally. Activists and elected officials have called for commissions to examine numerous national events, from Hurricane Katrina to the alleged torture of Iraqi war prisoners, but those calls have largely gone unheeded. Commissions have successfully formed and met in Kent, Ohio; Detroit; and in New York, among other places, but their work has attracted neither significant attention nor popular support. It is somewhat puzzling to see commissions fail to gain traction in the United States but become wildly popular in countries newly introduced to democracy, usually after emerging from decades of suppression.

The discussion of truth and reconciliation commissions comes amidst a broader national discussion about the use of “retributive justice” compared to “restorative
justice.” Where retributive justice focuses on alleged crimes or violations of the law and appropriate punishments, restorative justice incorporates harm offenders do to victims and communities. It involves victims and communities in responding to the crime—confronting offenders who pay reparations deemed appropriate by the parties, offering closure to those who harmed and those harmed. The roughly 30-year old practice of restorative justice encompasses at least 300 programs across the U.S., by one estimate, along with 500 in Europe and more than 100 in Canada. The United Nations has noted that restorative justice fosters “a balanced approach that is offender-directed and, at the same time, victim-centered” (Centre for Justice & Reconciliation, 2008, 4). Yet the truth and reconciliation commission, one of restorative justice’s most well-known devices, has not captured the North American imagination.

**Research Design**

This study of truth and reconciliation commissions and the way in which testimony from the public influences recommendations and reforms took the form of a multiple, comparative, and qualitative case study. These three cases (Greensboro, Maine, and Canada) were chosen based on a number of factors. They represent the three most widely recognized and publicized truth and reconciliation commissions in North America to date and all convened under mandates that stand in stark contrast to other TRCs around the world. In other words, while other TRCs in Africa, Latin America, and Asia have chiefly worked to help with a transition in government, the three North American cases chosen here operated under mandates designed to bring about reforms carried about by the existing regimes.
Two of the three cases (Maine and Canada) are highly similar in the nature of their work, though with differing outcomes (a much stronger embrace of TRC recommendations in Canada than in Maine). Both Maine and Canada also enjoyed significant governmental support at the beginning and, in Canada’s case, throughout and after its work. The third case (Greensboro), which seems to have inspired Maine’s work, is far different in scope than the other two cases—the Greensboro TRC focused on a single event and its broader context, while Canada’s and Maine’s examined years of repeated behavior. The three TRCs also conducted themselves on different levels of government—Greensboro was aligned with local government, Maine with the state government, and Canada with its federal government. Interestingly, in all three cases, allegations of government malfeasance or neglect played a role in the TRCs’ formation; the courts and city government in Greensboro, state government and social service employees in Maine, and Canada’s federal government. Churches also played a prominent role in the narratives examined in Maine and Canada, complicating the traditional separation of church and state and the church’s ability to help with healing from trauma. Additionally, levels of governmental support varied significantly among the three cases. Greensboro’s TRC received very little support from the city of Greensboro (save for a referral by the then-Mayor to the TRC nominations committee), while Maine’s Governor signed memoranda of understanding with Native American tribes to form the TRC there, and Canada’s government provided several forms of ongoing support to the TRC there.

Despite their differences, Greensboro, Maine, and Canada all made recommendations for reform designed to allow their respective societies to strengthen
and grow from tragic pasts. These three cases, then, in their similar aims, and differing contexts and results, will help form conclusions about the effectiveness of TRCs across multiple settings in facilitating public influence on recommendations and reforms. By examining cases from multiple contexts, some shared realizations emerged about a TRC’s ability to incorporate public input into recommendations that can impact society.
Chapter 2: Literature Review

Studies of Truth and Reconciliation Commissions

Literature devoted to truth and reconciliation commissions is both extensive in quantity and limited as it relates to the use of commissions in the United States. Most of the research and analysis on commissions deals with international case studies from the perspectives of commission participants; former commissioners and commission staff; and social scientists, journalists, historians, and other disinterested observers. In assessing the value, effectiveness, and even appropriateness of truth and reconciliation commissions, analysts have ranged in their verdicts from highly skeptical to profoundly praiseworthy—but very few have explored what it takes for a commission to have a meaningful impact on its surrounding society.

In both book length surveys of truth and reconciliation commissions, books or essays about specific commissions, and articles exploring potential future commissions, the authors focus primarily on the basic facts of a commission—its focus, its revelations, and its impact. But the literature is missing an analysis of what makes truth and reconciliation commissions more challenging in the United States, what elements an American truth and reconciliation commission needs to be born, to survive, and to have its work endure, and what criteria define its success.

Thus, this literature review will examine the trends among truth and reconciliation commission research, including the wide variety of views and the consensus definitions of how commissions work and function; a sense of where gaps in the research exist, particularly as it relates to truth and reconciliation commission in the U.S.; and my idea of what makes commissions succeed—namely, a broad base of community support,
efficient use of time and resources, and the blazing of new trails of discovery untouched by courts of law.

**Schools of Thought**

It is not easy to distinguish schools of thought on this subject. Many of the researchers and analysts arrive at versions of the same conclusion—while flawed, truth and reconciliation commissions have merit but must be very carefully managed to have a meaningful impact on society. The schools of thought, then, seem to focus more on the degree to which a researcher supports a truth and reconciliation commission—unequivocally, conditionally, or perhaps only under very unique circumstances.

One school of thought seems to revolve around the belief that truth and reconciliation processes are critically needed—particularly to address issues of race. An essay by Taunya Lovell Banks (2003) entitled “Exploring White resistance to racial reconciliation in the United States,” conveyed this school of thought forcefully. Banks argued that the reconciliation of all Americans estranged from one another because of racial subordination should be the ultimate goal of the black reparations’ movement—referring to the effort to pay the families of deceased slaves for unpaid labor. African-Americans, Banks argued, need to find productive ways to cleanse themselves of the past and move beyond racial subordination and segregation. She uses case studies in Canada, Australia, New Zealand, and South Africa to argue that Americans need a complete picture of the history of racial discrimination and the use of a truth and reconciliation process as a way to heal wounds.

Banks argued the South African Truth and Reconciliation Commission provided the means for achieving a national catharsis and a mutually acceptable political
settlement that hasn’t occurred in the U.S. She suggests reparations payments recommended by a truth and reconciliation commission could make it appear as if the U.S. has fixed its racial problems by writing checks rather than by searching for ways to achieve true racial reconciliation. She later delved into unsuccessful efforts in Congress both to establish a commission to study the impact of slavery and to get a governmental apology for slavery. Banks explored efforts similar to a truth and reconciliation commission—like President Bill Clinton’s effort to convene a conversation on race and an apology issued to Japanese survivors of World War II internment camps. But she suggested the government has not shown a willingness to remedying the consequences of racism—as it might be expected to do if a truth and reconciliation commission issued recommendations. A truth and reconciliation commission, she argues, would help protect African-Americans in ways they were not protected by courts from lynching, law enforcement conspiracies, and even stereotyped depictions in mass media.

Banks argued that whites have resisted reparation and truth/reconciliation efforts because they are ignorant of the nature of slavery, the de facto segregation that remains in place, and the vestiges of discrimination. She also contended opposition to such a commission comes from a combination of sources: whites who feel ambivalently about reparations because of what it might reveal about past racism; the prioritization of harmony over discussions of the real history; and the demographics of voters, skewed towards older whites who are more racially biased. In short, Banks forcefully made the case for bringing truth and reconciliation techniques to the U.S., but her analysis of what has impeded use of the concept was limited to slavery and race issues, and she devoted
little energy to a more detailed understanding of what has prevented the concept from taking hold.

Other authors made a compelling case for use of a truth and reconciliation commission to examine U.S. history. Sherrilyn Ifill (2003) gently critiqued the South African commission for not focusing enough on the stories of “average people” in individual communities, and for paying more attention to high-profile perpetrators or victims. Ifill (2003) made the case that instead of searching for the perpetrators of lynching incidents in the United States, a commission should focus on those who promoted, condoned, and tolerated lynching in their communities—the roles of local institutions, governments, the press, the churches, and the criminal justice system, all of which have been absent from the efforts to establish a truth and reconciliation commission on lynching. Nigel Biggar (2001) made a similar case in “Making Peace or Doing Justice: Must We Choose?” within a collection of essays entitled Burying the Past: Making Peace and Doing Justice After Civil Conflict. Biggar suggested that victims of a great harm, like South Africa’s apartheid that he explores in case study, can never forget what occurred, and government has to attend to the victims and their injuries; grievances without redress tend to fester. For Biggar, a truth and reconciliation commission represented an initial step in searching for healing; he did not consider it necessary to trade justice for peace or vice versa, but rather that the search for justice can help bringing peace. Biggar suggested that the public testimony of both victims and perpetrators have greater value for society than the price paid for amnesty (i.e., immunity from prosecution) given to some alleged apartheid ringleaders. While that may seem, in fact, like a trade of justice for peace, Biggar seems to believe that the Commission’s
facilitation of confessions via public testimony represents a form of justice, alongside peace. On the other hand, Biggar did reference a poll which found most South Africans believed more things were “stirred up” than were put to rest by its Truth and Reconciliation Commission (Malan, 1998). While making a more nuanced case than Banks, Biggar seemed to believe that truth and reconciliation commissions hold value for Americans and others as ways to discover both justice and healing for a community.

Other essayists made similar cases to Biggar’s and Banks’s. Donald Shriver’s essay “Where and When in Political Life is Justice Served by Forgiveness?” (2001) suggested that Americans regularly bury the past, but the political world must take account of America’s painful past, especially if (as was often the case in the United States) political powers were among the perpetrators of that pain. As Shriver (2001, 28) described it, a society “needs an inquest before burial,” and in this case, Shriver is referring to a truth and reconciliation commission. Shriver used case studies from South Africa’s Commission and others to suggest a commission can create a punishment for those who feel compelled to confess their crimes publicly, while it can also nourish a desire not to repeat the evil. The United States, he argued, is infatuated with the punishment of criminals, spending billions on prisons, but almost completely neglects restoration or compensation for victims. For Shriver, truth and reconciliation commissions presented important opportunities for healing while still allowing a form of justice to occur.

Other essays commended the “restorative justice” approach taken by truth and reconciliation commissions, compared to the “retributive justice” a judge might take in sentencing an offender to prison. In “Politics and Forgiveness,” Jean Bethke Elshtain
(2001, 45-64) suggested that truth and reconciliation commissions, as forums where public apologies can occur, can help parties begin to reconcile by allowing parties to hold each other accountable while releasing them from the burden of the past. Elshtain acknowledged that the recognition of a wrong does not carry with it a clear-cut remedy and does not necessarily mean that old wrongs can be righted, but she nevertheless endorsed commissions like South Africa’s because of its emphasis on victims’ needs, both for them to remember the past and for them then to release themselves from its shackles. Tuomas Forsberg (2001, 65-84), in “The Philosophy and Practice of Dealing with the Past: Some Conceptual and Normative Issues,” used South Africa’s Commission experience as a case study to offer qualified support for truth and reconciliation commissions. He suggested the relationship between truth and justice is essential, but truth and reconciliation are contingent—i.e., one cannot assume that truth will bring reconciliation. In South Africa, Forsberg argued that once the Truth and Reconciliation Commission finished its work, the South African people were not fully reconciled just because truths emerged, but they also did not launch civil war once they learned the truth. Forsberg suggests states must consider their political circumstances, the nature of their problems, and cultural factors in deciding whether a truth and reconciliation commission can truly work—emphasizing the place that public confession of wrongdoing may have as a societal value.

Other authors gave more conditional support to truth and reconciliation commissions as an effective solution for communities in search of healing and justice. Priscilla Hayner’s Unspeakable Truths: Transitional Justice and the Challenge of Truth Commissions (2010) used several case studies of commissions around the world to
suggest that truth and reconciliation commissions have a meaningful place in society—as a way to help recreate a “livable space,” where history is understood and not forgotten but not carried as an albatross. She suggested that it may not always be cathartic to participate in a truth and reconciliation commission, and she acknowledged that there is limited scientific evidence available to prove that assertion one way or the other. Despite its limitations, though, Hayner wrote that a truth and reconciliation commission “can fundamentally change how a country understands and accepts the most contentious aspects of its history” (Hayner, 23). She saw commissions falter most often when they lack political support, when political circumstances change, when commissioners are pressured to limit their inquiry and not have an impact upon the current government, and when logistical challenges arise. Hayner referred to data gathered in a survey on the South African Commission that suggests more than half of all South Africans regretted participating publicly as witnesses because of the trauma. Hayner argued that many factors influence whether a truth and reconciliation commission can truly achieve reconciliation, including the end of violence, acknowledgment of wrongdoing, issuance of reparations, addressing of structural inequities and material needs, and the passage of time. Hayner is one of very few authors to tackle how to evaluate the success of a truth and reconciliation commission: process (how much the commission engages the public); product (the quality and nature of the Commission report and its proposals for reform); and impact (how it contributes to reconciliation and healing). In that respect, Hayner set a high bar for a commission to do more than just give the public chances to speak out, but rather to influence the course of a community or a nation.
Other literature examined what conditions should be met in order for a truth and reconciliation commission to emerge. In an article, “International Guidelines for the Creation and Operation of Truth and reconciliation commissions: A preliminary proposal,” Hayner (1996) expanded on the critical questions communities and countries must answer as they consider whether to create creating a commission. She suggested a commission should not be imposed upon a community or nation from the outside; a commission has an important role to play in a national transition, but it shouldn’t necessarily have the power to institute reforms; and publicizing details about past abuses will not always reduce the likelihood of future abuses. In “Commissioning the Truth: Further Research Questions” (1996), Hayner used case studies to demonstrate the potential truth and reconciliation commissions have to effect change as well as the risk of convening a commission while violence and human rights abuses are ongoing (as was the case in the Philippines, Sri Lanka, and Rwanda). Hayner debated whether a commission should identify alleged perpetrators if it is not offering those accused “due process,” as a court would. She wondered what the relationship between truth and reconciliation commissions and courts should be, especially where amnesty for perpetrators is considered vital to the commission’s success. She also suggested further study into what follow-up activities or policies a commission should pursue on behalf of community reconciliation after it releases its findings and recommendations.

Others took on the question of why truth and reconciliation commissions should convene. In Between Vengeance and Forgiveness, Martha Minow (1998) spelled out several goals for truth and reconciliation commissions, including to “overcome communal and official denial of the atrocity and gain public acknowledgment…end and
prevent violence…forge the basis for a domestic democratic order that respects and enforces human rights…restore dignity to victims…punish, exclude, shame, and diminish offenders…” (Minow, 1998, p. 88). She also suggested that truth and reconciliation commissions are better suited to meet many of those goals than court prosecutions, though these goals are clearly ambitious and difficult to fulfill. Throughout her book, Minow relied primarily on case studies to make the point that simple forgiveness without any consequences seems to leave victims deeply hurting and societies unstable, but vengeance can produce further atrocities. Truth and reconciliation commissions allow for a third way, in which parties eschew vengeance and consider forgiveness only after hearing the truth publicly confessed. In “Innovating Response to the Past: Human Rights Institutions,” Minow (2001) examined multiple truth and reconciliation commissions and finds controversies, particularly surrounding decisions to provide amnesty to alleged perpetrators, and some demands for criminal trials following the truth and reconciliation commission testimony, but she also found survivors who appreciated the public acknowledgements of wrongdoing.

Truth and reconciliation commissions do have their critics in the literature. Journalist Ellis Cose (2004) took a broader survey than Minow or Hayner in Bone to Pick: Of Forgiveness, Reconciliation, Reparation, and Revenge, and his conclusions on truth and reconciliation commissions were a bit different. He referred to the South African Commission as something of a disappointment because of the lack of reparations, the inability to stop perpetrators from lying about their crimes, limited resources, and (perhaps) orchestrating scenes of forgiveness that were not real. Cose sympathized with the power of truth and reconciliation commissions to give victims an opportunity to
forgive their perpetrators and let go of their rage, but he did not seem to believe that America’s wounds could be reopened and cleansed and soothed with a commission’s “healing balm” (Cose, 2004, 124). As Cose put it,

It is extremely difficult to convince groups of people who see no need for collective healing to get deeply involved in process that supposedly will heal them or their community. It is even more difficult when that process requires them to acknowledge so called truths that their very self-image requires that they reject or deny (Cose, 2004, 124).

Despite his skepticism, Cose reviewed commissions in both the U.S. and the world and concluded that a commission can help “clean up the debts of the past” (Cose, 2004, 156).

Similarly, Barahoa de Brito (2013) documented flaws in the execution of a truth and reconciliation commission in “Passion, Constraint, Law, and Fortuna: The Human Rights Challenge to Chilean Democracy.” His case study of Chile’s truth and reconciliation commission, which utilizes surveys, reparations data, and sales of the Commission report, among other statistics, found that Chile’s commission may have erred on the side of reconciliation in accommodating the wishes of the “old guard” who stayed in power after Augusto Pinochet left office. Where other commissions may have focused more on revealing damning truths about the actions of perpetrators and issuing apologies or reparations, Chile’s commission seemed so fixated on ensuring peaceful co-existence that it may have declared reconciliation “victory” prematurely, in de Brito’s view. While de Brito seemed supportive of the ways in which the Commission forced Chileans to face truth more directly, he nevertheless seems disappointed by the limited judicial impact the Commission appeared to have. Similarly, Rachel Sieder’s “War,
Peace, and the Politics of Memory in Guatemala” (2001) suggested that “the extent to which truth and reconciliation commissions will improve the prospects for overcoming legacies of authoritarianism depends on the degree to which they are linked to and allow for broader social processes” (Sieder, 2001, 185). In Guatemala, the commission produced substantial results, including a statement of regret from U.S. President Clinton for the U.S.’s role in the conflict, along with reparations and the exhumation of the graves of victims. But the key to the success of Guatemala’s commission were other efforts occurring prior to the commission’s start that were designed to uncover truth and secure compensation and other forms of justice. Thus, Sieder seemed to argue that only with substantial groundwork laid before the launch of the truth and reconciliation commission could the commission then succeed.

Similarly, Charles Villa-Vicencio (2003) suggested that a truth and reconciliation commission provides a fragile foundation that has to be reinforced by other nation-building initiatives. His article, “Restorative Justice in Social Context: The South African Truth and Reconciliation Commission,” argued that a commission can serve as the beginning of a process towards peaceful coexistence, eventually reintegrating both offenders and victims into society. Anecdotal evidence that Villa-Vicencio gathered suggested that testimony at the South African Commission did help bring some healing and reconciliation between victim and perpetrator, but lower-profile witnesses had to struggle to get much public attention for their individual stories. Reconciliation, in a word, takes much work and time, more time than a Commission may spend on its review. Howard Zehr (1997) made a similar argument based on the South African case study in
his article, “Restorative Justice: When Justice and Healing Go Together.” Calling the Commission historic and “a bold step on an uncharted path,” he wrote,

   The Truth and Reconciliation Commission’s emphasis is on validating and vindicating victims by allowing them to tell their stories and by investigating what happened goes far to meet this requirement. Still, given the scope of the wrongs and the mandate time frame, the process will be partial at best; only a tiny fraction of victims can be heard. Also, when victims feel pressure to forgive and reconcile prematurely, healing will be incomplete. Restorative justice also requires that we find ways to make things right to victims as much as possible; through its Rehabilitation and Reparations Committee, the Truth and Reconciliation Commission addresses this principle, although belatedly and incompletely. (Zehr, 1997, p. 20).

Zehr and others essentially praised South Africa’s willingness to experiment with truth and reconciliation while cautioning others to follow their example only with their eyes wide open to the myriad challenges. Healing, after all, remains complex for the individual and for the collective—for some it may deal strictly with apologies around an incident, while for others it may involve more exhaustive levels of support for victims during the process of truth and reconciliation.

Several authors picked up Zehr’s case in other countries, arguing either for a commission in Rwanda or against one, at least for now, in Northern Ireland. In the case of Rwanda, Jeremy Sarkin (1999) argued that Rwandans have not had an outlet for the anger and pain of the conflict there—and the criminal justice system has not been up to the task. In an article in Human Rights Quarterly, Sarkin suggested that the new
Rwandan government should empower a commission to generate public awareness of the truth and counter the propaganda from both sides that has led to anger and frustration.

But Sarkin cautions that a commission in Rwanda would obviously open many old wounds, renewing resentment and hostility, and needs careful planning and preparation—what time period to cover, how to protect commissioners from violent interference or intimidation, how to appoint commissioners, etc. In the case of Northern Ireland, Terence McCaughey and Marie Smyth each focused on the difficulties of setting up a truth and reconciliation commission. McCaughey’s piece, “Northern Ireland: Burying the Hatchet, Not the Past” (2001), suggested a commission would only be possible in the context of a wide-ranging political accord. He feels that establishing a commission would be complicated by competing versions of Northern Ireland’s past and debates over whether or not amnesty for alleged perpetrators is a fair outcome for the victims. Marie Smyth’s “Putting the Past in Its Place: Issues of Victimhood and Reconciliation in Northern Ireland’s Peace Process” (2003) utilized an extensive database that documents where atrocities and violence occurred, suggesting that a commission would not be able to generalize about suffering there. She also wondered whether armed parties to the Northern Irish conflict would have incentives to participate prior to a meaningful power-sharing agreement.

But other surveys of truth and reconciliation commissions cast the prospects for TRCs in a more positive light. In another survey, Eli McCarthy (2010) suggests that truth and reconciliation commissions had a bright future in the United States despite several missteps in early experiments with the concept. His article, “Truth and Reconciliation Commissions: Toward a More Just U.S. Society,” highlighted the ways in
which some commissions have compromised their impact by working in isolation from civil society and their victims, failing to work closely with judges and courts, or becoming subject to the agendas of interest groups rather than society as a whole. McCarthy suggested that viewed through the lens of nonviolent peacemaking, truth and reconciliation commissions “can cultivate and richer and sustainable justice in the U.S. through human dignity…reconciliation, and the constructive program” (McCarthy, 2010, 2). More importantly, he recognized the need for further research on the U.S. experience with truth and reconciliation commissions, particularly investigating how to establish them, how to make them consistent with U.S. constitutional law, and how to determine their subject matter jurisdiction.

One of the very pitfalls McCarthy mentioned for a commission—working in isolation from civil society—afflicted the first truth and reconciliation commission in the United States, meeting in Greensboro, North Carolina. The Commission there was convened to re-examine a Ku Klux Klan shooting at an anti-Klan rally, during which labor activists and Klansmen exchanged gunfire and five activists were killed in front of television news cameras. No Klansmen were ever convicted in the incident. In Learning from Greensboro, Lisa Magarell and Joya Wesley (2008) reported that the Greensboro Commission struggled to attain the support of political, business, and other establishment leaders, while fending off threats from parties being scrutinized by the Commission. They recognized that the truth and reconciliation commission is, in some ways, a political endeavor and will alienate some in the community who are uncomfortable with what a commission inquiry might find, especially in the context of America’s racial history. But they also contended that truth and reconciliation commissions aren’t just for emergent or
fragile states coming out of dictatorship, and prosecutions need not be the preferred method for addressing alleged human rights abuses—commissions can be well suited for that task as well.

Some analysts explored whether national-level truth and reconciliation commissions can make a meaningful local impact. Hugo van der Merwe (2001) suggested that truth and reconciliation commissions functioning at a national level, like South Africa’s, have to recognize their limited ability to affect reconciliation at a local level. In “National and Community Reconciliation: Competing Agendas in the South African Truth and Reconciliation Commission,” Van der Merwe’s more detailed, qualitative and quantitative analysis of South Africa’s Commission, local communities received very limited contact with the Commission, leaving them with unclear expectations of the Commission’s work (beyond amnesty for certain perpetrators). In this essay and his related dissertation, Van der Merwe referenced surveys of various South African communities that found they felt treated differently by the Truth and Reconciliation Commission—one predominantly black, one predominantly white. Through in-depth interviews in the two communities, Van der Merwe discovered that community perceptions and Commission approaches to reconciliation varied significantly between the two communities. He suggested that a truth and reconciliation commission conducted on a large scale must either focus merely on initiating some community dialogue aimed at reconciliation or must invest numerous additional resources in town-by-town activities in order to achieve meaningful success among individuals.

Within the school of thought that seems more supportive of truth and reconciliation commissions, authors like Brandon Hamber (2001) seemed respectful of,
but not wedded to, the concept. In “Does the Truth Heal? A Psychological Perspective on Political Strategies for Dealing with the Legacy of Political Violence,” Hamber stated, “Despite little research and empirical evidence, the ability of processes of recovering the truth to contribute to healing and reconciliation with the past has been ubiquitously asserted” (Hamber, 2001, 134). Despite that skepticism, Hamber utilized case studies to demonstrate value added by truth and reconciliation commission testimony, official acknowledgements, and reparations. But, he went on, “the long-term ability of a once-off statement or public testimony to address the full psychological impact of the past is questionable…It would be an error to exaggerate the ability of truth and reconciliation commissions or public testimony to address en masse needs of individuals struggling with a personal and social history of human rights abuses” (Hamber, 2001, 134). Citing studies done in South Africa, Brazil, Argentina, and Chile, where truth and reconciliation commissions met, Hamber found evidence that South Africans found the Truth and Reconciliation Commission useful, but some believe that the exposure of the past atrocities may have made the nation more violent. Ultimately, Hamber seemed to find that commissions have merit, but he seems more skeptical than most scholars of whether the commission can deliver on the promise that the admission of wrongdoing will lead to reconciliation.

Two authors have also tackled commissions that have either very recently completed their meetings or are in the process of meeting—a national poverty commission and a commission reviewing the shootings at Kent State in 1970. In the case of the poverty commission, organizers convened panels on topics like the right to health care, housing, education, living wages, water, and basic utilities. The panels primarily
featured laborers and labor unions, rather than a more balanced mix of stakeholders, but commissioners came from around the world to hear the testimonies. While the Poverty Commission boasted “enormous success,” like other commissions before it, the metrics used to measure that success are not immediately clear. The Kent State Tribunal, supported by filmmaker Michael Moore, is seeking to make sense of the Kent State shootings, in the wake of newly released forensic evidence suggesting that National Guard troops had an order to shoot. Despite Moore’s involvement, the commission has received limited media attention and does not have the blessing of any governmental entity, leading to questions about its long-term impact.

**Critique of Existing Literature**

Much of the existing literature on truth and reconciliation commissions has followed a pattern: it has dealt primarily with commissions meeting in transitional states outside the United States, usually national in scope, and it has treated a commission’s work superficially, without delving into a more in-depth analysis. In so doing, the literature has largely overlooked local efforts or commissions in North America. Additionally, as some of the authors have even suggested, commissions have, to some extent, been showered with positive feedback without bona fide evidence to support that positive assessment. Furthermore, even case study analyses of truth and reconciliation commissions seem to have relied less on the direct accounts of participants and more on a “birds-eye view” taken by either a journalist or a social scientist.

