

CR1.2: B87/6

# **Burning of African American Churches in Tennessee and Perceptions of Race Relations**

UNIV. OF MD MARSHALL LAW LIBRARY



3 1428 03492564 0



Thurgood Marshall Law Library  
University of Maryland School of Law  
Baltimore, Maryland

## **Tennessee Advisory Committee to the United States Commission on Civil Rights**

Transcript of a Community Forum  
Held July 10, 1996, Memphis, Tennessee

#### **The United States Commission on Civil Rights**

The United States Commission on Civil Rights, first created by the Civil Rights Act of 1957, and reestablished by the United States Commission on Civil Rights Act of 1983, is an independent, bipartisan agency of the Federal Government. By the terms of the 1983 act, as amended by the Civil Rights Commission Amendments Act of 1994, the Commission is charged with the following duties pertaining to discrimination or denials of the equal protection of the laws based on race, color, religion, sex, age, disability, or national origin, or in the administration of justice: investigation of individual discriminatory denials of the right to vote; study and collection of information relating to discrimination or denials of the equal protection of the law; appraisal of the laws and policies of the United States with respect to discrimination or denials of equal protection of the law; maintenance of a national clearinghouse for information respecting discrimination or denials of equal protection of the law; investigation of patterns or practices of fraud or discrimination in the conduct of Federal elections; and preparation and issuance of public service announcements and advertising campaigns to discourage discrimination or denials of equal protection of the law. The Commission is also required to submit reports to the President and the Congress at such times as the Commission, the Congress, or the President shall deem desirable.

#### **The State Advisory Committees**

An Advisory Committee to the United States Commission on Civil Rights has been established in each of the 50 States and the District of Columbia pursuant to section 105(c) of the Civil Rights Act of 1957 and section 3(d) of the Civil Rights Commission Amendments Act of 1994. The Advisory Committees are made up of responsible persons who serve without compensation. Their functions under their mandate from the Commission are to: advise the Commission of all relevant information concerning their respective States on matters within the jurisdiction of the Commission; advise the Commission on matters of mutual concern in the preparation of reports of the Commission to the President and the Congress; receive reports, suggestions, and recommendations from individuals, public and private organizations, and public officials upon matters pertinent to inquiries conducted by the State Advisory Committee; initiate and forward advice and recommendations to the Commission upon matters in which the Commission shall request the assistance of the State Advisory Committee; and attend, as observers, any open hearing or conference that the Commission may hold within the State.

# **Burning of African American Churches in Tennessee and Perceptions of Race Relations**

**Tennessee Advisory Committee to the  
United States Commission on Civil Rights**

Transcript of a Community Forum  
Held July 10, 1996, Memphis, Tennessee



**Tennessee Advisory Committee to the  
U.S. Commission on Civil Rights**

**Ms. Jocelyn Wurzburg, *Chairperson***  
Memphis

**Dr. Carol Berz**  
Chattanooga

**Dr. James Blumstein**  
Nashville

**Mr. Charles P. Dupree**  
Chattanooga

**Mr. Herman C. Ewing**  
Memphis

**Rev. Samuel Billy Kyles**  
Memphis

**Mr. Michael A. McCroskey**  
Gatlinburg

**Ms. Jane F. Osgerby**  
Nashville

**Ms. Rosetta Miller Perry**  
Nashville

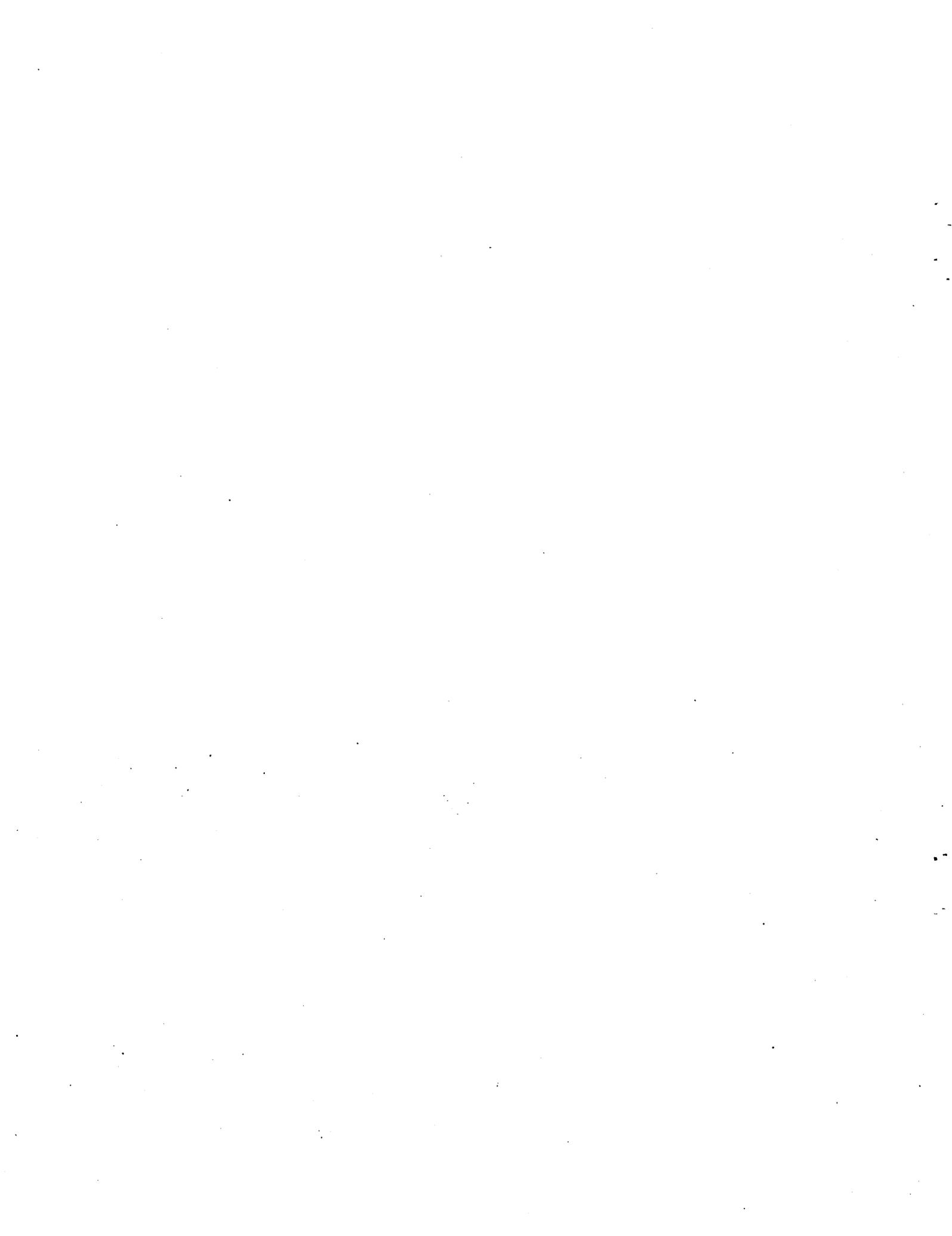
**Mr. Tommy L. Tabor**  
Memphis

**Mrs. Carla Vaughn-Garrett**  
Nashville

**Dr. Zhan Wang**  
Nashville

**Mr. William Ward**  
Memphis

**Dr. Dhyana Ziegler**  
Knoxville



## Contents

### Opening Statements

Tennessee Advisory Committee Chairperson Jocelyn Wurzburg . . . . .	1
Commission Chairperson Mary Frances Berry . . . . .	4

### Witnesses

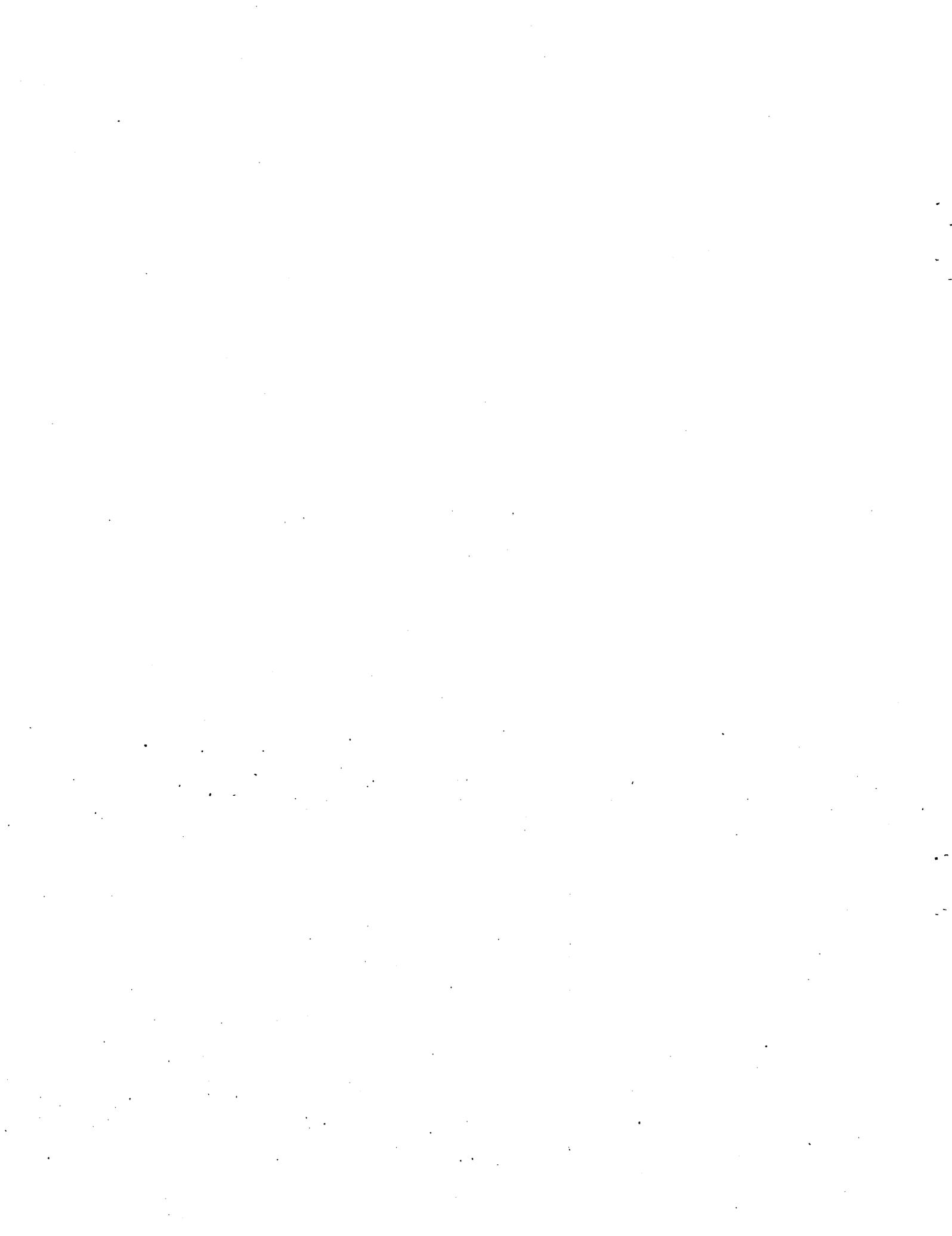
Kelly Hankins for U.S. Senator Fred Thompson of Tennessee . . . . .	5
Paul Stanley for U.S. Senator Bill Frist of Tennessee . . . . .	6
Trina Ingraham for U.S. Representative Wendell Ford of Tennessee . . . . .	7
Veronica Freeman Coleman, U.S. Attorney for the Western District of Tennessee . . . . .	8
Richard Garner, Special Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, U.S. Department of the Treasury, Nashville, Tennessee . . . . .	15
Richard Marquise, Assistant Agent in Charge, Federal Bureau of Investigation, U.S. Department of Justice, Memphis, Tennessee . . . . .	16
Ernest Stallworth, Community Relations Service, U.S. Department of Justice . . . . .	22
Pat Scroggs for Governor Don Sundquist of Tennessee . . . . .	25
Statement of Moore, Tennessee Human Rights Commission . . . . .	28
Walter Winfrey, Director of Police Services, Memphis Police Department . . . . .	32
Charles E. Smith, Fire Director of Memphis . . . . .	33
Tommy Tabor for Mayor Jim Rout . . . . .	37
James Thomas, Pastor, Jefferson Street Missionary Baptist Church, Nashville, Tennessee . . . . .	38
George Brooks, Senior Pastor, St. James Baptist Church, Nashville, and President, Missionary Baptist Convention of Tennessee . . . . .	39
Jim Foreman, Executive Director, National Conference of Christians and Jews . . . . .	43

### Open Session

Charles Todd . . . . .	45
Bill Taylor . . . . .	45

### Exhibits

1. Materials Provided by Charles E. Smith, Fire Director of Memphis . . . . .	49
2. Statement of Thomas F. Mainor, Pastor, Shady Grove Presbyterian Church . . . . .	52



*The community forum of the Tennessee Advisory Committee to the U.S. Commission on Civil Rights convened at 1:00 p.m. at the Ramada Inn Hotel, 160 Union Avenue, Memphis, Tennessee, with Tennessee Advisory Committee Chairperson Ms. Jocelyn Wurzburg presiding. Other members of the Advisory Committee present were Mr. Tommy L. Tabor, Ms. Jane Osgerby, Mr. James Blumstein, Dr. Dhyana Ziegler, Ms. Rosetta Miller-Perry, Ms. Carol Berz, Ms. Charles P. Dupree, Carla Vaughn-Garrett, Mr. Michael McCroskey, and Dr. Zhan Wang. Also attending the meeting was Commission Chairperson Dr. Mary Frances Berry and Southern Regional Office Director Mr. Bobby D. Doctor and Civil Rights Analyst Mr. Robert Knight.*

### Proceedings

**Ms. Wurzburg.** Let me introduce myself and have each of the members of the Tennessee Advisory Committee to the U.S. Commission on Civil Rights introduce themselves to you.

Every State in our Union has what is called a State Advisory Committee, affectionately known as a SAC. I'm the Chair of your SAC right now. And we have from various parts of the State, starting on my extreme right, Tommy, would you introduce yourselves and tell everybody where you are from and what you do in real life when you're not volunteering to serve on this Committee?

**Mr. Tabor.** My name is Tommy Tabor. I'm from Memphis and I'm an employee of Shelby County.

**Ms. Osgerby.** I'm Jane Osgerby from Nashville and I work for the Department of Correction.

**Mr. Blumstein.** I'm Jim Blumstein from Nashville and I'm a professor at Vanderbilt Law School.

**Dr. Ziegler.** I'm Dhyana Ziegler from the University of Tennessee in Knoxville. I'm a broadcasting professor and associate director of university resources.

**Ms. Miller-Perry.** I'm Rosetta Miller-Perry from Nashville, publisher of a newspaper and a magazine, and I have a journalism center for high school students in Nashville.

**Mr. Doctor.** I'm Bobby Doctor. I'm Regional Director of the U.S. Commission on Civil Rights out of Atlanta.

**Ms. Berz.** I'm Carol Berz from Chattanooga, Tennessee. I guess I'm a recovering lawyer. I do a lot in mediation. I teach law and also currently serve as chair of the Chattanooga Human Rights

and Human Relations Commission. I'm in private practice.

**Mr. Dupree.** I'm Charles Dupree. I'm a lawyer and I practice in Chattanooga.

**Mrs. Vaughn-Garrett.** I'm Carla Vaughn-Garrett from Nashville and I am chair for the fund raising committee of the Anthony J. Seaburn Center for Journalism.

**Mr. McCroskey.** I'm Michael McCroskey from Gatlinburg. I'm an insurance agency and business developer there.

**Dr. Wang.** I'm Zhan Wang from Nashville. I work for the Meharry Medical College.

**Ms. Wurzburg.** And I'm from Memphis, Tennessee. I'm an attorney and I'm a professional mediator.

**Mr. Knight.** I'm Bob Knight from the Southern Regional Office.

**Ms. Wurzburg.** Some of you were here with us this morning. I would like to direct your attention in case you were not. We had a press release this morning on racial tensions in Tennessee, a study that we have been conducting over the last few years, as well as many other States across the Union, to get the perceptions of community leaders throughout Tennessee of where they felt race relations were today.

While the information in the hearings that we gathered was a couple of years ago, it is quite obvious that the release of this report is very timely in light of this session that we will be having this afternoon. I would draw your attention to please take a copy of this report. Special attention should be paid to pages 22-24 and I think you will find the statistical data in the back to show that there is still tremendous disparate impact for

minorities in various areas of these statistics—employment, incomes, educational attainments, and so forth. So, I do hope that you will look at this report on racial tensions and seriously consider this an interesting segue to what we're going to be doing this afternoon.

I would also like to tell you that two weeks ago we concluded here in Memphis our hearings conducted across the State on Title VI of the U.S. Civil Rights Act of 1964, as amended in 1972 and then later by the Civil Rights Restoration Act.

These hearings that we conducted across the State demonstrated to us that there is severe noncompliance to Title VI. Let me refresh you for you nonpros in the area of civil rights. Title VI of the 1964 Civil Rights Act addressed the situation that if you were a recipient of Federal funds, you could not spend those funds in any manner that was discriminatory. And further it required that you had somebody on your staff who was to ensure that you didn't spend the money discriminatorily, to ensure that you got input from the community before you spent the money to make sure that you wouldn't spend it discriminatorily, and then sign an affidavit that I have received these funds and I am in compliance with my Title VI obligations.

When a comptroller's investigation was conducted across the State, most of the people said, "Title what?" It gave great evidence that folk had been signing off for years—"Yes, I'm in compliance—and didn't even know what Title VI was. The remedy for that, of course, is that if the funding Federal agent got your attention strong enough to withdraw your Federal funds, you might pay better attention to what you sign off in the future; but, number two, the public at large did not know that they had another way of addressing their grievances as to discriminatory practices of various governmental agencies or even private agencies receiving Federal funds, to ensure that these funds were spent fairly.

An example: We had in testimony given to us by some folks up in Covington, Tennessee, who had their lights taken down in their recreational facility while new—for some reason they didn't replace any lights, didn't replace any light bulbs, but all the Federal funds that came in for such

expenditures were going to recreational facilities predominantly in the white neighborhoods.

We had a situation in Nashville, Tennessee, where Federal funds given to the county to fix sewage systems, raw sewage continued to flow in ditches in predominantly black neighborhoods where all the sewage systems were fixed leading to some white recreational subdivisions.

So, these are the kinds of things that the Federal enforcers of those giving the money should be looking at and what the various members of the public had the right to redress should they be able to investigate and discover them and they had grievances, even a private right to sue.

The report on our Title VI findings I hope will be out within a year and we will submit them to you similarly as we did this morning in a press release and findings.

Bobby, would you like to tell a little bit about we are going on in the South regarding the church burnings?

Mr. Doctor. Madam Chair, thank you very much. I certainly would be pleased to do just that. For those of you who were at the press conference this morning, obviously you picked up on this report and certainly the release of this report, but I think it's also interesting to note that we've done the same project in other States here in the southeastern region. This report reflects an effort done by the Florida Advisory Committee on the subject of racial and ethnic tensions in Florida, and it was released a couple of months ago. This report was done by the South Carolina Advisory Committee and it's entitled *Perceptions of Racial Tensions in South Carolina*.

We have one now that's in Washington undergoing legal sufficiency review. That one should be coming out in the fall sometime, and then we have a fifth one that will be coming out, probably the first of next year on racial tensions in North Carolina. I say all of that to say that there are five State Advisory Committees in this region clearly concerned about racial tensions and/or racial and ethnic tensions in their respective States.

It is clear to us, based on the information we have received in these projects, that racial tensions are certainly on the increase. That's a sad commentary given where we have come from and

given the fact that we have made significant progress over the years. And it appears at this point we're about to undergo a stage of retrogression, which certainly does not bode well for America. But be that as it may, we feel compelled and obligated to share with you the results of all of these efforts.

Somebody, I think this morning, made a comment that this Advisory Committee and the Commission sees itself as an alarm, an alarm that warns the country of pending danger, an alarm that warns the country of what's on the horizon that may be detrimental to the welfare of the country, and that's the role we see ourselves in today.

America had better wake up to the realization that something is terribly wrong out there, and we also had better wake up to the realization that there is a dire need for leadership across the board to take us through this very, very difficult period.

I might also add while we're waiting on the Chair that the Commission on Civil Rights in February of 1991 at a retreat in Richmond, Virginia, adopted the project designed to look at racial and ethnic tensions in America communities. Again, I point out that that meeting took place long before the riot in Los Angeles.

We were saying that we thought America had a problem that had to do with racial and ethnic tensions. Since we have done these studies, it is clear that the information we have received supports that argument, but the Commission has also done the same project at the national level through a series of hearings which have been held—and the Chair will speak to this a little later on—but a series of hearings which have been held in Los Angeles, Chicago, Washington, D.C., and New York City. We plan to be coming to Greenville, Mississippi, sometime in the fall to get some sense of what's going on in rural America on this subject.

But it is very, very clear that the information we have received at the national level as well as the information we have received in the State efforts supports the argument that racial and ethnic tensions in America are on the increase.

Ms. Wurzburg. Today we are going to be dividing our time to hear first from Federal offi-

cial that are here with us today. We're going to conduct these informal presentations and questions from our staff to the various officials after giving each of you a period of time.

All of you have the schedule before you. You note that from 1:30 to 2:15 we will be asking those Federal officials to speak. And so, as you can tell, time is limited. You know how many there are of you. We ask that you keep your statements succinct, but to the point. Share with us what you want to share with us and leave us some time to ask questions in return.

I will be calling the roll of those who have been invited and if you are representing some official who is not able to make it, please identify yourself at that time.

At 2:15 we're going to hear from State officials, then we will be going to city and county mayors, police and fire chiefs and various other law enforcement agencies. And then at 4:00 o'clock we hope to hear from the religious community, and at 4:45 from the civil rights community. That is our agenda for the day and we hope to follow it as carefully as we can.

I'm going to beg the indulgence, however, of the Federal officials that we asked to speak. Could you allow us to interrupt you when our Chair does arrive for her to welcome all of you from the national or the Federal U.S. Commission of Civil Rights. She was en route a little before 1:00 from the airport, but there is construction on the interstate, so I'm hoping that's been the problem.

I'll be calling the roll before each segment of each group, and we will ask that you come to our table here on the left to make your presentations. Some of you will be asked to come as a panel. Some will be asked to come individually.

I guess the main thing that we want to ask ourselves is, we have been confronted with the news for almost 2 years now that people have been desecrating houses of worship and this has impacted particularly on minority communities where the heart and the soul of many folk are involved with their churches.

This has been an extremely hurtful experience. I hate to bring up such a reminder, but in the mid 1930s in Europe there occurred an experience that has been called *Kristallnacht*—*Kristallnacht*, the

breaking of glass. The glass that was broken was glasses in synagogues all over Germany. So, we had our foreboding experience that should have alerted us in the middle 1930s, the 1930s, prognosticating something dreadful to come, but we didn't pay attention world wide to crystal knock. I cannot help but draw such an analogy. It is frightening to me. It is scary to me. A house of worship has always been a reverent place of any denomination whatsoever and the fact that anybody could be willing to desecrate a house of worship of any denomination is beyond anything within my experience to understand.

