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

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**Executive Summary of a Community Forum
Held July 10, 1996, Memphis, Tennessee
by the Tennessee Advisory Committee to the
United States Commission on Civil Rights**



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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.

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**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

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

From January 1995 through June 1996, eight African American churches in Tennessee were burned under suspicious circumstances. These churches were among the more than 59 arsons of African American churches in the South between January 1995 and June 1996.¹ The fires have raised national concern for many reasons, as the U.S. Commission on Civil Rights, in a statement issued June 14, 1996, noted: "Southern rural black churches...were rallying points for many galvanizing demonstrations that ushered in the modern civil rights movement. As religious institutions, black churches were havens for the people who marched for five days from Selma to Montgomery, shelters where freedom riders ate and slept, hosts for meetings and voter registration drives, and headquarters for the Montgomery bus boycott."² Retaliation against the churches for their support of the civil rights movement included fires and bombs.

On January 13, 1995, at about 4 a.m., the Macedonia Missionary Baptist Church in Fruitvale was burned to the ground. At about 6:30 a.m., the Johnson Grove Baptist Church, some 12 miles away in Denmark, was also torched and destroyed. Both churches are near Jackson, in western Tennessee. The fires were set identically at the start of the Martin Luther King, Jr., holiday weekend, which for Crockett County was going to be celebrated at Macedonia Missionary Baptist. Nearly a year later, another church in this area was burned, using the same method, Salem Baptist Church, in Fruitvale. The church was destroyed, at a lost of about \$400,000.

Another set of fires took place in central Tennessee on January 29, 1995. Friendship Baptist Church in Columbia, founded in 1866 and with a 200-member congregation, suffered losses of \$10,000-\$20,000. The second church was Canaan African Methodist Episcopal in Mt. Pleasant, which sustained about \$10,000 in damage. Canaan A.M.E. Church was founded in the late 1800s and has 60 members. Three white men were arrested and convicted of setting these fires, sentenced to 3 years in jail, and ordered to pay \$20,000 in damages. Racial hatred, fueled by beer and a missing daughter, was the root of these arsons, committed with Molotov cocktails.

Two days later, on January 31, 1995, Mt. Calvary Baptist Church was burned in Bolivar, in southwestern Tennessee. The 70-member church had about \$60,000 in damages. Insurance fraud is suspected by investigators but no arrests have been made.

On January 8, 1996, the sanctuary of the Inner City Community Church was destroyed by fire, with \$1.1 million in damage, and racial slurs were painted on the doors and walls. The 400-member church is in Knoxville in eastern Tennessee. No one has been arrested.

Tigrett was the site of the last of the recent fires, at the Mt. Pleasant Baptist Church on May 14, 1996. The small wood church, with a membership of 20, was destroyed. No arrests had been made as of August 1996.

¹ Current information on the fires is taken largely from a fact sheet issued by the National Church Arson Task Force (U.S. Department of Justice and Department of Treasury), "African American Church Fire Investigations in the South" (January 1, 1995 to September 4, 1996) and "Black Church Burnings: Why They Did It," *USA Today*, July 1, 1996. As Federal investigators and others have discovered, not all fires at rural black churches have been reported.

² Statement of the United States Commission on Civil Rights on Burnings of African American Churches, p. 2, June 14, 1996.

The Tennessee Advisory Committee to the U.S. Commission on Civil Rights had just completed a study of racial tensions in the State.³ The study was based on briefing meetings held during 1992 in Knoxville, Nashville, and Memphis. Participants in the meetings included public officials, representatives of a variety of civic organizations, community leaders, and civil rights activists. The Committee reported to the Commission that: "There was a general consensus among briefing meeting participants that, while racial tensions in recent years have proven to be less volatile in the State, nevertheless, they remain severely problematic."⁴

With the fires punctuating the concern about race relations, the Committee decided to hold a community forum in Memphis on July 10, 1996.

Tennessee Snapshot

Tennessee ranks number 11 among the States and the District of Columbia in the proportion of African American residents. The population in 1990 was 83 percent white and 16 percent black, with American Indians (0.2 percent), Asian Americans (0.7 percent), and Hispanics (0.7 percent) constituting the rest of the citizens.⁵ In rural⁶ Tennessee, the population was 95 percent white and 4.6 percent black.⁷ In urban⁸ Tennessee, the proportions were 75.3 percent white and 23.3 percent black.⁹ Overall, in 1992 the population stood at 5,025,261, an increase of 9.5 percent since 1980.¹⁰ Median household income in Tennessee in 1989 was \$24,807; for whites it was \$26,435 and for blacks, \$16,724.¹¹

In the two most recent reports under the Federal Hate Crimes Statistics Act of 1990 (which called for voluntary reporting of hate crimes by law enforcement agencies to the Federal Bureau of Investigation), Tennessee had seven law enforcement agencies reporting 20 incidents for 1994¹² and one agency reporting two incidents in 1993.¹³ Tennessee has a Human Rights Act and a State Human Rights Commission and also provides for penalty enhancement of crimes committed with a racial, religious, or ethnic motive,¹⁴ for institutional vandalism,¹⁵ and for interference with religious worship.¹⁶

³ Tennessee Advisory Committee to the U.S. Commission on Civil Rights, *Racial Tensions in Tennessee* (June 1996).

⁴ *Ibid.*, p. iii.

⁵ U.S. Department of Commerce, Bureau of the Census, *General Population Characteristics: Tennessee, 1990 Census of Population* (1990 CP-1-44), table 3, p. 11.

⁶ Places of 2,499 or fewer persons. *Ibid.*

⁷ *Ibid.*

⁸ Places of 2,500 persons or more. *Ibid.*

⁹ *Ibid.*

¹⁰ U.S. Department of Commerce, Bureau of the Census, *1992 City and County Data Book*, pp.2-3.

¹¹ Tennessee Advisory Committee, *Racial Tensions in Tennessee*, p. 1.

¹² U.S. Department of Justice, Federal Bureau of Investigation, *Hate Crime Statistics 1994*, p. 20.

¹³ U.S. Department of Justice, Federal Bureau of Investigation, *Hate Crime Statistics 1993*, p. 23.

¹⁴ Tenn. Code Ann. § 39-17-309.

¹⁵ Tenn. Code Ann. § 39-17-311.

¹⁶ Tenn. Code Ann. § 46-2-105.

In 1993 Tennessee's 168 elected black officials were 2.5 percent of all elected officials.¹⁷ Fifteen African Americans served in the State legislature.¹⁸ In other elective positions, blacks were 49 of the members of county governing bodies,¹⁹ held 55 elective municipal offices,²⁰ and 24 judicial and law enforcement offices.²¹

The Forum in Memphis

The Tennessee Advisory Committee's community forum²² was held at the Ramada Inn Hotel in Memphis on July 10, 1996. The purpose was to assess the investigative procedures of Federal, State, and local law enforcement officials and to examine race relations in the affected communities. Invited participants to the community forum included congressional representatives, Federal law enforcement officials, State elected representatives, local law enforcement officials, religious leaders, and members of civil rights organizations.

The Tennessee Advisory Committee first heard from the panel of elected Federal officials. Invited participants included Kelley Hankins, on behalf of Sen. Fred Thompson; Paul Stanley, of Sen. Bill Frist's office, and, Trina Ingraham for Congressman Harold Ford, Sr., Ninth Congressional District of Tennessee.

The congressional panel was followed by a panel of law enforcement officials: Veronica Coleman, U.S. Attorney for the Western District of Tennessee, who also represented the U.S. Marshal's Office; Special Agent in Charge Richard Garner, of the Bureau of Alcohol, Tobacco, and Firearms; Special Agent in Charge, Richard A. Marquise, of the Federal Bureau of Investigation; and Ernest Stallworth, Community Relations Service, U.S. Department of Justice.