Truth and reconciliation commissions, particularly the three in North America with the highest profile who have completed their work, warrant much more extensive investigation. One must examine what testimony emerges from a call to the general
public to testify (without the power of a subpoena), how that testimony impacts the
Commission’s work and final report, and how or whether those reports produce
meaningful reform in a community or nation. Through an in-depth analysis of the
process, product, and impact of these three truth and reconciliation commissions, this
research project explored how testimony given to the commissions ultimately affects the
Commission’s own recommendations and the extent to which governments and other
actors implement the recommendations. In so doing, it evaluated how well-equipped a
Commission is to influence policy reform and societal change based on the testimony
they receive and the recommendations they issue.

Theoretical Foundations and Frameworks

This dissertation attempts to answer the research question: to what extent can
truth and reconciliation commissions empower parties to long-running and wide-reaching
conflicts to influence changes in their communities, states, or countries in ways courts
cannot? It aims to explore the extent to which the Commissions’ applications of
restorative and transitional justice traditions in North America, against entirely different
contexts than those used with Commissions in places like South Africa and Chile, have
produced changes in North Carolina, Maine, and Canada. It draws upon theories of
public dialogue and deliberation, in which citizens actively participate in the co-creation
of change that other entities like state actors (governments) or non-governmental
organizations (NGOs) could spearhead. In his seminal work When the People Speak:
Deliberative Democracy & Public Consultation, James Fishkin (2011) draws from direct
experience involving ordinary citizens in decision-making to define deliberation as “face-
to-face discussion by which participants conscientiously raise, and respond to, competing
arguments so as to arrive at considered judgments about the solutions to public problems” (Fishkin, 2011, 17). The truth and reconciliation commission model differentiates itself from a judicial or formal legal proceeding in that it empowers anyone with interest or a stake in the outcome to step forward and, in essence, deliberate on the questions at hand—namely, how should our society move forward from a dark event or era. Fishkin conducted experiments with what he calls “deliberative polling,” a multi-day discussion of policy issues among a sample of the population designed to reflect the makeup of the population as a whole, and he found that given the chance to hear from multiple perspectives and discuss issues in depth, participants’ opinions often evolved beyond what they might say during a spur-of-the-moment survey (Fishkin, 2011, 30-31). To the extent that truth and reconciliation commissions aspire to bring previously warring factions together or help give healing and a path forward for all, such diverse groups of participants aid in painting a clearer picture of the public’s views. This study is therefore a test of the theory that, first, a population like Greensboro’s would embrace an opportunity to participate in a multi-stage dialogue, and that those convening that dialogue would use what they heard from the population in rendering its judgments. This study also tests the theory that participation in such a dialogue could change previously held views by the parties—either about the truth as to what had occurred or about what should happen as a result.

Similarly, Fung and Wright (2003) argue for the notion of “Empowered Participatory Governance” (Fung and Wright, 2003, 5), suggesting that opportunities for citizens to contribute directly to public problem-solving “are participatory because they rely upon the commitment and capacities of ordinary people to make sensible decisions
through reasoned deliberation and empowered because they attempt to tie action to
discussion” (Fung and Wright, 2003, 5). John Clayton Thomas (2012) suggests that the
public can and should take on different roles in decisions about public administration,
including citizen, customer, and partner. He writes,

The public probably plays its most important role in public management when its
members participate in decision making, joining with public managers in
deliberating about the nature of public programs and their implementation.
Members of the public here take the citizen role, sharing responsibility for
determining the course of government (Thomas, 2012, 6).

While the nature of the three TRCs under review here encompass more than simply the
course of government, each of the three TRCs recommend a broad range of government
action in response, suggesting that the public was given a chance to share in the
responsibility for determining the course their government would take on the TRC’s
specific matter.

In the spirit of reconciliation and conflict resolution, Leighninger and Nabatchi
(2015) write of public participation as anything that “describes the activities by which
people’s concerns, needs, interests, and values are incorporated into decisions and actions
on public matters and issues” (Leighninger and Nabatchi, 14). They later argue, “When
participation brings together citizens on different sides . . . they often find common
ground” (Leighninger and Nabatchi, 33), and they cite numerous studies suggesting that
broad public participation in dialogue about their society “are correlated with a range of
positive outcomes, from economic development to public health” (Leighninger and
Nabatchi, 2015, 30). Longtime public opinion scholar Daniel Yankelovich (2015) also
argues in support of a more participatory, deliberative framework to address lingering “wicked problems” in America, a label which could certainly be applied to race relations studied by the TRCs:

with all the wicked problems the nation faces, it will be difficult to get back on track without a more thoughtful, more fully engaged public. . . Today’s public feels powerless, mistrustful, inattentive, and disengaged. This makes our wicked problems harder to resolve. . . . The public . . . are venting their anger and frustration in the public square, but without having thought through practical solutions to their grievances. In the United States we haven’t reached this tipping point yet, but we inevitably will unless we find some way to give Americans as citizens more say over their lives and governance” (Yankelovich, 2015, 5).

The notion of powerlessness comes up again and again in the work of the three TRCs that make up this multiple case study. In Greensboro, even the Ku Klux Klan argued it was powerless not to respond to repeated provocations from members of the Communist Workers Party, up to and including using sticks to bang on their approaching cars on November 3rd. Many of those who witnessed the shootings on November 3rd expressed similar powerlessness, particularly as the police department stayed back from the “Death to the Klan” rally that turned deadly and later enforced a curfew in the affected neighborhood and denied any responsibility for the bloodshed. Native children placed in foster care in Maine or in Canada’s residential schools also felt powerless over their fate, either being placed or enduring abuse of varying forms while in care or school. Prior to the launch of the three TRCs, many of the populations enumerated above certainly also
felt powerless to improve their lot in life, feeling as if their suffering had been forgotten or ignored.

The authors of *Democracy in Motion* (2012) tout the benefits of what they call “deliberative civic engagement,” meaning activities that include “thoughtful and reasoned consideration of information, views, experiences, and ideas among a group of individuals” and “working to make a difference in the civic life of our communities. . . promoting the quality of life in a community, through both political and nonpolitical processes” (Nabatachi et al, 2012, 6-7). They outline a series of steps in their theoretical framework, from “the creation of a solid information base about the nature of the problem at hand” to “the arrival at the best decisions possible in light of what was learned through deliberation. . . or the arrival at independent judgment” (Nabatachi et al, 2012, 8-9). These steps could certainly align with the work of TRCs, which endeavor to ascertain a clearer sense of what occurred and a set of recommendations they believe will most benefit society in the future. The authors argue the benefits of this approach include the cultivation of “greater mutual understanding or at least tolerance among persons with divergent views. Because people deliberating together often think beyond their own self-interest, the experience can yield greater empathy for the wider community” (Nabatchi et al, 2012, 9). And in support of the multiyear timeframes associated with allowing a broad audience to participate in truth and reconciliation commission processes, authors Susan Clark and Woden Teachout (2012) coined the phrase “slow democracy” to mean “firsthand knowledge of the local decisions that matter to us. . . [it] encourages us to govern ourselves locally with processes that are inclusive, deliberative, and citizen powered. . . . It is a reminder of the care needed for full-blooded, empowered community
decision making (Clark and Teachout, 2012, xxii-xxiii). Finally, in contrast to the win-lose outcomes of criminal prosecution or civil litigation, the mediators Lawrence Susskind and Patrick Field (1996) advocate for what they call a “mutual-gains approach to dealing with an angry public” (Susskind and Field, 1996, 13), in which conveners “acknowledge the concerns of the other side, encourage joint fact finding. . . [and] accept responsibility, admit mistakes, and share power” (Susskind and Field, 1996, 13). Some years after the Greensboro TRC finished its work, the Greensboro City Council did, in fact, accept responsibility and acknowledged the concerns of those who had opposed the city’s management of the 1979 crisis. Maine’s Governor also expressed his own acknowledgement of state government’s poor treatment of and relationship with its Native American tribes, and Canada’s Prime Minister offered a formal governmental apology. This mutual gains approach helps describe the approach taken by governments in Maine and Canada to truth and reconciliation commissions—granting them independence while providing political, financial, and other forms of support. In sum, the frameworks described above situate the truth and reconciliation commission among a spectrum of both dispute resolution and public participation—in which parties have much greater access to, and influence over, the TRC process than they can ever get in courts or government proceedings.

**Transitional and Restorative Justice theory**

In addition to the theories described above, this research links to work done in the fields of transitional and restorative justice. Transitional justice is defined by the International Center for Transitional Justice (2009) as
a response to systematic or widespread violations of human rights. It seeks recognition for victims and promotion of possibilities for peace, reconciliation and democracy. Transitional justice is not a special form of justice but justice adapted to societies transforming themselves after a period of pervasive human rights abuse” (ICTJ, 2009, 1).

Another definition from Professor Naomi Roht-Arriaza (2006) reads, “the conception of justice associated with periods of political chance, characterized by legal responses to confront the wrongdoings of repressive predecessor regimes” (Roht-Arriaza and Mariezcurrena, 2006, 1). The Maine and Canada TRCs, in particular, represent responses to systematic and widespread treatment of indigenous (or Native) children that nearly all view as violations of their human rights, and all three TRCs included in their reports recognition for victims and promotion of possibilities for peace, reconciliation, and democracy. Within these frameworks, scholars like Martha Minow (1998) argue that truth and reconciliation commissions bring advantages to societies, in part, based on their participatory quality: “The chance to tell one’s story and be heard without interruption or skepticism is crucial to so many people, and nowhere more vital than for survivors of trauma” (Minow, 1998, 58). Undoubtedly, each of the TRCs provided the public with that chance, and the notion of being heard without interruption was of particular importance; each TRC seemed to err on the side of silence in its treatment of statement providers, asking primarily clarifying questions, if any.

That said, a TRC may or may not provide the needed resolution to the conflict under its consideration if it functions in isolation from other potential conflict resolution and transitional justice interventions. In circumstances where no prosecution has
occurred or reparations paid, for example, those who identify as victims in the matters under a TRC’s purview may decline to participate if they believe the TRC will provide amnesty to alleged perpetrators. That is, they may only support a TRC if they have confidence that alleged perpetrators will be held to account whether they voluntarily appear before the TRC or not. As such, a TRC may benefit from (or even require) a parallel judicial process that allows for the prosecution of alleged perpetrators who fail to take responsibility before a TRC or comply with recommended restitution measures.

Additionally, some matters that could benefit from the work of a TRC could also benefit from parallel processes such as negotiation, mediation, or arbitration to settle their individual claims. For example, a TRC could review overarching issues associated with a government’s failure to respond to a crisis—a natural disaster, a crime spree, the foreclosure crisis, the opioid crisis, etc. However, an individual seeking assistance for repair to their own home or resolution to their own challenges in foreclosure would be better served by a process like arbitration or mediation, where they can explore the intricacies of their specific case in more detail and develop customized solutions to address their concerns. A TRC can help a society explore macro-level factors that caused a tragedy and recommend measures to prevent a recurrence, but it is ill-equipped to give each individual victim their own chosen form of closure. For that, other methods are more likely to succeed.

The connection between this research and transitional justice is a somewhat tenuous based on the settings in which these three TRCs convened. While all three cases being examined in this dissertation would align with the ICTJ definition (and, to a lesser degree, with Roht-Arriaza’s), Canada, Maine, and Greensboro were not making a
transition of the sort made by other countries who hosted a TRC--like South Africa and Chile. The TRC process as it has been applied in these three North American cases could certainly help victims’ transition to a higher quality of life and could help the respective regimes (the Canadian national government, the Maine state government, and the Greensboro city government) transition to policies that treat all of its citizens more equitably. Nevertheless, the connection between transitional justice seems stronger in the case of earlier TRCs than it does in these cases, though it remains relevant. Particularly, aspects of transitional justice that allow for someone to see their traumatic experiences publicly at monuments or museums, to feel “heard” and hear apologies or accountability from others, and potential institutional reform all play important roles in the three cases chosen for this study (Brett et al, 2007). These three cases certainly aim to help those affected by their respective incidents (in Greensboro) or eras (in Maine and Canada) to transition from a sense of injustice to one of justice.

Additionally, this research connects to the school of thought around restorative justice, predicated on the notion that direct interactions between victim and offender can bring more permanent benefits to the parties than the “retributive” system of courts. One definition of restorative justice is “a non-adversarial approach usually monitored by a trained professional who seeks to offer justice to the individual victim, the offender, and the community, all of whom have been harmed by a crime or other form of wrongdoing” (Wormer, 2011, 44-46). As one of restorative justice’s leading voices, Howard Zehr, puts it, “rather than obsessing about whether offenders get what they deserve, restorative justice focuses on repairing the harm of crime and engaging individuals and community
members in the process” (Zehr, 2009). Zehr outlines a series of questions that can establish whether or not a process could fit into the category of restorative justice:

Are the wrongs being acknowledged? Are the needs of those who were harmed being addressed? Is the one who committed the harm being encouraged to understand the damage and accept his or her obligation to make right the wrong? Are those involved in or affected by this being invited to be part of the ‘solution?’ (Zehr, 2009)

In the cases chosen for this research, truth and reconciliation processes do seem to satisfy that criteria: each TRC used its report to acknowledge what it perceived as wrongs that had been done; the TRC recommendations seek to address the many needs of those who were harmed, and those involved or affected by the harm were invited to be part of the ‘solution.’ Less clear, in these three cases, is the extent to which the TRC encouraged those who committed harm to understand the damage and accept obligations to make right a wrong. If anything, the three TRCs studied here created ample opportunities for those who committed harm to participate in dialogue around that harm, but in both Maine and Canada, that participation often occurred in private, and acknowledgement of responsibility was limited in all three cases, with some exceptions (a Klan apology in Greensboro, some statements from state officials in Maine, etc.).

While much of the current practice of restorative justice seems to be found in schools or in cases initially brought before courts and deferred (or referred) to a restorative justice program, the principles associated with restorative justice overlay closely with those involved in the three truth and reconciliation commissions being studied in this dissertation. The theoretical foundations of restorative justice (as a
practice) align very closely with the infrastructure of a truth and reconciliation commission. Several theories connect closely with the practice and values of restorative justice, including “control theory,” which contends “that state intervention cannot replace the power of community ties and community acceptance to control misbehaviour” (Marshall, 1999, 30). This seems particularly true in the case of Canada’s TRC, where state intervention did not stop a class action lawsuit over treatment in residential schools that ultimately produced the creation of the truth and reconciliation commission. It also carries particular weight in Maine, where the state intervened numerous times on behalf of a child, only to find later that the severing of community ties proved particularly harmful to that child’s wellbeing.

A UK government review of restorative justice outlines other theoretical foundations for restorative justice work, including “abolitionism, which advocates community control in replace of state control. . . peacemaking and conflict resolution theory, which both treat crime as a conflict better resolved through participation and voluntary agreement than by dictate” (Marshall, 1999, 31). In all cases, the role of the broader community, beyond the primary parties to the conflict, remains significant in the conflict resolution process; thus, the role of the public’s testimony becomes significant to the study of truth and reconciliation commissions as well. Other scholars like Gordon Bazemore and Diane Green (2007), point to principles of “repair, stakeholder participation, and community/government role transformation” as critical foundations of restorative justice practice:

Justice requires that we work to heal victims, offenders, and communities that have been injured by crime. . . . Victims, offenders, and communities should have
the opportunity for active involvement in the justice process as early and as fully as possible. The principle of stakeholder involvement is focused on the goal of maximizing victim, offender, and community participation in decision-making related to the response to crime. Focused primarily on the process of a restorative encounter, the larger, overall goal associated with this principle is to ensure to the greatest extent possible inclusion and input of the victim, offender, and community by paying attention to stakeholder interests. . . We must rethink the relative roles and responsibilities of government and community. In promoting justice, government is responsible for preserving a just order, and community for establishing a just peace (Bazemore and Green, 2007).

The restorative encounter, between victim and offender, happened infrequently in Greensboro, Maine, and Canada, but both victim and offender did participate in many ways in the work of the three TRCs. Their words and participation in decision-making related to the response of the crime under consideration did ultimately seem to influence the direction taken by the TRCs. Additionally, scholars Paul McCold and Ted Wachtel speak of a “Social Discipline Window,” “Stakeholder Roles,” and the “Restorative Practices Typology” as critical theoretical bases for restorative justice. In the Social Discipline Window,

By combining a high or low level of control with a high or low level of support the Social Discipline Window defines four approaches to the regulation of behavior: punitive, permissive, neglectful and restorative….The restorative approach, with high control and high support, confronts and disapproves of wrongdoing while affirming the intrinsic worth of the offender. The essence of
restorative justice is collaborative problem-solving. Restorative practices provide an opportunity for those who have been most affected by an incident to come together to share their feelings, describe how they were affected and develop a plan to repair the harm done or prevent a reoccurrence (Wachtel and McCold, 2003).

Once again, the authors suggest that a successful resolution of conflict within restorative justice practice can only occur if those affected by the conflict participate in the discussion of its resolution. Critically, they also speak of affirming the intrinsic worth of the offender, which manifested itself on more than one occasion in Greensboro, Maine, and Canada. The Greensboro TRC was able to facilitate the public testimony of multiple Klan members without incident, and while Commissioners may have abhorred the views expressed in Klan testimony, they did not render their judgment during the hearings. Maine’s TRC also affirmed the important roles played by state social workers, even when the state had, in their mind, violated federal law and the rights of children placed into foster care outside their Native tribes. Thus, this dissertation will unpack the participation of those parties who testified before the commission and offered (either directly or indirectly) suggestions for change and elements of a resolution to the conflict.

**Truth and Reconciliation Commissions: Theoretical Foundations**

This dissertation also explores elements of the underpinnings of truth and reconciliation commission more generally, including “trauma healing”--the notion that the chance to bear witness to a sweeping retelling of a dark, destructive, and traumatic past can help provide healing in the future. As Judith Lewis Herman puts it,
The ordinary response to atrocities is to banish them from consciousness. Certain violations of the social compact are too terrible to utter aloud: this is the meaning of the word unspeakable. Atrocities, however, refuse to be buried. Equally as powerful as the desire to deny atrocities is the conviction that denial does not work. ... Remembering and telling the truth about terrible events are prerequisites both for the restoration of the social order and for the healing of individual victims (Herman, 1997, 1).

It is important, however, to consider the complexities associated with healing in the context of a truth and reconciliation process—how unique an individual’s healing may be, what leads to healing (for some, less may be required than for others), etc. Additionally, the role of narratives--personal, communal, and even national--figures prominently in discussions of truth and reconciliation commissions and, in particular, the testimony given by participants. Indeed, much of what is shared orally or verbally with truth and reconciliation commissions takes the form of stories, rather than a more specific set of recommendations for societal change or memorialization of the past. In an essay on narratives and storytelling, Julia Chaitin (2016) writes,

The narrative mode deals with the dynamics of human intentions; when in this mode, we seek to explain events by looking at how human actors (including ourselves) strive to do things over time. As we comprehend these actions, we see what obstacles were encountered and which intentions were realized or frustrated. . . . Telling one's story, through oral or written means, has been shown to be a key experience in people's lives, especially those who have undergone severe social trauma. Stories, narratives, and storytelling . . . play key roles both
in the escalation and potentially the de-escalation of intergroup conflicts. In order for the storytelling to be effective, it must engage the self and other, and provide a narrative that is both cognitively and emotionally compelling. While denigrating myths of the other and self-aggrandizing myths of self can refuel the winds of hate, the open and honest recounting of one's life story, and the willingness to be an empathic listener for the other, even if this other has caused your group suffering and pain in the past, can open the door for peacebuilding and coexistence (Chatlin, 2016).

This notion of both the recollection of narratives and the creation of new narratives ties into notions of generative and regenerative justice, in which stakeholders take the opportunity to create new meaning from past events or “make sense out of suffering and move forward with a sense of purpose” (Hansen and Umbreit, 2018). Along with notions of trauma healing and narratives, truth and reconciliation commissions connect closely with the “theory of recognition” advanced by (among others) Charles Taylor, connected to human needs theory, and described by one scholar as follows:

Recognition of cultural identity is “a vital human need” that is essential to the group survival . . . However, [it] is for more than cultural survival, as [Taylor] calls for “reciprocal recognition among equals” and the acknowledgement of cultures’ worth . . . [Taylor] argues that the various cultures need to adequately recognize each other’s identities in order for social equality to exist...Taylor also argues that recognition is something to which every member of society is entitled and withholding recognition constitutes a form of oppression.” (Petoukov, 2011, 55).
The withholding of recognition certainly seemed to come into play in Maine and Canada, where children were viewed not as members of Native tribes or First Nations but simply children who needed to be removed from their homes. That lack of recognition, particularly in the face of the Indian Child Welfare Act in the United States, deprived the children and their tribe of rights guaranteed them by Congress. Canada’s government also withheld its recognition of First Nations in seeking to disconnect children from their culture. This research seeks to examine how testimony offered to truth and reconciliation commissions fits into a context of seeking recognition, “to be heard,” in addition to a possible desire to see their testimony turn into action.
Chapter 3: Research Method

Choice of Case Study Method

This research took the form of case study. By its very nature, a case study includes an extensive, in-depth look at a unique set of circumstances or case—here, those three cases include truth and reconciliation commissions designed to review past incidents or eras in stable regimes, which received testimony from the public and made recommendations based, in part, on that testimony. The case study approach would enable researchers to delve deeply into the unique qualities of the three cases—to conduct what one researcher calls “an empirical inquiry that investigates a contemporary phenomenon in depth and within its real-life context, especially when the boundaries between phenomenon and context are not clearly evident” (Yin, 1994, 18). It would also allow researchers to examine how and why the phenomena of the truth and reconciliation commission in North America has evolved as it has—namely, how public testimony given voluntarily has influenced recommendations across a variety of Commission contexts, why testimony has had a greater or lesser impact on recommendations and reforms in one community or country than another, and so on. Additionally, the case study would allow for a deeper examination of the use of a truth and reconciliation commission in a non-transitional society such as Greensboro, Maine, or Canada—i.e., a society in which any “regime change” would be less significant than in, say, South Africa or Chile (where other TRCs convened). This research will hopefully help inform the work of future TRCs seeking to complete work in similar settings. The case study approach therefore enabled an in-depth examination of these particular phenomena in ways that could later apply to other similar conflicts elsewhere.
That said, the case study certainly brings with it limitations. By examining only three TRCs rather than a larger sample, it can be challenging to draw broad conclusions about how influential public testimony is to a TRC’s work. By limiting the study to North American commissions rather than the many others that have convened, it could limit the validity of the findings only to those meeting in less “transitional” contexts. Of course, this study also limits itself to TRCs rather than examining the many other ways in which the public gets the chance to provide input or perspective to influence policy. Despite these limitations, the use of a more in-depth examination of these three cases, particularly given their combination of similarities and differences, still yielded meaningful results for the field.

**Archival Research**

To gather the data needed for this research, the collection of data occurred primarily within archives, both those available virtually via the Internet and those only available at physical archives. I perused all available documents that shed light on the processes used by the three truth and reconciliation commissions. That included the documents establishing a commission, documentation of its work, statements given to the Commission, and records of their public events.

In Greensboro, the Truth and Reconciliation Commission maintained extensive documentation of their work. This includes video recordings of all of their public hearings, transcripts of testimony provided to the Commission, and internal planning documents, notes, and other materials related to their work before and after public events. The materials that document the Greensboro TRC’s work at public events were available online and via DVD and easy to procure. Other documents, like memos, notes, plans for
public events, and other Commission working materials, are kept at an archive housed at Bennett College in Greensboro, which is open to anyone interested in the topic. I traveled to Greensboro to visit the archive and review its contents. Additional records in the form of newspaper coverage of the Commission and its work, and the deliberations of the Greensboro City Council (videos, transcripts, and minutes) are all easily accessible online. Some emails and other information exchanged by government officials were viewable via an open records request.

In Maine, the Truth and Reconciliation Commission has also maintained extensive records. As in Greensboro, video and transcripts of testimony provided to the Commission (both at open public events and focus groups) are available online to the general public. A portion of the archives of the Maine TRC is housed at Bowdoin College in Brunswick, Maine, and is open to any interested researcher or member of the public. The archive includes video, audio, and written statements, and other personal documents contributed by individuals and focus groups to the Maine Wabanaki-State Child Welfare Truth and Reconciliation Commission (TRC). The collection also includes TRC founding documents and final report and research, policy, and administrative records that document the work of the Commission. I gained access to those archives through an in-person visit to Bowdoin. Access to some testimony to the Commission has been restricted only to members of Native American tribes or nations. Additional records in the form of newspaper coverage of the Commission and its work, and the deliberations of Maine state government (videos, transcripts, and minutes) were all easily accessible online. I also prepared an open records request to obtain additional materials related to
the actions regarding the Truth and Reconciliation Commission taken by the state of Maine.

Canada’s Truth and Reconciliation Commission has the most extraordinary of archives, both in terms of volume and ease of access online. The National Centre for Truth and Reconciliation, housed at the University of Manitoba in Winnipeg, allowed me to review material held in the archives of the Truth and Reconciliation Commission, which includes over 5 million records in its archival collections. Most of the records come from those created or co-created or collected by the Truth and Reconciliation Commission during its mandate. Records created or co-created by the TRC include the business records of the Commission and Statements gathered by the TRC from individuals impacted by residential schools. Some of the Canadian records are restricted (as in the case of Maine) or redacted to respect privacy and what it calls “collective rights” of the indigenous to protect aspects of their shared narrative of the residential school experience (National Centre for Truth and Reconciliation, 2018). Additional records in the form of newspaper coverage of the Commission and its work, and the deliberations of Canada’s national and provincial governments (videos, transcripts, and minutes) were all easily accessible online.

In all three cases, my purposive sampling of the material focused on the verbatim text of testimony from the public, the verbatim reports of the three TRCs and their recommendations in particular, and any additional archival material that refers to the TRC recommendations and the public’s testimony. This sample was chosen in order to explore connections between testimony and recommendations—or, more specifically, the extent to which the three TRCs incorporated public testimony and sentiments into their
recommendations. The archival research provided me with background on how the Commissions reached out to the public for testimony; how the Commissions received testimony; a survey of that testimony; a look at how the Commissions arrived at their recommendations and reacted to the testimony they received; and a look at how the Commissions’ recommendations were received by the public and responsible governments (the national government in Canada, the state government of Maine, and the city council in Greensboro, for example). It helped me gain a preliminary understanding of the extent to which testimony influenced Commission recommendations and the implementation of those recommendations.

**Research Methods: Oral**

I sought and conducted interviews (conducted either in-person, by video conference, or telephone) with several surviving members of the three Truth and Reconciliation Commissions: one Commissioner in Canada at the time of the report’s release (the other two were not reachable or available), four with Commissioners in Greensboro (of the seven, two have died and one did not respond to queries), and three in Maine (two did not accept invitations to interview). I also conducted interviews with staff who worked for the Commissions: Greensboro TRC executive director Jill Williams and Canada TRC director Kimberly Murray (Maine’s TRC directors declined requests for interviews). Additionally, I sought interviews from key governmental officials in the three jurisdictions where the Commissions met and conducted interviews with: the mayor and mayor pro tem of the city of Greensboro; and a representative of the Prime Minister of Canada (Justin Trudeau). Governor Paul LePage of Maine initially accepted a request for interview but later declined, citing scheduling conflicts.
The purpose of these interviews, which were more narrative in nature in order to learn how Commissioners went about their work in writing recommendations, was to glean information from Commissioners, their staff, and those receiving their recommendations (in government) that would be impossible to learn from archival documents alone: what did they think and feel as they heard testimony; what motivated them to produce the recommendations they produced; what did they think and feel when they heard the recommendations; and what motivated them to act (or perhaps to choose not to act) on the recommendations.