And what we're going to do today is to explore this issue, explore this problem, find out who's on the case and who's not on the case, and whether or not we even got on the case quick enough, I'm sure, is in the utmost mind of many of us and to explore and get these feelings and concerns out on the floor for open and honest discussion.

I'm happy now to welcome our Chairperson. You must have had a tumultuous ride through the city to get here. I would like to welcome, before we call the roll on the Federal officials, Chair Mary Frances Berry of the U.S. Commission on Civil Rights. Welcome to Memphis.

Dr. Berry. Thank you very much, Chairperson Wurzburg. I'm pleased to finally get here and I apologize for being late and I want to say how much I appreciate the fact that the State Advisory Committee and the staff from the Regional Office headed by the able leadership of Bobby Doctor were able to put this forum together and to respond to the situation as quickly as you have.

I also want to thank you and congratulate you for your reports that you have done over the years, including the *Racial Tensions in Tennessee* report that you released this morning before I got here, and to say that this has been a particularly effective SAC, as we call them, State Advisory Committee, and to also say that the reason why I am here and the reason why we're here obviously is because there have been these fires.

There have been fires in white churches. Reporters often ask me, "Well, what about the fires in white churches?" There have been fires in white churches. I have had meetings with Deval

Patrick and James Johnson who runs the Bureau of Alcohol, Tobacco and Firearms office that's responsible for this enterprise and stayed in constant touch with them and the other Federal officials who are involved in the task force. I have been to Boligee, Alabama. I have been to Baker, Louisiana. And when I leave here, I'm going to Mississippi, and then after that I am going to South Carolina and North Carolina. We're going everywhere—every State Advisory Committee in which most of the large number of fires has taken place is having a forum. The State Advisory Committees are having forums and I have promised to attend those.

This morning I was supposed to be at the NAACP meeting in Charlotte and I was supposed to be on a panel and then after that, the President, the big guy, the real President, was coming to speak and I came here instead, because there was no way to get to Charlotte and to get here. And since I have a commitment to doing this and the State Advisory Committee has put this together, I am here. They will carry on ably without me there.

The fires at white churches to my knowledge—and I have asked Federal officials this in every State and at the national level— at none of the fires at white churches have there been allegations that the arson was done, in the cases where we suspect arson, for racially motivated reasons, as a result of racially motivated violence to our knowledge today.

We're concerned as the Civil Rights Commission about religious discrimination and race discrimination. Both are within our mandate. So that if the churches burned for reasons of religious discrimination, we're concerned about that, too, as are the Federal enforcement officials who have that as a mandate.

But we're particularly concerned, consistent with our racial tensions in America project, a project which has been going on now for about 5 years, about evidence of racially motivated violence. I have said that I am not surprised that about 70 percent of these incidents—according to the information I have been given—there is at least some preliminary evidence that there may be some racial motivation involved. It does not surprise

me. The places I have been in to date have been racially polarized. There have been degrees of segregation—racial segregation, that I knew existed, but that reporters keep telling me everywhere I go they didn't know. They came from somewhere to come to these places and they didn't know it existed.

But racial segregation exists and people are not talking to each other. They are not having conversations about the issues. So, no matter who burned the churches, we have a serious problem of racial tensions and racial polarization in this country as evidenced by everything from increases in hate crimes statistics to the media and the opinion poll responses to highly publicized events that occurred. And so, the church fires should be really a wake-up call to get us to deal seriously with these issues.

I am here for two purposes and I hope SAC will determine here today or at least help us determine how well the government officials, law enforcement officials are doing their job. In most of these instances, no perpetrators have been found yet, as far as I know, unless they were all found while I was on my way from the airport. And how well they have been doing their job and are they coordinating with each other. Also how sensitively have they been dealing with the people they have been interviewing.

I have had a number of questions raised with me privately and in forums about the way people are carrying out their responsibilities. Also the different perspectives of State law enforcement officials and national law enforcement officials.

Some people are saying, "Well, you know, there really hasn't been an upsurge in fires. We just think there have been a lot of them." In point of fact, the numbers show that there have been increases in the last couple of years. And I would say that even if there were only one in each one of these places, I would be concerned and I would be concerned about that and about what is next.

The next thing I want to determine is the state of race relations. And here in Tennessee we've got this report that gives us information and we can now take the temperature again.

Within 30 days after the forums take place, we will have a transcript of the forums, all of them,

made available to the public, to the media, and we will have summaries of the transcripts, the information that we found, which will be made available to the public and then the State Advisory Committees may after that use the materials however they wish in determining what kind of reports they will make.

I'm just pleased to be here and I won't delay you any further and ask you to proceed. Thank you.

#### **Federal Government Representatives**

**Ms. Wurzburg.** Thank you very much. The Federal officials that I intend to call will be Kelly Hankins from Sen. Fred Thompson's office, Paul Stanley from Senator Frist's office, Trina Ingraham from Congressman Ford's office. Then I will be calling on Veronica Coleman, U.S. Attorney for the Western District of Tennessee. Jack Barnett here from ATF.

**Mr. Garner.** Being represented by Dick Garner.

**Ms. Wurzburg.** Dick Garner. Okay. I have got your name down to call. Richard Marquise. Thank you. Lawrence Flagg.

**Ms. Coleman.** I'm representing the Marshall Service.

**Ms. Wurzburg.** Thank you for that.

**Ms. Coleman.** I'm Veronica Coleman.

**Ms. Wurzburg.** Okay. Ernest Stallworth I know is here. All right. I would like to have, if you would, please, Ms. Hankins. I think I may have gone out of order of junior and senior Senators, so I apologize. I'm not a pro at this.

#### **Statement of Kelly Hankins for U.S. Senator Fred Thompson of Tennessee**

**Ms. Hankins.** Yes, ma'am. Thank you, Chairperson Wurzburg, Chairperson Berry, Mr. Doctor, and members of the State Advisory Committee. My name is Kelly Hankins and I serve as the local field representative for U.S. Senator Fred Thompson. Senator Thompson is in Washington today and regrets that he could not be here personally. However, he has prepared the following statement which I will read on his behalf:

"Like most people I'm distressed over these attacks on our houses of worship throughout the

State. For 2,000 years the church has been a foundation and a pillar of strength for the community. When someone desecrates a church, they strike at the very heart of all that we hold sacred, decent, and honorable; our personal relationship with God. For anyone to be so filled with hate as to desecrate the Lord's house is indeed a miserable and small person. However, even as these forces of evil have struck, we must not give in to the temptation to mistrust all people.

"In the ashes of burned churches one can see an ember of hope for mankind. These terrible acts have brought together many different people in communities not only to condemn the acts, but also to help in the rebuilding of the churches and in the apprehending of those responsible.

"In my capacity as your United States Senator I have met with representatives from the affected religious communities in my Washington office and will meet with them again in Tennessee. I have also been a vigorous participant in the Senate hearings on the matter. I supported the Senate resolution condemning the burnings and I voted for the new law expanding Federal criminal jurisdiction over church burnings.

"Throughout my Senate hearings I have been consistently concerned about evidence of racially motivated activity by law enforcement personnel. While I believe that ATF and FBI are undertaking vigorous efforts to apprehend those who have committed these acts, I am concerned that two ATF agents who attended the infamous 'Good Old Boys Roundup' were originally investigating these fires. At best this shows poor judgment and a total lack of sensitivity.

"People must have faith in the objectivity and fairness of law enforcement. While the overwhelming majority of Federal law enforcement officers deserve the trust of us all, it is important during this investigation that all agents know that any activity that could jeopardize the public's confidence in law enforcement will not be tolerated.

"Finally, to be of more personal assistance in this crisis, I have recently joined in an effort with Congressman J.C. Watts of Oklahoma to launch an effort to bring together the material resources and expertise from the private sector to assist

church members in rebuilding their houses of worship.

"The Building Alliance is a private, nonpartisan, nondenominational organization created to serve as a clearinghouse for all church building efforts in cases of burnings. This will be an umbrella group, including organizations such as Habitat For Humanity, Southern Baptist Conference, Anti-Defamation League, National Council of Churches, and Christian Coalition.

"This group will provide a rapid response mechanism to assist churches in distress. It would act as a 911 service when a burning occurs. Churches will be referred to skilled local workers, sources for building materials, legal and accounting assistance, and other places of worship willing to share their facilities. This effort is just one of the many outpourings of help that gives us hope for healing in the aftermath of these tragedies.

"It is my sincere hope that our law enforcement establishment will be able to apprehend those responsible and that we can all come together to change the human spirit so that these acts do not happen again. The vigorous response to these acts must indicate a resolve by many people to build better and stronger bonds of community. Thank you."

**Ms. Wurzburg.** Thank you. I know it would be impossible for you to answer an extemporaneous question coming from us for the Senator. I would like to urge that you spend as much time with us today so that you could report back to the Senator some of the information that will be given here this afternoon.

**Ms. Hankins.** I intend to do that, and I appreciate the opportunity.

**Ms. Wurzburg.** Thank you very much. We appreciate the Senator's sentiment. I'm particularly interested about that lack of sensitivity that occurred in that issue. That's important, what Chair Berry has brought out. Mr. Paul Stanley.

#### **Statement of Paul Stanley for U.S. Senator Bill Frist of Tennessee**

**Mr. Stanley.** I would like to take this opportunity to thank both Chairs for extending the invitation for us to come today. This is a very important panel that has been established both on the Federal

and the State level, and it's something I think will help all communities involved.

Just on a personal note, having grown up in rural west Tennessee, I'm very familiar with the types of churches, no matter what the denomination or the community in which they serve, and the importance of those churches to the individual communities that they do serve. I think those are very, very strong focal points of any rural communities as well as an urban community, too, and the churches have always been such a great place for come to people together.

My name is Paul Stanley. I represent United States Senator Bill Frist. And again like Senator Thompson, Senator Frist is unable to come because of business in Washington today, but I did want to read a short statement that the Senator had prepared this morning concerning this Commission meeting.

"Since January of 1995 there have been 75 fires at churches nationwide. Over the past year and a half there have been a rash of church burnings in Tennessee with a total of six so far this year. While some of these fires may have been accidents, it is clear that others were set intentionally.

"As a United States Senator I will do everything I can to ensure the individuals responsible for church arsons are prosecuted and punished to the fullest extent of the law. Without question we must work together as community leaders, church members, law enforcement officials, not only to recover physically and emotionally from the destruction of a place of worship, but also to bring those who are responsible for these deplorable crimes to justice.

"In Congress we're doing what we can to demonstrate our commitment to protecting churches and punishing those who destroy religious property. I'm a strong supporter and cosponsor of the Church Arson Prevention Act of 1996, a bipartisan bill to make it easier to prosecute to the fullest extent of the law those responsible for destroying religious property.

"Having grown up and raised my family in Tennessee with many, many generations of southerners in my family tree, I understand the role that the local church plays in communities across the

South. These church arsons represent an attack on our most sacred institution and we must act now to put an end to these crimes and bring those responsible to justice. I believe that the Church Arson Prevention Act of 1996 is a major step toward resolving this crisis. Thank you very much."

**Ms. Wurzburg.** Thank you very much. Again the same comment, I doubt that you would be able to answer extemporaneous question from us to you for Senator Frist, but we urge that you stay with us as long as you can.

**Mr. Stanley.** We appreciate that. I did see the report that was introduced at the press conference this morning and I think there are some correlations in there that can be tied not only to the civil rights issues that we face in Tennessee, but the many other issues as well and I just want to thank you for putting that together.

**Ms. Wurzburg.** Thank you for that acknowledgment. Ms. Trina Ingraham.

#### **Statement of Trina Ingraham for U.S. Representative Wendell Ford of Tennessee**

**Ms. Ingraham.** Thank you. Good afternoon, Chairperson Berry, Chairperson Wurzburg, members of the Tennessee Advisory Committee, and special guests. I am here on behalf of Congressman Ford. My name is Trina Ingraham. I'm not sure if the Congressman is going to be able to make it. He did want me to come on his behalf just to inform you a little bit about what he has been working on.

The Congressman was a cosponsor of recent Federal legislation, the Church Arson Prevention Act of 1996. And I'm not sure if everyone here knows about this legislation, but what it did was it increased the Federal penalties for the burning of the churches. It also appropriated more money for the investigation into these church fires. It also appropriated money to HUD for the banks to provide loans to churches to rebuild, and it also increased the penalties.

Also the Congressman is a member of the State task force and has been working on that issue with them as well. Some of the recent issues that they have been researching into to address this particular issue is posting signs on churches to let people know that this is a Federal crime now and

that any acts done against these churches will be prosecuted to the fullest extent of the law. Also, we will be working on risk assessment brochures for these churches.

Another thing that we have been working on is increased work by police officers as far as driving by, monitoring the churches, to let them know what's going on with that; also running of ads for the rewards and any tips on the arsonists; and also, another thing that they will be working on is equipping churches with technological devices for monitoring, security devices and things like that. So, that's what we will be working on right now.

Most importantly we're here today to learn and that's what I'm looking forward to, is to take this information back to find out how further we can act on the Federal level. Thank you.

**Ms. Wurzburg.** Thank you. We thank the Congressman for being here with us this morning. I hope he can slip in before he has to get out of town.

Veronica Coleman, U.S. Attorney for the Western District of Tennessee.

**Statement of Veronica Freeman Coleman,  
U.S. Attorney for the Western District of  
Tennessee**

**Ms. Coleman.** For the record, my name is Veronica Freeman Coleman and I'm the United States Attorney for the Western District of Tennessee. Distinguished members of this Commission, I'm pleased to have the opportunity to be here today and share with you my perspective on the crimes committed against houses of worship in the Western District of Tennessee as well as race relations among the good citizens of Tennessee.

I would like to begin by introducing to you my first assistant in the United States Attorney's Office, Mr. John Folks, who is here in attendance today and explain to you my announcement of my representation of the Marshall Service.

I feel that in my capacity as United States attorney that I represent, certainly all of the Federal law enforcement under the Department of Justice guidelines, but in particular in these cases we've had an arson task force for a while that is comprised of Federal, State, and local law enforcement officials.

And I have been in communication with the U.S. marshal and he was unable to make it today, so I feel quite capable in representing him. You will have an opportunity, however, to hear from the special agents in charge for the ATF and the Federal Bureau of Investigation. But in terms of overall responsibility, I accept whatever you wish to place upon me.

I must begin by noting that my appearance here today is a study in contrast between the past and the present. I'm one of 11 African American United States attorneys appointed by President Clinton. This number represents at least twice and probably triple the number of such appointments in the entire history of this nation. I am here today not just because a Senator, a President, and the Senate of United States approved my appointment, but I'm also here because of the sacrifices and struggles of my parents and forbearers in the fight for freedom and equality.

It is through work of commissions and lawyers like yourselves who have paved the way for me to be here today. It is through the blood and sweat that so many gave in the struggle for simple freedoms that allows me to wear the title of United States attorney.

Martin Luther King did not die in vain. Although I'm not a native Memphian, I am the beneficiary of the struggles, both legal and moral, that were fought in the streets of this great city. King's legacy of courage and spiritual leadership was the fulcrum for the improvement of race relations for this city and the nation. And although race relations are not perfect or where they should be, your list of invited witnesses speaks volumes about the progress this city has made in the area of race relations.

But most importantly today I am here as the legal representative of the Federal Government, for in this capacity I represent all of the people and I take that responsibility very seriously. I look with disgust and sadness at the events that bring us together today, but I look at the future with hope and optimism. I am disgusted that anyone for whatever reason would burn a place of worship. I am saddened that history could repeat itself because the lessons of the past have been forgotten. You can burn the physical structure, but you

cannot burn the eternal spiritual flame that resides in the hearts and souls of people.

I'm hopeful that because of the actions of citizens, both black and white, of the Western District of Tennessee and of the Nation, because they have stepped up to lend assistance, both moral and economic, to the victims of these horrendous crimes, I am hopeful that our relationships are on an improved basis. I am optimistic that the collective will of the good citizens of this nation will douse the conflagration of hate that has been on the rise in recent years, and I'll do everything within my power to assist in putting out the fires of hate bringing the criminals to justice.

The Western District of Tennessee is comprised of 22 counties. There are 17 counties in the eastern division and 5 counties in the western division. Our main office is here in Memphis and serves the western division, and our branch office is in Jackson, Tennessee, and serves our eastern division.

There have been four church fires in the eastern division. These were African American congregations. In the western division there have been at least six fires; one, an African American congregation and five, predominantly white congregations.

The arson task force includes agents from the Federal Bureau of Investigation, the Alcohol, Tobacco and Firearms Bureau, the Tennessee Bureau of Investigation, the State fire marshal, and other State and local police and sheriffs. These men and women have been working feverishly day and night to solve these and other crimes similar in nature. They have accepted the fact that their actions are microscopically examined, and they are committed to solving the crimes even at the expense of their own family lives.

But you must know they do not have a crystal ball that is going to give them answers and clues that they seek. Instead, they depend upon information from people. They depend upon evidence located at or near scenes. They depend upon scientific analysis and any information that will give them a clue or lead to evidence that is admissible in a court of law. And they depend in some instances on sheer luck.

The Federal Government is using its full range of resources to respond to these violent acts directed at houses of worship, and any sort of desecration or destruction of any place of worship is considered among the most despicable crimes reaching to the most deeply felt of all American tenets, which is religious freedom.

Law enforcement has been given a boost by the President and Congress, so our job at the local level must be to utilize these resources to their fullest extent, but most importantly these investigations must begin with an open mind without presupposed conclusions. Investigative and prosecutive decisions must be made without fear or favor. Some decisions are very difficult to explain to the public because of the legal and ethical constraints placed upon prosecutors and investigators, but I can assure you that the men and women in my office and all of investigative agencies on our task force are deeply concerned about what is happening in our community, and we are totally committed to bringing to justice those who have assaulted our places of worship.

The words of one prominent U.S. attorney sum up my feeling about my responsibility as a prosecutor. His name was Whitney North Seymour and he drafted a creed that many prosecutors hang on their walls. He said: "Prosecutors are lawyers expected to be public servants more than they are advocates. To be a prosecutor requires commitment to absolute integrity and fair play, to candor and fairness dealing with adversaries and the courts, to careful preparation not making any assumption or leaving anything to chance, and to never proceed in any case until convinced of the guilt of the accused or the correctness of one's position. To be a prosecutor demands unusual personal qualities. They include promptness, dependability, precision, thoughtfulness, decency and personal courage and conviction." Seymour further felt that one's basic credo should be like Thomas Payne's: "The world is my country, all mankind are my brethren, and to do good is my religion."

I'm happy to take any questions that you have of me at this time.

Ms. Berz. One of the things that I have been struck by is the apparently reactive position of the

government. In 1991 I was privileged to attend the meeting sponsored by the Department of Justice on hate crimes which were on the increase and have with me—as a matter of fact, I dug up all of that information. I'm sure that you have the answer and that was why I was waiting for your cohorts from the FBI and the ATF to be up there to help you out a little bit.

**Dr. Berry.** May I interrupt? She's in charge of them on this. The Justice Department, according to what I was told by the Attorney General's office, the U.S. attorneys have been asked to coordinate an arson task force, and the special agents in charge of the FBI and the ATF are part of that task force. Each U.S. attorney has been charged with the responsibility by both the Treasury and Justice Departments to coordinate these task forces. So, she should know something.

**Ms. Coleman.** If I don't know anything, you will find out quick.

**Ms. Berz.** I'm amazed at the reactive stance. I am concerned that all of this information or a great deal of information about hate crimes and even more severe happenings like Oklahoma—except Oklahoma wasn't named—and church burnings, especially the activities of not only the skinheads and neo-Nazis, etc., were known back in 1990, 1991, because I was there. That's what I was trained to do. And yet, here we are in 1996 and there has been no proactive stance in the 5 years to prevent these sorts of things, or at least it seems there has been none.

As a matter of fact, the positions of the CRS [Community Relations Service] and the Justice Department were cut and then called back. There seems to be no leadership at the national level. I guess the two questions I wrote here, Ms. Coleman, were, Why the reactive stance and why did it take church burnings to finally get the attention of Justice when we have been having hate crimes and racial problems, at least I can say to the official attention of the government, since 1991 when I was called to Atlanta to get trained? Can you help here?

**Ms. Coleman.** Well, while I feel that part of my responsibility may be proactive or preventative in nature, I don't really see that as my largest responsibility. If there are crimes that are commit-

ted that are Federal crimes then, yes, that's our responsibility to prosecute. Do agencies collect information or have knowledge of hate groups and the fact that they exist? I would venture to say, yes, they do, but if they simply exist without committing criminal acts, then they exist and their existence is acknowledged.

I would not like to think that there are hate crimes that have been committed in the Western District of Tennessee since October of 1993, which was when I was sworn in, that we haven't investigated or taken seriously or prosecuted when they arise. So, I'm not sure what your expectations are of the government with that intelligence.

And that's how I would characterize at least from what I understand your question, that, yes, you know that there are hateful people over here that exist; so what are you going to do about it as a prosecutor or as a law enforcement officer? I'm not sure that we can do anything until there has been a crime committed.

This administration through the crime bill, however, has done some things in terms of passing a huge crime bill legislation that puts more police officers on the street, which address certainly a preventative aspect of criminal activity. They also tried to obtain funding for massive amounts of preventative monies which was fought vigorously in Congress. So, I don't know that I characterize this administration as not making any effort whatsoever toward focusing on prevention.

I will say in regard to the church fires, which is what we're here today to talk about, 100,000 police officers on the street is not going to prevent a crime against a rural church that's sitting out in the middle of a cotton field or peanut field when you don't anticipate that that's going to happen.

**Ms. Berz.** I guess maybe your words, "We don't anticipate it's going to happen"—I think there was anticipation at least 5 years ago—not by you; it's putting you in the hot seat I'm sure—that these things were probably going to happen. And you're right. I don't think that putting more police officers on the street is preventative, but I think that there are a number—

**Ms. Coleman.** Not these types of crimes.

**Ms. Berz.** Yes, I think that when we're talking about having knowledge, I think education is

preventative. I think getting communities together is preventative. And that may not be your bailiwick.

I was going to say something to who's representing the ATF. The ATF knew about the "Good Old Boys" meetings for a long time before anything was ever done about it. That would have been preventative had it happened earlier.

**Ms. Coleman.** He will address that.

**Dr. Berry.** You can wait for him to address that.

**Ms. Berz.** That's mainly what I wanted to say. You may want to follow up on that.

**Dr. Ziegler.** So, there were 10 churches, I think 4 in the east and 6 in the west. How many of the perpetrators have been caught?

**Ms. Coleman.** At this time? Well, none.

Let me be perfectly accurate. There is one individual who has been charged by the State prosecutor's Office and we are looking at potential Federal charges.

**Ms. Wurzburg.** I think it might be helpful for us to know the different resources at the beginning of these incidents as compared to the kind of resources that have just poured in as of late. I guess what I want to know, what was the threshold event that has created, "Oh, we've got a problem." A lot of folks have been saying to us, "Our churches have been burned; we think it's racially motivated." And they have been telling us that since almost '91 or for a long time now. I don't want to answer the question myself by saying this is a political year, but I think what I want to know is, it may be helpful to us to know the impact of the new emphasis and what kind of resources do you now have available that you didn't have before.