The panel of state elected officials included Pat Scroggs, regional representative for Governor Don Sundquist, and Warren N. Moore, executive director of the Tennessee Human Rights Commission. The local representatives were Director of Police Services for the City of Memphis, Walter Winfrey; Director of Fire Services for the City of Memphis, Charles E. Smith; and a statement of Mayor Jim Rout of Shelby County was read into the record.

Members of the religious community included Rev. James Thomas of Jefferson Street Missionary Baptist Church in Nashville and Rev. George Brooks, President of Missionary Baptist State Convention in Tennessee. Reverend Maynard, Pastor of Shady Grove Baptist in Shelby County submitted a statement for the record. Jim Foreman of the National Conference of Christians and Jews was a representative of the civil rights community. The Tennessee Advisory Committee then opened up the forum to hear from members of the public.

¹⁷ Ibid., table 2, p. xxiii.

¹⁸ Ibid., table 6, p. xxvii, and table 7, p. xxviii.

¹⁹ Ibid., table 10, p. xxxi.

²⁰ Ibid., table 13, p. xxxiv.

²¹ Ibid., table 15, p. xxxvi.

²² The State Advisory Committees to the U.S. Commission on Civil Rights do not have subpoena power. When a community forum is held, the Advisory Committee invites persons to present differing points of view on an issue. Since the Advisory Committee cannot compel participation, persons invited to present information may not appear. At the conclusion of such forums, persons in the audience who wish to present a statement on the topic of the forum are permitted to do so.

To begin discussion at the community forum, Tennessee Advisory Committee Chair Jocelyn Wurzburg asked members of the Advisory Committee to introduce themselves. They included Tommy Tabor, James Blumstein, Dhyana Ziegler, Rosetta Miller-Perry, Carol Berz, Charles Dupree, Carla Vaughnn-Garrett, Michael McCrosky, and Zhan Wang. Bobby Doctor, Regional Director of the Southern Regional Office, was present, along with SRO staff Robert Knight. Chairperson Mary Frances Berry of the U.S. Commission on Civil Rights was present for part of the community forum. Special Assistant to Commissioner Redenbaugh Charlotte Ponticelli also attended.

Before addressing the issue of the suspicious church fires, Committee Chair Wurzburg highlighted key aspects of the Advisory Committee's report on racial tensions in Tennessee and its factfinding meeting on the State's compliance with Title VI. Mr. Doctor spoke about reports on racial tensions from the Tennessee, Florida, and South Carolina Advisory Committees, adding that the U.S. Commission on Civil Rights has been looking at racial and ethnic tensions in American cities and has found that such tensions to be on the rise.

Turning her attention to the church fires, Committee Chair Wurzburg compared the present rash of fires to the vandalism of synagogues in 1930s Germany. She warned against ignoring the church fires and added that this community forum was an opportunity to determine who is investigating the fires and whether the investigations were timely.

In her introductory remarks, Dr. Berry thanked the Southern Regional Office for organizing this community forum and praised the work of the Tennessee Advisory Committee, namely the report on *Racial Tensions in Tennessee*. Dr. Berry said Federal officials have not found racial motivation behind the fires at white churches. The Commission, Dr. Berry explained, is concerned both about racial and religious discrimination.

Dr. Berry said, according to statements by law enforcement officials, preliminary evidence reveals that racial motivation is involved in about 70% of the fires. She pointed out that racial segregation existed in Boligee, Alabama and Baker, Louisiana and noted there is a denial of the problem. Dr. Berry reiterated the purpose for the forum which is twofold: (1) determine how well investigators are carrying out their task, how well they coordinate with other law enforcement officials, and how sensitively they are carrying out the investigations; and, (2) determine the state of race relations.

The panel of elected Federal representatives was first to appear before the Tennessee Advisory Committee. Kelley Hankins, local field representative from U.S. Sen. Fred Thompson's office, read a statement from the Senator who was unable to attend the forum. Senator Thompson expressed how distressed he was about the burning of churches, "the foundation and a pillar of strength for the community" and praised the rebuilding efforts. Senator Thompson said he met with representatives of the affected churches, supported a Senate resolution condemning the fires, and voted for the act that would increase the penalty for the desecration and burning of places of worship.

In his statement, Senator Thompson also denounced the involvement of two ATF agents in the church fires investigations after they partook in the "Good Old Boys Roundup" and stressed the need for credibility, objectivity, and fairness of law enforcement officials. The Senator informed the Advisory Committee about the Building Alliance, a private, nonpartisan, nondenominational, organization established to refer affected churches to skilled local workers, sources for building materials, legal and accounting assistance, and to churches willing to share their facilities. The Building Alliance, created with the assistance of Rep. J.C. Watts of Oklahoma, includes

organizations such as Habitat for Humanity, Southern Baptist Conference, Anti Defamation League, National Council of Churches, and the Christian Coalition.

Senator Thompson concluded by calling for the apprehension of the arsonists and the building of stronger bonds between communities. Committee Chair Wurzburg thanked Ms. Hankins and asked her to stay for the remainder of the forum so that information could be taken to the Tennessee Senator.

Next, the Advisory Committee heard from Paul Stanley, a representative of Senator Bill Frist. Senator Frist was also unable to attend the forum and had a statement read into the record. Paul Stanley told the panel that as a native of rural west Tennessee he was very familiar with the role of the churches in the communities they serve. Senator Frist's statement recalled the rash of fires that have occurred in Tennessee and stated he would do what he could to see that the arsonists are prosecuted. Senator Frist asked community leaders, church members, and law enforcement officials to decry the fires and help with information that can lead to the apprehension of the perpetrators. He stated that he was a strong supporter, and cosponsor, of the Church Arson Prevention Act of 1996, a bipartisan bill to prosecute more vigorously arsonists of religious property. Committee Chair Wurzburg urged Paul Stanley to remain at the forum. Mr. Stanley complimented the Tennessee SAC for putting together the report on *Racial Tensions in Tennessee*.

Trina Ingraham, representative of Congressman Harold Ford, Sr., spoke on his behalf since he was called to Washington, D.C. Ms. Ingraham informed the Advisory Committee that Representative Ford was a cosponsor of the Church Arson Prevention Act of 1996, a piece of Federal legislation that would increase penalties for those who burn churches, appropriate more funds for investigation into the fires and increase funds to the Department of Housing and Urban Development so that banks will provide loans to churches for rebuilding efforts. Ms. Ingraham added that Representative Ford is a member of the State task force and has worked on encouraging the posting of signs stating that the arson of a church is a Federal offense. Representative Ford, she said, has worked to encourage police departments to have officers drive by churches, and has run reward notices. He has plans to work on risk assessment brochures and on equipping the churches with security systems, she said. In closing, Ms. Ingraham said she looked forward to taking some valuable information to Representative Ford. Committee Chair Wurzburg thanked Ms. Ingraham for attending the forum and hoped that Representative Ford would stop by before leaving for Washington, D.C.

Federal law enforcement officials appeared before the Advisory Committee. They included Veronica Coleman, U.S. Attorney for the Western District of Tennessee; Dick Garner, Bureau of Alcohol, Tobacco and Firearms; Richard Marquise, Federal Bureau of Investigation; and Ernest Stallworth, Community Relations Service.

Veronica Coleman, U.S. Attorney for the Western District of Tennessee, also represented the Office of the U.S. Marshals Service. Ms. Coleman told the Advisory Committee that she was in charge of Federal law enforcement. Among her other responsibilities, Ms. Coleman has been in communication with the U.S. marshal, ATF, and FBI, and has been involved with an arson task force comprised of Federal, State and local law enforcement officials. Ms. Coleman stated that she was disgusted to see history repeating itself and added that she was hopeful that black and white communities would come together to combat the rise in fires.