The choice of these interviewees reflected a desire to hear directly from Commissioners who made recommendations and policymakers who received those recommendations and could choose how to respond. While helpful data could emerge from a broad survey of the public who participated in Commission events or a greater number of interviews or focus groups, the purposive sample of interviewees chosen here will shed helpful light on how TRCs reflected public testimony in their recommendations and how policymakers took public testimony into account. Undoubtedly, the interviewees chosen for this sample brought biases that could affect the data. For example, former commissioners might believe their work was more impactful than others in their communities might, while elected officials might downplay the significance of the TRC’s recommendations. Additionally, the amount of time that has passed since the three TRCs completed their work varies—Greensboro completed its work in 2006, while Maine finished in 2013 and Canada in 2015. Memories of the commissioners and staff might fade a bit over longer periods of time. That said, the interviews undoubtedly shed
important light on the way that public testimony impacted subsequent work by the TRC and surrounding governments.

**Data Collection**

Data for this case study came from several sources. First and foremost are statements given by individuals, both in private and in public settings. The Greensboro TRC transcribed all statements given during its three two-day public hearings and posted those statements online to its website, [http://www.greensborotrc.org](http://www.greensborotrc.org), which remains active as of this writing. Statements given privately to TRC Commissioners and staff are available to researchers at Bennett College in Greensboro. While a small number of statements were not accessible due to the preference of the statement provider to keep their statement confidential to all but TRC personnel, most of the statements were available in the form of notes and transcripts from the person taking the statement. Some written statements were also submitted. Additionally, the Commission preserved extensive records of its community dialogues, including all recommendations given by dialogue participants and other reflections on the dialogue experience.

The Bennett College archives also contained an assortment of other primary source documents, particularly notes during internal TRC meetings in advance of TRC public events. These documents helped shed light on decisions the TRC made related to how to engage the public—whom to invite to speak at public hearings, what to ask them, how to adjust the 2\textsuperscript{nd} and 3\textsuperscript{rd} hearings after the results of the 1\textsuperscript{st}, and so on. These notes, coupled with interviews conducted with Greensboro TRC commissioners and staff, help shed significant light on the relationship between the public’s sentiments and the Commission’s work. Additional interviews conducted with officials from the city of
Greensboro shed further light on how those with an opportunity to act upon Greensboro TRC recommendations and the public’s input viewed their responsibility to respond to public concerns.

**Interviews**

Given the length of time that had elapsed since the work of the Greensboro TRC had concluded, it was not obvious how each of the TRC Commissioners might be reached—that is, the TRC did not maintain an office, phone number, or email address where the Commissioners could be contacted. Thus, invitations to participate in research interviews were conveyed through the TRC’s former executive director, Jill Williams, with whom I had maintained occasional professional contact. Ms. Williams forwarded an electronic invitation verbatim to the five surviving members of the TRC, encouraging them to respond directly to the researcher if interested in participating. Of the five contacted, four responded with interest in participation. An interview with Ms. Williams was also conducted, owing to her direct involvement in devising the process for involving the public in the TRC’s work. Two other interviews were conducted with officials within Greensboro’s municipal government—one was with its current Mayor pro tem and former Mayor, Yvonne Johnson, who had consistently supported the Commission and its recommendations, and another was with current Mayor Nancy Vaughan, who was not in office during the TRC’s existence but did vote on whether to implement some of its recommendations. Interview requests to former Mayor Keith Holiday were not answered.

These interviews were designed to gain a deeper understanding of how the TRC developed its process for engaging and involving the public in the work, as well as to
understand how government responded to the TRC’s recommendations. In the case of Greensboro, questions included:

1) What role did you view the public and public input playing in your work and in your recommendations, separate from archival or other forms of research or data-gathering?

2) What made the GTRC decide to hold public forums separate from hearings, statement-gathering, etc.?

3) How did you choose whom to have testify during public hearings?

4) How did you decide upon questions to pose during public hearings?

5) How did you decide upon time limits or other conditions for public testimony?

6) What guidelines did you have for taking private statements, in terms of questions you asked, other ways in which you interjected or participated during the giving of statements?

The interviews also included questions about the TRC’s recommendations, seeking to understand how public input influenced deliberations over what the TRC would recommend. Some of the interview questions were targeted at a specific recommendation or set of recommendations made by the Commission, while other questions identified themes within testimony given by the public that had less of a clear connection to any recommendations or other aspects of the Commission’s report or findings. Finally, questions directed at Mayor pro tem Johnson and Mayor Vaughan were meant to discern why the City of Greensboro did or did not choose to accept and implement TRC recommendations.
Data Analysis: Testimony

The analysis of the data from archives included multiple coding cycles (Saldana, 2009). Initially, I reviewed transcripts of TRC testimony and applied simultaneous descriptive first-level coding (Saldana, 2009, 62-64) to discern multiple meanings behind a comment, as well as values coding to ascertain the values, attitudes, and beliefs embedded within the testimony (Saldana, 2009, 89). I also used “versus coding” to define dichotomies in testimony that could ultimately affect the recommendations of a TRC (Saldana, 2009, 93). I then applied second-level pattern coding to help group codes together and identify recurring themes throughout the testimonies collected by the Truth and Reconciliation Commissions. A coding sample can be found in Appendix C.

Data Analysis: Commission Recommendations

Analysis of the text of the Commission’s recommendations (which are listed in Appendix D) would include some “provisional coding” and “hypothesis coding” based on my preliminary review of other sources related to the Commission’s work (Saldana, 2009, 120-124). These forms of coding were helpful in focusing my review of the Commission recommendations based on what they heard from those providing testimony, as well as what had already been reported on the incidents under their review. I developed a list of provisional and hypothesis codes based on themes discovered in coding the testimonies.

I also used first-level descriptive coding and values coding on Commission recommendations (Saldana, 2009, 70) to help summarize themes from the recommendations. At the second-level, I applied pattern coding to recommendations as I did on testimonies.
Data Analysis: Interviews

Analysis of data from the interviews began with transcription, a reading of the transcripts, and a second reading of those documents. Through that transcription and review process, it became clear that members of all three TRCs felt an obligation to provide accurate representations of the narratives presented to them privately and publicly. That held true even when the narratives conflicted: for example, a Canadian TRC official noted the inclusion of testimony in its report that suggested an overall positive residential school experience, even when other witnesses specifically refuted that testimony later in the same hearing. In another example, the Greensboro TRC chose to include sentiments drawn from testimony by both the Klan and the Communist Workers Party, even when they seemed diametrically opposed to one another. Interviews with TRC officials also revealed a shared belief that the Commissioners had, in fact, meaningfully incorporated testimony into their findings, particularly in cases where they had directly asked statement providers for their recommendations. Interviews with government officials had more variety in their tone. Participating Greensboro officials seemed either disengaged from the TRC’s work or disillusioned by the City Council’s decision to ignore many of its recommendations. Meanwhile, in Canada, federal officials interviewed for this study demonstrated a keen understanding of and connection to TRC recommendations, to the point of downplaying their own government’s progress in the implementation of the TRC’s 94 Calls to Action while reiterating their commitment to implementation.

Coding of interview data utilized in vivo coding to help notice specific words and phrases that recur in multiple interviews and questionnaire responses, along with
affective coding that blends evaluation with emotion (Saldana, 2009, 74). The coding identified emotions that the interviewee or focus group participant remembers or felt, and/or what the researcher assumes the participants felt (Saldana, 2009, 86), and the coding also evaluated how effective the truth and reconciliation commission process was in meeting participant needs—focusing on statements of satisfaction or disappointment with the process and its outcome (Saldana, 2009, 98). To some degree, an analysis of such a conflict has to consider both the basic facts of the process along with the emotions for all involved carrying out the process. The analysis ultimately looked for both verbatim and interpreted cues about how the stakeholders and participants view the process and understand its purpose, its values, its goals, and its ability to achieve those goals. Second Cycle coding benefitted from a pattern code to help describe major themes, patterns, and theories (Saldana, 2009, 150).

**Data Analysis: News Coverage**

For articles that document the work of the Commission, including public hearings where testimony was given and other reporting on their work and recommendations, I used first-level descriptive coding and second-level pattern coding. I was looking for recurring themes in what the news coverage focuses on and selects out of the hours of testimony and pages of TRC recommendations to report on.

The ultimate goal of this analysis was to ascertain how closely the final TRC recommendations in the three cases (Greensboro, Maine, and Canada) align with themes that emerge from an analysis of testimonies given to those commissions. I looked for whether recommendations address concerns identified by those testifying, as well as evidence from interviews that those responsible for recommendations or reforms
incorporated themes from testimonies into their deliberations. This analysis required careful examination both of what is literally articulated in testimony and how Commissions extrapolated recommendations for action as the result of that testimony. In other words, testimonies to the Commission were often focused on a person’s recollection of past events, rather than what the person testifying thinks should occur in the future. That said, the commissions made recommendations both as to corrections in the record of past events based on information gleaned from testimony as well as actions to take to prevent future conflict and address concerns raised by parties to the conflict and those who testified. Thus, the analysis of testimony extracted what those who testified believed to be the most important issues raised by the conflicts under review—not just their literal comments on what happened in the past. Then, that analysis was paired with a review of Commission recommendations to determine how thoroughly concerns raised in testimony are addressed by recommendations. Finally, interviews with Commissioners were analyzed with an eye towards determining the extent to which the Commission specifically linked themes from testimony to recommendations.

With regard to comparison of the three cases, the analysis involved a comparison both of the data and of the findings—that is to say, comparing what was said to each Commission and how each Commission reacted in its report. While the three cases under review were all truth and reconciliation commissions convened in North America, with two undertaking similar reviews of the treatment of indigenous children, their differences stand out. The Greensboro TRC studied a largely local and regional conflict (albeit with national or even global connections to communism and labor relations); Maine’s TRC studied their issue at a statewide level (albeit with ties to larger trends); and Canada took
a national perspective on the issue of residential schools. Canada received significant public funding in the tens of millions and hosted dozens of public events; Maine and Greensboro only used private donations for its work and had many fewer public events. Greensboro’s government also chose to note its official opposition to the TRC there; Maine’s governor initially honored and then opposed its TRC; and Canada’s government offered so much initial support that Commissioners ultimately asked them to step back from the process and allow it to function more independently. Nevertheless, the differences among the context for the three TRCs can be juxtaposed against stark similarities in how each TRC incorporated the testimony it received into the findings and recommendations it ultimately issued. In other words, the cases represent very different kinds of historical review and analysis with very similar outcomes.

Qualitative research into the truth and reconciliation commission process, therefore, benefitted from a case-study approach that mixes document-based research with interviews to understand how the commission could be used to involve stakeholders and the public in finding a way forward on the project, such that all parties ultimately feel satisfied. The research could also help make better sense of a process that likely befuddles participants. While this research may be more applicable to truth and reconciliation efforts in a “non-transitional” context (i.e., stable regimes with less likelihood of major turnover) or to TRCs meeting in democratic governments, it should also contribute a helpful understanding of how the public can meaningfully influence the direction taken both by truth and reconciliation commissions and by responding governments.
Chapter 4: Results

**Case I: Greensboro Truth and Reconciliation Commission**

The first case studied examined in this research involves a truth and reconciliation commission with a uniquely concentrated scope among all other commissions: review of a single incident within a single municipality. The Greensboro Truth and Reconciliation Commission drew inspiration from TRCs in South Africa and elsewhere but differed in significant ways, namely: it received no governmental support (political, financial, or otherwise), it made no plans to bring alleged perpetrators to court, and it focused exclusively on the five shooting deaths of November 3rd, 1979, in east Greensboro, as well as the context that led to the deaths and its lingering after-affects (Brown et al, 2006, 13-17).

This case provides compelling questions for research into the impact of public testimony and input given to the Commission. Political scientists and other scholars have often contended that actions taken by local government have the greatest impact on daily life, while the public can often have the greatest influence over their mayors and councils, compared to state legislatures or the federal government. Thus, it would seem possible for those who chose to participate in the Greensboro TRCs public processes to have significant impact over its work. Ironically, Greensboro’s own municipal government not only declined to endorse the work of the Commission but the City Council voted, along racial lines, to oppose it in ways that were never clearly manifested (Crotts et al, 2005, 30). The mayor at the time of the Commission’s formation, Keith Holliday, said in a pre-vote speech, “I believe I would have found most if not all of the defendants guilty” in the two criminal trials held to prosecute alleged shooters, indirectly lending credence to the
Truth and Reconciliation Commission’s quest for justice in the matter (Holliday, 2015). But it was the Truth and Reconciliation Commission process itself with which he took most issue, arguing

Without any real authority, subpoena power, ability to grant immunity, not to mention recount through 25-year-old memories, absolute truth will be impossible… In short, the truth may be skewed or not be completely accurate…I simply do not believe that this effort will open doors to forgiveness and healing…I believe the good that is hoped to be accomplished will in fact not happen but rather a tremendous amount of negative feelings and characterizations of Greensboro will be seen and heard by hundreds of thousands, maybe millions, and that will be detrimental to our future. In other words, I believe more harm can come from this process than progress. (Holliday et al, 2015).

Other council members contended that the Commission played an important role in analyzing why certain of the city’s challenges had persisted—challenges identified in previous studies of low social capital and community connectedness, as well as sizable economic disparities. Councilwoman Dianne Bellamy-Small, a Commission supporter, argued,

We seem to be okay when the way we deal with our “isms” or cultural problems are by handling them in feel-good like ways…but as great as we want Greensboro to be, we have had incidents that say it isn’t necessarily so…the whole community is not involved in dealing with the ills of Greensboro…no one likes to admit to themselves or their community that there may be unaddressed problems. It’s like being an alcoholic: until you acknowledge that you have a problem, the
twelve-step program will not happen. November 3rd 1979 was a traumatically ugly event, and many of us had nothing to do with it and wish that it had not happened in our backyard, but the truth of the matter is it did, and as uncomfortable as we may feel about it…it is a part of our history. A people who will not deal with the lessons that should be learned from our history are doomed to repeat as failures” (Holliday et al, 2005).

The City Council ultimately declined to support the Commission as an official matter, but they subsequently addressed several of the Commission’s recommendations as described in later sections of this dissertation.

The formation of the Greensboro TRC had several elements of democratic engagement. A local task force made up of community members who volunteered to participate (rather than being chosen) then created a selection committee deliberately made up of representatives from a diverse cross-section of local society; that committee, in turn, actively and openly solicited commissioner nominations from the community. Following their appointment in the summer of 2004, the Greensboro TRC held a press conference to announce the opening of an office and to invite community members to participate in their work and give statements (Brown et al, 2005). As their work began in earnest, TRC members and staff went door-to-door to solicit feedback, particularly from residents in the neighborhood where the shootings took place, a practice that distinguished them from other similar TRCs (Brown et al, 2005 33). In interviews, TRC officials suggested that door-to-door outreach enabled them to receive statements from those deeply affected by the 1979 shootings and still fearful of the consequences of speaking out. The Maine and Canadian TRCs received testimony in private homes but
did not appear to take the step of knocking on doors without an invitation, a sign of the
difficulty residents in part of Greensboro felt in making their TRC participation known.
Greensboro’s TRC took statements both at the TRC office, in private homes, and
anywhere else an individual wanted to submit their statement.

The acceptance of statements in private at a variety of venues reflected the TRC’s
awareness of high anxiety among statement providers. According to interviews with
former TRC Commissioners, some statement providers feared a public statement and an
admission of any culpability could result in legal liability. Others had safety concerns,
particularly given the presence of Klansmen at public hearings where African-Americans
and Jewish Americans might testify in front of people with racially and religiously
prejudicial views.

The TRC also held three two-day public hearings that were televised and
streamed live for members of the public who could not attend in person. As described by
Commissioners during interviews, these hearings differed from a governmental public
hearing in that speakers were invited to participate, rather than an “open mic” provided to
anyone who wished to speak, but that open mic was otherwise granted in the form of
many months of opportunity to give a statement privately (Brown et al, 2006, 29-30).

The Commission described the hearings goals as follows:

- 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;
- to provide a safe public space for invited speakers to tell their stories and for
  community members to hear them; to increase – through personal stories –
  community understanding of the event, the issues surrounding the event, the
complexity and the range of impacts; to encourage other individuals to participate in the truth and reconciliation process; to help create a foundation and context for community reconciliation by encouraging individuals to recognize the relevance of these events to their own lives (Brown et al, 2006, 34).

TRC officials indicated in interviews that they held the public hearings less out of a need to glean additional information from those testifying and more as a way to build public trust in the TRC process. In their report, the Greensboro TRC listed criteria for the selection and invitation of their hearing speakers:

Have already given a statement or published relevant work that a. is clear and illustrative of the scope of issues surrounding Nov. 3, 1979; has the potential to generate community dialogue; 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; 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 (Brown et al, 2006, 35).

Most public hearing speakers had provided statements to the TRC before the hearings, though some, like Klan leader Virgil Griffin, testified in public for the first time. In interviews, TRC Commissioners described feeling as if the hearings could demonstrate to the public that the Commission was hearing numerous perspectives (rather than just the victims’) on what happened during the shootings, why they happened, and what impact the shootings had. The hearings also gave the public an opportunity to learn much of what the TRC was learning as it was learning it—providing the public with a level of
transparency that a legal deposition would not, for example. The TRC grouped the speakers based on a theme for the hearings—what brought the community to November 3rd, what happened on and immediately after November 3rd, and what were the long-term effects of the shootings and their immediate aftermath (Brown et al, 2006, 34). They developed and provided questions to speakers in advance, though they also had opportunities to ask questions that occurred to them during the hearings.

In interviews, TRC officials shared that they walked a fine line in deciding how to conduct themselves during hearings. On the one hand, they felt pressured by community members or other stakeholders to challenge aspects of the November 3rd narrative that were in dispute, but on the other hand, they feared re-traumatizing the speaker or other observers if questioning appeared to be too aggressive. After the first hearing, a former TRC staff member, Scott Pryor, drafted a memo to Commissioners in which he encouraged them to ask more probing questions during the hearings. Pryor wrote, in part,

Commissioners, I encourage you to be more vigorous in your questioning of the person giving statements. Don’t let them get away with a short answer.

Remember that the hearings are as much about various people telling their stories for the benefit of the community as they are helping you in your inquiry. Help the statement makers tell their story (even if they don’t want to) in a way that illustrates this history for the community. Virgil Griffin aside (he was going to make it difficult for you one way or the other!) I thought in general you could have asked more questions (and in some cases more focused questions) of the people giving statements. Encourage people to talk in detail. Help the audience and yourselves really understand what it was like (Pryor, 2005)
But in interviews, TRC officials said their questioning during hearings occasionally became a source of internal conflict among the Commissioners. Some Commissioners felt their colleagues took a less aggressive tone in their questioning with members of the Klan than they did with surviving relatives of shooting victims. Nevertheless, by showcasing testimony from a variety of perspectives on the November 3rd shootings (Klan, police, Communist Workers Party, etc.), they believed the public would see the TRC process as fair, neutral, and a historic opportunity to advance the community.

Even more significantly, the Greensboro TRC held a community dialogue event, with facilitated discussions in small groups, “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” (Brown et al, 2006, 35). These events differed from public hearings and statement collection in that they facilitated dialogue among participants, many of whom had drastically different points of view on responsibility for the deaths of November 3rd, 1979. These workshops produced a wide array of compelling comments from the community which will be discussed later in this section. But it appears that the Greensboro TRC remains one of very few Commissions to conduct such an in-depth level of public engagement separate from the more formal or official process of taking statements. That additional engagement may have increased pressure on the Commission to demonstrate it incorporated public sentiments into its final recommendations, given the numerous opportunities it afforded the public to influence those recommendations.
Data Analysis, Results, and Findings: Public Testimony on Economics

The analysis of the data from the public’s testimony and statements to the Commission revealed a significant focus on the economic context surrounding the shootings on November 3rd, 1979, the subsequent economic impacts after the shooting, and more modern and persistent economic inequities. Many of those who made statements to the Greensboro TRC discussed the genesis of the Communist Workers Party’s work in Greensboro in economic terms—citing efforts to organize workers in textile mills and improve wages, for example. In a statement, organizer Si Kahn contended that the work of the civil rights movement and the result of more African-Americans moving into the labor movement is a new surge of energy and power. And we see this particularly in the South, where for example, in the textile mills. The textile mills are a rigidly segregated institution that in the period up to let’s say 1965 it would be almost unheard of for an African-American to be on the inside of a mill. … So that black workers would be on the outside, but not on the inside. And in that period between 1965 and 1975 we see such a movement of black workers into the mills that some of the mills become 30, 40, 50, 60 percent African-American. And this changes the possibility for unionization and for labor activism (Kahn, 2005).

Others spoke of broader issues with poverty in East Greensboro, where the shootings took place, and several spoke of how the shootings affected their ability to secure employment of any kind based on their involvement or perceived ties to the Communist Workers Party and the violence of November 3rd. East Greensboro community activist Nettie Coad told the Commission:
I’ve been, my neighborhood, people in my community have been struggling for so long, and you just get tired of the struggle, you really do, you know. And, not only that, but when the answers, when you struggle, when you know in your heart, what could make something better, and you don’t have the power to be heard, then it doesn’t get better, because the answers that come and the solutions that come don’t really fit the problem, don’t always fit the problem (Coad, 2005).

Statement providers certainly referenced the Ku Klux Klan’s racially prejudicial principles and attitudes, and several alluded to perceived inequities in city services based on race, but race played a somewhat more limited role in dialogue around the events of November 3rd, their aftermath, and lingering after-effects of the shooting than notions of economic depravity.

Alongside notions of ongoing economic challenges that came to the fore before, on, and after November 3rd, statement providers also spoke extensively about the limited or nonexistent opportunities they had to process the mix of feelings generated by the shootings. Former Morningside Homes resident Candy Clapp recalled at a Commission hearing,

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….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 we had committed a crime, like we 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 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. … To me Greensboro is still a mess because nobody ever paid the penalty for those workers and the unborn child 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 (Clapp, 2005).

Other statement providers spoke of the effects of lasting trauma made worse by no formal acknowledgement of the event by the City of Greensboro, including no physical memorial in the area of the shooting or commemoration at City events or the Greensboro History Museum. Some contrasted the historical treatment (or lack thereof) of the 1979 shootings with the extensive work to memorialize Greensboro’s role in the civil rights movement, and even Greensboro’s contribution to the American Revolution. To several of those who spoke of that lack of recognition for the 1979 shootings, that represented disrespect or a lack of care for the wellbeing of citizens of Greensboro on the part of its city government. That especially held true for the police department, which several statements cited as particularly unresponsive to the needs of residents in East Greensboro
and within minority communities, both on the day of (and leading up to) the 1979 shootings and beyond, to the present day. Signe Waller, a former Communist Workers Party organizer who helped plan the November 3rd event, argued:

I have tried to imagine the police failing to pursue fleeing assailants if it wasn’t a white invading Morningside but a gang of blacks had entered Starmount. A gang of blacks entered Starmount, shot up the place and then fled. I cannot imagine police not pursuing the assailants. I can’t imagine that if it was the Northwest quadrant of Greensboro where people were getting shot up in broad daylight and not the Southeast quadrant of the city, it is inconceivable to me. The violation of a poor, black neighborhood by white supremacist terrorists was another matter entirely and one toward which GPD indifference was hardly questioned by the city’s non-black residents (Waller, 2005).

Extensive testimony dealt with the police’s lack of a greater presence at the November 3rd anti-Klan rally where the shootings occurred, as well as conditions the police had placed on the permit issued for the event. One of several statements addressing the police’s handling of the rally and shootings included this recommendation: “We definitely need here in Greensboro some type of Police Review Board…This is a big deal to African-Americans in our community. Without a Police Review Board with subpoena powers, the fears and anxiety of the African-American population in Greensboro will not be eased” (Guttman, 2005, 3).

**Data Analysis, Results, and Findings: Ku Klux Klan Testimony**

Apart from statements and testimony from those in, or supportive of, the Communist Workers Party, one of the more remarkable chapters of the Greensboro
TRC’s public hearings occurred when former members of the Ku Klux Klan testified publicly about the shootings. Virgil Griffin, an “Imperial Wizard” in a leadership role for the local Klan chapter who was at the November 3rd event, did not accept responsibility or culpability for the deaths of the five Communist Worker Party members killed by guns fired by the Klan. But he did indicate regret that the confrontation between his group and the anti-Klan protestors had turned violent; he voiced support for the labor organizing and unionization efforts of the type the Communist Workers Party had undertaken; and he suggested that the provocative “Death to the Klan” language had inflamed tensions and catalyzed a violent confrontation.

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 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. (Griffin, 2005, 2).

He even suggested a more nuanced view of race relations than that typically attributed to the Klan, saying, “I think they have as much rights as anybody else. I think they should have a right to have a job, to whatever their ability. Have a new home, new cars, just like anybody else. I just don’t believe in mixing races” (Griffin, 2005, 12). Additional testimony offered in private and in public by members of the Klan, particularly by one of the shooters, Roland Wayne Wood, expressed deeper regret and remorse for the events of November 3rd, directly to two of the surviving members of the Communist Workers Party (Green, November 8, 2005).
Data Analysis, Results, and Findings: City of Greensboro and District Attorney Statements

While some of the direct players from the Greensboro police department and the District Attorney’s office responsible for prosecuting the Klansmen declined to offer statements or testimony to the Commission, several did. Police Captain Rick Ball, one of the first officers on the scene on November 3rd, 1979, gave the Truth and Reconciliation Commission pointed advice early in his public testimony:

Reconciliation is defined as restoring harmony. To that end, I have a recommendation for the first step. The people responsible for organizing and orchestrating the “Death to the Klan March”, those responsible for challenging Klansmen and Nazi’s to come to Greensboro to engage in a violent confrontation, the Klansmen and Nazi’s who came, and all those who participated in the ensuing violence on that day, should extend a sincere apology to the citizens of Greensboro or more importantly to the people of the Morningside Homes Community. (Ball, 2005, 3).

Ball also rejected allegations that the Police Department had deliberately endangered the lives of anti-Klan protestors based on relationships with informants who also participated in Klan activities. But another officer at the scene, Ramon Bell, indicated that plans to maintain a low profile with fewer uniformed officers on the scene had gone awry: “In my opinion, yes, we should have been there…I think everybody learned from it. Mistakes were made. That was a big mistake in my opinion. Uh, conspiracy no” (Bell, 2005, 4). Captain Ball suggested that the ill-fated strategy of minimizing the number of uniformed
officers on the scene was revised, remarking on the security presence even at the Truth and Reconciliation Commission hearing where he testified:

When you look around as you come through this building there is a great deal of security here. This is a result of November 3. We do not take a low profile anymore. As a matter of fact, we constantly get accused of overacting. Well, that’s what we learned (Bell, 2005, 11).