**Ms. Coleman.** I'm going to answer it in two perspectives. The first perspective is that the earliest fires in this district that are recognized of record were investigated. And again, Agent Garner will be able to address this issue as well. But three out of the four were investigated and one we just didn't know about, and we found out about later that they didn't report the fire. But they were investigated and files opened at the Federal level.

The additional resources—obviously we don't just investigate and prosecute church arsons. I

mean, our jurisdiction requires us to prosecute a host of Federal crimes. The additional resources clearly means that we can spend more time focused on these particular fires, but I don't want to leave the impression that they weren't investigated at all, because that's an incorrect impression.

**Mr. Dupree.** At the time you were sworn into office in 1993, what type of hate group monitoring or hate group recognition was being done in this section of the State?

**Ms. Coleman.** I was not aware of any monitoring.

**Mr. Dupree.** Was it being done by your office?

**Ms. Coleman.** My office does not monitor, no.

**Mr. Dupree.** Was Justice monitoring in any way on the national scope that you knew of at that time?

**Ms. Coleman.** I don't have any knowledge of that.

**Dr. Berry.** Let me just make a statement and then ask you a question to shed some light in terms of context. First of all, the Hate Crimes Statistics Act required police departments to report hate crimes. They were reported by local police, not by the U.S. attorney's office. And the Justice Department tracked those, including any that took place here in Tennessee until the act expired, which has now been renewed in the Senate. I think they just finished. I haven't kept track of the final passage or not, but it's going to be passed if it hasn't, because it has bipartisan support to keep track of these.

The statistics—there is some question about whether they are totally reliable because sometimes police departments don't know what to identify. This was on the minds of the U.S. Commission on Civil Rights when 5 years ago we decided to do a project on racial tensions in America's communities. The reason why we decided to do the project at the national level all over the country was because we were concerned about all the indicators, as I said in my opening statement, that were there, including hate crimes statistics, and the query is why no one else seemed to get that concerned about it.

And the other query is, no matter what we did, how many reports we've done—and we've done a number on racial tensions and these State committees have. The second point is the resource question that was asked of you.

The Commission did a report last summer on budgets for civil rights enforcement in the Federal Government, and the report showed that no agency that enforces the civil rights laws, including the Justice Department, had adequate resources to do its job and that in fact there were budget cuts all over the place at the same time that discrimination was on the rise, and at the same time that tensions were on the rise and we complained then bitterly about the failure to give the kind of resources that were needed.

We're not talking about hot issues like do you like affirmative action or do you like same-sex marriage or something, but we're talking about a plain old when somebody's discriminated against or there is a hate crime or something, going out and doing something about it. And the agencies, none of them, had the resources to do their jobs.

This particular administration had requested budget increases and they didn't get them. In fact, the Community Relations Service, which is responsible for conciliating tensions of all kinds, was decimated. I think that's a polite way to put it. So, the big picture answer is, in the face of an increase in tensions and in the face of all kind of polarizing issues, the resources weren't there.

Now, I want to ask you this: You have gotten increased resources as a result of the church fires. I don't know whether you personally did or your office, but at the Federal level there have been more resources allocated generally to the ATF. And the Community Relations Service had some staff members detailed the last time I heard to help them to deal with these issues.

That all happened, Madam Chair, clearly as a result of the fires. However, my fear is that if you see the fires only as, "Let's worry about who burned the church" and not "Let's worry about the underlying tensions that we have," that we still won't be solving the problem.

You're a prosecutor, so your job is not to, I guess, deal with underlying tensions. But did your office get any additional resources or did any of

the agencies in your task force get any additional resources as a result of this?

Ms. Coleman. I believe the agencies did and I'll let them tell you what they received. I don't have any more prosecutors. We have an outstanding relationship, however, with the Civil Rights Division in Justice. What they have done, in fairness to them, is they facilitated some review requirements that might normally take longer going through the channels. They can walk paperwork through quicker. And that's helpful to us, because we need that.

Right now I have three lawyers that are devoted to just these cases. And I'm just listening to you describe, you know, what gave rise to these events and that's my human cry just on all fronts. Everytime Congress passes massive legislation creating new crimes, they don't give us the resources to prosecute them. So, your observation is certainly accurate.

Dr. Berry. My last question is just a very simple one. Have you had any hate crimes to prosecute since you have been U.S. attorney or have any occurred in your district, to your knowledge?

Ms. Coleman. The answer is yes and no. The answer is yes, there have been some. One in particular was prosecuted. They were juveniles prosecuted in the State system. When they do that adequately, then we don't step in.

There have been some activities going on, I'll say this, currently that are being investigated by us. We have called upon the Community Relations Service for some disturbances that occurred in Millington among high school students. I don't believe there were any criminal charges brought either at the State or Federal level, but I think they facilitated the relationships there and in fact they had something of an ongoing history.

I can say this, if you will allow me, on not just a personal, but a personal professional note about my office and how they feel about the community in which they live. This last year for the first time they adopted a junior high school. So, in terms of prevention, this is on our minds. That is how we, as prosecutors, play a role in terms of prevention or being proactive. We understand that, but in our professional roles, you know, you have got to

bring us evidence that's admissible in a court of law and we prosecute vigorously. That's our primary role.

**Ms. Wurzburg.** Could I ask Mr. Garner and Mr. Marquise to join Ms. Coleman at the table?

Can you stay a little bit longer, Ms. Coleman?

**Ms. Coleman.** Until about quarter of 3:00, then I must go.

**Ms. Wurzburg.** Yes, you told me. Mr. Doctor, do you have a question?

**Mr. Doctor.** I certainly do, Madam Chair. Ms. Coleman, could you share with us, if you will, a bit more information about the task force that you coordinate here in the western district of the State and could you also share information with us regarding the various agencies that make up that particular task force?

**Ms. Wurzburg.** Kind of a flow chart.

**Ms. Coleman.** A flow chart? I don't think it's going to be susceptible to that easy a configuration. The Federal Bureau of Investigation offices in Jackson, Tennessee, house both the FBI as well as the ATF agents working on the task force. There are local sheriffs or deputies from their departments, I believe some police officers, also two TBI agents, which is the Tennessee Bureau of Investigation, the State agency, assigned to the task force. The best way to describe it, they work in cooperative relationships in terms of making assignments and spreading out their resources to work on the varying cases that are out there. If you want more detailed information—you know, I not sure exactly what you want. There is no real flow chart.

**Ms. Wurzburg.** Like, for example, are you meeting on a regular basis?

**Ms. Coleman.** They live together virtually. They are housed together.

**Mr. Garner.** I'm Richard Garner. I'm special agent in charge of the Nashville office that includes offices throughout the State of Tennessee. We do not have an office in Jackson. The FBI has an office in Jackson. So, I have taken my supervisor from our Memphis office and relocated him temporarily up in the Jackson area, so I have a supervisor onsite and the FBI has a supervisor that resides in Jackson. So, those are the two supervi-

sory agents that are responsible for the work of the task force.

Then my counterpart, John Hancock, and Dick Marquise from the FBI and my assistant Kathy Kiernan, we meet on a regular basis with law enforcement groups and also with the United States Attorney.

**Ms. Coleman.** And I'm in communication with them almost on daily basis. I get feedback and updates.

**Ms. Wurzburg.** The impression, I think, the public has is that you have dropped everything else you're doing and going on this full steam ahead. Is that the correct perception?

**Mr. Garner.** No.

**Ms. Wurzburg.** Okay. You want to enlighten us? Help us here understand what's happening.

**Mr. Marquise.** I'm Richard Marquise. I'm assistant agent in charge of the FBI, in Memphis which covers the Middle and Western Districts of Tennessee. The FBI is responsible for investigating over 250 different violations of Federal law. Civil rights statutes are just a small portion of those statutes that we're responsible for investigating.

We've taken additional resources away from our other programs, which include white-collar crimes, drugs, violent crimes and moved them over to work on this task force to investigate some of these cases. So, we're still doing other things, but the fire cases are a priority to our work at this time.

**Ms. Wurzburg.** Other questions?

**Dr. Berry.** I would like to know, there have been reports in the press and some reports that people have given to me privately at some of these places where I have been about the black churches losing insurance. And somebody just handed me a news article and I assume that prosecutors and Federal agents read the newspaper also, or watch the news if you don't do anything else, so you must know that there have been some allegations about church discrimination.

I'm planning in our meeting of the Commission on Friday to tell the Commissioners that I am asking Attorney General Reno to direct you folks to try to look into this issue. But since I am here and you're here, why don't I ask you while I am

here, are you aware of these allegations about insurance and whose jurisdiction is this if black churches are not given insurance on a discriminatory basis or at least that's the allegation. Whose job is that?

**Ms. Coleman.** It would be among our responsibilities to investigate, but until we hear a complaint that there has been insurance fraud or some violation of Federal law, we wouldn't just investigate based upon a newspaper article.

**Dr. Berry.** So that you need us to send you the complaint through the normal channels?

**Ms. Coleman.** Let me say something I didn't include in my prepared remarks and I don't know that either of them were going to state it, but back in April of this year we met with the pastors of the churches, as well as local community leaders, and invited congregations in and members of each of our staffs participated. This was not a media event. It was never intended to be, because we knew what the concerns were and we wanted to provide a forum where they could address us and address their concerns to us. We have been in contact. I believe the agencies have been in contact. They certainly know how to reach me. They have my business card. And if there is some reason why they are reluctant to make that complaint then I would be, one, surprised and disappointed, two.

So, you may start at the top and it will come to me and that's fine, but I would also like to think that they feel free to make those complaints to us.

**Dr. Berry.** I was asked also to announce that the Lawyers Committee for Civil Rights Under Law has a task force of 30 corporate attorneys who are partners in big law firms who have announced they will represent any of these churches for free in litigating any claim that they might have against insurance companies, and which I think was a very promising development. Their phone number is 202-662-8600. And we will then forward the complaints to the Justice Department and have them go through the normal channels. Thank you.

**Ms. Wurzburg.** Mike and Dhyana, regarding Ms. Coleman, do you want your questions before

or after you let Mr. Garner and Mr. Marquise make their presentations?

**Dr. Ziegler.** I have some questions for all three. They talked about investigations, and that's what my question is about. It has been sort of reported out there that these fires are part of a conspiracy or they may be isolated incidents or whatever. I'm just curious, where are your investigations leading you as far as your conclusions?

**Ms. Coleman.** Well, these are difficult questions for us to answer, so I'll just simply generally say that they lead in lots of different directions.

**Dr. Ziegler.** So, all of the above?

**Ms. Coleman.** All of the above, yes, ma'am.

**Ms. Wurzburg.** Mike.

**Mr. McCroskey.** Can you give us some sort of time frame when you feel there will be more definitive answers? Because obviously we're concerned not to be jeopardizing the ongoing investigations, but at the same time there is a lot of anxiety in trying to get what is the bottom line.

**Ms. Coleman.** I wish I could say it was all solved yesterday, but there is no way to predict how long an investigation will last or that you will ever solve each and every one of them. You know, all we can offer is that we're committed to continue to work these as hard as we can until there is just nothing else, no other leads left to follow, or until we bring somebody to justice.

**Mr. Dupree.** It's my understanding that the Justice Department Community Relations Service, or the CRS, are the ones normally doing investigations, hate crime statistics and hate crime reporting and so forth in the past. Is that correct?

**Ms. Coleman.** I have to be honest with you, I have never seen one of those reports.

**Mr. Dupree.** That's what I was getting ready to ask, whether your department coordinates with them in any way in exchange of information.

**Ms. Coleman.** I have met with the community relations person that was representing our district when I first came on board. He paid me a visit. I knew of his existence and what services he offered. And when we had the problem in Millington, I called him and asked him if he knew anything about it and if he would participate. Beyond that, other than a resource for me and I know he's there, we haven't had any other communication.

Ms. Wurzburg. I think our time constraints require us to go ahead and let Mr. Garner and Mr. Marquise make their statements.

**Statement of Richard Garner, Special Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, U.S. Department of the Treasury, Nashville, Tennessee**

Mr. Garner. I want to also thank each of you for the opportunity to participate on this panel today and I applaud the Commission's efforts as you bring together the law enforcement officials here, the religious leaders, the elected officials, and other members of the community in a forum that will allow exchange of ideas as we seek out answers to the problems confronting us.

Historically, churches have served as places of sanctuary, as centers of communities, and symbols of freedom. ATF's jurisdictional interest lies in principally Title 18, United States Code, section 844(i), where it makes it illegal to destroy by means of explosives or fire any property involved in or affecting interstate commerce.

ATF is fully committed to devoting all of its jurisdiction and resources possible to try to bring the perpetrators of these fires to justice. Our director has made it very clearly to us that the malicious torching of houses of worship is our highest investigative priority.

As I mentioned earlier, I represent the men and women throughout the State of Tennessee, and in the past several months I have had an opportunity to travel throughout Tennessee to these task force sites and not only talk with our special agents, but other members of the task forces, and I can assure you that the investigative personnel on these task forces are equally appalled that anybody would destroy a church building. These officers, the men and women, have been willing to give us weekends and holidays and anniversaries and birthdays to follow every possible lead that they could.

They have also shared with me their frustrations, and one of their frustrations that they have is that the rewards that are being offered are generating very few leads. They are also concerned about the many other rural church buildings that continue to make ideal targets for arsonists

and thus the potential for further devastation is ever present, but they are not discouraged and they are totally committed to ensure that these investigations will be complete.

And just very briefly, in Tennessee thus far our investigative response has included the use of our division response team to respond to the scenes as quickly as possible when we have a fire. We've used the expertise of our certified fire investigators. We've used onsite examination by our laboratory forensic personnel. We've used the expertise of our special agents that are assigned to the FBI's behavioral science branch. We've used all the computer databases we can from our intelligence division, and I have continually brought in out-of-State agents to help us work on these fires.

In addition to that, we're now meeting with church leaders in an effort to improve those lines of communication. Some of those ministers are in our audience today. And our particular thrust right now is to get out a document entitled the *Church Threat Assessment Guide*, and I brought one for each of you if you're interested. As I mentioned, there is still so many churches out there that are still vulnerable, and we believe this document will help in very realistic ways to make a church and its property less vulnerable to these that would make an effort to destroy such property.

In closing, I would just like to say that we do recognize that we have a very difficult and demanding challenge ahead of us. Tennessee is fortunate in one respect. The law enforcement leadership and the United States attorney are steadfast in our resolve to bring those responsible to a court of justice. It's going to demand our strong leadership and the collective talents of our personnel, and it's also going to require the support of the members of our community if we're going to increase the potential for us to end these senseless acts of violence. And I appreciate again being here with you today.

Ms. Wurzburg. Mr. Marquise.

**Statement of Richard Marquise, Assistant Agent in Charge, Federal Bureau of Investigation, U.S. Department of Justice, Memphis, Tennessee**

Mr. Marquise. Thank you. Good afternoon. On behalf of the FBI I appreciate the opportunity to speak before your Commission and discuss issues relating to the recent church burnings in Tennessee, specifically those in west Tennessee.

Let me first say that the FBI shares a concern with the Commission, the people in west Tennessee, and the American public about these heinous acts and is taking an aggressive stance in addressing these crimes. My comments today will briefly focus on the FBI's understanding of the scope and nature of the problem of church burnings and the bureau's efforts to address these crimes. My comments will have to be limited by the fact that many of these crimes are the subjects of pending investigation.

Why are churches the victims of arson? Obviously, some fires are accidental. Unfortunately, there are church fires which have been deliberately set. A church, after all, is an extremely vulnerable target. By its very nature the church is accessible to the community it serves, often lacking any security system beyond the lock on the door. Many churches are located in remote and isolated areas where they serve their parishioners well, but where they frequently are out of sight of any potential witnesses when fires occur.

It's been the FBI's experience that motivations for these crimes can range from the bizarre to the deliberately criminal. In most instances the true motivation may not be immediately apparent and can only be determined after thorough investigations.

Churches as visible community institutions can also be targeted by pyromaniacs. We can also not ignore the possibility that the motivation may be a dispute within the congregation, collection of insurance proceeds, concealment of financial mismanagement, or some other retaliatory or personal motivation.

Finally, and most disturbing, churches can be targeted out of racial, religious, or ethnic hatred. This is the primary focus of the FBI's jurisdiction involving the church arsons. Our jurisdiction is

based on various statutes, but primarily is founded in civil rights statutes where individuals are deprived of their right to use church property free of discrimination and that also includes damage to religious property.

As of June 18, 1996, the National Church Arson Task Force, which incorporates both the Departments of Justice and Treasury, had encountered approximately 96 church arsons currently under investigation. Our goal is to solve each and every one of these cases and bring individuals identified to justice. To this end, we're working jointly with State and local authorities, the Bureau of ATF, the United States attorney's office, the State fire marshal here in Tennessee, and the Tennessee Bureau of Investigation. This coordination is important to ensure that no lead is overlooked and duplication of effort is avoided.

The FBI, along with other agencies, have posted rewards in many of these cases in the attempt to further identify potential witnesses and/or sources of information. Currently, there is approximately \$80,000 available for information leading to convictions in each one of these cases. Mr. Garner said we've not had very much fortune with that reward out there. Hotlines have been established in many locations to facilitate the receipt of critical information from the public.

The ATF and the FBI and the U.S. attorney's office victim and witness coordinators have made contacts with individuals in communities in west Tennessee whose churches have burned to advise them of our concern. The special agents in charge of the FBI and ATF for the Western District of Tennessee, as well as Ms. Coleman, have met with church members in an effort to assure them of our dedication to and interest in the successful resolution of each one of these cases.

In March 1996 the FBI hosted a conference in Birmingham, Alabama, to explore the nature and extent of crimes motivated by racial and religious hatred. Also invited to attend were ATF agents assigned to the investigation, DOJ attorneys, and United States attorneys. African American community leaders addressed the conference about their concerns and suggested ways in which law enforcement and particularly the FBI and ATF can forge better partnerships with their communities.

Although these cases are difficult to solve because of the fact that very often an arson by its own nature results in the destruction of all available evidence, there have been successes in the recent past around the country to include Tennessee. On January 29, 1995, three white males decided to avenge the fact that one of them had been ejected from an African American-owned bar in Maury County, Tennessee, just south of Nashville. In addition to attempting to burn down their bar, they also set fire to African American churches on that evening. As a result of a multiagency investigation, on March 12, 1996, all three were convicted in Federal court on one count of conspiracy against civil rights and sentenced to terms of imprisonment ranging from 33 to 57 months.

While past prosecutions and convictions can and will serve as a deterrent for futures and similar criminal action, the American people and churches throughout the United States deserve more. They deserve a commitment from law enforcement to pursue these crimes aggressively and effectively. They also deserve that, regardless of the motivation, these criminals be brought to justice. It is this commitment and assurance that I give you today.

While law enforcement is doing its part, each community can also play a role in the solution of current and the prevention of future crimes of this nature. In each victim community there are individual citizens who hold information which may be crucial to the solution of these crimes. Public cooperation is essential and I ask today that members of the communities where these crimes have occurred cooperate fully with investigators and provide information which they may have.

Thank you for allowing me to address the Commission today.

**Ms. Wurzburg.** Let me reask a question and add another quickly. Help me to know what was the threshold event that has all of a sudden brought such national attention to bear on law enforcement. I mean, did it take church number 27 and all of a sudden that's why we got this deal? I think the public needs help about that. And secondly, Ms. Coleman, had to just say all of the above when asked the question, what do we think we're looking at?

I think what the public really wants to know is, has this become a fad, "let's go get us a church" kind of thing? Or is there some underground assignment of people in various locations promising to burn a church? I mean, are we dealing with, as Dr. Berz has said in her capacity as a therapist, are we dealing with an overt conspiracy or a conspiracy of ideas? Help us here, if you will.

**Ms. Coleman.** As to your first question, I'm not sure how it's possible to answer about a threshold event. So, I don't know how to respond to that. I don't know how you could determine what was a threshold event. The fact of the matter is that we're faced with some serious crimes that are, in all of our minds, despicable, and we're doing everything in our power to address them. So, the threshold event is some way irrelevant at this point. We're dealing with it.

As far as, is there an overall conspiracy I think is what you are asking all of the above is the honest answer. There are lots of different reasons that the leads have taken us at this point in time. It suggests there are lots of different reasons, no overriding national conspiracy.

What I do see, and I think what all of us see, is that a focus on these issues that does focus attention on race relations in this country. You know, let's be frank, racism, while we've improved our condition greatly, is still alive and well and so, to the extent it focuses attention and discussion of race relations, then that's fine, but it's not going to help solve these fires.

The attention that's drawn from the national media has a good and bad effect. The bad effect is that it creates copycats. Obviously, we now have to deal with people who would just think it's a good idea to do it or to cover some other reason. But the good side of it is, one, the community discussion and debate, and, two, it has brought resources into these communities that may never have happened before. Salem Baptist Church in its process of rebuilding has people coming from Texas helping them. This is a white church helping them to rebuild. In fact the pastor, you might ask him this afternoon when he speaks if he is here, when their church was burned, it was a white church that took them in and allowed them to have services with them and among that congreg-

gation, that community. And in fact, when the media came—and I think he said this when we were at Macedonia. He said when the media came to interview him about the devastation at his church, they didn't even focus where they were located. They didn't take a picture of the mixed congregation that they were in, and he was somewhat disappointed, I think, with that.

But, nevertheless, there have been some terribly good things that have come out of this. I believe there are some Amish people who have come down to help rebuild a church. I want to say it's in Mississippi, maybe Kossuth, Mississippi. At this point in time, there is so many attention by so many people.

**Mrs. Vaughn-Garrett.** In the total number of church fires, are there numbers being kept as to the makeup of the congregation? Some media will say that it's a predominantly black or predominantly white or they will say it's black or white, and I think to them it means the same thing. To me it doesn't. Are there numbers being kept on each of them, the black churches and the white churches as to whether there were other members of other races in their church?

**Ms. Coleman.** I don't think we as investigators—

**Mr. Marquise.** The National Arson Task Force does have statistics about that.

**Mrs. Vaughn-Garrett.** Are there any patterns emerging?

**Mr. Marquise.** I don't know if this is a pattern. I think they found that there are a number of white churches. I think the initial media focus was on black churches, but I think when they went back and started counting them, we found a number here in Memphis that were white churches.

**Mrs. Vaughn-Garrett.** White churches. But I'm asking, did that mean 100 percent white? There are no black people at all?

**Mr. Marquise.** I don't know.

**Mrs. Vaughn-Garrett.** Or other races of people in their churches?

**Mr. Marquise.** There was a Catholic church that burned 2 weeks ago. And I don't know, but I going to assume—I am told there were some blacks that belonged to that parish, but I'm told

it's predominantly a white parish, but there are some.

**Mr. Blumstein.** I have a technical question, Mr. Garner, about jurisdiction. Mr. Garner mentioned a statute about harm to property affecting interstate commerce and Mr. Marquise talked about the use of property. Ms. Coleman, this will be directed to you. What is the jurisdictional basis that you're using?

I do worry about the affecting commerce rationale that at the end of the day will disappear on you on a *Lopez*-type claim and that will be extremely frustrating. The civil rights statute seems to be safer territory. Have you all thought about that question, about the appropriate jurisdictional basis for proceeding?