Ms. Coleman explained in the 22 counties in the Western District of Tennessee, there have been four church fires in the Eastern Division, all African American congregations, and at least six in the western division (one African American and five predominately white congregations). Regarding the arson task force, Ms. Coleman explained it consisted of the FBI, ATF, Tennessee Bureau of Investigation, State fire marshal, and other State and local police and sheriffs. The agents, who she described as hardworking and committed, are relying on information provided by people, scientific analysis from evidence gathered, and in some instances "sheer luck." Law enforcement officials investigating these arsons have been emboldened by the President's and Congress' actions, she added. Ms. Coleman cautioned against reaching presupposed conclusions and added there were legal and ethical constraints that prevented law enforcement officials from divulging information. She closed with a quote that called for prosecutors to be committed to integrity, fairness, and not be too presumptive.

For the benefit of the Advisory Committee, Dr. Berry explained that as a U.S. attorney, Ms. Coleman is charged with coordinating the arson task force which has special agents in charge from the FBI and ATF. Ms. Berz asked about the lack of leadership at the national level and, in her estimation, a slow response to the church fires at a time of increased hate crime activity across the Nation. Ms. Coleman responded that she cannot prosecute Federal crimes until one has been committed. She explained that the existence of hate groups is not a crime in itself. But a criminal act carried out by such a group can be prosecuted, added Ms. Coleman. She further stated that the new crime bill passed by President Clinton will get at crime prevention because of additional police officers and funding for programs. However, no amount of police officers will prevent the arson of a rural church in the middle of a field because it is not an anticipated action, she said.

When Ms. Ziegler asked about the status of the 10 fires in the Western District, Ms. Coleman responded that only one individual has been charged by the State prosecutor's office, with Federal charges being considered. On the issue of the early suspicious fires, she addressed the issue in two ways. First, she explained that the earliest fires were investigated and can be best addressed by the ATF agent. Second, although initially only three of the four fires were investigated, the four fires have since been investigated and the files remain open at the Federal level. Ms. Coleman clarified the impression that not all church fires were investigated by stating that all fires have been investigated, thanks in part to the additional resources made available for investigation into the arsons.

Mr. Dupree asked about the monitoring of hate groups. Ms. Coleman explained that her office is not charged with that responsibility and she did not have knowledge about whether this was being done by the Justice Department. Dr. Berry explained that crimes defined under the Hate Crime Statistics Act, whereby local police departments report hate crimes, are tracked by the Department of Justice, not the U.S. attorney's office. Dr. Berry added that the Hate Crime Statistics Act, which was recently renewed with bipartisan support, is sometimes questioned because of the underreporting of hate crimes by local police departments. She went on to talk about the Commission's finding that there has been an increase in racial and ethnic tensions in America's cities in the past 5 years and about the 1995 Commission report which found that civil rights enforcement agencies were underfunded. Dr. Berry stated that it was not enough to find the arsonists, but a look into the underlying causes and the inadequate funding was equally compelling.

Dr. Berry inquired whether Ms. Coleman's office or the agencies in the task force had received additional resources. Ms. Coleman told the Advisory Committee that while the agencies in the arson task force did receive additional resources, her office did not. The Civil Rights Division of the Department of Justice has helped her office by processing papers more quickly, she said. She

added that additional resources are not given to the office for the prosecution of newly created crimes.

When asked by Dr. Berry if she has prosecuted hate crimes in the district, Ms. Coleman responded that she had prosecuted one in the Federal system. Ms. Coleman explained that the juveniles prosecuted under the State system do not come under her purview. She added that the Community Relations Service was called in to assist with some disturbances among high school students in Millington, Tennessee, although there were no prosecutions. She went on to say that in an effort to be proactive, her office has adopted a local junior high school.

Responding to Mr. Doctor's question about the members of the arson task force, Ms. Coleman said the members included the FBI, ATF, local sheriffs and deputies, and two agents from the Tennessee Bureau of Investigation. ATF Special Agent in Charge Richard Garner explained that ATF and FBI supervisory agents have temporarily been relocated to Jackson, TN and law enforcement groups meet regularly with the U.S. attorney's office. Ms. Coleman added that she has almost daily communication, feedback, and updates with the task force.

Committee Chair Wurzburg asked about the public perception that law enforcement agents have investigated the church fires but nothing else. Ms. Coleman stated that such perception was incorrect. FBI Assistant Agent in Charge Richard Marquise explained that, in addition to fires, the FBI is responsible for the investigation of 150 Federal violations, of which civil rights statutes are a small portion. Mr. Marquise added that some resources have been taken from other programs such as white-collar crimes, drugs, and violent crimes because the church fires are a priority.

Dr. Berry asked about the media reports that insurance companies are discriminating by not providing coverage of African American churches. Ms. Coleman responded that her office has not investigated such claims because no complaint based on insurance has been filed. She added that her office and the task force has been in contact with church pastors, local community leaders, and congregations since April 1996. Ms. Coleman said she would be surprised and disappointed if such complaints exist but are not brought to the attention of her office or the other Federal agencies. Dr. Berry stated that the Lawyers Committee for Civil Rights Under the Law has a task force of corporate attorneys who will represent, for free, those churches claiming racial discrimination by an insurance company. Dr. Berry also said that the Commission would forward such complaints to the Department of Justice.

When asked by Ms. Ziegler about possible conclusions and the time frame of the investigations, Ms. Coleman responded that leads have led in different directions and it was difficult to guess the length of an investigation. She stressed that the goal remains to follow all leads and bring the perpetrators to justice. Mr. Dupree asked about coordination with the Community Relations Service. Ms. Coleman responded that she knew of the agency and its services.

Richard Garner, of the Bureau of Alcohol, Tobacco and Firearms, said that the ATF was committed to using all of its resources to solve the fires. Mr. Garner said he toured the task force sites and spoke with special agents and members of the task force. The agents, he said, are frustrated, but not discouraged, that despite the posted rewards not many leads have surfaced. He told the Advisory Committee that the agents are concerned that the rural location of the churches may make the churches ideal for arsonists. ATF has used a number of investigative techniques, he continued. They include the expertise of ATF certified fire investigators, having evidence examined by ATF forensic laboratory personnel, using the FBI's behavioral science branch, and the computer databases of the intelligence division. Mr. Garner also told the Advisory Committee that

ATF is working to improving communication with church leaders and has prepared the *Church Threat Assessment Guide* to assist rural churches with steps that would reduce their vulnerability. He closed by commending the efforts of law enforcement officials and the U.S. attorney, and called for continued support from the community to solve the crimes.

Richard Marquise, of the Federal Bureau of Investigation expressed his concern about the church fires. He said that while some of the fires have been accidental, the vulnerability of the churches (their remote location and lack of security systems) makes them an easy target. Motivations for the arsons can only be ascertained after thorough investigation, said Mr. Marquise. Possible motivations include pyromania, retaliation by an angered church member, insurance fraud, concealment of financial mismanagement, and, racial ethnic or religious hatred, he said.

Agent Marquise explained that the FBI's jurisdiction to investigate the church fires stems from a number of Federal statutes which protect the right of individuals to use church property free of discrimination and free of destruction to church property. As of June 18, 1996, the task force had 96 church arsons under investigation, Mr. Marquise said. Rewards for up to \$80,000 have been posted and hotlines established for information about the fires, he reported. Mr. Marquise also told the Advisory Committee that the agencies, along with victim and witness coordinators, have contacted church congregations to assure them that they are on the job. Mr. Marquise spoke at an FBI hosted conference in March 1996 in Birmingham, Alabama. The conference, he explained, sought to explore hate crimes on the basis of race. Members of the African American religious community relayed their concerns and suggested ways to improve communication between the community and the FBI and ATF, he said.