Captain Ball also indicated that limited progress had been made since the 1979 shootings in strengthening relationships and building trust in East Greensboro and with minority populations. He recalled an encounter prior to the shootings that, in his eyes, epitomized the struggle to improve relationships, when he interrogated an African-American suspect:

He said, “When are you going to beat me”? I started laughing. I thought what are you talking about? And I looked in his eyes and I could tell that he was serious.

And I asked him I said, “Where did you hear this at”? He said, “Everyone knows that when you get taken up here you get beat”. He was serious. You know I kind of laughed it off. I said “Man, I don’t know who you have been talking to but that doesn’t happen”. You know, I have never forgotten that. I always wondered what can I could do to change that. I never had an answer other than treating people fairly. (Ball, 2005, 4)

Prosecutors contended that they had tried the case against the Klan without bias towards members of the Communist Workers Party, who refused to testify and actively disrupted the first criminal trial after hearing prosecutor comments in the media that they took to be anti-Communist. As one prosecutor put it,
There’s not one of the three of us who doesn’t believe those guys (the Klan) were guilty. That’s what makes us so frustrated and emotional. We gave a year of our lives. He (the other prosecutor) and I both were sick afterwards. And we had a 7-5 vote to convict on the first vote. If we could have humanized these people in any way, we could have won it (Greeson, 2005, 4).

Prosecutors also unpacked issues associated with the jury selection process, which yielded an all-white jury that some observers believe lessened the chances of a conviction for the Klansmen:

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” (Coman, 2005, 7).

Ultimately, the prosecutors argued that they were hamstrung in their ability to prosecute the case effectively due to a lack of cooperation from shooting victims and other members of the Communist Workers Party, whom they argued should still accept responsibility for the deaths on November 3rd (Coman, 2005, 11).

**Data Analysis: Commission Recommendations**

The report of Greensboro’s Truth and Reconciliation Commission drew heavily from statements given to the TRC in both private and public statements. Like the reports produced by the TRC in Maine and in Canada, Greensboro’s TRC report included dozens of direct quotations from statements it received, primarily in describing the context for the November 3rd anti-Klan event, the shooting, and the aftermath. But the
Commissioners also went to great lengths to align both their findings of fact and their recommendations with what statement providers expressed as their concerns and their own suggestions for healing and community growth.

In their conclusions about the events of November 3rd, 1979, the Commission held Klansmen and the Greensboro police department chiefly responsible for the bloodshed on November 3rd, based in part on the dozens of eyewitness accounts of the shootings, as well as archival material from news reports and court testimony. They expressed their firm belief that the Klan was primarily responsible for the violence, while the police department had underestimated the need for a strong police presence at the event. However, the Commission also took former members of the Communist Workers Party to task for their inflammatory rhetoric and tactics in the run-up to the “Death to the Klan” rally, and they declined to endorse the narrative advanced by several former members of the CWP that their leadership roles in union activism led the Klan to target the shooting victims. This finding reflects the testimony of former Klan leader Virgil Griffin cited above, as well as the testimony of prosecutors and other statement providers who felt uncomfortable with the CWP confrontational approach to the events of November 3rd. They wrote,

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. (Brown et al, 2006, 309).

The Commission, though, reserved strongest language in its conclusions for both the Greensboro Police Department and the municipal government, writing, “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” (Brown et al, 2006, 306). This finding reflects the direct testimony given by many statement providers, particularly those traumatized by witnessing the events or living nearby, who mentioned virtually no contact with or outreach from city officials to heal.

The Commission further argued that,

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 (Brown et al, 2006, 307).

The Commission’s later recommendation to institute a police review board with subpoena power mirrored the specific recommendations it received from some statement providers, and it came against a backdrop of a crisis of trust within the Greensboro Police Department, and the sudden resignation of its chief months before the Commission issued its findings (Abraham and Glazman, 2006). The Commission’s criticism of Greensboro’s
municipal government, particularly the City Council’s decision to “oppose” the Commission’s work, mirrored that of several members of the public who testified both to City Council and to the Commission about the ongoing significance and relevance of November 3rd.

**Data Analysis, Results, and Findings: Connections between Commission Recommendations and Statements**

The Commission’s recommendations to the community and the City reflected specific suggestions made by statement providers and incorporated the conditions that led to the November 3rd shootings and the lingering after-effects identified by statement providers. First, the Commission recommended that the City “formally recognize that the events of Nov. 3, 1979, provided a tragic, but important occasion in our city’s history” (Brown et al, 2006, 200) through both verbal acknowledgement and apology and physical memorials. In interviews, Greensboro TRC officials indicated that these recommendations stemmed from testimony in which those directly affected by the shootings expressed anger, dismay, and anxiety, as well as unhealed trauma, because of that lack of acknowledgement. After several years, the City issued first a statement of regret and later an apology, and they supported the placement of a historical marker by the state of North Carolina that labeled the shootings the “Greensboro Massacre.” A separate Commission suggestion was to have those involved in the shootings “offer restitution to the victims by making recommendations in their name to support the public monument commemorating this tragedy or to organizations advocating for civil workers’ rights and other economic justice initiatives” (Brown et al, 2006, 201). Response to that recommendation is unclear; the existing monument seems to have been paid for out of
state funds, rather than private donations, and no separate monument has been erected. It is also unclear whether any of the parties that the Commission held responsible for the November 3rd shootings made any financial contributions or “restitution” to the organizations they delineated. One statement found in the archives referred to a linkage between restorative justice and restitution (Jones, 2005), and a South African TRC official remarked at a faith service prior to the public hearings that “When I speak of justice in this context, I am not talking of retribution, but restitution. We must sincerely look to changing those circumstances that hurt people and harmed relationships” (2005). The concept of restitution, at least symbolically, was also mentioned at the community forum following the public hearings. Other recommendations in this regard included a call for an exhibit on the shootings at local museums, a retreat for children impacted by November 3rd hosted by religious leaders, and a series of community forums to review and discuss the Commission’s report. It was not immediately clear how the call for a religious retreat for children of CWP members related to testimony, though it was clear from the testimony given by those children that their trauma remained unhealed decades after the incident, even if they had not yet been born when their parent had been killed. Recommendations around the convening of community forums certainly extended the spirit of the Commission’s own public process, highlighted by both public hearings and community forums, as well as the opportunity to provide comments on the Commission’s own blog. As of this writing, museum exhibits documenting the November 3rd shootings had not been completed, but that recommendation certainly aligns closely with others related to formal public acknowledgement, like the memorial marker.
The next section of recommendations, with its focus on “institutional reform,” seems to have more indirect but still significant ties to testimony given to the Greensboro TRC. The extensive testimony about the economic hardship both before, in the immediate aftermath, and up to the time of the Commission’s work clearly impacted the recommendations, particularly a call for all city and county employees to be paid a living wage, applied to contractors doing business with government, benchmarked to federal housing data and poverty calculations (Brown et al, 2006, 202). A few testimonies spoke to the specific need for a living wage standard in Greensboro. Dr. Mazie Ferguson argued “that God’s people look and work to take care of the widows and the children and that includes those people right now who do not have a living wage and who cannot feed their children” (Ferguson, 2005, 3). Retired professor Barton Parks argued,

We are in a truly difficult situation. I believe I do know where to begin, and it is with our part of the problem. Those of us who want to see some changes occur in the issue of justice in our communities. Those of us favoring initiatives such as a police review board, a living wage, training police officers in black history and culture, are not organized into groups that convey our views well… We need somehow to get past these obstacles and create ways to organize a more effective political voice (Parks, 2005, 9).

A meeting of religious leaders after the end of public testimony also called attention to the issue of living wage as an important step Commissioners should encourage the City and County to take, and notes on the Community Forums held in November, 2005, also included citizen calls for living wages (Banks, 2005). This set of recommendations also encompassed recommendations for anti-racism training given to all public employees; a
public-school curriculum based around the November 3rd shootings; annual reports on race relations; and increased investment in interracial dialogue programs. Then-Mayor Keith Holliday had frequently invoked one such program, the Mosaic Project, as his desired alternative to the Greensboro TRC process, and another Greensboro official referenced it in his private statement (Shaw, 2005), while a local professor described it as an important step in her public testimony (Jovanovic, 2005, 7), as did a county official (Thigpen, 2005, 12). The concept of curriculum was raised during the community dialogue after the hearings (Williams et al, 2005, 5) but was not frequently mentioned in testimony, though testimony certainly referenced a lack of local awareness about the November 3rd shootings. The recommendation for anti-racism training undoubtedly connected to testimony about the role the TRC believed City officials and the police department played in allowing the Ku Klux Klan easy access to anti-Klan protestors on November 3rd and a lack of support for survivors of the shootings. The Commission also recommended the creation of a police review board with subpoena power, clearly connected to the responsibility the TRC felt that the police department bore and the negligence it and many who testified to the Commission felt it exhibited on November 3rd. Such a recommendation was also specifically made by former residents of the neighborhood where the shooting took place (Tutt, 2005, 3) and by former members of the Communist Workers Party (Nathan, 2005, 8) and other witnesses and TRC community dialogue participants (Parks, 2005, 11; Williams et al, 2005, 6). Such a recommendation was eventually implemented after a slew of scandals involving the Greensboro police department; it lacks subpoena power but seems to have little difficulty getting police officers to comply with its requests (Green, 2017).
Commission recommendations to increase funding for county departments of social services and public health (Brown et al, 2006, 204) seemed indirectly related to broad recommendations during public hearings and private testimony that government do more to reduce poverty and improve quality of life for all residents. The TRC also made recommendations related to the justice system, particularly a suggestion “to expand the pool of potential jurors to be more representative of the community as a whole” (Brown et al, 2006, 205) and drawn from more than driver’s license and voter registration data. This suggestion ties back directly to many comments made during public hearings and private statements about the all-white jury that acquitted Klan shooters on all counts in their first criminal trial. While prosecutors in that trial questioned whether the racial makeup of the jury had any effect on the verdicts, they acknowledged that nearly all African-American jurors were struck from the jury based on responses to their negative feelings about the Klan.

Other TRC recommendations concerned the media (the suggestion of a citizen advisory group), anti-racism training for other institutions and individuals, more funds for leadership training, and actions an individual could take to increase an understanding of “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” (Brown et al, 2006, 206). Progress on the implementation of these recommendations is either hard to measure or difficult to discern. It is unclear whether any sort of citizen advisory group has formed for local media, and whether anti-racism or leadership development training has increased is hard to track. The recommendation regarding the media emerged briefly in the TRC’s community dialogue after its public hearings
(Williams et al, 2005, 6). It also seems tied to testimony in both public hearings and private testimony that referenced the framing of the shootings as a “shootout.” The TRC felt that characterization affected the public’s ability to understand the Klan’s responsibility for the deaths of five Communist Workers Party members. Media members who testified to the Commission disputed any notion that they had deliberately created a narrative that would make both the CWP and the Klan equally responsible for the November 3rd bloodshed, but the TRC argued that media mistakes and under-reporting of the circumstances surrounding the shootings kept residents from fully understanding what the shootings meant to the community as a whole (Brown et al, 2006, 205).

In sum, the conclusions and recommendations issued by the Greensboro Truth and Reconciliation reflected a conscientious effort by the TRC to incorporate public sentiments and testimony into their work. The subsequent implementation of several TRC recommendations seems also to reflect public support for those recommendations, while TRC recommendations with a more indirect or limited link to testimony seemed to gain less traction. Ultimately, though, the Greensboro TRC’s ambitious public engagement efforts—ranging from door-to-door canvassing to private statement gathering, from public hearings to a community dialogue—yielded plenty of fodder for their final report, which they utilized to great effect.

**Case II: Maine Wabanaki-State Child Welfare Truth and Reconciliation Commission**

The Truth and Reconciliation Commission that convened in Maine consulted with members of Greensboro’s TRC, but while both commissions shared similar aspects, they
differed significantly, from the context of their creation and relationship with government to its scope of work and the nature of its public participation process. Maine began its TRC under a mandate that was signed both by Native American tribal leadership and Governor Paul LePage, who also issued an executive order intended to encourage widespread cooperation between state officials and the TRC in its work. While conflicts between LePage and the Native American tribes not directly related to the TRC’s work or topic undermined his support for the TRC (and led him to rescind his executive order), TRC officials believe that his reversal of position had little to no effect on the TRC as a whole. On the other hand, TRC officials argued that the tribes’ and Governor’s initial support was quite significant to establishing the TRC’s legitimacy in the eyes of both Native and non-Native populations in Maine. Since the TRC was focusing on the actions taken by state social workers in Native households, the Governor’s willingness to support the Commission’s scrutiny of his own government seemed especially noteworthy (LePage et al, 2012). That level of governmental support, while not accompanied by funding for Maine’s TRC, marked a significant difference between Maine’s TRC and Greensboro’s. Additionally, one of the Commissioners who served on Maine’s TRC was a high-level government official, Secretary of State Matthew Dunlap, whose appointment the Governor repeatedly questioned and sought to block (LePage and Dunlap, 2012), seemingly based on a fear that his service would create the presumption of the State of Maine’s support for reparations for victims of abuse in foster care. Dunlap himself asserted that such reparations could be sought whether or not the Commission convened or whether he served on it, and the Commission ultimately did not recommend financial reparations be paid, but his service in no way guaranteed that any of the TRC’s
recommendations would be implemented by Maine’s state government, as the state has yet to act on many of them (Wishcamper et al, 2015). Nevertheless, the Governor’s support of the TRC’s mandate in Maine and the Secretary of State’s service certainly distinguished it from the Greensboro TRC in the level of political support that the TRC received.

Maine also set out a far more ambitious scope of work than Greensboro’s TRC, examining an issue that had affected Maine residents from across the vast state and over several decades. This choice of scope stemmed from a working group that had been meeting regularly in Maine to discuss the state’s compliance challenges with the federal Indian Child Welfare Act, which seeks to keep children cared for within their Native tribe, as opposed to placements in foster homes outside the tribe. The Commission’s mandate calls for the TRC
to uncover and acknowledge the truth, create opportunities to heal and learn from that truth, and collaborate to operate the best child welfare system possible for Wabanaki children… The Commission’s investigation shall focus on the period from passage of the 1978 Indian Child Welfare Act (ICWA) to the authorization of the Mandate. (LePage et al, 2012, 1).

The term “Wabanaki” encompasses several recognized tribes or nations, and the scope encompassed the entire state child welfare system. As a result of the expansive geography of this scope, Maine’s TRC planned public events across the state designed to receive testimony from anyone who wished to give it. This was a slight contrast to the initial approach of Greensboro’s TRC, which consisted of door-to-door conversations in the homes near the site of the shootings and collection of private testimonies either at
TRC offices or other sites. For Greensboro, the public hearings served more of a transparency function, to make the public aware of what the Commission had been hearing in testimony. For Maine, public events were initially a critical part of gathering information, testimony, and suggestions from those impacted by the child welfare system. Unfortunately, according to interviews with TRC officials, despite their best efforts, several public events had no attendees, while others had very few, and generally, the affected population showed limited willingness to tell their stories in that fashion. In an interview, one TRC official recalled several trips to various Native American communities simply to build relationships, establish trust, and explain their work before ever gathering statements from people in that community.

Ultimately, nearly all of the official statements collected by Maine’s TRC came in private sessions; several were done anonymously, even in private; and others were not shared even in the TRC’s archives after its work was complete, all indications of the extreme sensitivity associated with discussing this topic. Unlike Greensboro’s public hearings, in which all Commissioners were present, Maine’s Commissioners described in interviews listening to a portion of the statements as they were being given, but they relied on one another’s recollections and impressions for the statements they did not hear firsthand. Additionally, the process for gathering private statements differed. In Greensboro, typically a single Commissioner or staff person would sit with a statement provider and allow them to tell their story uninterrupted, with interjections primarily for clarification but no set questions or agenda for the session. In Maine, the Commissioners usually conducted statement gathering with a staff person, a Commissioner, and a
“support person” there to help the statement provider manage their emotions during the process. In the report, the Commission explained their statement gathering philosophy:

There was a desire on the part of all involved to give as much latitude and control to participants, in recognition of the many times that Native people in particular have wrestled with issues of intellectual property, the arrival of research teams on Native land, and other ways in which the dominant culture has behaved without respect for Native ways and appropriated Native knowledge (Wishcamper et al, 2015, 76).

That level of latitude occasionally meant that statements were entirely composed of a person’s recollection of their experience in foster care, rather than suggestions on how to rectify the past, remedy the present, and improve the future. Perhaps in response to that trend, the Commissioners eventually developed a standard list of questions to ask during the statement giving process, which they said stemmed from a desire to ensure they collected the information necessary to their work regardless of how much a statement provider had prepared to say in advance. This helped produce a vast amount of detailed information about the child welfare system from multiple perspectives—children in care, tribal leaders and social workers, state social workers, officers of the court (lawyers and judges), etc.—and the Commission quoted heavily from these statements in their final report. One other notable aspect of Maine’s process was the role some Commissioners played of clarifying and adding to the statements they were hearing based on their own expertise or life experience. In interviews, TRC officials indicated this was not discussed beforehand, but they were not concerned that Commissioners were unduly influencing or steering the testimony in any way. While their approach during statement gathering was
more active than that of Commissioners in Canada or Greensboro, they were still able to receive a wide array of viewpoints on how best to manage child welfare policy in Maine. That is, the Commissioners’ interjections did not seem to influence fewer state officials to participate in the TRC process or change their testimony in any way. Finally, the Maine TRC instituted the use of focus groups to respond to a growing demand for statement provision and in recognition of the discovery that “people often felt more at ease discussing issues in groups” (Wishcamper et al, 2015, 78). This approach had not been formally employed by the Greensboro TRC, perhaps due to higher attendance at public events.

Data Analysis: Statements

The TRC made nearly 100 statements available via its archive, including some where the statement provider was not identified. These statements reveal a population of Native American young adults and middle-aged adults who experienced severe trauma while in foster care, particularly when placed in the homes of families outside their Native tribes. Many statement providers recounted harrowing and repeated experiences with sexual, physical, and emotional abuse at the hands of their foster families, who often made their Native foster children follow a different set of household rules than their biological children. One recurring theme raised by multiple statement providers was the sudden and frequent nature of re-assignment from one foster home to another, without any input from the child placed in care. The TRC consistently asked each statement provider who had been in foster care a similar question, along the lines of, “What would you have needed in dealing with the child welfare system?” (Bailey and George, 2014, 31) or “What do you think would be important for us…to ask to change to make sure
happens?” (Wishcamper et al, 2015, 10). Their answers provide a powerful foundation for the TRC to use in formulating recommendations. What follows is a sample of those answers:

I really would just like to see us sitting at the same table having conversations about the real stuff… I wish that the - that whites would have more compassion and understanding about the Native culture as well as the Native history…my concern about when this - when the report comes out is, just like anything else, there are always gonna be people who have some really hateful things to say regarding the tribes and child welfare. And I think that we're opening ourselves to that. And I - what I'm hoping is that we can evolve from that into something better… (Cahill Low, 2014, 14).

I think there needs to be, there needs to be more training for the people who are making the decisions… More training, more understanding of, I think, of Native culture because it's not all the same (Burgess, 2014, 10).

I think if we can help educate the public, not just here in Maine, but across the United States, about the injustices that have been done and how we can work with the Tribes in facilitating healing, because we have generational trauma that’s been swept under the rug… And I think by bringing it out and talking about it and taking ownership is the only way we can start healing (Augustine, 2014, 18).

The preceding comments illustrate the desire of many statement providers to improve the cultural education of all those dealing with Native families in the child welfare system.
One thing I would like to see happen is a model that's been effective, not only in Tribal communities, but in other communities, where you have a supportive living situation. So you might have, say, six to 12 small apartments for parents who have issues of substance abuse. They come to live there. They cook communally. They have substance abuse treatment…they have parenting assistance. They have job coaching assistance available to them *there*. So, they have a community and their children are with them. So, they have a community within their community *(Burgess, 2014, 10)*.

I felt like I learned a great deal from the children I worked with. Um, and I learned that children love their families and want to be with their families. They want things to be better but they want to be with their families. And they should have the right to be with their families and their culture and their Tribe. They should have that right *(Burgess, 2014, 10)*.

One thing I really regret is not knowing my language….So. ... I would, somehow, I would have the State be able to have the person keep their culture… I think that’s important. And, also, continue to check up on the children. And don’t warn the families that they’re coming for a visit, ’cause I think that was another problem in the past that they were told when they were gonna come and visit, so they can either spruce up the house or change their attitudes, and, so they’re not really seeing what’s happening *(McDonald, 2014, 10)*.

I think that it's not just the State of Maine, but the federal government that needs to provides funds to the tribes and the tribal family members involved with that
child to … travel to that child and deal with that child in a way that ICWA (Indian Child Welfare Act) supposes it should be doing (Irving, 2014, 20).

I would have the State of Maine be responsible for assisting with documenting ancestry and genealogy, um, for those families that were affected by non-compliance with ICWA. I think that's the very least that the State of Maine can do, because the Tribes don't have that availability to do that (Augustine, 2014, 17).

The preceding comments all relate to the desire for Native American children to stay closer to, or even to remain with, their families in circumstances where they might otherwise be placed with a family outside of their tribe. If they cannot be placed within their tribe, these statement givers want greater efforts made to maintain cultural ties between the child and their tribe.

Like maybe we need to have more funding to recruit Native families to be able to come forward and be resources for Native children. And I don't know how we do that but that would be great (McKechnie, 2014, 24).

I think it'd be great if we had probably more foster families that were available, either within the Tribes themselves, or very close to-, who have a close connection to the Tribe, because I think, for all of us, we're, we are struggling to find families (Bullard, 2014, 17).

The preceding comments speak to an underlying challenge for the state of Maine in carrying out federal law requiring Native American families and tribes to be invited to host foster children from their own tribe. The shortage of Native American foster families comes up many times in statements.
I do hope that there's some good structural recommendations to child welfare. Specifically that the case reviews, the district resource people more regularly happening *(Burns, 2014, 17).*

I sometimes wonder, you know, would it make sense to have somebody within each office who has a specialty line…they and their supervisor really have responsibility for the bulk of those cases [involving Native children], because then there would be a comfort level, a fluency, and you also develop relationships… *(Bullard, 2014, 17).*

These two preceding comments concern procedural guidance to the state of Maine as it reviews potential child welfare cases involving Native American children.

I'd recommend that the feds sign a new treaty with the Nation and get rid of the Land Claims Settlement Act. I think that in some point in time—and I know that's probably too flippant. But my perspective is that there—there are—there is a belief system that is in place because of the Maine Land Claims Settlement Act that until that is revisited and perhaps reframed to some degree that that mindset is going to continue in the Attorney General’s Office. That they are going to continue to believe that the Nation is not a Nation, that it is a municipality and it's still under their authority. And as long as that continues, there are going to be problems *(Mehnert et al, 2014, 16).*

The Land Claim Settlement Act is bad and so is the Blood Quantum in my opinion…Blood Quantum, you are a quarter, you are a half, you are three quarters, you are full, oh you are below a quarter so you are not really… (TE: yeah okay.) I am not sure how you would gauge that. But I feel like way before
the Blood Quantum happened, your kids are your kids and that makes them part of the community. That makes them part of the tribe and that makes them part of you and you are part of it. I don't know, so I don't know how that could be different, but the only purpose for it was to eventually eliminate the Indians. So I think that is a negative policy that is in place (George et al, 2014, 14-15). Blood Quantum for me would be anybody that recognizes as Native American that has blood in them, that has relatives that are Native American (George et al, 2015, 15).

The preceding three suggestions relate more to federal policy governing how tribes and Native Americans are identified under the law—and, by extension, whether they are protected by the Indian Child Welfare Act from being placed outside their tribe without the tribe’s consent.

Across these suggestions from statement providers comes a desire for acknowledgement of their trauma and the mistreatment they endured both from state officials who did not comply with the Indian Child Welfare Act and from their foster families. Native children and officials and state officials both call for additional training and dialogue around the Act, the history that precipitated its passage, and the challenges and missteps in implementing the law across Maine. Many statement providers noted inadequate efforts made to identify or certify a child as a member of a Native tribe and the need for policy and process reforms in that regard. Importantly, Native and state officials also called attention to the difficulty of finding foster families within tribes who can accept children in need of placement, as well as the difficulty of keeping Native families together or Native children within their tribes when their biological parents
wrestle with substance abuse. Thus, taken collectively, the statements provided the TRC with ample suggestions for how to frame their findings and recommendations to the state of Maine in their report.

Data Analysis: TRC Report, Findings, and Recommendations

The Maine Wabanaki-State Child Welfare TRC’s report includes numerous connections to those who gave statements to the Commission, including extensive direct quotations from stories of life in foster care and recommendations that closely reflect suggestions from statements. Among the more provocative findings the TRC rendered is the existence of “cultural genocide” (Wishcamper et al, 2015, 8) in Maine, based on the involuntary disconnection of Native children from their culture, whether willfully or inadvertently. That characterization was floated during the statement gathering process and at least one state official questioned it: “The word ‘genocide’ to me means killing people, but it means more than that: it means killing a culture, and I don’t think I ever thought of any of our practices as killing a culture.” But for the Commission, “we saw over and over that the well-being of Wabanaki children was linked to their cultural connectedness and that their heritage serves as a perhaps unparalleled source of strength and resiliency for individuals and communities” (Wishcamper et al, 2015, 9). The Commission echoed concerns that “more needs to be done to improve, in particular, initial identification of Wabanaki children” (Wishcamper et al, 2015, 28-29) and also recommended that the state “resolve problems surrounding blood quantum, census eligibility, and the provision of services for children, as these issues are often contested and unclear” (Wishcamper et al, 2015, 67). The Commission called on the State to support healing and “celebrate the cultural resurgence of the tribes” (Wishcamper et al,
2015, 67), and the Commission itself preserved tissues used by statement providers and burned them in a special tribal ceremony in recognition of Wabanaki cultural traditions. The TRC suggested changes to training given to state case workers, attorneys, and judges to help “recognize bias and build cultural awareness…in ways that frame [the Indian Child Welfare Act] within historical context (Wishcamper et al, 2015, 67).

Commissioners called for the creation of more Native foster homes and therapeutic homes, more consistent supports for non-Native foster families to keep Wabanaki children connected to their heritage, and improve the teaching of Maine Native American history and culture in schools (Wishcamper et al, 2015, 67). In all of these cases, the TRC recommendations seem closely aligned with the suggestions they received, and the TRC’s overall findings about the history and state of child welfare in Maine clearly reflected the stories they heard from both state and tribal officials and those with experience as foster children.

