

104

CHURCH FIRES IN THE SOUTHEAST

Y 4. J 89/1:104/98

Church Fires in the Southeast, Seri...

HEARING
BEFORE THE
COMMITTEE ON THE JUDICIARY
HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTH CONGRESS

SECOND SESSION

MAY 21, 1996

Serial No. 98



FEB 21 1997

Printed for the use of the Committee on the Judiciary

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CHURCH FIRES IN THE SOUTHEAST

TUESDAY, MAY 21, 1996

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The committee met, pursuant to notice, at 9:40 a.m., in room 2141, Rayburn House Office Building, Hon. Henry J. Hyde (chairman of the committee) presiding.

Present: Representatives Henry J. Hyde, Bill McCollum, George W. Gekas, Howard Coble, Steven Schiff, Bob Goodlatte, Fred Heineman, Ed Bryant of Tennessee, Steve Chabot, Bob Barr, John Conyers, Jr., Barney Frank, Robert C. Scott, Xavier Becerra, Zoe Lofgren, Sheila Jackson Lee, and Maxine Waters.

Also present: Alan F. Coffey, Jr., general counsel/staff director; Diana Schacht, deputy general counsel; Kathryn A. Hazeem, chief counsel; Nicole Robilolto, assistant counsel; Kenny Prater, clerk; Julian Epstein, minority staff director; Perry Apelbaum, minority general counsel; Melanie Sloan, minority counsel; and Tom Diaz, minority counsel.

OPENING STATEMENT OF CHAIRMAN HYDE

Mr. HYDE. The committee will come to order.

This morning the House Judiciary Committee turns its attention to a very disturbing development in our Nation, that of the large number of church fires that have occurred in recent months. The trend is particularly troubling because of the number of African-American churches that have fallen victim to these burnings. This year alone there have been 21 church fires involving African-American churches.

In 1995, six such incidents were reported and investigated by Federal law enforcement officials. The Federal Bureau of Investigation, the Civil Rights Division, and the Bureau of Alcohol, Tobacco and Firearms are actively involved in these investigations. Law enforcement task forces are made up of Federal, State, and local authorities and they've been established in a number of these cases, and over 200 Federal investigators are actively involved at this time.

Most of these incidents have occurred in Southern States: Tennessee, Alabama, Georgia, North Carolina, South Carolina, Mississippi, Virginia, and Louisiana. But suspicious incidents involving African-American churches are also being investigated in New Jersey and Arizona. It's unclear how many of these fires actually were arson, and it also is unclear how many were racially motivated. To date, there is no evidence of a national conspiracy. There is, how-

ever, considerable evidence that some of these church fires were connected and that some were racially-motivated incidents.

The purpose of this hearing is to hear from Federal and State law enforcement officials about the progress being made in these various investigations. In particular, we are interested in how successful the Federal, State, local cooperative efforts, and task forces have been. So far, there have been four arrests involving 1995–96 incidents involving four different churches in three different States. We need to know if these agencies feel that current law is adequate and whether it provides them with all the tools necessary to solve such despicable crimes. We will also hear this morning from church leaders and ministers from some of the affected congregations. We want to hear their stories first-hand.

Recently, I was contacted by a number of pro-family organizations, including the Family Research Council, the Christian Coalition and Traditional Values Coalition, and the Catholic League. All urged that hearings be held on this subject, and they stated in part, "The danger exists that additional attacks will be launched by individuals motivated by either racial or religious bigotry, or both. Hearings before your committee could make headway in helping to deter such attacks, elucidate their origins and the existence of any concerted campaign of arson and vandalism, and lead to the arrest and conviction of individuals involved in numerous cases that remain unsolved to this date."

The Judiciary Committee takes its oversight and legislative responsibilities very seriously. If the evidence ultimately warrants a legislative response to further strengthen Federal law enforcement efforts with respect to these types of incidents, we are prepared to take that action. We will not tolerate acts of violence or desecration based upon religious or racial bigotry anywhere in this country.

The gentleman from Michigan, Mr. Conyers, is recognized for an opening statement.

Mr. CONYERS. Thank you and good morning, Mr. Chairman, members of the committee.

We meet here on the cutting edge of the development of race relations in the history of our country. Several things make this hearing important are: First, there is near unanimity in the committee chaired by Chairman Hyde that these acts are unconscionable, they are anti-American, and they deserve the swiftest and most severe punishment. Now, for those of you who are even brief students of American political history, that is an unusual circumstance, particularly in the Congress where race and the question of where and how African-Americans fit into the scheme of things has been debated in ways that really aren't too happy to recall.

But we do that this morning because unless we understand the backdrop of these hearings, they can be taken out of context. The fact of the matter is that bombing churches is not new at all in the history of this country and in the struggle to improve race relations. The fact of the matter is, church firebombings are a part of a larger pattern. Bridgette Ward in Philadelphia wasn't in a church—she was in her home. When you add up the number of incidents of racially-motivated violence going on in America as this

committee meets, they number maybe into the tens of thousands, I'm afraid.

The insolence, the effrontery, the temerity of people who hate, to burn churches, is so egregious that it shocks almost every conscience in America. Do you know what it means to burn down a church, to destroy the pulpit, to set the Bible on fire, to burn a place of worship to the ground, with or without people in it? That is so offensive that it staggers the imagination of nearly all of us in this country. And so, Chairman Hyde was swift to move on this subject, as were all my colleagues.

And so we gather here to hear the report. A lot of people have asked me, "What do you think about this?" I can't respond until I hear the testimony at this hearing. That's why we called the hearings. It's no good to get my opinion; it's not important what I think; it's what are the facts? What are we doing? We've got the top Federal and State law enforcement people, as well as affected leaders and their members all here in one room. This is an important and proud day in American history. In another time, such a hearing would not have been even contemplated—it would have been out of the question. But here in this Congress, with all the divisiveness, we are united on the need to get to the bottom of this phenomenon.

Now, to get to the bottom of this calls for more than catching the perpetrators. There's a problem—sociologically, psychologically, person-to-person—in this country that creates a climate for this to happen. It's like picking a drug-selling punk off of an urban corner and thinking you're doing something about drugs; he'll be replaced the next night. It won't change a thing. The Committee on the Judiciary is called to go beyond its oversight, beyond its legislative capacities, and to look into the heart and soul of our country to try to figure out what it is we can do, what it is we should be doing, and what should we change—not only in the laws, but in other things as well.

Maybe we should lower the rhetoric of political opportunism that allows everybody to play the race game to their heart's content until somebody drops a match. Then we say "that's awful; you've crossed the line." But to foment the hatred, to continue the division, to exacerbate the problems—oh, that we allow. We're in the political season, but we've got to come out of it. I applaud the leaders who are here today and beg them to go beyond their submitted statements and talk to us about the most intractable issue in the history of this country, racism.

Thank you, Mr. Chairman.

Mr. HYDE. Thank you, Mr. Conyers.

Our first witness this morning consists of our distinguished colleague, Congressman Donald Payne, from the 10th District of New Jersey, representing the Congressional Black Caucus. Mr. Payne, your statement will be made part of the record, and, if possible, if you could confine your oral testimony to 5 minutes, given our lengthy witness list. I would respectfully request that members of the committee minimize—if not refrain from—questioning Congressman Payne, although I would never foreclose someone if you have a burning desire to do so.

Mr. Payne.

STATEMENT OF HON. DONALD M. PAYNE, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF NEW JERSEY

Mr. PAYNE. Thank you very much, Mr. Chairman, and let me say that I appreciate you calling this very important hearing here today.

Mr. Chairman, while I appreciate the opportunity to testify before your committee this morning, I must say that this hearing is long overdue. I know when it was brought to your attention, about the severity of this manner, you hastily moved. But this hearing should have been held a long time ago. I am frankly disturbed by the priorities set by this Congress, which has held countless hearings on subjects like reverse discrimination and affirmative action, and on the rights of militias who stockpile weapons and flaunt the law. A year ago this committee held 10 days of hearings with over 100 witnesses on the Waco incident, which occurred back in 1993. In the other body, high-profile hearings were held on whether the rights of white supremacist Randy Weaver had been violated during the raid at Ruby Ridge, ID, in 1992.

It seems that throughout the 104th Congress, members of extremist groups who have nothing but disdain for this Nation and our form of government—a democracy—have been treated with considerable deference. Yet, it is only after the FBI has investigated over 50 incidents of desecration of predominately African-American churches, as well as Jewish synagogues, and after I and others publicly questioned the total lack of responsiveness on the part of the Congress, that a hearing was finally scheduled. Nevertheless, I am glad that we have finally come to a congressional hearing of this very, very serious problem in our Nation.

Mr. Chairman, I know that Deval Patrick, Assistant Attorney General at the Civil Rights Division of the Department of Justice, is going to testify and he will deal with the specific incidents of arson and desecration of African-American churches in the Southeast, so I will not elaborate on the details. I think that he is more equipped to do that and, therefore, I will not take the time.

However, I do want to point out that a dangerous trend is occurring, as the number of fires at churches has increased markedly over the last 2 years. We're not even halfway through the year, yet, already, suspicious fires have occurred at 24 churches. Of these, 17 have congregations which are predominately African-American. This is a dramatic increase from the last year when there were reports of fires at 13 churches, 11 of which were predominately African-American. While this hearing will focus on hate incidents in the southeast region of our Nation, I think that it should be pointed out that ugliness of racial and religious bigotry is not confined to one region of this country. The Department of Justice has received reports of incidents in States like Maryland, where the target was a Quaker meeting house. In my own home State of New Jersey, the Voice Center Baptist Church at Tinton Falls, not far from my district, a predominately African-American church, was completely destroyed by fire. African-American churches in Richmond, VA, and in Seattle, WA, have been ravished by suspicious fires.

Mr. Chairman, during the early days of the civil rights movement in which I was involved, churches were gathering places, not

only for worship, but for prayerful reflections. And as I marched from Selma to Montgomery, and as I marched on Birmingham, in those days we would meet at churches and it was a safe haven, not only for the African-American congregations who sought to fulfill their rights, but for other people visiting that area. Sadly, our churches were transformed from safe havens to targets of terrorism in that painful chapter of our history.

You recall, for instance, the tragic death of four innocent little girls who were killed when a bomb exploded at the Sixteenth Street Church in Birmingham, AL. Those little girls—Hattie Mae Collins, Denise McNair, Carol Robinson, and Cynthia Weaver—were killed at about the beginning of their teenaged years. Today, if they were still alive, they probably would have older teenagers getting ready for college. And, so, when we think of that ugly past, it's very disturbing to think that we're moving back into a realm of that type.

Mr. Chairman, I believe our country is too advanced and too great to encourage an atmosphere of racial and religious hatred. I don't think that we want to go back down that road. I don't think most Americans align themselves with hate groups like Skinheads and other neo-Nazi groups. I don't think that certain radio show hosts, who broadcast malicious and bigoted statements, speak for the majority of Americans. Well, let me say that they are promoting a lot of this divisiveness.

Recently, in New York, a talk-show host said that when Ron Brown's plane went into a mountain in Croatia, he said that the pity is that there will probably be one survivor and it will probably be Ron Brown. Now that kind of talk that is spewed out daily is what is really driving this kind of behavior. And he was terminated from that radio station, and you know in less than a week he was picked up by a rival station. This is what is the dangerous thing that is happening in this country. Those who promote the resurgence of divisiveness for their own economic gains and political gains are un-American and they must be stopped.

Again, Mr. Chairman, thank you for giving me the opportunity to testify before the committee. I encourage the Justice Department and the committee to aggressively pursue the issues of church bombings and desecrations.

I will leave for the record two charts. These charts show the increased number of bombings of churches from January 1990 to February 1996, and we can see the tremendous increase in the number of church burnings and desecrations and the States that they're in. And we will have a second chart that will show vividly the increase in church burnings starting in 1990 where there were two reported; 1991, two; 1992, one; 1993, two; 1994, 13; 1995—it's gone up to 20; in 1996, if it continues at the rate that it's going, it is projected to go from two in 1990 to over 60 in 1996. This must stop.

[The information follows:]

AFRICAN AMERICAN CONGREGATION - CHURCH FIRES
ARSON ENFORCEMENT BRANCH
ACTIVE INVESTIGATIONS - UPDATED

DATE	CHURCH NAME	LOCATION	NEAREST METRO AREA
01-13-95	JOHNSON GROVE BAPTIST CHURCH	BELLS, TN ✓	MEMPHIS/JACKSON
01-13-95	MACEDONIA BAPTIST CHURCH	DENMARK, TN ✓	MEMPHIS/JACKSON
01-31-95	MT. CALVERY BAPTIST CHURCH	HARDEMAN CO. TN ✓	MEMPHIS/JACKSON
06-20-95	MT. ZION AME CHURCH	WILLIAMSBURG ✓ CO., SC	COLUMBIA
06-22-95	MACEDONIA BAPTIST CHURCH	MANNING, SC ✓	COLUMBIA
08-15-95	SAINT PAUL BAPTIST CHURCH	LEXINGTON CO. SC ✓	COLUMBIA
12-22-95	MT. ZION BAPTIST CHURCH	BOLIGEE, AL ✓	TUSCALOOGA/SW
12-30-95	SALEM BAPTIST CHURCH	GIBSON CO ✓ TN	MEMPHIS/JACKSON
01-08-96	INNER CITY CHURCH	KNOXVILLE, ✓ TN	KNOXVILLE

DATE	CHURCH NAME	LOCATION	NEAREST METRO AREA
01-11-96	LITTLE MT ZION BAPTIST CHURCH	GREEN CO. ✓ AL	TUSCALOOSA/SW
01-11-96	MT. ZOAR BAPTIST CHURCH	GREEN CO. ✓ AL	TUSCALOOSA/SW
02-01-96	CYPRESS GROVE BAPTIST CHURCH	E. BATON ROUGE PARISH, LA	BATON ROUGE
02-01-96	ST PAULS FREE BAPTIST CHURCH	E. BATON ROUGE PARISH, LA	BATON ROUGE
02-01-96	SWEET HOME BAPTIST CHURCH	BAKER, LA ✓	BATON ROUGE
02-01-96	THOMAS CHAPEL BENEV. SOCIETY	E. BATON ROUGE PARISH, LA	BATON ROUGE
02-21-96	GLORIOUS CHURCH OF GOD IN CHRIST	RICHMOND, VA	RICHMOND
02-28-96	NEW LIBERTY BAPTIST CHURCH	TYLER, AL ✓	MONTGOMERY/E
03-05-96	ST. PAUL CME CHURCH	HATLEY, MS	ABERDEEN/COLUMBUS

DATE	CHURCH NAME	LOCATION	NEAREST METRO AREA
03-25-96	MISSIONARY BAPTIST CHURCH	SELMA, AL ✓	MONTGOMERY/E
03-27-96	GAY'S HILL BAPTIST CHURCH	MILLEN, GA	AUGUSTA/S
03-30-96	EL BETHAL CHURCH	SATARIA, MS	JACKSON/NW
04-11-96	ST. CHARLES BAPTIST	PAINCOURT- VILLE, LA	BATON ROUGE/SE
04-13-96	ROSEMARY BAPTIST	BARNWELL, SC	COLUMBIA/SW
04-26-96	Hebron United Methodist	Voil, NC	
04/26/96	E Ffingham Baptist		

SUMMARY OF INCIDENTS
(as of May 1, 1996)

Alabama

1. **Mount Zion Baptist Church**
2. **Little Zion Baptist Church**
3. **Mount Zoar Baptist Church (Boligee)** -- Between December 22, 1995, and January 12, 1996, three African-American Baptist churches were destroyed by fire. A task force consisting of 17 federal and local officials is investigating.
4. **New Liberty Baptist Church (Tyler)** -- This African-American church was completely destroyed by fire on February 28, 1996. A federal-state task force of over 20 agents has worked on this arson. State charges have been filed.
5. **Jerusalem Baptist Church (Boligee)** -- This church was damaged by fire on December 22, 1995. The fire was caused by a furnace fire and the investigation was closed.

6. **Bucks Chapel Church**
7. **Oak Grove Missionary Baptist Church**
8. **Pine Top Baptist Church (Coatopa)** -- Between February 4 and 5, 1995, these three churches were vandalized causing an estimated \$10,000 in damage. A local prosecution resulted in guilty pleas by two of three defendants, ages 22, 19 and 17. The two were sentenced to 4 1/2 years in prison. The third defendant committed suicide. The investigation is closed.

Arizona

9. **First Southern Baptist Church (Tucson)** -- On February 9, 1996, a fire at this racially mixed church caused \$1,000,000 in damage. A task force including FBI, ATF and local authorities is investigating.

Georgia

10. **Springfield Baptist Church**
11. **Elam Baptist Church (Madison)** -- On July 20, 1994, the Springfield church was completely destroyed by arson and the Elam church was also set afire. These matters were investigated by state and local officials, and four males were convicted of burglary and arson and sentenced to 20 years.
12. **Gays Hill Baptist Church (Jenkins County)** -- On March 27, 1996, this African-American church located in a rural area of Jenkins County was totally destroyed by fire. A task force consisting of federal and local officials is investigating.

Illinois

13. **Temple Am Echod** (Waukegan) -- One defendant was sentenced to 110 months in prison for conspiring to interfere with the rights of black and Jewish citizens stemming from the June 1992, bombing of a roller rink frequented by black patrons and the vandalism of a synagogue. This case is closed.

Louisiana

14. **Cypress Grove Baptist Church**
15. **St. Paul's Free Baptist Church**
16. **Sweet Home Baptist Church**
17. **Thomas Chapel Benevolent Society** (Zachary and East Baton Rouge) -- On February 1, 1996, these four churches, located within a six mile radius of each other, were burned, resulting in partial destruction to Cypress Grove and minimal damage to the other three churches. A task force consisting of 12 federal and local officials is investigating.

18. **St. Charles Baptist Church** (Paincourtville) - A fire occurred at an African-American church on April 11, 1996. The FBI, ATF and local investigators are investigating jointly.

Maryland

19. **Fruitland First Baptist Church** (Fruitland) -- On January 30, 1996, this church with a predominantly white congregation burned, causing an estimated \$150,000 in damage. An FBI investigation is underway.

20. **William Watters Meeting House of the Society for Friends (Quakers)** (Bel Air) -- On March 21, 1996, this Quaker church burned. An investigation consisting of federal and local officials is underway.

Massachusetts

21. **Temple Beth Emunah** (Brockton)
22. **Temple Young Israel** (Randolph) -- In June 1994, four defendants, members of a racist Skinhead group were charged in federal court with conspiring to interfere with the rights of African-American and Jewish individuals. One defendant later pled guilty and the three juveniles were convicted in connection with the desecration of two synagogues and other acts of harassment. The four defendants were sentenced to terms of incarceration ranging from 4 to 46 months. These cases are closed.

Mississippi23. **Springhill Baptist Church**

24. **Rocky Point Missionary Baptist Church** (Amite County and Pike County) -- Three defendants pled guilty to federal conspiracy charges arising from the arson of two black churches in April of 1993 on the anniversary of the assassination of Dr. Martin Luther King. The defendants were sentenced to 46 months and 37 months in prison.

25. **Elbethel M.B. Church** (Satartia) -- On March 30, 1996, an African-American church under construction was set afire resulting in minor damage. A task force consisting of 7 federal, state and local officials is investigating. Local charges have been filed.

26. **St. Paul's Christian Methodist Episcopal Church** (Smithville) -
- A fire causing nominal damage to an African-American church occurred on March 5, 1996. A federal and local task force is investigating.

27. **Cistern Hill Church** (Como) -- On August 9, 1994, the Cistern Hill Church, a semi-rural church with a predominantly African-American congregation, was completely destroyed by fire. The fire was previously investigated by the local Sheriff's Department but was never solved. The FBI and ATF have opened a joint investigation.

28. **St. Paul Primitive Baptist Church** (Meridan) -- On April 7, 1996, this African-American church was totally destroyed by fire. Investigators determined the fire was caused by a cigarette and have ruled the fire accidental. This investigation is closed.

New Jersey

29. **Voice Center Baptist Church** (Tinton Falls) -- On February 13, 1996, the interior of this predominantly African-American church was completely destroyed by fire. The FBI and the Monmouth County Prosecutor's Office are conducting a joint investigation.

North Carolina

30. **Mount Moriah Baptist Church** (Efland) -- On December 25, 1995, this African-American church burned. Both local and federal officials are investigating.

South Carolina

31. **Mt. Zion A.M.E. Church** (Greeleyville)

32. **Macedonia Baptist Church** (Clarendon City) -- African-American churches burned on June 20 and 21, 1995. Two subjects have been arrested by local officials. A task force consisting of 21 federal

and local officials is investigating. A federal investigation is pending.

33. **Mount Olivet Baptist Church**

34. **Allen's Chapel**

35. **Rosemary Baptist Church** (Barnwell County) -- Fires occurred at two predominantly white churches and one African-American church on April 13, 1996. The pulpit at the predominantly African-American Rosemary Baptist church, was completely destroyed. A federal and local task force is investigating.

36. **St. John Baptist Church** (Dixiana) -- In August 1995, this church was completely destroyed by fire. The FBI is investigating.

37. **Effington Baptist Church** (Effington) -- On April 26, 1996, this 114 year-old African-American church was set afire. As a result, the sanctuary was completely destroyed and the meeting hall was partially damaged. The FBI and ATF have opened a joint investigation.

Tennessee

A task force consisting of several dozen federal and state officials is investigating incidents 38, 39, 40, and 41.

38. **Macedonia Missionary Baptist Church** (Fruitvale)

49. **Johnson Grove Baptist Church** (Madison County) -- On January 13, 1995, during the Dr. Martin Luther King, Jr., holiday weekend, both churches were totally destroyed by fire.

40. **Mt. Calvary Baptist Church** (Hardeman County) -- On January 31, 1995, this church burned and was partially destroyed by fire.

41. **Salem Baptist Church** (Fruitland) -- On December 30, 1995, fire partially destroyed this church.

42. **New Wright's Chapel Missionary Baptist Church** (Shelby County) -- On September 6, 1994, a fire burned this church. The FBI and local fire officials are investigating.

43. **Inner City Church** (Knoxville) -- On January 8, 1996, the sanctuary of this church was destroyed by fire, and racial slurs were spray painted on the doors and walls. A task force consisting of 70 federal and local investigators is investigating.

44. **Friendship Missionary Baptist Church**

45. **Canaan African Methodist Episcopal Church** (Maury County) -- Three defendants pled guilty in October of 1995 in federal court to conspiring to firebomb and either burn or erect crosses at these two African-American churches in February 1995. One defendant was sentenced to 57 months in prison while the two other defendants were sentenced to 46 months in prison. These cases are closed.

46. **West End Synagogue** (Nashville) -- Three defendants, including the Grand Dragon of the Tennessee Ku Klux Klan, a Klan and Aryan Nation associate and a juvenile Skinhead member, were charged federally with conspiring to interfere with the rights of Jewish people by firing shots into a synagogue that caused significant property damage in June 1990. Two of the defendants pled guilty and the third was convicted at trial. Two of the defendants were sentenced to 27 months and 42 months in prison while the juvenile defendant received probation. This case is closed.

Texas

47. **Cypress Trails United Methodist Church**

48. **Resurrection Lutheran Church** (Spring) -- On January 27, 1996, these two predominantly white churches, located approximately five miles apart, burned. The FBI and the Harris County Fire Department are conducting a joint investigation into these fires.

Virginia

49. **Glorious Church of God in Christ** (Richmond) -- On February 21, 1996, this African-American church was destroyed by fire resulting in damage in excess of \$250,000. A federal-local task force of 12 investigators is continuing its investigation.

Washington

50. **Full Gospel Pentecostal Church** -- On July 28, 1995, a racially mixed church located in a predominantly African-American area was destroyed by fire. The FBI and local fire department are investigating.

51. **Ebenezer African Methodist Church** (Seattle) -- In November 1991, a racially mixed church located in a predominantly African-American area was significantly damaged by fire. The FBI and local fire department are investigating.

Mr. PAYNE. I will also ask that the testimony of Mr. Hilliard be entered into the record; he was unable to be here today.

Thank you, Mr. Chairman.

Mr. HYDE. Thank you, Mr. Payne, and without objection, the statement of Representative Earl Hilliard, Seventh District of Alabama, who was scheduled but is unable to be here, will be incorporated into the record.

[The prepared statement of Mr. Payne follows:]

PREPARED STATEMENT OF HON. DONALD M. PAYNE, A REPRESENTATIVE IN CONGRESS
FROM THE STATE OF NEW JERSEY

MR. CHAIRMAN, I WANT TO THANK YOU AND THE MEMBERS OF THE JUDICIARY COMMITTEE FOR ALLOWING ME TO TESTIFY THIS MORNING ON THE SUBJECT OF THE INCREASING FIREBOMBINGS OF AFRICAN-AMERICAN CHURCHES IN OUR COUNTRY. I SPEAK THIS MORNING AS THE REPRESENTATIVE OF THE 10TH CONGRESSIONAL DISTRICT OF NEW JERSEY, AND AS THE CHAIRMAN OF THE CONGRESSIONAL BLACK CAUCUS.

THIS IS A VERY SERIOUS DEVELOPMENT. AFRICAN-AMERICANS HAVE BEEN SUBJECTED TO OPPRESSIVE ABUSE SINCE THEIR ARRIVAL, AGAINST THEIR WILL, ON THESE SHORES. THE ABUSES OF SLAVERY ARE WELL-KNOWN, AS ARE THE ABUSES OF RACIST PRACTICES UNDER JIM CROW LAWS AND THE PRACTICES OF SEGREGATION AND DISCRIMINATION, WHICH WERE LAWFUL UNTIL THE PASSAGE OF THE WATERSHED CIVIL RIGHTS LEGISLATION MORE THAN 30 YEARS AGO.

IT WAS ONCE THE CASE THAT AFRICAN-AMERICANS WERE INSULTED, SPAT UPON, CALLED UGLY AND EVIL NAMES, BEATEN, TORTURED, AND EVEN MURDERED WITHOUT ANY INTERVENTION BY THE AUTHORITIES OF GOVERNMENT...SAVE PERHAPS TO PARTICIPATE IN THE ABUSE. OUR PROPERTY WAS OFTEN DESTROYED, CONFISCATED, OR DEFACED, AGAIN WITHOUT EVEN MINIMAL PROTECTION OF THE AUTHORITIES. INDEED, MUCH OF THE ABUSE AND DESTRUCTION WAS EVEN SANCTIONED BY LAW. IT WAS LEGAL. IN THOSE DAYS, AFRICAN-AMERICAN CHURCHES WERE OFTEN DESTROYED.

WE ALL REMEMBER THE BOMBING OF THE 16TH STREET BAPTIST CHURCH IN BIRMINGHAM, ALABAMA ON SUNDAY, SEPTEMBER 15, 1963. THE BRIGHT NEW LIVES OF FOUR LITTLE AFRICAN-AMERICAN GIRLS WERE ABRUPTLY ENDED. ADDIE MAE COLLINS, DENISE MCNAIR, CAROLE ROBERTSON, AND CYNTHIA WESLEY WERE BRUTALLY MURDERED IN THE BLAST. ANOTHER YOUNG GIRL, SARAH COLLINS, WAS PARTIALLY BLINDED. THE BOMBING TOOK PLACE DURING SUNDAY SCHOOL.

MOST OF US THOUGHT THAT THE MOST BRUTAL OF THESE HISTORIC ABUSES WERE OVER, THAT THE NATION HAD SHIFTED TO MORE SUBTLE MEANS OF RACIAL INTIMIDATION AND OPPRESSION.

SEVERAL WATCH DOG ORGANIZATIONS, WHICH MAINTAIN VIGILANCE AT THE ROUGH EDGES OF THE TAPESTRY OF DEMOCRACY, WATCHING FOR THE RISE OF ANTI-DEMOCRATIC SENTIMENTS AND PRACTICES, HAVE DISCOVERED THAT DEMOCRACY IS AGAIN UNDER ATTACK IN AMERICA.

THE MOST HEINOUS AND TERRIBLE ATTACKS ARE ON PLACES OF WORSHIP. MANY DIFFERENT KINDS OF CHURCHES, SYNAGOGUES, AND TEMPLES HAVE BEEN BOMBED, THREATENED, OR DEFACED IN RECENT YEARS. THE MEMBERS OF THE CONGRESSIONAL BLACK CAUCUS ARE CONCERNED WITH ANY SUCH ACTS, BUT TODAY WE ARE FOCUSING ON THE BOMBINGS OF AFRICAN-AMERICAN CHURCHES.

AS NOTED IN THE ATTACHED CHART, DATA COMPILED BY THE ATLANTA-BASED CENTER FOR DEMOCRATIC RENEWAL SHOW THAT THESE EPISODES HAVE BEEN ON THE RISE IN RECENT YEARS.

- * IN 1990, THERE WERE TWO FIREBOMBINGS OF AFRICAN-AMERICAN CHURCHES. IN 1991 THERE WERE TWO MORE. IN 1992, THERE WAS ONE, AND IN 1993, TWO MORE.
- * BUT IN 1994, THERE WERE 15.
- * AND IN 1995, THERE WERE 13.
- * THIS YEAR, IN 1996, THERE WERE ALREADY 10 FIREBOMBINGS OF AFRICAN-AMERICAN CHURCHES BY THE END OF FEBRUARY. IF THIS CONTINUES FOR THE

REST OF THE YEAR, IT IS ESTIMATED THAT THERE WILL BE A TOTAL OF 67 FIREBOMBINGS ON NEW YEAR'S DAY 1997.

AS NOTED IN THE SECOND ATTACHED CHART, ALL OF THE RECORDED BOMBINGS HAVE BEEN IN SOUTHERN STATES, WHERE THE AFRICAN-AMERICAN FRACTION OF THE POPULATION IS HIGHEST AND WHERE MANY AFRICAN-AMERICANS HAVE DEEP FAMILY ROOTS. ALL AFRICAN-AMERICANS HAVE A PROFOUND AND ABIDING INTEREST IN THESE EVENTS. WHETHER IN THE NORTH, SOUTH, EAST, OR WEST, WHETHER IN CITY OR SUBURB OR IN RURAL AREAS, AFRICAN-AMERICANS BELIEVE THAT THESE ATTACKS STRIKE AT THE CORE OF THEIR LIFE IN AMERICA. THEY REPRESENT THE MOST FUNDAMENTAL CHALLENGE TO OUR CITIZENSHIP.

IF AFRICAN-AMERICANS...OR ANY PEOPLE...CAN NOT WORSHIP IN PEACE, WHAT CAN WE DO IN PEACE? IF AFRICAN-AMERICAN CHILDREN CAN NOT BE INTRODUCED TO BASIC RELIGIOUS PRINCIPLES WITHOUT FEAR AND TREPIDATION, WHAT CAN THEY LEARN IN PEACE? IF SENIOR CITIZENS CAN NOT EXPERIENCE SIMPLE RELIGIOUS OBSERVANCES IN PEACE, WHAT CAN THEY EXPERIENCE IN PEACE? IF HARD WORKING MEN AND WOMEN, MOTHERS AND FATHERS, SINGLE PEOPLE TRYING TO MAKE THEIR WAY, CAN NOT OFFER A PRAYER OR A SONG IN PRAISE AND THANKSGIVING IN THE PEACE AND SECURITY OF THEIR PLACES OF WORSHIP, WHAT CAN THEY DO IN PEACE?

MR. CHAIRMAN, WE CAN NOT PERMIT THESE FIREBOMBINGS TO CONTINUE. IN RECENT YEARS, I HAVE NOTICED THAT FEDERAL LAW ENFORCEMENT AUTHORITIES HAVE BEEN TAINTED BY CONTROVERSIES THAT SUGGEST THAT SIGNIFICANT NUMBERS OF OFFICERS MAY BE DEDICATED RACISTS. THIS WAS BROUGHT TO PUBLIC ATTENTION IN THE NEWS STORIES ON THE SO-CALLED "GOOD O' BOYS ROUNDUP." IT WAS RELIABLY REPORTED, WITH PICTORIAL EVIDENCE, THAT NUMEROUS GOVERNMENT AGENTS HAD CLEARLY AND REPEATEDLY EXPRESSED RACIST SENTIMENTS OF THE SORT THAT RESONATE WITH ALL MANNER OF RACIST VIOLENCE, INCLUDING CHURCH BOMBINGS.

THE MOST RECENT "GOOD O' BOYS ROUNDUP" TOOK PLACE IN JULY 1995 IN SOUTHEASTERN TENNESSEE, THE STATE WHERE ONE-THIRD OF THE REPORTED CHURCH FIREBOMBING CRIMES HAVE BEEN COMMITTED. MR. CHAIRMAN, I CAN NOT BELIEVE THAT THIS IS A COINCIDENCE. THERE IS A CORRELATION BETWEEN THE RACIST CORRUPTION OF LAW ENFORCEMENT AND THE CHURCH BOMBINGS. THIS IS A FAMILIAR PATTERN IN OUR NATIONAL HISTORY, ONE THAT MUST BE STOPPED IMMEDIATELY.

I DO NOT ACCUSE OUR LAW ENFORCEMENT OFFICIALS OF BOMBING CHURCHES. HOWEVER, NO LAW ENFORCEMENT OFFICER, WHO WOULD PARTICIPATE IN A "GOOD O' BOYS ROUNDUP," OR WHO THINKS AND ACTS IN THIS MANNER, SHOULD SERVE OUR COUNTRY. IT IS INCONCEIVABLE TO ME THAT SUCH A PERSON COULD SEEK TO APPREHEND THOSE GUILTY OF THESE HEINOUS ACTS AND BRING THEM TO JUSTICE.

MR. CHAIRMAN, I HOPE THAT THESE HEARINGS WILL LEAD TO THE IMMEDIATE APPREHENSION OF THE PERPETRATORS OF THESE CRIMES. I WOULD LIKE TO FEEL THAT THE PEOPLE OF THE 10TH DISTRICT OF NEW JERSEY AND ALL AMERICANS CAN WORSHIP WITHOUT FEAR.

[The prepared statement of Mr. Hilliard follows:]

PREPARED STATEMENT OF HON. EARL F. HILLIARD, A REPRESENTATIVE IN CONGRESS
FROM THE STATE OF ALABAMA

Mr. Chairman, I appreciate the opportunity to testify in this important hearing. I come before this committee to report on a disturbing trend in Alabama and throughout the South—the deliberate and malicious burning of African-American house of worship.

Since the beginning of 1994, eight black churches in Alabama have been burned to the ground by arsonists. Five black churches in my district have been destroyed in the last six months alone. To my knowledge, fewer than half of these arsons in Alabama have been solved and only one arrest has been made in connection with the most recent fires.

Unfortunately Alabama is not alone. Since 1991, there have been over forty documented cases of church burnings in eight southern states. In nearly all the cases, the targets have been African-American congregations. Once again, the specter of racial intolerance and hatred looms conspicuously over the South.

While few of the perpetrators have been caught, the overwhelming evidence suggests that a single motive fuels these fires—hatred. For many of us, these viscous acts of intimidation are reminiscent of another era, a time many would prefer to forget. But for those us who served on the front lines of the civil rights struggle, these memories are all too fresh.

The burning of black churches was a commonly used tool of intimidation during the 1960's, when hundreds of African-American churches were ordered burned by the Ku Klux Klan. I vividly recall the anguish we in the African-Americans community felt when four young girls were killed during the 1963 firebombing of the 16th Street Baptist Church in Birmingham.

Like the return of a biblical plague, black churches in the South are once again enduring a wave of vandalism, burnings and firebombings on a vast scale. Literally thousands of congregations have been displaced. In poor, rural black communities where the church stands as a place of refuge and a symbol of pride and self-sufficiency—worship has given way to fear.

Over the past three years, the incidents of black church burnings have nearly quadrupled. If nothing is done to stem the tide, 1996 is destined to be the worst year of violence against places of worship in thirty-fives years.

The small town of Boligee in my district was devastated by church fires. In two separate attacks, arsonists torched four black churches before escaping unseen into the night.

With help from outside sources, local ministers have begun the process of rebuilding. However, because the perpetrators have yet to be captured they fear a second wave attacks.

Mr. Chairman, I understand the challenges that face federal authorities in their investigations into these growing cases of arson. Nevertheless, it has become apparent that too little is being done to stop this epidemic of violence against our sacred institutions.

The numbers of incidents over eight states suggest these are far from isolated incidents. Cases of arson and vandalism against African-American churches have increased considerably this year.

We must bring the persons or groups responsible for these outrageous crimes to justice. We must send a clear and convincing signal to the purveyors of bigotry—that this nation will no longer tolerate crimes of hate, and those who seek to retard the progress that African-Americans have made, will be prosecuted to every extent of the law.