In an effort to highlight some successes reached by the agents in Tennessee, Mr. Marquise spoke about the conviction of three white males in March 1996 for the arson of an African American owned bar and churches. The fires were set in Maury County on January 29, 1995, in retaliation for the ejection of the white men from the African American owned bar, explained Mr. Marquise. The men are serving sentences ranging from 53 to 57 months, he added. Mr. Marquise closed his remarks by committing to the continued pursuit of the arsonist and by asking members of the public to cooperate with the investigations.

Committee Chair Wurzburg asked what threshold event had caused the church fires to become top priority and if these fires have been spreading because they have become a fad. Ms. Coleman replied that she did not know how the threshold event could be determined. The point, she said, is that the fires are being investigated. As to causes, Ms. Coleman told the Advisory Committee there are many different reasons for the proliferation of the fires but a national conspiracy is not one of them. She added that while attention to racism has increased because of the fires, exclusive focus on race relations will not help solve the arsons. The media exposure, she explained, has both a positive and negative result, the negative being copycats and the positive being the community discussions and resources to rebuild the churches. Ms. Coleman pointed out that a white church from Texas has come up to Tennessee to help rebuild Salem Baptist Church and another white church took in the congregation. She reported that the pastor from Salem Baptist said the media concentrated only on the damage to the church, not the temporary relocation in the white church. Ms. Coleman also pointed out the Amish members who have come down to help rebuilding effort in Kossuth, Mississippi.

When asked by Ms. Vaughn-Garrett about the racial make-up of the burned churches, specifically, if the churches are predominantly white or African American, Mr. Marquise answered that the

National Arson Task Force is collecting the data. When pressed about the racial breakdown of the churches, Mr. Marquise could not answer the question with certainty.

Responding to SAC member Blumstein's question about the jurisdictional basis of the U.S. attorney's office's action, Ms. Coleman stated that Federal law has been revised, making Federal prosecution of intentional defacing or destruction of religious property easier. Ms. Coleman reassured the Tennessee Advisory Committee that jurisdictional concerns are being reviewed by Justice civil rights lawyers.

Ms. Ziegler asked about the sentencing for the crime of arson and expressed her concern that short terms for arson of a religious property may be ineffective. Ms. Coleman explained that the Federal system does not allow for parole and that a recently amended statute has increased the penalty from 10 to 20 years. Ms. Miller-Perry inquired about the racial make-up of agents investigating the fires. Mr. Garner explained he has several out-of-State African Americans special agents in the task force in Jackson and a range from 1 to 4 or 5 in the Memphis office out of a total number of 8 to 12 agents. The agents are investigating five fires in the area of Jackson and some other African American special agents are investigating the fires in Knoxville. Mr. Marquise stated that there are no resident African American agents assigned to Jackson. Ms. Coleman said her team has one African American female and two white men investigating the fires. However, she could not answer why the Community Relations Service was not part of her team.

Dr. Berry asked about the breakdown of the churches that have been set afire. Ms. Coleman answered five African American churches, two all-white churches, and three predominantly white churches (with a few African American members) were set afire. When Dr. Berry inquired about the number of interracial churches burned, Ms. Coleman asked for a definition of the term "interracial." Dr. Berry explained that, in this instance, interracial would mean a smaller number of African Americans attending a white church. Dr. Berry also asked about the number of witnesses interviewed. Mr. Garner informed the Advisory Committee that 300 to 400 persons had been interviewed about the Knoxville fire and 200-300 regarding the five fires in the Jackson area. Mr. Marquise stated that about 300 to 400 persons had been interviewed in Jackson.

Dr. Berry noted that at other forums, there was sometimes a difference of opinion between Federal law enforcement officials who have made these investigations a priority and State law enforcement officials who may not think the church fires merit this amount of attention. Agent Garner replied that the commitment from the State fire marshal's office and the Tennessee Bureau of Investigation has been "outstanding." He added that the requirement for the task force to collect information on the church fires will be very helpful.

Dr. Berry asked about the involvement of ATF agents in the "Good Old Boys Roundup." Mr. Garner answered that investigations by the Justice Department and the Treasury's Office of the Inspector General revealed that ATF agents did in fact participate in the "Good Old Boys Roundup." He pointed out that the "roundup" started in 1982, with the racist activities beginning in 1990. He added that, upon learning none of the Federal agents were involved in the racist activities, the attending agents' names were sent to the professional review board for appropriate internal disciplinary measures. Agents who did attend the gatherings since 1990 were removed from the church fire investigations in an effort to rebuild the trust level of the public, he said.

When asked by Dr. Berry about allegations that African American congregation members burned their own churches, Ms. Coleman said she had no comment. Dr. Berry again asked Ms. Coleman

if her "no comment" response regarding the allegation that African American members burned their own churches simply meant that she did not want to comment. Ms. Coleman answered that she did not want to comment on any evidence, but it was not an implication that anyone did anything.

Mr. Dupree asked the panelists if they were aware of preventive measures being implemented. Mr. Garner answered that the *Church Threat Assessment Guide* is one way to minimize the number of arsons, but said difficulties remained because of the isolation of the churches, the lack of security systems, and the unlikelihood of witnesses. Mr. Dupree followed with a question about the monitoring of hate groups. Ms. Coleman replied that hate groups are being monitored by agencies that collect information on their activity. When pressed by Mr. Dupree, Ms. Coleman added that there have been several conferences and meetings among law enforcement officials and prosecutors in the State focused specifically on hate groups.

Responding to Ms. Berz' question regarding the level of coordination between the U.S. attorney and the Community Relations Service, Ms. Coleman said she was "really at a loss." Dr. Berry inquired if the FBI coordinated with the Community Relations Service and Mr. Marquise responded that he did not.

Mr. Knight asked the panel if they use the information on church fires published by the Center for Democratic Renewal and the Klanwatch, since the information from those groups differed from the figures furnished by law enforcement officials. Ms. Coleman answered that she does receive materials from Klan Watch but is not responsible for how their numbers are collected. When asked by Mr. Tabor if there was evidence that some community members have approved of the church fires, Ms. Coleman asked that the question be rephrased. Ms. Coleman later stated that she could not comment on evidence but all leads are being examined. Because the agents and Ms. Coleman had a meeting in Nashville, they could not remain for the latter part of the community forum.

The Advisory Committee heard from Ernest Stallworth of the Community Relations Service. Mr. Stallworth said he was present at the community forum in Boligee, Alabama, where he met with Dr. Berry. He added that he has been in Mississippi, North Carolina, Georgia, and Florida because of the church fires. Mr. Stallworth then introduced Bill Whitcomb, Ken Cook, and, Rose Salamanac as his Community Relations Service team members charged with looking into the communities where over 73 fires have been set. He explained that the Community Relations Service team has divided the states into Cluster A (North and South Carolina) and Cluster B (Tennessee, Mississippi, and Alabama).

Mr. Stallworth elaborated on the CRS' mission statement and its involvement in the church fires. He told the Advisory Committee that a church burning response team was established in response to the fires. The team has also begun addressing community tensions, he said. CRS is part of the National Arson Task Force. Mr. Stallworth listed the team's four missions:

- 1) Create healthy relations between law enforcement and the affected communities;
- 2) Improve relationships across racial lines;
- 3) Support the National Church Arson Task Force by keeping lines of communications open among various agencies, official groups, and those individuals responding to or affected by the fires; and
- 4) Assist the National Church Arson Task Force with the establishment of a clearinghouse to gather, store, and disseminate information related to the fires.