**Data Analysis, Results, and Findings: Government Response**

One puzzling aspect of the results of the TRC process is the state’s very limited receptivity to the Commission’s recommendations. A bill filed in the Maine Legislature to accept the TRC report went nowhere; curiously, officials in the Legislative clerk’s office believed that no legislative action was needed to implement the recommendations, while TRC officials shared in interviews that they had strategically delayed their advocacy due to exceedingly poor relations between the Governor, the Legislature, and tribal leadership. It is hard to know exactly what has hampered the implementation of TRC recommendations in Maine. It may simply stem from the unique political dynamics associated with Governor LePage’s administration, in which he vacillated from explicit
support for the TRC to firm opposition to it, in both word and deed (the rescinding of his executive action). It may also have to do with a lack of legislative voices from the tribes; Maine’s Native population has had non-voting representatives in the Legislature before, but the most recent officeholders resigned in protest over the state’s treatment of tribes. One other aspect of the Maine TRC’s work that may be limiting its broader impact on policy is the relatively low levels of awareness and engagement among Maine residents without direct experience or involvement in child welfare. In a telling focus group with some of the TRC’s “community organizers,” they bemoaned low levels of media attention to the TRC’s work and commitments to make statements that were not kept. They wished that the TRC process had allowed for more spontaneous statement gathering, where they could begin recording with someone who was sharing their story informally. They also felt that the statement providers did not reflect a true cross-section of perspectives among the non-Native child welfare community or among the tribal community, with many declining to provide statements, even anonymously, out of fear of repercussions in their careers or communities: “I think it’s pretty clear that we’re not getting really an accurate reflection from the communities because there’s so many trust issues and there’s a whole lot of fear. So, you know, we’re probably not getting the real full representation from the tribes of this” (George et al, 2014, 11). Organizers expressed disillusionment when they and other would-be statement providers realized that the TRC could not directly implement change in Maine’s child welfare practices but could only make recommendations. They also noticed that the TRC had not attracted official support from leaders in the state health community, which could have, in turn, affected the Commission’s credibility and its ability to get its recommendations adopted (George
et al, 2014, 14-16). One focus group participant also made an important suggestion in the framing of the TRC’s work that could help its recommendations gain more traction in the future:

I also to hope people see that, you know, best child welfare practice for Wabanaki children translates into best practice for all children which turns into a healthier communities and move towards the reconciliation and, you know, moving forward. Because I think people well, what’s so special? You know, you get that a lot. Native kids, why is it so important that they have a federal law? And to understand how helpful it is that every kid should have a tribe as a third parent. I mean every kid should have a community or, you know, extended family or something. It should, they should realize the trauma and that, you know, every kids does experience, you know, that it is different for Native kids though (George et al, 2014, 29-30).

This focus group participant, who had played a key role in the creation of the TRC, underscored the tension between forming a TRC with such a broad mandate that it becomes unwieldy but perhaps attracts greater awareness and developing a narrow mandate that allows for greater focus and easier fulfilment but less clearly connects with the broader population. The comment also underscores the tension between a TRC that accepts government funding or other participation in its work and one that operates wholly independent with grassroots support. A TRC with government funding and involvement, like the Canada case study discussed below, can face credibility challenges as it investigates and challenges institutions that are sustaining it, but that funding and support can also strengthen the TRC’s ability to reach the broader population and gain
more traction with its calls to action. A TRC without government funding, as in the cases of Maine and Greensboro, can make a convincing claim of independence and impartiality, but both Commissions received far less media coverage and public attention than Canada’s TRC, and the recommendations made by TRC’s in Greensboro and Maine have been taken up much more slowly (if at all) than those in Canada. It seems clear that significant challenges remain in producing substantive change out of TRC recommendations, but the widespread embrace of public sentiment in those recommendations seems to have helped bolster their cause among elected officials.

**Case III: Canada’s Truth and Reconciliation Commission**

In some respects, it is very difficult to compare the case of Canada’s Truth and Reconciliation Commission to the TRCs in Maine and Greensboro. The two American Commissions had to raise all of their own funds from private donations and had budgets of less than $10 million and fewer than a half-dozen paid staff. Canada’s TRC had a budget of $60 million and a large paid staff in the dozens (Curry, 2015). Greensboro and Maine functioned with limited or no government support and no government funding. Canada’s TRC actually began as an operation of the federal government with staff re-assigned to TRC duties until the resignations of all three Commissioners prompted a reassessment of the government’s role. It also stemmed from the settlement of a class action lawsuit filed by survivors of the residential schools operated by the government and many churches, with a clause of that settlement including the convening of a TRC. While a lawsuit was filed in the Greensboro shootings and settled, no such TRC clause was included; Maine had not developed its TRC because of any specific court action, either. Maine’s Governor LePage had issued an executive order calling for
greater cooperation between state and tribal governments and the Maine Wabanaki State Child Welfare TRC but later rescinded it (LePage, 2011). Canada’s top leadership had already issued an apology for the treatment of thousands of students in its residential schools prior to the launch of the TRC, and it had invested deeply in the TRC’s work, an investment that continues to this day.

Despite those significant differences in scope, budget, and political context, Canada’s TRC does warrant some comparison to its peers in Greensboro and Maine. All three Commissions operated from a similar philosophy when it came to the involvement and active participation of the public in their work. Like Greensboro and Maine, Canada made numerous and frequent calls for those with anything to share with the TRC about residential schools to come forward—publicly, privately, and even online (an option not explicitly given in Maine or Greensboro). Like Greensboro, Canada staged several public events across the country—some meant to be local hearings, some regional, and some labeled national events of longer duration and attendance. Like Maine, Canada focused on the child welfare experiences of the indigenous, known in Canada as First Nations, and the broader challenges in relations between Canada’s national government and First Nations, as well as relationships between members of First Nations and non-members. Canada’s approach to the provision of statements took several forms that mirrored approaches in Greensboro and Maine. Those giving statements privately were often asked questions similar to those developed by Maine’s commission, including what the statement provider recommended be done to address past trauma and present challenges for First Nations. Those giving statements publicly were allowed to speak without specific prompting or interjection from Commissioners, as Greensboro had,
though Canada did not impose a time limit, as Greensboro had with its invited speakers to its public hearings. Canada shared Maine’s desire to honor indigenous culture during its events and hosted many events that allowed for cultural and artistic expressions of grief, sadness, and hope. Finally, while Canada’s TRC has seen its calls to action (another way of describing recommendations) gain greater traction more quickly than either Maine or Greensboro, an assessment from the Canadian Broadcasting Corporation (CBC) finds that the government has only implemented 10 of the 94 calls to action as of this writing (Barrera et al, 2018). Analysis of that progress will be discussed later in this case study.

**Data Analysis: Testimony (sample)**

The National Centre for Truth and Reconciliation at the University of Manitoba in Winnipeg, Manitoba, says it has more than 4,000 audio and video files containing statements given to Canada’s TRC (each file usually contains multiple statements). Accordingly, for the purposes of this study, a sample of these audio and video files was drawn from eight different TRC events—one from Alberta, British Columbia, Ontario, Manitoba, Quebec, and Saskatchewan, one from the Northern Region (inclusive of Northern Territories, Yukon, and Nunavut), and one from the Atlantic Region (inclusive of New Brunswick, Newfoundland and Labrador, Nova Scotia, and Prince Edward Island). The National Centre for Truth and Reconciliation, the archives for Canada’s TRC, also provided a sample of private statements from multiple hearings across the country. The goal was to analyze statements given from across the country, as well as to hear statements given in different settings—public sharing panels and sharing circles, and private settings as well.
One aspect of analyzing statements from Canada is analyzing the level of homogeneity of perspective from statement providers. A great many of the statements given at public events came from survivors of residential schools, students who attended and continue to carry trauma. People who were not students often functioned as silent observers in the audience. Relatively few instructors or administrators from the residential schools came forward to share their stories in public, though TRC officials said in interviews several did participate in small group dialogue on the sidelines of public events (Murray, 2018). TRC officials also said they conducted nearly 100 interviews from school officials in private meetings, often in their homes; some of them expressed fear of sharing their story publicly. The TRC’s regional event in Victoria may offer a partial reason why that fear arose. TRC records show more than 2,300 people registered for the event, and nearly 400 identified as former attendees of a residential school, “leaving almost 2,000 people who came to hear the truth be told and to share what they have learned with others” and more than 150 statements gathered (Truth and Reconciliation Commission, 2015). The TRC’s director of statement gathering, Ry Moran, told the CBC that the event and statement gathering process needed to be public because, “Reconciliation cannot be achieved without the support and interest of non-aboriginal people.” Towards the beginning of the hearing, a church official (who was not aboriginal) offered an apology for his institution’s role in administering residential schools where abuse and maltreatment occurred. After his comments, Brother Tom Cavanaugh, a former member of the staff at the Christie Residential School, stepped forward. His comments included statements of regret for abuses that occurred, but he added:
There didn’t seem to be at that time any other viable alternative [to residential schools] in providing a good education for so many children who lived in relatively small and isolated communities. However, the native staff who were related to a number of children there…[audience members begin to interject] (tell the truth!) If you give me a chance I’ll tell the truth (you’re not telling the truth)…provided a good education as well as an excellent care and guidance of children entrusted to them. (Tell the truth! Tell the truth! Shame on you, shame on Canada! We never sent our children to residential schools). Parents were encouraged to visit the school and rooms were available for parents to stay over (You built a prison!). For me Christie school was more like a home—(stops, sound of audience member sobbing) (Cavanaugh, 2012).

At this point, Commissioner and Justice Murray Sinclair stepped to the podium and asked the audience to respect the speaker and allow him to finish his statement:

This is an opportunity for a gesture of reconciliation to be made and he hasn’t completed making it, and we want to ensure that all of those opportunities are provided in full. We always appreciate as commissioners the opportunities for people to have an exchange with each other about what it is that needs to be said, and we’re providing an opportunity for this gesture to be made, and we’re going to ask you to listen respectfully. There will be an opportunity to respond, listen with respect and kindness…we know the difficulties you face, we understand them, we just ask you to be respectful and let statement be completed. Thank you. (Cavanaugh, 2012)
Elsewhere in the hearing, Sinclair remarked, “The most important part of the conversation is with each other” (Hartnell, 2012). Later, another statement provider at the same event, Ina Seitcher, emotionally refuted Brother Cavanaugh’s testimony, saying, “That priest that talked about how loving that Christie residential school was—it was not. That priest was most likely in his office not knowing what was going on down in the dorms or in the lunchroom…” (Seitcher, 2012). It is difficult to know whether Ms. Seitcher and Brother Cavanaugh ever spoke to one another directly other than to listen to one another’s comments in public, but in its report, the TRC wrote, “The fact that there were few direct exchanges at TRC events between Survivors and former school staff indicates that for many, the time for reconciliation had not yet arrived” (Truth and Reconciliation Commission, 2015, 16).

This episode carries great significance to an understanding of the TRC’s public engagement process. Firstly, it suggests that Canada’s TRC hoped that residential school stakeholders across the board (former students, staff, government and church officials, etc.) would participate fully in providing statements and engaging in dialogue with one another over the course of its events, and it did effectively create opportunities for that to occur, as evidenced by Brother Cavanaugh’s decision to speak publicly. Secondly, at the first sign of trouble in the keeping the TRC’s public space safe for all to participate authentically, Commissioner Murray Sinclair stepped in quickly, and his intervention seemed to facilitate the smooth completion of testimony from Brother Tom Cavanaugh. But this episode marks one of the few times the public heard such sentiments—that residential schools were needed and valued, that staff performed respectably and professionally, and that residential schools had done their students good. Commissioners
and TRC staff likely heard these sentiments at times in private interviews with staff, but the public usually did not, indicating how difficult it must have been for the Commission to maintain that safe space for the testimonies of all. Another former school staff member, Merle Nisley, said at a different hearing, as recounted in the TRC’s report, 

I think it would be valuable for people who have been involved in the schools to hear stories personally. And I also think it would be valuable, when it’s appropriate...[for] former students who are on the healing path to ... hear some of our stories, or to hear some of our perspectives. But I know that’s a very difficult thing to do.... Certainly this is not the time to try to ask all those former students to sit and listen to the rationale of the former staff because there’s just too much emotion there ... and there’s too little trust (quoted in Truth and Reconciliation Commission, 2015, 14).

Nisley made this comment on one side of the country at a smaller local hearing in Ontario, roughly five months before Brother Cavanaugh made his remarks; it is unlikely he had heard the earlier ones. But it is telling that Ms. Nisley is both aware of, and reluctant or unwilling to share, sentiments about residential schools that are part of a collective truth, one that made those listening to Brother Cavanaugh extremely uncomfortable. This dynamic, in which some of the most important stakeholders in any account of residential schools had difficulty telling their story in public, made it more difficult for the TRC to tell their stories, and perhaps made it more difficult to incorporate those sentiments in calls to action, since the public themselves might have not understood from where those calls were derived.
Data Analysis, Results, and Findings: Testimony and Connections to Commission

Calls to Action

Of course, the statements from Brother Cavanaugh, Ms. Nisley, and Ms. Seitcher make up an infinitesimally small sample of what Canada’s TRC heard from the public. Elsewhere at the Thunder Bay hearing, residential school survivor Esther Lachinette-Diabo used her testimony to call for the TRC to develop curriculum for Native studies and indigenous history, including residential schools, so that Canadians nationwide would understand why First Nations had suffered, continue to suffer, and warrant additional support from the federal government (Truth and Reconciliation Commission, 2015, 234). One private statement giver and residential school survivor in Ontario said, “We need to educate Canadian people on, on native Aboriginal people. In the States, or here, sometimes I talk to people in here or in the States, they still think we live in tepees” (Frogner et al, 2018). The TRC specifically called for review of existing curriculum and creation of new curriculum that would cover Aboriginal history and residential schools (Truth and Reconciliation Commission, 2015, 238). In parts of the country, like Alberta, this move has been embraced (Lazzarino, 2018), while in others, like Ontario, this move has been resisted based on cost concerns, but that resistance has come in for sharp and widespread criticism and seems unlikely to hold, based on news coverage (Hopkin, 2018).

Data Analysis, Results, and Findings: Testimony Around Residential Schools’ Legacy and Commission Calls to Action

Other speakers helped the TRC see how the legacy of residential schools continues to affect current First Nations residents. A First Nations leader, Norma Kassi,
testified in the Northwest Territories that “the doors are closed at the residential schools but the foster homes are still existing and our children are still being taken away” (Truth and Reconciliation Commission, 2015, 138). Other statement providers spoke graphically of abuse in foster homes (Truth and Reconciliation Commission, 2015, 140-141). Of course, comments like this closely bind together the TRCs in Canada and Maine. Canada’s TRC called for reductions in the number of Aboriginal children in care and improvements in services for Aboriginal families, due in no small part to testimonies like these (Truth and Reconciliation Commission, 2015, 139-140). The CBC reports that minimal progress has been made on reducing the number of children in care, “the 2018 federal budget did commit to an increase in funding, and in 2018, the federal government created a “six points of action” plan to address the child welfare crisis” (Barrera et al, 2018).

Meanwhile, the TRC also responded to experiences shared by students related to the deprivation or theft of their First Nations cultural identity; at an event in Manitoba, Doris Young remembered, “They gave us numbers, we had no names, we were numbers, and they cut our hair. They took away our clothes, and gave us clothes … we all looked alike. Our hair was all the same, cut us into bangs, and straight short, straight hair up to our ears.... They took away our moccasins, and gave us shoes” (Truth and Reconciliation Commission, 2015, 145). At a Nova Scotia event, Michael Sillett testified, “at the North West River residential school in Newfoundland and Labrador, told the Commission, Children at the dorm were not allowed to speak their mother tongue. I remember several times when other children were slapped or had their mouths washed out for speaking their mother tongue; whether it was Inuktitut or Innu-aimun.
Residents were admonished for just being Native… I cannot see the federal government putting out the money that’s necessary for full restitution, you know. I can’t bring back my language; I lost that. I lost my culture, you know. (quoted in Truth and Reconciliation Commission, 2015, 153-155)

The TRC made several calls to action related to culture and language, in particular, some of which have already been implemented within less than three years of the issuance of their report (Barrera et al, 2018). The TRC also heard from thousands of former students who believe problems with education for Aboriginal students continue to the present day, including Albert Marshall, speaking at an event in Winnipeg:

The current education system has been designed to completely eradicate who I am and to kill that Indian Mi’kmaq spirit that’s in me. But I do know I need knowledge and I need education. But the kind of education I need has to be reflective of who I am as a Mi’kmaq…The kind of legacy that I want to leave my children in the future generations is one of which they will be able to excel, they will be able to compete without having to worry about is the education system going to further eradicate their selves (quoted in Truth and Reconciliation Commission, 2015, 149).

The TRC’s calls to action in response to these concerns included new Aboriginal education legislation aimed at closing funding gaps between education for First Nations communities and for non-indigenous students (Truth and Reconciliation Commission, 2015, 149-150). The TRC extended their recommendations to post-secondary education after hearing testimony from former residential school students like Geraldine Bob speaking at a TRC event in the Northwest Territories: “the residential school system
owes me those lost years. You know, I lost my retirement; I have to keep working, I don’t have a good retirement fund because it was so late when I went to school. And I’ve proven that I can go to university and be successful as a teacher” (quoted in Truth and Reconciliation Commission, 2015, 151). The TRC noted in its report that “almost no one with some university or college education who spoke to the Commission had been able to obtain that education directly after high school” (Truth and Reconciliation Commission, 2015, 151). One statement provider said in a private statement, “Truth and reconciliation mean that I would have unlimited education, that I can finally get the education that my father, and my grandfather, and my forefathers before me fought for so long” (Frogner et al, 2018). The TRC called for better funding for First Nation students seeking post-secondary education, and the CBC reports the federal government has already made such commitments in budgets (Barrera et al, 2018).

The TRC made calls to action related to health care after hearing testimony about medical maltreatment in residential schools. Former student Rudy Firth said at a TRC event in Northwest Territories,

I’ve got chronic bronchitis today. Every winter I get pneumonia like two or three times and I’m on two puffers ’cause when I was in Stringer Hall residential school they used to put us in these little skinny red coats that weren’t even warm enough for winter. And we used to have to walk across the street to go to school…. Both my lungs are 50% scarred from having pneumonia seven times in [residential school] (quoted in Truth and Reconciliation Commission, 2015, 159).
Others described severe psychological and emotional trauma, along with physical and sexual abuse at the hands of staff. The TRC responded to these stories, in part, by drawing attention to poor health supports:

The children in residential schools were powerless to take healing measures. They were denied access to traditional foods and to families, traditional healers, and communities who could have helped them, according to Aboriginal ways, to deal with the physical, mental, emotional, and spiritual elements of ill health” (Truth and Reconciliation Commission, 2015, 159).

A statement provider also mentioned health challenges: “All the kids are, are, little kids like that already, they're taking dope, they're taking, they get drunk, and the government doesn’t really do anything about it. And a lot of people, a lot of young people hang, hung themselves” (Frogner et al, 2018). The TRC made several health-related calls to action in response, and the Canadian government has made significant progress in this area, according to CBC reports (Barrera et al, 2018). In that vein, the TRC also called for the expeditious resolution of any legal claims associated with abuse in the schools, after hearing from multiple witnesses that they had not been able to find closure (Truth and Reconciliation Commission, 2015, 168-170). The TRC also drew attention to disproportionate numbers of Aboriginal Canadians in prison, citing testimony from a survivor named Daniel Andre who described his painful journey from residential schools during an event in Yukon Territory:

I knew that I needed help to get rid of what happened to me in residential school. Like, everywhere I went, everything I did, all the jobs I had, all the towns I lived in, all the people I met, always brought me back to, to being in residential school,
and being humiliated, and beaten, and ridiculed, and told I was a piece of garbage, I was not good enough, I was, like, a dog…. So, one of the scariest things for me being in jail is being humiliated in front of everybody… I had to build up a system where I became a jerk. I became a bad person. I became an asshole. But I survived, and learnt all those things to survive” (quoted in Truth and Reconciliation Commission, 2015, 171).

The TRC called for action to address what it called the “overrepresentation of Aboriginal people in custody,” which it attributed to behavior patterns exhibited by residential school survivors based on what they endured in school (Truth and Reconciliation Commission, 2015, 172). The federal government has already funded programs aimed at addressing this issue (Barrera et al, 2018). The TRC also called for cultural support for Aboriginal inmates, citing testimony from Chris Gargan, who had served time in the Northwest Territories and told the TRC, “It would be nice if our own people would come in here and teach us about life ... you know, how to live. This is not the way of life for us. It’s not the way for us people. But if they would teach a program like that, that will catch somebody for sure” (quoted in Truth and Reconciliation Commission, 2015, 176).

Conversely, the TRC also issued several calls to action related to disproportionate levels of violence against Aboriginal people, particularly women and girls, particularly after they left residential schools. Residential school student Velma Jackson told the TRC, “I only know of one [of the girls my age] that survived, all the rest are dead today. Some died on the street. Some died prostituting. Others into alcoholism got run over by vehicles… I can’t to this day wear a dress because of all the things that
happened in the school. It was like a sanctuary for pedophiles…” (quoted in Truth and Reconciliation Commission, 2015, 180).

The TRC went so far as to call for an entirely separate inquiry into this matter, which was launched by the Canadian government within a matter of months of the call being made (Barrera et al, 2018).

**Data Analysis, Results, and Findings: Testimony Around Reconciliation and Commission Calls to Action**

Finally, the TRC made literally dozens of calls to action related to the broad theme of reconciliation: the establishment of Indigenous law institutes to understand Indigenous laws and access to justice (Truth and Reconciliation Commission, 2015, 327); the honoring of historic land claims for First Nations (Truth and Reconciliation Commission, 2015, 328); professional development training for public servants on Aboriginal history and culture (Truth and Reconciliation Commission, 2015, 329-330); a Papal apology for the Catholic church’s role in residential schools, specifically requested by survivors (Truth and Reconciliation Commission, 2015, 222-223 and 330-331); and the establishment of an independent National Council for Reconciliation to oversee the work of implementing Calls to Action (Truth and Reconciliation Commission, 2015, 328). On the notion of land claims, one survivor explained to the TRC, “To take the territorial lands away from a people whose very spirit is so intrinsically connected to Mother Earth was to actually dispossess them of their very soul and being; it was to destroy whole Indigenous nations” (quoted in Truth and Reconciliation Commission, 2015, 225). Another speaker said in private, “We want our, our rights back. We want our land back” (Frogner et al, 2018). The TRC also made calls to action regarding the
preservation or release of key records related to residential schools and regarding the establishment of both monuments and “a National Day for Truth and Reconciliation to honour Survivors, their families, and communities” (Truth and Reconciliation Commission, 2015, 334). That last call has attracted a significant amount of news coverage in Canada, as has the call for a former Papal apology, which has not yet been issued, though the federal government has supported it (Barrera et al, 2018). The Canadian government itself has apologized for its part in creating and overseeing residential schools, but statement providers like Eugene Arcand told the TRC, “[W]e as First Nations, Métis, and Inuit people, especially residential school Survivors, want to reconcile. We really, really want to. But it’s difficult when we see … the cuts to the Aboriginal Healing Foundation and other cuts that have happened in regards to education, in regards to our livelihood” (quoted in Truth and Reconciliation Commission, 2015, 216).

Data Analysis, Results, and Findings: Relationship Between Testimony and Commission Calls to Action

The TRC’s calls to action seem to have honored a great many of the sentiments expressed by those who testified before the Commission in the testimonies reviewed as part of this study. Another critical aspect of the TRC’s responsiveness to public sentiments is the ongoing role of the Canadian government in the implementation of the TRC’s Calls to Action. While the Canadian government has been financially and politically invested in the TRC since its inception as a clause within the government’s settlement with First Nations, TRC officials said in interviews that the government and TRC had to redefine its relationship within the first few years of its work. If anything,
the government had become “too” involved for the comfort of the TRC and Aboriginal people who could not trust the TRC process with such significant governmental involvement. Control of the federal government changed just as the TRC issued its final report, and the Trudeau government has moved aggressively to appoint high-level public servants to work on implementing the calls to action. Interviews with TRC and government officials suggest that the pace and exact form of implementation may vary from what the TRC originally envisioned, but the commitment to act remains strong, bolstered in part by the presence of former TRC Commissioner Murray Sinclair as a Senator in the federal government.

One aspect of the TRC’s report and calls to action that merits further discussion is the presence of calls to action that had less of a clear connection to public testimony than other calls. Interviews with TRC officials suggest that some calls to action emerged towards the end of TRC deliberations, based simply on the instincts and preferences of the Commissioners rather than a clear call from the public to act in that fashion. One example of this is the Call to Action for a statutory holiday, a National Day for Truth and Reconciliation. Canadian Prime Minister Justin Trudeau indicated that a process has begun to declare such a holiday, but the suggestion has drawn mixed reactions even from Indigenous, who worry that the holiday “could simply devolve into another day off for most Canadians” without progress on reconciliation (McQuigge, 2018). One columnist opined,

> I oppose Remembrance Day being a day off from work and school precisely because it seems more likely that our fallen will be honored communally if we interrupt the day to do so, rather than take it as holiday…How about taking an
existing statutory holiday renaming it ‘Truth and Reconciliation’ and making the
government workers come in to office to get on with so much unfinished
business? (de Souza, 2018).

For its part, the TRC wants the holiday to focus not just on residential schools and their
legacy but on “improving Canada’s relationship with Indigenous peoples” (McCue,
2018). Other critics of the move cited the economics of it—nearly $200 million in daily
governmental payroll—and the potential for those funds to help pay for “an awful lot of
clean water systems…an awful lot of support for education” (McCue, 2018). The
ongoing debate over this specific call to action, which some call a “distraction” from the
more important work of the TRC (de Souza, 2018), suggests a possible link between how
much the public encouraged the TRC to act in a certain way and how readily the
government acted to implement the TRC’s call to action. In other words, when the TRC
issued a Call to Action that had less of a direct connection to the public’s own goals or
suggestions, government has had greater difficulty with implementation of that call.
Ultimately, though, the widespread support for the TRC’s findings, and the commitment
of the federal government under Prime Minister Trudeau to implement all of the Calls to
Action eventually, suggests that the TRC thoroughly took Commission testimony into
account as it formulated Calls to Action that the people’s elected representatives could
support.
Chapter 5: Discussion, Conclusions, and Recommendations

Conclusions

Given the vast amount of data available to review from the three major North American truth and reconciliation commissions in Canada, Maine, and Greensboro, it is nearly impossible to draw definitive and precise conclusions about how well those Commissions heeded public sentiments. But this study included a large sample of testimonies from each Commission, spanning a variety of perspectives on the topics under investigation—for example, statements of Ku Klux Klan and Communist Workers Party members in Greensboro; statements of Wabanaki tribal members and child protective services staff from the state of Maine; and Canadian residential school students and staff. The study also included testimonies given both in public and in private so as to understand the full breadth of sentiments expressed to the Commissions; in Maine, nearly all of the statements gathered were done in private, while in Canada, an extraordinary number (in the thousands) were provided publicly.