Mr. Chairman, I thank you for bringing this disturbing issue before the Judiciary Committee. I would hope that this hearing will result in the marshaling of every resource available to combat this alarming trend.

In closing, let me just state for the record that the Judiciary Committee as well as the Justice Department need to review the statutes that provide federal jurisdiction over some fires and acts of vandalism at house of worship and address the gaps that have lead to difficulty at the investigative and prosecutorial stages of these cases.

I am willing and able to work with the Committee and the Administration to do whatever is necessary to assist federal law enforcement agents in their investigation and prosecution of these cases.

Mr. HYDE. Our second panel—

Ms. JACKSON LEE. Mr. Chairman.

Mr. HYDE. The gentledady from Houston.

Ms. JACKSON LEE. Mr. Chairman, I thank you, and I want to thank the chairman of the Black Caucus for his leadership, and certainly to acknowledge the chairman of the Judiciary Committee, and, in particular, the ranking member, Congressman Conyers.

This has been—if I might utilize a terminology, Mr. Payne—a burning issue within those of us who have a real and present experience and exposure to the heart and soul of the black church.

As a younger person I might add, Reverend Lowery, that I spent time with SCOPE, the youth program of the SCLC. And in traveling throughout the South it was the church in its royalty—maybe not in its elegance—that was the resting place for many of us who were confronted with the issues of racism. We will recall that the chilling effect of the bombing of the young girls in Birmingham set the tone thereafter for the continued movement or the heightened aspect of where we were in America with respect to black and white and whether or not we would ever find peace. I think it is worthy to note, again, that they have had 135 church fires since 1991 and 54 of those have been in African-American churches.

It strikes me, Chairman Payne, that we now have certainly a worthy effort in Montana to assure the safety of Freemen who clearly and conspicuously have violated the laws of this Nation. And we are still, however, facing those who want to freely worship God. We present them in a chilling and threatening atmosphere of the loss of their religious sanctuary.

My question to you would be, as this Judiciary Committee moves forward with this hearing, I would imagine that your inquiry and your presentation is to suggest that we need to find a remedy for these tragic burnings, the burnings that have cost not only the devastation of a religious experience, but if we were to chronicle the 54 churches, we would find enormous history embedded in these churches in our rural and urban southern communities, individuals who have had three and four generations worshipping in those sanctuaries.

So my question to you—and I might add, Mr. Chairman, if you would allow the opening statement that I had in its completion or its entirety to be submitted in the record, I would ask that with your permission.

Mr. HYDE. Without objection, so ordered.

Ms. JACKSON LEE. Thank you.

[The prepared statement of Ms. Jackson Lee follows:]

PREPARED STATEMENT OF HON. SHEILA JACKSON LEE, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF TEXAS

Good morning, and I welcome everyone who has joined us this morning for this important hearing to investigate the disturbing number of church burnings across the country. I would like to thank Chairman Hyde for graciously holding this hearing, and I would like to thank all of the witnesses for coming to testify before the Judiciary Committee.

Since 1991, the Bureau of Alcohol, Tobacco and Firearms has investigated 135 church fires, of which 110 have proved to be deliberate acts of arson. The FBI has been investigating fifty-one of these as potential civil rights violations. I applaud the efforts of our federal, state, and local law enforcement officers for bravely and courageously investigating these crimes, and I honor the efforts of those in our Justice system who are vigorously prosecuting these hate crimes.

Forty-four of the 135 church fires occurred in African-American churches, and I am concerned, as most Americans are, that these fires are deliberate and racially

motivated. Given the history of church burnings, such as the 1964 bombing of a Birmingham church that killed four school girls, and the insidious history of racism and intolerance of cultural differences, we cannot ignore the message that these current church burnings are acts of hatred against people based on their religious beliefs or the color of their skin.

Since 1989, Klanwatch, the Investigative arm of the Southern Poverty Law Center has tracked 32 instances of arson at black churches in eight states: Kentucky, Mississippi, Tennessee, South Carolina, North Carolina, Alabama, Virginia, and Louisiana. Twenty-three of these, or 70 percent, occurred in the last 17 months. In the last five months alone, 16 black churches have been torched.

This disturbing trend, whether organized by racist groups or by disturbed individuals acting alone, is intimidating and threatening to the families that attempt to come together to celebrate their beliefs. This domestic terrorism must stop. Churches and synagogues are more than buildings. The act of torching them is not likely to be an act against God, but rather against the people who come to worship there.

The arson attacks are acts of cruelty that should outrage all of us. It is on the consecrated grounds of our churches that we gather to sing and pray as a community. Our churches and synagogues are where we replenish our spirit and strengthen our souls.

I look forward to hearing the testimony from law enforcement officials and the Department of Justice as well as the Ministers whose congregations have been devastated by arson. We must not allow malaise and passivity to foster a climate for racism and religious intolerance. We need to restore our faith in justice and in religious freedom by prosecuting hate crime to the fullest extent of the law, and I trust that this hearing will assist in directing this Committee toward constructive solutions. Thank you.

Ms. JACKSON LEE. I would ask that as we have these hearings that we would not have them for the listening and viewing pleasure of those who might be entertained, but that we would have them with the true effort to move expeditiously alongside of the investigations that are presently being enacted upon by the Department of Justice and ATF—that this Congress do something. And my question to you is, Should we and what should we do?

Mr. PAYNE. Well, I thank you very much for that question. I think that this is a step in the right direction; this is just a first step. But as I've indicated I think that the amount of time and energy and effort that's been put into the Waco hearings and the Ruby Ridge hearings—hours and hours, hundreds of witnesses—that we should have the same effort put into church burnings. And not only that, but there is, for example—and that this committee would have jurisdiction in—in our urban areas, that we're finding tremendous amounts of killings by law enforcement people where it's questionable. There was the thought that a gun might have vanished, or there's a shiny object, and we see city after city after city where it's becoming an epidemic.

And, as I've indicated, we have in Montana people that have whole arsenals; you have people who make it clear that they have assault weapons and dangerous kinds of equipment. But they go, and they're treated in a different matter—the assurance that nothing happens and the almost dignity that these Freeman, for example, were given for weeks and weeks. But we've seen a youngster coming out of a building shot down—many times in cold blood. And so, there's a disparity between the way that justice is being dispensed in this country, and I think we need to look at the overall picture, but also look at some of these talk shows. I'm a strong first amendment person, but I think that when you get economic gain from spewing out divisiveness to the point that it almost pushes people to violence, I think that goes beyond first amendment rights and is something that we need to investigate.

Ms. JACKSON LEE. Thank you.

Mr. PAYNE. Thank you very much.

Mr. HYDE. The gentle—

Mr. COBLE. Mr. Chairman, Mr. Chairman.

Mr. HYDE. The gentleman from North Carolina.

Mr. COBLE. Mr. Chairman, I'll be very brief. I just want to make a brief statement to Mr. Payne, and thank you for being with us.

My friend from Michigan, the gentleman, Mr. Conyers, I think said he thought there was near unanimity on this committee. It would be my hope, Mr. Chairman, that it would be complete unanimity. As you pointed out, John, the burning and destroying of churches is inexcusable. There's no way it can be defended and I think every member of this committee would promote what you said to that end.

Mr. Payne, when you talked about neo-Nazis, Skinheads, Louis Farakhan—I don't care what color they are—anybody who engages in disseminating hate, fanning the fires of discontent, getting mobs riled up, I think that is an affront to all of us. But, of course, given the country in which we live, these hatemongers have wide berths and I think we have to have some sort of balance, but I don't think there's anybody on this committee who would concur or would assent—John, as you pointed out—to the destroying of churches.

And, Mr. Chairman, I thank you as well for having called these hearings as you did.

Mr. CONYERS. Would the gentleman yield?

Mr. COBLE. Yes, sir.

Mr. CONYERS. I do amend my remarks. I would say that it is unanimous, that our feelings of revulsion are complete on both sides of the aisle.

Mr. COBLE. I thank the gentleman, and I thank the chairman.

Mr. HYDE. The second panel this morning consists of Federal and State governmental witnesses. From the Department of Justice we have Deval Patrick, Assistant Attorney General for the Civil Rights Division. Next, we have the Director of the Bureau of Alcohol, Tobacco and Firearms, The Honorable John W. Magaw. The BATF is the principal Federal agency involved in arson investigations.

Because of an unfortunate death in the family, Neil Gallagher, the Deputy Assistant Director of the Criminal Investigative Division of the Federal Bureau of Investigation, is unable to be with us this morning. However, the FBI will be well-represented by Tron Brekke, who is Chief of their Civil Rights Program.

Then we will hear from James E. Johnson, Assistant Secretary for Enforcement at the Department of the Treasury, and, finally, representing State law enforcement, is Chief Robert Stewart of the South Carolina Law Enforcement Division. Mr. Stewart has been deeply involved in the church fire investigations in South Carolina.

Gentlemen, your prepared statements will be made a part of the record, and I ask that each of you confine your oral testimony to 5 minutes. I am pleased to recognize, first, Mr. Patrick.

STATEMENT OF DEVAL L. PATRICK, ASSISTANT ATTORNEY GENERAL, CIVIL RIGHTS DIVISION, DEPARTMENT OF JUSTICE

Mr. PATRICK. Good morning, Mr. Chairman, and Mr. Conyers, members of the committee.

Thank you for having us in this morning to brief the committee on the efforts of the Departments of Justice and Treasury, the FBI, and the ATF to investigate and prosecute those individuals responsible for vandalizing and setting fires to houses of worship and intimidating their parishioners.

Mr. Chairman, the numbers are chilling. Over the past 5½ years, the Department of Justice has investigated 57 incidents of fires and vandalism in churches and synagogues. Nearly half of these incidents occurred in the first 4 months of this year—half in the first 4 months of this year. Another 16 occurred in 1995. Most reports in these last 16 months have been of fires, and most of those fires have been at churches whose membership is predominantly African-American.

The pattern has not been limited to one region of the country. The greatest number of incidents reported are from the South, but we also have incidents reported in the mid-Atlantic, the West, and the Northwestern parts of the United States. Now whether these numbers reflect an increase in the number of fires or in the number reported to us is a question; what is beyond question is that we are facing an epidemic of terror. Solving these crimes is—and must remain—a top priority for all of us. I'm sure I speak not just for the Department of Justice, but for the entire administration when I say so. You'd have to be from the moon, frankly, not to understand the special place houses of worship have in this society and the special devastation caused to any community when one is wilfully destroyed or desecrated.

I think this is particularly painful at a time when so many people in so many communities are returning to the church. Given our history, arson of a black church or of a synagogue carries a particularly menacing message. When the damage is accompanied by a threat of violence to members because of their race or religion, the devastation is multiplied. It is violence to the spirit, as well destruction of property. And we have had some success: of the 57 incidents reported since 1990, 20 have been solved so far. Of those, eight have resulted in successful Federal prosecutions, five in successful State prosecutions. We've made arrests in five others and prosecutions in those are pending, and two investigations were closed, once we determined that the fires were accidental.

We have much more to do. Without getting into details of open investigations, or too far ahead of my colleagues here on the panel, I know that the FBI and the ATF are actively pursuing leads and we are making progress. Prosecutors from my office are in constant touch with investigators on the ground, and both Mr. Johnson and I, as well as the Attorney General herself, are regularly briefed on the state of the investigations.

Now there has been much speculation in the press and elsewhere about whether there is a national conspiracy to burn African-American churches. Conspiracy is a term of legal art. It's clear that the numbers are alarmingly high and at least those reported to us have increased over the past year. Most of these cases are still under investigation, and as you know, I won't and can't discuss the specifics of any open case. I can say, however, that during our investigation we focus not only on the circumstances of the specific incident before us, but also on whether there is any evidence to tie

one incident to another. It would be premature of me or anyone else on this panel, frankly, to announce a conclusion, but I can confirm that we are actively investigating whether activity of a nationwide or even regional scale is being directed or instigated by any individual or specific group.

I wanted to mention a couple of recent examples of successful prosecutions, but they're set out in the written testimony so I will skip over that, and maybe we can get to that in questions. I'll just mention a couple of the things that are working well and then some of the challenges which I think are before us all. In terms of what is working well, cooperation between State and local fire and police officials, and Federal investigators and attorneys, is key to solving suspicious fires. We've had a close and cooperative relationship with State and local police and fire officials in many communities in which the Federal agents have been investigating suspicious fires. We've set up joint Federal-local task forces to investigate church fires in Alabama, Tennessee, South Carolina, Arizona, Georgia, Mississippi, and Virginia, and I think in the main, these are working well.

In addition to their current value, they should be useful in the unfortunate event of future events in this sense, and that is that Federal help is not possible if incidents are not reported to us and not most effective if they aren't reported to us promptly. I believe this Federal-local cooperation will lead to increased and more prompt reporting which should enhance investigative success in future cases, and that is all good news.

There are also particular challenges we face in solving these crimes. First, as Mr. Brekke and Mr. Magaw I'm sure will explain in more detail, investigation of fires is always difficult because evidence burns. Indeed, many of the fires that occur in churches located in rural areas may burn for long periods before anyone notices or calls for help. In many places we are literally sifting through ash for clues. In addition, there are seldom witnesses to a fire at a church, particularly at isolated, rural churches. So, numerous witnesses, in and out of the congregation in the community, must be interviewed in order to get leads. This is indispensable work, but it tasks resources. The FBI and the ATF have several hundred agents committed to these investigations, and that is a meaningful commitment.

As for prosecutors, we work closely with the U.S. attorneys, but our resources are thinly spread and we've had to redeploy already limited resources to supervise these investigations. And the budget uncertainties, furloughs and shutdowns during a period of sharp increases in the number of fires have not made any of that easier. The Federal statutory tools available to us are incomplete in some respects. The jurisdiction we have under 18 U.S.C., section 241 provides adequate felony jurisdiction when we find that we have more than one person responsible and racial motivation. Section 844(i), the general Federal arson prohibition, is another tool available to us. They have been the bases of our prosecution, so far.

When we have only one suspect, however, we must turn to other statutes, most notably, 18 U.S.C., sections 247 and 248. Section 247 requires proof that the defendant has moved in interstate commerce or used a instrumentality of interstate commerce in inter-

state commerce, and that damage exceed \$10,000, which doesn't begin to capture the devastation wrought by desecration. Section 248 is of, frankly, questionable legal value today after the Supreme Court's decision last year in a different case—a different context, but a very related one—in the *Lopez* decision, because the Congress didn't, at the time of passage of 248, make findings on the effect of the destruction of churches on interstate commerce. These jurisdictional restrictions limit the usefulness, frankly, of sections 247 and 248 in prosecuting church fires where only one suspect is apprehended.

But, I want to say to the many of you and your colleagues who have asked how you can help us with this work, a couple of things would be helpful. It would be helpful to our prosecutorial efforts were Congress to examine these jurisdictional problems to ensure that we have the tools to punish those who destroy—or attempt to destroy—houses of worship, and we would be delighted to work with any of you on that. Congress should also give serious consideration to ensuring that we all have the resources necessary to investigate and prosecute these cases aggressively. Given the gravity of the problem and the unanimity of the sensibility about the problem, I don't think that's asking so much.

And there is one other thing that you can each do that costs nothing, but is critical. Whether from here in Congress or at home, I urge you to speak up and to speak out against hate, against bigotry, and against violence. Racism must be faced-down directly and without flinching. As leaders, you can help change the climate in which these incidents arise. I urge you to make it clear, by words and deeds, that in this country we do not and will not tolerate this kind of behavior. I take this hearing as a very positive step in that direction, and I thank you for convening it, Mr. Chairman.

[The prepared statement of Mr. Patrick follows.]

PREPARED STATEMENT OF DEVAL L. PATRICK, ASSISTANT ATTORNEY GENERAL, CIVIL RIGHTS DIVISION, DEPARTMENT OF JUSTICE

Mr. Chairman and Members of the Committee, I appreciate the opportunity to appear today to discuss the efforts of the Department of Justice to prosecute those individuals responsible for the deplorable act of setting fires to houses of worship and intimidating their parishioners.

Let me assure you all, first and foremost, that the Department of Justice considers investigation of church fires and prosecution of those persons responsible for attempting to destroy houses of worship to be among our most important investigative and prosecutorial priorities. Houses of worship have a special place in our society. They are, of course, the center of a community's spiritual life. In many communities, the church is the center of its social life as well. As we have seen in communities that are the subject of today's hearing, destruction of a church can have devastating effects.

When the fire is accompanied by an explicit or implied threat of violence directed at church members because of their race, these devastating effects are multiplied. In our society, arson of a church attended predominantly by African Americans carries a unique and menacing threat—that those individuals are physically vulnerable because of their race. These threats are intolerable; no one in our society should have to endure them. The Department of Justice is committed to insuring that those who make such threats will be prosecuted and will serve sentences commensurate with the cowardly and despicable nature of their actions.

Tron Brekke, Section Chief of the Corruption/Civil Rights Section of the Federal Bureau of Investigation, and John W. Magaw, Director of the Bureau of Alcohol, Tobacco and Firearms, will discuss the investigative operations of those agencies. I will provide a more general overview of federal prosecutorial activities.

Federal jurisdiction. There are a number of statutes that provide federal jurisdiction over arson at churches. 18 U.S.C. 241 makes it a crime for two or more persons to "injure, threaten or intimidate any person in any State, Territory, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States." Section 241 makes a felony even those fires that do not result in anyone's death, with sentences of up to ten years. Were death to result from a fire, the death penalty could be imposed. We normally argue that, when an African American church is burned by a person intending to intimidate African Americans, the denial of the right or privilege implicated is the guarantee, set forth in 42 U.S.C. 1982, to all citizens of "the same right in every State and Territory, as is enjoyed by white citizens thereof to inherit, purchase, lease, sell, hold and convey real and personal property."

We also have jurisdiction under 18 U.S.C. 247 and 248. Under 18 U.S.C. 247, anyone who "intentionally defaces, damages, or destroys any religious real property, because of the religious character of that property, or attempts to do so," through use of fire, has committed a felony. Subsection (b) of the statute states that the defendant must have traveled in interstate or foreign commerce, or used a "facility or instrumentality of interstate or foreign commerce in interstate or foreign commerce" in committing the crime, and caused more than \$10,000 damage.

Section 844(h) of Title 18 applies when fire or an explosive is used to commit another crime, and section 844(i) of Title 18 prohibits the use of fire when destroying a building used in interstate or foreign commerce. Section 248(a)(3) of Title 18 makes it a crime to "intentionally damage[] or destroy[]" the property of a place of religious worship." As we discuss later, however, our ability to use 248 may be limited.

Successful prosecutions. Investigation of church fires is extremely challenging. Fire often destroys all of the relevant evidence. In addition to examining the evidence at the scene of the fire, many witnesses must be interviewed in order to get a lead, as there are seldom witnesses to an arson at a church, particularly churches located in rural areas, as many of these churches are. There are currently over 200 federal agents from the ATF and FBI assigned to the various fires we are investigating.

We have had successful federal prosecutions, and have secured sentences commensurate with the seriousness of these crimes. Two recent cases demonstrate the type of investigations and prosecutions that vindicate federal rights.

Maury County, Tennessee. In January of 1995, two African American churches and an African American-owned tavern were burned. Local law enforcement investigated, and arrested three suspects, all of whom said the fires were the result of actions they took while intoxicated, and were intended only as a joke. The FBI also investigated, and determined that all three defendants spent a Sunday watching the Super Bowl, drinking, and discussing their hatred of African Americans. The discussion later turned specifically to "burning nigger churches." After gathering various supplies, the defendants first drove to an adjoining county and tried to set fire to the tavern by throwing a molotov cocktail through the window. It failed to ignite. They also burned a cross on the tavern property. They then crossed back into Maury County and went to the Friendship Missionary Baptist Church, an African American church, and threw a railroad tie and molotov cocktail through the window. The fire ignited and caused heavy damage to the church. They also attached a small cross to the church sign and ignited it. They then drove to another African American church, the Canaan African Methodist Episcopal Church, again throwing a molotov cocktail into the church and causing damage, and again leaving a cross on church property.

The FBI obtained inculpatory statements and physical evidence, and identified other persons who later testified before the grand jury concerning the defendants' intent to burn African American churches. Attorneys from the United States Attorney's Office for the Middle District of Tennessee, as well as from the Criminal Section of the Civil Rights Division, participated in the federal prosecution of these three defendants. They also met often with local church officials, not only to keep them apprised of the developments in the federal prosecution, but also to discuss with them the impact of this attack on the members of the church.

The defendants were arrested in August of 1995 on federal charges of violating 18 U.S.C. 241 by conspiring to set fire to the two African American churches and the tavern. They pled guilty to the federal charges in October of 1995. Two of the defendants were sentenced to 33 months in federal prison, and the third to 57 months, for this hate crime.

One reason we decided to proceed with a federal prosecution was that because the tavern firebombing occurred in another county, trial in state court would have required separate state indictments and resulted in the juries in each case seeing only

part of the overall crime. The federal conspiracy charge permitted the full scope and nature of the crime to be presented in one prosecution, and provided certain evidentiary advantages, such as the admissibility of co-conspirator statements. In addition, the sentences these defendants would have received under local law were much less than federal law would permit. The federal sentencing guidelines permitted the court to tailor sentences which reflected the culpability and subsequent cooperation and acceptance of responsibility by the defendants. The government was able successfully to argue at sentencing that the leader of three defendants deserved an enhanced sentence. The federal investigation also revealed that the local firefighters who responded to the first church burning were placed at a substantial risk of death or serious bodily injury by the fire, which also persuaded the court to impose an enhanced sentence. The decision to proceed against these defendants in federal court and on federal charges resulted in sentences that fit the contemptible nature of their actions and the effect of those actions on the members of the churches they attempted to destroy.

Pike County, Mississippi. On April 5, 1993, on the 25th anniversary of the death of Rev. Martin Luther King, Jr., two African American churches in rural southern Mississippi burned to the ground. The FBI, with some cooperation by the local sheriff's department, took the lead in the investigation and identified three suspects, one adult and two juveniles. The Bureau contacted the father of one suspect, and met with the suspect, his father and his attorney. Later, the Bureau agent and a lawyer from the Criminal Section of the Civil Rights Division met with another suspect and the suspect's parents. The suspects admitted setting fire to the churches. The churches were chosen because they were African American churches, and the suspects admitted making racially derogatory remarks, such as "Burn Nigger Burn" and "that will teach you Niggers" when setting the fires.

These fires were set in an area of Mississippi with a disturbing and violent racial past. This prosecution sent a strong message that this sort of violence will not be tolerated. A thorough six month investigation was done, followed by grand jury testimony. On October 1, 1993, all three participants pled guilty to violating 18 U.S.C. 241. Two defendants were sentenced to 37 months in federal prison and one to 46 months.

These are two instances of successful federal investigation and prosecution of hate crimes involving the burning of African American churches. Other fires have been investigated jointly with state and local authorities. Some of these have resulted in state convictions and lengthy sentences.

Increase in reports of church fires. We have found a disturbing increase in the number of fires at churches reported to the Justice Department over the past two years. As of May 1, 1996—only four months into the year—we had received reports of fires at 24 churches, seventeen of which occurred at churches in which the membership is predominantly African American. During 1995, we received reports of fires at 13 churches, and reports of acts of vandalism at three churches that did not involve fires. Eleven of the fires that occurred in 1995 were at African American churches. From 1990 through 1994, we received and investigated reports of fires at only 7 houses of worship, 6 of which were at African American churches, and acts of vandalism at 5 synagogues.

This pattern of church fires has not been limited to one region of the country. The reports of church fires occurring in 1996 have come from Alabama, Georgia, Louisiana, Mississippi, Tennessee, Virginia, South Carolina, and Texas in the southern United States, and also from Arizona, Maryland, and New Jersey. In 1995, we investigated church fires that occurred in Alabama, North and South Carolina, and Tennessee, and also one that occurred at an African American church in Washington state.

Nearly one-quarter of the cases reported to us in 1995 and 1996 have been resolved. Of the 24 fires reported to us as of May 1 of this year, arrests have been made in two cases, and one has been determined to have been accidental. The rest remain under active federal investigation, and we are hopeful that we can bring some to conclusion soon. Of the 13 fires and 3 incidents of vandalism occurring in 1995, 10 remain under active federal investigation. Two investigations have been closed after successful federal prosecution, and one fire was determined to be accidental. Arrests have been made in two of the incidents still under active investigation. The three incidents of vandalism at churches in Alabama were resolved through local prosecution.

We have taken a number of steps to encourage local law enforcement personnel throughout the country and others to contact the FBI and ATF whenever a fire appears suspicious. We have also spoken to church and civil rights leaders in many areas to encourage them to get the word out to their parishioners and members that

fires and acts of vandalism at houses of worship are of serious federal concern, and that they should quickly report these incidents to both local and federal officials.

I recently went to Boligee, Alabama, to visit the sites of recent church argons and to meet with local law enforcement officials as well as officials of the damaged churches. I spoke both of the high priority these cases have in the Department of Justice, and of our need for a close relationship with local law enforcement and local citizens regarding these kinds of actions. I was heartened by the reception I was given by local church officials, and I hope they, and other church members and other citizens around the country fully understand the Department's commitment. I know that Assistant Secretary James Johnson from the Department of the Treasury has also made a number of visits to churches around the country victimized by suspicious fires, and has explained the manner in which the federal government is responding to these fires.

I am sure that local church and community members are as frustrated as we are by those instances in which church fires are not yet solved. I certainly hope that those same officials and citizens understand that we are actively investigating these fires, and doing whatever we can to determine what happened and to make arrests where criminal activity occurred. It is important to remember that argons are among the most difficult crimes to solve. Fire often destroys important evidence. Some of these fires were set at churches located in rural, isolated areas, and for that reason the fires at some were extensive. In some instances, churches burned to the ground. It is not yet clear whether the increase in the number of fires reported to us reflects an increase in the number of fires that have occurred, or reflects an increase in reporting. As I stated earlier, we have actively encouraged local citizens and law enforcement officials to report all fires at houses of worship to federal officials, and recent publicity about some church fires may have encouraged the reporting of others.

It is clear, however, from some of the cases that have been solved, that some of the people who have set fires at houses of worship are motivated by hate. Most of the other cases are still under investigation. As you know, I cannot discuss specifics of any open case. I can say, however, that during our investigation we focus not only on the circumstances of the specific fire before us, but also on whether, if we identify an individual or individuals responsible for the fire, there is any evidence that these individuals have any ties to fires that have occurred elsewhere in the country. Because these investigations are ongoing, it is premature to draw conclusions one way or the other as to whether the fires we are seeing are part of an organized hate movement.

Local cooperation. Cooperation between state and local fire and police officials and federal investigators and attorneys is key to solving suspicious fires. We have had excellent cooperative relationships with state and local police and fire officials in many communities in which the federal agents have been investigating suspicious fires.

In many situations, task forces of state and local police and fire officials and agents from the FBI and ATF have been working jointly to investigate suspicious fires. In Tennessee, a task force of several dozen state, local, FBI and ATF agents has been set up to investigate fires that occurred in 1995 at the Macedonia Missionary Baptist Church in Fruitvale, the Johnson Grove Baptist Church in Madison County, the Mt. Calvary Baptist Church in Hardeman County, and the Salem Baptist Church in Fruitland. Similar task forces have been set up in Alabama to investigate suspicious fires at the Mount Zion Baptist Church, Little Zion Baptist Church and Mount Zoar Baptist Church in Boligee, and at the New Liberty Baptist Church in Tyler. Indeed, the work of the task force in Tyler resulted in local charges being filed against a local volunteer fire fighter. A task force consisting of over 20 state, local and federal agents was established in South Carolina to investigate fires that occurred in June of 1995 at the Mt. Zion A.M.E. Church in Greeleyville and at the Macedonia Baptist Church in Clarendon City. Two arrests have been made in that case, and those individuals are now in federal custody. Similar task forces have been set up to investigate a fire occurring in February of 1996 at the First Southern Baptist Church in Tucson, Arizona, one that occurred in March of this year at the Gays Hill Baptist Church in Jenkins County, Georgia, and fires that occurred on February 1, 1996, at the Cypress Grove Baptist Church, St. Paul's Free Baptist Church, Sweet Home Baptist Church, and Thomas Chapel Benevolent Society, four churches located within a six mile radius of each other in Zachary and East Baton Rouge, Louisiana. A task force of 70 local, state and federal officers has been investigating the January 8, 1996, fire at the Inner City Church in Knoxville, Tennessee. Other taskforces are investigating church fires in Satartia and Smithville, Mississippi, in Barnwell County, South Carolina, and Richmond, Virginia.

In addition to the federal successes I have described, there have also been local investigatory and prosecutorial successes in cases where we and local officials have been involved. There are instances in which, after there has been a joint federal and state effort to investigate a case, local prosecution is the better vehicle. For example, three African-American churches, Bucks Chapel Church, Oak Grove Missionary Baptist Church, and Pine Top Baptist Church in Coatopa, Alabama, were vandalized between February 4 and 5, 1995, causing extensive damage. We agreed to monitor the local prosecution, rather than bring our own charges, because the evidence may not have resulted in an enhanced sentence under federal sentencing guidelines, the state charges carried the same penalty as federal charges, and the defendants had confessed to each element of the state charges. That prosecution resulted in guilty pleas by two of three defendants, ages 22 and 19, who were sentenced to 4½ years in prison, with all but 6 months stayed, and ordered to pay restitution.

In a more recent case, the New Liberty Baptist Church in Tyler, Alabama, an African-American church, was burned on February 28, 1996. A joint federal-state investigation followed, and a volunteer fire fighter has been charged with felony arson by local officials. While the investigation into that fire is continuing, state prosecution in that case may also be the most appropriate action, taking into account the factors I have already mentioned. Local charges have also been filed in a fire in Satartia, Mississippi, after investigation by a taskforce consisting of state, local and federal investigators.

Difficulties with federal jurisdiction. While I mentioned the federal statutes that give us jurisdiction over some fires and acts of vandalism at houses of worship, using those statutes does present some difficulties.

18 U.S.C. 241 applies when we have two or more defendants acting in a conspiracy. While we can get significant jail sentences under Section 241, we can use Section 241 only when we have a conspiracy of two or more persons. When we do not have two or more individuals involved in the fire, Section 241 is not available.

When we are left with only one suspect, our jurisdiction is provided by 18 U.S.C.; Sections 247 or 248. Prosecutions under Section 247 are complicated significantly by the fact that subsection (b) of the statute states that the defendant must have traveled in interstate or foreign commerce, or used a "facility or instrumentality of interstate or foreign commerce in interstate or foreign commerce" in committing the crime, and caused more than \$10,000 damage. These provisions make this statute nearly impossible to use. The \$10,000 requirement means that when the damage from the fire is minimal, or when hate is expressed, not through fire but through desecration or defacement of houses of worship, 18 U.S.C. 247 is not an available source of jurisdiction. In those cases, the message of hate is just as clear, and the effect on the victims often just as palpable and disturbing, but an important law enforcement tool is not available.

18 U.S.C. 248(a)(3) also provides federal jurisdiction in church arsons. While that Section could be a useful tool to address this problem, we believe that the Supreme Court's recent decision in *United States v. Lopez*, 115 S.Ct. 1624 (1995), may make use of that provision more difficult.

Section 844(h) of Title 18 applies when fire or an explosive is used to commit another crime, and section 844(i) of Title 18 prohibits the use of fire when destroying a building used in interstate or foreign commerce. Their utility is limited, however, where no other crime is present, or the interstate commerce nexus is not met.

Conclusion. The Clinton Administration is determined to address this problem using all the law enforcement and investigative tools available, working cooperatively with our federal as well as state and local law enforcement. Solving these crimes, and punishing those responsible, remains a high priority for this Administration.

Mr. HYDE. Thank you, Mr. Patrick.
Mr. Magaw.

STATEMENT OF JOHN W. MAGAW, DIRECTOR, BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

Mr. MAGAW. Thank you, Mr. Chairman, Mr. Conyers, and members of the committee, for providing this forum to discuss the Federal response to the recent series of church fires.

Predominantly, these church fires are African-American. Obviously, they have occurred as predated in the Southeastern United States. The Bureau of Alcohol, Tobacco and Firearms is the arson

investigative agency of the Federal Government, and we bring unparalleled expertise to fire investigations. Today, I would like to highlight ATF's role in working with State and local fire and police authorities, along with the Federal Bureau of Investigation, the Civil Rights Division of the Department of Justice, the U.S. Attorney's Office, and local prosecutors, in investigating these fires.

The burning of churches is particularly heinous. It is a heinous crime because those who would attack our churches seek to strike at our most fundamental liberties and the sources of personal support. For many of us, churches represent the root that nourished the family tree: where family members are baptized, where they're married, where they're eulogized, a place of love, a place of compassion, a place of ethics, a place of forgiveness. African-American churches, historically, have also served as places of sanctuary, centers of the community, and symbols of freedom.

ATF is, and has been, committed to fully applying all of our investigative resources to determine the cause of these fires and arrest those responsible for the arsons. Although ATF has dedicated a significant amount of resources to investigating this unusual increase in the number of church fires, church fires, per se, are not necessarily a new phenomenon. ATF has investigated 135 church fires across the United States since October 1, 1991. However, as depicted in the displayed pie chart, not all church fires that ATF initially investigates are found to be arsons.

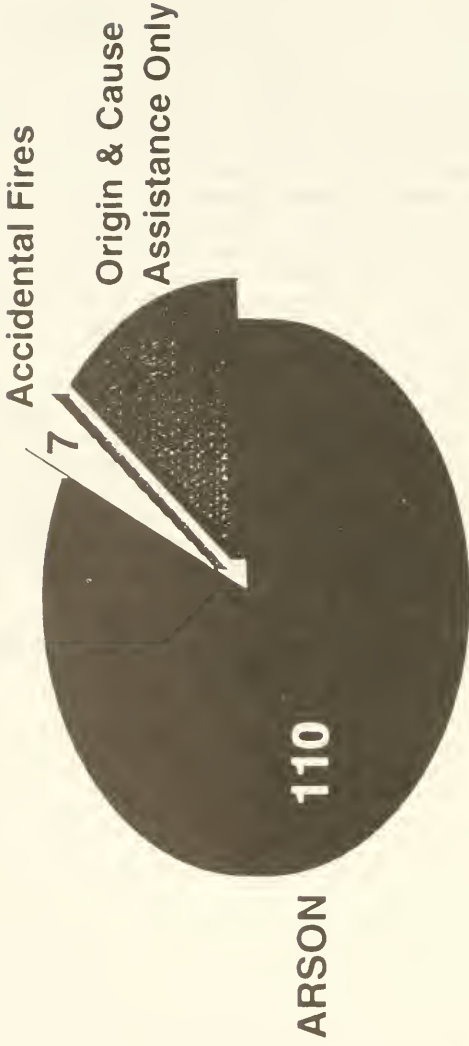
I call to your attention chart one of the 135 church fires, the pie portion that shows the 18 origin and cause determinations.

[The information follows:]

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

All Church Fire Investigations

OCTOBER 1991 TO MAY 15, 1996



5 YEAR TOTAL = 135

CHART # 1

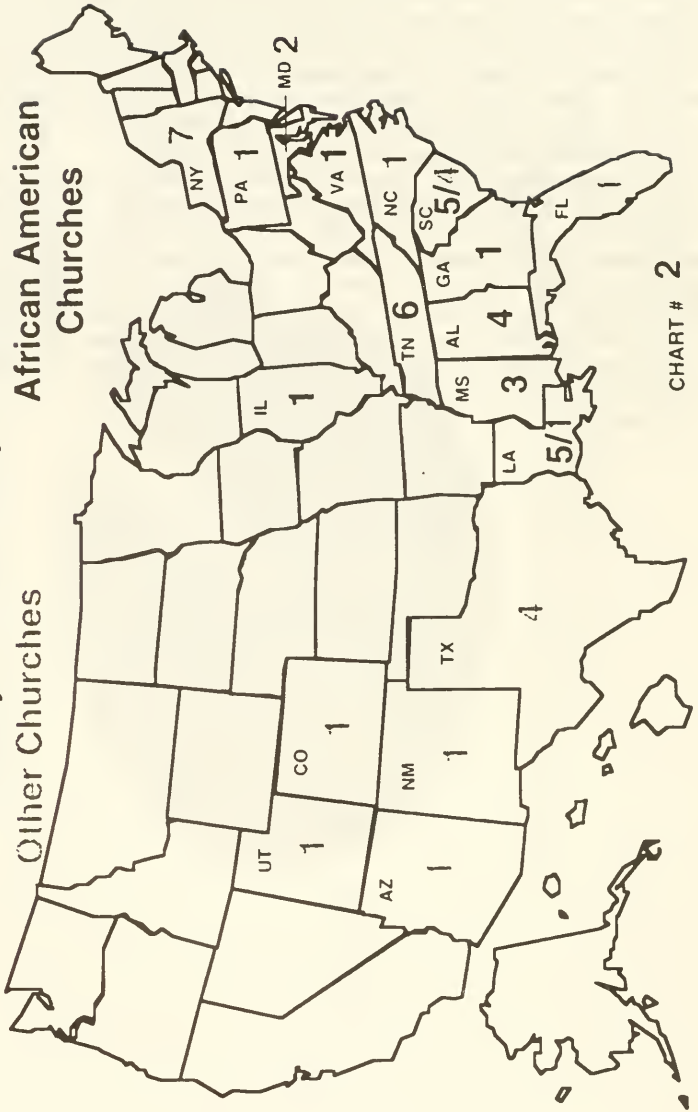
Mr. MAGAW. ATF comes in to help at fire scenes at the request of the local authorities—the local fire departments, police departments, and city and county authorities—and in 18 of those cases we were asked to do the origin and cause investigation. Most of the time that's to back up the opinion of local fire departments. And so that gives you an idea that in seven of those that we went in to help with, they were ruled as accidental. The 110 are clearly arson and clearly those that are being worked.