**Ms. Coleman.** Yes. First of all, you have to define the defendant to prosecute and you have to have the facts, you know, the given facts of a specific arson to know what it is you're going to charge, but clearly there is Federal jurisdiction under 844, which is the arson statute, but the civil rights statute, if the factors are accurate under 241—I'm not a civil rights lawyer, so let me make sure that you understand that. I have lawyers on my staff who have the expertise and we utilize the Civil Rights Division out of Department of Justice for the additional expertise.

The *Lopez* problem arises under 18-248, which I believe it was originally the abortion clinic statute, and they have addressed that. So, chances are there may not be cases brought under that particular section.

247 they have indicated has just been revised and simply reads, intentionally to deface damage or destroy any religious real property because the religious character of that property, which would certainly make Federal prosecution easier, and you do have to prove that the offense is or affects interstate commerce. There are a number of ways that I understand would prove affecting interstate commerce.

**Mr. Blumstein.** My only followthrough on that, I would urge you to give some thought at the front end as you investigate these to establish the interstate commerce linkage so at the end of the day, you don't get caught totally down.

**Ms. Coleman.** I appreciate that. We've got agents talking directly to the lawyers in civil rights DOJ making sure we do just that. Thank you.

**Mr. Marquise.** The new statute just passed last month takes out the interstate commerce.

**Dr. Ziegler.** This is for Mr. Marquise. You mentioned something about one person was sentenced to 33 months or something like that. Ideally, if someone's sentenced to 33 months, how soon could that person get out? It seems to me that the sentencing is a little bit light.

**Ms. Coleman.** Not in the Federal system. There is no parole in the Federal system.

**Dr. Ziegler.** Is there any movement to make the sentencing tougher, like 10 years or 5 years to really send a strong signal?

**Ms. Coleman.** Under one of the statutes they just amended, that increased the punishment from 10 to 20 years.

**Dr. Ziegler.** Thank you.

**Ms. Miller-Perry.** Your task force at your office and at the ATF and the FBI, how many African Americans sit on that task force, particularly from ATF?

**Mr. Garner.** On the task force in Jackson, I have brought in from out of State several African American special agents. I have two African American special agents that are working on it intermittently in our Memphis office, and so, that number would range from a low of one to as high as three or four, five possibly, at any one time.

**Ms. Miller-Perry.** Out of the total number of how many?

**Mr. Garner.** From ATF we would have anywhere from 8 to 12 agents plus support personnel working at any one time.

**Ms. Miller-Perry.** And the FBI?

**Mr. Garner.** That would be on five fires in the area of Jackson. Over in Knoxville, I have also got African American special agents involved in that investigation.

**Ms. Miller-Perry.** FBI?

**Mr. Marquise.** We have no African American agents assigned to Jackson or resident agents. We have sent on a temporary duty basis one to two at a time up to Jackson for 30 days at a time to assist. That's how we've augmented our staff up there.

**Ms. Coleman.** I need to finish answering her questions—of those assigned, I have one African American female and two male whites currently assigned to the cases, but the makeup in my office is different.

**Ms. Berz.** Are your divisions the total team? And why is CRS not sitting at the table here now? Where are they not in your team?

**Ms. Coleman.** That's a good question. I don't know. I haven't really thought about it.

**Ms. Wurzburg.** Thank you very much.

**Dr. Berry.** In order to make the record conform to the kind of questions we had elsewhere, I need to ask you a staccato-type question. First of all, there haven't been that many churches that you reported that have burned that you're investigating. So, of that number how many were black, how many white, and does that mean some were interracial or not? I mean, the numbers are small enough so you ought to be able to tell me.

**Ms. Coleman.** There are five black churches.

**Dr. Berry.** Does that mean all black, as far as you can tell?

**Ms. Coleman.** Yes.

**Dr. Berry.** What about the others?

**Ms. Coleman.** The others are six churches. Personally, I don't know. I can only speculate. Two of them were probably all white and three may have had a few black members.

**Dr. Berry.** Also where we have had interracial churches attacked and there was some allegations it had to do with interracial?

**Ms. Coleman.** What is your definition of interracial? What was your understanding of that? Was it that there was more than one or two or that there was equal division?

**Dr. Berry.** A smaller number of blacks were going to a white church. The other thing is how many witnesses have you—I have asked elsewhere this question and the question has been answered each time. What number of witnesses and the range of witnesses in your efforts to try to find the culprits in this, in the hundreds or what—where are you?

**Mr. Garner.** In the investigation in Knoxville, we've had I think 300 to 400 separate interviews, I would guess.

**Mr. Marquise.** Probably a like number in Jackson.

**Mr. Garner.** In the five fires in the Jackson area, it would be in the hundreds. It would be a guess of 200 or 300 separate interviews.

**Dr. Berry.** Okay. The other question is that in some of the other States where I have been and in the media, the local law enforcement people or the State law enforcement people have indicated that they don't think that there is any serious rise in black church fires enough for anyone to be focusing this kind of attention. In Tennessee do you have that same disparity between the Federal focus on trying to figure out who did these fires and worrying about increases and the state of people feeling that there is really nothing that's happened that is unusual. I mean, this is going on in some of the other States. Does that tension exist in this State?

**Mr. Garner.** The only aspect of that I could address would be the commitment that we've received from the State fire marshal's Office and from the Tennessee Bureau of Investigation has been outstanding. From the time we put the task forces together, they have been in there with us. The State fire marshal's office has and more recently the Tennessee Bureau of Investigation.

As to the numbers of increasing and decreasing, as you know Mr. Johnson and Deval Patrick required our Federal task force to start collecting that, because to be very candid I don't think any agency really kept an accurate number of the number of church fires that are occurring in the United States. I think this will be very helpful to us.

**Dr. Berry.** One last thing. You didn't answer the question about the ATF and the "Good Old Boys Roundup." One of the earlier representatives read one of the statements of one of the Senators that was about the "Good Old Boys Roundup," and we were told you were going to be asked that question and you were going to explain it. So, were there some people who have been involved in the "Good Old Boys Roundup" as agents from the ATF involved initially in the investigations of these fires?

**Mr. Garner.** Yes. As I'm sure you're aware, the allegations from the "Good Old Boys Round-

ups" were investigated by the Department of Justice for Justice agents that were there and also the Treasury Department's Office of the Inspector General. So, these two agencies or departments did the investigation, and at the end of their investigation they did in fact conclude that there were racist events that occurred at the "Good Old Boys Roundup," starting from 1990, basically. I think the roundup started in like 1982.

The report also concluded that there were no Federal agents involved at any of the racist activities. When we got a copy of the report we didn't want the matter to end at that level, so we had the names of those that attended since 1990 sent to our professional review board, and we wanted to make a point that even in your off-duty time that we hold you to a higher standard.

The professional review board then made some proposals of disciplinary action to the agents that attended after they were aware that some racist events had occurred, and basically were going on the premise that they exercised poor judgment by attending an event where those types of activities occurred.

In the interim time we had already had some of the fires. And then at some point in time earlier in this year, I removed from those fires agents that had attended since 1990 that were aware that there were racist activities occurring, not because they had done anything in a racist nature, but in order to show that we needed to rebuild our trust with the public we served.

So, we took two actions: one, a disciplinary action still ongoing at this time, and the other was the removal from the church fires.

**Dr. Berry.** Really the last question, Madam Chair, is, Have there been any allegations or any evidence that you're aware of that any of the black church congregation members or other African Americans in fact burned down their own churches?

**Ms. Coleman.** No comment.

**Dr. Berry.** In the incidents that you're investigating?

**Ms. Coleman.** No comment.

**Dr. Berry.** That leaves the record as indicating, if the media is to interpret that, that you do have such evidence or that you may have such

evidence, that you're simply not commenting on it.

**Ms. Coleman.** They can interpret it and you can interpret it. No comment.

**Dr. Berry.** Is that your answer, too? I guess you have to because she's the U.S. attorney. I ask that question because some people have alleged, in a number of these instances, all of these churches were burned down by the African Americans who are in the churches and that, therefore, we are wasting our time trying to figure out who burned them. So, that's why I asked you the question.

**Ms. Coleman.** I think I have more than adequately, you know, described the overview of what we've seen in this district, and I would sort of stand by those comments.

**Mr. Dupree.** Does anybody on the panel, as you are now sitting here, all three of you, in any of your groups have any type of proactive activity that's going on, any intelligence or anything that you're trying to do to prevent this from happening in the future or is everybody just reacting to the fires?

**Mr. Garner.** If I can address that just a minute. I don't know if she's going to be here or not. I'm a member also of the Governor's task force. A woman in the State, Gloria Sweet, who's with the NAACP, she always does a really good job of bringing us down to reality.

The reality is, when you go out and visit these congregations, there is no magic formula that's going to make those safe. Now, this is one proactive item that we're doing trying to help to eliminate or diminish the number of church fires. But right now you could go from where we're sitting 2 hours from here and be in a very rural area, with a church that maybe only meets once every 2 or 3 weeks, different from the churches that probably most of us attend. There would be no alarm system. There would be no witnesses, and you could use available materials and burn that building down where it would even be difficult for investigators maybe to say on the front end that it's definitely arson. Many times the buildings are left open. So, that's an issue that we're still struggling with, How do you diminish the vulnerability of some of these small rural churches?

**Mr. Dupree.** Is anybody monitoring hate groups of any kind?

**Ms. Coleman.** Yes.

**Mr. Dupree.** Outside of Justice, CRS you have already said you don't coordinate with.

**Ms. Coleman.** I don't think I said I didn't coordinate with them. There are investigative agencies that do monitor them, yes, and have collected information.

**Mr. Dupree.** And is that a part of your task force now? Is there any proactive monitoring of hate groups in this area?

**Ms. Coleman.** We have had several conferences and meetings among law enforcement and prosecutors in the State specifically focused on hate groups.

**Ms. Berz.** Do you coordinate at all with CRS?

**Ms. Coleman.** I guess not. I'm really at a loss because my relationship with CRS has been as a resource.

**Dr. Berry.** We probably should have asked the FBI the same question. But what I want to do, U.S. Attorney Coleman, is just so that it is clear, the question I asked you earlier about whether you had any evidence that the congregation members of the black churches burned down churches and you had no remark.

**Ms. Coleman.** No comment.

**Dr. Berry.** In other words, you just don't want to tell us?

**Ms. Coleman.** That's right. I don't want to comment on any evidence.

**Dr. Berry.** You don't want to imply that anybody did anything.

**Ms. Coleman.** That's exactly right.

**Dr. Berry.** Does the FBI coordinate with CRS?

**Mr. Marquise.** No.

**Dr. Berry.** Who coordinates with CRS? They will tell us.

**Ms. Wurzburg.** One more, please.

**Mr. Knight.** There has been conflicting numbers of churches and there are other organizations like the Center for Democratic Renewal and the Klan Watch. Do you utilize any of that information from them, because they have different figures, in terms of the numbers of churches in

various areas? I was wondering whether you did utilize that in any way or did you find any of that information helpful.

**Ms. Coleman.** Klan Watch was a presenter at the meeting in Birmingham. I'm on their mailing list, so I see their publication and I imagine there are various organizations and media that are keeping track of numbers. So, I can't be responsible for how they collect their numbers, but we receive information from them.

**Mr. Tabor.** I would like to ask a question. I'll be very brief. I think they can respond equally briefly. From a prosecutor's point of view and from an investigator's point of view, have you found patterns in communities where the community has tacitly approved the burning of churches and, if so, has this affected your clearance stream?

**Ms. Coleman.** Well, I don't know that I want to interpret what I think you asked. If you could repeat that question again.

**Mr. Tabor.** Well, it would come out the same way.

**Ms. Coleman.** We can't comment on evidence. You know, at this point, all we could say is we follow every lead that's presented to us. And in the broad spectrum there are lots of reasons we believe for these fires. They vary with each scene.

**Ms. Wurzburg.** I'm going to thank you three, and we appreciate your being here today and answering our questions.

**Ms. Coleman.** Thank you.

**Ms. Berz.** You're not leaving; are you?

**Ms. Wurzburg.** Ms. Coleman has to.

**Mr. Marquise.** I have to go to Nashville and we all came together.

**Ms. Wurzburg.** Mr. Stallworth, can you join the table, please? Mr. Ernest Stallworth with the Community Relations Service Department of the U.S. Department of Justice.

**Dr. Berry.** Could I just announce that Commissioner William Ward is not here today. He had planned to come today but was not able to.

**Statement of Ernest Stallworth,  
Community Relations Service,  
U.S. Department of Justice**

**Mr. Stallworth.** Good afternoon. CRS is finally here. I have a number of things I want to respond to, but, first of all, I want to say that I bring greetings from my boss, the Regional Director in Atlanta, Dr. Ozell Sutton, to all of you, to Dr. Berry and Ms. Wurzburg and Mr. Doctor.

First of all, in defense of my colleagues in the Justice Department, traditionally what we do is we make the contact. They don't make the contact with us. And what you see sitting here is about 50 percent of CRS's field staff in the Atlanta office. As Dr. Berry so accurately characterized earlier, we were decimated as an agency in terms of our staff.

I represent one-third of the staff in the office and 50 percent of the field. The field staff that have to cover eight Southeast States, where you are looking at the one person who had to deal with all the fires in our region, the Southeast Region. Well, because of the number of fires in this State—and I apologize to the State of Tennessee, the Western District in particular, and my colleagues because they were not able to get here. Why? Because I was in four other States and because of the low numbers of fires, we have to prioritize.

Normally, what would have happened, the first contact would have been with Ms. Coleman, then the FBI special agent in charge and the ATF special agent in charge. Well, until Monday I was it, but thanks to efforts by Dr. Berry, Mr. Doctor, and other members of this body who talked to a number of people who were able to get people back, it's now more than Ernie Stallworth. There are about 46 other people who will potentially be dealing with these fires.

**Ms. Wurzburg.** You have a prepared statement for us?

**Mr. Stallworth.** Yes, it's very short, but I think it was very important because this is the second one of these meetings that I have been to. I was with Dr. Berry last week in Alabama where I've spent an awful lot of time, in Mississippi and North Carolina and in Georgia and just some meetings in the State of Florida.

As a matter of fact, Ms. Coleman got out of here before I could introduce three members who really just got activated back in the last day and a half. We have a team, and what's going to happen is that in every State where there are fires, CRS is going to have teams. I'll get into specifically what they are going to be doing locally and at the national level. We have Bill Whitcomb standing up in the back out of Kansas City will be in this State, then Ken Cook who is out of the Denver office, and you have Rose Salamanca who will be working in Alabama as part of a team. So, I have three members. We've broken the States down into clusters. Cluster A is the Carolinas and cluster B, which I'm the field operations coordinator for, is this State and Alabama and Mississippi.

Our charge is to focus on the communities where 73 of those fires have happened, and we'll go into those areas and we'll do the kind of things that CRS has been done for the last 32 years.

But I'll just make a brief statement here of what we're involved in and our mission statement. In response to the upsurge of black church burnings, related community racial tensions, and the President's appointment of the National Arson Task Force, the Community Relation Service, acronym CRS, has established a church burning response team. Its mission is to, one, create healthy relationships between law enforcement agencies and minority communities affected by the burnings; also to improve relationships across racial lines; support the National Church Arson Task Force by keeping lines of communication open among the various agencies, official groups, and individuals who are responding to the church burnings or affected by them, and assist the National Church Arson Task Force in establishment of a clearinghouse to gather, store, and disseminate accurate information regarding church burnings.

I won't go into the background, because I think we realize that the President created the National Task Force, headed up by Deval Patrick, Assistant Attorney General of the Civil Rights Division, also Mr. Johnson of the Treasury Department, who is I think the Under Secretary in the Criminal Section.

CRS is a member of the National Church Arson Task Force and is the chair of the Task Force Community Outreach Working Group. Its mission is, one, to serve as an information clearinghouse for involved Federal agencies, help resolve the discrepancies among sources reporting church violence, support the work of the U.S. attorney's local task force on church burnings, and operate as a nerve center for identifying the location of the emergence of a conflict.

Just a word the local task force. The way that's going to operate, the local task force will involve the U.S. attorney's office, FBI, ATF, local law enforcement, State fire marshal, etc. We are on those teams. We cannot physically be in those locations. We have like 24 U.S. attorneys in our particular region. Of that number, you have at least, I would say, 18 perhaps that we will be working with. We coordinate information. It has worked very well with ATF in Mississippi and Alabama and also in North Carolina.

The reason why, again, this office had blank looks on their face was understandable. We had not contacted them, but we do coordinate very well and it has been working in other States. What Bill and Ken are going to do is establish the same kind of relationship that I have established in States that I have been working in and will have that ongoing dialogue. The local activities we're going to be involved in, the most critical aspect of the CRS operation is our assistance to local communities.

It will be as follows: Number one, CRS will conduct community tension assessments of each community where black churches have been burned or have been desecrated. Some of this has already been going on in some of them, but in the future we'll have teams that will go out and do these kinds of things and work even more closely.

If other arsons occur, CRS will conduct similar tension assessments, will coordinate the assessment effort with the National Church Arson Task Force and with the respective U.S. attorney's local task force. We will deploy teams of conciliators to assist communities where, according to our assessment, racial tension or conflict is evident. We'll seek to bring about and improve racial understanding throughout cooperative efforts, including the

creation of partnerships and coalition, and that has happened in some cases in other States. We'll deploy teams of conciliators to work with the U.S. attorney's local task force in prevention and outreach efforts to communities we feel are very vulnerable to that happening. We'll deploy teams of conciliators onsite to respond immediately within a 24-hour period to any racial conflicts, violence, or tensions.

I have seen a gamut of different things that have happened. In some communities you have seen nothing but a labor of love where communities, both white and black, have kind of galvanized into groups and said, "We'll not polarize as a community." I have seen some that give you the perception that that has happened when in fact the same racial tensions that existed prior to any fires, the things that are systemic or institutional, still exist, so there is work to be done. I have seen some where it's very evident that the tensions do exist and even as people work together from the outside, those tensions do exist and they are still working.

That's a brief statement that I have. Are there any questions?

**Ms. Wurzburg.** Any questions?

**Ms. Berz.** Mr. Stallworth, I see you have got a rise in funding, increased funding, in order to bring your teams back into full action. Is it just a stop-gap measure or is this permanent?

**Mr. Stallworth.** Well, it's not permanent. Right now this is in a response to the church burnings.

The three people who are my colleagues who are with me, the offices that they came out of, they're on detail from other Department of Justice agencies, from the U.S. Attorney's office, Ken Cook. Bill Whitcomb is out of the Bureau of Prisons and Rose Salamanca is out of the Immigration and Naturalization Service. However, we're looking at a minimum of their being involved with this for the next 3 months. I have also heard that could extend until 6 months.

Again, the first group that we have, again as of Monday and yesterday, were about 15 people. We're going up to 20. But the Attorney General as given us the right and the go-ahead to bring on people who are ex-conciliators and mediators or to

hire people from outside who in fact do conflict resolution, dispute resolution, conciliation, and mediation. So, we will be looking for people like that to hire for that period of time in some capacity in various States.

**Ms. Berz.** I would like to commend you on the work and research you have done in the past, being the recipient of some of your education, and I would hope that the Department of Justice would look at increasing your funding for longer than just 3 months since the issue is not a 3-month issue.

**Mr. Stallworth.** Keep the letters going to those Congresspersons who are on the Senate and the House budget subcommittees, because I agree with you, because I'm probably more busy now than I have been in 4 years prior to all this happening. As has been indicated here, racial tensions are on the rise. We're extremely busy and, yet, you know, we're down to about three people in our region for eight States. Thank you for those comments.

**Ms. Wurzburg.** Any other comments or questions from the panel? Thank you, Mr. Stallworth. Welcome to Memphis.

We are now going to find out what kind of communications hopefully are going on between State and Federal, State and local, and we have invited Governor Don Sunquist, Attorney General Charles Burson, Larry D. Wallace, Director of the Tennessee Bureau of Investigation. Any of those folks here?

**Mr. John Mehr,** Special Agent in Charge of the West Tennessee Criminal Investigation Unit; **Dr. Warren Moore,** Executive Director of the Tennessee Human Rights Commission; **Bud Witt,** Arson Investigation Director, Tennessee Insurance Department.

**Mr. McCroskey.** You have a representative of the Governor's Office here.

**Ms. Wurzburg.** Good. As of this morning we were told the Governor wasn't going to send a representative. Would you come forward, since you will be first, and introduce yourself? Have a seat over here, please.

**Mr. Doctor.** Could you please spell your name?

**Ms. Scroggs.** I'm Pat Scroggs, S-C-R-O-G-G-S. I'm the regional representative for the Governor, and it was only this afternoon that I was able to attend.

**Ms. Wurzburg.** Do you have a statement from the Governor?

**Ms. Scroggs.** Yes, I do. May I read it, please?

**Ms. Wurzburg.** Please.

#### **Statement of Pat Scroggs for Governor Don Sundquist of Tennessee**

**Ms. Scroggs.** "Condemning acts of hatred and vowing an allout effort to fight them, Governor Don Sundquist on July 3 convened a broad-based statewide task force on arson at places of worship and charged members to complete their work by August 21. We have come here with a single message. In Tennessee we will not tolerate these senseless acts of hatred, Sundquist said in opening remarks to the task force he appointed.

"Our places of worship are the hearts and souls of our communities and we're committed to protecting them. More than 80 people, including Lieutenant Governor John Wilder, gathered at the Capitol for the Governor's task force on arson at places of worship, cochaired by Memphis businessman Ira Lipman and Bishop William Grace of Memphis.

"Lipman as the chairman and president of Guardsmark, Inc., urged the task force to quickly, efficiently, and effectively end the church fires that have plagued Tennessee over the last 18 months. Eight fires have occurred in African American churches during that time. Two of the cases have been solved.

"If there is anything worse than destroying a house of worship, it's doing it for racial or ethnic reasons, Lipman said. The burning of houses of worship in Tennessee must stop. It will stop if we work together, pool our resources, share ideas, and let the Nation and the world know that there is nowhere that arsonists can run. There is nowhere that they can hide that we will not find them.

"Bishop Grace announced that religious leaders in west Tennessee, where several of the church fires have occurred, met on July 25 in Brownsville with the Governor to discuss the issue. The de-

struction of our houses of worship will not be tolerated, said Bishop Grace, who is the presiding bishop of the First Episcopal District, Christian Methodist Episcopal Church.

"Sundquist asked the task force to focus on four areas and to develop short-term and long-term solutions to fight arson at places of worship. He appointed four committees which met that day and requested that three convene again within the next 10 days to continue their work.

"The Governor appointed Attorney General Charles Burson to chair the prevention and apprehension committee which met on July 11 in executive conference, Rep. Ulysses Jones of Memphis to chair the assistance committee which will meet on July 11 at 10:00, Education Commissioner Jane Walters to chair the education committee which met on July 15, and Sen. Bud Gilbert and Rep. Joe Armstrong, both of Knoxville, to chair the legislative committee which met on July 11.

"The Governor last month announced that he would work with Gilbert, Armstrong, and other lawmakers to propose bipartisan legislation that would, number one, increase the Governor's reward authorization for hate-motivated crimes from the current maximum of \$5,000 to \$50,000, create a new class-B felony for arson at places of worship with an 8-year to 30-year penalty, and enhance the sentence for vandalism at places of worship.