After this review, a few conclusions emerge. One is that each of the three TRCs seem to have gone to great lengths to incorporate the sentiments of the public into their reports, both in terms of findings and in terms of recommendations or calls to action. This holds true even for what one might call a “minority” perspective in each case. For example, in Greensboro, members of the Ku Klux Klan and the Greensboro Police Department (or the City of Greensboro more broadly) participated in far fewer numbers than those supportive of or formerly affiliated with the Communist Workers Party, and many of Greensboro’s Commissioners found the Klan’s testimony and actions on November 3rd truly abhorrent. But Commissioners still incorporated the Klan’s
comments about the provocations of the Communist Workers Party into their findings, and they went to great lengths to facilitate face-to-face interactions (and apologies) between the two sides. In Maine, the TRC certainly paid greater heed to the travails of Wabanaki tribal members who had been in foster care and their needs for healing and support than they did suggestions from Maine’s Department of Health and Human Services staff. However, they also attempted to frame their recommendations in ways that would seem palpable and feasible to the state, and they quoted heavily from Maine officials throughout their report. Canada also worked to bring as many voices as possible into their work, from the numerous public events to the dozens of private interviews with residential school staff unable or unwilling to come forward. When a residential school staff member was verbally threatened, the TRC immediately intervened. Their eventual calls to action did seem to favor the perspectives of residential school student survivors more than staff, but they also included many references to staff testimony, recollections, and context around the residential school experience in their report to the nation. Thus, in all three cases, the Truth and Reconciliation Commissions respected and incorporated input given to them by members of the public from a variety of perspectives.

This conclusion seems to support the theories articulated above related to public dialogue and deliberation, empowered participatory governance, public participation, deliberative civic engagement, and “slow democracy.” In all three cases, TRCs granted their populations chances to participate in discussions of how best to move on from dark periods of their history, and the TRCs in Greensboro and in Canada were also particularly successful at facilitating dialogue across different perspectives at public events. Each of the three TRCs demonstrated the benefits of conducting dialogue processes open to all—
benefits both to the TRCs themselves and to those who participated—by connecting their work to the public’s stories and suggestions. Some scholars have suggested a TRC is less a means of problem-solving or participatory governance and more of a tool for changing pre-existing narratives, such as the characterization of the November 3rd shootings as a shootout among extremist outsiders rather than a symbol of long-simmering local tensions. In that analysis, each of the three Commissions studied here also made significant contributions to history, broadening the public’s understanding of the Greensboro incident while opening the eyes of many in Maine and Canada to the existence of genocidal and unjust practices promulgated against Native Americans or First Nations for decades. The two goals—of collective problem-solving through public participation and of rewriting narratives through storytelling—seem less at odds and more compatible, at least in the three cases studied here.

That said, the TRCs’ mixed results in their engagement with the public provides important lessons for the field. Greensboro’s TRC struggled to distance itself from surviving victims from the Communist Workers Party; as such, they failed to garner political or financial support of the City of Greensboro or the broader local establishment. Public hearings attracted decent, though somewhat modest crowds and often were left off of the newspaper’s front page, and national media outlets paid limited attention to the effort, perhaps owing to the perceived lack of popular support of (and perhaps interest in) the TRC. That apathy may, in turn, have contributed to the sluggish pace taken by the Greensboro City Council in considering or implementing the TRC’s recommendations. It may also have colored the TRC’s recommendations, in that it was hearing from a self-selecting sample of witnesses, many of whom supported the TRC process because it
would “correct” perceived mistakes made by the judicial system in its acquittal of all suspects. The relative lack of funding (compared to, say, Canada’s TRC) for Greensboro’s TRC limited its ability to do more outreach to encourage wider attention or participation in its work. Thus, Greensboro helps illustrate the importance of securing at least modest support from governing bodies and other community organizations, in the hope that wider public interest, attention, and participation will strengthen the influence of the TRC’s eventual recommendations.

Similarly, Maine’s experience suggests that a combination of limited funding and political will can limit the public’s willingness to participate in a TRC’s process and, by extension, can limit a government’s zeal to implement TRC recommendations. Maine’s TRC lacked the resources and support to produce well-attended public events—nearly all of its testimony came from circles hosted by tribes or in private. That limited the public’s awareness of the process, as well as limiting opportunities for “reconciliation” between state child welfare authorities and former foster children, for example. It also may have made it that much easier for Governor Paul LePage to use an unrelated dispute with Maine’s tribes to distance himself from the TRC’s work and decline to work for the implementation of their recommendations. He, and other legislators, may have surmised that they stood to lose little public support if they ignored the complex recommendations made to them by the TRC. The Maine case proves the importance of ensuring that a TRC has secured the funding necessary to reach as much of its population as possible and to host public events that allow for wider public participation, reconciliation, and media attention.
Canada’s TRC, if anything, proved the importance of adequate funding for public engagement. Its public events were attended by thousands and widely covered by the Canadian press. The TRC received ample funding in the form of a settlement reached between the Canadian government and survivors of residential schools who had filed a class action lawsuit over their treatment. The funding allowed the TRC to invest heavily in outreach to attract attendance at their events and to host many events all across the vastness of Canada, from coast to coast. Canada’s TRC also paid for mental health professionals to be present at their events, which undoubtedly attracted some more reluctant witnesses to come forward, knowing they could receive aid in times of re-traumatization. It comes as little surprise that the Canadian government, under Prime Minister Justin Trudeau, ultimately provided robust support to the TRC’s recommendations. After all, the government had invested heavily in the TRC and might look irresponsible if it were to fail to act on its Calls to Action. Additionally, the Canadian government could simply not ignore the TRC’s work, given the widespread interest, participation, and news coverage. Thus, Canada’s TRC, in contrast to Maine’s and Greensboro’s, suggests that the mere will to involve the public in a TRC’s work must be accompanied by adequate resources to carry out robust public engagement.

It also is hard to determine the extent to which the Commissions’ final reports and recommendations fostered reconciliation of the sort wished for by many who participated in Commission processes remains difficult to determine or measure. In several cases, those who provided statements to the three commissions used the opportunity to apologize for the role they, or their institutions, played in the tragedies under Commission examination. Some key participants in the tragic events even apologized
directly to one another (former Communist Workers Party leader Nelson Johnson of Greensboro apologized to a North Carolina Klansman, for example). But the preponderance of recommendations from the three TRCs focused on actions that they hoped governments, or schools, or other large institutions would take. While Greensboro incorporated recommendations for individuals in several recommendations, the other two Commissions did so to a much lesser extent. The TRCs seemed to prioritize recommendations whose implementation might occur in a public, or at least measurable and visible, fashion, over and above the desire many expressed for individualized action.

One additional aspect of the Commissions that must be addressed is the extent to which they were able to bring about acts of restorative justice, as many of them explicitly indicated they wanted to do. Restorative justice processes are meant to address both harms and needs—the harms done to people and communities and the needs victims may have to heal from the harm, as well as harms experienced by offenders, which “may require us to address the root causes of crime” (Zehr, 2015, 21). Each of the Commissions examined in this study seem to have made significant strides in this regard. Maine’s success in restorative justice seemed significant from the vantage point of having both victims and an offending agency (Maine’s Department of Health and Human Services) explore how the child welfare crisis had come about and contribute to the development of solutions to address child welfare issues. That level of collaboration had begun before the TRC, but it continued throughout the TRC and to this day. Specific episodes of reconciliation between parties, or encounters between victim and offender, seemed rare, as did public gatherings of mixed audiences (state and tribal) where stories were shared. But Maine’s TRC does seem to have undertaken a robust examination of
the harm done to victims, their needs, and the root causes of the breakdown in child welfare among Wabanaki tribes and nations.

Greensboro’s TRC structured its hearings in such a way that the root causes of the shootings were explored publicly and in great detail. They also explicitly examined the harms done by the incident, both in the short and long term, and asked victims (in private statement gathering and public hearings) about their needs and those of the community. Greensboro’s TRC was also able to foster a number of opportunities for apology and amends from both members of the Ku Klux Klan, the Communist Workers Party, and the City of Greensboro, though few were direct interactions between victims and offenders. But the City’s unwillingness to play an active part in the TRC’s work meant that it did not contribute much to its ultimate findings and recommendations, which may have hampered implementation progress. Nevertheless, the TRC’s ability to highlight concerns raised by all parties to the events of November 3rd certainly advanced the cause of restorative justice, to an extent.

Canada created several opportunities for participants to engage in moments of reconciliation. Its use of “honourary witnesses” from non-Native communities, often in leadership roles within church or government, along with numerous opportunities for facilitated dialogue between Indigenous and non-Indigenous Canadians across the country, helped foster a shared sense of responsibility for righting the wrongs of residential schools, as well for apologizing and making amends where warranted. Nevertheless, the Canadian TRC has admitted the difficulty it faced in facilitating moments of reconciliation between residential school staff and surviving students, even in creating opportunities for the two parties to hear one another’s truths. That speaks to
the difficulties of bringing about restorative justice at such a large scale, but it also suggests possible changes in the ways future TRCs design their processes to make more of these opportunities possible—perhaps by inviting two people who have given statements to meet in private, with trained support personnel.

While not working in the same transitional context as many other truth and reconciliation commissions, the three TRCs were able to carry out their work in a way that honored some of the main tenets of transitional justice. The Greensboro TRC argued for a public memorial to the shootings of November 3rd, which has yet to be completed, but a roadside marker erected after the TRC finished its work does memorialize their trauma, as did public statements from the Greensboro City Council. Canada has made plans for national days of memorial and statues to commemorate survivors of residential school abuse. Maine has also made changes to its administrative policies that are designed to ensure fair and lawful treatment of Native children, families, and tribes being considered for foster care or adoption. It is possible that the somewhat limited memorialization of the November 3rd shootings in Greensboro, the foster care tragedies in Maine, and the residential schools in Canada relates to ongoing injustice or inequities in the way people of different races and ethnicities are treated. While it is beyond the scope of this study to examine the extent to which racial segregation persists in the United States or Canada, reporting conducted by the Canadian Broadcasting Corporation (Barrera et al, 2018) does suggest that significant inequities persist between First Nations and the rest of the population. Meanwhile, Maine’s TRC reported that “Native children in Maine have entered foster care at disproportionate rates since before the passage of ICWA until 2013” (Wishcamper et al, 2015, 64). It stands to reason, therefore, that in the
absence of a more just society in Greensboro, Maine, and Canada, further societal
transition or transformation may be delayed.

Finally, the TRCs have affirmed the strength of theories of trauma healing,
narratives, and the theory of recognition. Statement providers in all three TRCs seemed
intent on receiving recognition in one form or another. In Greensboro, Klansmen wanted
others to understand their humanity and their willingness to live in peace alongside
people of other races and creeds. Communist Worker Party members wanted their worth
recognized as well, particularly when communism had declined in popularity and
acceptance. Prosecutors and police officers in Greensboro also wanted to be recognized
as doing the best they could in the circumstances they faced. In all cases, while not
absolving any party of responsibility for the bloodshed, the Greensboro TRC attended to
these narratives and traumas in their findings and recommendations. Children in Maine
and Canada who provided statements to the TRC felt their needs and Native heritage had
been ignored, and Maine’s TRC spoke of this at length in their report, labeling it “cultural
genocide.” The TRCs in Maine and Canada paid significant attention to the need for
state and federal governments to treat Native or indigenous populations equitably, not
just in foster care or education.

The governments in Greensboro, Maine, and Canada have taken significantly
different approaches to the implementation of the recommendations. An analysis of
government responses to these TRCs both before their formation, during their work, and
after their reports were issued, suggests that decisions regarding implementation have had
more to do with dynamics external to the TRC process, per se. For example, city
officials in Greensboro issued an official apology for its actions on November 3rd in the
wake of a deadly incident in Charlottesville, Virginia, more than ten years after the TRC issued that recommendation. It also adopted reforms of its police department and increased wages for city employees as the TRC had recommended but did so years after the fact. The widespread community support for the TRC at the outset did not persuade the Greensboro City Council to support its work (officially, as a body), and that reluctance seems to have carried over to its willingness to act on TRC recommendations. That said, it is possible that community activists were emboldened by the support the TRC gave to its calls for a police review board, a living wage for city employees, and a marker at the site of the shootings, all of which were eventually implemented by City Councils that differed from the one that opposed the TRC. The Greensboro TRC’s heavy emphasis on mistakes made by the police department and other City officials, beyond that of the Ku Klux Klan or the Communist Workers Party, may have engendered a backlash among the City Council members who initially received the report, given that a majority of them had previously opposed the TRC’s operations. But successive City Councils seem to have taken a different approach in tackling several of the issues raised by the TRC.

The experience in Maine is quite different in several respects. The initial, high-profile support Maine’s Governor gave the Commission was evidently tied to his political relationships with Maine’s tribes more broadly, and when those weakened, so did his (and his administration’s) support for the Commission. It is clear that the Governor’s conflicts with Native American tribes and nations on matters other than the TRC led him to disassociate himself from the TRC. The Governor also feared that the appointment of Maine’s Secretary of State to the Commission would somehow create legal liability for
the State depending on the TRC’s findings, which may have contributed to the decline in his support. Interviews with TRC officials there suggest they have chosen not to take a more aggressive approach in their advocacy for reform in state government until a new Governor is elected. The Governor and his administration have not made any easily discoverable comments on the record about any of the TRC’s recommendations, suggesting that the other political dynamics play a much greater role in their decision not to act than the TRC’s findings and recommendations.

In Canada, the investment of funds and political capital made by two successive federal governments of different parties seems connected to the need to comply with a legal settlement (and fund a TRC) or face lengthy and costly litigation, as well as to the extraordinary lengths taken by Canada’s TRC to engage people across the entire country and spectrum of residential school experience. The government’s decision to commit to implementing all of the TRC’s Calls to Action, despite political roadblocks or other complexities embedded in some of those Calls, suggests that the government respects the process the TRC undertook to make their work the people’s work, gaining a level of popular and political traction that the other Commissions have not yet achieved.

Any process like a truth and reconciliation commission that depends upon voluntary participation of the parties to the conflict risks being branded a failure, at least from the vantage point of discovering the whole truth surrounding their topic. While each of the three commissions did receive multiple perspectives on the subject at hand, they received far greater testimony from one side than the other—Greensboro heard less from the Ku Klux Klan than from the Communist Workers Party; Maine heard more from survivors of foster care than from state officials; and Canada heard more from residential
school students than from school officials. Invariably, that brings up questions of bias, fairness, neutrality, and objectivity, questions that particularly plagued Greensboro’s TRC in the runup to its launch and public hearings. While TRCs have often touted their fairness and impartiality (Brown et al, 2006, 24), TRCs also allow those who felt silenced by prior proceedings (courtroom trials, out-of-court settlements, political maneuvering, etc.) to have a voice, which may seem like a “privilege” granted to one population (victims) over another (residential school survivors over residential school administrators and staff, for example).

Ultimately, the approach of giving the floor to a large multitude of victims did not undercut the Commissions’ ability to deliver findings and recommendations that incorporated all perspectives, even those they heard less frequently. There is no clear evidence to suggest that progress on implementation of Commission recommendations is in any way linked to the composition of the witnesses who provided Commission statements. But it points to the continued tension with which a TRC must wrestle, finding ways to coax all sides to the metaphorical table of discussion without compelling their participation. The task of bringing the reluctant witness forward clearly must include investment in a relationship with the witness, one that includes ample time spent “off the record” (without the purpose of collecting information or a statement) and opportunities to see or understand first-hand the value of participation and the low levels of risk associated with doing so. The decision made by a witness to give a statement in private, rather than in public, is certainly of greater value to a TRC than to give no statement at all, but all three TRCs could have achieved more in bringing all parties forward in public both to testify and to attempt reconciliation. Maine and Greensboro, in
particular, likely were limited in what they could accomplish by their limited funding, which covered the salaries of a small staff and the arrangements for the necessary public hearings. Additional opportunities for reconciliation may have simply been beyond the TRC’s reach. But their attempts to do so, in all cases, were noteworthy.

Ultimately, this study has concluded that truth and reconciliation commissions, while often employed to help transition from one regime to another, can also play highly important roles in involving large populations (local, state, and national) in addressing public issues. The extensive public processes employed by all three Commissions, and the attention they paid to opportunities for acknowledgement, apology, and forgiveness, added significant value to the closure sought by the parties to their respective conflicts. It also helped produce recommendations for paths forward that have, in many cases, proven to be popular and worthwhile.

This study suggests that communities, organizations, and local, state and federal governments, can and should consider the use of a truth and reconciliation commission for those lingering conflicts that history has not put to rest. The TRC experience in Greensboro, Maine, and Canada suggests that prior efforts to resolve the conflicts in question within criminal and civil courts, or even in administrative or public policy, failed to satisfy the needs and interests of those most affected by the conflicts. That seems to stem, in part, from those parties’ inability to tell their stories to someone willing to listen, and to influence the approach taken to resolve the conflict. Statement providers often found themselves telling their stories for the first time in any setting (public or private), and they were given ample opportunity to offer suggestions for how best their city, state, or country could heal from tragedy. That opportunity may also have been
offered to them for the first time—many of those who provided statements to the three TRCs came from communities often underrepresented in public hearings or elected office. While many assume that a citizen of a democracy gains the greatest influence when given the franchise or right to vote, the TRCs afforded thousands the chance to have a more direct impact on the writing of future public policy. That opportunity seems to have indirectly produced many reforms ultimately welcomed by the governments of Greensboro and Canada, while reforms have taken on a more administrative quality to date in Maine.

This study also suggests that TRCs must ensure they receive adequate political and financial support to enable them to host well-attended events across the area they cover (an entire city, state, or nation) and to create opportunities both for testimony and for dialogue among parties, which can produce reconciliation. While autonomy, independence, and objectivity are important qualities of any TRC and may require some distance from a governmental entity, support remains crucial if TRCs aim to include all affected by a tragedy in both the documentation of truth and the advent of reconciliation.

Future research could analyze how other aspects of a truth and reconciliation commission’s work—the level of government involvement and support, whether to allow TRCs to grant amnesty, use subpoena power, or award reparations, etc.—can affect the public’s participation and influence over their work. Other studies could explore the relationship between testimony and a TRCs final report of findings and recommendations across the dozens of other TRCs that have met worldwide. It would be particularly worthwhile to compare a TRC’s utilization of testimony in its final report within countries where democracy has either not taken hold or functions very differently than
those of Canada and the United States. It would also be helpful to examine more closely how the relationships between host governments and TRCs impact their work, particularly the design of a TRC’s public participation process and the extent to which TRC recommendations are taken up by those host governments after the TRC completes its work. It might also be interesting to compare the work of a TRC on a macro scale to a micro-scale restorative justice intervention in the same community or on the same topic; perhaps two parties can more effectively and efficiently generate and carry out plans for change than a multi-year TRC can. Finally, future research should explore what, if any, impact the concepts and terms “truth and reconciliation” have on the public’s perception of, and participation in, dialogue and deliberation on a topic, compared to any other form of national, statewide, or citywide conversation aimed at bringing together different perspectives for a shared purpose.
References


Winnipeg, Manitoba: National Centre for Truth and Reconciliation.


Appendix A: Interview Protocols

For Greensboro TRC members:

1) What motivated you to serve on the GTRC?

2) What considerations did you have as you wrote recommendations?

3) What role did you view the public and public input playing in your work and in your recommendations, separate from archival or other forms of research or data-gathering?

4) What made the GTRC decide to hold public forums separate from hearings, statement-gathering, etc.?

5) How did you choose whom to have testify during public hearings?

6) How did you decide upon questions to pose during public hearings?

7) How did you decide upon time limits or other conditions for public testimony?

8) What guidelines did you have for taking private statements, in terms of questions you asked, other ways in which you interjected or participated during the giving of statements?

9) Recommendations:
   a. Why living wage for employees?
   b. What made apologies important? Diff bet regret and apology?
   c. Marker vs. monument?
   d. Exhibit at the Greensboro History Museum?
   e. Anti-racism training? Just for gov’t employees? Other orgs + $$ scholarships
   f. Annual reports on race—Mosaic vs. Human Relations Commission vs Impact GSO
   g. Citizen review panel for police with subpoena power
   h. More funding for Guilford Co HHS? Why?
   i. Curriculum for GCS
   j. Community Justice Center (RJ)
   k. Jury selection
   l. Citywide citizen group to comment on news media
   m. GPD investigation (transparency, public input)
   n. Role for individuals

10) Community Forums
   a. Why have them, separate from testimony?
   b. What was your plan for how to use the input?
   c. How well do you think you did?
For Greensboro Mayor pro Tem Yvonne Johnson

1) Talk about decision to testify.

2) Talk about the path to the City’s issuance of a statement of regret and apology (August 2017-Feb 2018). And trying to get City officials to apologize and difference between apology and regret.

3) Talk about the path of getting a public monument erected. (Jan 2015)

4) Living wage for City/county employees + contractors and subs. Happened?

5) Anti-racism training for all employees

6) Annual reports on race relations and racial disparities

7) Expansion of Mosaic Project

8) Police Review Boards (especially subpoena and enforcement power)

9) Investigation into GPD

Questions for Canada:

1) What informed the way you went about involving public in process, specifically
   a. Why national and regional events
   b. Why online statement gathering
   c. Why sharing circles?

2) How did you track public input

3) How did you incorporate perspectives of people other than IRS survivors?

4) How did TRC develop its calls to action

5) Why so many?

6) Reactions to so few of calls to action being taken (reference CBC report)

Questions for Maine TRC:

1. Appointment, conflict with governor, state role vs Commission role
2. Talk about decision to focus on private statements
3. Role of Commissioners during statement taking
4. Focus groups—why, what purpose, what did you learn differently
5. Genocide finding
Appendix B: Listing of Common Themes

**Isolation and Loneliness:** Many statement providers to the three TRCs mentioned expecting and needing various forms of support (emotional, legal, financial, etc.) that they did not receive. Before, during, and after a traumatic event like the November 3rd shootings in Greensboro or removal from biological parents in Maine or Canada, statement providers wanted institutions like police, government, church, or tribe to notice their needs and respond to them—needs like safety, security, clarity, empathy, etc.

**Multiple Traumas Happening Simultaneously and Sequentially:** Numerous statement providers experienced multiple forms of trauma, sometimes at the same time and sometimes over time. Relatives of those killed during the November 3rd shootings in Greensboro, for example, were traumatized by the shootings, the response of police and city government to the shootings, the courtroom trials, and the impact the shootings had on their work and their ability to find jobs. Survivors of Canadian residential schools or foster care in Maine faced isolation from their culture, physical and emotional abuse, etc.

**Being Forgotten and Remembered:** Many statement providers felt their story had been overlooked by their community, state, or nation, as well as by the pages of history books. They wanted the TRC to promote official memorials of their respective tragedies—both oral or verbal and physical—to promote respect of their experiences and prevention of the repetition of those tragedies.

**The Economics of the Tragedies:** Testimonies often discussed economic factors that precipitated the events under the review. In Greensboro, many statement providers spoke of the efforts to organize textile factory workers and their poor economic conditions, as well as ongoing economic challenges across the city. In Maine, statement providers spoke of their own struggles with poverty both before entering foster care and after. In Canada, many statement providers described the impoverished conditions they left to attend residential school, as well as the poor conditions within residential schools and the struggles they faced to make a living after leaving the schools.

**Desire for Tangible Results + Skepticism Around TRC Process or Outcomes:** Each of the TRCs had strong proponents of their work and process, as well as opponents who either refused to participate or voiced their opposition to the process during participation. Some protested a lack of consideration of “reparations” for victims; some called for specific changes in government policy, like a shift from tax incentives for businesses to social services. Even those who supported the TRC’s efforts to construct a narrative of their tragedy worried in their statements that the TRC’s work would not meaningfully improve the lives of those most affected by the tragedies.

**Correcting the Record:** Statement givers seemed intent not just on telling their own stories, some for the first time in any setting (private or public), but on convincing the TRC, the public, and/or the government that their story was the truth. They questioned what they perceived to be the official narrative generated in the immediate aftermath of the events (particularly in Greensboro) or what someone else offered as a conflicting story during a hearing (in Greensboro and Canada). This theme demonstrated the significance of both the “findings” each TRC would provide and their recommendations for future action.
Appendix C: Data Coding Sample

Second level codes (thematic):

- Confusion
- Loneliness
- Isolation
- Trauma
- Connection and community
- Clarity around identity
- Help

11-4-2014
Statement by Alivia Moore collected by Heather Westleigh on November 4, 2014

General Information
Private or Public Statement? - Private
Statement Provider: Alivia Moore
Date: November 4, 2014
Location: Indian Island, Maine
Previous Statement? No
Statement Gatherer: Heather Westleigh
Support Person: N/A
Additional Individuals Present: N/A
Recording Format: Audio
Length of Recording: 59:24

| HW: Great. My name is Heather Westleigh, and I am here with... |
| AM: Alivia Moore. |
| HW: It is, um, November 4th, 2014, and we, we are in--on Indian Island. The file number is P-201411-00127. Um... have you, um, been informed, understood and signed the consent form? |
| AM: Yes, I have. |
| HW: If there is any information that-- disclosed that indicates that a child is in need of protection, or there is imminent risk of death, serious bodily harm to an identifiable person or group, including yourself, this may not be protected as confidential. |
| AM: Yeah. |
| HW: You and-- do you understand? |
| AM: Yes. |
| HW: Thank you. |
| HW: Um, ok, so. Here to talk a little bit about your experience. It sounds like you have a few different areas where you've been involved with, um, child welfare and ICWA's been involved |
so which area would you like to start with?
AM: Probably like the first that kind of informs and shapes the others--
HW: That makes sense.

AM: Yeah, um, so my -- so do you want me to share? I am a former youth in care. I, um -- again, so it’s-- sometimes it can be tough to, like, linearly tell the story because um, some of the history isn't exactly clear in my memory or wasn’t-- like I didn't understand what was going on at different points. So, but from my understanding, I was formally in the foster care system three different, um, times in my childhood and officially aged out of the system as well. And ICWA absolutely applied to, to my case and I'm very happy and fortunate that it did.

HW: Yeah, mmhmm. How old were you the first time you were in…
AM: I was a few months old, less than a year. I don't know exactly but I was a few months old I think.
HW: So, um, you may not have a lot of memories of what your life was like prior to…
AM: No, no memory of my own--of that. But, um, I was fortunate, it was a family that was right down the street from my, my parents and where I was. Like literally four houses down.

So yeah, so I was able to stay connected to-- I actually, just until this morning, I just happened to ask my grandmother about it. And I thought it was always just an informal arrangement, that they just saw things weren’t good and they just took me. Um, but I guess it was a, a formal intervention and I was formally placed there. Um, but I didn't realize that until this morning.

HW: And did you maintain a connection with your biological parents as well?
AM: Um, again, I don't have any memories of that time but from what, the little bits, that I was told, um, again, it seemed like they had a tremendous amount of power? Oh, now I’m kind of wishing I had ju-- um, chosen a different box perhaps about this piece because they’re still in the community and I’m not close to them but we, we stayed connected and I don't know -- this is just kind of what has been shared with me.
I don't actually know these things but it sounded like they had a lot of influence about whether I got to visit my father because I was told that my dad would come to, like, visit with me and they’d hide me in the back or say I was sleeping or just wouldn’t let him visit with me.