Since January 1995, approximately 16 months ago, ATF has conducted more than 2,600 fire investigations in the United States. During this same period, ATF has conducted 51 church-fire investigations; 25 of these investigations are arsons which occurred at predominately African-American churches in the southeast. These include six in Tennessee; five each in Louisiana and South Carolina; four in Alabama; three in Mississippi; and one each in Virginia and Georgia. These locations are reflected in the displayed map that you now see.

[The information follows:]

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
Current Church Arson Investigation Locations

January 1, 1995 to May 15, 1996



Mr. MAGAW. If you look in the southeast, you can see the red figures: those are African-American churches. In Tennessee, for instance, you will see six. Look at South Carolina: you will see that there are nine church fires in South Carolina; five are African-American, four are "other." And you can see the distribution in Texas: there are four "other"; that bears watching. And up in New York; see, there's seven up in New York. That bears watching, also.

But the point that we want to be sure and make is that there are far more church fires in the United States per year than probably most of the public realizes, and, primarily, our judgment is, is that's because they are not occupied a large percentage of the time, and especially in accidental fires, they develop into full-fledged fires before anybody notices them.

As you know, these investigations are ongoing and, therefore, I am unable to go into details about the specifics of these fires. However, I can tell you as of May 15, 1996, there have been two individuals arrested in connection with fires in Williamsburg County and Manning, SC. In addition, there have been three arrests in Lexington County, SC; one arrest in Tyler, AL; and another one in Sartartia, MS. I am confident that we will make additional arrests in the near future.

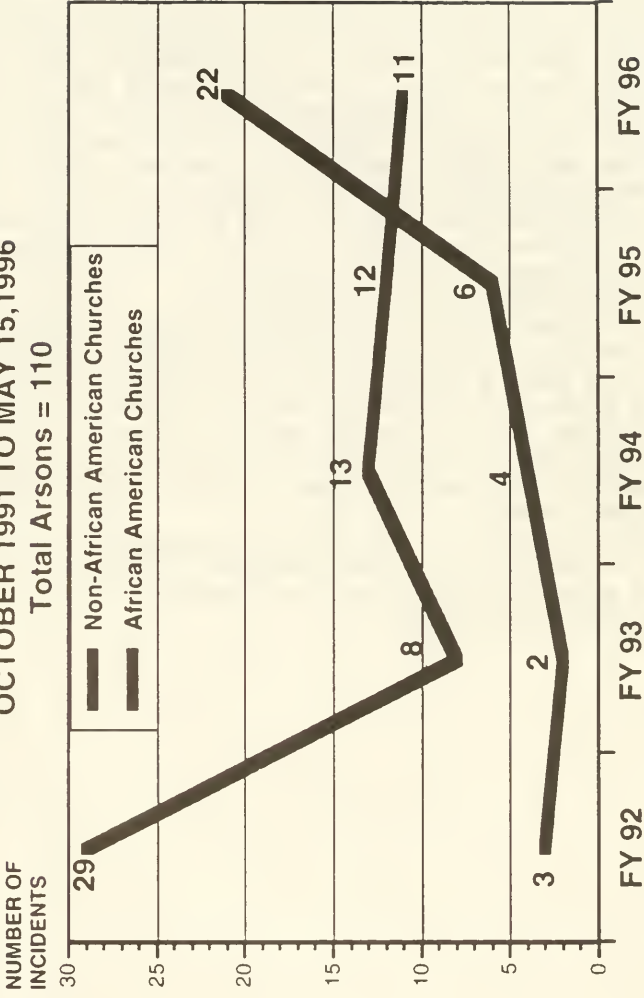
The concentrations of arsons at African-American churches depicted on the line chart now displayed in chart No. 3, raises the obvious possibility of race, hate-based motives.

[The information follows:]

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
Church Arson Investigations

OCTOBER 1991 TO MAY 15, 1996

Total Arsons = 110



FY 96

Year to Date

CHART # 3

Mr. MAGAW. Because of the potential of racial motives and the possibility that some fires may be connected, there has been an extraordinary degree of coordination between all the various agencies that I prementioned. You can see that back in 1992, we had 29 non-African-American church fires, and so you can that spike there.

I believe what ATF has to do in the future is monitor this increase as we go along. For instance, you can see back in 1994, there were four; now, that doesn't seem like very many fires in 1994 in the African-American community, but if you back up and pick two up in 1993 and then pick up six in 1995, you can see it climbing. So, anytime that we see a climb, we feel that we're going to have to pay attention to it—possibly a little quicker than we did this time. But then you'll see it climb then, since January 1996—the peak in the red, which is the African-American churches. It kind of gives you an idea of how that progressed.

There are indications of a conspiracy involving at least two fires in South Carolina. We have not yet, Mr. Chairman—and I emphasize “not yet”—found any evidence of an interstate or national conspiracy, but until our work is done, no motive or suspect will be eliminated. Therefore, I caution that no one should draw premature conclusions, pro or con, reference a conspiracy—that is, linking fires, one with the other.

ATF derives its authority to investigate arson incidents from 18 U.S.C., section 844(i), which makes it a Federal crime to use explosives or fire to destroy property affecting interstate commerce. The legislative history of this law makes it clear that Congress intended it to cover churches and synagogues. ATF's resources allow a response that is multifaceted. Up to 100 ATF personnel have been assigned to the active investigations in the southeast. We have employed all of ATF's investigative resources, such as our national response teams, our certified fire investigators, and ATF-trained, accelerant-detecting canines to help process these scenes which—you've seen before—are very difficult in which to work. We have also drawn upon the expertise of our financial auditors, intelligence research specialists, behavioral scientists—the profilers, if you will—and chemists who specialize in arson and explosives analyses.

In addition, we are conducting cold-case reviews. Three of our most experienced arson investigators are reviewing cases in which local agents have exhausted all investigative leads. These experts will take a fresh look at each case to analyze the evidence collected and develop new strategies where possible. We are also initiating a toll-free hotline to facilitate the reporting of information relating to the arsons. Typically, ATF is notified of fire incidents by the local fire or police departments throughout the United States who request our assistance. On the African-American church fires, we are working in concert with over 20 State and local law enforcement and fire agencies, as well as—I mentioned before—the FBI, the Civil Rights Division of the Department of Justice, the U.S. attorneys, and local prosecutors. And that teamwork, I believe, has gone very, very well and gets better day-by-day.

ATF has joined with various agencies to offer separate rewards for information leading to the arrest and conviction of those responsible for the fires in Tennessee, Louisiana, South Carolina, and

Alabama. These rewards together total \$150,000. There has been an understandable concern in the affected communities about whether everything possible is being done to address these fires. Therefore, ATF has taken steps to keep these communities informed of our efforts. We have visited with the churches, with the communities, with the pastors, and at the same time, to keep ourselves abreast of their concerns.

The crime of arson is a difficult crime to detect and investigate and solve. Investigations demand time and tenacity. It is not unusual for the length of an arson investigation to be measured in months or years, rather than in days or weeks, making persistence and expertise critical in solving these crimes. For example, last year ATF agents were instrumental in solving a 40-year-old arson and murder case which was very special in the Chicago area. A 5-year investigation by ATF that commenced nearly 35 years after the crimes were committed, resulted in the conviction of an arsonist, now serving a 300-year sentence. He had ignited the fire to cover the molestation and murder of three young boys. While this may be an extremely unusual example, what it does show is that we are committed to whatever length of time the investigation demands. It is interesting to note that we have a 72-percent solve-rate of church arson cases that have been closed since 1991.

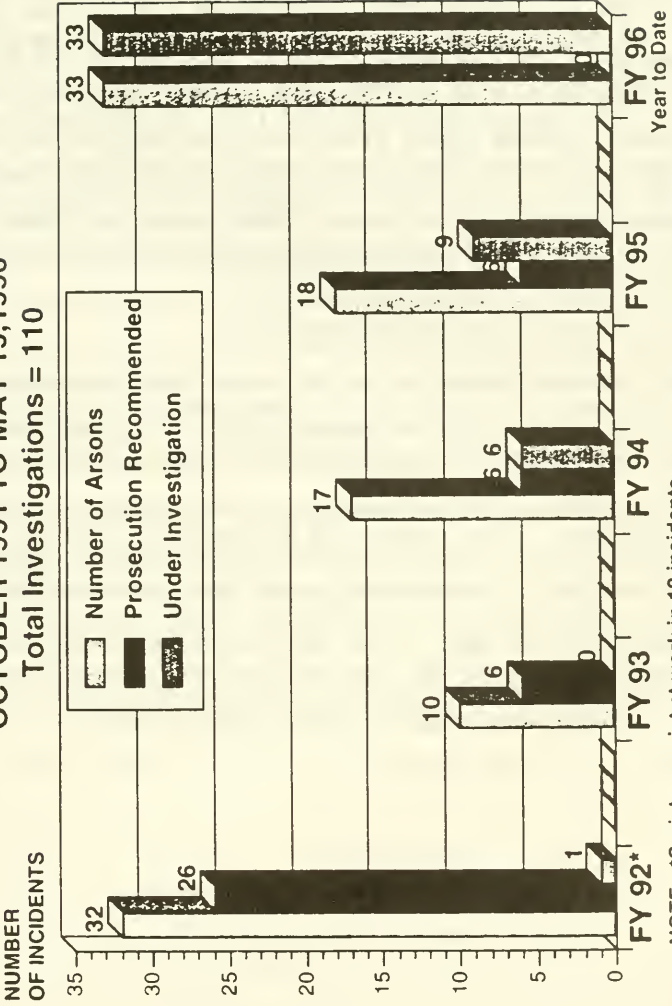
The bar chart now being put on display depicts the number of church arsons investigated by ATF and conducted annually in the past 5 years.

[The information follows:]

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
Church Arson Investigations

OCTOBER 1991 TO MAY 15, 1996

Total Investigations = 110



NOTE: *Serial arsonist at work in 12 incidents.

CHART # 4

Mr. MAGAW. The point that I really wanted to make here with this chart, Mr. Chairman, is if you would look at fiscal year 1992, the red bar on this bar chart indicates the "prosecution recommended," and you can see how in 1992 that bar is rising. It is still rising today, and we want that last one to go into the red category. You'll see in 1993, 1994, and 1995 that that red line is showing there, and we expect in all 3 of those years for that red line to grow in the next few years to come. In 1996 you see no red bar at all. There are a number of pending prosecutions; there are a number of things taking place in the fires in the South and you will see that red bar grow, I think as dramatically as you did in 1992, but it does take a little bit of time.

Mr. HYDE. Thank you, Mr. Magaw.

Mr. MAGAW. I just had one more thing.

Mr. HYDE. Oh, I'm sorry.

Mr. MAGAW. The arsons at African-American churches do more than devastate a structure, a congregation, or a community. After all, of all the civil rights advances that have been achieved over the past three decades, the specter of hate-based motive is disheartening.

Mr. Chairman, we will continue to vigorously pursue all investigation leads—and I repeat—all investigative leads with all of the other organizations that I had mentioned before in order to solve these arsons and remove the concern and apprehension that they have evoked. Thank you, sir, for the opportunity to address these issues that have been raised and the ability to further acquaint you, and this committee, and the American public of our effort in this area, and I'll be happy to answer questions as we move along.

[The prepared statement of Mr. Magaw follows:]

PREPARED STATEMENT OF JOHN W. MAGAW, DIRECTOR, BUREAU OF ALCOHOL,
TOBACCO AND FIREARMS

Thank you, Mr. Chairman, Mr. Conyers, and members of the Committee, for providing this forum to discuss the Federal response to the recent series of church fires, predominately African-American, that have occurred in the Southeastern United States. The Bureau of Alcohol, Tobacco and Firearms is the arson investigative agency of the Federal government, and we bring unparalleled expertise to fire investigations. Today, I'd like to highlight ATF's role in working with State and local fire and police authorities, the Federal Bureau of Investigation, and the Civil Rights Division of the Department of Justice in investigating these fires. The burning of churches is a particularly heinous crime because those who would attack our churches seek to strike at our most fundamental liberties and sources of personal support. African-American churches historically have served as places of sanctuary, centers of the community, and symbols of freedom. ATF is committed to fully applying all of our investigative resources to determine the cause of these fires and arrest those responsible for the arsons.

Although ATF has dedicated a tremendous amount of resources to investigating this unusual increase in the number of church fires, church fires are not necessarily a new phenomenon. According to statistics compiled by the National Fire Data Center (NFDC) in the U.S. Fire Administration, 179 church fires were

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reported in 1994. The NFDC estimates that the statistics represent half of the actual number of fires which occur each year. ATF has investigated 135 church fires across the United States since October 1, 1991. However, as depicted in the displayed pie chart, all church fires that ATF initially investigates are not determined to be arsons.

CURRENT CHURCH FIRE INVESTIGATIONS

Since January 1995, ATF has conducted more than 2,600 fire investigations. During this same period, ATF has conducted 51 church fire investigations. Twenty-five of these investigations are arsons which occurred at predominately African-American churches in the Southeast. These include six in Tennessee; five each in Louisiana and South Carolina; four in Alabama; three in Mississippi; and one each in Virginia and Georgia. These locations are reflected in the displayed map chart. As you know, these investigations are ongoing and, therefore, I am unable to go into detail about the specifics of these fires. I can tell you that, as of May 15, 1996, there have been two individuals arrested in connection with fires in Williamsburg County and Manning, South Carolina. In addition, there have been three arrests in Lexington County, South Carolina; one arrest in Tyler, Alabama; and another in Satartia, Mississippi. I am confident that we will make additional arrests in the near future.

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The concentration of arsons at African-American churches, depicted on the line chart, raises the obvious possibility of race/hate-based motives. The proximity in time and geographic region indicates the possibility that some of the fires are connected. Because of the potential of racial motives, and the possibility that some fires may be connected, there has been an extraordinary degree of coordination of the various investigations. We are always aware of the possibility that evidence and information developed in one investigation might provide valuable leads in another. While the targets, timing, and locations of the arsons have resulted in heightened attention to race/hate-based motives and possible connections, ATF must also examine all other possible motives for the fires. Motives can range from blatant racially motivated crimes to financial profit to simply personal revenge or vandalism. In any event, the motive in one arson does not automatically speak to the motive in another arson or series of arsons. A conspiracy was uncovered involving at least two fires in South Carolina. We have not yet found any evidence of an interstate or national conspiracy, but until our work is done no motive or suspect will be eliminated.

ATF'S APPLICATION OF RESOURCES

ATF derives its authority to investigate arson incidents, in part, from 18 U.S.C. Section 844(i) which makes it a Federal crime to use explosives or fire to destroy property affecting

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interstate commerce. Pursuant to a Memorandum of Understanding between ATF, the FBI, and the U.S. Postal Service, ATF has primary jurisdiction to investigate violations of Section 844(i). The legislative history of this law makes it clear that Congress intended it to cover churches and synagogues. The interstate nexus generally flows from national or international affiliations that involve the movement of funds, property, and other support services across State boundaries.

ATF's resources allow a response that is multifaceted. We have committed virtually every arson investigative resource at our disposal to the investigation of the African-American church fires. Approximately 100 ATF special agents have been assigned to the active investigations in the Southeast. We have employed all of ATF's investigative resources, such as our National Response Teams, Certified Fire Investigators, and ATF-trained accelerant detecting canines to help process the crime scenes. Evidence collected at the scene has been forwarded to the ATF National Laboratory for critical analyses. Other investigative assets used include ATF financial auditors, intelligence research specialists, behavioral scientists/arson profilers, and polygraph examiners. To research past incidents which are similar in nature, investigators query the Explosives Incidents System (EXIS), a data base maintained by ATF which includes information on explosives and arson incidents within the United States. Moreover, the multi-agency task forces are utilizing ATF's ASCME

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(Advanced Serial Case Management) system. ASCME is a computer-based investigative lead tracking system which sorts and correlates information to aid investigators in identifying linkages and generating leads.

Our National Response Team is composed of veteran special agents having post blast and fire origin and cause expertise. They are equipped with state-of-the-art investigative tools, specially designed crime scene vehicles, and the latest in advanced training. Our Certified Fire Investigators have many years of experience and have completed a minimum of 2 years of intense training in the area of fire origin and cause. They are, in fact, the only Federal investigators who are qualified to testify as experts as to the origin and cause of fire in Federal court. ATF's National Laboratories carry the prestigious certification of the American Society of Crime Laboratory Directors.

Additionally, we are conducting cold case reviews. Three of our most experienced arson investigators are reviewing all cases in which local agents have exhausted all investigative leads. These experts will take a fresh look at each case to analyze the evidence collected and to develop new strategies. Finally, we are instituting a 1-888-ATF-FIRE toll-free hotline to facilitate the reporting of information relating to the arsons.

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COOPERATIVE EFFORTS

We share our expertise with State and local law enforcement, prosecutors, and insurance industry investigators through innovative training programs at the Federal Law Enforcement Training Center and at State and local training centers nationwide. Typically, ATF is notified of fire incidents by local fire or police departments throughout the United States who request our assistance. On the African-American church fires, we are working in concert with over 20 State and local law enforcement and fire agencies, as well as with the FBI, the Civil Rights Division of the Department of Justice, U.S. Attorneys' offices, and local prosecutors. ATF has joined with various agencies to offer separate rewards for information leading to the arrest and conviction of those responsible for the fires in Tennessee, Louisiana, South Carolina, and Alabama. These rewards together total \$150,000.

There has been an understandable concern in the affected communities about whether everything possible is being done to address these fires. Therefore, ATF has taken steps to keep these communities informed of our efforts and to keep ourselves abreast of their concerns. We have attended several community forums ranging from the more formal Southeast Regional Conference of the National Association for the Advancement of Colored People (NAACP) in Huntsville, Alabama, to a town hall

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meeting in Baton Rouge, Louisiana. We also attended an informative breakfast meeting at Birmingham's Sixteenth Street Baptist Church, site of the 1963 bombing which claimed four young victims, and met with community members at the rebuilt Macedonia Church in Tennessee. We also participated in a conference on Hate Crimes and Church Fires in Birmingham, Alabama. Community leaders from the Birmingham area attended to discuss the African-American community's relationship with law enforcement. An ATF representative is currently scheduled to address 400 members of the NAACP of North Carolina.

GOOD O' BOYS ISSUES ADDRESSED

Concerns about ATF's commitment to solving these arsons have been raised as a result of the attendance by some ATF agents at what has become known as the Good O' Boys Roundup. The Treasury Department investigation of the Roundup found that no ATF agents attending these events participated in any racist behavior. However, since the release of the Treasury Inspector General's report, we have ensured that no agents are assigned to the church fires who had attended this event in years in which racist activity occurred. While we have the highest regard for the integrity of our agents, we do not want to place them in a position where their investigations might be questioned as a result of their attendance at the Roundups.

COMMITMENT TO SOLVING FIRES

The crime of arson is a difficult crime to detect, investigate, and solve. Investigations can demand time and tenacity. Valuable evidence is often destroyed in the fires and there are seldom witnesses. Many of the church fires are even more problematic because the location is remote and the fires are not immediately detected or reported. Investigators must rely on years of experience and crime scene expertise to generate investigative leads. It is not unusual for the length of an arson investigation to be measured in months or years, rather than days or weeks, making persistence and expertise critical in solving these types of crimes.

For example, last year ATF agents were instrumental in solving a 40 year-old arson/murder case in the Chicago area. A 5-year investigation by ATF, commenced nearly 35 years after the crimes were committed, resulted in the conviction of the arsonist, now serving a 300-years sentence. He had ignited the fire to cover the molestation and murder of three young boys.

Between August 1992 and January 1993, the Seattle-Tacoma area experienced 130 incendiary fires, a dramatic increase in arson incidents. It became quickly apparent that a remorseless serial arsonist was at work. His targets proliferated from unoccupied dwellings such as churches and warehouses to occupied residences,

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burned under the cover of darkness. In response, ATF organized the Sno-King Task Force which included approximately 30 Federal, State, and local agencies. In early 1993, the task force arrested Paul Keller who pled guilty to 32 counts of arson and three counts of murder. He was sentenced to 75 years for the arsons and 99 years for the murders.

On February 14, 1995, a residential fire occurred in Pittsburgh, Pennsylvania, which claimed the lives of three firefighters and injured three others fighting the blaze. After an origin and cause investigation conducted by ATF and Pittsburgh authorities determined arson as the cause, ATF assumed the lead investigative role and conducted an extensive investigation. As a result, two individuals were charged with three counts of homicide, arson, insurance fraud, and criminal conspiracy.

We are committed for whatever length of time the investigation demands. The bar chart currently being displayed depicts the number of church arson investigations that ATF has conducted annually for the past 5 years. Of the church arsons that we have investigated since 1991, 72 percent have been solved. We have every reason to believe that additional cases will also be solved.

The arsons at African-American churches do more than devastate a structure, congregation, or community. After all of the civil

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rights advances that have been achieved over the past three decades, the specter of a hate-based motive is disheartening. Mr. Chairman, we will continue to vigorously pursue all investigative leads in order to solve these arsons and remove the fear that these fires have evoked.

Thank you for the opportunity to address the concerns that have been raised and to further acquaint you with our efforts in this area. I will be happy to answer any questions that you may have.

NOTE

**The ATF statistics contained herein and on the accompanying chart are as of May 15, 1996. It should be pointed out that these statistics are constantly changing as new fires occur and the status of on-going investigations change.

Mr. HYDE. Thank you, Mr. Magaw. One of the institutional limitations that we have is time, but everything you have had to say and will have to say is of vital importance, so the task of having to condense what you say without losing its meaning and flavor is not an easy one, and I recognize that, and I thank you.

Mr. Brekke.

STATEMENT OF TRON W. BREKKE, CHIEF, CORRUPTION/CIVIL RIGHTS SECTION, CRIMINAL INVESTIGATIVE DIVISION, FEDERAL BUREAU OF INVESTIGATION

Mr. BREKKE. Mr. Chairman, members of the committee, on behalf of FBI Director Louis J. Freeh, I appreciate the opportunity to testify before you today.

I have submitted a formal statement for the record, but at this time will limit my comments to a brief statement concerning the scope and nature of the problem of church burning and the FBI's efforts to address these intolerable crimes. The FBI shares the obvious concern of this committee, the Congress, and the American public about these cowardly and heinous acts directed at institutions that historically and symbolically represent one of the most basic tenets of our society: religious freedom. The damage, destruction, or desecration of a church or other religious facility, whether by arson or other means, can also have a very real and devastating impact on the church members, the local community, and entire segments of our population.

Through the foresight of Congress, the FBI has been given the jurisdiction to investigate these heinous crimes under certain specific civil rights statutes. We are committed to timely, vigorous, and thorough investigation of potential violations of those statutes, as well as to the enforcement of the provisions contained therein. We are particularly sensitive to those crimes that appear to have racial, religious and/or ethnic hatred as a motivation. While we are acutely aware of the sensitivities of these church arson investigations, they are criminal matters which demand that a logical, fact-based protocol be employed to solve them. As such, substantial consideration is given to the possible motivations for the burning of a church or other religious facility. However, these considerations alone cannot control the direction of our investigations. The focus and direction of our investigative efforts must be consistent with and influenced by the available evidence.

For example, the evidence will be analyzed to determine if there is a relationship among these arsons or if an incident is totally unrelated to other crimes. In this context, FBI headquarters is ensuring a coordinated investigation among all of the FBI field divisions involved in pending church arson investigations. We have also directed that all FBI field offices remain alert for any information or intelligence related to past arson-related activity, or planned arsons in the future.

On a local, statewide, regional, and national basis, our coordinated approach to these investigations has insured that, when warranted, all of the FBI's investigative tools and techniques are utilized to their maximum advantage, the goal being to expeditiously bring a prosecutable case to the appropriate Federal or State prosecutors, to punish those responsible and to deter others from com-

mitting these reprehensible acts. Close cooperation between all interested Federal, State, and local agencies is critical to achieving the goals of our investigations. We have been extremely fortunate in the church arson investigations to have developed both formal and informal task forces with ATF and other State and local agencies. Their expertise and experience in the forensics of fire investigations, coupled with the local knowledge they possess, has been invaluable. This is particularly true with respect to the South Carolina Law Enforcement Division and their chief, Robert Stewart, who is here today.

Similarly, we recognize a responsibility to the affected congregations and communities to cooperate and communicate with them to help mitigate the trauma of these crimes, advise them of investigative steps taken, and solicit their active participation and assistance in providing information relating to those incidents. These steps have been taken in most of the areas where the majority of the arsons have occurred.

I'll skip over a little bit in the sake of time, here.

Mr. HYDE. We've given others a little more time, so don't feel foreclosed.

Mr. BREKKE. No. In conclusion, I would like to highlight that the FBI recognizes the impact that these heinous crimes are having on the communities in which they occur. The members of churches, synagogues, mosques and other houses of worship, their communities, and the American public deserve a commitment by law enforcement to pursue these crimes aggressively and effectively. The FBI has made and will continue to make that commitment.

Again, I appreciate the opportunity to appear before you today, and I welcome any questions you may have. Thank you very much.

[The prepared statement of Mr. Brekke follows:]

PREPARED STATEMENT OF TRON W. BREKKE, CHIEF, CORRUPTION/CIVIL RIGHTS SECTION, CRIMINAL INVESTIGATIVE DIVISION, FEDERAL BUREAU OF INVESTIGATION

ON BEHALF OF DIRECTOR LOUIS J. FREEH, I APPRECIATE THE OPPORTUNITY TO TESTIFY BEFORE YOUR COMMITTEE AND TO DISCUSS ISSUES RELATING TO THE ARSONS OF CHURCHES. THE FBI SHARES THE CONCERN OF CONGRESS AND THE AMERICAN PUBLIC ABOUT THESE HEINOUS ACTS AND IS TAKING AN AGGRESSIVE STANCE IN ADDRESSING THESE CRIMES. MY COMMENTS TODAY WILL FOCUS ON THE FBI'S UNDERSTANDING OF THE SCOPE AND NATURE OF THE PROBLEM OF CHURCH BURNINGS AND ON THE FBI'S EFFORTS TO ADDRESS THE INDIVIDUAL CRIMES. THE ONLY LIMITATION TO MY COMMENTS IS THE FACT THAT MANY OF THESE CRIMES ARE THE SUBJECTS OF PENDING INVESTIGATIONS. AS SUCH, SPECIFIC DETAILS OF THESE INVESTIGATIONS CANNOT BE DISCUSSED.

WHY ARE CHURCHES THE VICTIMS OF ARSONS? OBVIOUSLY SOME FIRES ARE ACCIDENTAL - CAUSED BY ELECTRICAL MALFUNCTION, HUMAN ERROR, OR AN ACT OF NATURE. IN FACT, SOME CHURCH FIRES INITIALLY REPORTED TO THE FBI AS POTENTIAL ARSONS HAVE BEEN DETERMINED TO BE ACCIDENTALLY CAUSED. ONE EXAMPLE IS THE DECEMBER 11,

1995 FIRE AT THE JERUSALEM BAPTIST CHURCH IN BOLIGEE, ALABAMA. IT WAS INITIALLY REPORTED IN USA TODAY AS AN ARSON, BUT WE SUBSEQUENTLY DETERMINED IT WAS DUE TO AN ELECTRICAL PROBLEM. ALSO, THE APRIL 7, 1996 FIRE AT THE ST. PAUL PRIMITIVE BAPTIST CHURCH IN LAUDERDALE, MISSISSIPPI, TO WHICH THE FBI IMMEDIATELY RESPONDED BELIEVING IT TO BE AN ARSON, WAS ACTUALLY UNINTENTIONALLY CAUSED BY A CIGARETTE DISCARDED BY A MEMBER OF THE CHURCH.

HOWEVER, ACCIDENTAL FIRES SHOULD NOT DISTRACT US FROM THE ISSUE BEFORE US TODAY. UNFORTUNATELY, THERE ARE CHURCH FIRES THAT HAVE BEEN DELIBERATELY SET. A CHURCH, AFTER ALL, IS AN EXTREMELY VULNERABLE TARGET. BY ITS VERY NATURE, A CHURCH IS ACCESSIBLE TO THE COMMUNITY IT SERVES, OFTEN LACKING ANY SECURITY SYSTEM BEYOND A LOCK ON THE DOOR. MANY CHURCHES ARE LOCATED IN REMOTE AND ISOLATED AREAS WHERE THEY SERVE THEIR PARISHIONERS WELL, BUT WHERE THEY ARE FREQUENTLY OUT OF SIGHT OF ANY POTENTIAL WITNESSES. ADMITTEDLY, THIS IS

ONLY A PARTIAL ANSWER TO THE REAL QUESTION AS TO WHY OUR CHURCHES ARE BEING TARGETED FOR ARSON.

FROM FBI INVESTIGATIVE EXPERIENCE, THE 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 IDENTIFIED THROUGH A THOROUGH INVESTIGATION. FOR EXAMPLE, PATRICK LEE FRANK, WHO WAS CHARGED IN CONNECTION WITH 17 CHURCHES BURNED IN FLORIDA, CLAIMED THAT THE CHURCHES FORCED HIM TO STEAL CARS AND TO HAVE HOMOSEXUAL URGES. IN 1993 IN ARKANSAS, TWO CAUCASIAN VOLUNTEER FIREMEN SET FIRE TO A BAPTIST CHURCH WITH A PREDOMINANTLY WHITE CONGREGATION IN ORDER TO GET RECOGNITION FOR THEIR FIRE DEPARTMENT.

CHURCHES, AS A VERY VISIBLE COMMUNITY INSTITUTION, CAN ALSO BE TARGETED BY PYROMANIACS. WE ALSO CANNOT 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 AND INVOLVEMENT IN CHURCH ARSONS.

FOR MANY YEARS, THE FBI HAS HAD JURISDICTION IN THE INVESTIGATION OF CHURCH ARSONS UNDER TITLE 18, UNITED STATES CODE, SECTION 241, "CONSPIRACY AGAINST RIGHTS." THIS SECTION REQUIRES A FACTUAL INDICATION THAT TWO OR MORE INDIVIDUALS CONSPIRED TO DEPRIVE INDIVIDUALS OF THEIR RIGHT TO USE CHURCH PROPERTY FREE OF DISCRIMINATION. IN 1988, TITLE 18, SECTION 247, "DAMAGE TO RELIGIOUS PROPERTY; OBSTRUCTION OF PERSONS IN THE FREE EXERCISE OF RELIGIOUS BELIEFS," WAS ENACTED, IN PART, TO SPECIFICALLY ADDRESS THE INTENTIONAL DAMAGE, DESTRUCTION, OR DEFAACEMENT OF ANY RELIGIOUS REAL PROPERTY. HOWEVER, SECTION 247 ESTABLISHED, AS A LEGAL REQUIREMENT, THAT IN COMMITTING THE CRIME, THE DEFENDANT

MUST HAVE EITHER TRAVELED IN INTERSTATE OR FOREIGN COMMERCE, OR MUST HAVE USED A FACILITY OR INSTRUMENTALITY OF INTERSTATE OR FOREIGN COMMERCE. ADDITIONALLY, THE LOSS RESULTING FROM THE DEFAACEMENT, DAMAGE OR DESTRUCTION MUST EXCEED \$10,000. WHILE SPECIFICALLY ADDRESSING VIOLENCE DIRECTED AT RELIGIOUS FACILITIES, THE STATUTORY REQUIREMENTS OF HAVING TO PROVE AN INTERSTATE NEXUS AND A MONETARY LOSS IN EXCESS OF \$10,000, LIMITED THE NUMBER OF INVESTIGATIONS THAT THE FBI COULD OPEN.

IN MAY 1994, THE PRESIDENT SIGNED INTO LAW THE FREEDOM OF ACCESS TO CLINIC ENTRANCES ACT. THIS STATUTE, TITLE 18, UNITED STATES CODE, SECTION 248, LIKE SECTION 247, ADDRESSES THE DAMAGE, DESTRUCTION, OR DEFAACEMENT OF RELIGIOUS PROPERTY, BUT UNLIKE SECTION 247, DOES NOT REQUIRE ANY THRESHOLD DOLLAR AMOUNT OF LOSS, OR THE TRAVEL IN INTERSTATE OR FOREIGN COMMERCE, OR THE USE OF A FACILITY OF INTERSTATE OR FOREIGN COMMERCE. THE FIRST VIOLATION OF THIS SECTION IS ONLY A MISDEMEANOR.

WITH THE ENACTMENT OF THE AFOREMENTIONED STATUTES, CONGRESS HAS DEMONSTRATED ITS RECOGNITION OF THIS SPECIFIC CRIME PROBLEM AND ITS AFFECT ON THE AMERICAN PEOPLE. THESE CHURCH ARSONS ARE NOT MERELY ATTACKS ON A BUILDING WHEREIN THE DAMAGE IS LIMITED TO A SPECIFIC DOLLAR AMOUNT. THE REAL VICTIMS ARE THE MEMBERS OF THE CONGREGATION, THEIR PASTORS, AND THEIR COMMUNITIES. IT IS INDEED FORTUNATE THAT THIS COMMITTEE IS HAVING THESE HEARINGS WHEREIN CONSIDERATION CAN BE GIVEN TO THE ADEQUACY OF THE CRIMINAL PENALTIES PROVIDED FOR THOSE CONVICTED OF THESE CRIMES, AS WELL AS THE DETERRENT EFFECT THOSE PENALTIES MIGHT HAVE ON THOSE CONTEMPLATING COMMITTING SUCH CRIMES.

AS OF MAY 20, 1996, THE FBI HAD 42 PENDING INVESTIGATIONS INVOLVING CHURCH ARSONS OR SUSPECTED ARSONS WHICH HAVE OCCURRED IN 15 STATES. OF THIS TOTAL, 33 CHURCHES WERE PREDOMINANTLY AFRICAN-AMERICAN AND THE OTHER 9 WERE PREDOMINANTLY CAUCASIAN. THE FBI BECAME AWARE OF THESE FIRES BY A VARIETY OF MEANS. WE

HAVE BEEN NOTIFIED BY LOCAL AUTHORITIES, THE BUREAU OF ALCOHOL, TOBACCO AND FIREARMS (ATF), OR BY THE MEDIA. UNFORTUNATELY, THERE MAY BE MANY MORE CHURCH ARSONS WHICH HAVE OCCURRED BUT WERE NOT REPORTED TO THE FBI. THIS IS PARTIALLY DUE TO THE NATURE OF FIRE INVESTIGATIONS AND THE INHERENT DIFFICULTY ASCERTAINING ARSON AS A CAUSE. ALSO, THE FBI'S JURISDICTION AND INVOLVEMENT IN THIS TYPE OF INVESTIGATION IS NOT WIDELY KNOWN. FOR BOTH OF THESE REASONS, DIRECTOR FREEH RECENTLY ORDERED ALL FBI FIELD OFFICES TO CANVASS ALL STATE AND NATIONAL ORGANIZATIONS WHICH MIGHT HAVE INFORMATION ON THE BURNING OF CHURCHES TO ATTEMPT TO DETERMINE THE ACTUAL NUMBER OF CHURCHES WHICH MAY HAVE BEEN DELIBERATELY SET ON FIRE SINCE 1990. THIS SURVEY IS CURRENTLY ONGOING.