The task force will meet again on August 21 at 9:30 in the Old Supreme Court chamber at the Capitol.

And I do have the list of individuals that met on July 3 regarding the church burnings.

**Ms. Wurzburg.** Can you submit that for the record for us?

**Ms. Scroggs.** I will be glad to.

**Mr. Dupree.** On the August 21 meeting, are they anticipating that there will be a committee report of some type of progress on this?

**Ms. Scroggs.** Exactly. That's what these particular chairs will be doing, and at the time they met, July 3, and then they did form into different committees, and they are working on those presently.

**Mr. Dupree.** Are those reports going to be written or is this going to be taken down stenographically or so forth?

**Ms. Scroggs.** Both I'm sure.

**Mr. Dupree.** Do you think that the Governor could make that available to our group and to the United States Commission?

**Ms. Scroggs.** I'm sure that will be possible.

**Ms. Wurzburg.** Ms. Scroggs, I hope I'm not wandering off into politics, because I'm of the same party as the Governor, but I am concerned about the situation that from our leadership, especially the closer it gets to home, that we are not doing an effective job. The reason I am telling you this because I want you to take it back to the Governor that we are not doing the kind of job that ought to be done to create or—I hate to put it negatively, but I will—to dismantle this climate of hate, this climate that allows people to think that they can express racial hatred, ethnic hatred, anti-Semitism—that that is okay because we've got a climate out there that says it is.

By that I mean, for example, we've had a recent supreme court ruling that had no choice in the fact that four of our supreme court justices had to remand back to trial court a very high publicity case. It was the rape of an 80-year-old woman. Now, it had to be remanded back to trial court, because the trial court judge mistakenly did not allow the perpetrator's psychologists to testify. It doesn't mean that the perpetrator isn't going to spend the rest of his life in jail with no parole. What it could mean is we don't execute him.

But to singlehandedly pick out one of the four justices and to spread across the State in a climate of tension and almost vitriolic hatred turning toward one of the best justices that we've had a long time and the only woman justice, that is unconscionable. I know he's not a lawyer and I have known him since he moved to Memphis. I was at the very first dinner party he was at when he came to Memphis. I know he's not a lawyer, but he understands that when four of the justices were forced to remand something back to court to get corrected, it is grossly unfair to do that.

Now, I didn't want to branch off into politics. That's beside the point. What I'm just saying is you take a situation like that and nobody can

conceive of the rape and a murder of an 80-year-old woman—I mean, this is beyond civilized people—but to take one of the people and target her because he's got a preferred candidate for the job, I think that's maybe his little agenda, but the big agenda out there is that this fuels the fire of mistrust of government, mistrust of the courts, mistrust of the law. It fuels the fire of hatred. We need better leadership than that.

So, besides sending him my regards and my fondness for him personally, I think that somehow, some way, he's got a responsibility to deal with this climate that is going here in our State and even in our country at large that allows that kind of vitriolic, venomous animus to be acceptable. Would you please relate my comments to him?

Any other comments?

**Dr. Ziegler.** How many members are on the task force and do you know the racial and gender makeup?

**Ms. Scroggs.** There are 80 members. I would be glad to let you look at this list. To me I would think three-fourths are minorities, one-fourth white. Some of them are representatives of various elected officials—that I wouldn't necessarily count those particular people. But would you want to look at this real quickly? They are divided into these task force groups.

**Dr. Ziegler.** And they will have some feedback by August 21?

**Ms. Scroggs.** Yes, ma'am.

**Mr. Dupree.** One thing I would like is for you to give a further message back to the Governor. If you heard the roll call here of the people of the State of Tennessee that we had invited to come and talk about what was going on in this situation—and I know you're here as the Governor's representative, and I'm not in any way trying to attack that—but it's very curious to me that the law enforcement people of the State, rather than of the Federal Government, that really would probably have the first line responsibility to identify and coordinate these type of crimes and these offenses, can't seem to find the time to come before us to talk about what they are doing and especially when we have the Chair of the national Commission that's of great enough concern for her to appear also for this factfinding. And I know every one of

these people is under the coordination and supervision of our Governor.

So, the thing that bothers me is I don't see State government coming here and saying, "We are being responsible," and I don't see anybody other than you in favor of the Governor coming in here and saying this is what we're going to try to do. This looks horrible for the people.

**Ms. Scroggs.** Right. Of course, I cannot answer individually, because I don't know whom you're referring to that was sent notices. I don't know how long ago. I know that originally I got the first one and it was only just in the last day or two that I was aware of this.

**Mr. Dupree.** Three weeks ago notices were mailed out.

**Ms. Scroggs.** For today?

**Mr. Dupree.** For today. Also to Attorney General Burson; to Larry Wallace, the Director of the Tennessee Bureau of Investigation; to John Mehr, which is the special agent in charge of the West Tennessee Criminal Investigation Unit; to Dr. Moore, who for his credit is present in the back room; and to Bud Witt, who is the Arson Investigation Director of the Tennessee Insurance Department, asking for them or their designee, as in your situation, to appear. We've heard nothing from any of these people.

They're the ones that we have either funded or our elected representatives have selected to do this kind of job. And what kind of a feeling does this give to the people of west Tennessee or to Tennessee about how their State government is responding to their concerns?

**Ms. Scroggs.** Well, I cannot answer for them. I do know by the statement that they are working diligently, and I do not know about the individuals.

**Mr. Dupree.** The Governor might want to ask them; don't you think?

**Ms. Wurzburg.** Dr. Ziegler.

**Dr. Ziegler.** Just one other question. How will have information be disseminated other than the press? I guess that's one question. And then a request. Could we request or could you bring that back to the Governor that this SAC committee receive any kind of report or information that comes out of that task force?

**Ms. Scroggs.** I definitely will.

**Ms. Wurzburg.** One other, Ms. Scroggs. We are extremely concerned—and I would like for Mr. McCroskey to elaborate. We're extremely concerned about the anecdotal evidence we have received that black churches are having their insurance canceled, some even ahead of time, if I'm not mistaken, but definitely after the fact, that there is a disparity about that.

Mike, could you elaborate on the issue for us?

**Mr. McCroskey.** That's what I was going to comment on. Pat, I want to submit to you a copy from the *Chattanooga Times* that if you could please take back—we were hoping to be able to ask that question of the Department of Insurance and I still may take some private channels to try to check into this on my own, but there is concern.

Anytime you're dealing with rural churches, of course, you're in a precarious situation. These are probably churches located more in isolated areas. Fire protection is minimal or maybe in some areas nonexistent. So, it's a very touchy situation to begin with, but there does seem to be more and more anecdotal evidence at this point, and we would be concerned that the State show the same concern and, specifically through the Department of Insurance, that the black churches are not being singled out separately. This Chattanooga article does an excellent job of pointing out specific instances where it seems the white churches were treated differently than some of the black churches. And I'm sure this would be of concern both to the committee that has been formed and possibly to the Department of Insurance. So, we want to make sure that you have a copy of that article.

I want to also, one, to thank you for being here to take this back and there may be, again, a lack of communication in understanding of what this board is all about as opposed to the board that the Governor has created himself, which is very broad based. But if there is any way possible, one of the suggestions I would like to make is if it would be possible that one of our Committee members may be appointed as an ex officio of his committee to help facilitate what is going on in their work to help bring that back also to this, and where we can also make them aware, because that's a short-term committee, I assume, that will

end as they do their work around this specific instance, but as you're probably hearing here today, it's an ongoing concern that I know the Governor has interest in and would be a way for us to continue that work on and possibly bringing the work of the two committees together in a cursory way with maybe one or two appointments from this board to that one. And I would urge you to strongly talk to him this that regard.

Ms. Scroggs. That's a good suggestion. Thank you.

Mr. McCroskey. We appreciate your being here.

Ms. Wurzburg. Any other questions? Thank you very much.

(A recess was taken.)

Ms. Wurzburg. May I reconvene the meeting, please? Will the Committee members please take your seats? Thank you.

Dr. Moore.

**Statement of Warren N. Moore,  
Tennessee Human Rights Commission**

Dr. Moore. Dr. Berry, Madam Chair, members of the Tennessee Advisory Committee, the Tennessee Human Rights Commission appreciates the opportunity to participate in this effort.

Hopefully, the net effect of this hearing will be a more democratic and just expression of national concern for every person who resides in or visits this country. In our view such expression must be initiated at the highest levels of private and public leadership. We have no agenda to castigate current or future governmental officials, but, rather, a sincere appeal in the interest of fairness that they resolve to pursue and prosecute the perpetrators of the acts of violence against churches.

Because we believe so strongly that these criminal acts are occurring out of an emboldened spirit of hate that permeates this society, we call upon public officials to take a public stand for justice. Because we feel that the climate of racism and bigotry is traceable to political and cultural dogma, we implore the media to promote the efforts of those who are seeking redress and equity by raising questions about public policy on equal protections.

State officials, both appointed and elected, ought to focus upon law enforcement agencies and insist upon thoroughness in investigations. They should also move quickly to enjoin the insurance industry from cancellations of policy based on race. There is evidence to suggest that African American churches have been treated differently than others in similar cases of claims against loss.

It is not enough to rebuild the structures. There needs to be an aggressive campaign against violence. To do this, there will need to be a reordering of social values and a reassessment of what it means to be in America.

The Tennessee Human Rights Commission adopted a resolution which focuses primarily on governmental leadership, and I would like to read that into the record:

"Whereas, the Tennessee Human Rights Commission is composed of Fred Detwiler, Chairman; Charles Sterns, Vice-chair for east Tennessee; Garland King, Vice-chair for middle Tennessee; Clarence Clark, Vice-chair for west Tennessee; and Machon McConnell, Secretary; Richard Booth, Rudy Darrell, Leo Gray, Frances Guest, Delfus Hicks, Kirk Lewis, Norma Olger, Dudley Taylor, Eric Taylor and Susan Wise;

"Whereas, the Commission members both separately and as a body have become aware of acts of bigotry and of violence generated by bigotry within the State;

"And whereas, these crimes spurred by hatred and bias appear to be on the rise within the borders of the State;

"And whereas, one notable example of such crimes is the rash of burnings of black churches across the South, now up to 66 in the last 5 years and nearly 50 in the last 18 months according to the *Nashville Tennessean* of June 10;

"And whereas, the National Council of Churches has been conducting an investigation of these fires and has found that many of the fires are tied to white supremacist groups;

"And whereas, the National Council of Churches has issued a report on its investigation in which it criticizes the Federal investigation for seeming to target ministers and members of the burned churches, including inquiries and lie detector tests, issuing subpoenas for church re-

cords and telling congregation members that everyone is suspect. And members of the Commission have heard similar reports from targeted congregations.

"And whereas, the Commission is concerned with fair, equitable, and swift administration of justice within the borders of the State;

"And whereas, the charge of the General Assembly and of the Governor to the Commission directs it to protect the interests and personal dignity and freedom from humiliation of the citizens of the State, to secure the State against domestic strife and unrest which would menace the democratic institutions, to preserve the public safety health and welfare, and to further the interest, rights, and opportunities and privileges of individuals within the State;

"Therefore, be it unanimously resolved by the Tennessee Human Rights Commission that the President of the United States, the Attorney General of the United States, the Justice Department, Federal Bureau of Investigation, the Governor of the State of Tennessee, the Attorney General of the State of Tennessee, the Tennessee Bureau of Investigation, and all other appropriate local, State, and Federal law enforcement agencies are hereby strongly urged to swiftly and aggressively pursue the perpetrators of these crimes through active and thorough investigations which work with the victims of these crimes in a respectful and understanding manner so as to bring the perpetrators to justice as quickly as possible so that the citizens of Tennessee and of United States can experience swift and fair administration of justice and can enjoy their right to assemble for worship and to enjoy freedom from bigotry and violence in their daily lives.

"Fred Detwiler, Chair; Warren Moore, Executive Director."

**Ms. Wurzburg.** Let me interrupt you, Dr. Moore. Would you go back to whereas number 6 for those who don't have a copy of this and repeat the one that says the National Council of Churches—yes, would you repeat that, please?

**Dr. Moore.** "Whereas, the National Council of Churches has issued a report on its investigation in which it criticizes the Federal investigations for seeming to target ministers and members of the

burned out churches, including requiring lie detector tests, issuing subpoenas for church records and telling congregation members that everyone is a suspect. And members of this Commission have heard similar reports from targeted congregations."

**Ms. Wurzburg.** I thought that's what I heard you read.

**Ms. Berz.** What you're saying, it's a blaming the victim sort of environment in Tennessee?

**Dr. Moore.** Right.

**Ms. Wurzburg.** I'm sorry. Did I interrupt your prepared remarks?

**Dr. Moore.** To further illustrate the point, the first 28 of these burning incidents were investigated and the investigation focused on the churches exclusively. As far as we could tell and from information we received, the parameters of the investigation did not exceed the border of the churches.

**Ms. Wurzburg.** Questions from the panel?

**Dr. Berry.** Dr. Moore, the Federal officials who were here have gone, so we can't ask them. I think they are gone, so we can't ask them the question. But the Federal officials in the other places where I have been say that the first thing you do when there is an arson in a situation like that is to ask questions of people who are members of the congregation, because there may be people in the congregation that were disgruntled or for some reason have animus against the church and members of the congregation that were involved in some kind of altercation among themselves, so that it made logical sense to ask the members of the congregation. They weren't blaming the victim; they were just trying to be good investigators to explore the members first before. And they also at the same time went out and investigated other people. Is that what you think happened here?

**Dr. Moore.** I'll repeat what I have. Our information suggested that the investigation centered on the church, the minister, the board of elders, the board of deacons, those persons within the congregation, and at no time was any mention of any witnesses outside that circle or certainly not any suspects within the community. There were persons in the community who came forward and suggested that they get together and rebuild the

church. Now, that's the extent of the outside involvement, as far as our information goes.

**Dr. Berry.** I'm not familiar with your jurisdiction, but who in Tennessee would have jurisdiction over allegations that churches are being discriminated against in obtaining insurance coverage?

**Dr. Moore.** Well, we have a Department of Insurance at the State level.

**Dr. Berry.** It would be the Department of Insurance?

**Dr. Moore.** Yes, commerce and insurance.

**Ms. Wurzburg.** Do you bird-dog them?

**Dr. Moore.** Well, we were not invited to participate in any of these things up to this point, but I hope that we will be able to get the word to the Department of Insurance that they should investigate, particularly in cases where you don't have to guess at it, because we heard on television one agent saying that it's not an equal exchange to receive \$6,000 in premiums and pay out \$165,000. So, it's obvious that the intent is not to pay or to give a market value for the churches. So, I think, on the face of it, there is reason to ask some questions and get commerce and insurance involved in that.

**Ms. Wurzburg.** Before the enforcement law was written, there was an executive order in the past that your commission did oversee or take complaints against other departments in the State. Would somebody with a grievance come to your commission to do that?

**Dr. Moore.** Our statute is very broad, and because it is broad almost to the point of being somewhat ambiguous, we take the position we can look into anything, because ultimately we have the responsibility to report to the Governor and the General Assembly any situation that potentially could threaten the general welfare of the community. So, we could take the posture, to go unchecked, a situation like this could ultimately lead to some real racial conflict.

**Ms. Wurzburg.** That's why it was written that way, Dr. Moore.

**Dr. Moore.** Thank you. I know you're involved in it.

**Mr. McCroskey.** Dr. Moore, is the report that you were alluding to, is that in a written form?

**Mr. Moore.** I'm sorry. These are resolutions that I would like to pass out.

**Mr. McCroskey.** One thing, I was going to make a request. Mr. Stallworth is still with us from the U.S. Department of Justice, and I would imagine if these allegations can be substantiated that that would be a civil rights violation and, therefore, under the purview of the U.S. Department of Justice.

I'm not confident that the Department of Insurance would investigate those sorts of allegations as far as how the criminal investigation as to the arson was conducted. Are you saying that these were the arson investigators for the insurance companies? Maybe I need to clarify.

**Dr. Moore.** No, these were the Federal investigators. These were not State-level people.

**Mr. McCroskey.** So, I would again then be back to, we need to get or try to facilitate getting that information to the U.S. Department of Justice, because that's a clear violation, I would imagine.

**Dr. Moore.** Well, let me be clear where I am in this situation. You heard earlier persons who would not tell you exactly what they are doing, and I know that there are certain protections you have to be aware of, but I think that the public needs to know what its government is doing about a problem as serious as this, at least we ought to be that much aboveboard.

I'm not particularly interested in funneling all of my information into the Justice Department and having it get buried there. You know, we didn't just meet the Justice Department. We've been dealing with them for years and years. And in my mind it's not surprising that it took the first 25 or 26 burnings before we had any visible connection with the Justice Department.

So, I think what we need to do is let the Governor know, because we're here in the State of Tennessee, let the Governor know that there is not that much coordination going on. I mean, we heard that this morning, that some of these people didn't know others existed and they are supposed to be working together. Now, we need to tell the Governor that the team is not working, and we need to tell him that he needs to make a public statement about this situation, and he needs to call all these folk, those who didn't come here today,

to let them know that their responsibility is to show up—at least show up and give people some satisfaction that they are on the job.

**Dr. Berry.** What has been the Governor's statement about the church fires?

**Dr. Moore.** Well, we heard a statement read earlier.

**Dr. Ziegler.** Which was indeed a press release, which says they met July 11 and it's July 10, so that was a prepared press release that is probably going to be released maybe tomorrow.

**Dr. Berry.** Has the Governor made a statement before now on the fires, Mr. Moore? Has the Governor made a statement?

**Dr. Moore.** Ms. Miller said that she heard it. I was not aware.

**Dr. Berry.** To your knowledge.

**Dr. Moore.** No, I was not aware of it. I know that the Governor, as other Governors, was involved in a meeting at the White House.

**Mr. McCroskey.** When the Governor came back from the White House conference and then there was the announcement of the committee formation and the task force itself, there were several rather strong statements made at that time. But I think we've not done a good job when communicating the need for the coordination also with this committee with the work. I think that the Governor's office has possibly been under the incorrect assumption that the work that they are doing there would be sufficient and that reporting to this committee has not been given the priority it obviously needs to be given. I hope today we took a pretty large step in rectifying that situation. We'll see how successful we are.

I would prefer to reserve comment until I can do some personal digging myself to find out where the hitch is. I mean, there's an obvious hitch. What I now want to convince myself of is whether or not it's intentional or whether it's inadvertent and any other comment at this point is pretty useless. I mean, it is what it is. What we had here is what we had, which was no one from the State other than the Memphis representative for the Governor and that was put together very late. I mean, there is no way of hiding that or a desire for me to do so, and that concerns me deeply, and I can assure you that over the next 7 days I'll be

making several phone calls that will be helping clarify—while I appreciate that Pat was here and I think she's going to take back a pretty strong message, there is going to be several avenues that we're going to use, and I think it's been a simple matter of possible misunderstanding of the scope of this committee and exactly what its purview is. And I may again be naive in my assumptions, but I would prefer to do that until I can convince myself otherwise, but I can assure you it will be done with due diligence.

**Ms. Wurzburg.** Dr. Moore, you have brought up an issue that was brought up after the folks from Federal enforcement have left. I don't know whether or not there is any constraint on having our committee submitting additional questions to them for the record. So, thank you for bringing up some other issues for us.

Sensitivity was brought up, but you have detailed it for us, that it creates a fear of a chilling effect of wanting to report such a burning. If you know you're going to be subjecting your members to lie detector tests, that's kind of scary. So, thank you for addressing that issue before the commission for its resolution. That expresses that sensitivity even in greater detail.

**Ms. Berz.** Are you on the Governor's committee?

**Dr. Moore.** No, I'm not.

**Ms. Wurzburg.** Well, a civil rights presence might be important, not only from us, but from its own State civil rights agency.

**Ms. Berz.** I think that's what you're saying, there is no coordination, and I think we've not gotten a satisfactory answer from the Federal Government.

**Dr. Berry.** I would like to say to the State Advisory Committee that I hope you would inform the Governor. I'm disappointed that the Governor did not show up and I'm also disappointed that State officials did not show up, which unless they were not informed as to what the scope of this meeting was, and I'm sure they were. If they take these issues seriously, I would have expected them to show up or at least some representative from each one of their offices to say they were willing to make an appearance. I hope you will make that

clear to them and not just let this drop, the fact that they didn't come here today.

**Mr. McCroskey.** Again, to help clarify, the Governor is out of the State. He's physically not in Tennessee as we speak. But the other problem I think we're having again is, it isn't a lack of resolve to do something in this very serious situation and that's why they formed an 80-person task force. I think the problem is keeping that isolated from our ongoing work that we're doing here and getting that together so that that process doesn't end with, "Well, we've done our work"—once again being reactionary instead of as being proactive.

**Dr. Berry.** We just say we did a good job, because as I understand the announcement, it said the task force would start on July 11. That's tomorrow.

**Mr. McCroskey.** No, that's when the task force had its original meeting.

**Dr. Berry.** But here we are. The burnings took application. There is enough time to already have done something. So, maybe we can consider ourselves as a catalyst to have the task force show greater energy, but I think the Governor's office ought to be informed that State officials didn't come here. If they can't come themselves, they could send somebody from each one of their offices. They clearly have somebody to send.

**Mr. McCroskey.** I can assure you that discussion was made before she left out.

**Dr. Ziegler.** The chairman of the task force or the subcommittees, you know—that task force needs to hear this.

**Dr. Berry.** If I can come down here to my native State to travel around and go to all of these meetings, because the Commission is seriously concerned, you would think that somebody who is right here in Tennessee could come over here to Memphis from one of these offices to represent what the State officials are doing. So, I'm just disappointed in my native State of Tennessee. During my time growing up here, maybe I wouldn't have been shocked if something liked this happened, but today, this is 1996. I would expect somebody to be here from each one of these State offices to tell us what they are doing. So, I'm just disappointed.

**Ms. Wurzburg.** I have got to move our hearing along. Thank you, Dr. Moore.

We are now going to hear from city and county mayors, police, fire chiefs, sheriffs' departments. The roll call is as follows: Mayor W.W. Herenton. Is there anyone here from his office?

Walter Winfrey, Director of Police Services, Memphis Police Department. Thank you. If you will come on forward.

I'll go ahead and call the roll. Charles Smith, Director of Fire Services, Memphis Police Department. Why don't you all come on up, I think, on the same panel just to save time.

Janet Hooks, City Council Chairperson. Mayor Rout is unable to attend, was going to have other representatives, and he had to leave, but one of our own has a statement that he would like to make. We'll wait on that.

Julian Bolton. Chairperson Bolton. He was here.

Chief Landis Smith, Bells Police Department, Bells, Tennessee; Chief Lee Hickman, Bells Fire Department; Sheriff Neal Klyce, Crockett County, Mayor Larry Smithson, Columbia; Chief James Boyd, Columbia Police Department; Chief Don Martin, Columbia Fire Department; Sheriff Enoch George, Maury County; Mayor Charles Frost, Bolivar; Chief John Ray Anthony, Bolivar Police; Chief Jake Baker Basics, Bolivar Fire Department; Sheriff Cecil Geter, Bolivar. Thank you.