Mr. Stallworth informed the Advisory Committee that CRS is also the Chair of the Task Force's Community Outreach Working Group. In that capacity, he explained, CRS is charged with serving as a clearinghouse for Federal agencies, helping to resolve discrepancies in the reporting of the church fires, supporting the effort of the U.S. attorney's local task force, and, identifying the source of emerging conflict. Regarding the local task force, Mr. Stallworth said that it involves the U.S. attorney's office, FBI, ATF, local law enforcement, State fire marshal, and CRS. Mr. Stallworth added that his team is working with 18 of the 24 U.S. attorneys for the region. The team coordinates information with the U.S. attorneys and has had some successes with the ATF in Mississippi, Alabama, and North Carolina, he said.

Mr. Stallworth explained that his team had not contacted the Tennessee U.S. attorney, but the team's coordination works very well and has been successful in other States. CRS team members Bill Whitcomb and Ken Cook will establish a successful relationship with Tennessee's task force, he said. Mr. Stallworth added that CRS plans to assist the local communities by doing community tension assessments. CRS has done this in other communities that have suffered through a church burning, he said.

In the event of other arsons, Mr. Stallworth told the Advisory Committee that CRS would direct community tension assessments, coordinate the assessment efforts with the National Church Arson Task Force and respective U.S. attorney's local task force, and deploy teams of conciliators to the affected communities. In addition, Mr. Stallworth said that CRS would use partnerships and coalitions to improve racial understanding, assemble teams of conciliators to work with the U.S. attorney's local task force in prevention, and have outreach efforts in vulnerable communities. He explained that CRS could muster up teams of conciliators to respond within 24 hours of a racial conflict, violence, or tension. Mr. Stallworth concluded by praising those who have taken affirmative steps to overcome racial adversity by joining together.

Ms. Berz asked Mr. Stallworth if the recent increased funding for the CRS was permanent or temporary. Mr. Stallworth replied that the increased funds were not permanent but were in response to the rash of church fires. He added that the other team members have been relocated from other Department of Justice agencies. Bill Whitcomb is from the Bureau of Prisons, Rose Salamanca from the Immigration and Naturalization Service, and Ken Cook from the U.S. attorney's office. Mr. Stallworth anticipates that this team will be together for the next 3 months, with a possible extension of up to 6 months. As of July 9, 1996, CRS had a group of about 15 with plans to go up to 20, he said. Mr. Stallworth told the Advisory Committee that the Attorney General has approved, and CRS will explore, the use of ex-conciliators and mediators or the hiring of professionals with experience in conflict resolution, dispute resolution, conciliation, and mediation.

Ms. Berz told Mr. Stallworth that she hoped that CRS receives increased and permanent funding. Mr. Stallworth said he agreed. He added that his work with the church fires has kept him more busy than in the past 4 years. Mr. Stallworth remarked that racial tensions are on the rise and yet he has only three people to cover the eight States in the region.

The panel of State representatives that appeared before the Advisory Committee included Pat Scroggs of Governor Don Sundquist's office and Warren N. Moore, executive director of the Tennessee Human Rights Commission. Invited representatives from the Tennessee Criminal Investigation Unit, the Tennessee Insurance Department, and the Tennessee Bureau of Investigation did not attend or send a representative.

Pat Scroggs, regional representative for Governor Sundquist read a statement from the Governor's office in which he condemned the church fires as acts of hatred. She informed the Advisory Committee that on July 3, 1996, Governor Sundquist created a task force on arsons. The task force, she elaborated, was charged with completing their findings by August 21, 1996. The Governor plans to meet with the task force on August 21, 1996, at 9:30 at the Old Supreme Court chamber of the Capitol.

The churches, the "hearts and souls of our communities," are worthy of the State's protection, Ms. Scroggs said on the Governor's behalf. The Advisory Committee heard that more than 80 people, including Lt. Governor John Wilder, gathered at the capitol's steps to hear about the Governor's task force on arsons. The Governor's task force is co-chaired by Memphis businessman Ira Lipman, chairman and president of Guardsmark, Inc., and Bishop William Grace of the First Episcopal District, Christian Methodist Episcopal Church in Memphis. Ms. Scroggs said that Mr. Lipman urged the task force to move swiftly to stop the church fires that have swept Tennessee in the last 18 months. The Advisory Committee was told that two of the eight fire cases have been solved. Mr. Lipman is credited with stating that the only thing worse than destroying a house of worship is doing it for racial or ethnic reasons. Bishop Grace was attributed with saying that the Governor met with religious leaders in west Tennessee, the site of several church fires, following the July 25 fire in Brownsville and declared that the fires will not be tolerated.

Ms. Scroggs said that the task force was asked to focus on four areas and to develop long and short term solutions to fight arsons targeting houses of worship. On July 3, 1996, the Governor appointed four committees that met that same day and requested that three reconvene within the next 10 days to continue their progress. Attorney General Charles Berson was appointed as Chair of the Prevention and Apprehension Committee, which has plans to meet in executive session on July 11, 1996. Rep. Ulysees Jones of Memphis was asked to chair the Assistance Committee, which will meet on July 10, 1996. Education Commissioner Jane Walters was appointed to chair the Education Committee, which will meet on July 15, 1996. Sen. Bud Gilbert and Rep. Joe Armstrong, both of Knoxville, will chair the Legislative Committee, which will meet on July 11, 1996.

Ms. Scroggs said the Governor announced in June that he would work with Senator Gilbert, Representative Armstrong, and other lawmakers to propose legislation that would increase from \$5,000 to \$50,000 the reward amount for information leading to the conviction of hate crimes. The Governor also plans to create a new class-B felony for arson of places of worship, which would carry a sentence of 8 to 30 years. The Governor, said Ms. Scroggs, wants to enhance the sentence for vandalizing a house of worship. Ms. Scroggs stated she had a list of individuals that met on July 3 on the issue of the church fires that she would like to submit for the record.

Committee Chair Wurzburg asked that Ms. Scroggs' list be submitted for the record. When asked by Mr. Dupree if the Governor's Task Force will submit a report when it convenes on August 21, Ms. Scroggs replied that the committee chairs have been working toward that goal since meeting on July 3. She said she anticipates that the report will be written and stenographed. In response to Mr. Dupree's inquiry about the availability of the report to the Advisory Committee and the Commission, Ms. Scroggs answered that she was sure the report would be available.

Committee Chair Wurzburg, who identified herself as a Republican like the Governor, expressed her concern about what she perceives as the lack of effective leadership in response to escalating racial tensions. Ms. Wurzburg asked Ms. Scroggs to relay to the Governor that he has been fueling the fire of mistrust of the government, the law, and hatred.

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Ms. Ziegler asked about the size of the task force and its racial and gender makeup. Ms. Scroggs said she was not sure of the exact breakdown, but she guessed that of the Governor's arson task force of 80, three-fourths were minorities and one-fourth is white. Ms. Scroggs said that figure does not include various elected officials.

Mr. Dupree asked Ms. Scroggs to relay his concern regarding the lack of attendance of State law enforcement officials at this community forum. He added that it was his belief that state law enforcement officials have the first responsibility to identify the crimes and coordinate the responses to the offense. He further stated he was disappointed that while the Chairperson of the U.S. Commission on Civil Rights was able to attend this forum, State law enforcement officials, who directly or indirectly report to the Governor, were not present. Mr. Dupree mentioned that State officials failed to state they are responsible for looking into the crimes. Ms. Scroggs explained that while she does not speak for those individuals, she received notice for the community forum in the last day or two. Mr. Dupree told Ms. Scroggs that notices for the community forum were sent out 3 weeks ago to the State attorney general, director of the Tennessee Bureau of Investigation, the special-agent-in-charge of the West Tennessee Criminal Investigation Unit, the executive director of Tennessee's Human Rights Commission, and the arson investigation director of the Tennessee Insurance Department. Neither the officials nor a designee replied to the Advisory Committee's notice, said Mr. Dupree. Mr. Dupree told Ms. Scroggs that the Governor may want to ask the State officials about their lack of attendance and the State's response to the concerns of Tennesseans. Ms. Scroggs responded that although she does not know the individuals, judging by the Governor's statement, she is sure that they are working diligently.