OF THE 42 PENDING FBI INVESTIGATIONS, 32 CHURCH FIRES HAVE OCCURRED IN THE SOUTHEAST ALONE: ONE IN VIRGINIA; TWO IN NORTH CAROLINA; SEVEN IN SOUTH CAROLINA; ONE IN GEORGIA; FOUR IN ALABAMA; FIVE IN LOUISIANA; FOUR IN MISSISSIPPI; ONE IN KENTUCKY; AND SEVEN IN TENNESSEE. ALL

BUT TWO OF THESE ARSONS HAVE OCCURRED SINCE JANUARY 1995, AND ALL BUT THREE OF THE CHURCHES INVOLVED ARE PREDOMINANTLY AFRICAN-AMERICAN.

SOME CHURCH ARSONS IN THE SAME LOCALITY APPEAR TO HAVE SIMILARITIES. THESE SIMILARITIES INVOLVE TIMES, DATES AND LOCATIONS OF THE FIRES; THE MEANS AND METHODS BY WHICH THE FIRES WERE STARTED; AND FORENSIC EVIDENCE GATHERED AFTER THE INCIDENTS. WHILE PRESUMPTIONS COULD BE MADE THAT THE SAME INDIVIDUAL OR INDIVIDUALS COMMITTED THESE CRIMES, THE FBI CANNOT AFFORD TO LIMIT OUR INVESTIGATIVE EFFORTS BASED ON ASSUMPTIONS. WE HAVE TO BE ABLE TO FACTUALLY LINK THE ARSONS AND TAKE THE INVESTIGATIONS TO WHEREVER THEY LEAD.

THE FBI'S GOAL IS TO SOLVE EACH AND EVERY CHURCH ARSON THROUGH LOGICAL, FACT-BASED INVESTIGATION. THIS IS DEPENDENT ON A THOROUGH AND EXHAUSTIVE INVESTIGATION OF EVERY INDIVIDUAL INCIDENT. CONTEMPORANEOUSLY, WE ARE ANALYZING AND EVALUATING

THE INFORMATION GENERATED FROM OTHER INVESTIGATIONS THAT ARE EITHER ONGOING IN THE SAME GEOGRAPHICAL AREA; LINKED BY TIME, MEANS, OR METHODS OF COMMISSION; OR THAT MAY HAVE SIMILAR SUSPECTS. WE ALSO REVIEW, ANALYZE, AND COMPARE ALL ONGOING INVESTIGATIONS, NATIONALLY, TO ENSURE THAT EVERY POSSIBLE LINKAGE IS CONSIDERED.

IN ALL OF THESE CASES, THE FBI IS WORKING JOINTLY AND EXTREMELY CLOSELY WITH STATE AND LOCAL AUTHORITIES, THE ATF, DEPARTMENT OF JUSTICE/CIVIL RIGHTS DIVISION (DOJ/CRD), AND THE LOCAL UNITED STATES ATTORNEY'S OFFICE. FORMAL TASK FORCES HAVE BEEN ESTABLISHED IN MEMPHIS AND KNOXVILLE, TENNESSEE; BIRMINGHAM, ALABAMA; AND BATON ROUGE, LOUISIANA. THE PRIMARY BENEFIT OF THIS CLOSE COORDINATION AND TASK FORCE APPROACH IS TO ENSURE THAT THE MOST EFFICIENT AND EFFECTIVE USE OF

RESOURCES AND INVESTIGATIVE EXPERTISE IS BROUGHT TO THESE INVESTIGATIONS.

ONE OF THE MOST CRITICAL ASPECTS OF ANY CRIMINAL INVESTIGATION IS TO SECURE THE CRIME SCENE AND ENSURE THAT EVIDENCE IS CAREFULLY GATHERED, PRESERVED, AND TRANSFERRED TO AN APPROPRIATE FORENSIC LABORATORY FOR ANALYSIS. IN MOST INSTANCES, THIS IS THE RESPONSIBILITY OF STATE AND LOCAL ARSON INVESTIGATORS. THESE ARSON INVESTIGATORS LOOK FOR DEVICES INDICATIVE OF ARSON SUCH AS CANDLES, MOLOTOV COCKTAILS, OR GAS CANS. THEY ALSO SEARCH FOR OTHER SIGNS OF ARSON BASED ON THEIR UNIQUE EXPERTISE IN THIS FORENSIC FIELD.

FROM THE INITIATION OF THE ARSON INVESTIGATION, ALL LOGICAL WITNESSES ARE INTERVIEWED. THIS MAY INCLUDE POTENTIAL EYEWITNESSES, NEIGHBORS, MEMBERS OF THE CHURCH, AND ANYONE ELSE WHO MAY HAVE INFORMATION ABOUT THIS CRIME. IN THE PENDING ARSON INVESTIGATIONS, THE FBI HAS USED A WIDE RANGE OF INVESTIGATIVE TECHNIQUES. WE HAVE USED POLYGRAPH EXAMINATIONS

WHERE APPROPRIATE, WITH AN INDIVIDUAL'S CONSENT. THIS TECHNIQUE CAN BE ESPECIALLY HELPFUL IN ELIMINATING AND/OR OTHERWISE RESOLVING POTENTIAL SUSPECTS. WE ARE CONSIDERING THE USE OF HYPNOSIS IN ONE CASE TO AID IN THE DEVELOPMENT OF FURTHER DETAILS AND A DESCRIPTION OF A POTENTIAL SUSPECT. THE FBI, OFTEN WITH OTHER AGENCIES, HAS POSTED REWARDS IN MANY OF THESE CASES IN AN ATTEMPT TO FURTHER IDENTIFY POTENTIAL WITNESSES AND/OR SOURCES OF INFORMATION. "HOT LINES" HAVE BEEN ESTABLISHED IN MANY LOCATIONS TO FACILITATE THE RECEIPT OF CRITICAL INFORMATION FROM THE PUBLIC. ALSO, MASS MAILINGS OF QUESTIONNAIRES TO PAST AND PRESENT MEMBERS OF VICTIM CONGREGATIONS HAVE BEEN USED IN AN ATTEMPT TO DEVELOP ADDITIONAL INFORMATION ABOUT PREVIOUS THREATS OR ACTS OF VANDALISM TO THE CHURCHES. THESE MAY IDENTIFY POSSIBLE MOTIVES FOR THE ARSONS. OTHER SOPHISTICATED TECHNIQUES HAVE ALSO BEEN UTILIZED. HOWEVER, DUE TO THE FACT THAT THESE INVESTIGATIONS ARE PENDING, I CANNOT FURTHER DISCUSS THESE TECHNIQUES.

GIVEN THE IMPACT OF CHURCH ARSONS, THE FBI, IN CONJUNCTION WITH THE OTHER LAW ENFORCEMENT AND FIRE SAFETY AGENCIES, HAS UTILIZED YET AN ADDITIONAL APPROACH TO THE INVESTIGATION. WE HAVE REACHED OUT TO THE CHURCH COMMUNITY, BOTH AS AN EXPRESSION OF OUR CONCERN AND TO ASSURE THEM OF OUR INTENSE INTEREST IN SOLVING THESE CRIMES. THIS APPROACH CAN ALSO SERVE AS A USEFUL FORUM TO SOLICIT ADDITIONAL COMMUNITY SUPPORT. MOST IMPORTANTLY, WE RECOGNIZE ALSO THE DESTRUCTION OF A COMMUNITY'S CHURCH CAN HAVE A DEVASTATING IMPACT TO THE MEMBERS OF THE CHURCH INDIVIDUALLY AND THE COMMUNITY AS A WHOLE.

WITH THIS IN MIND, SEVERAL IMPORTANT MEETINGS HAVE BEEN HELD. ON MARCH 13 AND 14, 1996, THE FBI HOSTED A CONFERENCE IN BIRMINGHAM, ALABAMA, TO EXPLORE THE NATURE AND EXTENT OF CRIMES MOTIVATED BY RACIAL AND RELIGIOUS HATRED, AND TO DISCUSS THE CHURCH BURNING INVESTIGATIONS. ALSO INVITED TO ATTEND WERE ATF AGENTS CURRENTLY WORKING ON THE CHURCH ARSON CASES, AS WELL

AS UNITED STATES ATTORNEYS AND/OR THEIR ASSISTANTS AND LAWYERS OF THE DOJ/CRD WHO WILL BE PROSECUTING THESE CASES. AFRICAN-AMERICAN COMMUNITY LEADERS ADDRESSED THE CONFERENCE ABOUT THEIR CONCERNS AND SUGGESTED WAYS IN WHICH LAW ENFORCEMENT, AND IN PARTICULAR THE FBI AND ATF, COULD FORGE BETTER PARTNERSHIPS WITH THEIR COMMUNITIES.

ON APRIL 4, 1996, THE SPECIAL AGENT IN CHARGE OF THE BIRMINGHAM FBI OFFICE PARTICIPATED IN A "TOWN HALL" MEETING HOSTED BY THE UNITED STATES ATTORNEY AT BOLIGEE, ALABAMA, THE SITE OF THREE CHURCH BURNINGS IN LATE 1995 AND 1996. ALSO IN ATTENDANCE WAS DEVAL PATRICK, ASSISTANT ATTORNEY GENERAL, CIVIL RIGHTS DIVISION, AS WELL AS THE PASTORS OF THOSE CHURCHES AND THE MAYOR OF BOLIGEE. THE ATTENDEES INDICATED THEY WERE APPRECIATIVE OF THE INVESTIGATIVE EFFORTS BY THE VARIOUS AGENCIES INVOLVED IN THE INVESTIGATIONS.

ON APRIL 8, 1996, THE SPECIAL AGENT IN CHARGE OF THE FBI OFFICE IN MEMPHIS, ALONG WITH REPRESENTATIVES

FROM THE ATF, THE UNITED STATES ATTORNEY'S OFFICE, AND THE TENNESSEE STATE FIRE MARSHAL'S OFFICE, MET WITH THE PASTORS AND MEMBERS OF THE CONGREGATIONS OF FOUR OF THE CHURCHES WHICH HAVE BEEN BURNED IN WESTERN TENNESSEE, AS WELL AS THE PASTORS OF OTHER AREA AFRICAN-AMERICAN CHURCHES. THE MEETING WAS ATTENDED BY OVER 100 PEOPLE. I HAVE BEEN ADVISED THAT THOSE IN ATTENDANCE WELCOMED THE OPPORTUNITY TO HEAR WHAT WAS BEING DONE IN THE INVESTIGATIONS AND VIEWED THIS MEETING AS AN CONSTRUCTIVE EFFORT TO BUILD TRUST BETWEEN INVESTIGATORS AND THE COMMUNITY.

THESE ARE BUT A FEW OF THE HUNDRED OF MEETINGS, CONFERENCES, AND SEMINARS THAT HAVE BEEN SPONSORED BY THE FBI OVER THE PAST FEW YEARS IN WHICH ALL SEGMENTS OF THE COMMUNITY HAVE BEEN INVITED TO PARTICIPATE IN ORDER TO PROMOTE A BETTER UNDERSTANDING AND COOPERATION BETWEEN THE FEDERAL LAW ENFORCEMENT COMMUNITY AND THE PEOPLE WE SERVE.

DIRECTOR FREEH IS PERSONALLY DEDICATED TO RESOLVING THE PROBLEM WITH THESE CHURCH FIRES. HE HAS MET WITH THE SPECIAL AGENTS IN CHARGE OF THE SOUTHEASTERN FIELD OFFICES WHERE MOST OF THESE FIRES HAVE OCCURRED TO DISCUSS INVESTIGATIVE STRATEGIES AND TO ENSURE PROPER RESOURCES HAVE BEEN DEDICATED TO THESE INVESTIGATIONS.

UTILIZING ALL OF THE INVESTIGATIVE TECHNIQUES I HAVE MENTIONED, OVER THE YEARS, THE FBI HAS HAD SUCCESS IN SOLVING CHURCH ARSONS, AND BRINGING THE RESPONSIBLE CRIMINALS TO JUSTICE.

ON MAY 17, 1992, THREE AFRICAN-AMERICAN CHURCHES LOCATED IN SOUTHEASTERN ARKANSAS WERE BURNED BY TWO CAUCASIAN MALES WHO WANTED TO "GET" AFRICAN-AMERICANS. AS A RESULT OF A JOINT INVESTIGATION BY THE FBI, THE DESHA COUNTY, ARKANSAS SHERIFF'S OFFICE AND THE ARKANSAS COUNTY, ARKANSAS SHERIFF'S OFFICE, BOTH MEN PLED GUILTY TO ONE COUNT OF VIOLATING TITLE 18, UNITED STATES CODE, SECTION 371, CONSPIRACY, AND WERE

SUBSEQUENTLY CONVICTED AND SENTENCED TO 37 MONTHS IN PRISON.

ON APRIL 5, 1993, TWO AFRICAN-AMERICAN CHURCHES WERE DESTROYED BY FIRE IN PIKE COUNTY AND AMITE COUNTY, MISSISSIPPI. AS A RESULT OF AN INVESTIGATION BY THE FBI, THREE YOUNG WHITE MALES WERE APPREHENDED. EACH ADMITTED THAT THE ARSONS WERE RACIALLY MOTIVATED. THEY WERE CHARGED WITH ONE COUNT OF VIOLATING TITLE 18, UNITED STATES CODE, SECTION 241, CONSPIRACY AGAINST RIGHTS, AND SENTENCED TO TERMS OF IMPRISONMENT RANGING FROM 37 TO 46 MONTHS; PROBATION; COMMUNITY SERVICE; AND RESTITUTION IN THE AMOUNT OF \$113,000. THEY WERE THE FIRST INDIVIDUALS EVER TO BE CONVICTED IN FEDERAL COURT OF A CHURCH BURNING IN THE STATE OF MISSISSIPPI.

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 ADDITION TO ATTEMPTING TO BURN DOWN THAT BAR, THEY ALSO SET FIRE TO TWO AFRICAN-AMERICAN CHURCHES IN MAURY COUNTY,

TENNESSEE. AS A RESULT OF A FBI-LED MULTI-AGENCY INVESTIGATION, ON MARCH 12, 1996, ALL THREE WERE CONVICTED ON ONE COUNT OF VIOLATING TITLE 18, UNITED STATES CODE, SECTION 241, CONSPIRACY AGAINST RIGHTS, AND SENTENCED TO TERMS OF IMPRISONMENT RANGING FROM 33 TO 57 MONTHS.

THESE ARE BUT A FEW EXAMPLES OF PAST SUCCESSES. HOWEVER, WHILE PAST PROSECUTIONS AND CONVICTIONS CAN AND WILL SERVE AS A DETERRENT FOR FUTURE AND SIMILAR CRIMINAL ACTS, THE AMERICAN PUBLIC AND THE MEMBERS OF CHURCHES THROUGHOUT THE UNITED STATES DESERVE MORE. THEY DESERVE A COMMITMENT BY LAW ENFORCEMENT TO PURSUE THESE CRIMES AGGRESSIVELY AND EFFECTIVELY. THEY ALSO DESERVE THAT, REGARDLESS OF THE MOTIVATIONS, THESE CRIMINALS ARE BROUGHT TO JUSTICE. IT IS THIS COMMITMENT AND ASSURANCE OF FBI FOCUS AND DEDICATION THAT I GIVE TO YOU TODAY.

THANK YOU VERY MUCH. THIS CONCLUDES MY TESTIMONY.

Mr. HYDE. Thank you, Mr. Brekke.
Mr. Johnson.

**STATEMENT OF JAMES E. JOHNSON, ASSISTANT SECRETARY
FOR ENFORCEMENT, DEPARTMENT OF THE TREASURY**

Mr. JOHNSON. Thank you. Mr. Chairman, Mr. Conyers and members of the committee, thank you for inviting me to testify at this hearing today.

The string of recent arson incidents in African-American churches in the Southeast is of tremendous concern to the Department of the Treasury, to Secretary Rubin, to the ATF, and to me. The arson of a place of worship is a craven act, repulsive to us as a society. These recent incidents are even more repugnant because they recall a time, not too long ago, when African-American churches were targeted by racists and dynamited or burned.

As Secretary Rubin has stated, bringing to justice each person who committed these crimes is our top priority, and we will not rest until we have done so. We welcome this hearing as an opportunity to discuss the substantial efforts we've made to solve these arsons and to set forth what the ATF, the FBI, the Justice Department, the Treasury Department, and State and locals are doing to solve these crimes.

Before I proceed, I must make one quick point. As the committee is aware, many of the cases that we are discussing are open investigations, and as virtually every person on this panel has emphasized, my comments—like theirs—are limited. It will cause me and it will cause the rest of the panel to be circumspect when responding to many of your questions.

Since January 1995, we've witnessed a significant and disturbing increase in the number of fires at African-American churches, particularly in the South. The ATF has responded to many of these fires, as invited to, and currently has 25 under investigation. The Treasury Department has actively monitored these investigations since last year. The ATF provides me with daily updates on the status of the cases. I've travelled to two of the States where the fires have taken place; I have visited the scenes of three of the burnings and received briefings from the agents that are personally involved in the investigations. I have also visited with and worshipped with the victims of these crimes. Secretary Rubin has requested that I keep him abreast of major developments in all of these cases, and I brief him and his senior staff regularly on our progress.

Main Treasury has also worked cooperatively with the Department of Justice. At least once every few days, I speak with Assistant Attorney General Deval Patrick. Together we've worked to ensure that the two Departments, and the law enforcement officers in the field, maintain open lines of communication and work cooperatively.

The ATF has the finest arson investigators in the Nation, and as Director Magaw has testified, the Bureau has devoted significant resources to solving these crimes. I'm confident that this level of resources is appropriate to solve these crimes and will not diminish the ATF's ability to meet other law enforcement responsibilities.

Recently, I traveled to Baker, LA, where four churches were burned in one night in February of this year. Baker is a community of just under 14,000, with 42 ministers and nearly as many churches. The church is clearly the institution at the heart of that community. It was clear to me that the fires hurt the community at its core. Last Sunday, I traveled to Greeleyville, SC, and worshipped with the congregation of Mt. Zion AME Church. That church stood for 90 years on a plot of land in the woods near Greeleyville. All that was left when I visited Sunday was an ash-covered scar on the ground. Services were held in a nearby community center. The spirit of the worshipers, however, was undiminished.

As the Director has testified, the ATF, in addition to working to solve the crimes, has also mounted its own extensive outreach efforts. We understand that it's vitally important that we solve these crimes and that we let the community know that we are seriously engaged in this effort.

President Clinton and this administration have made law enforcement a top priority. We recognize the importance of this task every time we sit down with those who have lost their churches to crime. The Federal Government—all of us—must see to it that these crimes will not go unpunished. We must not allow people to be terrorized or intimidated. This is both our job and our moral duty.

Mr. Chairman, I am the grandson of a preacher; I am the son of a church organist. I know, personally, how important the church is to the African-American community. I'm also a former Federal prosecutor. I know what it means to investigate a case with vigor and with integrity. You have my commitment that we will follow the evidence wherever it leads, so that we may bring those responsible for these crimes to justice. Thank you.

[The prepared statement of Mr. Johnson follows:]

PREPARED STATEMENT OF JAMES E. JOHNSON, ASSISTANT SECRETARY FOR
ENFORCEMENT, DEPARTMENT OF THE TREASURY

Mr. Chairman, Mr. Conyers, and members of the Committee, thank you for inviting me to testify about a series of investigations with which I have been personally involved. The string of recent arson incidents in African American churches in the southeast United States is of great concern to Treasury Secretary Robert Rubin, to me, to the Bureau of Alcohol, Tobacco and Firearms (ATF), and to the entire Department. The arson of a place of worship is repulsive to us as a society. These recent incidents are even more repugnant because they recall a time not too long ago when many African American churches were targeted by racists, and either dynamited or burned, to intimidate people and deprive them of a pivotal part of their spiritual and community lives.

During the 1950s and '60s, there was no federal agency with the specialized skill needed for investigating complex arson cases. We are fortunate *today* that ATF's expertise is available to assist state and local law enforcement authorities to solve these crimes. As Secretary Rubin has stated, bringing to justice each person who committed these atrocities is our paramount concern, and we will not be satisfied until we have done so. This hearing affords us the opportunity to discuss with the Congress and the American people the substantial efforts we have made to solve these argons, and to set forth what the ATF—the federal government's primary arson investigator—is doing to accomplish this.

Before I proceed, however, I must make one point. As the Committee is aware, information relative to ongoing criminal investigations may not be publicly released before the investigation is concluded. ATF Director Magaw and I adhere, as all law enforcement officers must, to this important requirement. It will necessarily cause us to be circumspect in some of our statements and our answers to your questions. We will make every effort, consistent with our obligations regarding ongoing inves-

tigations, to further this goal. As these investigations are concluded and the perpetrators are brought to trial, we will be able to provide all information relevant to these investigations.

MAIN TREASURY'S ROLE

Since January 1995, there has been a significant and troubling increase in the number of fires set at southern African American churches. The ATF has responded to many of these fires and currently has 25 under investigation.

The Treasury Department has actively monitored these investigations since last year. Since my recent confirmation, the ATF has provided at my request daily updates on the status of the cases. I have visited the fire scenes of three of the burnings, received briefings from the agents personally involved in the investigation and have visited with and worshiped with the victims of these crimes. My staff and I meet regularly with the ATF managers who are directing the investigatory effort. Secretary Rubin has requested that I keep him abreast of all developments in these cases, and I brief him and his senior staff regularly on the status of the investigations.

Main Treasury has also worked cooperatively with the Department of Justice, just as the ATF and FBI have cooperated in the field. I have been in regular communication with Assistant Attorney General Patrick and the office of Deputy Attorney General Gore lick regarding these investigations, and I have worked to ensure that Treasury agents maintain open lines of communications with FBI agents and with the local United States Attorney's offices, as well as with state and local fire and law enforcement officials. By all reports these investigations have been textbook examples of inter-departmental coordination.

The ATF is the premier arson investigatory agency in this country. My office has reviewed the resources ATF has dedicated to these investigations. I anticipate that Director Magaw will describe those resources in detail during his testimony. I am confident that this level of resources is appropriate to solve these crimes and will not diminish ATF's ability to meet other law enforcement responsibilities. We will continue to evaluate the level of resources to make any appropriate adjustments as the investigations progress.

Recently, I traveled to Baker, Louisiana, where four churches were burned on one night in February 1996. Baker is a community of 13,600, with 42 ministers and many, many churches. The church is the institution at the heart of the community and it was clear to me that the fires hurt the community at its core. Last Sunday, I traveled to Greelyville, South Carolina, and worshiped with the congregation of Mount Zion A.M.E. Church. As I'm sure Reverend Mackey will tell you when he testifies, the Church stood for 90 years on the plot of land in the woods near Greelyville. All that was left when I visited Sunday was an ash-covered scar on the ground. Each of these visits confirmed for me what I know from my own experience, that the African American church is the cornerstone of its community and the fires struck at the heart of each of the communities.

As the Director will testify, the ATF, in addition to working to solve the crimes, has also mounted extensive outreach efforts. We understand that it is vitally important that we solve these crimes *and* let the community know that we are seriously engaged in the effort.

President Clinton and this Administration have made law enforcement a top priority, and we recognize the importance of this task when we sit down with those who have lost their churches to crime. The American people must know that the federal government will not allow such crimes to go unpunished. We will not allow people to be terrorized or intimidated. This is both our job and our moral duty.

As we have proceeded with this investigation, questions have been raised about the integrity of the investigation. Specifically, the question was raised about how a bureau that had persons involved in the Good O' Boys Roundup could be trusted to conduct these investigations. I'd like to address these concerns here.

The ATF is not an organization run by or influenced by Good O' Boys. Director Magaw has done an excellent job of leading ATF into a new era. In my short time on the job, I have personally benefited from his insight and experience. I stand behind him and all of our law enforcement agents in full support and recognition of the dangerous and difficult work they do. The public must have similar confidence in our law enforcement agents, if the agents are to function effectively. As we all are aware, last July the Secretary of the Treasury heard of allegations that ATF agents had participated in what was described as a racist event in Ocoee, Tennessee. Secretary Rubin's response was swift. He ordered two reviews: facts/policy.

In early April, Treasury publicly released the results of its investigations into the Good O' Boys Roundups. The findings of the Department of the Treasury's Inspector

General were unequivocal: no federal employee, past or present, engaged in any racist act at the Roundup. This finding was also reported by the Department of Justice's Inspector General, who conducted a parallel investigation.

But we did not rest there. Racist acts did occur at the Roundups. And because some of our agents—not only from the ATF but also from our other bureaus—witnessed such acts or chose repeatedly to attend the event, Secretary Rubin directed each Treasury law enforcement Bureau to review the findings of the Inspector General along with the personnel file of each employee to determine whether discipline or counseling would be appropriate.

Along with the fact finding report of the Inspector General, the Department released a major policy review of our hiring, training, evaluation, and disciplinary policies regarding the off-duty behavior of our law enforcement personnel. Secretary Rubin, Director Magaw and I fully supported the findings of this Review and endorsed its final report. The overarching message of the Review is that racism has no place in Treasury law enforcement, even if it is on off-duty time.

Still, we are committed not only to removing impropriety from our law enforcement Bureaus, but also the appearance of impropriety. Consulting with the Department of Justice, the Director determined that two agents who attended the Roundups in those years where racist activity had occurred should not continue to work on church fire investigations. These agents were reassigned even though the Inspector General found that they had not engaged in any racist acts and all indications were that they had been dedicated, impartial and professional in their work on these arson investigations. Moreover, we have monitored the staffing of the cases to ensure that no agents whom the Secretary recommended for disciplinary inquiry or counseling are assigned to any of these investigations.

We will continue doing everything possible to solve these argons, and we will do so with professionalism. Our agents are committed to pursuing the evidence and bringing those responsible for such crimes to justice.

Thank you.

Mr. HYDE. Thank you, Mr. Johnson.

Mr. Stewart.

STATEMENT OF ROBERT M. STEWART, CHIEF, SOUTH CAROLINA LAW ENFORCEMENT DIVISION

Mr. STEWART. Thank you for the invitation to appear before this committee today.

Arson is a serious problem throughout the United States. Sadly enough, citizens have come to expect a certain level of violence in our communities, but, historically, churches, schools, and homes were considered to be safe havens. Thus, it is distressing to everyone when the sanctity of these places is violated. We are here today to discuss church arson, and I will move directly to the situation in South Carolina and what is being done about it.

Since 1991 through the present, there have been 23 confirmed church arsons in our State: 13 African-American, 8 white, 1 Hispanic, and 1 Islamic. Twelve have been cleared by arrest by State and local authorities for a 52-percent clearance rate, compared to a national clearance average of 16 percent. Good progress is being made on six others and the remaining five, at present, have no active leads. The clearance figures, however, can change suddenly. Just this month, arrests have been made by SLED agents and sheriff's deputies on two church fires that occurred last year. An adult male was charged with burning an Islamic mosque, and three teenagers were taken into custody for setting the fire to an historic, rural African-American church that repeatedly had been the target of vandalism.

Church arson is a difficult crime to solve for several reasons. First, the buildings are often in rural, isolated areas; second, there are long periods of time when they are unattended and often there

are few or no witnesses; and, finally, the more the serious the fire, the less physical evidence such as fingerprints and trace material, remains at the scene.

What possible reason can there be for a person to commit the horrendous act of setting fire to a church? Several motives have been revealed by investigations in South Carolina: vandalism, which is usually committed by juveniles and young adults, such as the case where five individuals burned a Baptist church and desecrated the cemetery; psychotic behavior, such as the case where the subject said, "God told him to do it," and in a similar case, a man pleaded guilty but mentally ill, saying he was mad because his mother attended church too often; crime concealment, wherein a pastor pled guilty and admitted to stealing money and setting the fire; likewise, in another case, stereo equipment was stolen in a church burglary and a fire was set in an effort to cover that crime.

And, finally, the most detestable motive—hate. A Hispanic church was burned when a teenager did not want Mexicans in his area. And in a case that has drawn national attention, two young white males, allegedly linked to the Ku Klux Klan, were arrested by sheriff's deputies and SLED and charged with burning the Mt. Zion AME Church in Williamsburg County and the Macedonia Baptist Church in Clarendon County. This matter is now the subject of a Federal inquiry into possible civil rights and other Federal violations. And I would mention in regard to Mr. Conyers's comments earlier, these same two people—although the national media has not printed much about it—the first act of their crime spree was to stab and beat a mentally retarded African-American man, and these two have also been arrested for assault and battery with intent to kill for that crime, as well as the church's, in State court.

In trying to determine a pattern to these fires, there are a few things we have learned. We can tell you there is no evidence of a general conspiracy by any single group or organization that connects these fires; however, in several cases, an individual, or two working in concert, may be responsible for more than one fire in a defined geographic area. This is not to say that there is not an attitude shared by some unrelated people or groups that creates an atmosphere which encourages this behavior. In fact, we all know such an attitude does exist to some extent.

In South Carolina, we're doing a number of things in an effort to change this attitude. Gov. David Beasley has created the Race Relations Commission, composed of legislators from both political parties, clergy, business, retired persons, law enforcement personnel, and others representing different races and gender tasked with studying community relations and making recommendations. Public hearings begin this week and will be held in all areas of the State. One concept under consideration is to create, in each county, local community relations councils made up of clergy, civic and business leaders, and others to increase communication and cooperation. This, hopefully, will prevent some crisis situations and be of great benefit if one does occur.

The Governor has also met this month with ministers from the victimized churches to discuss possible courses of action. Our attorney general, Charlie Condon, is forming a hate-crime prosecution unit in his office to assist prosecutors in the State's 16 judicial cir-

cuits. SLED has also been active in this regard. The division has an experienced community relations section which regularly networks into neighborhoods seeking to facilitate communications and relieve tensions usually associated with some incident.

In taking a proactive and preventive role, SLED has developed a close working relationship with the Martin Luther King Center in Atlanta, GA, which we've found to be extremely beneficial. Several seminars have been conducted, and the King Center has reviewed the curriculum of our criminal justice academy which trains all police officers in our State. Recently, an advanced 4-week course was completed by approximately 25 law enforcement trainers who are now certified by the King Center and will be working throughout the State.

We're a small State and all levels of law enforcement work closely together. Like any family, there are occasional spats but they are quickly resolved. There's a long history of SLED and Federal agencies working hand-in-glove to attack specific problems. Over the years, the division has teamed up with the FBI, DEA, and ATF to curtail and prosecute the activities of individuals and groups engaged in vote-buying, high-level illegal drug operations, and illegal liquor distilleries. SLED and the FBI also do numerous joint investigations of public corruption. SLED agents serve on numerous task forces with Federal agents and are assigned in all DEA offices and the U.S. Marshall's Office.

In fact, at one point in my career, I spent 7 years assigned to the U.S. Attorney's Office coordinating the State side of State-Federal joint investigations. Our agents routinely present matters to Federal grand juries, work closely with Federal prosecutors, and a number of SLED agents are cross-designated as Federal officers. SLED is accredited by the National Commission on Law Enforcement Accreditation, and our laboratory is also nationally accredited. Our four-story, 70,000-square-foot laboratory has most disciplines, including toxicology, DNA, drug identification, arson, firearms, questioned document examination, polygraph, and many others. Many of our forensic agents are trained at the FBI laboratory.

Our division has approximately 350 agents, 20 of whom are assigned to a highly-trained arson and bomb squad using special equipment and arson and bomb dogs. This unit, in cooperation with the insurance news service and the independent insurance agents, monitors a 24-hour, toll-free arson hotline, which includes a reward program.

On the State level, the effort on church arson and other matters is consolidated. Over the last few years, State government has been restructured to eliminate duplication of services between agencies and become more effective and efficient. All arson, alcohol, and drug agents were transferred from other agencies to SLED, which now by law has exclusive jurisdiction on behalf of the State for all general criminal investigations and responsibility for all rapid-response units such as SWAT, bloodhounds, and helicopters.

SLED, on the other hand, may have to coordinate with two or more Federal agencies on an investigation. Decisions must be made as to which resources, such as laboratory equipment, personnel, and public information offices will be utilized and how. This is not an insurmountable problem, however, as long the managers work

in a spirit of cooperation and in the best interest of the public. One of the oldest axioms in public administration is that Government services are best delivered at the lowest level they can adequately be rendered, the key word being "adequately." This may vary from State-to-State, necessitating that a plan be formulated in advance, as much as possible, as to how joint State-Federal investigations will be conducted.

Please be assured that South Carolina State and local officials are taking this matter very seriously, and our record speaks for itself. We've taken an oath to protect, preserve, and defend the constitutional rights of all citizens, and that is exactly what we will continue to do.

[The prepared statement of Mr. Stewart follows:]

PREPARED STATEMENT OF ROBERT M. STEWART, CHIEF, SOUTH CAROLINA LAW ENFORCEMENT DIVISION

Thank you for the invitation to appear before this Committee today. Arson is a serious problem throughout the United States. Sadly enough, citizens have come to expect a certain level of violence in our communities, but historically churches, schools and homes were considered to be safe havens. Thus it is distressing to everyone when the sanctity of these places is violated. We are here today to discuss church arson and I will move directly to the situation in South Carolina and what is being done about it.

Since 1991 through the present, there have been 23 confirmed church arsons in our state. Twelve (12) have been cleared by arrest by state and local authorities for a 52% clearance rate compared to a national clearance average of 16%. Good progress is being made on six (6) others and the remaining five (5) at present have no active leads. The clearance figures, however, can change suddenly. Just this month, arrests have been made by SLED aunts and sheriffs' deputies on two (2) church fires that occurred last year. An adult male was charged with burning an Islamic Mosque and three (3) teenagers were taken into custody for setting fire to a historic, rural African-American church that repeatedly had been the target of vandalism.

Church arson is a difficult crime to solve for several reasons. First, the buildings are often in rural or isolated areas. Second, there are long periods of time when they are unattended and often there are few or no witnesses. Finally, the more serious the fire, the less physical evidence such as fingerprints and trace material remains at the scene.

What possible reason can there be for a person to commit the horrendous act of setting fire to a church? Several motives have been revealed by our investigations in South Carolina. Vandalism, which is usually committed by juveniles and young adults, such as in the case where five (5) individuals burned a Baptist Church and desecrated the cemetery. Psychotic behavior, such as in the case where the subject said "God told him to do it." And in a similar case, a man pleaded guilty but mentally ill saying he was mad because his mother attended church too often. Crime concealment, wherein a pastor pled guilty and admitted to stealing church money and setting the fire. Likewise, in another case, stereo equipment was stolen in a church burglary and the fire was set in an effort to cover the crime.

And finally, the most detestable motive—hate. A Hispanic church was burned when a teenager did not want Mexicans in his area. And in a case that has drawn national attention, two (2) young white males, allegedly linked to the Ku Klux Klan, were arrested by sheriff's deputies and SLED and charged with burning the Mt. Zion AME Church in Williamsburg County and the Macedonia Baptist Church in Clarendon County. This matter is now the subject of a federal inquiry into possible civil rights and other federal violations.¹

In trying to determine a possible pattern to these fires, there are few things we have learned. We can tell you there is no evidence of a general conspiracy by any

¹Those convicted in state court of arson of a church without injury face a maximum penalty of ten (10) years. South Carolina last year passed "truth in sentencing" legislation which would require service of approximately seven and one-half (7½) years on such a sentence. In addition, those who enter the building to set the fire face an additional ten (10) year sentence for burglary requiring service of approximately eight and one-half (8½) years. If sentenced consecutively, service of approximately sixteen (16) years could be required.

single group or organization that connects these fires. However, in several cases, an individual or two (2) working in concert may be responsible for more than one (1) fire in defined geographic area. This is not to say that there is not an attitude shared by some unrelated people or groups that creates an atmosphere which encourages this behavior. If fact, as we all know, such an attitude does exist to some extent.

In South Carolina, we are doing a number of things in an effort to change this attitude. Governor David Beasley has created the Race Relations Commission composed of legislators from both political parties, clergy, business and retired persons, law enforcement personnel and others representing different races and gender tasked with studying community relations and making recommendations. Public hearings begin this week and will be held in all areas of the state. One concept under consideration is to create in each county local community relations councils made up of clergy, civic and business leaders, and others to increase communication and cooperation. This hopefully will prevent some crisis situations and be of great benefit if one does occur.

Governor Beasley has also met this month with ministers from victimized churches to discuss possible courses of action. In addition, the South Carolina Attorney General, Charlie Condon, is forming a hate crime prosecution unit in his office to assist state prosecutors in the sixteen (16) judicial circuits.

SLED is also active in this regard. The Division has an experienced community relations section which regularly networks into neighborhoods seeking to facilitate communications and relieve tensions usually associated with some incident.