I was told Mayor Craig could not attend. Mayor Craig did not send a representative. Okay. Thank you.

I would like to first ask Mr. Walter Winfrey, Director of Police Services, Memphis Police Department.

**Statement of Walter Winfrey,  
Director of Police Services,  
Memphis Police Department**

Mr. Winfrey. Thank you, ma'am. It's a pleasure to be here and I will be very brief. The Memphis Police Department's jurisdiction is within the boundaries of the city, which is in Shelby County. And within the County of Shelby there are four or five other police departments. Millington is incorporated; Bartlett has their own police department; Germantown and Collierville.

Within the Memphis Police Department, I don't have an arson squad per se. But the fire director and the police department, what we do is set up an arson squad which comes under the command of the fire director, and I assign some investigators to that squad to assist the fire director in investigating arson. I mention that because we're here to discuss church fires. And I go across this community weekly participating in neighborhood watch meetings and other town hall meetings.

And since the church fires across the South and across this country have been occurring, I have not heard one complaint within the city of Memphis in regards to a church fire stemming from some racial nature. Of course, we have fires here and the fire director can address that, but I haven't had one complaint in the last year in Memphis in regards to a fire stemming from some type of hate crime.

I, of course, go to workshops across the country, and I just came back from the FBI Academy just 2 weeks ago for a week where ATF put on a presentation in the terms of what they are doing across the country about the hate crimes associated with church fires.

What I have done in the Memphis Police Department, I guess within the last 3 or 4 months, is got my other chiefs and staff together and had them to convey to the precincts which patrol the city. We have some eight precincts across the city. And what I have done through my staff is to increase the awareness of the men and women of the Memphis Police Department about church fires and, of course, they are pretty well up to speed like everybody else by way of the media, but what I have done through my staff is to increase patrols around churches in Memphis and pay particular attention to especially late at night to the churches. And this is done more or less in a preventative measure.

I'm not so naive to sit here and try to convince you that it couldn't happen in Memphis today. So, that's what I have done from a preventive standpoint in order to address the situation. But so far I haven't had one complaint in regards to a church fire stemming from some type of hate crime.

Charlie Smith, who is in charge of the Fire Department and has the arson bureau under his command, keeps all the status on church fires. I'll turn it over to him.

Ms. Wurzburg. I'm going to ask you to go ahead and make your presentation and then we'll ask questions of either of you, if you don't mind.

**Statement of Charles E. Smith,  
Fire Director of Memphis**

Mr. Smith. First of all, I'm Charles E. Smith, Fire Director of Memphis, and I certainly appreciate the opportunity to come here today to present to you what we see in the city of Memphis with regards to arson.

Like Director Winfrey has said, we work very closely with the city on arson as a crime. And what I have provided for you is some data [see exhibit, p. 49]. I think the best thing for me to do is just walk you through this. We can show you what's occurring here in the city of Memphis, and we can tell you what we're doing, what we would consider proactive to prevent arson-related church fires.

If you would turn to the last page—I probably should have put it first—entitled Fiscal Year 1995, 1996 Arson Summary. Obviously as a fire director, I look at the whole case of arson in the city of Memphis and then I can come down and talk about the issue of church fires in particular. But right now in the city of Memphis we're experiencing about 700 cases of arson per year, and for a city of this size, that's a very high number. And we have compared that data with other cities and Memphis and the Southeast region of the United States. It's safe to say that we have a high percentage incidence of arson in the Southeast United States.

Memphis is really no different. I think you need to understand of 700 cases of arson that last year alone, we made 74 arrests. You don't see a very high conviction rate of arson fires. It's very difficult to—well, first of all, it's not easy, but relatively easy to determine whether it's arson or not, but it's very, very difficult at that point to get a conviction. So, that's what you see. That's a problem nationwide. It's certainly not unique to Memphis. So, I wanted to point that out to you.

Right now, we're experiencing \$10 million to \$15 million in property damage related to arson. That's a very high dollar loss. So, I think you need to understand the big picture. When we say arson, obviously to me arson is a major crime and it's not necessarily limited to churches. I know that is the real issue that we're talking about today and I'm prepared to talk about that.

If you flip back a page, I have got a report here that I have sent into the Governor's task force on church fires. Most of the numbers that you have heard today I don't think reflect the numbers in the city of Memphis. And most large cities have their own investigative units and very seldom do we use the resources of the Tennessee Bureau of Investigation or the Tennessee Fire Marshall's Office. I can speak in what situations we do. But I can tell you, for example here locally, we do use the resources of ATF and the FBI and certainly the county resources as much as possible.

If you will look from June 1, 1994, through July 1, 1996, we have had seven churches that we classify as arson fires. Of that number we had 14 total church fires in the city of Memphis during that same period, 7 of which we declared arson.

Out of those arson fires, we broke that down by race to best we could. We have determined that we had one black church out of those seven. We had five white churches and we had one combination church, black and white, and we had one that was just unknown, because that was a vacant building.

If you will flip back to the first page—again I'll come back and answer anything you have about the data to tell you what we're doing here. I think I can reinforce what Director Winfrey said. To date we've not seen any evidence of any conspiracies or so forth regarding church fires.

What we have seen evidence of is that certainly church fires are on the increase and we recognize that on a national level, but here in the city of Memphis we've not seen that increase yet. What we're doing here locally, and I think it's very important to a lot of cities, is pay particular attention to the sensitivity that's going on.

We've got now what's called "A Blueprint for Preventing Church Fires." We've distributed copies as we speak to all the churches in the city

of Memphis, trying to make a point to get by every church with fire apparatus and try to meet with the pastors and parishioners and so forth to talk about the issue of arson.

I think the key to the arson problem is proper prevention. We certainly cannot stop that guy at 3:00 o'clock in the morning if he deliberately sets out to set a church on fire. There is probably nothing we can do about it. We can certainly create areas that help prevent that.

For example, this sheet lists a lot of those areas, for lighting the area, removing debris away from the building, and so forth. So, our strategy here now is to make sure that we make direct contact with most of the churches directly, at least to bring up the awareness.

I guess 2 weeks ago I sent out a letter to a lot of church leaders and met with the various denominations about the issue of arson, what's going on in west Tennessee and what's going on nationwide, to also reinforce to them locally that we have not seen a problem yet. I would not be having that meeting if I didn't suspect there could be a problem, and I think the clue is to open up communications with the local church leaders that, in particular, at 2:00 o'clock in the morning if you have a fire, it's best to know that person by first name if you can and that certainly helps the investigation.

We have locally formed a task force. And I guess that's the buzz word of the day. Everybody's got a task force. We certainly have one here locally. We have raised our awareness here that if we have any church fire in the city of Memphis, that task force is called in immediately, because it's critical during the investigation to determine if that's arson or not early on in the investigation.

So, we have a five-member team that's called in. ATF is a member of that team. So, we immediately make contact with representatives from ATF, Memphis Police Department, Memphis Fire Department, and we have offered that assistance also outside the city. We have limited it to Shelby County because we can't go outside that jurisdiction.

So, that pretty well sums up what we're looking at here. I will be glad to answer any questions.

**Ms. Berz.** I'm impressed with your proactive stance, the fact that you're not reacting to a fire, but saying, "Hey, we may have a problem here in the past year and let's do something." I'm impressed by that. Thank you. Thank you both.

**Mr. Smith.** Another thing we're doing at the same time, our fire trucks are out on the road every day and we make it a point to drive by churches. If you have got a would-be arsonist out there that sees the fire truck passing that church now and then, I think it sends a real clear message that the fire department is sensitive to what's going on and we are watching these buildings.

I think a key, too, is we can't do it by ourselves. We've got to work with the community leaders and especially the pastors. A lot of times they see things that they need to tell us. And that's what we're telling them. We're telling them, "Whatever you see; let us know and we will investigate that," because it's really disappointing to us after the fact that a pastor or somebody said, "Well, I have seen this guy hanging around this building the last 2 or 3 days." We need to know that before it occurs.

**Ms. Berz.** You're establishing good community relations before the fact. I like that.

**Dr. Ziegler.** You mentioned 700 a year approximately. Have the number of churches increased each year? I mean, is it going up each year? Is there sort of a trend or pattern that you are getting two more a year, three more a year?

**Mr. Smith.** No, we have not seen that. We have 2,200 churches in the city of Memphis that we estimate. That's a very large number of churches. So, you know, it's safe for us to say that you will have church fires. We had two fire churches night before last. One was created by lightning and one created by a homeless person, we believe, because of the debris and evidence that was on the scene. The fact that you have 2,200 churches tells us that you will have fires.

You have got to keep in mind that a church is a building that's unoccupied most of the week. It's a lot of times in an isolated location. One of the things about a lot of churches, they are not well

lit. A lot of churches are kept open. It's not unusual to find a lot of churches that leave their church open 24 hours a day for people to pray.

So, what we're trying to communicate to the church leaders is times are different. It's 1996. And there is certainly a lot of things going on out there that you need to be sensitive to. It may not necessarily be a hate crime, but there could be a homeless problem. And people like to get inside churches, because it's safe and in their opinion it's away from crowds. So, those are the kinds of things that we're talking about.

**Dr. Ziegler.** Overall, have the numbers been increasing each year for the last 5 years or so?

**Mr. Smith.** I think they are about the same. I think the average arson problem in the city of Memphis is averaging 650, 750 fires a year. Churches are probably in that same category as far as numbers.

**Mrs. Vaughn-Garrett.** Of the 14 fires, you said 7 were determined arson and you have the racial makeup. Do you know the racial makeup of the 7 that were determined not to be arson?

**Mr. Smith.** No, we didn't do that. I guess in light of what's going on here in the last 2 years and in particular the last 6 months, we do that now, but previously we never did. A church was a church to us.

**Mr. Knight.** Have any firefighters been injured or hurt in fighting church fires?

**Mr. Smith.** We had two firefighters killed in an arson-related church fire in 1992. So, we take arson in churches very, very serious in this city. As a matter of fact, the last five firemen killed in the line of duty in the city of Memphis has been in arson fires.

**Mr. Dupree.** As part of your standards in developing this here, are there any systems in either the fire or police department to deal with hate group monitoring in this area or hate group activities?

**Mr. Smith.** We don't.

**Mr. Dupree.** Is anybody in the police department doing that? You knew I was going to ask you that.

**Mr. Winfrey.** I can answer that. We have what we called an organized crime unit and, of course, we don't investigate or gather information

on anyone that we feel is not involved in criminality or criminal activity, but occasionally these undercover officers pick up information.

For lack of a better group, there is always something coming in about the skinheads or something like that. And when we do, if we can associate some type of criminal offense to the information, then we'll start an investigation into it. Once we get to a point where we make a determination whether it can be prosecuted or not, then we go to the attorney general. If we can't develop anything, then we close the file. We don't destroy it; we close it. That way if someone comes in and said that we are maintaining a file on someone not involved in criminality, then we can show where there were allegations of criminality. So, yes, we monitor that.

I don't know of any ongoing investigation where we are anticipating criminal prosecution in regards to any hate or racial groups, but we do monitor that, and they brief me monthly on that kind of stuff.

And I would like to say this—Tommy Tabor over there on the commission, he's a former police officer and a precinct commander and he knows what we do. But I want to respond to what you say about what we do in our preventative mode. We try to keep abreast and up to speed on what's going on. And across the city of Memphis every precinct has a neighborhood watch coordinator and in every square inch of Memphis we have a neighborhood watch leader across the city. Whether it's the inner-city or suburban area, we have neighborhood watch contacts, and we bring these organizations to the precinct monthly and meet with them.

And what Charlie is talking about now about the church fires, that's what he's doing with the fire department, but this is the way we try to allay fear when it comes to police brutality or any kind of issue, and I think we've done a pretty good job in this regard in the last 4 or 5 years.

I was telling Tabor a few minutes ago, this is the first time I have known you to come here and the police wasn't the focus point.

**Ms. Berz.** You even got a compliment from us this at this time.

**Mr. Winfrey.** I sat back and listened to Charlie. I just wanted to say that. Thank you.

**Ms. Wurzburg.** I wanted to ask a question. Has any assistance been asked from you regarding any of our neighbors? I'm not even sure you would be allowed to offer it except some technical assistance.

Has any assistance been asked for or offered or given in any kind of exchange between jurisdictions?

**Mr. Winfrey.** Well, no, there is no request been made for assistance. I belong to what we call the Memphis Metropolitan Chiefs of Police Association, and that's an organization which consists of the other metropolitan areas even into Southaven, Mississippi; Horn Lake, Mississippi; West Memphis, Arkansas. And we do that because criminals, you know, don't honor boundaries. So, we meet with them. As a matter of fact, in the last 6 or 7 months the churches burning has been the topic.

ATF has met with us and discussed what they are doing with the church burnings, but I don't know of any other than in Bartlett, which is a suburban area here in Memphis. They had a fire that they declared to be an arson. But I haven't met with the Bartlett Police Department. I don't know if you met with the fire department.

**Mr. Smith.** In our case we had one case here recently where the Bartlett Fire Department requested assistance of the Memphis Fire Department for an arson fire they had at a church. So, in that particular case—I can't talk about the investigation, but in that particular case we responded and requested the assistance of ATF. So, that's a good example where, locally, that works very well—the police chiefs and I work very well with the fire chiefs and that assistance is available to them if they request it.

We have to keep in mind we have 700 cases here in Memphis. We can't—

**Ms. Wurzburg.** At one time we were called the best fire department in the country and kept our fire insurance rates low. Are we still blessed with that kind of classification?

**Mr. McCroskey.** Only one in the State; aren't you?

**Mr. Knight.** The Federal Hate Crime Reporting Act, has that posed any specific problem with you? Can you say anything about the effectiveness of it?

**Mr. Winfrey.** Well, it's a Federal crime. But what we do any time we gather or ascertain anything in that regard, what I do is send it to Ms. Coleman, U.S. attorney, and let them pursue that.

Now, we have had a situation where we built the case, so to speak. We took all of the statements and worked it up to a point, but when it comes time for prosecution, then we to go the Federal Government for their assistance.

I heard someone ask about the sentencing when one of the guys talked about the 32 months. In the Federal system—you may be already know this—if you are prosecuted in the Federal system and if you are convicted and you get 33 months, you have got to do 85 percent of that, whereas if that was in the State system you probably wouldn't do 35 percent.

**Dr. Ziegler.** Still too light.

**Mr. Winfrey.** It is.

**Ms. Wurzburg.** Any other questions?

**Mr. McCroskey.** Chief Smith, to elaborate, you're running about 650, 750 arsons a year. Obviously, many of those or some of those are race related, possibly even outside of the church situation. How long have you been chief?

**Mr. Smith.** Going on 5 years.

**Mr. McCroskey.** In that 5-year period—I assume you were associated with the fire department in years prior to that?

**Mr. Smith.** Twenty-five.

**Mr. McCroskey.** Do you feel that you have got enough of a feel to make an opinion on the question of, in your opinion what you know of both for the Memphis area and the surrounding areas what you have knowledge of, are the race-related arsons increasing, decreasing, about the same? Do you feel comfortable making that judgment?

**Mr. Smith.** I really don't feel comfortable. Let me tell you what I think I do know. You have to almost look at each particular case and determine whether or not—we have not seen indications of race-related fires where you have a black versus a white fire or white versus a black fire. I think it

would be safe to say that we have seen some gang-related activity, and that certainly on a national system I think there is a lot of concern in the fire service and also the police departments about are we starting to see a trend that obviously could be hate related or race related, but locally most of those have appeared to be one gang versus another.

I have not seen anything where that happens to be racially motivated fires, that I am aware of.

**Ms. Berz.** You all are doing a very fine job. Have you all been asked to serve on the Governor's task force?

**Mr. Smith.** No, we haven't. I guess Memphis is kind of unique. It stands on its own many times. We're doing the best we can locally.

**Mr. Winfrey.** We're not part of Tennessee; we're northern Mississippi.

**Ms. Wurzburg.** Let's now go to county government. Tommy, you were asked to read a statement or enter a statement into the record.

**Mr. Tabor.** Madam Chairman, would you prefer I did it here or there?

**Ms. Wurzburg.** It's probably appropriate you go there so you can be close to the reporter.

Anyone else here from any of the county or city governments? Okay.

Go ahead and tell us you have been asked to read a statement by Mayor Jim Rout.

#### **Statement of Tommy Tabor for Mayor Jim Rout**

**Mr. Tabor.** Yes, ditto. First of all, let me thank you for extending me an opportunity to read this statement into the record. The mayor sent one of his directors down to make a statement on his behalf. The mayor's out of the country on business. Secondly, that director had to leave because he also serves on the Defense Depot transition board and they are making some major decisions this evening, as I understand. His objective was to go there and hopefully get back in time, but I don't think he is going to make it based on my knowledge of those meetings. So, I thank you again for extending an opportunity to me to be able to step out of one role into another to make this presentation.

Mayor Rout extends greetings to each member of the Commission and wishes the best to each of you during your stay in Memphis. While the Mayor of Shelby County does not oversee, nor is he responsible for, law enforcement in Shelby County, he wishes each of you to know that he abhors and is sickened by any form of hatred or bigotry and stands both publicly and privately against any such individual or group. He wishes each of you to know that he encourages all citizens in Shelby County to join him in also standing against such acts.

The county does have a fire department and a fire and arson investigation unit as part of the county fire department. To date our fire department has not handled any church fires that can be attributed either to hate or to racism. In any instance in which such a crime does occur, I, that is, the mayor, has opened a direct line between the chief of fire and himself to ensure that all available resources are placed at his disposal to solve them and to bring perpetrators to justice and to assist in the development of applicable prevention programs.

Finally the mayor supports the work of the Commission and extends available to each of you, as well as other groups of good will, to do whatever he can do to assist you further in bringing an end to such acts and bringing responsible parties to justice.

That is the end of the statement and I thank you again for having afforded me an opportunity to read the Mayor's statement into the record.

**Ms. Wurzburg.** Thank you.

**Mr. Doctor.** While we have this pause, Reverend Maynard left a statement that he would like to have incorporated into the record. He's the pastor of the Shady Grove Presbyterian Church. I won't read it. I'm just going to enter it in the record. (See appendix A.)

#### **Representatives of the Religious Community**

**Ms. Wurzburg.** I know that all the cameras were here when all the feds were here—some are still here, but what I think, however, is the real meat of this coconut is to be hearing right now from the religious community and what it has to

share with us and then the civil rights community, what it may have to share with us.

Allow me to call the roll. We know that Reverend Maynard has submitted a comment. Rev. Fred Lofton, Metropolitan Baptist; Rev. Leon Williams, Greenwood CME; Rev. Robert Branch, Providence AME; Bishop Samuel Lowe of COGIC; Rev. P.E. Lusby, Mount Pleasant Missionary Baptist from Tigrett; Rev. Donald Donaldson, Salem Missionary Baptist in Gibson County; Rev. Sherron Brown of Crockett County; Rev. Walter Thomas of Madison County. And Reverend Maynard's will be submitted without reading, but will be submitted for the record.

Do we have anyone else here from the religious community that would like to address our panel?

**Mr. Doctor.** Reverend Thomas, Reverend Brooks.

**Ms. Wurzburg.** You are welcome to this opportunity if you would like to. If you will join the panel, we'll give you a few minutes each and then well be hearing from the civil rights community and then open forum for any other person to express their concerns.

#### **Statement of James Thomas, Pastor, Jefferson Street Missionary Baptist Church, Nashville, Tennessee**

**Rev. Thomas.** James Thomas, pastor of the Jefferson Street Missionary Baptist Church in Nashville. I was watching C-Span and Dr. Berry said she was going to be in Memphis. In fact, we told ATF that you were going to be here. They met with Reverend Brooks, who is our State president, at my church 2 weeks ago to inform us of what was going on in the State.

I said to them, as I say to you, that there are two issues here. One is, there are churches being burned and we need to stop that. We need to stop that. That's the first issue. And we have a lot of nice folk raising money and going around the city and asking, "Is this racism?"

We've got to stop the burning of the churches. That's the first issue. We can deal with that.

The next issue is that we've got to deal with racism in the city. We're trying to deal with two different things. Now, the Governor did have a

meeting in Nashville. He did not call any of the Nashville pastors. He did not think of grassroots blacks, who this president is over 167 black churches. He brought a group from Memphis, two or three from Knoxville, and a bunch of policemen.

As you see today I don't think anyone is real serious about this. Even the folk that's on the task force that lives in Memphis are not here. We drove here because we thought that people would honor this Commission. I honor the Commission. And anyone that will not dignify this Commission don't even deserve to be on a task force.

I believe racism is a problem. I don't think there is a group that's saying let's burn the churches in Nashville. I think the ideology is out there and we've not dealt with that, and that's because we can't really deal with racism because we do not have the guts to deal with racism; like they are even dealing with racism in South Africa, we want to put a Band-Aid out over this State.

A Governor who never spoke out on racism comes out and talks about that's wrong. Whenever the doctor cuts you open and says, "You have cancer," that's too late to find the problem. Whenever a church is burned down and folk get upset and say, "Well, there must be some racism," that's too late. We already know racism exists in America in our culture. I don't know what to say.

I don't think that we have strong leadership at the national, State, or local level that have guts to deal with it. Now, this is a political area now and everybody's coming out. My president will be doing some things at our State convention.

**Statement of George Brooks, Senior Pastor, St. James Baptist Church, Nashville, and President, Missionary Baptist Convention of Tennessee**

Rev. Brooks. I'm George Brooks, senior pastor of the Saint James Baptist Church in Nashville. I also serve as president of the Missionary Baptist State Convention of Tennessee. I just assumed the helm from Reverend Thomas in October of last year.

I am concerned because many of the churches in our State convention are in rural areas. Most of the churches are within 60 miles from Nashville

and again in rural areas in Clarksville, Springfield, Murfreesboro, Tennessee. That's where the crux of our churches are. So, it's a very important issue. Also having pastored in the rural area in Cross Plains, Tennessee, for 6 years, 7½ months.

And the problem that you have—and I'm vehemently concerned about the insurance—black churches, many of them have no insurance, but those who have insurance are underinsured. The church where I'm now in north Nashville, we are insured for \$470,000. We have more than 6,000 square feet in our building. If we had to rebuild that building because of a fire, it would cost us more than \$600,000. The company we are insured with insures nothing but churches and church property, and we've got all they will write on us.

So, not only are you running into problems with those churches, some having not having insurance, but the way the insurance companies have their underwriting rules written, we can't even get more, because even if we paid for more, if our church burned, they are only going to pay, not what you have got in your policy, but what it would cost to build back your building according to the square footage and the material that you presently have in your building today.

So, we have a real serious problem that we are having to deal with in the black community. That means that if one of our churches burned, we have to find personal money to rebuild those churches or find persons with money in our communities who will assist us. We have a real problem, because we can't even get insurance companies to be equal with us even with their underwriting procedures.

We can't even get banks to deal with us fairly even with proper evaluation of our building. Several years ago we got ready to borrow some money and the bank valued our church building, 6,000 square feet, at \$95,000. They came right back and we said, "We can't stand for that." Finally we got somebody to value our building at \$195,000. Now, these are two different people in less than a 2-weeks' time looking at the same building, but, yet, putting a different value on it.