Ms. Ziegler asked Ms. Scroggs if the Governor's task force conclusions will be disseminated in a manner other than the press. Ms. Ziegler also requested that the task force report be made available to the Advisory Committee. Ms. Scroggs said that she would see to it that the request was addressed.

Committee Chair Wurzburg raised the concern that insurance groups are denying African American churches coverage and asked fellow Advisory Committee member McCroskey to elaborate. Mr. McCroskey gave Ms. Scroggs an article from the *Chattanooga Times* addressing the issue and said that he had planned to ask some questions of the Tennessee Insurance Department had a representative appear before the Advisory Committee. Mr. McCroskey said that the rural location of the churches, isolation, and the lack of fire safety measures is a reality for many churches. He added that he would like the State, its insurance department, and the Governor's task force to look into allegations made regarding the insurance companies. Mr. McCroskey suggested that the Governor consider adding a member of the Advisory Committee to the task force as an "ex-officio" member to help facilitate the work of the task force. Ms. Scroggs responded that she thought it was a good suggestion.

Following a recess, Dr. Warren N. Moore, executive director of the Tennessee Human Rights Commission, appeared before the Advisory Committee. Dr. Moore said that acts of hatred require public officials to pursue and prosecute those behind the acts. Dr. Moore told the Advisory Committee that the climate of hate and bigotry is politically and culturally rooted. He asked that the media promote the efforts of those who seek to quell racial tensions and inequality. He also asked that State officials insist that law enforcement officials accomplish their tasks thoroughly and effectively. Regarding the allegation that insurance companies are treating African American

churches differently from white churches, Dr. Moore suggested that State officials move quickly to address the issue. He said that it was not enough to rebuild the churches if there was not an aggressive antiviolence campaign.

Dr. Moore read into the record the Tennessee Human Rights Commission's adopted resolution, which focused primarily on governmental leadership. The resolution called for members of the State human rights commission to become aware of bigotry and that such hatred may be the drive behind the fires. The resolution also stated that the National Council of Churches has connected the arson of African American churches to white supremacist groups and has criticized the methods employed by Federal law officials investigating the fires. Dr. Moore said the state human rights commission has received reports of Federal investigators targeting ministers and church members of incinerated churches through the use of lie detectors, the issuance of subpoenas, and the declaration that everyone in the church is a suspect. The Tennessee Human Rights Commission unanimously adopted the resolution and resolved that President Clinton, Attorney General Reno, the Department of Justice, FBI, Governor Sundquist, the Attorney General for the State of Tennessee, the Tennessee Bureau of Investigation and other appropriate Federal, State, and local law enforcement agencies aggressively pursue the arsonists while respecting the victims of the crimes.

Committee Chair Wurzburg interrupted Dr. Moore to ask him, for the benefit of those who did not have the resolution before them, to repeat the paragraph that alleged that congregation members of burned churches were subjected to lie detector tests, subpoenas for church documents, and labeled as suspects by investigating law enforcement officials. Ms. Berz added that the victims are being blamed. Dr. Moore concluded by stating that of the first 28 fires investigated, the focus of the investigation was exclusively on the churches.

Dr. Berry asked Dr. Moore if he agreed with the statement of Federal law enforcement officials that investigating church members is routine and necessary to arrive at possible motives. Dr. Berry also told Dr. Moore that the Federal officials also said they were investigating people other than church members. Dr. Moore replied that the information received by the Tennessee Human Rights Commission points to the focus of Federal law enforcement on the church, the minister, the Board of Elders, and the Board of Deacons with no mention of witnesses outside that circle or within the community. He added that outside involvement meant that members of the larger community volunteered to come together to assist in rebuilding efforts.

When asked by Dr. Berry who would inquire about allegations of insurance discrimination, Dr. Moore replied that the Tennessee Department of Insurance and Department of Commerce would have jurisdiction. Committee Chair Wurzburg asked if the State human rights commission oversaw the activities of the Department of Insurance. Dr. Moore responded that, as of yet, the agency had not been invited to participate but hoped to contact the Department of Insurance about investigating the allegations. Dr. Moore said that the Department of Insurance should investigate a specific instance where an insurance agent was purported to say that it was not fair to ask the company to pay out \$165,000 where a church has paid \$6,000 in premiums.

Committee Chair Wurzburg asked Dr. Moore about an executive order providing jurisdiction for the Tennessee Human Rights Commission to oversee and take complaints against State agencies. Dr. Moore explained that the statute is so broad that it is rendered ambiguous. The human rights commission is charged with reporting to the Governor and the General Assembly any situation that has the potential to disrupt the community, explained Dr. Moore. Should the agency ignore the church fires, there is the potential for racial conflict, warned Dr. Moore.

Mr. McCroskey asked Dr. Moore to make the resolutions available to the Advisory Committee. Mr. McCroskey also asked Dr. Moore to make his allegations against the insurance companies available to Ernest Stallworth of the Community Relations Service. When asked if the arson investigators were from the insurance companies, Dr. Moore replied that they were in fact Federal, not State investigators.

Dr. Moore expressed skepticism regarding the refusal of Federal law enforcement officials to divulge information on the investigations. While he acknowledged that he understands that the integrity of the investigation mandates some confidentiality, Dr. Moore stated that the public's need to know what the government is doing is also relevant. He also stated that, based on his years of experience with the Justice Department, he was not surprised by the fact that their response to the fire came after the 25th or 26th church burned. Dr. Moore said that lack of coordination among the Federal law enforcement officials was confirmed by the statements made earlier. Dr. Moore suggested that the Governor be told that the team is not working effectively and a public statement is needed to criticize that. In addition, he stated that the Governor should be asked to contact the state officials who failed to attend the community forum to inform the public of their activities surrounding the church fires.

When Dr. Berry asked Dr. Moore if he had heard a statement by the Governor on the issue of the fires, he replied that he heard only what was read before this Advisory Committee. Ms. Ziegler pointed out the statement was in fact a press release planned for delivery on July 11, as the meeting dates in the statement had not yet arrived. Dr. Berry asked Dr. Moore if he had any knowledge of a statement made by the Governor prior to what he heard today. He replied that he had no such knowledge, but he was aware that the Governor participated in the meeting with President Clinton.

Mr. McCroskey stated that there were several strong statements made shortly after the Governor returned from a meeting with the President. Mr. McCroskey added the office of the Governor has not done a good job of communicating the need for coordination of the work, in part because of the assumption that all the coordination was sufficient to the goal of solving the arsons. Mr. McCroskey said he hoped that the community forum would help the Governor to realize that there is a need for better coordination. Mr. McCroskey remarked that he was confident that the Governor would respond to the Advisory Committee's concern about the lack of State official presence. Mr. McCroskey remained disappointed about the absence of State representatives and the fact that the Governor's office was late to respond to the Advisory Committee's notice for the community forum. He said it was possible that the poor response was due to a misunderstanding about the scope of the Advisory Committee's jurisdiction.