<table>
<thead>
<tr>
<th>HIDE (descriptive)</th>
<th>Values: Fear, disconnection from biological parents, carried trauma</th>
</tr>
</thead>
</table>

And that they were trying to -- this is what I’ve heard -- is that they kind of, that they really did care about me, they cared about me tremendously, um, and that they wanted to adopt me so they kind of, not being as helpful with, with my mom or my dad being able to get me back.

<table>
<thead>
<tr>
<th>CARE (descriptive)</th>
<th>Values and versus code: Mixed emotions around adoption/foster care: wanted to be back with parents vs. also in safe, stable home.</th>
</tr>
</thead>
</table>

Um, so again, I have no idea. Um, they were always wonderful to me after I went back with my parents, so… I don't know. Again, not memories of my own.

<table>
<thead>
<tr>
<th>COMMUNITY (descriptive)</th>
<th>Values = “they’re from this community” = from her tribe. Importance of staying culturally connected.</th>
</tr>
</thead>
</table>

AM: Yes, yep. Yeah. Um, they’re both also Passamaquoddy. The father of the family, he’s--I don’t think he’s Penobscot tribe, but he’s Passamaquoddy, ah, tribe, but we’re all-- I'm Passamaquoddy too, so we're all interconnected. Um, but yeah, so they’re, yeah-- they're from this community.

<table>
<thead>
<tr>
<th>HELP and BUFFER (descriptive codes)</th>
<th></th>
</tr>
</thead>
</table>

HW: And was this family, um, was this a tri-- a family that was a member of the tribe as well?

HW: And what age were you when you were back with your parents?

AM: Um, so again, I'm not exactly sure. I'm assuming that was bef-- you know, I’m assuming it was just a few months but I've been assuming lots of different things and I'm not really sure. (Laughs.) So I think it was just a few months and then I was back with my parents. And, um, I think it wasn't too long after that that my parents were separated and then my, my younger sister was born. And then we stayed-- we were with our mom until our next formal child welfare intervention, was when I was eight. I just found that out this morning, I wasn’t sure -- when I asked my grandma, so I was eight when we officially went into foster care. And it was the both of us at that point.

HW: And so your sister-- you have, um, ah, an older sister and a younger sister?

AM: Yes, that I grew up with.

HW: And you-- was your older sister involved, um, with the…

<table>
<thead>
<tr>
<th>HELP and BUFFER (descriptive codes)</th>
<th></th>
</tr>
</thead>
</table>
AM: She was, so she is… she's fourteen years older than I am, so she was involved in my care ever since I was born, so I think she really helped buffer things a lot. And, she took me and my younger sister in with her often, even though she -- my older sister -- she was nineteen and had her first baby. And then she had her two younger sisters with her. Um, oh yeah, she is a fierce um, advocate and protector of us. She considers us her first babies. (Laughs.)

Values code = “Helped buffer things” = insulated her from abuse, trauma of being taken from parents, moved multiple times.

Um, yeah I mean she was an-- is an incredible source of resilience for my sister and I, for our family, um, but there’s also, I think… I think what happened, why… why child welfare formally had to get involved [00:07:03.21] was because there was only so much my sister could do. There was only so much that she could protect us from, and that, you know my mom, may have needed the-- okay, the children, they-- they’re not gonna be in your care. Like, this is just not safe. You need to make serious changes.

FORMAL (descriptive code)  
Versus code: “formal vs. informal” arrangements for child care/welfare.  child welfare formally had to get involved” = previously the care arrangements for her felt informal, within the family or tribe, vs. now, authorities are involved.  
Values: Greater trauma when formal process began.

Um, so I think that’s-- I, I think Reesy advocated for formal intervention. And I have a feeling that in the past she had advocated for that not to happen and worked hard for it to not. But I feel like sh-- it may have got to a point where she realized, this, this might be necessary for mom to get things together, um, and for things to, to change for the better.

HW: What do you remember about that time period between being a few months and up until eight years that ...?

AM: Um, honestly, a lot of what I remember is really challenging. Um, and so recently in my life, I’ve worked really hard, um, to be mindful of more of the positive because there were really wonderful times too. And so re--really trying to be more conscious, in, in thinking of those times too. Um, but really things that kind of stand out more are feelings?

Because again, I think my memory is not great -- partially, as often is -- as a protective mechanism so just feelings of, um, uncertainty, of fear… um, loneliness, of like having to be strong for my sister, my little sister but also, I had to take care of my mom a lot or protect her, from like some of the men that she would bring into the house. So, just like having to be strong but then also, like,  

FEAR and LONELINESS (descriptive codes)  
Values code: handling much more than she expected at her age, lots of emotions that she carries many years later.
always afraid and always really scared. (Beginning to speak through tears.) Um, but there's also really beautiful times when my mom-- usually when she was sober.

Sorry, I didn’t think--

HW: No, it’s fine. I was just wishing we had tissues for you.

AM: Oh, no it-- that’s ok. No, that’s ok. Um, yeah, I mean my mom is a really beautiful person and so, um, I think she has a lot of her own… her own issues of not feeling worthy, and not feeling whole. And then when she can't do something like perfectly -- because poverty was a huge issue for us -- and so, like, um, if we couldn't eat well or we couldn't eat. Like, she, like to her, like the way she um, kind of dealt with that was in a way, that rather-- I don't know, she just let it be more of a negative thing than it needed to be and it led to her being, making poor other like poor dec-- like things she couldn't control, I think kind of manifested into her behaviors. So she was making really poor decisions that kind of amplified [00:10:04.11] the bad dec-- the bad situations or challenging situations we were in. And she absolutely has mental health and substance abuse issues. But I think they stem from a lot of these more core issues.

Um, so yeah, a lot of… a lot of fear and a lot of like--and one thing I kind of wanted to share and I hope will-- like one of my things as I’m looking at it as an adult now and doing this work now, and I feel like I, if I see anything that doesn't feel right, like I am gonna say something!

I’m like, I’m just kind of wondering, like, people must have known -- like neighbors must have known, like how did it take so many years? And that’s where I’m kind of thinking but maybe Reesey, my older sister, she buffered? Maybe she buffered some of those things like people would have concerns and, so she tried to step up but I still don't understand why so many things were able to happen, with neighbors so close and a community so close, um and teachers, like how do they not know. Like I-- you know, I was like this nervous little baby like always crying, you know? Like, how did they-- I was so skinny. Like how did they not know something was wrong? And in my, like, report cards they would have comments that like they

| Values = “People must have known” – wishes those around her had helped with addressing the instability in her home. Believes her trauma could have been lessened, suffering mitigated or avoided. Frustration, anger. |
were concerned, but… Like I'm not sure how it… you know, how it just took, like, things getting so bad for there to be, um, intervention, why there wasn't more of a focus on prevention, of needing child welfare involvement. So, yeah. (Laughs a little.)

Values: “How it just took things getting so bad for there to be intervention” – felt neglected, overlooked, ignored, lonely.

| HW: Um, thank you, by the way. And um, yeah, emotions are fine. It’s totally okay. Um, you had said that you were thankful that ICWA was involved when the foster care intervention happened, were you thinking specifically around 8, or…? | Values: “thankful that ICWA was involved” – feels fortunate/lucky that federal Indian Child Welfare Act allowed her to be placed with Native family vs. outside tribe or community. |
| AM: Yes, yeah. I mean, I guess since that first one was also formal. But I know for sure when I was 8, that was a formal intervention. And so, I was--well, my sister and I, we were placed with a family-- a Native family here on the reservation. I knew them. Um, the father of the family, he was actually-- had been a counselor of mine. I don't know, maybe Bianca's too, I’m not sure -- my younger sister. Um, so he couldn’t obviously be my counselor after, you know, after that, but yeah. So I was able-- we were always here in our community, on the island, always familiar faces the home we went to, as scary as it-- like, and I don't want to, like, make it sound like it was not scary and it was not an awful time, um but as I got older and learned of other -- because I didn't really know it was foster care actually then -- but as I got older and met other foster youth, I realized, "Oh my god, they are being sent across the state." They had to go to completely new schools, all of their friends were gone. Any, any sense of stability that they had -- for so many youth, when it was crazy at home--they lost everything. That it wasn't just like their relationship with their parents or, or, you know, their--their comfortable things in their home that they're familiar with. But it was, you know, the trees that they're familiar seeing, like, the river that they’re used to seeing. Like everything changes. [00:13:33.18] And I just realized how fortunate I was to always stay connected to my culture and everything that I knew. You know, my school, my peers, like my family was always there. Um and, and so, and so it's huge, it’s so critical. And I absolutely understand the history for Native communities, and tribes, and nations, and the importance of that. But I think it really should be |

COMMUNITY (descriptive code)
Values = “We were always here in our community…always familiar faces” – believes trauma could have been much worse vs. not staying physically close to tribe, family.
valued for-- and this probably isn’t the place to get on that soapbox -- but for all children of any cultural background, from any community that, that you know, so much more could be done to maintain connections to anything familiar, um, and comforting--yeah, should really be more of a focus.

And so absolutely, there’s more that needs to be done for Native children because I hear attorneys in California, who -- because that’s where I live now -- who say “Don’t check the box ever. That opens Pandora’s box.” They just have-- you know, it's still… as much as folks are supposed to be aware of the federal mandate and also the spirit of the law, um, it's not being implemented that it should everywhere. But for all children, connection to community, anything familiar, keeping them in their schools.

So for me, and I say everywhere -- the work that I do -- like ICWA, like changed my life and I'm so, so fortunate that that was the law of the land when I had contact with the system. Because I just think about, um -- because again -- I work a lot with youth who are in the foster care system, and they have so many identity issues, right? Like so-- and a lot of it comes from their… their close relationships.

And I definitely have issues around my relationship with my mother, with my fa-- those pieces, but there were some things that I never have any question about. Like I know-- ever since I was a child, I knew I was a Penobscot girl, I know I am a Penobscot woman. I know where I belong, this island is my home. There’s no question about that. [00:15:51.20] I've never, I've never ever ever not known where I belong in this universe. I've never had a question of that. So even when, um, I wasn't sure how my mom was doing, right. I wasn't sure if she was alive or those types of things, I knew I was going to be okay. Like I always knew there was gonna be people, a community that loved me, where I belonged, where I was known, acknowledged, accepted. Yeah, and I just can't, like, fathom that there are children who don't have that experience, who don't have healthy relationships with their parents but then also have nothing outside of that, totally lost outside of that. It breaks my heart that that’s a reality for so many children. So I, um, I've had a relatively very positive experience with the child welfare system because I have-- my identity has been kept intact through, through all the instability and

IDENTITY (descriptive code)
Values and versus codes = “I knew I was a Penobscot girl” – was clear about her identity within the tribe, because of being able to stay in/physically near tribal members. Vs. kids who were sent away.
HW: Right and it, it sounds like, um, for you, that happened-- did that happen right away? Um, like thinking about the day that things really changed for you...there must have been kind of a pivotal moment where people came in and said, um, "This isn’t-- this is changing" um and was it right away that they said, "But you're staying in your community?"

AM: Well, for me, I guess it was never-- I never knew life anywhere else. I don’t-- like it was crazy and scary to have to live in someone else’s house. And that was as crazy as I could imagine it being at that point. That was as scary as I could imagine it being. And mostly the scariness, I think for me, was in not knowing how-- like not being there with my mom, not to make sure that she was safe and okay and alive and those things. Like I think that was really the scary. Um, I never fathomed that I could have been anywhere else or that that-- the decision could have ever been made. Yeah. But my gram told me this morning -- because eventually we were placed with my grandparents -- that when we were teens, she felt like, you know, that now, we-- like, there was the possibility that we might be placed outside of the island. I don't know that she was ever told anything like that, but she just felt like she needed to make sure that we didn't go anywhere else, so my grandparents took us in when I think I was 12. So. But I never had any idea that I could-- I never felt like I could go anywhere else.

HW: Right, and was that the additional... you said you were in placement three times?

AM: Yes, yeah.

HW: Was that the third time?

AM: Yep, third time was, um, placed with my grandparents.

HW: Had you returned to your--

AM: Oh yeah. So I had been-- I honestly, so, the second time was when I was eight years old? And I’m not sure, I think that was only for a few months as well. Again, I have no, no clue but I think -- because I don't remember other major markers happening there at that house, so I think it was only a few months. And then with my mom until I was twelve.

after 8, you know, I got better at hiding things because I didn’t want, the-- to go...I didn’t
want to be taken away again. So we got really good at—well, I mean I think we were always pretty good at, like, not talking outright. But I would think, I see pictures of myself and I’m like how did people not know that—like we’re all greasy and, like, tiny? Like, how did people not know? And I was just so nervous. (Laughs a little.) HW: Mmhmm. Scared. AM: Yeah. (Laughs a little more.)

<table>
<thead>
<tr>
<th>Values codes = “Better at hiding things…not talking outright…how did people not know…I was just so nervous…scared.” – isolated while in care, felt overwhelmed, carried trauma into adulthood</th>
</tr>
</thead>
<tbody>
<tr>
<td>HW: Yeah, um. [00:20:01.23] This asks a little bit about what a typical day would look like, um, when you went into foster care. I guess you had those different environments. Um, so um, did you see a difference between, um, the daily routine at the community placement and between your grandparents? AM: Um, yeah, I mean, definitely, definitely a difference like I didn’t know. Yeah, I don’t know. It definitely was um, I don’t know. It was definitely different. How would I describe it being different though? (Pauses.) I feel like it—like my experience in my second placement, the community placement, that…that that felt more like the, like a foster placement. Um, because I, I think maybe I did know a little bit -- or maybe it was a bit easier to distinguish, like, the process? Because the visits with my mom felt very structured, like much more structured, you know, because like the visits with her were either in a community setting or eventually at the house, back at our house. I don't remember. I'm trying to think if I remember visits at my gram-- my grandparents. HW: Did you have visits with your dad as well? AM: Um, yes, in the second placement yes, he would have been more present then. I think I was 11 or 12 and he had a serious, ah, brain injury. Um… so his, like, mobility and-- yeah he had to-- yeah, so that became a different thing. (Laughs.) He became a different kind of person and parent at that time. Um… so visits. I don't know. How would--? And I feel like, I feel like because I was older when I went with my grandparents too -- because I was a teen -- I was able to be more autonomous and able to protect myself a little bit more. It wasn't as scary. I don't know, there are just so many differences. That it's hard to, I don't know, it’s hard to kind of…yeah. HW: That makes sense. [00:22:30.15] Were there, um, similarities between customs and adherence to Native traditions?</td>
</tr>
<tr>
<td>Values code = “I had no idea what was going on…” needed more support from social</td>
</tr>
<tr>
<td>INFORMING (descriptive code) Values code = Decisions made for her welfare without her knowledge or understanding, makes her feel even more traumatized than the move itself traumatized her.</td>
</tr>
</tbody>
</table>
AM: Oh for sure, yeah, um, I mean I think. Well, so in my grandparents’ house, they are more… Catholic and I was actually raised with my mom. My mom’s more Catholic and Native spirituality, so like a blend of both which a lot of folks are. And my gram's more--even though she still, like, speaks some Passamaquoddy and she still like totally believes in a lot of our ways, like explicitly she's more Catholic. So, and then, with the community placement, I mean I feel like they…were wonderful and open to anything, that if there were community things going on, they would have, um, brought us along to them too. Again, I really don't remember much about that time there. I just, yeah, I remember. It was just kind of like I-- ah that time when I was eight.

HW: It's a very feelings age.

AM: Yes, yes, yeah. It is.

HW: And, and how did the--so it sounds like your, your involvement was with Indian Child Welfare. Do you-- I mean, and you of course probably don't remember the details, but it sounds like that was mostly tribal involvement--through Indian Child Welfare?

AM: Yee--es, it must have been because all of our workers were based here at DHS on the Island. Um, yeah. So they must have been. And I just kind of know these things by looking back and my work experience in the field now, I can kind of decipher my history. But that's another like big thing that I like always bring up is like informing kids, like even if you think they’re too little because I feel like I had no idea what was going on. I had this nice person who I like gather now was a social worker from DHS that would come, like check in, or whatever-- not very often I will say. Um, from my memory, not very often. You know, but I really had no idea what was going on like why this person-- like I didn't know that I had anything to do with like where I was living. Like no, no idea. And I feel like I was-- I am like a really… like in tuned to my environment -- even though I can't recall it now, but I know that I am, like, really aware. So that if there had been…some important information that had been shared with me that I would have integrated that into my understanding and maybe felt more secure.

But um, I don't know, I just felt like -- and I know decisions are made very quickly in the child welfare system and so it's not always possible to give people a heads up or children a heads up workers to know why things were happening, made her feel more isolated.
but some of like, my really, like… like, you know, there's one type of trauma in my household, but I'm used to that. I'm used to that kind of trauma. You know, like, it's not as… disruptive. But the types of trauma from entering the system, or different points when the system kind of gets involved -- just so abrupt and abrasive.

You know like, ah, the way, the way that I learned about, I guess, entering the foster care system at age eight, was -- I don't know if it was when I was getting on the bus or some teacher at the school right before I got on the bus said, “You're gonna get off the bus at Dale and Leann's house.” And I'm-- you know, I know them but I have no idea of like, what I-- I wouldn't get off the bus at their house. [00:26:32.25] There's no reason that I would ever go to their house. So I told the bus driver, “I'm not getting off-- like I, I don't know why they're asking me to go there, I'm not going there.” So the bus driver dropped me off at my sister, Reesy's work, which is the day care here, and my sister Reesy had to tell me, "You are going to live there for a while and mom’s going to try to get better so you can live there again.” But just like, to try to get me to just hop off the bus at-- like, yes it is in my own community and I do know them but I had nobody who told me why. Nobody said anything about it.

You know, um, and so then I, you know, I was really upset and then I probably traumatized a few kids in the daycare by-- because I totally freaked out, you know, I'm like, I'm not going to their house. So, and then, how we had to get out things was--I think this happened a couple of different times. Like, um, I think the second time that we went into the foster care system too, the police escorted us to our mom's house which is scary enough-- because it's our mom, you know, why do we need police to like escort us there? And we just had, like, I feel like it's kind of an iconic thing-- like, a black trash bag and we literally just like had a couple minutes to throw in whatever we could in the black trash bag. And it just seemed like… and I get it because my mom can totally throw a scene or whatever, but she never would have like threatened our safety or anything like that. So I just feel like the element of like the police like to the level of uncertainty we're already having living with someone else, suddenly, was really ABRupt and ABRASive (descriptive codes)

Values and versus = Household trauma that is ongoing vs unexpected jarring episodes of suddenly removed from home without understanding or input.
weird. Like why do we need police to go to our house, to, to like where our mom is? You know, Um, so just like. And having no idea things were happening until we were supposed to just… do something. We were just supposed to go wherever we were pointed to next. And didn’t really-- I had no idea like, what was going on with my mom and ‘cause for me, my whole life was taking care of my mom, and making sure she was-- she’d wake up and all like those things and to not know where she was (speaking through tears) or what the plan was or… [00:28:48.03] Yeah, so it’s like, I understand you want to protect kids. You don't know what’s gonna happen so you don't want to like get their hopes up or you don't know when things are suddenly going to change, but that's a different level of trauma on top of everything else that is going on. So, and usually, you know, us kids, like, we’ve already dealt with a lot? So, like, we can handle whatever your system needs to tell us. We can handle those things. Um, so yeah that’s just one thing and I see it now too. The system really needs to-- like, and they take input from youth but a lot more can, can go to have youth shape and be really aware of what's going on for their present and how-- because it really impacts their futures too, so. HW: Right. So what did you see as-- how, what was life like after child welfare intervention? AM: Um, so like after the last time we were? So my sister, Bianca and I, we stayed in placement with my grandparents until we turned eighteen. So you mean, kind of, in that time? Or, or like after I turned eighteen? HW: Right, good question. Really whatever you’d like to speak to. But it seems like along the way, there would be these, there would be a lot of-- it would be different. So you, you were in care and then you returned to your parents. You know, how do you see those stage-- different changes that may have occurred after each placement? AM: Um, after each placement. I mean, my mom. There was, again, I don’t remember exactly if it was 5 years or 3 years. But after one of those times, she had either 5 or 3 years of sobriety. And she was with a man that we consider like a very, very close, like, you know, not a father, but a loving male figure, and he considered us his children. You know, so that was-- I mean, it was not a perfect time. There was still other dr-- you know she was… there was still other drug
use, and domestic violence but that was still a relatively—even we have some really great memories from then.

So, [00:31:29.04] I don't know, so we had some really good years with our mom then. So I know, some people were like, “why would they ever put children back, don’t put children back” and, you know, just to have that all happen again. I would rather spend those years with that type of, um… I don't know. Those things that, I don't know, stuff I was used to. And it wasn't as bad and we had-- and I had those really wonderful memories and I did have time with my mom, you know. So, I don't know, I get it, I get it, but sometimes I just don't get it. Like, like, you know. I think people really underestimate the trauma of like being in foster placement. Even if they’re wonderful people! Wonderful people, completely caring people, even in your community, you know.

So, so I mean, I'm really glad I went back with my mom but things did get really bad before we went back with our grandparents again. Um, and then the time— so then we stayed with gram 12 to 18. Twelve years old to eighteen. Um, I think my mom-- so there were periods where my mom was okay and we had a good, pretty good relationship. And I think, I-- I know it just, it's something that my mom has tremendous guilt around, is that, you know, we had to spend so much of our childhood raised by other people and she feels like, you know, she failed as a mother.

Um, but I think it was important that we were not with her. Um… I think, yeah, she just— just, yeah, I don't know. So I feel like we had-- and we, yeah, that we had-- I don't know there’s so many different thoughts. But that we had good, we were able to have some good while we were placed stably with my grandparents. And she was able to have downs, but when she was good, we'd still be there with gram and grampy and, um, I don't know, I feel like she’s in a better place now than she has been in a long time. So, I mean feel like it's all his-- I think it's all… absolutely the way that it needed to be, with the level of support that my mom has gotten, you know, as much as she could do, I think it's as much as she could have done. And I think it was as good of a turn out as it absolutely could have been with the circumstance. So I don't have any negative feelings anywhere against anyone whatsoever so. Yeah.
HW: Ok. Is there more you want to say about ICWA, and how that, maybe active efforts, or anything may have impacted your experience?
AM: Active efforts, how that would have impacted my experience... I mean, I had no idea at the time that I was in the foster care system. So I guess, which in-- in a way is a good thing because you can feel more normal. But then it's kind of feels like all of these things that are going on in the background, and that are actually impacting where you are and shaping things, um that you also weren't aware of that information. Um, but no, I mean, I didn't know what was going on. I didn't know about any active efforts. I didn't about ICWA. I didn't know. I didn't know these things.
HW: Is there anything more that you would like to see happen?
AM: In terms of ICWA? In terms of, like child welfare in general?
HW: Right, specifically for ICWA and for Indian children in child welfare. I’m sorry I was trying to ask that question but sort of dropped it off so I apologize for being confusing.
AM: So for Indian children and child... let me see my notes and if the... Um, well I mean, I guess a lot of this can applied to anywhere in child welfare. But really focusing on prevention, on strengthening and empowering families as a unit, not just nuclear families, because there are going to be times when individual parents, sets of parents, when they, they can't do it, or they can't do it alone. I think, I mean I guess it's, I think it's a societal problem that we have, that we see child rearing as a nuclear-- you know, more so, rather than as more of a community focus which I think it should be to begin with. Um and that dispenses the challenge of raising kids because it is not an easy thing. Um, but if there are ways that we can strengthen families as a whole and communities as a whole to be able to step up and care for, for kids when things aren't optimal in their, their home lives, so they don't ever even need to enter the system.
Um, (exhales) [00:36:49.27] I mean and so a piece around that is I know one of the, one of the things that-- so my gram was telling me about AA. So she would go to AA meetings to try to like, when she was caring for my older sister. And they would tell her in those meetings that she needed to stop caring for her grandchildren. She needed to stop taking in the grandchildren
because she’s enabling her children’s addiction. She's enabling her children's bad decisions. Um, and she's taking on their responsibility. So this level of shaming around stepping up to care for children who, you know, you know, it's not the children's fault. The children shouldn't- - they, they are not able to care for themselves at the time. So that there’s these strange and I feel like, not traditional currents, and I think Catholicism has some of that and I know AA is religious based, and I'm not all against religion but you know, but these ideas that shame us in stepping in and, and caring for kids, you know, like what? That is not-- I don’t think that is traditional. I don't think that was our ancestors’ way at all. Um, we lived in close knit villages, like we all, we all cared for one another’s kids. So if we can-- and we do that in some of our ways, you know, if we -- any of us -- if we see a kid who's not doing something they should be, you know, any of us have the right to tell them, "Hey, that's not okay." It's not just something parents can do. Um, so, so I think, really being more intentional about growing and strengthening those-- those, um… I don’t know, those tendencies that I think we have and those traditions that we have. And also very practical thing that I think could be helpful, is also, um, and I'm very biased because I'm doing this work now-- but um, free, legal aid for relatives and near-kin caregivers who want to obtain a guardianship for children who are informally with them. 

[00:39:05.17] Right, so, this is--the children are just there informally. There has not been CPS involvement, but right now mom and dad can still come and go, take the kids whenever and grandparents -- or whoever -- can't make the decisions for their medical care, educational care, but those legal processes can feel daunting and the can be expensive if you feel like, like… So you just never go near the legal process, you don't even contemplate that. But if there was a non-profit or an agency that could assist them in achieving some form of legal permanence, you’re not terminating the parental rights. The parents can get it together, and get the kids later, but for right now, the kids need safety and stability and legal guardianship is a way that that, that can do that for families. So, um, it’s just an idea.

HW: That's good. Um, and uh so you've touched on this a little bit and I'm curious if you have
anything else you want to say about your relationship with your parents now?
AM: Yeah, um, I think it’s in a really good place. I just work really hard-- because again, a lot of the things that I saw my family do, like when my mom was drinking, what they would do is shame her for those decisions and turn away from her and you know, "You can't be a part of this family while you are acting like this. When you're in a good place, you can come back.” Didn't work very well. I don't, I think it just kind of--my mom’s really good at feeling shame, I don’t-- and I think that's for a lot of people, that outcasting, the shaming… is, is not a helpful tool in their healing. I think they need to be around healthy people who will accept them. So I made a really intentional effort to, regardless of where, really it’s my mother with the substance abuse issues. And it's a, it’s an ongoing struggle for her. And my father--he just doesn't really know how to be like an engaged father. He's a very caring, very caring man, but, ah, never really been involved in like, the, the parenting side of things. Um, but a positive relationship with both of them. I work really hard to, "Let’s focus on the now, when we don't need to--" You know, I have written letters, like "I forgive you." And I also, I'm really, like--some of the families I'm working with, parents disappear. Right? Parents totally lose touch with the children. My, you know, my mom fought. She was never able to get us back, but she fought and she did show up. She disappeared sometimes, but she always came back. She always told us she loved us. You know, there was never a question of that. Um, so I'm just, you know, in the scheme of things, like I'm very, very-- I’m very fortunate. And so I recognize that and I recognize the multitude of, um, supports I have around me. So everything is, overall, is very good. Yeah. [00:42:30.29]
HW: Anything else you want to share about that experience?
AM: No.
HW: And by the way you’re very articulate, you said you were going to be nervous. But you’re--
AM: Oh, oh… sorry. Sometimes once I get… going…
HW: No, it’s good! Don’t apologize, it’s wonderful!
You’re doing a-- I mean that’s, I-- I just I’m impressed as to how are articulate you are and, um, able to describe these experiences, it’s, you’re very to the point, and um, yeah.
AM: Thank you. I spend a lot of time thinking about it and working with it in my, you know, daily work. So, trying to do things differently for other children. Yeah.