In taking a proactive and preventive role, SLED has also developed a close working relationship with the Martin Luther King Center in Atlanta, Georgia, which we have found to be extremely beneficial. Several seminars have been conducted and the King Center has reviewed the curriculum of our Criminal Justice Academy which trains all police officers in our State. Recently, an advanced four (4) week course was completed by approximately 25 law enforcement trainers who are now certified by the King Center and will be working throughout South Carolina.

South Carolina is a small state and all levels of law enforcement work together very closely. Like any family, there are occasional spats but they are usually quickly resolved. There is a long history of SLED and federal agencies working hand and glove to attack specific problems. Over the years, the Division has teamed up with the FBI, DEA and ATF to curtail activities and prosecute individuals and groups engaged in vote-buying, high level illegal drug operations and illegal liquor distilleries. SLED and the FBI also do numerous joint investigations of public corruption. SLED agents serve on The Violent Crime Task Forces, The Organized Crime Drug Enforcement Task Force, and are stationed in all DEA Offices and the U.S. Marshal's Office. At one point in my career, I was stationed for seven (7) years in the United States Attorney's Office coordinating state/federal joint investigations. SLED agents routinely present cases to Federal Grand Juries and enjoy a close working relationship with federal prosecutors. A number of SLED agents are cross-designated as federal officers.

The State Law Enforcement Division is accredited by the Commission on Law Enforcement Accreditation and our forensics laboratory has an additional national accreditation from the Association of State Crime Laboratory Directors. The four (4) story 70,000 square foot laboratory has most disciplines, including automated fingerprint identification, toxicology, serology/DNA, drug identification, trace, arson, firearms, questioned document examination and polygraph. Many of our forensic agents are trained by the FBI. The Division has approximately 350 special agents, 20 of whom are assigned to a highly trained arson/bomb squad, utilizing special equipment and arson and bomb dogs. This unit, in cooperation with the Insurance News Service and the Independent Insurance Agents, monitors a 24 hour toll free arson hotline which includes a reward program.

On the state level, the effort on church arson and other matters is consolidated. Over the last few years, state government has been restructured to eliminate duplication of services between agencies and become more effective and efficient. All arson, alcohol and drug agents were transferred from other agencies to SLED, which now by law has exclusive jurisdiction on behalf of the state for all general criminal investigations and responsibility for rapid response units (SWAT, bloodhounds, helicopters). All traffic responsibilities are placed with the Department of Public Safety and wildlife functions are at the Department of Natural Resources. Therefore, federal agencies needing assistance must only interface with one (1) state agency on most investigations.

SLED on the other hand may have to coordinate with two (2) or more federal agencies on an investigation. Decisions must be made as to which agencies' resources, such as laboratory, equipment, personnel, and public information office will

be utilized and how. This is not an insurmountable problem, however, as long as all managers work in a spirit of cooperation and in the best interest of the public. One of the oldest axioms in public administration is that government services are best delivered at the lowest level they can adequately be rendered, the key word being "adequately." This may vary from state to state necessitating that a plan be formulated in advance as much as possible, as to how joint state/federal investigations will be conducted.

Be assured that South Carolina state and local officials are taking this matter very seriously and our record speaks for itself. We have taken an oath to protect, preserve and defend the constitutional rights of all citizens and that is exactly what we will continue to do.

CHURCH ARSONS

1. Since January 1991 through the present:

23 confirmed church arsons
12 cleared by arrest
52% clearance rate

13 African American churches	6 cleared by arrest
8 White churches	4 cleared by arrest
1 Islamic Mosque	1 cleared by arrest
1 Hispanic church	1 cleared by arrest

4 African American churches	undetermined cause
1 White church	undetermined cause

2. Race of those Arrested:

6 African American churches	6 W/M; 2 African American males
4 White Churches	4 W/M
1 Hispanic Church	1 W/M
1 Islamic Mosque	1 W/M

3. Church Arsons by Year

1991 1 African American Church
1 Total

1992 1 White Church
1 Total

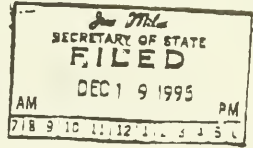
1993 2 African American Churches
2 White Churches
4 Total

1994 4 African American Churches
3 White Churches
7 Total

1995 4 African American Churches
1 Hispanic Church
1 Islamic Mosque
6 Total

1996 2 African American Churches
2 White Churches
4 Total

State of South Carolina
Executive Department



Office of the Governor

EXECUTIVE ORDER No.

95-44

WHEREAS, the economic future of our State depends on balanced growth and Statewide wealth creation, such that a race relations commission should be created to examine ways to address economic disparities and encourage greater opportunity in every region of the State; and

WHEREAS, crime is often a byproduct of depressed economic conditions and disintegrating families, such that a race relations commission should be created to examine methods to address the root causes of crime and its lasting solutions, while maintaining a fair and equitable system of justice for all citizens; and

WHEREAS, education is the surest escape from poverty and hopelessness, such that a race relations commission should be created to examine ways to create greater access to a quality education, regardless of region, race or income level, so that all children and adults might have the same opportunities for personal development.

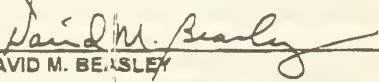
WHEREAS, the central mission of a race relations commission is to tear down walls that separate and build bridges that unify by engaging South Carolinians of all colors and cultures in an honest and open dialogue that promotes tolerance and greater understanding among all people.

NOW, THEREFORE, by the authority vested in me by the South Carolina Constitution and the South Carolina Code of Laws, I do hereby order the creation of South Carolina's first Commission on Racial Relations. The Commission shall serve as an ongoing advisory council to examine issues, concerns and disparities among races and religious affiliations and propose solutions or compromises for consideration by the Governor.

IT IS FURTHER ORDERED that this panel shall represent a cross-section of South Carolina's population, incorporating a variety of ethnicities, religious affiliations, and community leaders and shall examine common issues of concern which impact the greater quality of life for all South Carolinians, including economic opportunity, crime and education.

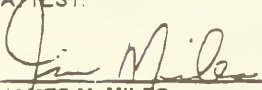
IT IS FURTHER ORDERED that the chairperson and the Commission's membership shall be selected by the Governor and are subject to change at the pleasure of the Governor.

GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 19TH DAY OF DECEMBER, 1995



DAVID M. BEASLEY
Governor

ATTEST.



JAMES M. MILES
Secretary of State



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Mr. HYDE. Thank you, Mr. Stewart.

Mr. Conyers, for questions.

Mr. CONYERS. Thank you, Mr. Chairman.

I applaud the testimony of our law enforcement representatives, and I begin with Mr. Johnson. Are you an Assistant Secretary to the Treasury?

Mr. JOHNSON. Yes, sir; I'm the Assistant Secretary for Enforcement.

Mr. CONYERS. I think your example is one that ought to be lifted out of this testimony, that over and above your legal activity you have personally maximized the opportunities you have to interface with people in communities who have been devastated by the deeds that brings us here today, and I think that's exemplary. I know that others on the panel have done the same thing, and I commend them as well because, for reasons that I leave to your discretion—the media has not covered this subject adequately, Dr. Lowery. It just won't do it.

Now if a teenager commits a crime in any city in America, I guarantee you it will be the lead story in the evening news in that jurisdiction. But it has been hard to discover what the law enforcement agencies have been doing in this matter. I asked my staff person to tell me what my good friend, Janet Reno, was doing about this matter. And she brought me a headline story about her speaking out on this problem in the South—I believe it was South Carolina. But it didn't get anywhere. It doesn't mean that she doesn't do it anymore because it didn't get anywhere; it means you do it more because it didn't get anywhere.

Now I have a communication, Mr. Chairman, that I sent to the President of the United States this morning and here's what it said: "Dear Mr. President, the tragedies at which today's hearing is based provides you with an opportunity and an obligation to visit some of the churches and church sites in America that have been burned. You went to Oklahoma City, and you should have. But, what about this tragedy—domestic terrorism at its worst?" I hope the President will make national comments. It's our job to advise presidents; the President could make an address in our body. We could make the House Chambers available to him through the good offices of the Speaker.

We've got to lift this up. This is what this hearing is about. We could have had a meeting in our offices and called in the law officers and you would have told us what you're telling us. But we want this to go out into the Nation. Why? Because America suffers from a history of racism that we are all trying to overcome. This isn't an isolated episode; this is a continuing saga; this is what has happened when we didn't take care of business earlier. And nobody has more baggage than the law enforcement agencies of the United States of America.

No, it wasn't your fault, and it wasn't my fault, and it wasn't anybody's fault up here, but don't even invite me to begin the litany of what's gone on in the FBI, the Department of Justice, and, heaven forbid, the Treasury. We've got a class action—not we, but African-American officers—in the Immigration and Naturalization Service, under my good friend, Ruth Meissner. For years the INS has been this far from settling horrendous allegations of discrimi-

nation. For years I have heard: "The Government won't settle; we're working on it, Mr. Chairman; we'll get to you; take it easy." Law enforcement has heavy baggage and that's why African-Americans say, "What do you mean there's no conspiracy?" Thankfully, Mr. Magaw put this in perspective: we mean that we haven't found a conspiracy link; we don't mean there's no conspiracy; conspiracies are hard to uncover; arsons are hard to determine; evidence burns; conspirators conceal.

If it were easy, you could announce a conspiracy and begin the investigation. Nobody at this table is going to foul up a court case by announcing that you've got conspirators, that you're going to "sock it to them" when you get to trial. Nobody would ever do that. But remember, in the view of 30 million Americans, you've got to overcome, a horrible, horrible legacy. So it's not just about working real hard, putting enough experts on the case, and solving this problem; it's about overcoming the history of America and the criminal justice system as it relates to African-Americans. That's why these are important, significant hearings.

We can show people that for the first time in America—we are coming together across the aisles, as Mr. Coble pointed out, to deal with this problem. We never have done that before in this century. We're doing it now, but people don't say, "Oh, well. Everything is great now. We believe you 100 percent." We've got to prove it.

So, join me in extending our understanding of this matter, and let me close on "conspiracy." Of course it's a legal term of art, but conspirators don't call up or send telegrams about "Let's conspire in Mississippi, Birmingham, AL," and, by the way, Wayne, MI, a few miles out of Detroit. They don't call up and make it convenient for you to tape-record their conversations. Even hate group leaders are a little more sophisticated than that. And so, we have to look beyond dictionary descriptions. If we create an environment that allows hatemongers to operate, doesn't that count for something?

If judge allow a defendant in his courts to hold up a sign saying, "I am a member of the KKK," while laughing and smiling, is that the way a court procedure on a matter of this gravity ought to occur? The court has a greater responsibility. Elected officials have incredible gaps in their obligations to resolve and move forward this subject, and I hope that your contributions this morning will lead to that. And might I ask if anyone wants to react, Mr. Chairman, as I conclude.

Mr. GEKAS. Mr. Chairman.

Mr. HYDE. We're in the process of soliciting reactions.

Mr. GEKAS. Oh.

Mr. HYDE. Evidently not, thank you.

Mr. Gekas.

Mr. GEKAS. I thank the chairman.

The theme that has seemed to evolve from the collective testimony of this panel is that law enforcement is striving mightily, in all your sectors, to bring arsonists—the perpetrators of these crimes—to justice. Mr. Brekke was saying that the whole goal is to bring a prosecutable case to court, and that's what it's all about. Mr. Johnson was saying the goal is to follow the evidence wherever it leads and to bring the culprit to justice. And Mr. Stewart was saying that it's a question of allocation of resources and how to put

everything together to bring the culprit to justice. And there was a recognition that the causes of church burnings, or any burnings, all multifarious: pyromania, or other mental disorders; arson for profit—in mostly nonchurch edifices, I agree—but even in church edifices we've had some cases of burning for profit for the congregation to build a new church—we even had a situation like that.

The point that comes out is that if racial hatred or other prejudice is found, finally, to be the motivating factor in a culprit's deeds, then other weaponry of the Federal Government and of the local governments comes into play: civil rights laws or other statutes that might apply beyond the original crime of arson. And so, it seems to me that these law enforcement officers who are represented here are doing their utmost on arson cases, as they are in murder cases, as they are in burglaries and robberies and all the other crimes that afflict our society.

What I want to know is, Are there any recommendations that this panel has, or any individual, for legislative action to buttress the investigative course that your bodies are taking to bring the culprit to justice, to bring about a prosecutable case, to further the cause of following the evidence, as Mr. Johnson says, to its logical conclusion and to the apprehension and prosecution of an actor in arson?

I remember how difficult it was. I was, I thought, a hotshot prosecutor who had a winning streak in my jurisdiction on cases which I tried until I ran into an arson case, and my record was broken because of the difficulty of circumstantial evidence, of tying a would-be arsonist or an accused arsonist to the crime. So, I know the difficulties there are in arson cases and the gathering of evidence, et cetera. But do we even get to the racial portion of this, on which the gentleman from Michigan waxes so eloquently? Do we ever get to that until we find out who did the act and then determine what the motivation was?

In my own community, we had an African-American church burn to the ground and the whole community was aghast at it, of course, and all kinds of prejudices in the thinking of who might have done this act came into play; everyone thought it was a racial act. It turned out that it was a parishioner—I might not be accurate on that—but it was a young, African-American male who was the culprit. I suppose, then, when that was discovered and he was placed under arrest, that the question of race was erased from the quotient or the determination of how this came about. Racism, I suppose, was eliminated there. We can't know until the culprit is brought to justice—and this is what these gentlemen are doing—what is the motivation of this individual?

How can we help in that? How can this body, as interested as we are in the subject, go beyond bringing to bear more resources, or strengthening the civil rights statutes of this type, or of enhancing the penalties for arson? I'm willing to do that, if that's one of the recommendations. I'd like to have additional time now in order to get a response from these gentlemen on the question of, what can we do legislatively?

Mr. HYDE. We won't shut you off.

Mr. PATRICK. I can take a stab at it, Congressman. First of all, you're right that our job, our responsibility, is to follow all of the

leads to wherever they lead us, and that is mostly a question of resources and time and dedication and commitment of the kind that is reflected on this panel. There are some things that could use legislative tightening up, frankly, that I mentioned in my opening statement. I don't want to do legislative drafting here, but we would be very interested, particularly with respect to sections 247 and 248 of title 18, U.S.C., in working with the committee or any of its members in ways we think that those could be tightened up.

Not every case is going to turn out to be a racially-motivated case. There's no question about that; we've said that. We've also said that you've got to be nuts not to look at some of these trends and at least consider those kinds of motivations and see whether the evidence takes us there. If the evidence takes us there, then I think there are some tools in the law that we can tighten up, and we'd love to work with any members of the committee to that end.

Mr. HYDE. The gentleman's time has—does anyone else want to comment? I'm sorry. Very well.

The gentleman from Massachusetts, Mr. Frank.

Mr. FRANK. Thank you, Mr. Chairman, and thank you for your generosity with the time; it's obviously an emotional subject and we appreciate the graciousness with which you are presiding this morning.

I have been concerned by a couple of trends. Obviously, there is a pretty good consensus here against church burnings, so the issue is not whether or not we're for church burnings. My guess is in this Congress, even on a secret ballot, there wouldn't be more than 8 or 10 votes in favor of church burnings, so I think we could take that as a given. And then the question is, how do we appropriately address the law enforcement aspects? And here a couple of trends bother me, because we put you gentlemen—and women who work with you—in an unfortunate position, it seems to me, because we almost always have hearings to tell you to do more and we never have the hearing to tell you where we think you should do less, and with a given amount of money you can't always accommodate more. I believe one of our responsibilities is to be clearer about the inevitable restrictions on what happens, and I'll get back to that in a minute.

The second point I want to make is that I'm pleased we're having this hearing. I think it's very important because it's a chance for us to call Federal law enforcement officials to support their efforts. I regret the tendency, recently, in Congress for my colleagues—some of them—to focus excessively on the negative aspects of what Federal law enforcement officials do.

It's interesting, 20 years ago there was a division in this country over law enforcement in which people on the left were very critical of law enforcement and people on the right, wholly supportive. And that was local enforcement. Now we appear to have had a flip here. It is still the case that my friends on the right appear to be very supportive of local enforcement, but for a variety of reasons many of them have moved to a position which, I believe, undercuts the ability of Federal law enforcement officials to do their job. We have people who are actively hostile to Federal law enforcement officials. Federal law officials in parts of this country have been threatened and have been abused and I think it is important that we affirm

here the fact—and I think there's been a tendency to lose sight of this—that, to put it in the profound philosophical terms with which we often address these issues, you're the good guys. I think we've lost sight of that.

I think there has been—if you did some kind of a content analysis of congressional actions, including from this committee and congressional rhetoric—a demonization of Federal law enforcement officials of the Bureau of Alcohol, Tobacco and Firearms, of the FBI, and of Treasury law enforcement officials. So I'm glad to have this opportunity to affirm that Federal law enforcement officials are every bit as essential to the protection of the rights of all of us as local law enforcement officials, that Federal law enforcement officials deserve exactly the same kind of support that local law enforcement officials get: that is general support, adequate funding, backing when they get into difficult situations, and a recognition that in the overwhelming majority of cases they are acting appropriately—indeed, necessarily—while at the same time recognizing that in any human activity you are going to have some people who are abusive and people who make mistakes, and what we have to be able to do is to react to the mistakes, discipline those who are mistaken, correct the systemic factors that may contribute to the mistakes, but remain on the whole, supportive.

But now let me just ask, in closing, a question. In terms of the resources, is there a resource allocation problem in terms of this, or would you say that in terms of this degree of problem you've got at the law enforcement level—let me ask Mr. Brekke and Mr. Magaw—the adequate law enforcement resources to do it?

Mr. MAGAW. Right now, the resources that we have in our budget are meeting our requirements, Mr. Congressman. If this goes on over a period of time—we're spending about \$180,000 to \$190,000 a week and we already have a little shortfall on our budget because of the different pay raises and things over the past years that haven't been fully budgeted, so I have to be very careful that my deficit doesn't go too high. If it goes on a year, our projection is, at this rate, that we're going to be somewhere between \$10 million and \$12 million. That would hurt me bad, and if that's the case I will come for supplemental funding. That's one of the things that I want to watch, and it's been brought up here. You don't want to dump just resources in there. What is it that you need? Don't dump resources in there that are two and three and four times more than what you need. I'm monitoring that every day and making sure we have what's necessary.

Mr. FRANK. Briefly, if I might, Mr. Chairman—Mr. Magaw, I appreciate that answer, and lest you give inadvertent fodder to the people whose life's work is to try and denigrate your agency, I assume you meant you don't want your deficit to get too high—not too low. I think you inadvertently said that, and in the world in which we live that will be headlines tomorrow if we don't clear that up.

Mr. MAGAW. Thank you, sir.

Mr. FRANK. I thank you.

Let me just ask Mr. Brekke if he could respond briefly, Mr. Chairman.

Mr. BREKKE. Congressman Frank, the FBI civil rights program is the smallest of all of our investigative programs, unfortunately. However, the importance of these particular cases has caused us to pull resources from other programs depending on the individual needs of an investigation. For example, in Green County, AL, we did a thousand interviews. That's one-third of the population of that particular county. We put in whatever resources are necessary to do what needs to be done. That draws off from our other investigative programs, so it has hurt the Bureau as a whole.

Mr. FRANK. One thing, if I might, Mr. Chairman—I may have missed it if you covered it earlier—but you said the civil rights investigation is the smallest division, “unfortunately.” Well, why not change that then? I mean, it's not written down some where.

Mr. BREKKE. At the risk of competing interests, we have 250 Federal violations that the FBI investigates. We have to prioritize things and it just happens to be the smallest investigative program, but we—not only at headquarters, but each one of our SAC's devotes whatever resources are necessary to do the investigation and do it right.

Mr. FRANK. I would hope you would have the capacity to change that if circumstances dictate it, in terms of it being the smallest.

Mr. BREKKE. We're very flexible, yes, sir.

Mr. FRANK. Thank you, Mr. Chairman.

Mr. HYDE. Thank you, Mr. Frank, and I would like to associate myself with your remarks, your analysis of the emotional commitments to law enforcement. I think these gentlemen have acquitted themselves very well, and I think I draw from their testimony they're doing everything possible within human capacity. The problems of racism, ethnic cleansing, religious bigotry, and interpersonal hate are problems of the soul and of the heart and Government can do so much. Government has a role—the law is a teacher—but parents, religion, moral guidance—which you don't learn in the streets—are at the heart of a lot of these problems and they're not going to get better until we find a way to address that. But, meanwhile, we can, I think, have some confidence in the job that these folks are doing.

Mr. Schiff of New Mexico.

Mr. SCHIFF. Thank you, Mr. Chairman. Mr. Chairman, I'm going to use my time, briefly, to echo some statements that have already been made here, but I think they're important.

The first is from my colleague, Congressman Frank, and that is we are not here to debate whether anyone here is in favor or not in favor of burning of churches. It's obvious, I think, that we are all here against criminal conduct and especially such heinous conduct as attacking places of worship. I want to echo what Congressman Conyers said, that really the purpose of this hearing, then, is to focus our attention on the seriousness of this problem, particularly the seriousness that has resurrected itself, unfortunately, apparently in the last number of months, as well as over the last several years, and to use the medium of a congressional hearing to bring that point to the administration, and to our colleagues in Congress, and to the public, and that is our main focus here.

I'd like to echo one more thing that was mentioned by Congressman Gekas and others—and I say this both as a Member of Con-

gress, who like my colleagues represent people of many different racial and ethnic and religious points of view, as well as speaking for myself as an individual whose places of worship have been targeted for vandalism and other attacks from time to time that you've already referred to. We need from you—not necessarily this minute—but we need from you a list of anything you think we can do on your behalf. You and your agencies, both the Federal level and on the State and local level, are responsible for fighting this kind of criminal problem day-in and day-out. Much of what you do has to be done by old-fashioned pounding-the-pavement to talk to witnesses, to gather evidence, and there's nothing we can do legislatively, necessarily, to help you.

On the other hand, perhaps in areas of legislation such as focusing on interpretation in certain statutes which might be too vague as written, or in the area of resources, we can be of help. And, therefore, what I hope you will all do, having now testified at this hearing, is together or individually through your agencies contact each member of the Judiciary Committee here and say, "This is what our agency believes might be able to help us fight this terrible criminal problem," and let us see what you believe you need and how we might be able to help. I think you'll find a very willing ear in the House of Representatives on both sides of the aisle.

Thank you very much, Mr. Chairman. I yield back.

Mr. HYDE. Thank you, Mr. Schiff.

Mr. SCOTT, the gentleman from Virginia.

Mr. SCOTT. Thank you, Mr. Chairman, and I want to add my words along the same lines as others who have spoken, that if we don't stop these burnings now, they'll continue to grow. We have to let people know that there's going to be zero tolerance, and we're going to do everything we can to find out who they are, and we'll expend whatever resources are necessary to find them and to prosecute them. People ought not have any encouragement to continue this kind of behavior.

I have a couple of quick questions. First, is there an agency coordinating the investigations?

Mr. PATRICK. We're really working in partnership. The two agencies with oversight responsibility are the Departments of Treasury and Justice, and we're working very closely with our respective investigative arms, the ATF and FBI. So, the four of us and our representatives—

Mr. SCOTT. But I mean, is somebody in charge? Are you in charge?

Mr. PATRICK. I am one of the people in charge, yes. When it comes to the prosecutions, of course, the Department of Justice has the Federal responsibility.

Mr. SCOTT. Mr. Brekke, you indicated that the civil rights unit was the smallest, but I thought I also heard you suggest that it was smallest in terms of dedicated staff, but as you need staff support you get that support from the rest of the FBI. Is that accurate?

Mr. BREKKE. Yes. As you're well aware, the FBI has 10,500 agents that are assigned all over the country. So if in a particular circumstance, if the needs were there, we assign as many as are needed to a particular investigation.

Mr. SCOTT. Mr. Johnson, you went to great lengths to describe your background to assure people that you are certainly sensitive to this issue and would give confidence that you're going to do everything you can. I understand that all of the ATF agents who were associated with the Good Old Boys Roundup have been removed from anything to do with these investigations. Is that true?

Mr. JOHNSON. What's true is that there were two agents that were involved in the investigations that were referred for discipline or counseling in connection with their connection with the Good Old Boys Roundup. Director Magaw removed those agents from the investigation because he was sensitive to the appearance of impropriety.

Mr. SCOTT. And sensitivity is very important in issues like this. Are you aware of any complaints about insensitivity during investigations and, if so, what have you done about it?

Mr. JOHNSON. I'm not aware of any complaints about insensitivity by ATF agents during the investigations.

Mr. SCOTT. Mr. Brekke, are you aware of any complaints about FBI agents in terms of insensitivity during the investigation?

Mr. BREKKE. No, sir, I'm not.

Mr. SCOTT. Mr. Magaw or Mr. Patrick, are you aware of any complaints?

Mr. MAGAW. No, sir, I'm not, but because of ATF's attachment to the Good Old Boys and the investigation and subsequent publicity, we've made sure that we have visited with the congregations. We've made sure that that investigative team looks like America, that there is a good cross-section of not only experience, but ethnicity on it, and we have not run into problems because a lot of our people have, in fact, visited with the churches and congregations and, where possible, trading information back on where we are.

So, we will make sure that we stay on top of that because, as a result of Good Old Boys, there could be a perception. And in none of the IG's investigation—Inspector General's investigation—was there any participation in any of those racial epithets and the insensitivities that took place by any of our personnel. The fact was that two or three of them went back after seeing these and we're not going to stand for that.

Mr. SCOTT. OK, let me see if I can get one more question in.

Mr. Patrick, you indicated, I think, that you wanted to talk about a specific case or two, and as you do that if you could indicate how many of your prosecutions have been under the general arson State statute and how many of them have been under section 241?

Mr. PATRICK. The two cases I was going to mention are successful Federal prosecutions in Tennessee and in Mississippi, as examples of some of the successes we've had. They're set out in the written testimony. I can mention them here if you'd like.

In Tennessee, local law enforcement authorities apprehended three young men who said they burned two African-American churches and a tavern owned by an African-American in January 1995 in Maury County. They claim they were drunk and only meant it as a joke, but we not only determined that the three had a history of racial animus and made racially-biased comments before going out to burn the churches, but also identified other persons who later testified before the grand jury concerning the de-

defendants' intent to burn African-American churches because they were African-American churches.

Attorneys from the U.S. Attorney's Office in the Middle District of Tennessee, working with my staff, prosecuted these three defendants and the three ultimately pled guilty to Federal charges of conspiring to burn the three buildings in violation of 18 U.S.C., section 241. Two of the defendants were sentenced to 33 months in Federal prison and the third to 57 months for this hate crime.

And in Mississippi, the second example, we convicted three individuals for their involvement in two African-American churches in Pike County that burned to the ground on April 5, 1993, on the 25th anniversary of the death of the Rev. Dr. Martin Luther King. The FBI, with the local sheriff's department, identified three suspects—in that case one adult and two juveniles. This was set in an area of Mississippi in which racial violence is a part of the not-so-distant past. The suspects admitted choosing the churches because they were African-American churches and making racially-derogatory remarks when setting the fires.

Again, the Division and the U.S. Attorney's Office prosecuted, and all three participants ultimately pled guilty to violating 18 U.S.C., section 241. In that case, two defendants were sentenced to 37 months in Federal prison and one to 46 months.

Mr. SCOTT. What is the relative difference in penalty from the 241 and the regular arson statute?

Mr. PATRICK. It depends on the aggravation of the crime. I may want to let my colleagues from Treasury respond to that, but in the case of 241—again, that's where there's more than one participant—thanks to the Hate Crimes Enhancement Act, the penalties are strong. We do make a judgment, though, when there are fewer than two involved about whether we are likely to do better in terms of strength of sentence, frankly, in the State system or the Federal system.

You asked about how many of the cases have been 241 and 844(i). My understanding is we have charged both in almost all of the cases; we have then pled-out, depending on whether there have been pleas, more often to 241 than to 844(i) of those that we've handled in the Division.

Mr. HYDE. Mr. Inglis.

Mr. INGLIS. Thank you, Mr. Chairman. I want to join others in thanking you for convening these hearings. I think they're very helpful for two purposes: one is to make certain that the cooperative efforts among the law enforcement agencies are going well, and, second, to strongly express the outrage of the American people against this kind of cowardly act. And so I think these are great hearings to accomplish both of those purposes.

I'm interested, particularly, in the numbers that are presented by way of church fires. It seems to me it bears underscoring, Director Magaw, that the universe that is shown on your first chart is just the universe that ATF is investigating, correct? So that there are—just so we're all clear—there are quite a few more arson cases involving churches than this universe shows on the first chart.

Mr. MAGAW. Yes, sir.

Mr. INGLIS. So it's somewhat hard to know. For example, as I understand it in South Carolina, Director Stewart, we have had 34

fires since 1991. Of those, 24 are being investigated as arson, 13 involving black churches in South Carolina, and of those, 6 ATF is cooperating in the investigation of, and 7, SLED—South Carolina Law Enforcement Division—is handling itself. Is that correct?

Mr. STEWART. No, sir. That 13 is since January 1991, over the last 5½ years. ATF's involvement in the church fires is fairly recent. They requested several months ago that we call them to scenes; we've had two occasions to do that since. ATF has come in—and, of course, the FBI on civil rights—in the Williamsburg County. The two fires there, where we arrested the people that did it within a couple of days after the fires, they are now involved in that to see who else may be involved on civil rights violations, but, currently, the ATF is helping us on three churches that were set fire the same night in Barnwell—two were white, one was black—that is one incident, and then an incident in Florence County.

Mr. INGLIS. Well, in any event, it's interesting to note the numbers of fires. There are more than are shown here, and, in fact, that's the testimony of Director Magaw—I just wanted to underscore it—that there are far more fires than are being investigated by ATF, because as you pointed out just now, these fires, for example, the ones that the sheriff in Williamsburg County was able to make an arrest on along with your help, I suppose, were made prior to ATF's engagement in these cases.

Mr. STEWART. Yes.

Mr. INGLIS. So, the second question I have for anybody that wants to respond—particularly Chief Stewart, I'd be interested in your response—is, How is the cooperation going? Has this been a positive experience? Has the assistance been the kind of assistance you need from the Federal level, or how would you assess that?

Mr. STEWART. We'll certainly take all the free help we can get. Any unsolved church fire is one too many, and we appreciate the help from the FBI and the ATF. Anytime there is a newly—we have kind of a loosely-formed task force in South Carolina between the three agencies. It's not as formalized as some of the drug task forces and violent task forces are, and we're getting the bugs out of it. There were a few bugs to start with—there always will be—and I think we're about to get them worked out.

Mr. INGLIS. Does anybody else want to—Mr. Johnson, do you want to address that?

Mr. JOHNSON. Sure. With respect to State and local and Federal cooperation, when I went down to Louisiana I spoke with the chief of police down in Baker as well as the fire chief down in Baker, LA, and they were quite pleased with the level of cooperation with the State and locals. And here in Washington, I think we can't emphasize enough that the Department of the Treasury and the Department of Justice, as well as the headquarters of the ATF and the FBI, are working closely on these investigations.

Mr. INGLIS. Anybody else? Director Magaw?

Mr. MAGAW. I'd just like to make one quick comment. In the Anti-Arson Act of 1982, the Congress at that time asked us and gave us the authority to assist when asked. And so that's one of the differences in the logistics. A lot of times they handle these themselves and they're not reported. In fact, with the U.S. Fire Administration, where fires are voluntarily reported, they're only get-

ting about 40 percent of the fires. There are an awful lot of fires out there that aren't being reported for statistical purposes.

Mr. INGLIS. Thank you.

Thank you, Mr. Chairman.

Mr. HYDE. Thank you.

The gentlelady from California, Ms. Lofgren.

Ms. LOFGREN. Thank you, Mr. Chairman. As I have listened to each of the witnesses, as well as members of this committee, it occurs to me that the job we all have, either as Members of Congress or as members of the administration, is not just a legal one, but really one of leadership in addition to the rule of law. The issues relating to Government law enforcement investigation and prosecution of criminal activity are important, but I was thinking earlier of when the nazis were in Denmark, the King of Denmark wore a Star of David so that he would stand with those whose rights and freedom were being threatened. And I think in many ways this is an analogous situation, which really leads to my brief question for you, Mr. Magaw.

In reading through the testimony of the next panel, which we have the benefit of receiving before it's given, Pastor Mackey was very positive in his comments about solicitation and communication between Federal agents and the victims in his church. However, we have a representative from the Christian Coalition who has highly critical remarks of this feedback, and then also comments from our former colleague, Mr. Mfume, reporting what the NAACP has done and the tours that they have gone on, and which makes recommendations as to the training necessary for interviewing techniques and indicating the need for greater feedback. And not just feedback, because I think Mr. Mfume's testimony speaks not just to the actual communications, but also to the perception of the communication which is extremely important in these cases.

You said that you have not received complaints about the investigations, but what mechanisms are in place for you or others who bear the responsibility in the ATF to really learn about issues, even if they're not serious enough to warrant disciplinary action but serious in that they may undercut confidence in our Government, and the Constitution, and the freedoms we believe in for all Americans. What mechanisms do you have in place for that kind of oversight?

Mr. MAGAW. You're correct. Reverend Lowery brought it to our attention that we need to do more in terms of visiting with not only the churches, but the city councils and the communities that are being injured by all of these church burnings, and we have done that. In fact, Assistant Secretary Johnson just came back last weekend from being down there, and we're going to continue to do that, and actually have the agents that are actually working the fire interfacing with the communities and standing up in front of the church community and asking questions and telling them how we are responding to it.

Ms. LOFGREN. And you receive reports from those individuals as to the feedback their receiving?

Mr. MAGAW. Our Deputy Associate Director for Enforcement which handles the eastern part of the United States, Mr. Donnie Carter, is in day-to-day contact and has been down there four or five times—and he's here with me today—and is paying special at-

tention every day to that. He was down there all last weekend and is briefing me virtually every day.

Ms. LOFGREN. So you get a report every day or close to every day?

Mr. MAGAW. That's right; we talk every day.

Ms. LOFGREN. All right. Thank you very much, and I would yield the balance of my time to Mr. Scott, who didn't have a chance to ask his last questions.

Mr. SCOTT. Thank you. I just had a couple of other questions. We're talking about the conspiracy in a general sense; the militias, as I understand it, are arranged in a kind of "cell" orientation where they don't communicate and there's no "conspiracy" per se, but everybody kind of gets the word and knows what to do. Do you have common motives without common conspiracy in any of these cases?

Mr. PATRICK. Can I take a stab at that? Speaking now, particularly, of the cases that have been resolved—

Mr. SCOTT. Or ones you have leads on?

Mr. PATRICK. I can't comment about ones we have leads on, and I shouldn't. About the ones that are resolved, it is quite clear that in many of the cases, racial animus is a motivator and that within groups of cases—and I think this is consistent with what the gentleman from South Carolina was saying—in groups of cases it's clear that they are connected in the sense that there is one or two perpetrators of a number of fires. It's also evident that in some of the cases that "attitude," which may be widespread without necessarily communication of a kind that would be illegal conspiracy, is at the root of some of the motivation. We have to pay attention to that; there's no question. Beyond that, I probably shouldn't comment.

Mr. SCOTT. Mr. Chairman, may I ask another real quick question?

Mr. Magaw, on your chart of cases where you had the red and the blue numbers, of those that are not African-American churches, how many are other minority groups?

Mr. MAGAW. I'll have to get that answer for you, Congressman; I don't have that off the top of my head.

[The information follows:]

Non-African-American minority church fire investigations by ATF since October 1, 1991: Two Hispanic; seven synagogues; two Islamic centers; and one Korean.

Mr. SCOTT. That is, Hispanic churches, Jewish synagogues.

Mr. MAGAW. There are a mix, but of those other groups most of those are going to be Caucasian, with the exception of two or three in Texas, but let me get that specifically for you within the next day and we'll get it up here to your office.

Mr. SCOTT. Thank you, Mr. Chairman.

Mr. HYDE. The gentleman from Virginia, Mr. Goodlatte.

Mr. GOODLATTE. Thank you, Mr. Chairman.

I'd like to thank all of you for your participation today, too. This is a very serious matter and, well, I guess I could say I'm glad there is only one of these that has occurred in Virginia. One is one too many, and I'd like to hear from any of you what you have discovered thus far from those cases that have been solved. Is there a pattern of this occurring locally? In other words, is the arsonist

someone who lives in the same county or nearby county, or is it someone who has traveled distances to commit these crimes?

Mr. PATRICK. Congressman, in the ones that been solved, pretty much—and I'm not sure there are any exceptions to this—the defendants have been people located in the general community where the arson has taken place.