Committee Chair Wurzburg thanked Dr. Moore for bringing up the concern about the chilling effect that lie detector tests and other methods of investigation may have on the reporting of information on the fires. Responding to Ms. Berz' question, Dr. Moore told the Advisory Committee that he was not on the Governor's task force. Committee Chair Wurzburg chimed in that the presence of a State civil rights agency personnel may benefit the task force. Dr. Berry said that she, too, was disappointed with the State representatives' absence. Dr. Berry stated that she hoped the Advisory Committee would inform the Governor about the lack of participation of invited State officials. Mr. McCroskey defended the Governor's absence by explaining that he was out of the state. He suggested that the real concern is that the Governor's task force works separate from the activities of the advisory committee, thus rendering the actions of the Advisory Committee reactionary, not proactive.

Dr. Berry said the Advisory Committee has done a good job of having the community forum and that it may have acted as a catalyst to get the Governor to address the issue of church arsons by establishing a task force. Ms. Ziegler added that it is important that the chair of the Governor's task force hear this concern. Dr. Berry chimed in that although she would have understood her home State's lack of response at the time when she was growing up, she is very disappointed about the State's apparent indifference to the issue of church fires in 1996.

The Advisory Committee heard from a panel of local representatives including Walter Winfrey, director of Police Services of the Memphis Police Department and Charles E. Smith, director of Fire Services of the Memphis Fire Department. The Advisory Committee also heard a statement from Mayor Jim Rout of Shelby County who was unable to attend.

Director of Police Services Walter Winfrey explained that the Memphis Police Department, one of four or five police departments in Shelby County, does not have an arson squad in the strictest sense of the term. The arson squad is closely aligned with the Memphis Fire Department and comes under the command of the Fire Director, said Mr. Winfrey. The police department has investigators assigned to the squad to assist the Fire Director in the investigation of arsons, he stated. Mr. Winfrey told the Advisory Committee that he attends weekly neighborhood watch and town hall meetings. He added that since the church fires have proliferated across the South and the country as a whole, there have been no complaints or of a racially motivated church fire within the city limits of Memphis in the past year.

Mr. Winfrey added that he has attended workshops across the country, including a recent ATF workshop at the FBI academy on what the Federal agencies are doing to address hate crimes associated with church fires. He told the Advisory Committee he has met with his chiefs and staff of the eight precincts in his jurisdiction on preventive measures regarding the church fires in the past 3 or 4 months. The proactive steps include increased awareness of church fires and increased patrols around Memphis churches with particular emphasis to churches in the late night. Mr. Winfrey then turned to Charlie Smith, director of the fire department, who is in charge of arsons and maintains an update on the church fires.

Fire Director Smith stated that the fire department works closely with the city on arson and preventive measures relating to church fires. The city of Memphis is experiencing about 700 arsons per year, a figure that is quite high for a city this size, stated Mr. Smith. When the Memphis arson figure is compared with the Southeast region of the country, the rate of arson for the region is high. Mr. Smith said that only 74 arrests were made for 700 arsons that occurred in Memphis. He explained although arson may be relatively easy to determine, a conviction on that crime is very difficult. The low conviction rate of arson crimes is not unique to Memphis but is rather a national problem, stated Mr. Smith. He also explained that arson in Memphis costs \$10 to \$15 million in property damage, thus rendering it a major crime.

Mr. Winfrey provided some information to the Tennessee Advisory Committee that was sent to the Governor's task force on church fires. He stated that the city of Memphis seldom relies on the Tennessee Fire Marshal Office or its Bureau of Investigation. Locally, his department is using the resources of the ATF and the FBI. For the period of June 1, 1994 to July 1, 1996, Memphis has had 14 church fires, of which 7 were declared arsons, Mr. Winfrey said. The director of Fire Services also told the Advisory Committee of the seven arsons, one was an African American church, one was mixed, and the remaining five were white.

On the issue of motive, Mr. Winfrey said to date there has not been evidence of conspiracies related to the arsons. He said there has been an increase in church fires nationally but Memphis has not yet seen such a rise. Attention and sensitivity regarding the fires is what Mr. Winfrey stated is being carried out locally and what is important in other cities. Mr. Winfrey described efforts to distribute "A Blueprint for Preventing Church Fires", a pamphlet sent to all Memphis area churches, an effort to visit the area churches with fire equipment, and efforts to meet with pastors and parishioners on the issue. He added although the preventive measures may not deter the 3:00 am arsonist, the awareness level regarding safety measures has been raised.

Mr. Winfrey told the Advisory Committee that he has met with a number of church leaders and denominations regarding the arsons in western Tennessee and nationally. A local task force has been created to visit immediately the scene of a burned church, a point Mr. Winfrey described as "critical". Mr. Winfrey said the five-member team which includes ATF, is required to contact immediately ATF, the Memphis Police Department, and the Memphis Fire Department in the event of fire. He concluded by stating that assistance outside the city has been offered, but only within the jurisdiction of Shelby County. With the conclusion of Mr. Winfrey's statement, the Tennessee Advisory Committee asked him and Mr. Smith a number of questions.

SAC member Berz complimented the preventive methods employed to address the arsons. Mr. Smith said that fire trucks have been driving by churches to send a message to would-be arsonists that the buildings are being watched. He stressed that efforts can only be successful if the pastors are cooperating fully. Responding to SAC member Ziegler's question if there is an increase in the number of arsons locally, Mr. Smith said there was no such trend. He added there are 2,200 churches in the Memphis area and of the two recent fires, one was caused by lightning and the other by a homeless person. The isolation of churches and their availability at all hours for the public's use makes the structures particularly vulnerable, said Mr. Smith. He added that church leaders must be reminded that times have changed and therefore awareness levels must also be heightened.

When SAC members pressed on the number of fires from last year compared to 5 years ago, Mr. Smith responded that the numbers are about the same, with Memphis averaging 650 to 750 fires a year. He added that church fires have also remained at a consistent rate. SAC member Vaughn-Garrett asked if information on the racial make-up of the churches deemed nonarson was gathered. Mr. Smith said that such information on the nonarson churches was not gathered, adding that it was not until the fires began 2 years ago that they begin collecting such racial information on the churches.

When asked by staff member Knight if firefighters have been killed battling a fire at a church, Mr. Smith responded that two firefighters were killed in a 1992 church blaze. He added that the last five firefighters killed in the line of duty were at arsons. Responding to SAC member Dupree's inquiry regarding a system by the fire or police department to collect information on hate crime, Mr. Smith said no such system exists. When Mr. Dupree asked Mr. Winfrey if the police department collects hate crime information, he responded that the organized crime unit and undercover agents occasionally pick up information on those involved in such activities. He explained that if information regarding an active group like the Skinheads comes to the attention of an officer, if a criminal offense can be determined, an investigation is begun. Should the information yield a prosecutable case, the case is referred to the attorney general. Where there is not enough evidence for a criminal case, the file is closed and retained as evidence of allegations of criminality.

Police Director Winfrey went back to highlight the fact that each Memphis precinct has a neighborhood watch coordinator and leader with whom the department meets with monthly, in a crime prevention effort. Mr. Winfrey said that Mr. Smith is replicating this method of prevention with his fire department. Mr. Winfrey said that such a relationship with the community helps to reduce the fears of police brutality and other issues.

Committee Chair Wurzburg asked if the Memphis police and fire departments have received requests for assistance from surrounding counties. Mr. Winfrey said no such requests have been made. He explained that the Memphis Metropolitan Chiefs of Police Association, which consists of the areas of Southaven, Mississippi, Horn Lake, Mississippi, and West Memphis, Arkansas, meet regularly because of criminals' tendency to flee. He added that the church fires have been the major topic of interest in the past six or seven months. Mr. Moore said the ATF has met with them about the fires, but he has not met with the Bartlett Police Department where an arson was declared.