We've got serious problems where equality is concerned, and the reason is people are writing rules to govern us and the rules don't apply to

other people who may be right next door, down the street, or around the corner; real problem. I don't know what can be done.

On the 26th of this month at the closing of our State convention, ATF agents will be there doing a workshop sharing with you the same information that was brought today by Mr. Garner. As Reverend Thomas mentioned, we met with them a couple weeks ago. So, they are going to be sharing with our State convention some of this same information.

**Rev. Thomas.** I need to say this, that the Governor has attacked the insurance industry. He is going to deal with that. I always say a broke watch is right twice a day. He is going to deal with that and I want to be as fair as possible with it. I have looked at this Memphis group and how well organized they are, but if a church was burned down, they couldn't come to the community. They will be too late.

We are afraid as people in the black community, the black pastors, who are independent, who work for God and not the Governor or the mayor; and that I work for black folk. I have been marching in Nashville since 1964. In 1985 the Klansmen cut up my car, cut up my tires. I had to lay in my house at night with my pistol and my shotgun in 1985, and apparently they thought a fool was in that house, so they wouldn't come in.

What I am saying is, you see, this is a political thing, and what have happened to us is that it all depends on who's in office and then you will get you another crew to break up that nucleus of strong blacks together and then you get you another crew and tear that up and we have no network. We can't get to anybody. That's what's wrong. That's one of the things that's wrong.

The key thing is that we've got to deal with racism in America and we've got to deal with it and we're afraid. These nice white folk and nice black folk make me sick. We don't need any more nice folk. We need some new folk. And we've got to deal with it. I'm through. You all ask me. I just came to see, you know.

**Ms. Wurzburg.** Questions?

**Ms. Miller-Perry.** I have one. Reverend Brooks, do you think all the churches that you have jurisdiction over, could you get them together

and perhaps file a complaint with the Lawyers Committee, since you don't have to pay the attorneys, maybe perhaps do a class action for the black churches in Tennessee?

**Rev. Brooks.** We can look into doing that. I don't know how many of them have the courage to. It's like Reverend Thomas said, in many of our communities we've been fragmented by people coming in, getting us on their side, and particularly at election time, some of us are in persons' pockets and because of whose pockets we're in, some things we won't say. I thank the Lord that I help sign my check, because my name is one of the signatures at St. James Baptist Church. So, I don't have to be concerned about upsetting someone.

I think it's an excellent idea. It's a matter of whether we can get people to come to the table to deal with it, and that I don't know.

**Ms. Berz.** Being one of the few people that speaks out, not being nice but speaking out again—I'm not a very nice person. You're right, it is political. There is all kind of stuff. How can we be part of the solution?

We've addressed the problem. How can we focus individuals—because we all live here, how can we be part of the solution?

**Rev. Thomas.** Well, I'm 56 years old and I have never known a time in my life when State government have ever been fair to black folk, State government or local government, city government, and now we almost have lost faith in the Federal Government.

I am here because I believe in this group. I believe that you're going to be open and you're going to be fair and you're going to struggle with truth. Anybody that will struggle with truth, because I have to struggle with it—what I see, you may be the ones that can make the difference for us. For me you have. I know that what I want, I'll never see it in my lifetime. I'm just making my contribution and get the hell out of here. But you may be the ones. You may be the one.

I believe I know you. I have seen you somewhere. You are looking at me pretty rough.

**Mr. McCroskey.** Rough? I'm listening.

**Rev. Thomas.** But I mean, we've met at some meetings somewhere. But, anyway, if the black

church would be more political and prophetic and the white church repent and not just say they repent, but change the political views, the theology changes, we may be able to come together. It won't be done in my lifetime or our lifetime, but it's a start.

**Ms. Berz.** Is there a way in Nashville that we can all come to the table and talk and have solutions come from the grassroots? Because it is the grassroots that elects or doesn't elect folk. Is there a way or is there so much distrust?

**Rev. Thomas.** Politics doesn't like grassroot folks. They don't deal with grassroot folks. Now, we will do the marching. Grassroot folks will do the marching, but the folk who doesn't march will get the jobs.

**Ms. Berz.** Is there a way that you and I or your group and some of us can sit at the table?

**Rev. Brooks.** Probably that could work, yes. Yes, we just need to find a time that's agreeable that can be worked. And when I say that can be worked, I'm not looking at 167 churches. I wish I could get 167 churches at our meeting week after next, but probably could get a representation of about 30 percent of that 160 churches. If we could get that, I think we would have included some of the key people.

For instance, Reverend Thomas represents of that group the chair of our social concerns committee, because we're trying to target anything that affects us as black people. And since he's more abreast, he represents the chair. But also we have persons representing every district in our State convention so that we can address issues in every area of our State convention.

**Ms. Berz.** Just one more followup question. Do you at least have enough trust of the Federal Government that you would at least allow people from the Justice Department at the table?

**Rev. Brooks.** I think so. I think that's why we have the ATF, because these are our big brothers and our big sisters. They have information we cannot get. And we've got to trust one another enough to at least sit down and talk to each other. So, yes.

**Ms. Berz.** Thank you.

**Ms. Wurzburg.** Reverend, do you belong to ministerial societies or associations that are black and white and other churches?

**Rev. Thomas.** We belong to the National Baptist Convention of America, Inc. Dr. E. Edward Jones of Shreveport, Louisiana, is our president. I guess you met Charles Jones. He works with our group. We are members of the Nashville City Association. That's black. We met with the IMF.

**Ms. Wurzburg.** Like our Shelby County Interfaith? I guess the question I was asking, have you networked enough with white ministers or white church leaders about a church of a similar dimension to know that their insurance may or may not be different?

There could be various factors of what kind of detectors you may have or sprinkler systems. I understand that. But I mean, in your disparity of insurance coverage, undercoverage and so forth, do you have some data that could be shared with either Dr. Moore of the Tennessee Commission or with the Justice Department? They need to know, I have got an identical church right over here and they are white and we are black and we are being treated differently.

**Rev. Brooks.** I don't know how easily, but it depends how they do insurance. It depends on the material in your building and the zone in which your building is located. That helps too.

**Ms. Wurzburg.** Like a redline zone?

**Rev. Thomas.** Yes.

**Rev. Brooks.** For instance, Reverend Thomas has some apartments that they are renovating, 22 units. Where he's located, those units would be worth about \$800,000. If those units were sitting about 10 miles away in Bellview, they would be worth about \$1.2 million. Those are factors that determine what it costs to build in a certain area.

Our church is in the process of developing a subdivision in Nashville. The houses range from \$70,000 to \$75,000, 52 houses. If those same houses were being built on the other side of town in west Nashville, those houses would be worth \$5,000 to \$10,000 more. Those are factors that determine insurance; not just building, but also insurance.

**Ms. Wurzburg.** Any other questions?

**Mr. McCroskey.** To help clarify on those points, there may well be redlining and if there is, we need to find it and we need to stomp on it. At the same time, I will tell you in the area that I am in, in Sevier County, we have the same sort of zones and it goes to building costs. To put up a building in Gatlinburg is exceedingly more expensive than to put up the exact same building in Wears Valley. These places mean something to me, me only probably. But that is a legitimate attempt on their part.

What I am concerned with and I want to ask you specifically is, where you were saying that you feel that the replacement costs on your building would run closer to \$600,000. That's about \$100 a square foot.

**Rev. Brooks.** Yes.

**Mr. McCroskey.** Are you on a replacement cost form or actual cash value?

**Rev. Brooks.** Replacement.

**Mr. McCroskey.** Are they maintaining they have done an appraisal of their own and they are saying that \$470,000 is what they say it will take to put that building back?

**Rev. Brooks.** I can't remember. I don't remember. We've had the insurance with the company for probably 8, 9 years.

**Mr. McCroskey.** Because that may well be the case. And with many of the companies now you may want to inquire with them on the possibility of having a guaranteed replacement cost endorsement. When there is a dispute—ask them first if they cover it and then secondly, if there is a dispute over what a building is worth, a lot of these companies have gone to these guaranteed replacement costs where they say, "If you will take our appraisal and it goes down, we'll spend whatever it takes to put the building back. We guarantee the replacement of the building, but this is what we feel that the building is worth."

I'm getting a feel that there may be some miscommunication between whoever is acting as your agent and yourselves in explaining exactly what the coverages are and what the limitations are, but they need to clarify that with you.

Now, if they are just refusing, they are saying, "\$470,000 is the highest we want to go; we admit it's worth more," then you have certainly got a

problem, because there is also a clause in the policy, most likely, a coinsurance clause, which requires you to carry so much insurance to get replacement cost. And it's definitely something that needs to be addressed and needs to be addressed through the agent that you're using to place the policy. If it's direct with a company, demand them to answer those questions point-blank. And if not, I'll give you a card and I will be happy to help you in any way I could.

**Rev. Thomas.** I would like to get a card from you. I believe the black church will get a lot of help now from the insurance companies because the Governor says he is going to attack this, and I believe what he said about that. He's going to really attack it.

But it's been difficult. It's been difficult. We have a problem being second to none in the inner city and we could lose \$200,000 out of it.

**Mr. McCroskey.** Maybe it's a lack of information and make we can help remedy that.

**Mr. Doctor.** Madam Chair, I would like to take this opportunity publicly to commend you two gentleman who clearly are here out of commitment, out of concern. The one word that rings true over and over again, in my mind anyway, is the word that was used by Reverend Thomas to describe what America needs, particularly on the part of its leadership and that word is guts.

We have sought to find all sorts of fancy words to describe, you know, what needs to happen here today, and last night to some extent as well in a private session we had, but the one word that has a continuous ring to it is guts; guts on the part of the leadership in this communities to provide leadership, true, solid leadership that has nothing to do with politics, has nothing to do with philosophical views, but has more to do with the need to provide leadership to bring us together across racial, ethnic lines.

I said today that's not happening. The Reverend has reiterated that, and I just want to take this opportunity to thank you so much for coming and volunteering to be a part of this.

**Ms. Wurzburg.** And coming such a long way to do it.

**Ms. Berz.** And having the guts to speak out.

**Rev. Thomas.** I say God furnishes everything but guts. God gives everybody everything else, but you have got to have your own guts.

**Dr. Ziegler.** I just want to make sure that I am clear and not leave the assumption that your church and the assessment of the insurance is probably maybe the only miscommunication. I would assume, and I'll ask to clarify this, that there are more churches in your organization who's having the same problem that you are having, not only in churches, but in houses and businesses and on every other playing field, which goes to what you said in the first place, that it is racism.

And I think that, you know, I am saying it, but I want you to clarify it for the record, that this is not an isolated incident, that this is institutionalized racism.

**Rev. Brooks.** I live in a house that is church parsonage. We bought the house at a real good price, but with the square footage in that house, to rebuild that house it would cost about \$260,000, 3,825 square feet. But the insurance company would not dare insure that house for \$260,000, church parsonage. They wouldn't dare insure it for \$260,000, the reason being is a black person owns it.

**Dr. Ziegler.** Just wanted that to be on in the record.

**Rev. Thomas.** I'm sorry you called us up here, because you're going to get us in trouble when we get back to Nashville.

**Ms. Wurzburg.** I would like to submit for the record and just read a quotation: "Whenever and wherever a house of worship is torched out of hate, it becomes ours to rebuild." And I will submit for the record the particular religious response to the church burnings.

Any other religious person that would like to address us?

I'm now going to call on Herman Morris, President of the NAACP. I haven't seen Herman this afternoon. Gary Siepser, Executive Director, Jewish Federation; Jim Foreman, Executive Director, National Conference of Christians and Jews.

Thank you. If you will come on to the panel. William Taylor, Board Chairman, Memphis Urban

League. Okay. Thank you, Mr. Foreman. I haven't met you yet. Welcome.

**Statement of Jim Foreman,  
Executive Director,  
National Conference of Christians and Jews**

**Mr. Foreman.** Thank you very much. My name is Jim Foreman. I'm with the National Conference of Christians and Jews, and I promise to be brief this afternoon. You have had a long day.

**Ms. Wurzburg.** Take your time.

**Mr. Foreman.** As I was preparing, I listened attentively all day and I heard you ask several questions. I hope that my comments can bear some of the intense passion and emotion that the preceding speakers had because I think what they had to say is indeed at the root of what we're talking about.

As I looked over the report that you published on racial attitudes in the State of Tennessee, I couldn't help but notice that my predecessor, Mary Moore, had said that if we didn't do something regarding our attitudes in terms of race, they would get worse. I would submit to you that they have gotten worse.

In 1993, shortly after joining the National Conference, there was a report published which was a national survey that was conducted that indeed confirmed that racial attitudes within the United States were further dividing an already divided nation, and yet very few people wanted to hear this report. Very few people listened to what was being said. In the fall of 1995 there was suddenly intense media scrutiny and awareness that the country was dividing and dividing along racial lines.

Our organization for 2 years had been pointing out that this was a reality and one that we needed to address. Over 18 months ago the media became aware that church fires were taking place across this country, and it's only been within the last 6 months that it's become a front-page story.

You asked what the flash point was, when was the magic number hit, what occurred. I think that at a point in January when a church in east Tennessee that happened to be pastored by a prominent national football player was involved, that the

public took notice. It became news and the news began to focus on what was happening.

As an organization, the National Conference of Christians and Jews has previously convened directors in 14 southern regions to talk about what we could do in terms of assisting communities that were involved with church fires. How could we serve as a community resource, how could we as southerners help stop what was happening across the country, and more importantly, here in the city of Memphis, how could we as Memphians stand up to make sure that the church's role was recognized, that church fires were stopped, and that we begin to approach the problem intelligently.

At a national level, we formed a coalition with the National Urban League, National Council of La Raza, and instituted a four-prong approach. One was to urge and encourage Federal and State legal authorities to pursue vigorously and actively the perpetrators of the church fires and to prosecute within the fullest extent of the law.

We're helping to raise money to help rebuild those churches in those communities, knowing that in most smaller communities that they are indeed underinsured, that there aren't always funds available to help.

But in addition to rebuilding, the word proactive has been used in helping those churches better insulate themselves from the possibility of fire, providing information to them and manpower that can assist in preparing the churches so that they won't be easy targets.

And the last thing, which is the most important to me, is to engage those communities in conversations, honest conversations across racial and ethnic lines that need to take place if racism is ever going to be adequately addressed in our communities, talking about difficult subjects, why we feel differently about different issues, why we come to the table with a different perspective, and be willing to exchange ideas and thoughts that may not be popular, but feeling comfortable in that environment. Those efforts will be continued to practiced across the entire southern United States by all of our regions in the country.

But we also dealt with how we could possibly approach this insidiousness of church fires that seems to take place in rural communities. Every-

body wants to help. And you have heard today how a lot of people are helping. But it's kind of like grasping Jello. You reach out and touch it, and it's suddenly gone and it springs up somewhere else.

It's going to take collaborative efforts, collaborative efforts of the type that have not been seen before. It's going to take organizations working across lines. It's going to take political coordination. It's going to take social coordination. It's going to require that all of us put aside our individual interests and work together to address the problem, because that's what's important.

Conversations in communities must take place not just after a fire takes place, but prior to a fire taking place. The community must coalesce around the common understanding of what's necessary.

Everyone has to understand, whether in the State of Tennessee, whether in the South, that church fires destroying hope as represented by those churches will not and cannot stand.

Coordination as we've experienced today is a difficult task, but coordination continues to be at the key of all of the people who are addressing the problem. The flash point, as I have outlined for you, I think was national recognition. The proactive stance is the rallying that you're seeing around the country and in communities throughout the South where previously we felt the communities might not necessarily be active—money being raised, a white church taking in a black church, congregations assisting each other, small communities in Mississippi raising money days after, not waiting on outside assistance, but raising money to help rebuild churches. That's proactive.

Prevention is important. The solution is much more difficult. It's grasping at Jello. It's having conversations. It's hearing things that aren't pleasant. It's asking questions that are hard. It's recognizing that racism does exist and that it is institutional racism, and it's much more insidious than overt racism. When you are denied a loan or you are denied a job or no one waits on you, you are striking at the very root of what happens in America today, and we must address this issue if anything is to ever change. Thank you.

Ms. Wurzburg. Thank you. Any questions? Happy to meet you.

**Ms. Berz.** Where are your counterparts?

**Mr. Foreman.** We have also an office in Nashville and also an office in Knoxville, and I will be more than happy to provide you with that information.

One of the questions you asked earlier, I think our office in Nashville could facilitate a conversation among the people that you talked about. Our role is to come in and serve, not to pass judgment, but just to ensure that this honest dialogue can take place. And we will be more than happy to refer them to you. I'll provide you were that information before you leave.

**Ms. Wurzburg.** Is that still Ms. Leinbock?

**Mr. Foreman.** No, it is not. Katherine has retired along with Harry. It seems like we had a generational change here. Linda Berry is our director in our Nashville office.

**Ms. Wurzburg.** Because her contribution to this report was extraordinary.

**Mr. Foreman.** Very substantial and very much appreciated. Thank you very much.

#### **Open Session**

**Ms. Wurzburg.** Thank you very much.

Are there other persons? We have designated some time for anyone else who would like to address in open forum to us our panel. We would be happy to hear you or answer questions or take any comments that you would like to put in the record.

#### **Statement of Charles Todd**

**Mr. Todd.** My name is Charles Todd. The first thing, I appreciate the panel for coming in here. I think that you're doing a beautiful job, because it is some kind of struggle for help. The very first thing I want to address to the panel is that if you understand the plantation mentality, the mind that Memphis have, you know what could have happened to Martin Luther King. They had a survey all over the country, whereas that this is the only place with the kind of mentality that the people have to kill him and get away with it. I feel like it was a conspiracy.

But, then, like the reverend say, a lot of intelligent people don't want to deal with the grassroot people like me myself, and we can't get

the grassroot people to come out with the guts to speak to a panel like you all. So, we do the best that we can and this is why I went to the Million Man March, because I want people to understand, to see the little kids, to be able to see black men come together, whether they are Catholic, Protestant, or Baptist, and do not cause any kind of catastrophe for the society. So, that is history for our young boys. That is the only reason that I participate.

Everybody said that's a hate situation. It's not a hate situation. No one can sit here intelligently and say there is not a double standard situation all over the world; not just in the United States, but what we've got to do right now is try to get with people who are trying to do something to try to save society. Now, if we don't do something about that, we are all going to lose, white and black. So, the best thing I can tell you to do is to, hey, keep doing and I'm proud of what you're doing. Thank you.

**Ms. Wurzburg.** Thank you.

**Ms. Berz.** Thank you, Mr. Todd.

**Ms. Wurzburg.** Anyone else that would like to address the State Advisory Committee at this time? Yes, sir.

**Mr. Taylor.** How you doing today?

**Ms. Wurzburg.** Fine. Thank you. State your name for the record.

#### **Statement of Bill Taylor**

**Mr. Taylor.** My name is Bill Taylor. I'm an inside candidate for the 9th Congressional District, the people's candidate. And let me start out by saying that the Lord has brought me here today to address the religious side and then also to address you on the political side, and I ask please to allow me the time to fully express myself and the views of the people.

**Ms. Wurzburg.** How much time are you asking for, Mr. Taylor?

**Mr. Taylor.** I can say 10 minutes. It may not even take that long.

**Ms. Wurzburg.** Thank you. Nice to see you again. Go ahead.

**Mr. Taylor.** It's good to see you. First of all, we need to wake up and remove this sight that is actually a blindness. It is not so much of a racial

thing that we see here in the burning of the church, but if we look deep inside of America we will see that America has had a strong base in religion and in God. On the very dollar that we print it says, "In God We Trust," and that's what America has been built on or was built on, putting its trust in God and finding leadership through God. That has been deteriorated by those that have sought to blind us, those who have been advocates of separation, division. Satan was thrown out of heaven because he divided heaven.

There is no black, white in heaven. The spirit is transcended. There is no way that you can look at my spirit and say this is a white spirit or a black spirit. It does not exist. If you were to bleed today, no matter what color you are, where you came from, that blood is going to be the same color. There will be no difference. If I removed your heart today and I put my heart beside yours, there will be no difference in our hearts.

This is the word of the Lord coming to you, ladies and gentlemen, and it's time for you to wake up. And those who have sought to deceive you, we have continued down a path of look the other way, this is really not happening. And that's why we have so much racism in our society today, because we have looked the other way.

The very panel of people that have been set up to oversee and make sure that racism is attacked from the point of its originality are the have people who have sat in their seats and turned their heads.

I can print up a million of these books and tell you about racism, but I live in racism every day. You don't have to tell me what's going on. I don't need to know because I already know what's going on. This is just another dollar spent that's costing me as a taxpayer to not have the necessary income to live a decent life to provide for my family.

The Lord is saying to you that he needs you to come together as a people and attack this thing from the core and the core is based on economics.

Malcolm X denounced integration as a fraud. And if you look at it today, it has been a fraud. Why? It's simply integration without economic growth is a fraud. Separation can only be something that is a divisive factor, which is evil.

Christianity. If we look at Christianity and we look at the church today, we look at the religion that is taught us today, it's one of separation. We've got Baptists that can't even get along with people they call themselves Church of God in Christ. We've got Methodists that won't even associate with anyone that calls themselves a member of the Church of God in Christ.

I go into a church and the first thing they ask me is, "What is your denomination?" My denomination is that of God. And until we realize—and God is telling you now and he's given you signs. We've had the big earthquake in California. And if you look around, we've had wars here and there and rumors of wars. Look at the signs.

One thing that will wake the people of America up, there is one element and that's the burning of a church. It is a sign. Remove yourselves from this separation. Let the churches come together. Let go those who have sat in seats that were supposed to be guardians and done nothing over the years besides printed up literature speaking of things that we already know. What is the solution.

And what do we do to make that a reality? We've got to come together, remove separation, remove division from God's house all the way up into government. They tie hand in hand. I don't have to look back through the years and see that I have been discriminated against in some literature. I know that I have been discriminated against.

We need you, the governing bodies, to not sit any longer and act as illusionists. We've got too much illusions going on. They said that we won the Gulf War and today we see many of our soldiers afflicted with disease. We did not win. That was a lie. They are telling you today and through the years—they have said we are protecting racism and when we go out into the workplace, we see that that's not true, because those who were supposed to be governing didn't do that. They sat and they said it is not happening. And today we see it is true. It is happening.

Since the murder, and I mean the brutal murder of Martin, Jack, John, and Martin Luther King, we've been as dead as any dead person can be. We've buried our ourselves. We've taken and put ourselves in a tomb. And God is telling you and Jesus is telling you just like he called Lazarus

from the tomb. He's calling you from the tomb, and he's opened that door and there is a stink, a stench of racism, poverty and economically poor people out there, God's people, and this has all been because of our separation. Wake up and see the signs.

We need to move in a position of making black America economically strong, economically empowered. We need to attack the Equal Employment Opportunity Commission for not doing its job. We need to attack the justice system for not doing its job. We need to attack the education system that has not done its job. And we need to attack the health department system that has not done its job.

Ladies and gentlemen, God is calling out to you and he's telling you to wake up and do what you were supposed to do.

**Ms. Wurzburg.** Thank you.

**Mr. Taylor.** We don't need another letter printed. We don't need another book printed. We need you to investigate and then come out and say you are the problem.