Mr. GOODLATTE. In those States that have multiple instances, has the same individual been responsible for the burning of several churches in the State?

Mr. PATRICK. Well, again, just commenting on the ones that have been resolved, or where there have been arrests, it is true that there are a couple of arrests for more than one fire in more than one jurisdiction. So, for example, in Tennessee, in the example I mentioned a moment ago, there were three arrests for three fires, all three involved in all three fires. The same was true, similarly, in Mississippi. In South Carolina, I think the two individuals under arrest are being held in connection with two fires.

Mr. GOODLATTE. Does there appear to be any connection between these groups of individuals? Is there anything common about their method of committing arson that would suggest that there's some communication, some organization, that has shared information between States or between groups of people that have performed these acts?

Mr. PATRICK. There has not been an identical modus operandi or accelerant in every case; that much I can say—beyond that I probably ought not comment right now.

Mr. GOODLATTE. Mr. Magaw, in your opinion do current Federal statutes provide sufficient authority to investigate and prosecute the persons responsible?

Mr. MAGAW. Yes, sir, I believe they do.

Mr. GOODLATTE. Good. So we're not looking here for additional statutory authority for you to act?

Mr. MAGAW. Not for the 841(i). There have been a couple discussed, maybe in the civil rights area—and that's kind of out of my ballpark—so I turn right back to Mr. Patrick.

Mr. GOODLATTE. What is your rate of solving these cases? Maybe you can speak from your experience with your own agency and perhaps somebody else—Mr. Patrick or somebody else—may have an overall answer.

Mr. MAGAW. The average closings around the country—solved—is about 16 to 20 percent, and as Mr. Patrick mentioned before, they're solving around 50 percent, and the ones that we have closed since 1991 are up around 70 percent, but that's of the ones closed—there are a lot of them still open yet.

Mr. GOODLATTE. How long does the average case stay open? How long does it take to solve one these cases?

Mr. MAGAW. Well, at 3 and 4 and 5 years we will look at it again by our cold case experts, to look and see if there's anything that has come up since. If the computers that keep track of the fires and the suspects and the modus operandi, if any of those gel or if we're zeroing in and we see that there's new evidence, they'll work it. If it gets much beyond 5 years with just no leads at all, and after being looked at by the cold case group, they will close it, subject to be being reopened, and two or three of those happen every year

because of facts that will come up that will then, through the computer, tickle us and say, "Hey, here's a case over here that has the same circumstances; you need to look at it again."

Mr. GOODLATTE. Do either of you know what the oldest open case involving an African-American church in the Southeast is, that's currently open, how old it is?

Mr. BREKKE. Congressman, not in the Southeast, but the Ebenezer AME Church in Seattle, WA, is currently open and it was burned on November 30, 1991. The FBI—just as a point of clarification—we keep the cases open that are unsolved for the entire duration of the statute of limitations; we don't close it until there's no hope of solving the case.

Mr. GOODLATTE. And what is the statute of limitations?

Mr. BREKKE. It's 5 years for our civil rights violations, and I believe 7 years where there's an arson.

Mr. MAGAW. Of course, if there's murder involved, it stays open, and we were talking about a number of cases, one we just solved, and it was 40 years old. And the person is now serving prison time for the molestation and murdering and burning of three young people.

Mr. GOODLATTE. Mr. Chairman, might I ask one more question? I see my time has expired.

I just want to ask, Are these predominantly in very, very rural areas? I mean, are they remote locations off of main roads where they are primarily occurring, or are they in urban areas, or areas that are highly visible in rural areas on main roads?

Mr. PATRICK. They really range, Congressman. More of them than not are in very rural areas. In fact, in some areas, because they were so rural, the church would burn completely to the ground before anybody even noticed.

Mr. JOHNSON. I believe that, of the fires the ATF is investigating, all but two are in rural areas.

Mr. GOODLATTE. And when you say that, are you referring to a not-heavily traveled road in a remote area or are you including in that something that might be on a main highway through a rural area?

Mr. JOHNSON. Most of the ones—and I can speak also to the churches that I actually saw—are in remote locations, and at least one was off of a dirt road, deep in the woods.

Mr. GOODLATTE. OK. Thank you, Mr. Chairman.

Mr. HYDE. The gentlelady from Texas, Ms. Sheila Jackson Lee.

Ms. JACKSON LEE. Thank you very much, Mr. Chairman.

Mr. Brekke, could you repeat that number for me again? You said we had how many FBI agents now in employ in the U.S. Government? Did you give a number just recently?

Mr. BREKKE. Well, it changes daily, but I believe it's in excess of 10,000.

Ms. JACKSON LEE. Thank you.

And Mr. Magaw, thank you for your testimony. Can you tell me how many agents you have in your service?

Mr. MAGAW. Right around 1,900 today, Congresswoman.

Ms. JACKSON LEE. If I might be allowed to offer this assessment—not in a critical manner—there's almost a pall over this room, a sense of quietness that is in such contrast to the weeks

that I spent in the Waco hearings. Weeping families were in the audience and you'd hear their cries, now and then the loved ones of the officers of the ATF, teary witnesses, and a great deal of emotion, for we were presiding over a tragic inferno that created a high degree of loss of life.

We now have the pleasant experience of making pleasant inquiries about some fires of which we can, I assume, claim no loss of life. But I think that we should be as emotionally charged today as there were those in the Waco hearings and, of course, Ruby Ridge, for I wonder if we realize what it is like to rise to a pulpit in the atmosphere of now some 22 African-American churches in 1996 having been burned, and thinking whether this is your last sermon, the last time you would sing "Precious Lord, Take My Hand."

I am somewhat concerned at the politeness of this hearing. You've got burned churches and burned history; you have intimidated communities; you have communities in the deep South and in America where African-Americans are living in intimidation; they're living it in Philadelphia. The series on "Nightline," that I'm sure many of us will look at this week, evidences the degree of intolerance in this Nation.

Let me say to the 10,500 men and women, I thank them and the 1,900, but it makes a very important statement—all of the "hurrah" and the outcry of those who would say that Federal agents are violating their rights, and we all have had our time with the FBI, and I'm sure others have had their times with other agents—what a paltry number; it does not match the need.

Mr. Brekke and Mr. Magaw, can you tell me what is the cost per day that you are spending? I need some ballpark figures. What are you spending per day with the Freemen in Montana?

Mr. BREKKE. I would have to get the numbers for you.

Ms. JACKSON LEE. Give me a ballpark.

Mr. BREKKE. I only know specifically from the news reports; I would guess there's at least 100 FBI agents out there with assorted equipment, travel expenses, et cetera. I would imagine we'd have to do a little multiplication and get those figures for you.

[The information follows:]

During the period of 3/23/96–5/24/97, the FBI has expended the following estimated amounts in the Freeman standoff in Montana (updated figures were not available):

Personnel costs	\$2,778,537
Extrajudicial costs:	
Travel	1,006,268
Equipment	3,658
Supplies	46,598
Miscellaneous	414,093
Rental of Equipment	305,235
Vehicle Repair	13,432
Utilities	19,000
Rental of Aircraft	110,000
Total estimated extraordinary costs	1,918,284
Total estimated costs	4,696,821

Ms. JACKSON LEE. I'd appreciate it if you would, but I hope that we'll note that 100—and I know my teenager will get that math for me; I'm not going to move that quickly—I'll just note that 100 is a very large number.

Mr. Magaw.

Mr. MAGAW. Congresswoman, ours would be less than five; we're just in a support capacity, and they're from the local area.

Ms. JACKSON LEE. So about 105, but that's about 53 days. My counting is at 51 or 53 days?

Mr. MAGAW. About 57 now.

Ms. JACKSON LEE. About 57 we're at, all right. That's about 57 days and we've got about 100 FBI agents out there. Does anyone know what the cost of the FBI investigation was for Whitewater, which is still ongoing? Does anyone have that figure for me? Mr. Brekke, I'll accept your—

Mr. BREKKE. Just from what I've read in the paper, and I think the figure was \$12 million, but that was the independent counsel that was spending the money.

Ms. JACKSON LEE. Don't know if we've had any loss of life there, or we don't know where we are in terms of any great success in that area. I say that to you because here's what I'm grappling with and the emotion that I am bringing to the table here. The reckless abandonment of the politeness of my question is, I am in a panic that I will have to wake up one morning and see a headline that has allowed this to elevate. We have gotten—maybe—your limited attention, and I think my ranking member noted it, a comment by the Attorney General in South Carolina and where did it go? And I will have to wake up and see a bloody mess of some church, African-American, because it has now been heightened—the Unabomber over a period of time—the loss of life.

And you have gotten a polite response of "doing the best that you can," and I appreciate it, but the resources are not there. We've got 100 people in Montana only because of Waco, Ruby Ridge, and the tragedy, I imagine, of Oklahoma City. But we have a tragedy burning here. There needs to be more resources directed toward this effort. You are going at a very fair and respectable pace with the resources that you have, but I cannot accept the fact that we are polite only because you don't hear the weeping sounds in the back of the room. It is pending; it is about to happen.

So, I guess my inquiry, twofold, and I'll try to capture it, is: you can't tell me if you have enough resources at this point and I'm not comforted by that. Tell me when you expect to close some of these cases. What do you need to move that closure along, even though I realize there are certain police tactics of getting information and not tipping your hand? Tell me, first, that those who are the overseers of the investigating process; then tell me, secondarily, just point blank: can you use more monetary resources that would expedite the resolution of this problem that shows that there is some connection, somehow?

And my last question is, What happens when local officials don't call you in? This gentleman had said—Mr. Stewart, I believe—he appreciated your involvement. I'm sure there are others who haven't dialed your number, that you're missing that boat.

I am crying because I've come here to find out that I'll know tomorrow that we are in the direction of putting a cease-and-desist order on the potential loss of life of churches who are at the very heart and soul of their communities. I'd like those gentlemen to be able to answer, Mr. Chairman.

Mr. BREKKE. Congresswoman, we agree with you; we can use more resources, not only more manpower for the FBI in general, but also monetarily. For example, the FBI sponsored a hate-crimes conference in Birmingham, AL, in March to bring all of the investigative agents, agencies, Department of Justice, and the U.S. Attorneys' Offices together. Part of what we did was to bring in leading civil rights proponents from the Alabama area: the Rev. Abraham Woods came and spoke to us; John Johnson, from the NAACP national headquarters, spoke to us; the person that opened our conference was Mayor Arrington, and he spoke to us.

And we asked them to tell us, the FBI, your opinion of us, and what can we do to get through this. And they told us, and their perception of the FBI shocked us. We need to reach out to the community; we need to form a partnership with the community; we need to have that community—your community, or whoever's community—come to us. We agree we don't know about every single case that's occurred out there. We could use the money for that to develop a system where these things are reported to us. We agree with much of what you've said, and, yes, there could be more done by the Federal Government, but as you're well aware, we're in very austere times, both in our agency and, I'm sure, others.

Ms. JACKSON LEE. What could—and, Mr. Chairman, if you'd yield me just a moment and I know that they will conclude on my question—but is there some procedure where we can effectuate the transfer of resources to this investigation? Because I want to show a sharp contrast to the hundred folks that are in Montana and the amount of dollars spent, and I hope that you will get me those answers on Whitewater, Montana. I think those were the two that I asked. But, in any event, is there a way to effect that, to give you more resources on this issue? And you've made a very good point, because there is probably a gap of information for the intimidation perspective in getting information to you.

Yes, Mr. Patrick?

Mr. PATRICK. Congresswoman, I think it was Congressman Schiff who suggested that we get together a list of exactly what our needs would be.

Ms. JACKSON LEE. I'd appreciate it.

Mr. PATRICK. We'll try to make that something less than a wish-list, but something that reflects what we think is a sensible commitment of resources.

I do want to say, in defense of my colleagues and all of us, that this is not a lightly-taken investigation. Two hundred-plus Federal investigators committed full time to these active investigations is not a light commitment of resources. But there is no question that we could do more with more.

Ms. JACKSON LEE. Mr. Patrick, I appreciate what you said—200 in light of your resources—you're right, and as I started out to say, that this is not an indictment of those who appear before me; it is a reflection on the fact that I think that is not enough.

If I can conclude with Mr. Magaw answering, because you have been, in essence, held up in effigy, if you will, over the past couple of years. We now look to your agency with a great deal of desire and need, which I hope evidences to the American public the importance of what work you do, and I have always respected it. You have 1,900 agents—I assume that's the terminology. Are you combined? How many do you have with the expertise in arson working on this issue?

Mr. MAGAW. With the expertise in the arson area, on a given day we will have approximately 30 moving throughout the area doing the different parts of the technical work. Materials are brought back to our laboratory, both at Atlanta and also here, so the chemists are working on the evidence in that area. In terms of the investigation: are there interviews to be conducted? Are there things that need to be done? We coordinate with the FBI; our agents are working side by side. Obviously, the ATF has less resources, but I will put everything down there that I need. I'm watching it every day, and then we'll come to this body for supplemental, if that's what I need.

Ms. JACKSON LEE. You have 30 on these fires or just 30 in total?

Mr. MAGAW. No, 30—I thought you asked me how many technicians.

Ms. JACKSON LEE. No, how many do you have on these fires?

Mr. MAGAW. Well, it'll range between 70 and 100 every day. Some are technicians; some are agents; some are the canine units that are working down there.

Ms. JACKSON LEE. I conclude, Mr. Chairman, and I thank you.

Let us not be timid. Let's face the facts. There's a priority in this country. I keep saying it—100 FBI agents in Montana—something is about to happen and I don't want to be a part of it. I want people to have the opportunity to worship in peace.

Mr. HYDE. Well, Mr. Magaw, if you had more resources could you solve these quicker? I mean, are you understaffed? This is the first I've heard of this. I'd like to know if you, and the FBI, and everybody else are underresourced and understaffed, please tell us. You can always use more—if you can use 10, you can use 100—we know that.

Now at Waco, 90 people died: 75 Davidians; 5 in the shootout; 4 Federal officers, and that involved charges that the Government law enforcement was abusing its power. In the churches it's the other way around: the charge, evidently, is that Government doesn't take it seriously enough.

Now I happen to think that both charges are somewhat unfair. I happen to think that just because you're not emotionally demonstrative doesn't mean you're not taking this deadly seriously. Different people react differently, but I gather from what you're saying you're doing everything humanly possible. These are tough cases. You've got a 70-percent solution rate, is that correct, Mr. Magaw?

Mr. MAGAW. That's correct of those cases that we've closed since 1991. Mr. Chairman, we work about 2,500 to 3,000 fires a year. We could work many, many more because we're asked, but we don't have the resources to put these resources into the South that we're

putting in there now, and at the same time supporting local fire departments all over this country. We're running very, very thin.

Mr. HYDE. Do you get cooperation from local law enforcement?

Mr. MAGAW. Local law enforcement calls us every day to ask us to come in and work with them. We interface with local law enforcement every day.

Mr. HYDE. Have you found any local law enforcement agencies dragging their feet, not interested?

Mr. MAGAW. No, not at all, not at all, sir.

Ms. JACKSON LEE. Mr. Chairman, would you yield for a moment? I'd like to make an inquiry, and maybe I might clarify my comment.

Mr. HYDE. Surely.

Ms. JACKSON LEE. Mr. Chairman, I appreciate Mr. Magaw being very frank about those resources. I think that, if we get anything from this hearing, we would understand that it's not—certainly—the will and intent of the Federal Government as much as that they are compromised by the lack of resources.

There are two points that I would like to clarify. First of all, I would imagine that local law enforcement would be willing and active on this issue. My question was whether we knew, whether in the broad stretch of things, all local law enforcement were reaching out to receive the necessary help that they might need in this effort? And I think Mr. Brekke, in his establishing a better communication, might have highlighted that.

The second point that I might say, and let me say, is that the two of us sat here through the Waco hearings very intently and intensely, and none of us will not acknowledge the intensity of the loss of life and the questions raised there. What I am raising today is the fact that I don't like sitting in hearings dealing with the loss of life—the after-the-fact. We are on a curve, and my point, Mr. Chairman, is that I'd like to ensure as best we can that we don't elevate this to a hearing of weeping widows, and mothers, and fathers over the tragedy of some incident that causes a loss of life. The bombing of a church entails numbers of people, and so that was my point, that we would get to a point where we would not have to have hearings on the aftermath of a tragedy, and what can we do to prevent that?

Mr. HYDE. Well, I appreciate the gentlelady's comment. We get reprogramming notices from the Department of Justice and Treasury every week, and if they don't have the resources needed for these investigations, we would like to have heard from them and get those reprogramming notices and be of some assistance. But in the Freeman investigation in Montana, I gather the FBI and the other law enforcement do not want another Waco, and that's why they're not storming in, guns blazing. Children were killed at Waco, and I don't think it's fair to accuse the law enforcement of a misallocation of resources; these are very difficult situations. But we stand ready to join you in attempting to add to your resources, if you think you could solve these cases any quicker or prevent them. Sometimes the law of diminishing returns sets in: there's just so much you can do with the evidence you have. But, anyway, I thank you.

The gentleman from North Carolina, Mr. Heineman.

Mr. HEINEMAN. Thank you, Mr. Chairman.

I extend my welcome to you five. You've been sitting here longer than most groups of five have.

I'd just like to say that I have been engaged for the last—not the last—but for 15 years as a law enforcement executive and have dealt with the total community, arson being one of the many crimes that are committed in a community, and I have to say that arson, especially where churches are concerned—of course, arson comes in many shapes, manners, and forms and for many reasons—but where churches are concerned, that's a high priority. And, certainly, every time that we have had an opportunity to have—other than a "smoking gun" case, not to play on words—but we've called in our State Bureau of Investigation and the ATF. And I have to say from the local level that you folks have always been responsive. You've never failed to show up when we've called.

And I'd like to tell Mr. Johnson here—and I've never met him before—but your ATF does a tremendous job across the board, but on arson, especially. I haven't had the pleasure of dealing with the FBI on our arson cases, but from the local level, we commend you for what you've done and what you continue to do. And I'd like to say that, basically speaking, those crimes are local crimes. Those crimes are investigated by local agencies, and, certainly, when they run into problems, or where we feel it's related to others in a conspiratorial way, we will call in the State, such as SLED does, and I only have the highest remarks for that.

But in dealing with how to prevent it, I think we put too much emphasis on Federal level; I think we put too much emphasis on Washington to clear up those local issues. If we're going to clear up arson, if we're going to clear up burnings of churches or racism, we have to start at the local level; we don't start at Washington. We have to start at the schools, and the homes, and the churches, and that's a long job. That's a 20-year job, a 25-year job, to cleanse the young people that are growing up now with prejudice and racism.

So I know where you people fit in, and you do your job well, but I think the major emphasis should be put nationally on the local level to deal with the kids that we've forgotten for the past 20 years, which leads us to our crime waves today. But I have to commend you for doing what you did, for doing what you are doing, and for doing what you are going to do. I don't feel traumatized by the numbers here, and I can understand the trauma of churches being burned without people being arrested, and finding out that it's not a conspiracy, that it's an act of vandalism.

Certainly, we want to know about those four acts of arson in one night. You don't have to be a brain surgeon to know there's something wrong there, and we want to know about that, and that has to be of highest priority and I know you can't talk about that now. But I think you did well here today.

And I'd like to yield the balance of my time to Mr. Barr.

Mr. BARR. I thank the gentleman for yielding.

I'd like to speak particularly to Mr. Magaw of the ATF and Mr. Brekke from the FBI, and commend you both for the work that you're doing in this area. While it may irritate some on this panel that you're proceeding methodically, professionally, quietly, and in

an organized fashion, very frankly, I think that's the way you ought to be proceeding. I think you are proceeding that way, and I think it's a hallmark of the professionalism that both of your organizations bring to this type of case which, as the gentleman from North Carolina has indicated, are particularly problematic to solve because of the inherent destruction of evidence, by definition, in arson cases.

And, very frankly, I would also urge both of you not to be drawn off track, not be drawn off on political tangents, not to jump conclusions—the way some even quoted here in the New York Times today, such as Jesse Jackson, have done—to proceed methodically, professionally, in an organized fashion without regard to politics, not jumping to conclusions, doing what you and the Department of Justice does best, and that is proceeding in that way. And, very frankly, also, I would hope that you would devote no attention and no resources to worrying about Whitewater, Watergate, Iran-Contra, or anything else in your pursuit of handling these matters in the way you've already begun here. And I would join my colleague who yielded time to me from North Carolina in commending you for doing that and not being drawn off track. Thank you.

Ms. JACKSON LEE. Will the gentleman yield?

Mr. BARR. I have no time.

Mr. MCCOLLUM [presiding]. The gentleman's time has expired.

I recognize for 5 minutes the gentlelady from California, Ms. Waters, and welcome you to the committee. I believe this is your first full committee hearing. Welcome, Ms. Waters.

Ms. WATERS. That's right, Mr. Chairman. This is my very first committee hearing, and I'm delighted to be here. And sitting here listening to the exchange today helps me to understand why it is so important for me to be here. The issues that you concern yourself with in this committee, I think, are the issues of the day, and for those of us that are concerned about justice, and equality, and civil rights, we must pay attention to what is going on in this committee, because I think this committee can use its power and influence to direct some real attention and solve some of these problems.

Let me just say that I am not impressed with the fact that we have unanimous concerns about church bombings here—I expect that—and that's the easy thing to say and to be about. Of course, we're all against church bombings. What bothers me is the lack of communication and the lack of understanding about what it is in America that causes these kinds of actions. We're on two different tracks; we really aren't communicating; we really don't understand each other. When we began to talk about racism in America, there is a lot of distrust for law enforcement, and I want to make that clear. It's not an attack on you, but people such as myself have a suspicion; we're suspicious of law enforcement in America because we have not always been served well by law enforcement.

Let me just ask you a few questions that will help deal with that question of whether or not you have moved in certain ways that will help us to understand that you can be trusted, and that you are paying real attention to these bombings and other racist actions that are going on in America. First of all, when you anticipated your budgets, I take a look here and I see that in 1994 you

had an increase over the bombings from 1993, and, of course, it continued to go up in 1995 and 1996. What did you do when you put your budgets together to anticipate the workload and the resources that you were going to need, based on the fact that you had a clear indication of increases in this area? Mr. Magaw.

Mr. MAGAW. We increased our budget each year in these areas, but we did not anticipate that we would get many, many more fire departments and local authorities asking us for assistance; we didn't anticipate that increase.

Ms. WATERS. OK, that's fair.

What about—Mr. Brekke, is it?

Mr. BREKKE. Yes, ma'am. The total number of agents assigned to the civil rights program has increased 75 percent over the past 4 years or so. The number of cases here that we are currently working in the civil rights program—we work approximately 5,200 civil rights cases a year.

Ms. WATERS. Tell me about your Civil Rights Division. What was the budget for it in 1993, 1994, 1995, and 1996? How much did you allocate in your budget for the Civil Rights Division? And what was the increase?

Mr. BREKKE. The funding for the agents that are assigned there, which there are approximately 154 agents assigned to the civil rights program?

Ms. WATERS. What was it in 1993?

Mr. BREKKE. I believe it was in the 140's.

Ms. WATERS. What was it in 1994?

Mr. BREKKE. Well, maybe it's easier to go backwards. We started at about 107 in 1991. There are currently approximately, I believe, 170 that are allocated for the 1997 budget.

Ms. WATERS. Let's be a little bit clearer. You have the increase starting in 1994; there's a big increase from 1995 to 1996. What was your budget for the Civil Rights Division in 1995 and what is it in 1996?

Mr. BREKKE. They are very similar; there is not much difference between the two.

Ms. WATERS. There is a giant increase from 1995-96; your number of investigations went up, but you didn't have an increase and in your 1996 budget for the Civil Rights Division you did not—unanimous consent to continue my questioning, Mr. McCollum.

Mr. MCCOLLUM. You may continue this one question until you are finished with it, but your time, generally, is up.

Ms. WATERS. Yes, I know; that's why I'm asking for unanimous consent to do that.

Mr. MCCOLLUM. You may finish the line of questioning you're in, Ms. Waters.

Ms. WATERS. Did you increase your budget from 1995 to 1996?

Mr. BREKKE. I believe we did, but it was a minor increase.

Ms. WATERS. All right, that's fine. Continuing, again, I think there is reason for suspicion when we look at these kinds of things. But this big gap that we have in definitions—let me just ask quickly—have any of you ever fired anybody for racism inside your departments? Do you know any racists inside your departments?

Mr. BREKKE. I don't know of any inside my Department.

Ms. WATERS. Mr. Stewart, when you talked about the reasons for the bombings and you listed everything from psychotic behavior to just plain vandalism. When you got to the last reason that there may be bombings, you mentioned "hate."

Mr. STEWART. Yes, ma'am.

Ms. WATERS. Is that synonymous with racism in your mind?

Mr. STEWART. Yes, ma'am.

Ms. WATERS. Do you know any racists? Have you met any? Have you ever identified someone as a racist? What does that mean to you? Would that be the same definition as what, perhaps, I would call a racist? Have you ever thought about that?

Mr. STEWART. Yes, ma'am. I have met racist people; I certainly have.

Ms. WATERS. Do you think there are any in the agency where you work?

Mr. STEWART. I do not know of one; I certainly hope there's not, and I would not tolerate one if I knew of it.

Ms. WATERS. Can you tell me whether or not you think the arsons that are going on are arsons that you can connect with an atmosphere and an environment of racism?

Mr. STEWART. Yes, ma'am. There are some cases that clearly do, and I can tell you that if we locked up every church arsonist in the United States of America today, of cases that have already occurred, it's not going to stop it.

Ms. WATERS. And I understand that. I'm trying to find out whether or not you and I think that racism plays a part in this and whether or not, when we speak of racism, whether we are both talking about the same thing, and sometimes I think we're not. Do you think that the officers that were involved with the picnic, the old boys picnic, were racists, or were they involved in racist activities in ATF?

Mr. MAGAW. At the conclusion of the Inspector General's report, there were 10 individuals identified in ATF who had gone back after 1989. They have determined that from 1980 to 1989 there were no significant racial acts or overtones or innuendoes. From 1989 on, there were; we had 10 individuals who had gone back after 1989.

Ms. WATERS. Yes, I understand that, but I guess what I'm trying to get to, because I know we don't have a lot of time here: they're still in ATF; is that correct?

Mr. MAGAW. Well, because they did not participate in any of the racial acts or racial incentives—the reports show they didn't participate.

Ms. WATERS. No, no, no, they were just there. They were there—

Mr. MAGAW. They were there—

Ms. WATERS [continuing]. Under the signs that were on the trees that made very derogative comments about blacks and others. They were participants in that, but they were not considered to be racists themselves; is that correct?

Mr. MAGAW. They were not under the signs. None of ours participated in that particular event. What some of ours did do is witness some skits and also witnessed the T-shirts being sold, and I've disciplined them for that.

Ms. WATERS. They're still in ATF; is that correct?

Mr. MAGAW. They're still in ATF.

Ms. WATERS. Do any of you have a definition of racism? Have you ever thought about formulating one in your Department, so you could use it as guidelines for those who may not understand what racism is and think they're just Good Old Boys having a good time? Anybody have a definition?

Mr. JOHNSON. Ms. Waters, might I answer? In drawing on Director Magaw's comments with respect to Good Old Boys, I would like to flesh that out a little bit and then deal specifically with what the Department is doing with respect to racism.

As you know, the Good Old Boys was a picnic that was held in the backwoods of Tennessee from 1981 onward to about 1995. What the Inspector General's reports of both the Department of Justice and the Department of Treasury found was that there was no racist act that was engaged in by—

Ms. WATERS. OK, please don't continue with that, Mr. Johnson, please, because I want to tell you, if I attend any event where there are signs that denigrate, that are derogatory to anybody, and I'm drinking, I'm having a good time, and I'm watching skits, then I'm participating in racist activities; I don't care how you spin it. So please don't spin it for me, OK?

Mr. JOHNSON. I'm not—

Ms. WATERS. Don't spin it for me. What I'm trying to conclude and trying to understand is—

Mr. BRYANT of Tennessee. Mr. Chairman, point of order. Mr. Chairman. Point of order.

Mr. MCCOLLUM. Yes, Mr. Bryant.

Mr. BRYANT of Tennessee. I'd like the witness to be able to answer the questions fully and not be cut off.

Ms. WATERS. Mr.—Mr.—Mr. Chairman—

Mr. BRYANT of Tennessee. We're over time already, and I'd like the opportunity for the witness—

Ms. WATERS [continuing]. These are my questions and I do not wish—

Mr. MCCOLLUM. The Chair has a point of order—

Ms. WATERS. Yes.

Mr. MCCOLLUM [continuing]. Under it about whether the witness is being, in essence, badgered. I don't believe, Mr. Bryant, he is being badgered, but I do believe we do need to have a question—the answer being able to be fully given, Ms. Waters, and—

Ms. WATERS. Thank you, Mr. Chairman. I appreciate that.

Mr. MCCOLLUM. Also, while I have the Chair back to the time again, I'm going to let the gentlelady finish this question, but we need to get on with the time. I'm not trying to cut her off too much—

Ms. WATERS. I know you're not, Mr. Chairman, and—

Mr. MCCOLLUM [continuing]. But I do need to move on after this.

Ms. WATERS. You have not been privy to the fact that the chairman really has been quite generous with us in this line of questioning—

Mr. MCCOLLUM. Well, I'm going to be—I'm going to be generous—

Ms. WATERS [continuing]. Because of the seriousness of this nature—

Mr. MCCOLLUM [continuing]. As much as I can. I'm—

Ms. WATERS. So let me just say, and I wish no disrespect, Mr. Johnson, but I really do not accept that kind of definition or the spinning of what took place there. So I do not wish you to continue with that answer.

Let me just say that—

Mr. BRYANT of Tennessee. Mr. Chairman, again, point of order—

Ms. WATERS. When—when—

Mr. MCCOLLUM. Well, let me—as the chairman, it's not—really, Mr. Bryant, it's not a point of order, but I will say this: that I will allow Mr. Johnson, when Ms. Waters has finished her comment, this question, whatever it is, finish any response he wishes to make to this.

But go ahead, Ms. Waters, you may—you may proceed.

Ms. WATERS. Mr. Brekke, when you had your hearings and you were stunned at what you heard from Mayor Arrington and others about our perceptive of law enforcement and the FBI and ATF, you must understand that we follow very carefully what goes on in law enforcement in America and we have to. We have to do that because of the history of racism in America. We know what has happened in the FBI. We know all of the complaints against the FBI. We know the dismal numbers of African-Americans within the FBI, and we know the lawsuits that were brought by those who work in the FBI. So you understand our cynicism and why we must be concerned. We know about ATF. We understand what ATF was all about when you had numbers represented at that picnic, and we know what your numbers are. And we know that the lack of representation of people of color in the ATF does not speak well to your ability to diversify in ways that would make us comfortable.

So we're not simply being unkind when we talk about our suspicions, and we think it all starts there. We think if, in fact, we can be comfortable with the agencies and the fact that they're doing their absolute best, then we can move on to get on the same track on these definitions.

I will submit to you that, when Mr. Patrick tells us to speak out on racism, that he's speaking to two different groups of people. When I speak out on racism, it is considered playing the race card, and you hear a lot of that now. Others don't think that there is even a problem. I would like to see all of you begin to think about definitions of racism, so that, in fact, you can use it as a guideline in your own departments and agencies and help to give some shape and form to it, so that American can begin to get on one track and we can all talk about what racism is and help to judge actions, not only inside agencies, but outside agencies.

So this hearing for me about church bombings is just the tip of the iceberg about what is happening with intolerance, hatred, racism, and discrimination in America. Today we're talking about church bombings, but we haven't talked about all of the incidents of blacks who have been killed in the past 5 years even, Mr. Patrick, who were sought out simply because they were black, tracked

down, and literally shot and killed. That's another hearing, I suppose.

We still are not talking about the fact that in the FBI you target communities for people who have one rock cocaine and put tremendous resources, and you get crazed little old 18- and 19-year-olds who do 5 to 10 years mandatory time, but that same kind of resource allocation does not appear to have taken place in this area of the Civil Rights Division, for example.

So I'm very glad that you're here today, and I certainly don't hope that you think that we are being unkind to you, but this is something that is very serious, and we're going to have to talk about, and we're going to have to put some definition, some shape, and some form to. And I thank you for being here and giving all of the time that you have today.

Mr. McCOLLUM. Thank you, Ms. Waters.

Mr. Johnson, if you'd like to respond, you may.

Mr. JOHNSON. Yes, please, and I apologize for not drawing to the point quickly enough. What I was saying when I was giving the background of the Good Old Boys is two things. One, even during the period from 1981 to—approximately 1989—no one is claiming that decent conduct, although some people went there supposedly to have a good time, no one is claiming that that was decent conduct. The period in which there were blatant acts of racism is the period from 1989 to 1995. We have taken action specifically with respect to—Director Magaw did—with respect to those agents who attended who saw racist acts and didn't—did not do anything—rather, did not respond appropriately.

Second, with respect to the search for definitions—and I think this is—I think the Congresswoman raises a very important point. In connection with the Good Old Boys review, Secretary Rubin ordered two things to happen. One was a review of the facts to find out what went on and who was at the Good Old Boys when certain conduct was engaged in.

The second thing that the Secretary wanted to do was to engage in a forward-reaching review of policies. What at Treasury the Secretary asked us to do was to look at the current policies, determine whether or not they gave people adequate notice of what was—what conduct was to be engaged in on duty and what was inappropriate conduct off duty. The reason for that is—should be clear. The community, the entire community, has to be confident that the law enforcement officers are acting in fairness to that community.

So with respect to racism, we have implemented policies that make it clear that racist conduct engaged in off duty, to the extent that it has any connection or impact on the ability of the mission of the institution, whether it's the ATF, the Secret Service, the Customs Service, or any of the other law enforcement entities within Treasury, that the agents will be held accountable for that conduct. That's one step that we took.

Another step is that we said that, with respect to hate groups, if there is a membership, if we find that there are people who have been members of hate groups, the Constitution says that we cannot penalize people simply because of membership in the hate group, but we can look at that membership as a reason to inquire further into their conduct.

Third, what we did is we looked at the screening processes. One thing we need to be sure of before hiring someone, before giving them a gun, a badge, and the power to arrest, is the ability—to determine whether or not they have engaged in racist conduct before, whether or not they have—whether or not they have manifested racism, whether or not for some reason it is inappropriate for them to get arrest powers. That's what we've done.

So we've engaged in the process of getting a definition for racism. We've taken action with respect to misconduct that we believe that we saw, and we will—we are implementing these guidelines because we do view it, as Congressperson Waters views it, a very serious matter to look into, and to continue to look into.

Mr. MCCOLLUM. Thank you, Mr. Johnson.

Ms. WATERS. Mr. Chairman, if I may—

Mr. MCCOLLUM. Ms. Waters—

Ms. WATERS [continuing]. I'd like to request the definition of racism that they have developed in AFT, if it could be submitted—

Mr. MCCOLLUM. Well, if there is a definition that's been developed, certainly, for the record, if you could submit that, Mr. Magaw, it would be helpful.

Mr. MAGAW. Yes.

[The information follows:]

RESPONSE FOR THE RECORD
 BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
 HOUSE JUDICIARY COMMITTEE
 HEARING ON CHURCH FIRES
 MAY 21, 1996

REP. WATER'S QUESTION

Q. Do you have a definition of racism?

A. ATF follows Department of Treasury guidelines on bias-motivated conduct or membership in hate groups adopted following issuance of the Report of the Good O' Boys Roundup Policy Review. Those guidelines are as follows:

Recommendation No. 1: Off-Duty Conduct In General

The rules of all Treasury Bureaus and components that employ Treasury law enforcement officers should be amended, as necessary, to include the following provisions:

- (1) Treasury law enforcement officers may be disciplined for violations of the rules governing conduct and procedure, as defined in Section 0.102(a) of the Treasury Rules of Conduct, whether the violation occurs on or off duty, when violation of the rules adversely affects the efficiency of the service.
- (2) Treasury law enforcement officers shall not engage, on or off duty, in criminal, infamous, dishonest, or notoriously disgraceful conduct, or any other conduct prejudicial to the government.²⁶

Recommendation No. 2: Bias-Motivated Conduct by Treasury Law Enforcement Officers

Each Treasury Bureau or component that employs Treasury law enforcement officers should adopt the following rule prohibiting law enforcement officers within their agencies from engaging in bias-motivated conduct on or off duty:

Treasury law enforcement officers shall not use or engage in, on or off duty, abusive, derisive, profane, or demeaning statements, conduct, or gestures evidencing hatred or invidious prejudice to or about another person or group on account of race, color, religion, national origin, sex, sexual orientation, age, or disability.