HW: Right. Do you want to talk about that a little bit? In terms of your, um, your work with it. Sounds like you are a, um, a state and federal child care-- uh, child, I’m sorry, child welfare policy…

AM: Yeah. Yeah, well so really, most of that work was done while I was a youth, like a teen in the foster care system. I got connected with YLAT-- Youth Leadership Advisory Team -- and, and then to a national body. Oh goodness. The KSSP Alliance, I'm sorry that I could not tell you what KSSP stands for now. Um, and that was a consortium of national partners including the Center for Social Policy, the, like, Annie E. Casey Foundation, Marguerite Casey Foundation-- whole, and so, and so that was doing the federal level policy. And a lot of my focus-- so on the national level, yeah, they really wanted my input as a, as a Native youth and my Native experience. And, um, strengthening tribal-- I think also looking at how a lot of tribal practices could be infused throughout all of the child welfare system to strengthen all the child welfare systems, so that was… But also a big focus of mine has been older youth and connecting resources as they age out of the foster care system -- supports and resources. And also siblings. I did some work on the Sibling Bill of Rights. Um…so it's wonderful we have that -- there's still so much more that can be done on the ground. You know, it’s, it's just so challenging when there’s wonderful policies in place, but then it’s like, you know, once a month phone call? With your sibling? Like, that should not be considered a visit. You know, like that shouldn't meet a minimum for a mandate. Like, no. Like I’m-- I know social workers are way overworked, everyone’s overworked. Figure it out, figure it out. That’s-- you’re paying…foster parents. Make sure they’re getting’ their visits. So yeah, I have all kinds of opinions, but, um…yeah. (Laughs.)

HW: That’s gr-- that’s great. And that is a question that I had forgotten to ask you, that I was really curious about was, how was your transition into adulthood? Did you feel supported and, um, well-resourced around that?

AM: Yeah, I, um…yes. I had wonderful, wonderful-- um, I mean wonderful family, really
supportive family, always, you know, everyone, all of my-- my parents really wanted me to, to do whatever I wanted to do and to achieve that. Um, but someone who helped me with like the really practical skills of that-- her name should go in the record: Esther Attean. She's a saint, and a second mother, and… (speaking through tears) she shaped my life in ways she’ll never realize, and I try to tell her, you know, how much I love her. Um, but yeah, she just really like fought for me in a lot of like really practical ways. You know, because, folks can tell you, yes they want you to go to college, um, but she will help you figure out the steps to do that -- like what does that look like? I don't know…I don’t know how to do that. [00:46:50.26] You know and Esther will stay up far later than she should helping you figure that out. And she's just -- just having someone who will do the, the hard dirty work with you to like figure out how to be a healthy adult, and how to like, manifest those things that you-- positive things that you want for yourself, to like show you those steps and skills, and the… the condition-less love that she gives. Um, yeah, she’s a really amazing individual, and so how can we really value those individuals in our communities, too? Because I see that she’s not really valued in this community. And it just blows my mind. It's just really upsetting that this community actually sometimes outcasts some of the people who, who-- who are just doing the most selfless, wonderful work and I don't know what that--that, that is. And that's something that our community really needs to deal with, um... because it's, it’s holding people down who are just - - are just loving people and making people healthier... like, why, what are-- yeah. Um, yeah so I feel like it was overall, a positive and healthy transition, and there’s absolutely things that like -- personally -- like, I have to work on and always working on, and you know, but I feel like I'm in a good place and on a good track. So. HW: That's great. It sounds like she may have been a bit of a role model for your current work? AM: Oh for sure, oh absolutely. [00:48:31.05] Absolutely. Her and my older sister, Reesy, like really, um, are strong women who yeah, have absolutely like shaped who I am and, um… yeah, everything. All of the decisions I make are really based around what is going to improve the
lives of, like, our communities and lives of children. Like that's-- like, and I really work hard at every decision to-- now kind of unconsciously, which I’m glad for, you know -- to check in to those, um, those beliefs. Yeah.

HW: And you said you work in California now?

AM: Yeah, I live in California. Been there for about two and a half years. But I'll be moving home either next year or the year following. I'll never be away from home forever. And I would love, love to do this, the work I'm doing in California, here locally. (Laughs.) But the work that I'm doing now is, um-- the agency that I work for is actually is a foster and adoption agency, but their program is to support informal relatives, so it's those who do not currently have child welfare involvement. It's a preventative program and my, my program was created within it. I got to start it up which is very exciting, is to do the legal permanence work and so again, it's around primarily legal guardianship. So obtaining legal guardianships for grandparents, aunts, uncles, other near kin so that they can safely care for children that otherwise... don't have, don't have that safety and stability right now. And so we do some-- I do some support around independent adoptions, but that’s more limited.

HW: So, were you working in the field prior to that as well? It sounds like you did some work as a teen and...?

AM: Yeah, yeah, um, so I've done work as a support counselor for teens in an intensive treatment foster care program. And so, yeah, just supporting them around a lot of, a lot of, um, emotional regulation of emotional awareness. And so teens who are currently in the system and who are jeopardizing their placement and so supporting them and their caregivers around some of those challenging issues that they are coming up against. Um, but it’s like, yeah, the problem is not the-- the real problem cannot be fixed working one-on-one with a child--it's the system! (Laughs.) So, yeah, um, and then what other? And then I've done some other work in human services as an elder advocate here for the tribe and a few other things, but.. yeah.

[00:51:41.10]

HW: What are some ways that do you-- do you ever work with ICWA in those environments or in your current work?

AM: Right now, I encourage-- so, before it sounds like families were being told to not-- don't
even, like, you don’t even want to go there with ICWA. You don’t even like, you just, you just check no. You just check the “no” box on that. And so now, like I'm working to raise the awareness with staff in my agency and with my supervisors and having discussions about what it is, why it's important. Okay, like and I’m asking the question, how many Native families do we work with? How many, you know, how many Native kids have we come in contact with? And they can't tell me. And I had someone higher up would tell me, “You know, I don't think we have.” No, you're in California. There are hundreds of tribes in California alone. You have, you just, you don't know it. You haven't identified them. You haven't tracked them. You have, you absolutely have. So right now, it’s just kind of an awareness place right now. And, and having those conversations with my families as we're going through the legal documents because they have questions about ICWA, and I explain, you know, the importance of, you know, reflecting on these questions and really thinking about them. Their primary question is, well, is this going to open up all kinds of benefits? And I'm like, that's not what this is about specifically, you know, um… So it's been, it’s a little, it’s a little interesting having discussions around ICWA.

HW: I bet, I bet. So you have families who self-identify but are not members of tribes? Is that where those conversations are happening?

AM: Yeah, well so far -- which -- so far, it’s been folks who think that it is somewhere in their history. And as far as they know, not members of a tribe, or their, you know, grandparent was not a relative of-- I mean, um, I’m sorry, a member of tribe. Um…so that's kind of-- there was one family, but ICWA had already been established and eligibility had already been established, so, and I am-- and honestly, as much as I love, and I profess, ICWA--I don't know what we’re gonna do when we get a case. ( Interruption by TRC Research Coordinator.) Research Coordinator: When she's ready to do a statement, she's gonna have a commissioner sit in. Thank you.

HW: Thank you.

AM: Um, so I'm not even su-- I’m not sure what it’s gonna look-- I mean, because I know it can look like quite a few different things. (Laughs.) You know, if um-- whether a tribe takes
jurisdiction, whether, you know, the child is determined to be eligible. So I'm not sure what that's going to look like and so that, yeah, is a little bit scary because you like to know how, you know, how to let families know what to anticipate. But I heard—I heard an attorney, and like, they don't know what to anticipate, and so they're telling folks, “No.” You know, it’s—so if there's some more education we can do, um. And I know we're trying to do it here in Maine, you know, but across the country, with informing people—but maybe helping people have a better picture of what the different, you know, avenues might look like after, if ICWA is, is deemed to apply to the child. So I think that could be helpful. Because me, I'm like, I don't care, we're gonna figure it out, because if ICWA applies to this child, that's how it's going, you know? We’re gonna— you need to share that information, that needs to happen—um, I am invested in that. But a lot—most people are not invested in that, and so they are not invested in the mystery and uncertainty of what ICWA looks like to them right now. And so they would much rather just check no. [00:55:58.24] And that's scary, pretty scary. HW: You know, I was just thinking, sort of thinking how to frame a question but I'm having trouble getting my mind around how to ask it. I guess I'll just say that it seems like maybe there’s some people missing the point about the huge cultural differences. AM: I don't know if they care. Not everybody is gonna care. I—yeah. I really don't, especially because I am not an attorney. Not an attorney. But, um, I am doing this legal work, and I am coming in contact with a lot of attorneys and a lot of attorneys are being really helpful in the work that I am doing. I'm not sure that…all of them care about that. So I'm not sure how the heck to get through to someone who is missing that little piece of their heart. (Laughs.) I don't know. But I don't think -- and I know, because a lot of times we frame it, it’s about the spirit of the law -- and for some people, totally, like especially social workers, it's gonna get to them, it's gonna make sense to social workers, right? Attorneys as a group, I'm not sure that will get through to all of them. (Laughs.) I don't know. But I don't think -- and I know, because a lot of times we frame it, it’s about the spirit of the law -- and for some people, totally, like especially social workers, it's gonna get to them, it's gonna make sense to social workers, right? Attorneys as a group, I'm not sure that will get through to all of them. (Laughs.) Just in-- [00:57:23.00] HW: I guess that’s why they have a legal mandate because that’s what does speak to them. AM: Right. Right. And so again, they-- I think they like to know, okay if you check A/B then
you’re gonna get these op-- they want, they want it so maybe that information isn’t there, it’s, um... and then there’s a way that that can be shared with other folks who are coming in contact with these children, but aren’t identifying them. Or even wanting -- actually averse to identifying them as Native children.

HW: Do you think that’s because of the higher standards?

AM: Oh, I am sure. And, and the mystery. Higher standards and not exactly, because-- because I think, I think he’s heard from other attorneys and because sometimes it is really complicated and drawn out, right? Like any potential legal process could be. But, so I think that it’s not-- I don’t think every attorney deals with it much, so I think with his experience, he’s just heard of attorneys who’ve had negative experiences so he doesn’t even want to go there, so he’s not gonna even venture. Like he said, he doesn’t want to open Pandora’s box by checking yes. He told that to-- like in a public setting, a large group of caregivers. He said: "Don’t even go there." Don’t open Pandora’s box.

HW: It will be interesting to see what your experience is like here in Maine in similar work when you come back.

AM: I know, I’m so hopeful that it’s-- I’m so hopeful, because I know that intentional efforts around informing, you know, social workers, and judges, and guardians ad litem-- you know, about ICWA, has been happening here so I’m very hopeful that it’s a much more positive environment here. (Laughs.)

HW: Anything else you would like to share?

AM: No, that’s far more than I planned on. (Laughs.) I’m sorry.

HW: No, it’s been great. Well, thank you very much.

AM: Yeah, thank you, Heather.

[END OF RECORDING.]
Appendix D: Commission Recommendations and Outcomes

The chart that follows on the next page documents the recommendations issued by the TRCs in Greensboro, Maine, and Canada. Data on the outcomes of these recommendations was drawn from interviews conducted for this dissertation as well as the “Beyond 94” reporting project of the Canadian Broadcasting Corporation (CBC). “Not completed” refers to projects that have not been begun. “Partially complete” implies some progress has been made in carrying out the recommendation, and “Completed” means that the recommendation has been fully carried out. “Unknown” or “unclear” refers to recommendations whose outcome was difficult to ascertain.

<table>
<thead>
<tr>
<th>Canada</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Acknowledge that Aboriginal rights include Aboriginal language rights</td>
</tr>
<tr>
<td></td>
<td>Collect and publish data on the criminal victimization of Aboriginal people</td>
</tr>
<tr>
<td></td>
<td>Appoint a public inquiry into the causes of, and remedies for, the disproportionate victimization of Aboriginal women and girls</td>
</tr>
<tr>
<td></td>
<td>Church parties to residential school settlement to educate congregations on why apologies necessary</td>
</tr>
<tr>
<td></td>
<td>Canada Council for the Arts to establish a strategy for Indigenous and non-Indigenous artists to undertake collaborative projects</td>
</tr>
<tr>
<td></td>
<td>Restore and increase funding to the CBC/Radio-Canada to enable it to support reconciliation</td>
</tr>
<tr>
<td></td>
<td>Aboriginal Peoples Television Network to support reconciliation</td>
</tr>
<tr>
<td></td>
<td>Tell the stories of Aboriginal athletes in history</td>
</tr>
<tr>
<td></td>
<td>Continued support for the North American Indigenous Games</td>
</tr>
<tr>
<td></td>
<td>Ensure that national sports policies, programs and initiatives are inclusive of Aboriginal Peoples</td>
</tr>
<tr>
<td></td>
<td>Implement Jordan’s Principle</td>
</tr>
<tr>
<td></td>
<td>Reduce the number of Aboriginal children in care</td>
</tr>
<tr>
<td></td>
<td>Publish annual reports on the number of Aboriginal children in care</td>
</tr>
<tr>
<td></td>
<td>Establish national standards for Aboriginal child apprehension and custody cases</td>
</tr>
<tr>
<td></td>
<td>Repeal the ‘Spanking Law’</td>
</tr>
</tbody>
</table>
Publish annual reports on education funding and educational and income attainments
Not completed

Appoint an Aboriginal Languages Commissioner
Not completed

Reaffirm the independence of the Royal Canadian Mounted Police to investigate crimes in which the government is a potential party
Not completed

Review and amend statutes of limitations
Not completed

Work collaboratively with plaintiffs not included in the Indian Residential Schools Settlement Agreement
Not completed

Amend the Criminal Code to allow trial judges to depart from mandatory minimum sentences
Not completed

Develop and sign a Covenant of Reconciliation among parties to the Indian Residential Schools Settlement Agreement
Not completed

Develop Fetal Alcohol Spectrum Disorder (FASD) preventative programs that can be delivered in a culturally appropriate manner
Not completed

Undertake reforms to the criminal justice system to better address the needs of offenders with FASD
Not completed

Eliminate barriers to the creation of additional Aboriginal healing lodges within the federal correctional system
Not completed

Eliminate the overrepresentation of Aboriginal youth in custody
Not completed

Commit to the recognition and implementation of Aboriginal justice systems
Not completed

Develop a Royal Proclamation of Reconciliation to be issued by the Crown
Not completed

Develop and sign a Covenant of Reconciliation among parties to the Indian Residential Schools Settlement Agreement
Not completed

Governments to repudiate Doctrine of Discovery and terra nullius and reform laws that rely on such concepts
Not completed

Establish Indigenous law institutes
Not completed

Government of Canada to develop policy of transparency on legal opinions upon which it acts in regard to Aboriginal and Treaty rights
Not completed

Adopt legal principles on Aboriginal title claims
Not completed

Provide multi-year funding for the National Council for Reconciliation
Not completed

Provide annual reports or any current data requested by the National Council for Reconciliation
Not completed

Prime Minister of Canada to issue an annual 'State of Aboriginal Peoples' report
Not completed

The Pope to issue an apology to residential school survivors
Not completed

Require publicly-funded denominational schools to teach comparative religious studies including Aboriginal spiritual beliefs
Not completed

Mark the 150th anniversary of Confederation with a funding program for commemoration projects on theme of reconciliation
Not completed
Records on the deaths of Aboriginal children in residential schools to go to the National Centre for Truth and Reconciliation

Establish and maintain an online registry of residential school cemeteries

Inform the families of children who died at residential schools of the child’s burial location

Develop and implement procedures for the identification and maintenance of residential school cemeteries

Aboriginal communities should lead development of residential school cemetery identification and maintenance strategies

Commission and install a Residential Schools National Monument in Ottawa

Commission and install a Residential Schools Monument in each capital city

Amend the Physical Activity and Sport Act to ensure policies are inclusive to Aboriginal Peoples

Develop culturally appropriate parenting programs for Aboriginal families

Eliminate educational and employment gaps between on-reserve and off-reserve students

Eliminate the discrepancy in federal education funding

Draft new Aboriginal education legislation

Provide adequate funding for First Nations students seeking post-secondary education

Develop culturally appropriate early childhood education programs

Enact an Aboriginal Language Act

Create university and college degree and diploma programs in Aboriginal languages

Waive administrative costs for five years for revision of official identity documents

Recognize and implement the health-care rights of Aboriginal people

Identify and close the gaps in health outcomes between Aboriginal and non-Aboriginal communities

Recognize, respect, and address the distinct health needs of the Métis, Inuit, and off-reserve Aboriginal peoples

Provide sustainable funding for existing and new Aboriginal healing centres

Recognize the value of Aboriginal healing practices and use them in the treatment of Aboriginal patients

Increase the number of Aboriginal professionals working in the health care field

Require all medical and nursing students to take a course dealing with Aboriginal health issues

Partially completed
<table>
<thead>
<tr>
<th>Canada</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ensure lawyers receive appropriate cultural competency training</td>
<td>Partially completed</td>
</tr>
<tr>
<td>Require all law students to take a course in Aboriginal people and the law</td>
<td>Partially completed</td>
</tr>
<tr>
<td>Eliminate the overrepresentation of Aboriginal people in custody over the next decade</td>
<td>Partially completed</td>
</tr>
<tr>
<td>Implement and evaluate community sanctions that will provide realistic alternatives to imprisonment</td>
<td>Partially completed</td>
</tr>
<tr>
<td>Provide culturally relevant services to inmates on issues such as substance abuse, family and domestic violence</td>
<td>Partially completed</td>
</tr>
<tr>
<td>Provide more supports for Aboriginal programming in halfway houses and parole services</td>
<td>Partially completed</td>
</tr>
<tr>
<td>Create adequately funded and accessible Aboriginal-specific victim programs and services</td>
<td>Partially completed</td>
</tr>
<tr>
<td>Adopt and implement the United Nations Declaration on the Rights of Indigenous Peoples</td>
<td>Partially completed</td>
</tr>
<tr>
<td>Develop a national plan, strategies and other concrete measures to achieve the goals of the United Nations Declaration on the Rights of Indigenous People</td>
<td>Partially completed</td>
</tr>
<tr>
<td>Church parties to the residential schools settlement and other faith groups to adopt and comply with UNDRIP</td>
<td>Partially completed</td>
</tr>
<tr>
<td>All faith groups to repudiate the Doctrine of Discovery and terra nullius (which asserted that lands belonged to the Christian powers that 'discovered' them)</td>
<td>Partially completed</td>
</tr>
<tr>
<td>Establish a National Council for Reconciliation</td>
<td>Partially completed</td>
</tr>
<tr>
<td>Educate public servants on the history of Aboriginal peoples</td>
<td>Partially completed</td>
</tr>
<tr>
<td>Faith groups to develop and teach curriculum for all student clergy and staff who work in Aboriginal communities</td>
<td>Partially completed</td>
</tr>
<tr>
<td>Church parties to residential schools settlement to fund reconciliation and culture revitalization projects</td>
<td>Partially completed</td>
</tr>
<tr>
<td>Develop and fund Aboriginal content in education</td>
<td>Partially completed</td>
</tr>
<tr>
<td>Council of Ministers of Education Canada to maintain an annual commitment to Aboriginal education issues</td>
<td>Partially completed</td>
</tr>
<tr>
<td>Establish a national research program with multi-year funding to advance understanding of reconciliation</td>
<td>Partially completed</td>
</tr>
<tr>
<td>Establish multi-year funding for youth organizations to deliver programs on reconciliation</td>
<td>Partially completed</td>
</tr>
<tr>
<td>A national review of museum policies and best practices</td>
<td>Partially completed</td>
</tr>
<tr>
<td>Library and Archives Canada to adopt UN Declaration on the Rights of Indigenous Peoples, ensure records on residential schools accessible to public</td>
<td>Partially completed</td>
</tr>
<tr>
<td>A national review of archival policies</td>
<td>Partially completed</td>
</tr>
<tr>
<td>Develop and maintain the National Residential School</td>
<td>Partially completed</td>
</tr>
<tr>
<td>Student Death Register created by the TRC</td>
<td>Partially completed</td>
</tr>
<tr>
<td><strong>Archives to provide residential school records to National Centre for Truth and Reconciliation</strong></td>
<td>Partially completed</td>
</tr>
<tr>
<td>Canada</td>
<td>Commit to funding of $10 million over seven years to the National Centre for Truth and Reconciliation</td>
</tr>
<tr>
<td>Canada</td>
<td>Develop a reconciliation framework for Canadian heritage and commemoration</td>
</tr>
<tr>
<td>Canada</td>
<td>Establish a National Day for Truth and Reconciliation as a statutory holiday</td>
</tr>
<tr>
<td>Canada</td>
<td>Journalism programs and media schools to require education for all students on the history of Aboriginal peoples</td>
</tr>
<tr>
<td>Canada</td>
<td>Ensure that Indigenous Peoples’ territorial protocols are respected by officials and host countries of international sporting events</td>
</tr>
<tr>
<td>Canada</td>
<td>Declaration on the Rights of Indigenous People</td>
</tr>
<tr>
<td>Canada</td>
<td>Revise the information kit for newcomers and citizenship test to reflect a more inclusive history of the Aboriginal Peoples of Canada</td>
</tr>
<tr>
<td>Canada</td>
<td>Replace the Oath of Citizenship</td>
</tr>
<tr>
<td>Greensboro</td>
<td>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.</td>
</tr>
<tr>
<td>Greensboro</td>
<td>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.</td>
</tr>
<tr>
<td>Greensboro</td>
<td>The City should issue annual reports on race relations and racial disparities.</td>
</tr>
<tr>
<td>Greensboro</td>
<td>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.</td>
</tr>
<tr>
<td>Greensboro</td>
<td>The Mayor’s Mosaic Project should be continued and expanded as planned to include more people from all sectors of the community.</td>
</tr>
<tr>
<td>Greensboro</td>
<td>The Guilford County Schools should create a curriculum based on the events of Nov. 3, 1979, for use in public elementary and secondary schools.</td>
</tr>
<tr>
<td>Greensboro</td>
<td>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.</td>
</tr>
<tr>
<td>Greensboro</td>
<td>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.</td>
</tr>
</tbody>
</table>
Greensboro
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.
Not completed

Greensboro
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.
Partially completed

Greensboro
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.
Partially completed

Greensboro
A public monument should be built on the site of the shootings to honor those killed and wounded on Nov. 3, 1979.
Partially completed

Greensboro
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.
Partially completed

Greensboro
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.
Partially completed

Greensboro
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.
Partially completed
Greensboro
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.

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

Greensboro
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.

Greensboro
The Guilford County Board of Commissioners should commit to addressing the need for increased 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.

Greensboro
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.

Greensboro
Other community organizations such as the Chamber of Commerce should engage in anti-racism training similar to that described in Recommendation 2.a.ii.

Greensboro
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.

Greensboro
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.

Greensboro
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.
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.

Greensboro

Fund the renewal of the ICWA Workgroup and involve them in designing and implementing training so that all levels of leadership are involved; their work may well include training people on the new Bureau of Indian Affairs regulations being developed on ICWA.

Maine

Create ways for people to continue to add to the archive at Bowdoin College and look beyond the mandate to keep these truth-telling conversations flowing at every level: in tribal communities, among the general public and within agencies that work with Wabanaki people.

Maine

Respect tribal sovereignty and commit to resolve and uphold federal, state and tribal jurisdictions and protocols at both state and local levels.

Maine

Honor Wabanaki choices to support healing as the tribes see fit and celebrate the cultural resurgence of the tribes within the Wabanaki confederacy so that both individuals and communities may be strengthened. Among the suggestions we have heard: the creation of longhouses, language centers and classes, places in which rituals of birth, coming of age, and death may be celebrated, food sovereignty, healing circles, and traditional health and wellness modalities. Other suggestions included welcome home ceremonies for people who are returning to their territory after time away.

Maine

Create better and more consistent supports for non-Native foster and adoptive families so that Wabanaki children have the strongest possible ties to their culture.

Maine

Resolve as quickly as possible issues with IV-E funds.

Maine

Explore the expansion of tribal courts to include the Maliseet and Micmac communities, should these communities express a desire to do so, and explore as well what funding possibilities exist for this initiative. Also hear concerns from those who do not feel well represented by tribal courts.

Maine

Resolve problems surrounding blood quantum, census eligibility and the provision of services.
for children, as these issues are often contested or unclear.
Reinstate the Maine governor’s executive order of 2011 that recognizes “the special relationship between the State of Maine and the sovereign Native American Tribes located within the State of Maine.” This executive order also recognizes that the “unique relationship between the State of Maine and the individual Tribes is a relationship between equals.”

Maine
Develop ways to expand on the work of Chapter 403 of the Public Laws of Maine of 2001, “An Act to Require Teaching of Maine Native American History and Culture in Maine’s Schools,” also known as LD 291, so there is an enlarged understanding of bias and genocidal practices in the greater community and Wabanaki-state relations are held in a broader framework.

Not completed

Maine
Develop DHHS, legal and judicial trainings that go beyond the basics of checklists and toolkits to recognize bias and build cultural awareness at all levels of leadership and accountability in ways that frame ICWA within historical context.

Not completed

Maine
With the counsel of the tribes, develop a policy to monitor regular compliance with ICWA, the selection of ICWA liaisons and the eventual provision of a supervisory-level staff member responsible for ICWA in each DHHS district office.

Partially completed

Maine
Support the work of Maine-Wabanaki REACH in both Wabanaki and non-Native communities to foster truth, healing and change.

Partially completed

Maine
Explore the creation of more Native foster homes in general and additional Native therapeutic homes in particular.

Unknown/incomplete
Appendix E: Bio

Larry Schooler is a mediator, facilitator, public engagement consultant, and educator. He is director of community engagement and consensus building at Engaged Public, a Denver-based consulting firm. He is an adjunct faculty member at Northwestern University and has designed and taught a public policy dispute resolution course at Southern Methodist University, along with training courses on facilitation and the design of public engagement processes. He is a senior fellow at the National Civic League and an advisor to the Divided Communities Project at Ohio State University and the 100 Resilient Cities project of the Rockefeller Foundation. Prior to his work in conflict resolution, Larry was a reporter for National Public Radio and Voice of America.
Appendix F: Endnotes

---

The Greensboro TRC is a noteworthy exception; it focused strictly on the events of November third, their context, and their aftermath.

Occasionally, Truth and Reconciliation Commissioners have used requests made under the Freedom of Information Act or similar to secure materials for review.