Mr. Smith said the Bartlett Fire Department did request Memphis' assistance with the church arson in its jurisdiction. He explained that the ongoing investigation prevents him from discussing the case except to say that the Memphis Fire Department assisted and requested help from ATF. Asked about the effectiveness of the Hate Crime Statistics Act, Mr. Winfrey stated that when such a crime comes to his attention, the case is referred to U.S. Attorney Coleman. Mr. Winfrey explained the Federal system requires 85 percent of a sentence be served whereas the State may have a felon serve only up to 35 percent of the sentence.

SAC member McCroskey asked Mr. Smith how long he had been chief of the fire department and if he was associated with the department prior to his appointment. Mr. Smith said he had been chief for almost 5 years and with the department for 25 years. When Mr. McCroskey asked if he could say whether race-related arson is on the rise, decreasing, or the same, Mr. Smith responded that he was uncomfortable answering that question. He said he had not seen race-related fires; locally, most of the fires appear to be gang related. Committee member Berz asked if they were asked to serve on the Governor's task force. Mr. Smith said they have not been asked.

The Tennessee Advisory Committee then heard a statement on behalf of Mayor Jim Rout of Shelby County, who was unable to attend the community forum because he was out of the country. The statement was read into the record by Committee member Tommy Tabor. Mayor Rout condemned the acts of hatred or bigotry and encouraged all Shelby citizens to stand up against such acts. In his statement, Mayor Rout said the county fire department has a fire and arson investigation unit. The mayor said to date there is no evidence attributing the fires to hate or racism. Mayor Rout said a direct line of communication between his office and the chief of fire exists so that resources can be provided to help capture arsonists and prevent fires. Mayor Rout said he supports the Commission's work and is willing to provide assistance to this group and others interested in stopping the fires.

Following Mayor Rout's statement, the Advisory Committee heard from representatives of the religious community. Regional Director Doctor asked that Reverend Maynard's statement be admitted into the record. Reverend Maynard is the pastor of Shady Grove Presbyterian Church. State Advisory Committee Chair Wurzburg introduced Reverend Thomas and Reverend Brooks as members of the religious community.

Reverend James Thomas of the Jefferson Street Missionary Baptist Church in Nashville, told the Advisory Committee he has been following this issue. When he saw Dr. Berry on C-Span state she was coming to Memphis, he told ATF, which in turn, met with Reverend Brooks, State president, at the Jefferson Street Missionary Church to inform them of their progress on the church fires in the State.

Reverend Thomas said there are two different issues: the actual church fires, which must cease, and the racism that needs to be addressed. He criticized the Governor for not calling any Nashville pastors or grassroots African American activists to his meeting, and he questioned the dedication to solving the fires. Reverend Thomas admonished those who did not honor the Committee's request to attend the community forum. He dismissed the notion that a group is behind the fires, but stated that a racist ideology is present in Nashville but is ignored. He criticized national, state, and local leaders for what he views as late responses to the burning of the churches spurred by racism.

Rev. George Brooks, senior pastor of Saint James Baptist Church in Nashville and president of the Missionary Baptist State Convention in Tennessee, told the Advisory Committee that he is concerned for the churches in his State convention which are located in rural areas. Reverend Brooks informed the Tennessee Committee that many of the churches do not have insurance or are underinsured. The Saint James Baptist Church currently has an insurance policy of \$140,000, but it would cost \$600,000 to rebuild, said Reverend Brooks. Underwriting practices of the insurance companies make it difficult to get appropriate insurance coverage in the event of a fire, he notes. Reverend Brooks also told the Tennessee Advisory Committee that banks are giving churches a difficult time on their appraisals. He recounted his church's experience of receiving different appraisal values for the same property. Reverend Brooks concluded by reporting that ATF will be meeting with the Missionary Baptist State Convention on July 26, 1996, to do a workshop on making churches arson proof.

Reverend Thomas said the Governor's comments against insurance companies may cost him politically. The African American community is afraid, he continued, and he recounted his experience with the KKK setting his car afire in 1985, forcing him to retreat in his home with a pistol and shotgun. Reverend Thomas concluded that racism must be addressed.

Committee member Miller-Perry asked Reverend Brooks if he would be interested in contacting the Lawyers Committee to file a suit on behalf of the churches in his jurisdiction. Reverend Brooks responded he would consider doing so, but he questions whether some of the churches would have the courage to follow through because of the political implications. Responding to Dr. Berz' inquiry of how the Advisory Committee can be of assistance, Reverend Thomas said he has never known the State and local government to be fair and he has almost lost faith in the Federal Government. He said he hoped the Advisory Committee would remain open and continue to search for the truth. He added that if the African American church would become more politically minded and the white church would repent and change its political views, then the two groups could come together.

Committee member Berz asked if grassroots organizations from Nashville could assist the churches. Reverend Thomas said politicians do not like grassroots activists and those that will not be involved are the ones rewarded with employment. Responding to Dr. Berz' question if she or Advisory Committee members could meet with the group, Reverend Brooks said he would make an appointment but only 30 percent of the 167 churches would attend the meeting. He added that there are committees created to address the issues in the area of their State convention. Regarding the question if they trusted the Federal government enough to allow the Department of Justice to

attend the meeting, Reverend Brooks responded ATF has participated in meetings and he would welcome the Justice Department because it has information not available to the State convention.

When Committee Chair Wurzburg asked the ministers if they belonged to any biracial ministerial societies, Reverend Thomas answered they belonged to the National Baptist Convention of America, Inc. Ms. Wurzburg then asked if they have inquired of white churches to determine whether they are receiving different insurance policies and if the facilities would warrant such disparities. Reverend Brooks said that the policies would differ depending on the building materials and the location of the church. Committee member McCroskey asked for a clarification that the church replacement value would be \$600,000 for a 6,000 square foot church. Reverend Brooks confirmed that understanding. Mr. McCroskey suggested that there might be an explanation or miscommunication regarding the lack of insurance coverage and offered his card in the event the ministers have additional inquiries.

The Tennessee Advisory Committee then heard from a representative of the civil rights community and the forum's last discussant, Jim Foreman, executive director of the National Conference on Christians and Jews. Mr. Foreman acknowledged the Tennessee report on racial and ethnic tensions and told the Advisory Committee that race relations have worsened. He said although a 1993 National Conference on Christians and Jews report surveying Americans nationally found that racial attitudes were more divisive, not until fall 1995 did the media give this issue greater attention. Mr. Foreman stated that churches have been burning for over 18 months yet attention was not given to the issue until the last 6 months. The media attention may have been triggered by the fire of a church pastored by a famous football player, he noted.

Mr. Foreman told the Advisory Committee his organization has joined a coalition with the National Urban League and National Council of La Raza to urge vigorous investigation by Federal and State law officials, to raise money for rebuilding efforts, to educate churches in proactive measures to minimize the success of arsonists, and to address racism. Conversations addressing racism must occur in communities before the fires, he stated. Mr. Foreman applauded rebuilding efforts of individual groups and community members, and concluded by stating that racism must be addressed.

Committee member Berz asked where in Tennessee the offices of the National Conference on Christians and Jews are located. Mr. Foreman said there were offices in Nashville and Knoxville and added that the Nashville office would be willing to facilitate the Missionary Baptist State Convention meeting that some Advisory Committee members may attend.

The community forum ended with the open forum. First to speak at the open forum was Charles Todd, who said that Memphis operated with a plantation mentality. Mr. Todd said grassroots activists and others do not talk about the issues. He concluded by stating that there is a double standard in the world and both whites and blacks will loose if it is not addressed. Bill Taylor, a candidate for the ninth Congressional District, followed and said that people have got to come together.