As set forth in Recommendation No. 1 above, such conduct will result in disciplinary action when it adversely affects the efficiency of the service.

Recommendation No. 3: Membership or Participation in Hate Groups

Each Treasury Bureau or component that employs law enforcement officers should publish guidelines for the application of the Bias-Motivated Conduct Rule set forth in Recommendation No. 2 above to membership in hate groups or other behavior through which a Treasury law enforcement officer might associate himself or herself with the prejudice-related conduct of others. Such guidelines should contain at least the following language:

A Treasury law enforcement officer who knowingly becomes or remains a member of or participates in a hate group or otherwise knowingly associates himself or herself with the hate-motivated activities of others, proceeds at the risk that his or her membership, participation, or association could reasonably be taken as tacit approval of the prejudice-related aspects of those groups or activities and could subject the officer to disciplinary investigation and possible disciplinary action. As used here, "hate group" or "hate-motivated activities" are defined as an organization, association, event, or activity, the sole or a primary purpose of which is to advocate or promote hate, violence, or invidious prejudice against individuals or groups on account of race, color, religion, national origin, sex, sexual orientation, age, or disability.

The guidelines should also inform officers and their supervisors of the factors that will be applied in determining whether disciplinary action will result.

Mr. MCCOLLUM. Thank you.

Ms. JACKSON LEE. Parliamentary inquiry, Mr. Chairman.

Mr. MCCOLLUM. Yes, Ms. Jackson Lee.

Ms. JACKSON LEE. Yes, I just wanted to inquire—my colleague from Georgia mentioned some issues that these gentlemen should disregard. In my inquiry, I think before you came in, I raised several questions that they did not have the data for, including the cost for the coverage in Montana—

Mr. MCCOLLUM. I would—

Ms. JACKSON LEE [continuing]. The Whitewater. I want to make sure that the gentleman from Georgia's remarks does not cause these gentlemen to disregard materials that they are to give me in writing at a later time.

Mr. MCCOLLUM. We would actually like those materials for the full committee, Ms. Jackson Lee.

Ms. JACKSON LEE. Thank you, Mr. Chairman.

[The information follows:]

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
ARSON ENFORCEMENT BRANCH
AUGUST 8, 1996

RESPONSE TO QUESTIONS BY:
REPRESENTATIVE SHEILA JACKSON LEE

CHURCH FIRES

Regarding the question, what can we do to prevent a tragedy?

ATF has gone to extraordinary measures to expedite the production of the Church Threat Assessment Guide which was made available to the public in June 1996. The guide suggests ways that churches can make themselves less vulnerable targets to arson and bombing incidents. ATF distributed 30,000 copies of the guide and now the National Church Arson Task Force, through FEMA, will reproduce the guide for further distribution.

A deterrent factor has begun to be established as ATF, working with local authorities and the FBI, have made arrests in 15 cases in the Southeast United States. A total of 24 persons have been arrested thus far. ATF has also instituted toll free arson and bombing "hotlines" to receive tips from citizens regarding church fires and other incidents. (1-888-ATF-FIRE and 1-888-ATF-BOMB)

Regarding the question, are local law enforcement agencies reaching out to receive the necessary help in this effort?

Certainly, over the last several months, requests for ATF assistance in church fire investigations have increased exponentially. During the period of June 25, 1996 to July 25, 1996, ATF received notification and requests for assistance in 68 church fires. Prior to that time, ATF received less than 30 requests per year.

Historically, ATF has maintained a close working relationship with other Federal, State and local authorities, particularly through our national training programs available to officers from all departments. Our expertise in the area of arson and bombing investigations is well known nationally and internationally.

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Response to Questions
Representative Sheila Jackson Lee
(continued)

Regarding the question, how many agents do we have with arson expertise working on the church fires?

All ATF agents have received arson training and are capable of assisting in the processing of an arson scene and conducting an arson investigation. ATF currently has 53 Certified Fire Investigators (CFI's), who have been through extensive training and are qualified as experts in the field of fire origin and cause. ATF CFI's are the only Federal agents qualified to offer expert testimony (opinions) in Federal court, regarding fire origin and cause. An additional 30 special agents are currently enrolled in CFI training and will be fully certified in November 1997.

ATF has ensured that a CFI has been present during each church fire scene examination. At least 25 members of ATF's elite National Response Team have also been involved in the examination and investigation of these crime scenes.

Approximately 150 ATF special agents are involved in the investigation of church fires in the Southeast United States. Beyond the expertise of our CFI's, ATF has made available in these investigations our Fire Protection Engineer, who represents the highest level of fire scene examination expertise. ATF trained accelerant detecting canines have been utilized at many of the scenes. In most investigations, ATF's Explosives Incidents System (EXIS) has been queried by investigators who are seeking information from past, similar incidents which may provide investigative leads. ATF has also utilized the Advanced Serial Case Management System (ASCMe), a computer program that tracks investigative leads from all church fires.

Finally, ATF has formed a Church Fires Major Case Team within the Arson and Explosives Division at Bureau Headquarters. The Major Case Team is made up of experienced special agents, inspectors, and analysts who examine reports, review evidence, and maintain contact with the field investigators to ensure that all investigative leads are pursued.

Mr. MCCOLLUM. So not—I was here, frankly, for that.

Ms. JACKSON LEE. Oh, my apologies.

Mr. MCCOLLUM. Nonetheless—Mr. Bryant, you're recognized—

Ms. JACKSON LEE. Thank you.

Mr. MCCOLLUM [continuing]. For 5 minutes.

Mr. BRYANT of Tennessee. Thank you, Mr. Chairman.

And I know Chairman Hyde has stepped out, but I wanted to commend him for the foresight and the vision he has had in this, in scheduling these hearings.

And I, too, want to join those of us up here who have commended you, I want to echo the sentiments that have been mentioned earlier. I appreciate the very good job that you all are doing, the agencies that you represent.

Coming from a background in not only civil law, but in criminal law, working with arson cases, I know these are difficult cases. They're long-term cases. These are not the cases you come in here and stand on the table and jump up and down and holler about. They're cases that are very work-intensive; the evidence is destroyed.

In the instance of these fires, so many of these are in rural areas where they're not observed, where church services aren't even held on every Sunday in many cases. The churches are very isolated in many cases, and often the fire departments and the fire protection that you would have is nonexistent in some of these places.

So that said, I would like to get to, I guess, some of the meat of why we're having these hearings today, and it's not to talk about Waco and all kinds of past policies, and all these other things that have been brought up. But I understand—and, Director, specifically I want to commend the ATF in this. I think you've taken some hard licks over the past years. You've not been there that long, but the ATF has. And I think you are doing an outstanding job with the ATF and the agency, particularly in these arson cases.

By the nature of arson, with these churches, we've eliminated, we've excluded accidental burnings?

Mr. MAGAW. That's correct. The figures that you see and that we are working with are clearly, in our professional opinion, and in the case in South Carolina and others, the other opinions, these are arsons.

Mr. BRYANT of Tennessee. But some of the churches that have been burned over the last years were, in fact, the results of lightning, electrical fires, cigarettes, any other cause that could cause a structure to accidentally burn down?

Mr. MAGAW. That's correct. There are a number of fires throughout the country in churches that are caused by that, the reason that you defined. And because, again, they are unoccupied, the short circuit that would normally be picked up because you have a hot plug or a hot switch in a home will not be picked up, and the next thing you know the church burns down.

Mr. BRYANT of Tennessee. Now, of those that are remaining, the arson cases, do I understand that there are 23 currently under investigation?

Mr. MAGAW. We are currently investigating 25, sir.

Mr. BRYANT of Tennessee. Twenty-five, the ATF is investigating?

Mr. MAGAW. That's correct.

Mr. BRYANT of Tennessee. Would the FBI be investigating any additional cases? And, if so, how many?

Mr. BREKKE. We currently have 42 pending investigations.

Mr. BRYANT of Tennessee. Of churches?

Mr. BREKKE. Of churches nationally.

Mr. BRYANT of Tennessee. Throughout the country, not just in the southeastern part, but all throughout?

Mr. BREKKE. That is correct, sir.

Mr. BRYANT of Tennessee. Would those 42 in any way overlap with the 25 the ATF has?

Mr. BREKKE. Yes, they would.

Mr. BRYANT of Tennessee. Would all of them?

Mr. BREKKE. I believe so, that we are investigating.

Mr. BRYANT of Tennessee. You're investigating—

Mr. BREKKE. Obviously, some that we are not investigating jointly, but the ones—I believe we have the same investigations on the ones they have open.

Mr. BRYANT of Tennessee. Your investigation is strictly from a slant of possible violation of civil rights, constitutional rights; is that correct? That's your jurisdiction?

Mr. BREKKE. Yes, that is correct, although 844(h), if there's an underlying felony, we would have jurisdiction in that as an arson.

Mr. BRYANT of Tennessee. And would there be some of those 844(h) cases in your 40 or so cases, 42?

Mr. BREKKE. There's a possibility, because there has to be an underlying felony, and generally we have been getting into these cases based on either 248 or 247, and 248 is a misdemeanor.

Mr. BRYANT of Tennessee. OK. Now we know—again, either one of you—we know some of these cases are race-based, and we know probably there are other reasons that some of these churches were burned down, as in any arson cases, but some of them are race-based. Are any of them anti-religious-based, from what you can tell so far? I know, again, you've got open investigations, but any indication that any of the arsons were based on an antireligious, anti-Christian, anti-Jewish, antireligion in general motive?

Mr. MAGAW. We don't have any indication of that either way right now, sir.

Mr. BRYANT of Tennessee. I know that your success rate has been extraordinarily high in this. I understand on these churches it's been at 70 percent as compared to nationwide arson cases in general of 25 percent?

Mr. MAGAW. You have to be a little bit careful of those statistics because ours is 70 percent of those that we've closed. If you take all of them that we've worked, the percentage would go down some, and I'm not sure what some of the other statistics are drawn on.

Mr. BRYANT of Tennessee. Do you—I know you cannot talk about cases that are under investigation, but do you have cases that you're able to determine other reasons other than antireligious, antirace, other reasons why someone would commit arson on a church?

Mr. MAGAW. There's a couple of the cases that are pending now that we're working that don't fall into either of those two classifications. They fall into a different one.

Mr. BRYANT of Tennessee. Can you disclose those motives today?

Mr. MAGAW. No, sir.

Mr. BRYANT of Tennessee. That would prejudice the investigation?

Mr. MAGAW. Yes, sir.

Mr. BRYANT of Tennessee. All right, sir.

Mr. Chairman, I will respect my time. I see it's up.

I certainly thank you again, panel members, for joining us today.

Mr. MCCOLLUM. Yes, your time is up. Thank you very much, Mr. Bryant.

Mr. Becerra, you're recognized for 5 minutes.

Mr. BECERRA. Thank you, Mr. Chairman.

Let me return to a line of questioning that was propounded just a while back with regard to resources that you all have. Let me actually preface my question by first saying thank you to each and every one of you for coming and being here today and providing your testimony.

The question was asked whether you all have enough resources within your particular agency to handle what appears to be a dramatically-increasing caseload of church arsons, and in some cases maybe racially-motivated church arsons. And I don't know if a complete answer was given by each individual. And I was wondering, at least at the Federal level, since we have jurisdiction over the Federal agencies, if you could tell me if your particular agency has adequate resources to competently and thoroughly handle any investigation of the various church arsons that you are currently investigating or anticipating investigating.

Mr. PATRICK. I think the only hesitance that you're sensing is that we're trying not to be silly about what we think our needs are. I think, if I can summarize everybody's take on that, we will not be able to sustain the level of Federal intensity for an indeterminate period at the level we've got it right now. I think that is quite clear. And that's anticipating that other matters will come in, as they always do.

Certainly, in the Justice Department, where our sense is—and I think the investigative agencies would share this view—that on the whole the more effective investigations are ones in which the lawyers are involved at the beginning, so that they're making judgments going forward about how to deploy investigative resources. And we are flat out in the Civil Rights Division. We will, all of us together, respond to the suggestions that have been made here and come to the committee with a specific list of what it is we think we need. But, again, I say all that, also emphasizing that the commitment of resources so far, and the results produced so far, though not by any means complete, have been pretty good.

Mr. BECERRA. So—and, please, if anyone doesn't agree with Mr. Patrick, let me know, but I will assume that what you are saying is that at this stage you have the resources you each believe you need within your agency to conduct the investigations thoroughly and competently, but because of the increasing number of these arsons that you're investigating, you would not be able to sustain this same level of thorough investigative activity without certain resources being provided?

Mr. PATRICK. I think that's a worry, frankly.

Mr. BECERRA. Is that correct? If anyone disagrees, please tell me now. But if you agree, let me move on then.

OK. Well, then, let's—and you are going to be providing us with a list of those things that you believe you might need, if this continues in this particular—at this level and in this vein.

[The information follows:]

The FBI is furnishing a list of requested resources through the Department of Justice.

Mr. BECERRA. Another question: if you have the resources that you need right now—and I know it's difficult to answer since you're saying you think you have the resources you need, but when do you break? When do we know when you need it? Because you don't want to come to us when you've broken, you can't handle the investigation, and try to wait for the legislative process to try to work its way through to get you the resources you need. There could be a lag of 5 to 6 months, and that's 5 or 6 months of precious time that you could be using to try to find these scoundrels. So how can we make sure that we are responding quickly to your information about needs, if you should continue to need these active resources?

Mr. PATRICK. Please don't ask me to tell you how to make the congressional process work faster. I can tell you that we will get our list here as promptly as possible.

Mr. BECERRA. OK.

Mr. PATRICK. And we'll go from there.

Mr. BECERRA. Mr. Johnson.

Mr. JOHNSON. I know that Director Magaw is constantly reevaluating the resources that are being used in connection with these investigations, and the goal is to give Congress enough lead time, so that if we project that our resources will be significantly taxed, we can make our request with sufficient time so that our resources aren't totally strapped by the time there's a response.

Mr. BECERRA. Thank you.

Mr. Magaw, let me ask you a question with regard to the church arson investigations. Are they handled any differently from other arson investigations not involving churches or are you doing anything differently with regard to those church arson investigations?

Mr. MAGAW. No, we're not really doing anything different other than that this is a larger cooperative effort. If you go into, let's say, the city of Baltimore to help them and work with them, it's not as large as this. We have 20 different agencies—and so the pulling together—and, as the chief mentioned, we have a few kinks here and there, but we communicate very well and get them ironed out quickly.

Mr. BECERRA. And, Mr. Chairman, I see I'm running out of time. So if I may ask just one last question, that would be a question to Mr. Brekke.

You mentioned in your testimony that you have seen similarities in your investigations; you've discovered similarities in some of these different cases of church arson. I'm wondering if you can give us more of an idea of the types of common threads that you might find running through some of these different arsons, and if you can give us a little bit more information with regard to any thread that may have a taint of racial motivation to it.

Mr. BREKKE. Well, I think the caveat that we have is that we can't talk about pending investigations or something that would prejudice a case. What I mentioned in the formal written statement was the similarities that we see that may be geographically-related. You know, three arsons that occur within the same rural area on the same evening, there's an obvious tie-in. There are other similarities—I'm only speaking hypothetically—things that we have seen in the evidence-gathering phase in the manner in which the fires are set, the means and the methods that occur, those type of things, and there are some similarities, but we can't make any presumption at this point in the investigations.

Mr. BECERRA. Without prejudicing any cases that you're investigating, is there anything that you could convey to people, either who worship at these churches, who administer the churches, or to the local governments, or just people in general, that could help them avoid being the next church to be on the hit list? Is there something that people should know? Is there something that makes a church more likely to be hit than another, because it's rural and it's far away and it's easy to go ahead and vandalize it or commit arson, because no one will detect it, or is there something that people can try to do to try to reduce the likelihood that that will be the next institution hit?

Mr. BREKKE. Director Magaw may be more—

Mr. BECERRA. OK, whoever feels—let me have some information here.

Mr. MAGAW. Well, one of the things that has concerned me is that, until these investigations are done, we don't have a complete picture of what the problem is, and, therefore, we're trying, wherever we can, to recommend and talk to local authorities and the pastors and the communities to look at their individual installation and ask questions of themselves: how can we make it more secure? How can we protect it? If these are occurring primarily on Friday and Saturday night, is it logical that you might alternate 2 or 3 hours a night, much as you would during a Lenten season or something else, visiting in church, to make watch over your church, until we can get this picture. And so that's the thought I have on it.

Mr. MCCOLLUM. Thank you, Mr. Becerra.

Mr. BECERRA. Thank you, Mr. Chairman.

Mr. MCCOLLUM. Mr. Chabot, you're recognized for 5 minutes.

Mr. CHABOT. Thank you, Mr. Chairman.

I'd like to commend Chairman Hyde for organizing this very important hearing, and I agree with Chairman Hyde that this committee must use whatever authority it has to condemn and to prevent, where possible, the shameful, despicable arson attacks on African-American churches that have been occurring in this Nation.

I can think of few things more disgusting, more craven, or more sacrilegious than to violate a house of God out of the very sort of hatred and ignorance that the Bible and religious teachings should help to overcome. Arresting the perpetrators of these sorts of racist criminal acts must be a top Federal enforcement priority. We must do whatever we can to eliminate racist acts, heal racial divisions, and stop the practice of pitting people against one another on the basis of the color of their skin.

So, again, I want to thank our chairman, Mr. Hyde, for these hearings and for the strong warning this record will provide that we must redouble our efforts to root out the invidious discrimination that still exists in our society.

And in the interest of time, I will refrain from asking questions of the panel, who have all been here quite a long time this morning, and I'll yield back the balance of my time.

Mr. MCCOLLUM. Well, I thank you, Mr. Chabot, and I'll yield myself 5 minutes, though I don't intend to take it all. I have not asked any questions today yet. Then I think we'll be finished with you. You've been here a long time, gentlemen. We really appreciate your coming.

I'm curious, with regard to the arson statistics and these church fires, if any of you believe—Mr. Magaw, perhaps particularly you—if your increase that's so large in the last couple of years is in any way attributable to the fact that the notoriety of church fires has come up in the media, and perhaps more of them either are being caused by that or perhaps the reporting is greater now; that maybe some of these fires were occurring in fairly large numbers, but you just weren't hearing about some of them before. They weren't coming to your attention. Do you have a feel on either count? Have we got an increase potentially that's being compounded by the press coverage or do we have an increase in reporting perhaps as opposed to an increase in incidence?

Mr. MAGAW. I believe that there's an increase in reporting because of the number of incidents, and South Carolina is one of the leading States in identifying a problem and bringing it to our attention and others. The situation there, though, I believe is that the publicity up until now I don't believe has caused some additional burnings. I don't see that in anything that we're working. I don't see it in any of our reports. I don't see it in any of our interviews. That isn't to say that it wouldn't start, but I don't see it there now.

Mr. MCCOLLUM. But you think some of the numbers that you have reflect the fact that you're getting more reported to you than were perhaps reported before? In other words, there may have been more fires that simply were never reported?

Mr. MAGAW. There are a whole lot of fires that are never reported, whether they're church or whether they're in buildings. There's only about 40 percent of the fires that occur in this country get reported, because they're voluntary. And in 1991 it showed that voluntary reporting on church fires was somewhere around 180, but the projection is that there were actually better than 300 church fires in that year, and that's about what they average each year. But this clearly is consolidated into one area of the country, a hugely different concern in terms of what it might define.

There have been other what we call "spikes." Back in 1991 there was a spike that went up to about 23—no, more than that; almost 30 fires, and that was an arsonist in Florida that we were able to resolve with the Florida authorities and ourselves. But since then, there has not been a large spike in a certain area of the country and certain individual churches, clearly, in this case African-American.

Mr. MCCOLLUM. Do you agree, Mr. Brekke, that the numbers may be up in part because there's more reporting now in the South of these church fires than maybe there was in the past when they occurred?

Mr. BREKKE. Yes, I do. I think there's been a coordinated effort among, I know, our SAC's, the heads of our offices in the southern States, as well as ATF, to reach out to the organizations to whom these fires would be reported as well as to the congressional—or not congressional—to the church congregations. Also, the FBI had somewhat limited jurisdiction up until 1994 with the passage of section 248; we had really limited jurisdiction, as Assistant Attorney General Patrick pointed out. So we didn't follow them probably as closely as ATF.

Mr. MCCOLLUM. Let me use this opportunity and the Florida serial fire case to bring out the distinction as to where we are with regard to what the FBI and the ATF are doing and where the jurisdictions overlap. What I understand is that in that 1991-92 arson situation you described in Florida you had a task force at ATF, and I don't know who all was involved in it. Within 30 days of employing it, you got the arsonist case solved, in essence. At that point was the FBI involved? How does the involvement of the FBI today—I know you've got a statutory matter you've raised, Mr. Brekke, but how does it differ in a day-to-day working? Maybe I ought to ask you that first, if you know, either one of you, but we've picked on Mr. Magaw a lot today. How does that differ from the role and the way you all coordinated it, to whatever extent you did have a role, back in 1991-92 with that serial arson case in Florida?

Mr. BREKKE. Well, I don't recall the specifics of that case, and I don't even know, for instance, if we had any involvement in that particular case. I know now that, the way that we coordinate our investigations, the FBI does not care, the Director does not care, whether the case is solved and prosecuted by and the success goes to the FBI or whether it's done by a local authority like SLED. The important thing is that the cases are solved and the people are put in jail, and whether it's ATF or whether it's the local authorities, that is the important thing. We will be working the case.

In a lot of the arson cases of churches, ATF has by far the better statutory jurisdiction, I mean as far as penalties go, because 248 is a misdemeanor and 247 is very, very difficult to prove, and that is the primary basis, along with 241, of the FBI's involvement in this.

Mr. MCCOLLUM. Well, why do you get involved now? I mean, obviously, you've got a statutory reason, but if the ATF is there and they have the primary jurisdiction in most of this, what triggers your involvement?

Mr. BREKKE. Because there are—it's far more than arsons that are involved here. I mean, there are vandalisms covered by these statutes. There are other attacks on religious facilities, desecrations that occur. And to the FBI and to the Director, the civil rights program is extremely important. That is why we are there. It is not because of publicity or whatever. We've been there—

Mr. MCCOLLUM. You aren't all falling over each other in the ATF and the FBI in this, where you've got six agents out there, each

one, and both of you trying to track the same leads, et cetera, and duplicating it? You feel you're really coordinated on this stuff?

Mr. BREKKE. Well, remarkably, I think in this particular case we're working extremely well together. As I mentioned before, we had a conference in Birmingham, AL, where we brought in all the ATF SAC's—

Mr. MCCOLLUM. Right.

Mr. BREKKE [continuing]. And our SAC's.

Mr. MCCOLLUM. OK.

Mr. BREKKE. So—

Mr. MCCOLLUM. I'm not trying to beat a dead horse. I just ask that.

Mr. Magaw, I don't want to, again, prolong this, but if you have a comment, do you want to get in on this, please?

Mr. MAGAW. On a day-to-day basis what really is happening is that both their unit and our unit working on a particular fire are communicating very well. They're working all the civil rights part of it; we're working the fire part of it. Wherever they overlap or bump into each other, we either go as a team—instead of them sending two FBI agents, they would send one of each to do the interviews. So it's working very well—

Mr. MCCOLLUM. Was that true, or do you know, in 1991, when the arsonist in Florida was involved?

Mr. MAGAW. I don't know that, sir. I know that in a more recent time, Oklahoma City, it was really true also. It's worked very well there.

Mr. MCCOLLUM. Well, I want to thank all of the witnesses on this panel. You've been here for a very protracted period of time today. We do have another very important panel to get to.

Mr. Scott, you want to raise something?

Mr. SCOTT. Mr. Chairman, I asked a question earlier about complaints that may have been heard. If any complaints are heard in the next panel, I would hope we'd have the opportunity for these witnesses to communicate to us their response to those—

Mr. MCCOLLUM. The Chair certainly would cooperate in any request that might be made, that any of the members of the committee would like to make to the agencies, and they're nodding their heads that they would be more than happy to respond to any new possible questions that could arise from the next panel.

We thank you very much for coming today, gentlemen, and we'll let you go back to your jobs.

As this panel is removing from the room, I would like to introduce our next panel, and we're going to take a little time doing that. I don't have the usual long biographical sketches on everybody that sometimes the committee has today. So as your name is called, if you could please proceed up to the desk in the hearing room, where your nameplate will be placed, I think we'll probably sit this down in pretty much the order that I call you.

The third panel today consists of church leaders, civil rights organizations, and ministers from the two affected congregations. First, we will hear from the Rev. Terrance Mackey—pastor of Mt. Zion African Methodist Episcopal Church in Greeleyville, SC, whose church was victimized by fire in 1995.

Next we will receive the testimony of the Rev. Algie Jarrett from the Mt. Calvary Baptist Church in Hardeman County, TN. On January 31, 1995, this church was burned and partially destroyed by fire.

Next we have on our panel Dr. Joseph E. Lowery, who is president of the Southern Christian Leadership Conference.

Then on behalf of the Christian Coalition, we will hear from the Rev. Earl Jackson.

Dr. Richard Land, who is the president of the Southern Baptist Christian Life Commission, is also with us today.

And, finally, on behalf of the NAACP, we have Mr. Nelson Rivers, who serves as the organization's Southeastern regional director.

If each of you could take your place—I don't know if we're missing any of those who I have called. I've done it rather rapidly. So I don't want to miss anybody.

All of your statements, gentlemen, will be admitted to the record as you have submitted them to us. You may feel free to summarize your statement. Without objection, the entire statements will be admitted.

I notice that we do have the statement of The Honorable Kweisi Mfume, who is our former colleague, whom I understand now is in the hospital, and I'm very distressed to understand that today, or he's been ill. I don't know which it is, but, at any rate, we wish him well. And we thank Nelson Rivers for coming to represent the NAACP today.

[The prepared statement of Mr. Mfume follows:]

PREPARED STATEMENT OF HON. KWEISI MFUME, PRESIDENT AND CEO, THE
NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE

I. INTRODUCTION

Mr. Chairman and Members of the Committee, I am grateful for the opportunity to testify before you today on behalf of the National Association for the Advancement of Colored People (NAACP). The rash of arson fires of churches is an issue the NAACP feels the public should be made more aware of and we appreciate your taking the time to make this a matter of public record.

The NAACP is the nation's oldest and largest civil rights organization, with over 600,000 members in the 50 states, the District of Columbia, and throughout the world. The NAACP is committed to the protection of the civil, legal, political, economic, and human rights of African Americans, and other citizens of color here in the United States.

II. SUMMARY

The NAACP has taken an active and leading role in responding to arson fires at churches in the Southeast. The NAACP is particularly concerned because the overwhelming majority of these fires have occurred at African American churches. These fires raise the specter of the painful and ugly not too-distant past in America in general and especially in the South. The attacks on so many African American churches, in such a brief period of time, reminds us of the tactics used all too frequently to intimidate and terrorize African Americans for merely attempting to exercise their fundamental constitutional rights.

The NAACP turned its attention to what appeared to be an ominous pattern of fires set at African American churches when we began to receive scattered reports of fires at African American churches from NAACP Branches in Alabama, South Carolina and Tennessee. The reports from our Branches were followed by stories in the media documenting at least eight fires at African American churches in Alabama and Tennessee between January 1995 and January of 1996.

As we understand it, there have been more than 30 predominantly African American churches set aflame in the past three years. This year alone, there have been at least 15 African American churches burned. While most of the fires occurred in the South, last month there was an arson fire at a African American church in Kingston, New York.

After receiving reports from NAACP Branches and upon reviewing increased media coverage of the fires, the NAACP contacted the Department of Justice to request an investigation into potential civil rights violations caused by the fires. Our request was transmitted in a letter dated January 29, 1996 from our Washington Bureau to Attorney General Janet Reno. On February 7, 1996, the Justice Department announced that it had already opened a criminal civil rights investigation into the church fires.

On February 21, 1996, the NAACP received a letter from Assistant Attorney General for Civil Rights Deval L. Patrick advising the Association of the ongoing investigation into the church fires, and that there had been criminal prosecution in some of the cases. The NAACP was pleased to learn from Mr. Patrick's letter that those responsible for the arson fires of the Canaan African Methodist Episcopal Church and Friendship Missionary Baptist Church in Columbia, Tennessee had been convicted of federal civil rights violations. Mr. Patrick's letter assured us that the remaining fires were under investigation by the Bureau of Alcohol, Tobacco, and Firearms (ATF) and the Federal Bureau of Investigation (FBI).

In the wake of the media attention surrounding the church fires, especially the involvement of such a disproportionate number of African American churches, the NAACP Southeast Regional Office has been inundated with telephone calls and letters expressing outrage and offering assistance with our response to the fires. While the expressions of concerns and offers of assistance have come from a variety of religious faiths and ethnic groups, the NAACP has found that these fires have had a devastating impact on many African Americans.

NAACP staff and volunteers have visited the scenes of several of the burned out churches. We can speak directly to the feelings of anguish, fear and vulnerability experienced by the members and leaders of the congregations of the churches that have been attacked. We cannot understate the sense of frustration and impatience felt by many in the African American community with the pace of the investigations into these attacks on our houses of worship.

Nelson B. Rivers, III, director of the NAACP Southeast Regional Office, has coordinated NAACP activities in many of the communities affected by the church fires. Mr. Rivers and other NAACP officials inspected the sites of burned churches in states throughout the region. NAACP staff and volunteers interviewed leaders of churches burned in Boligee, Alabama, Knoxville, Fruitland, Bolivar, Madison and Gibson Counties, and Tigrett, Tennessee, Lauderdale, Mississippi, and in Barnwell and Effingham, South Carolina.

Near the Town of Boligee, Alabama, three African American churches were destroyed by fire between the end of 1995 and the first two weeks of 1996. Mount Zion Baptist Church was burned on December 22, 1995. Little Zion Baptist Church was burned on January 11, 1996. Mount Zoar Baptist Church was also burned to the ground on January 11, 1996.

On January 31, 1996 Mrs. Hazel Eubanks, president of the Tuscaloosa Branch, NAACP led a delegation of NAACP officials and religious leaders to Boligee, Alabama on a tour of the burned churches. On February 8, 1996, Mr. Rivers, accompanied by Ms. Jean Guy, director of the Southeast Region NAACP Fair Employment Project, joined with Mrs. Eubanks and other NAACP officials on a visit to the ruins of the three small Baptist churches.

The group found that all of the churches were burned to the ground with only parts of the cinder block or brick frames left standing above the foundations. The churches are outside of Boligee, in relatively isolated areas. The love and pride of the respective congregations was evident among the ashes. At each church was found charred furniture, burned sound systems, and torched pianos. The destruction was much more than we had envisioned.

Little Zion Baptist had just constructed a new kitchen at a cost of several thousand dollars, and it was completely destroyed. Mount Zion Baptist had been the site of a one room schoolhouse in the days of segregation. Mount Zoar still has the building that housed their one room school behind the church. All of the churches had relatively new air conditioning units that were probably damaged beyond repair.

The following week, on February 13, 1996, Ms. Guy and Mr. Rivers traveled to Knoxville, Tennessee to gather information on the burning of the Inner City Church. Inner City has over 500 members and is located in the heart of East Knoxville, a low to moderate income community. The congregation is racially mixed.

While in Knoxville, our staff members gathered information on four African American churches that were burned in West Tennessee in 1995. Macedonia Missionary Baptist Church in Crockett County was burned January 13, 1995. On the same day, in Madison County, Johnson Grove Missionary Baptist Church burned. Seventeen days later, on January 30, 1995 Mount Calvary Baptist Church, in Hardeman County was set aflame. The year did not end before tragedy struck again in West Tennessee. On December 30, 1995 Salem Baptist Church in Fruitland was destroyed by fire.

A few days ago, on May 14, 1996, another African American church burned in West Tennessee. The Mount Pleasant Missionary Baptist Church in Tigrett, was consumed by a blaze set by an arsonist. The 100-year old church had 95 percent of its structure destroyed by the fire. This was the fifth African American church to burn in West Tennessee over the past 16 months.

Ms. Gloria Jean Sweet, president of the Tennessee State Conference of NAACP Branches met with the pastors of all four of the West Tennessee churches that burned in 1995. The pastors and members of the four churches told Ms. Sweet of their concerns regarding the interviewing techniques of federal agents assigned to the church fire cases. The church members said many of those interviewed by FBI and ATF agents were intimidated by the manner in which questions were asked.

While the NAACP has not concluded that federal agents intended to intimidate anyone, we do believe the reaction of some of those interviewed underscores a problem with the church fire investigation. We urge more sensitivity on the part of law enforcement officials in their contact with members of the congregations of the burned churches. Most of the burned churches are in small rural communities, where many residents have never seen federal agents. As a result they were often wary of the sudden appearance of, "so many strangers in suits."

Another recurring concern we heard from some of the church members and community residents, was the lack of diversity among those investigating the church fires. There have been precious few African American FBI or ATF agents on the teams conducting interviews as part of these investigations. While we applaud Treasury Secretary Robert E. Rubin for his commitment to increase diversity within ATF, as presented in his report on the "Good O' Boys Roundup," we urge the Department to do even more.

The cornerstone of a successful investigation into the church fires will be the level of confidence our citizens have in fairness of law enforcement officials. When the make-up of the investigative team working on these cases is not reflective of the community they serve, it makes it more difficult for some citizens to feel comfortable with those investigators.

It was in Tennessee that the NAACP learned of possible connections between organizers and participants in the racist "Good O' Boys Roundups," and federal and local law enforcement officials investigating the church fires. We received several reports that agents of the Bureau of Alcohol, Tobacco, and Firearms as well as officers of the Knoxville Police Department had been past participants in "Good O' Boy Roundups."

Several African Americans in Tennessee expressed distrust of the Knoxville Police Department and ATF because of the widespread belief that members of both agencies had participated in such a racially offensive event. Our local NAACP officials wondered whether ATF agents involved in such despicable and overtly racist conduct as the "Good O' Boy Roundups," possess the sensitivity to vigorously pursue justice in what many believe are racially motivated hate crimes.

In visits to the communities affected by the fires, the NAACP consistently heard doubts about whether there was a real commitment on the part of ATF and FBI agents to solve the church fire crimes. These concerns motivated us to invite ATF and FBI to participate in a panel discussion at the 44th Annual NAACP Southeast Region Leadership Development Training Institute in Huntsville, Alabama. The Leadership Institute is an annual conference designed to train and educate leaders and workers in NAACP adult and youth units in our Region on policies, procedures, programs, and activities for the current year.

The panel convened on March 21, 1996, at Union Hill Primitive Baptist Church in Huntsville. Representing ATF was Special Agent-in-Charge (SAC) for Alabama, James Cavanaugh. The FBI was represented by Deputy Special Agent-in-Charge (SAC) of Middle Alabama, J. Ronnie Webb. Alabama State Fire Marshall John Robison was also on the panel.

The panel discussion presented a timely review of federal authorities ongoing investigations into the church fires. The ATF and FBI agents faced candid questions and comments about their handling of this matter. Many of the speakers reiterated the NAACP concerns over reports that ATF agents involved in the church arson investigation had participated in the "Good O' Boy Roundups." A consistent theme among the delegates in attendance, was dissatisfaction over the lack of information from authorities on the status of the investigations.

The NAACP is encouraged by the actions taken by the Department of Treasury as a result of the internal investigation of the participation by ATF officials in the "Good O' Boy Roundups." It was significant that Secretary Rubin referred thirty-one Treasury employees to law enforcement bureaus for disciplinary inquiry or counseling. It is step in the right direction that Treasury has strengthened its policies on hiring and fighting against bias motivated conduct. The most important decision announced by Treasury was the re-assignment of agents involved with the church fires investigation, who also attended the "Good O' Boy Roundups."

The NAACP has a better relationship with ATF on investigating church fires since our meeting in Huntsville. Mr. Rivers and Mrs. Constance Barnes, interim executive director of the South Carolina State Conference of NAACP Branches met on April 18, 1996 in Columbia, South Carolina with Mark Logan, SAC of the ATF for North and South Carolina, just five days after three more churches were burned in Barnwell County, South Carolina. On May 4, 1996, at the monthly meeting of the South Carolina State Conference of NAACP Branches, SAC Logan made a presentation on ATF activities relative to the church fires.

The three Barnwell County churches were attacked on the afternoon of April 13, 1996. Two of the churches were white and the other was African American. However, the two white churches received little or no physical damage while Rosemary Baptist Church, which has a predominantly African American congregation, was severely damaged. Ms Barnes and Barnwell County NAACP officials visited the three church sites on April 17, 1996. During their visit, they encountered many strong comments in the African American community around Barnwell County suggesting that the white churches were attacked to create the impression that race was not the motive in the fire at Rosemary Baptist.