I asked before Mr. Bobby Doctor at the other meeting—and I don't know if you all did that, and I questioned you and asked were you an investigative body and you said yes. Well, I asked you to investigate EEOC. It has a 3-year backlog of racism. I asked if you would investigate the Justice Department. You said yes. I asked if you would investigate the Education Department here in the manner in which it administered the hepatitis A shot racially. You said yes. I asked would you investigate the Health Department in the manner in which it joined in with the educational system. You said yes. I ask you today is that investigation going on?

**Ms. Berz.** Were you here when Chair Berry spoke about she was going to take all this information back to Washington? And that's what she was doing. Did you hear her talk at the beginning?

**Mr. Taylor.** I was not here. And I have called out to the city. I have called Mr. Doctor's office. And I requested the very time that this organization, considering its importance to this community and to any community in America, the very time that it had set to be held was racial.

How in the world people that has to work, poor people, going to take off their jobs on a weekday and come down here to address you? Now, those that are in business that have sought to keep us down, they can do it because they are not tied to a time clock and they are not tied to having to pay their rent.

Why is it that your office told me nothing can be done about it, the people cannot change it? I express to you, is it not the people that has the power? Is it not the people who pay your paychecks?

**Mr. Doctor.** Madam Chair, I would like to quickly respond and then I suggest that we adjourn this meeting.

First of all, I don't recall personally talking to this gentleman, Mr. Taylor. I don't know who you talked to in my office. I have never suggested or inferred that this agency, that my office in particular, works magic. It is very clear to me we've been just as critical of a lot of those agencies that Mr. Taylor is referring to. We're going to be even more critical of them when we come out with that report in a week or two on the subject of Title VI enforcement. We have been critical of them since 1974 in a series of reports we've done on the Federal civil riots enforcement effort. I would be the first to admit that I am not satisfied with the extent to which the Federal Government is in fact enforcing its own Federal civil rights laws and regulations.

But with all of that being said, and with all due respect to Mr. Taylor, I think the time has come to adjourn the meeting. And if Mr. Taylor wants to talk to anybody after the meeting adjourns about some of his specific concerns, we will be willing to do that.

**Ms. Wurzburg.** One final statement. I'm sorry that Chair Berry isn't here, because she would be able to tell you of the investigation ongoing of the EEOC and other agencies who are supposed to be and are being charged with investigating and eliminating discrimination and how they are falling short of their job, in our estimation.

For the record, I would like to share with you that we're not paid. We're volunteers and we've taken off from our work to come and perform the task of inquiring into the church burnings and

what is being done and what's not being done and the root causes of it. So, like you, we are here in our day gigs and are here because we think we care.

**Mr. Taylor.** Ma'am, I'm not referring to you personally. There is an office that has people on the board and that office is the Commission on Civil Rights and the people that run that office are being paid and they are being paid to do a job and that job has not been done and we want you to do the job.

Before we go off the record I would like to ask the question again. Will you investigate the Justice Department? Will you investigate the Education Department? Will you investigate EEOC and will you investigate the labor board? These people or these organizations that are receiving Federal funding, yes, or no, will you investigate these organizations?

**Ms. Wurzburg.** Yes. Thank you for coming and thank you for being with us.

(The meeting concluded at 5:45 p.m.)

**Reported Arson Related Church Fires  
GOVERNOR'S TASK FORCE ON CHURCH FIRES  
June 1, 1994 through July 1, 1996**

CHURCH	ADDRESS	RACE	CAUSE	INSURANCE COMPANY	DATE	RACE OF ARSONIST
UNION MISSIONARY BAPTIST CHURCH	102 E. BROOKS	(B)	Undetermined	CHURCH MUTUAL	5/24/94	N/A
KINGDOM HALL OF JEHOVAH	4235 GREY	(W)	Arson	WATCHTOWER SOCIETY	11/15/95	N/A
SHADY GROVE PRESBYTERIAN	5530 SHADY GROVE	(W)	Arson	AENTA	12/1/95	(W)
COLONIAL PARK UNITED METHODIST	5330 PARK	(W)	Arson	PREFERRED RISK	12/5/95	(W)
EMMANUEL UNITED METHODIST	2404 KIRBY RD.	(W)	Arson	BROTHERHOOD MUTUAL	12/8/95	(W)
PEACE LUTHERAN CHURCH	1548 JACKSON	(B + W)	Arson	PREFERRED RISK	1/7/96	N/A
WHITEHAVEN PRESBYTERIAN	5156 AIRWAYS	(UNK)	Arson	N/A	1/14/96	N/A

## Fiscal Year 1995 - 1996 Arson Summary

Property Classification	No. of Actual Offenses	No. of Arrests	Offenses/Structure Unoccupied	Estimated Value of Property Damage
A. Single Occupancy: Residential: Houses, Townhouses, Duplexes	197	30	66	\$2,212,171
B. Other Residential: Motels, Inns, Dormitories, Boarding Houses, etc.	86	17	22	\$1,775,440
C. Storage: Barns, Garages, Warehouses, Inc.	10	0	1	\$602,500
D. Industrial/Manufacturing	1	0	0	\$50,000
E. Other Commercial: Stores, Restaurants, Offices	34	7	0	\$1,038,860
F. Community/Public: Churches, Jails, Schools, Colleges, Hospitals, etc.	34	14	1	\$5,068,620
G. All Other Structures: Outbuildings, Monuments, Buildings Under Construction	19	2	1	\$131,850
Total Structure:	389	70	91	\$10,829,441
H. Motor Vehicles: Trucks, Buses, etc.	285	4	0	\$1,267,500
I. Other Mobile Property: Trailers, R.V.'s	0	0	0	0
Total Mobile	285	4	0	\$1,267,500
J. Total Other	0	0	0	\$0
Grand Total	674	74	91	\$12,096,941

## BLUEPRINT FOR PREVENTING CHURCH ARSON

The following is a recommended checklist for preventing church arson. Church leaders should assess security exposures, both outside and inside. The first step is to identify security strengths and weaknesses. These suggestions are not intended to be all inclusive.

### Work with members of area churches

Members of churches, particularly those that fit the profile of those targeted in recent months, should set up a network to share information about suspicious activity with each other. Someone planning to set a fire likely will visit different sites looking for an opportunity. Suggest they consider installing burglar and fire alarm systems and sprinklers.

### Using neighborhood watch groups

- . Enhance and expand existing neighborhood watch programs, then post signs at entrances.
- . Consider parking cars overnight in church parking lots.

### Work with police and civic groups

- . Fire department assumes role of safety advisors.
- . Police department assumes role of security.
- . Work with elected officials, the media, local chambers of commerce, councils of churches and other civic service groups.

### Where can an arsonist hide?

- . Shrubs or other items can allow an arsonist to hide or work without being seen.
- . Exterior stairs to below-grade entry.
- . Is there more than one access point to the property? Include pedestrian access.
- . Are approach routes open to observation?
- . Is the building exterior well-illuminated at night? If so, the arsonist risks being seen.
- . Light each entrance with a 40-60 watt bulb.
- . Place higher wattage lights at corners to illuminate building walls.
- . Lighting parking lots and approaches are deterrents.
- . Is building isolated from direct observation by neighbors, passersby?
- . Do the parking lots entrances have gates? Locked gates slow down arsonists and reduce the ability to scope out potential targets.
- . If electrical service box is outside, secure with a strong lock.
- . Are grounds illuminated at night?

### Check exterior exposures

- . Where can an arsonist start an outside fire that will extend to the interior? Check for combustible siding; doors with glass; windows reachable from ground level; low roof lines with overhanging eaves and combustible material nearby that can be used easily for fuel to start a fire.
- . Where can an arsonist gain access to the interior? Most of the recent fires have been started with materials in the church. Locked doors and windows are obstacles and elicit the noise of breaking glass, forcing a lock, etc.
- . Doors need secure locks, preferably ones with double-deadbolts.
- . Use long screws for hinges and for mounting locks. These will better resist splintering.
- . Solid doors without glass are more secure.
- . Are windows accessible from ground level?
- . Check locks on the windows for tightness. If they are the type that can be forced from the outside, add locks that resist this. Always be careful to ensure that windows can be opened from the inside in case of a fire.
- . For sliding doors, place a piece of wood or pipe along the bottom.

### Check interior exposures

- . Interior walls that are wood or paneled.
- . Areas with combustible items, including classes.
- . Storage rooms for choir gowns, etc.
- . Minister's office.

**If you have any questions, please contact:  
Fire Investigations (901) 320-5429**

**Provided by: City of Memphis  
Division of Fire Services**

**Exhibit 2**

**FACSIMILE**

**To: Tennessee Advisory Committee to U.S. Commission on Civil Rights**

**Ramada Inn  
July 10, 1996**

Shady Grove Presbyterian Church in East Memphis, was fire-bombed in early December, 1995. The damage was \$44,000. It was part of a pattern of arson which affected more than twenty churches and businesses in our area. Recently, the investigation of these fires has resulted in the arrest of a prime suspect. so far as we can determine these fires were not racially motivated, they were not so reported in the media--often, indeed, they were unreported because investigators did not want to give the culprit(s) publicity. We agreed.

A number of crimes--carjackings, robberies, etc.--have also happened in the community. In spite of the fact that a number of perpetrators were African-American, there has been no suggestion that this was racist behavior on the part of these individuals. It was criminal behavior. Possibly, probably, these crimes are due to a variety of economic, social, drug, cultural, homophobic and other causes--including residual racism. None of this seems orchestrated save by individuals or small groups. We deplore the painful residual racism in our culture which still persists.

Shady Grove joins the nation in deploring the recent rash of church fires of all sorts and will strongly support concerted efforts to apprehend the culprits and to contribute to the funds suggested by the Presbyterian Church USA for rebuilding.

**Thomas F. Mainor  
Pastor**

To: Tennessee Advisory Committee to the U.S. Commission on Civil Rights  
From: Thomas F. Major, Pastor  
Shady Grove Presbyterian Church  
5530 Shady Grove Road Memphis, TN 38128 (901) 683 7329



GENERAL ASSEMBLY COUNCIL

OFFICE OF THE GENERAL ASSEMBLY

## A PASTORAL LETTER TO THE PRESBYTERIAN CHURCH (USA)

Even as this letter was being drafted in response to the epidemic of church burnings in our nation, on the night of June 6, 1996 fire destroyed the historic sanctuary of Matthews-Murkland Presbyterian Church in Charlotte, North Carolina. Law enforcement officials have determined that the fire was the result of arson. The burning of Black churches is of concern to the whole Christian community because these are not isolated incidents, but rather signs of increasing social and racial violence.

Hate crime in America has reached an unprecedented level. Between January 1990 and June 1996 as many as 50 African American and inter-racial churches in Alabama, Tennessee, Georgia, South Carolina, Louisiana, Texas, Mississippi, Florida, Kentucky, Virginia and other states have been burned, fire bombed or defaced according to the Center for Democratic Renewal (CDR). According to a May 22, 1996, "New York Times" article, the Assistant Attorney General for Civil Rights informed the House Judiciary Committee that racism is a major factor in church burnings. A similar opinion was voiced in a March 1996 preliminary research report by CDR. These acts must be condemned in the strongest possible language. It is important that we place these acts of violence in a national context wherein we can examine the impact of racism on a growing acceptance of intolerance by mainstream America. This explains why the attacks on African American churches have been allowed to continue largely unnoticed until now.

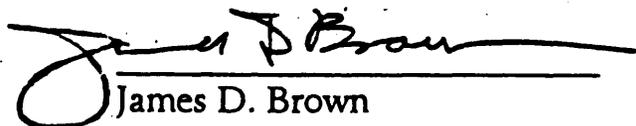
Hate crimes are unlawful acts committed for the purpose of physically harming, terrorizing or intimidating individuals or groups because of their race, religion, ethnicity, gender, or sexual orientation. Hate crime is motivated by institutionalized prejudice that takes a variety of cultural forms such as racism, ethnocentrism, religious bigotry and sexism. Its ultimate purpose is social control. Hate crime is a symbolic gesture that turns an individual, group or an object into an assault on an entire community.

The burning of African American churches terrorizes the African American community as well as threatening our entire civil society. Critical attributes of an

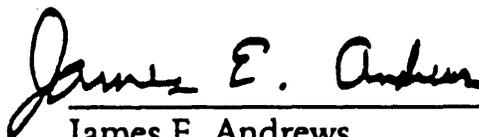
effective response to hate crime includes a compassionate response to the immediacy of the crisis combined with a determination to eliminate the underlying causes. Therefore, it is appropriate for Presbyterians to respond to the assault on African American churches through symbolic and concrete actions in support of affected communities as they seek to recover from these horrible crimes. Furthermore, it is a way for Presbyterians to become more educated about the impact of racism on a growing acceptance of intolerance by mainstream America.

The religious community must be more involved in breaking the veil of silence and denial. We must recognize the threat that intolerance poses to democracy and freedom in a culturally and racially diverse society. It is imperative that Presbyterians and other religious communities find ways to address this grave problem. To remain silent is to give aid and comfort to those who would undermine our nation's commitment to liberty and justice for all.

We urge you to pray without ceasing for an end to these unspeakable attacks on the heart and soul of the African American community. We encourage every congregation and governing body to consider taking concrete action, not just to rebuild destroyed property, but to restore and build relationships of trust and acceptance across racial and cultural lines. Enclosed with this letter is information about specific ways for Presbyterians to respond to church burnings and to the crisis of racism in our society.



James D. Brown  
Executive Director  
General Assembly Council

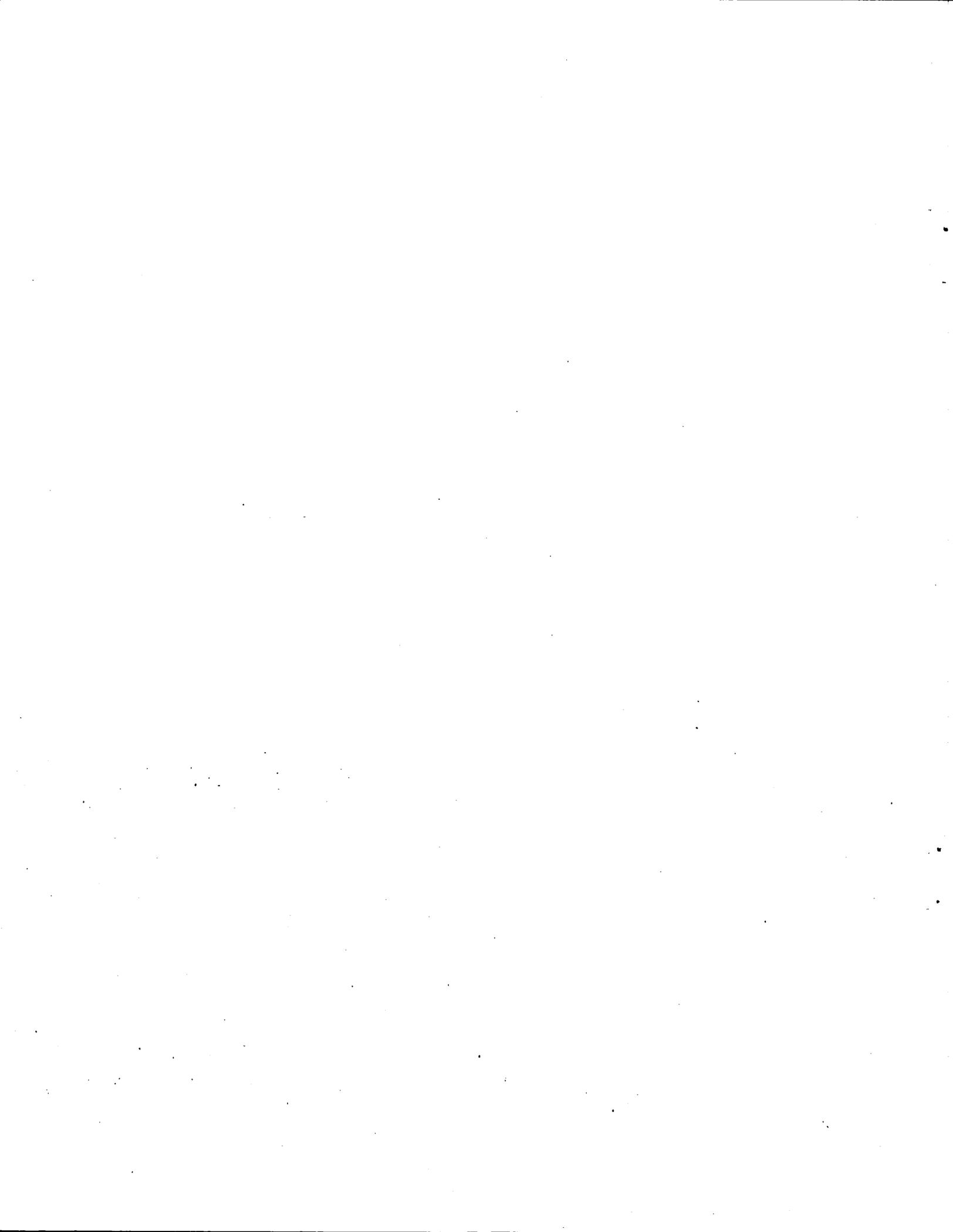


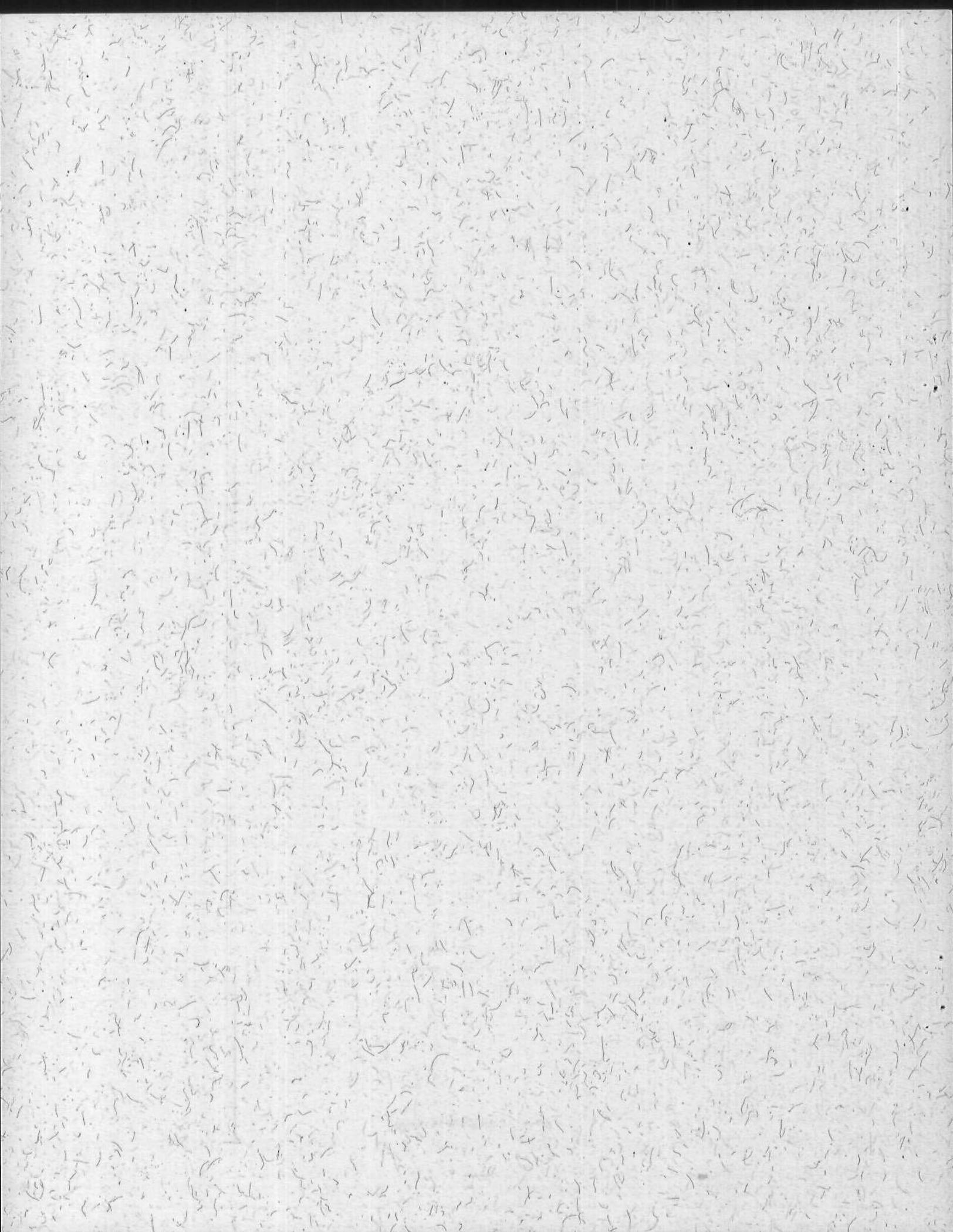
James E. Andrews  
Stated Clerk  
Office of the General Assembly



## RESPONSE TO CHURCH BURNINGS WHAT PRESBYTERIANS CAN DO TO HELP

- Pray for the individuals and communities who have been affected by the rising wave of hate crime sweeping across the United States. Presbyterians are encouraged to continue to work in their communities to combat racial violence. *Breaking Down the Walls: Responding to the Racism That Divides Us*, PDS # 225-92-271, helps Presbyterians examine and deal with the racism which is part of our lives. More information may be obtained by contacting the Peacemaking Program at 1-800-338-4987.
- Organize a volunteer work team to assist in the rebuilding effort. Work teams are needed this summer to rebuild three black churches in Greene County, AL. Let us know of your group's availability by calling PresbyTel at 1-800-872-3283.
- Prayerfully consider the opportunity to give. Financial contributions may be directed in the following ways:
  - Gifts may be sent directly to Presbyterian Church (USA) Central Receiving Services, 100 Witherspoon Street, Louisville, KY 40202-1396, designated for "Response to Church Burnings, 9-2000126". These funds will be provided to middle governing bodies and Church World Service to assist communities seeking to rebuild black churches destroyed by arson.
  - Presbyterians wanting to respond directly to the fire at Matthews-Murkland Presbyterian Church may send their gifts to Central Receiving Services designated for "Matthew-Murkland Fund, 9-2000127". Your gift will be forwarded to the Presbytery of Charlotte. Or, send your check to the Presbytery of Charlotte, 5700 Executive Center Drive, Suite 200, Charlotte, NC 28212. Either way, your commitment will be an act of compassion, justice, and love.
  - A major PC(USA) initiative on racism and racial violence seeks to involve people in a comprehensive approach to this crisis by assisting congregations and governing bodies—enabling them to address root causes of racism and racially motivated violence and helping to identify strategies for responding to specific incidents of violence in their communities. Presbyterians wishing to support this initiative may give through their local congregations and congregations through their normal mission channel, designated for "Racism and Violence ECO # 867162". Additional information is available through the Office of Racial Justice Policy Development, (502) 569-5698.





**U.S. COMMISSION ON CIVIL RIGHTS**  
**Southern Regional Office**  
**101 Marietta Street, Room 2821**  
**Atlanta, GA 30303**

**OFFICIAL BUSINESS**  
**PENALTY FOR PRIVATE USE, \$300**