

New York Law Journal



COMMENTARY

America Needs a Truth, Justice and Reconciliation Commission To Heal

Any hope for reconciliation without a public reckoning is doomed to fail.

March 12, 2021 at 11:22 AM

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By Robert C. Gottlieb



President Biden's statements since the seditious, violent attack on Congress reflect a commitment to heal this nation's deep wounds and division. The damage inflicted upon this country by right wing extremists and white nationalists has been so profound that Biden, like Abraham Lincoln at the end of the Civil War, will struggle to find the path to healing and reconciliation for a country on the brink of destruction. Lincoln inspired a torn nation with these words, etched in marble at the Lincoln Memorial: "*With malice toward none; with charity for all; with firmness in the right, as God give us to see the right, let us strive on to finish the work we are in; to bind up the nation's wounds ...* ." Biden will need much more than Lincolnesque inspiration for America to heal its deep wounds. The first step toward reconciliation is a public uncovering of the painful truth of Trump's autocratic rule. Any hope for reconciliation without a public reckoning is doomed to fail. The answer is the formation of an independent United States Truth, Justice and Reconciliation Commission (TJRC) patterned after the South Africa experience following the end of Apartheid.

While the criminal law and prosecutors are in the best position to ensure that criminals are held accountable, much more is required to achieve national healing and reconciliation. Prosecutors are constrained by criminal law's limitations, which often require secrecy and result in final dispositions without public trials. Further, the criminal law will not expose the full panoply of human and civil rights abuses committed through immoral and undemocratic policies that were not criminal but served as the oxygen for the rise of seditious and racist movements. America's TJRC will not replace prosecutors but work hand in hand with them to achieve justice while having America bear witness to the horrors of Trump's presidency and the bigotry it unleashed.

In the past, Congress has been the appropriate body to undertake serious investigations to expose wrongdoing such as the Commission on Wartime and Relocation, the National Commission on Terrorist Attacks on

the United States, and an investigation into the Iran-Contra affair. But today, when more than 525,000 people have died from coronavirus in America and infections increase at an alarming rate, with the economy shattered by unemployment and shuttered businesses, Congress' attention must be on issues other than investigating Trump's presidency. Furthermore, sadly, Congress has proved to be incapable of assuming any objective, non-partisan role of this nature.

How would the TJRC work? The Commission would be deemed an official government body comprised of a diverse group of respected individuals. South Africa's TRC was founded by Nelson Mandela and Archbishop Desmond Tutu served as its chair. Like the South Africa Commission, The American TJRC would possess subpoena power to compel testimony and production of documents. The Commission would be mandated to hold public hearings where witnesses identified as victims of intolerable government abuse would be invited to give public testimony about their experiences. The TJRC would be charged with establishing a fund to pay victims monetary damages for government abuses and authorized to grant amnesty with the agreement of prosecutors to avoid interfering with criminal prosecutions.

The work of the TJRC would be accomplished through a range of committees:

- **Human and Civil Rights abuses:** Family Separation and the unequal treatment of persons of color by law enforcement;
- **Insurrection and Incitement to riot:** Attack on Capitol Hill
- **Election tampering:** Pressuring the Vice-President and State officials to lie about state election results;
- **Undermining American foundational principles:** Pressuring the Attorney General to imprison political opponents, disclosing classified information to Putin, and consistently siding with foreign nations to the detriment of America;

- **COVID-19: Minimizing the threat of the virus and spreading misinformation.**

This country has suffered from an unprecedented attack on its fundamental democratic principles and the rule of law. Efforts to undermine democracy and the presidential election were thwarted by the people who elected Joe Biden and the countless judges who upheld the electoral will. That did not stop Trump and others from inciting an unsuccessful coup. The scars of four years of authoritarian rule are deep and still raw. Attempt to destroy America has shaken this nation to its core. Confidence that the nation will be able to "bind the wounds" of a citizenry so badly divided and mistrustful of one another has been shattered. An American Truth, Justice and Reconciliation Commission will compel America to bear witness to what was done in our nation's name and come to terms with its past in a morally acceptable basis. Our only hope of restoring America as the beacon of freedom, liberty and justice is to face the truth about our past. If we do that, then we will have paved the way to national reconciliation.

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