On April 26, 1996, less than two weeks after the Barnwell County attacks, fire gutted the 114-year-old Effingham Baptist Church in Effingham, South Carolina. The sanctuary of the church was destroyed when someone tossed a flammable liquid through a window near the pulpit. The fire at this church was particularly troublesome, because it occurred in Florence County, which is adjacent to Clarendon and Williamsburg Counties. In 1995 two churches were burned in those counties by white men who had attended Ku Klux Klan rallies a few weeks before the church fires were set.

Over the past three months there have been several incidents in South Carolina that point to an alarming increase in racism and racial intolerance. A cross was recently burned at the entrance of a predominantly African American neighborhood in Greenville County. In neighboring Laurens County a store called the Redneck Shop opened to sell Ku Klux Klan paraphernalia amidst almost no comment from white elected officials. In March, a white highway patrolman was seen nationwide, on videotape, assaulting an African American woman in Clarendon County. Earlier this year, a white family was charged with lynching after attacking a nine year-old African American boy while he visited their home to play with their children in Clarendon County.

The church burnings now involve telephone threats. On May 3, 1996, the Durham, North Carolina Branch of the NAACP received a message on its telephone answering machine threatening to blow up three Black churches four Sundays from the date of the call. The threat was immediately reported to local, state and federal law enforcement officials. Ms Mary Peeler, executive director, North Carolina State Conference of NAACP Branches and Mr. Rivers talked to SAC Mark Logan via a telephone conference call on May 7, 1996 regarding the bomb threat and ATF's response.

Ms Peeler invited SAC Logan address the church fires and the bomb threat at a statewide NAACP meeting, May 25, 1996 in Durham, North Carolina. SAC Logan agreed to participate in this meeting which will attract NAACP leaders from across North Carolina.

III. NAACP SOUTHEAST REGION CHURCH FIRES TASK FORCE

The NAACP has formed the NAACP Southeast Region Church Fires Task Force. The task force will coordinate the collection and dissemination of information on church fires throughout the Southeast Region, and elsewhere as necessary. The Southeast Region is comprised of the states of Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina and Tennessee. The task force will include appointees from the seven NAACP State Conferences in the region; NAACP National Board of Directors Member Dr. Henry Lyons, who is also president of the National Baptist Convention, USA, Inc. the largest African American religious group in America; regional representatives of the FBI, Mr. Donnie Carter, Deputy Associate Director for Criminal Enforcement of ATF; and Rev. Joseph Darby, chairman, South Carolina Coalition of Black Church Leaders, Inc. We will also invite the Southern Christian Leadership Conference, Center for Democratic Renewal, and the National Council of Churches, Inc. to make appointments to the task force. We expect a preliminary report from the task force at the NAACP National Convention in Charlotte in July.

IV. CREATION OF STATEWIDE CHURCH WATCH PROGRAMS

The NAACP will encourage each of the states in the Southeast to support the creation of statewide "Church Watch" programs. The states will be urged to use the model created by Rev. Darby and the South Carolina Coalition of Black Church Leaders, Inc. Mr. Rivers will continue to work directly with the Coalition's Church Watch Program in South Carolina to monitor its success and duplicate its effective strategies in other states in the Southeast Region.

III. RECOMMENDATIONS

The NAACP recommends the following:

1. The Department of Justice should assume overall coordination for the ongoing investigations into the church fires. We further recommend the formation of an inter-agency task force to coordinate the investigations.
2. To increase the effectiveness of the law enforcement investigations, the ATF and FBI should review and revise, where necessary, their interview techniques. The Department of Justice should direct its Community Relations Service to play a constructive role with these agencies and the communities affected.

3. ATF and FBI should schedule a series of meetings in the communities where fires occurred to give updates on the investigations and answer questions and concerns of community members. Congress should consider field hearings as part of the continuing investigation

I conclude by urging the Members of this Committee and the Congress to view the continued burning and attacks on African American churches as a reality check. While there are many who would have us believe that racism is dead and there is no longer a need for programs, and agencies to fight injustice and discrimination, our experience with the church fires points to the contrary. The National Association for the Advancement of Colored People knows full well that racism is alive, and well and a growing industry in America. The NAACP is committed to our 87-year old mandate to eradicate all vestiges of discrimination on the basis of race. We believe our response to the church fires is consistent with this mandate.

Thank you.

Mr. McCOLLUM. I would like, first of all, to go in the order that we've introduced you, if we could. I don't know if we've got all those—those name tags are facing you now. If somebody could put them around so they could face me, I'd be able to tell who I'm talking to here today. I really appreciate it. Thank you.

I think we ought to go in the order and ask Reverend Mackey to give us your testimony first, if you could. You're in the middle, and we'll put you in the hot seat first. Please go right ahead.

STATEMENT OF REV. TERRANCE G. MACKEY, SR., PASTOR, MT. ZION AFRICAN METHODIST EPISCOPAL CHURCH, GREELEYVILLE, SC

Reverend MACKEY. Thank you, Mr. Chairman, for allowing us to come to have our say. I'm the pastor of Mt. Zion AME Church in Greeleyville, SC, where I've been pastoring for the past 5 years. And I submitted a statement to the committee for the record.

I'd like to also add that to sit and to hear the other panels explain their actions or what they're doing to curb this problem we're facing in our communities—it's disheartening to walk into the pulpit every Sunday morning and see people that have been victimized, for 90 years, at one church there for 90 years, and now no home to go to. But through all of that, we know that things happen in our country. Some things we can prevent; some things we cannot. Some things we can do more; sometimes we're not doing enough. Who's to say that enough has been done? Enough is not being done.

We certainly do not have those answers, but, as pastor of Mt. Zion, we're about the business of doing what we do best; that's help people. And while some of my colleagues in various other States that have not received the success that we have at Greeleyville in South Carolina with the guy, the perpetrator that's being arrested—some of them feel as though enough is not being done in their case; that there's not enough agents maybe that are assigned to help those guys to track them down. I don't know what could be done to help that. Maybe increase some budgets.

This is America. I'm not a politician; I'm a pastor. And whatever it takes, I think whatever means it takes to bring these perpetrators to justice, needs to be done because we look at the fact that they tear at the very fiber of our country. Whether we go to church on Sundays or stay home on Sundays, some of us and all of us have been affected by the church one way or the other in our lives. And if we sit and allow this kind of act to go on, to snatch the very roots from under our country, it's very shameful to us.

On June 20, the church was destroyed by fire, as I know it; as I knew the church, it was destroyed by fire. To see the church burned was sad to me, but to learn that the church was burned by hideous acts of others crushed my heart. To know that in 1995 people still have that much hate in their hearts for others, I said to myself: are we going forward or are we going backward in this country?

I always felt in my heart that if you love from your heart and do good, things will get better. But when my 9-year-old daughter looked at me and said to me, "Daddy, why did someone burn our church?" I had no answer to give her that would satisfy her.

So I simply said to her, "Sometimes in our country people do things that they shouldn't be doing. For this country is built upon the principles of the Bible, and the church has been a very important part of our lives in one way or the other." I said to her, "Don't cry. Don't worry about it. The church will be all right."

She said, "Don't cry, Dad. The church will always be OK."

The only thing they burnt down was the place we came on Sunday mornings and on Wednesday afternoons to clap our hands and pat our feet. That's all they burned, the building we go to to assemble ourselves together, but they have not burned down the church, for the church is in our hearts, and nobody can take it away from us.

So June 20, Mt. Zion was burned down to the ground. Thanks be to God, on June 15 of this year, we'll be dedicating a new Mt. Zion AME Church. For this is our motto: "God, our Father, Christ, our Redeemer, and man, our brother."

Thank you, Mr. Chairman.

[The prepared statement of Reverend Mackey follows:]

PREPARED STATEMENT OF TERRANCE G. MACKEY, SR., PASTOR, MT. ZION AFRICAN
METHODIST EPISCOPAL CHURCH, GREELEYVILLE, SC

I, Reverend Terrance G. Mackey, Sr. am presently serving as pastor of Mount Zion A.M.E. Church. I have been the pastor of this church since 1991. We have about one hundred and fifty members on our roll. In all of my years, as a pastor, I have never seen or heard anything that would lead me to think that this would happen. On June 20, 1995, I received a phone call about 9:30 A.M. from Matthew McFadden, the church's sexton. That the church was on fire. Upon my arrival to the church, I was met by Williamsburg Fire department and some of the officers of the

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church. It was told to me , that it looked like the fire was set by someone. I said to myself, why would anyone burn a church. What have I done for this to have happened? All I was doing was what I was call to do. To help people find a new and better way to live their lives. I found myself looking at what used to be Mount Zion A. M.E. Church. Now all I saw was a pile of ashes and smoke coming from the grounds. There I stood with tears in my eyes and looking in the face of the church's members. As to say, pastor what are we going to do now? I said to them that we will rebuild the church with the Lord's help. About two weeks later, I received a call from the Williamsburg County sheriff's Department. The P.A. system was in a pawn shop and it fits the description of the one that was taken from our church. At that time, three young men were questioned about the church fire. On September 21, 1995, I received a letter from South Carolina Solicitor, Third Judicial Circuit Office. It said this case was not reached for disposition at the recent term of court and will possibly come up the next term which was to begin on Monday, December 4, 1995. It is possible that the defendants will plead guilty on that

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date. That never came to play. I do not understand why it looks as if the State Solicitor Office was not going to do anything about what had happened. The date that I was in court and when the charges were read on Timothy A. Welch and Gary Christopher Cox. The charges are: Burglary second degree, Arson first degree and petty larceny. The young men started to laugh and one of the young men put a card in the air that said, "I am a member of the KKK." I said this can not be happening here in 1995. I was asked for my opinion about what I think about the Solicitor's Office carrying the case to trial or the Federal Government. I said to them that if the State Court is going to do justice then let it stay in the state's hand. By this being the South I feel that we the people may not get justice, so on that note, I feel that the federal Government should take the case and let justice be done for all people. For if we let this go under the rug, we let the very soul of our country be ripped out. For the church is the heart and soul of every town and city. For if we do not put a stop to hideous crime, then the church would no longer be able to give hope to the hopeless and love to the one who feel that love is gone

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or faith to the faithless. In January I received a call from Special Agent Scott Etheridge of The Bureau of Alcohol, Tobacco , and Firearms. That the A.T.F. was investigating the burning of the church and stated that he would like to meet with me. To reassure me that the Government of the United States is not taking this lightly. When I met with Agent Scott Etheridge he told me as much as he could and said it under investigation. And that he was very concern about what had happened, and that he was sorry. He also said that The Bureau will not rest until the ones who did this was brought to justice, and at anytime we needed to talk to him , give him a call day or night. Agent Scott Etheridge called me every two weeks just to ask how things were going and were the members having any problems at all. To assure me that everything is going okay on the investigation . On January the ninth, the rebuilding of the church got started. That was a happy time for the members and me. To see the house of God being rebuild. Standing there looking at the work, tears were in my eye's again. This time it was tears of joy. I looked up and said thank you Lord for this day. In March the water pump was stolen

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from the church. The next day I received a call from Agent Scott Etheridge, he said that he was down to the church and he was told about the water pump. Two day's later, he called me and said that he have a lead on the water pump. He need the serial number of the pump, but we did not have the serial number. He made calls to try to find out the serial number, but could not. Then I received a call from Mr. Charles Friedrichs, the Supervisor of the Bureau of A.T.F. in Charleston, South Carolina. He said to me that he has two agents working on the Mount Zion A.M.E. Fire. And that if we need him at anytime , to call him and that he would do what ever he could to do to help us. At this time the church fire is still under investigation. In my opinion The Bureau of Alcohol, Tobacco, and Firearms are doing a very fine job on this case. They have been very helpful to me as pastor of Mount Zion A.M.E. Church. In letting me know that everything will work out alright.

On June 20, 1995, Mt. Zion A.M.E. Church in Greeleyville, South Carolina was destroyed by fire due to arsonists. The incident touched more than the local

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community and made national headlines by producing a feature article in the national publication, "People Magazine. We were very unfortunate in losing more than our church and its contents, but an abundance of memories that we have shared there over the past ninety years while worshiping at Mt. Zion A.M.E. Church.

Through God's Grace and mercy we have been blessed with a new church. Due to unity, prayer, and the support of neighboring churches and communities we were successful at rebuilding.

Almost a year later, after countless struggles and a seemingly endless battle, the "WAR" is finally over.

On Saturday, June 15, 1996 at 4:00 p.m., the pastor, officers and members of Mt. Zion A.M.E. Church cordially invite you to come and celebrate the dedication of our new church. The march from the old church to the new church site will take place at 1:30 noon.

In my closing, I would like to say on the behalf of the members of Mount Zion thank's to The United States House of Representatives for their concern. And to the ones who did the hideous crime to the church, that this will not be

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tolerate. And thanks for hearing us. Last be not lost the New Mount Zion Church will be dedicated on the fifteen of June, 1996. Three hundred and sixty days after it was burned down. Thanks be to God for all his benefit to us. We ask for your prayers.

Sincerely,

Rw Terrance G. Mackey Sr.

**Reverend Terrance G. Mackey, Sr.
PASTOR**

Mt. Zion African Methodist Episcopal Church
Post Office Box 389
Greeleyville, South Carolina 29056

May 13, 1996

Reverend Terrance G. Mackey, Sr.
7911 Elderberry Court
North Charleston, South Carolina 29418

To The Committee On The Judiciary:

I, Reverend Terrance G. Mackey, Sr. have been serving as pastor of Mt. Zion A. M. E. for the past 5 years. On June 20th, the church as I know it was destroyed by fire. To see the church burnt down was bad, but to learn that the church was burn by a hidcous act of another broke my heart. To know that in 1995, people still have that much hate in their heart. I said to myself "Are we going forward? Or Are we going backward?" I've always thought that if you love from your heart, then things will get better. But when my 9 year old daughter looked at the tears in my eyes and asked me Daddy, why did someone burn down our church? I said, to her, this country was built on the principle of the Bible, and the church is where we all got our start in one way or the other. I said to her don't cry, the church will be alright. It has been through many dangerous toils and snares. It was grace that brought us safe thus far, and grace will lead us on. I said to her that the church did not burn down. The place where we come to sing, clap our hands and pat our feets was burn, but the church is still alive and well. For the church is in our hearts and no one can take it away. We ask that all of the agents like Scott Etheridge and others keep up the good work. On June 20th, 1995, Mt. Zion was burnt to the ground - Thanks be to God on June 15th, 1996, we will dedicate the New Mt. Zion A. M. E. Church. For this our Motto is "God Our Father, Christ Our Redeemer, and Man Our Brother."

Mr. McCOLLUM. Thank you, Reverend Mackey. I think you said it very eloquently, and I certainly believe the church is in your hearts, as it would be in any congregation's. It's very tragic, though, that the church building is being burned under these circumstances.

Reverend Jarrett, I have you as our next witness, if you could take the microphone and give us your testimony. I think we probably ought to, even though you're seated in different ways, we probably should go in the order that we have introduced you.

And, as I have said earlier, any full testimony you want, you may summarize in any way you'd like with us. We'll be glad to put a written testimony in the record, if you would like, as well.

**STATEMENT OF REV. ALGIE JARRETT, PASTOR, MT. CALVARY
MISSIONARY BAPTIST CHURCH, HARDEMAN COUNTY, TN**

Reverend JARRETT. Thank you, Mr. Chairman. My name is Reverend Algie Jarrett. I'm the pastor of the Mt. Calvary Missionary Baptist Church located in Hardeman County, TN.

On January 31, 1995, approximately 1:30, I got a call from the sheriff's department saying that our church was burning, and my wife immediately got up and went to the location of the church, and, sure enough, it was burning. And I'm speechless for words because I'm not used to—I heard of houses being burnt and forests set on fire, but it's scary when you talk about a church. It's hurts because ever since our church got burnt, not I nor our congregation has been the same. Somehow we've been torn. We've been discouraged. We don't feel like people should go around burning churches down.

I was raised up in a church. My grandfather was a preacher, and he taught me about church. And when I was a little boy I would respect the church. I wouldn't even cross the church property. I would go around the church, because I feel like the church is holy ground, and I feel like we should respect the church because the church is a house of prayer, not just for preachers and a congregation, but it's a house of prayer for all the Nation, for everybody. It don't have no discrimination black and white; it's a house of prayer, and that's what we took it for.

But when I observed our church burning on the 31st of January 1995, at 1:30, my heart went out, not just for me, but it went out for my whole congregation. They've been—they're still hurting. We're still crying on the inside because so much was burned up that we can't replace.

We had awards that we would go to the old folks' home, rest home, that they'd give us for coming over there, and I had my seminar certificate that we had toiled over the years to get; it was burnt. So much was burned that we can't get back. In memory—I hate to even think about it. Every time I think about it, tears come from my eyes. I just can't comprehend why would a person go around burning the house of God.

And I want to leave—I want to close by saying that, even though somebody burned it, I guess—I don't know; I'm not in a law enforcement job; I'm a preacher of the gospel—but even though if somebody burned it, they're still in our prayers because we can't

go around hating folks. And I thank God for things, being this world as it is.

Mr. MCCOLLUM. Well, you've also stated it very well, Reverend Jarrett. I know that I personally, and I suspect most members of this committee, especially the Christian members, have been in black churches, been in all different denominations, understand what you're saying. We pray to the same God. We have the same basic beliefs, no matter which church we're going to. And why anyone in the world would burn a church down is beyond me, but they do it. They've done it, obviously, and where they've broken the law and done it in the hate way they've done with your church and with Reverend Mackey's church, we have to do something about that. That's why we're here today.

Dr. Lowery, president of the Southern Christian Leadership Conference, we'd be glad to hear from you.

Yes, if you could turn the microphone on, it takes the switch there. Thank you.

STATEMENT OF REV. DR. JOSEPH E. LOWERY, PRESIDENT, SOUTHERN CHRISTIAN LEADERSHIP CONFERENCE

Mr. LOWERY. Thank you, Mr. Chairman and members of the Judiciary Committee, Mr. Conyers.

The Southern Christian Leadership Conference had a very early sad experience with firebombing of churches. As a matter of fact, during one of our early organizing meetings, a church pastored by one of our founders, Reverend Abernathy, was firebombed in Montgomery. And then a few years later, our first president, Martin Luther King, Jr., had to preside at the funeral of four little girls in Birmingham who died as a result of the firebombing of a church.

So we have been outraged at these continuing attacks on places of worship and sorely disappointed that, until recently, law enforcement in particular, as well as other levels of government, and media in general, have seemed only mildly interested in focusing on these acts of terrorism. And so we're grateful for this hearing.

Scant notice was given by national media until the church where the assistant pastor was a well-known professional football star was torched. Unfortunately, we can't have football stars at every church to get the attention we need.

In late 1995, SCLC intensified its protest and plea to law enforcement agencies to unleash all available resources to bring these terrorists to justice. In early 1996, we visited the sites of burned churches in Alabama and Louisiana, and, subsequently, Assistant Attorney General Patrick visited our offices in Atlanta to assure us that the investigation of these fires would be given top priority. An official in the Treasury Department also informed us that a joint task force with the Justice Department had been put together.

We were also advised that two of the officers originally assigned to the task force had been removed from the task force, but not from the agency, who attended a Good Old Boy Roundup, where shameful racist activities took place. We are not surprised at this feeble response to racist behavior, for like the national response to these church burnings, it represents a 51st State in this Nation, the state of denial.

While we've been shocked as a nation at the rise of hate groups and right-wing terrorists that have bombed Federal buildings and militia groups that pose serious threats to democracy, we have downsized the racist nature of these groups. History, however, is clear that hatemongers in this Nation, and their organizations are usually integrated with white supremacists, those who are anti-Semitic, and neo-Nazis. They are usually gun addicts and are heavily armed with assault weapons. Is it any wonder, then, that we are outraged that law enforcement agencies up until today insist on denying the racist nature of these attacks on the soul of the black community, our churches?

A few days ago, Mr. Chairman and members of this committee, a gang of white teenagers in Ft. Myers, FL, known as Lords of Chaos, shot and killed a high school band director who discovered their mayhem. This gang of white teens from affluent homes, some of whom were honor students, had burned a soft drink warehouse, a restaurant with exotic birds. They had burned the property of a Baptist church and were on their way to attack Disney World with assault weapons. But what the media have hardly mentioned is that their plans also included a spree, a shooting spree, against black tourists as soon as they left Disney. And so the state of denial continues to abide.

And while we might debate whether or not there's a national conspiracy, there is no doubt that there's a national network of racial hostility and oppression in this country, and this hostility is an equal opportunity hostility, inasmuch as the sources of hostility reside from Natchez to Mobile, from Memphis to St. Joe, wherever the four winds blow, from Washington to Wichita, from New York, NY, to New Orleans, and New Albany, MS; from jurists to jerks, from legislators to loggers. It's an equal opportunity hostility.

We are witnessing a frightening and serious assault on African-Americans in this Nation. The burning of churches are not isolated incidents, for in judicial and legislative suites, as well as in the streets, African-Americans are being assaulted.

Our children are cast into inferior courses by "tracking" and other forms of miseducation. Our voting rights are being devastated by Federal judges who hold the sacred rulings of their predecessors in contempt. Equal opportunities in employment and economic enterprise are imperiled by the assault on affirmative action. The rhetoric around welfare reform suggests that welfare recipients are black, lazy, dishonest, and need to be penalized for being poor. It is soundly perceived and believed that efforts to balance the budget are totally insensitive to the needs of the poor and the ailing, and the budget should be balanced on the backs of the poor.

So-called angry white folks are concerned and convinced that affirmative action, the Federal Government, and welfare recipients are their enemies and are responsible for their economic uncertainties. These misconceptions are fomented by the rhetoric and policies of extremists in both the public and private sectors. These angry folk need to join us in opposing policies that export jobs and expand poverty, high-tech gobblers of jobs totally unreplaced by visionless legislators and business people.

While we continue to call for intensive and massive efforts by law enforcement to bring these terrorists to justice, we recognize, Mr. Chairman, that concomitantly we must recognize the widening impact of antiblack, antipoor policies in creating attitudes of hostility that can translate into acts of hostility. And we must hold accountable the extremist groups that fan flames of racial and class division.

We urge the Congress to call for massive, intensive efforts on the part of the entire law enforcement contingency of the U.S. Government to bring to justice these terrorists.

Second, we urge continued support of the ministers, congregations, and communities that refuse to be intimidated by these cowardly acts of terrorism. The message must be loud and clear that the African-American community will not be intimidated in 1996 any more than we were in 1896 or 1963. These attacks, in fact, stiffen our resistance to oppression and render even firmer our resolve in the pursuit of justice.

The people who are intimidated are really the terrorists who attack the church, for they are intimidated by what the church stands for. The church stands for justice while they embrace injustice. The church stands for peace and equity while they stand for disorder, chaos, and inequity.

We respectfully urge the Congress to remember the history of firebombing of churches in our community. Thank God no life has been lost, as I close, so far, but we remember with pain and sorrow the murder of four little girls. These criminals must be stopped before such tragedies recur.

And we respectfully urge the committee and the Congress to seek ways to address the economic distress, the loss of jobs, the growing fears and uncertainties about the future, in ways that do not make African-Americans, Hispanics, women, and low-income persons scapegoats. We urge the Congress to engage in a positive campaign to achieve racial justice and an end to political, judicial, economic, and street violence.

We believe, frankly, that an intelligence system, advanced criminological technology that can identify terrorists all over the world ought to be able to apprehend red-necked amateurish terrorists in South Carolina, Alabama, and Tennessee.

I am grateful for the work of many groups—Bishop Talbert, my friend, and the Council of Churches, the Center for Democratic Renewal, the Center for Constitutional Rights, and others—who are working on this problem.

And I finally say at least one group that is considered by many to be religious extremists has offered a reward for the culprits and challenged civil rights groups to match the reward monies. We believe the religious community could better serve the common good by engaging in joint efforts to eliminate the climate of hostility which encourages acts of hostility. We call for these religious groups to join us in a joint venture for healing, for racial justice, to bring about the beloved community, and an end to economic, political, judicial, and physical violence.

There is a balm in Gilead, and if we can get these folks' hearts burning, there will be less church-burning, and we can work together until justice rolls down like waters and lions lie down with

the lambs. There will be peace in the valley, and we'll study war no more.

[The prepared statement of Mr. Lowery follows:]

PREPARED STATEMENT OF REV. DR. JOSEPH E. LOWERY, PRESIDENT, SOUTHERN CHRISTIAN LEADERSHIP CONFERENCE

Mr. Chairman, and members of the Judiciary Committee, the Department of Justice through the Assistant Attorney General, Civil Rights Division, has advised us that (as of April 24, 1996) they have investigated "fires and incidents of desecration" at 46 different houses of worship in 15 states since 1990.

Of the 46 incidents listed, 29 remain unsolved. So far in 1996, 25 incidents have been reported, and 23 remain unsolved.

We have been outraged at these continuing attacks on places of worship—and sorely disappointed that until recently law enforcement in particular, as well as government and media in general—have seemed only mildly interested in focusing on these acts of terrorism. Scant notice was given by national media until a church where the assistant pastor was a well known professional football star—was torched.

In late 1995, SCLC intensified its protest and plea to law enforcement agencies to unleash all available resources to bring these criminals to justice.

In early 1996 we visited the sites of burned churches in Alabama and Louisiana. Subsequently, Asst. Atty. Gen. Deval Patrick visited our offices in Atlanta to assure us that the investigation of these fires would be given top priority. An official in the enforcement division of the Treasury Department (ATF) also called and informed us that a Joint Task Force with the Justice Dept.—consisting of approximately 100 persons—had been assigned to the investigation. We were advised that two of the officers originally assigned to the Task Force had been removed after it was discovered that they had been among ATF agents who attended a Good Ol' Boy Roundup, where shameful racist activities took place. It is our understanding that none of the agents who frequented these "Roundups" has been dismissed or severely disciplined. African Americans are concerned that many law enforcement agencies include personnel who are also members of racist groups.

We are not surprised at this feeble response to racist behavior—for like the national response to these church burnings, it represents a fifty-first state in the nation—"the state of denial." While we have been shocked as a nation at the rise of hate groups and right-wing terrorists that have bombed federal buildings, and militia groups that pose serious threats to democracy, we have downsized the racist nature of these groups. History, however, is clear that hate mongers in this nation are usually integrated with white supremacists, anti-Semites, and neo-Nazis. They are usually gun addicts and are heavily armed with assault weapons.

Is it any wonder that we are outraged that law enforcement agencies insist on denying the racist nature of these attacks on the soul of the Black community—our churches?

A few days ago a gang of white teenagers in Ft. Myers, Florida—known as "Lords of Chaos"—shot and killed a high school band director who uncovered their mayhem. This gang of white teens—from affluent homes (some of whom were honor students)—had burned a soft drink warehouse, a restaurant with exotic birds; had burned property of a Baptist church and were on their way to attack Disney World with assault weapons. What the media have hardly mentioned is that their plans included a shooting spree against Black tourists following the attack on Disney.

We are witnessing a frightening and serious assault on African Americans in this nation, in the judicial and legislative suites—as well as in the streets. One hundred years ago, around the time of *Plessy vs. Ferguson* (separate but equal) African Americans were stripped of political power and our properties including churches were burned. One hundred years later the ghost of *Plessy vs. Ferguson* and the forces that ended reconstruction are haunting the nation. Our children are cast into inferior courses by "tracking" and other forms of miseducation and denial of justice and equal opportunity in education. Our voting rights are being devastated by federal judges who hold the sacred rulings of their predecessors in contempt. Equal opportunities in employment and economic enterprise are imperiled by the assault on affirmative action. The rhetoric around welfare reform suggests that welfare recipients are black, lazy, dishonest, and need to be penalized for being poor. It is soundly perceived and believed that efforts to balance the budget are totally insensitive to the needs of the poor and elderly—and that the budget should be balanced on the backs of the poor. So-called angry white males are concerned that affirmative action, the federal government, and welfare recipients are their enemies and are respon-

sible for their economic uncertainties. These misconceptions are fomented by the rhetoric and policies of *extremists* in both the public and private sector.

While we continue to call for intensive and massive efforts by law enforcement to bring these criminals to justice, we recognize that concomitantly, we must: (1) recognize the widening impact of anti-Black, anti-poor policies, in creating attitudes of hostility that can translate into *acts* of hostility; (2) we must hold accountable the extremist groups that fan flames of racial and class divisions.

We would strongly urge the Congress of these United States to:

1. Call for a massive, intense effort on the part of the FBI, and the entire law enforcement contingency of the United States government to bring to justice those who committed these crimes.

2. Commend, support and encourage the ministers, congregations and communities that refuse to be intimidated by these cowardly acts of terrorism. The message must be loud and clear that the African American community will not be intimidated in 1996 any more than we were in 1896, 1963 or any other time. These attacks stiffen our resistance to oppression and render firm our resolve in the pursuit of justice and equity.

We respectfully urge this committee and the Congress to remember the history of fire bombing of churches in our community. While no life has been lost, we recall with deep pain and sorrow the murder of four little girls in Sunday school in a church in Birmingham, Alabama. These criminals must be stopped before such tragedies recur.

3. We respectfully urge the committee and the Congress to seek ways and means of addressing the economic distress, the loss of jobs, the growing fears and uncertainties about the future in ways that do not make African Americans, Hispanics, women, and low income persons—scapegoats.

We urge the Congress to engage in a positive campaign to achieve racial justice and an end to political, judicial, economic and street violence.

We believe that an intelligence system and advanced criminological technology that can identify terrorists in faraway lands, and in New York and Oklahoma, ought to be able to apprehend angry arsonists who burn churches.

Finally, some religious extremists have offered rewards for the culprits and challenged civil rights groups to match the reward monies.

We believe the religious community could better serve the common good by engaging in joint efforts to eliminate the climate of hostility which encourages acts of hostility. We are willing to work together for social justice, the beloved community, and an end to economic, political, judicial and physical violence.

Mr. MCCOLLUM. Dr. Lowery, extremely well-stated. I compliment you on the delivery of that.

Mr. LOWERY. Can I take up an offering? [Laughter.]

Mr. MCCOLLUM. You'd probably get something if you did it today. They probably would.

Reverend Jackson, the Christian Coalition, you're welcome to give us your statement.

STATEMENT OF REV. EARL W. JACKSON, SR., NATIONAL LIAISON FOR URBAN DEVELOPMENT, CHRISTIAN COALITION

Reverend JACKSON. Thank you very much, Mr. Chairman. Mr. Chairman, members of the committee, my name is Rev. Earl W. Jackson, Sr. I serve as national liaison for urban development for the Christian Coalition, and since 1982, as senior pastor of New Cornerstone Exodus Church in Boston. Thank you, Mr. Chairman, for these hearings and the opportunity to testify before this committee.

First, as a minister for 19 years, I've watched again and again the failure of governmental attempts at rehabilitation and the success of spiritual regeneration. And with all respect to the well-intentioned and often laudable accomplishments of many activist groups, the most powerful institution for transforming and improving the lives of black people in America remains the church. When

the church is under attack, the very soul of the community is under attack.

In spite of the obvious and vital importance of this issue, it is our view that the executive branch of the Federal Government refuses to take the aggressive measures necessary to solve these crimes and punish the perpetrators. Instead, it has signaled a disturbing insensitivity to the plight of these churches.

Rev. James Freeman of St. Paul Baptist Church in Baton Rouge, LA, who after watching four black churches burn in one night was cavalierly told by the ATF without explanation that race was not a factor—this is the same ATF which had agents participating in the Good Old Boy Roundup, where insults against blacks and other minorities were the order of the day. At least two of these agents we know were assigned to investigate the church arsons. Any reasonable person would question the credibility of the agents and the agency.

Mr. Chairman, the Christian Coalition is on record that, in our view, any law enforcement officer who does not understand that it is his or her job to protect, respect, and serve our law-abiding citizenry, regardless of color or creed, should not be shifted around, but shifted out.

We've had complaints from some churches that the best response they've received from Federal investigators is, "We have no leads." And the worst has been to give lie detector tests to the pastor and members, implying that they burned their own church. That was the apparent line of inquiry in one Baton Rouge church. The message to the pastor and his church from Federal investigators seemed to be: you make race an issue and we will make you the issue.

Mr. Chairman, I'm not speaking what someone else has told me third party. I am telling you what pastors that I have talked to across the country have been telling me. And I know personally what it is for a pastor and members to sweat and sacrifice to secure a place of worship. The suggestion that this should be the first line of inquiry is an insult to the church and to every pastor.

The bottom line here, as we see it, that the President of the United States should do what the American people elected him to do: lead. Give the appropriate law enforcement agencies clear direction, resources, and hold them accountable.

Now let me make clear the interest of the Christian Coalition. To paraphrase Dr. King, an attack on Christianity anywhere is an attack on Christianity everywhere. It is our mission to be sure that Christian values, ideals, and institutions foundational to our country's history remain the building blocks of our present and future. We are not the white Christian coalition or the black Christian coalition or the Protestant or Catholic Christian coalition; we are the Christian Coalition, and our brothers and sisters are white and black and brown and yellow and red and of all denominations, and we intend to stand with them.

The executive director of the Christian Coalition, Dr. Ralph Reed, has left no room for misunderstanding our position. He has said, and I quote, "The terrorists who committed these crimes against our African-American brothers and sisters will be dealt with. We

will hunt them down. We will bring them to justice and put them away for a long, long time.”

In addition to the \$25,000 reward we've offered for information leading to the arrest and conviction of perpetrators, we're mobilizing Christian Coalition leaders across the country to support these churches in whatever way we can. We will not arrest—and trust this committee will not, either—until the executive branch of the Government and its Federal law enforcement agencies do their most fundamental duty, inspired by the very birth of this Nation: protect the first amendment right of citizens to worship their God.

Now let me, Mr. Chairman, to end on what is a wonderfully inspiring development. The immense good will of the American people of every color and background has poured forth in a magnificent way, and that is part of the untold story. In spite of those whose goal seems to be keeping us racially divided, this country continues to move in the direction of not judging one another by the color of our skin, but the content of our character. And it is our tradition of faith that transforms burning into blessing. What is intended to divide can become a force for reconciliation. What is intended for destruction can become a force for creation of a new closeness between people of all colors who share a pro-family, pro-church, pro-life, pro-love agenda.

The churches which have been attacked promote such a life-changing faith, and they need our help. We must protect and defend them at all costs for the good of every American.

Thank you, Mr. Chairman.

[The prepared statement of Reverend Jackson follows:]

PREPARED STATEMENT OF REV. EARL W. JACKSON, SR., NATIONAL LIAISON FOR
URBAN DEVELOPMENT, CHRISTIAN COALITION

Mr. Chairman, members of the Committee my name is Rev. Earl W. Jackson Sr. I serve as National Liaison for Urban Development for the Christian Coalition. I have also serve as Senior Pastor of New Cornerstone Exodus Church in Boston since 1982.

Thank you for giving me the opportunity to testify before this Committee. I would like to use this time to express three essential points. First, the vital importance of the issue before you. Second, the failure in our view of the executive branch and its agencies to give this matter the emphasis it deserves. Third, the critical necessity of Congressional oversight that the first amendment rights of Christians, in this case particularly black Christians and churches are protected.

My remarks emanate from two different but consistent perspectives. First, as a pastor of a church, I have watched with awe as Godly communities have transformed the lives of people without government intervention. I have watched again and again the failure of bureaucratic attempts at rehabilitation and the success of spiritual regeneration. With all respect to the well intentioned and often laudable accomplishments of the NAACP, the Urban League, the Southern Christian Leadership Conference and other such groups, the most powerful institution for transforming and improving the lives of black people in America has been, is and always will be the church.

When that church is under attack, the very soul of the community is under attack.

When it is happening in Mississippi, it is felt in Massachusetts. When it is happening in Louisiana it is felt in Long Island. And when it is happening in Detroit, Michigan, it is felt in Demopolis, Alabama. An attack on black churches is an attack on the very nerve center of the black community, the ultimate place of its help and hope.

In spite of the vital importance of this issue, we feel the Executive Branch has been woefully inadequate in taking the aggressive measures necessary to solve these crimes and punish the perpetrators. Instead, it has signaled a disturbing insensitivity to the plight of these churches. I have personally talked to Rev. James Freeman, Church, Louisiana who, after watching four black churches burned in one night, was cavalierly told by the ATF that race was not being considered a factor. This is the same ATF which had agents participating in the "Good Old Boys Round up" where insults against blacks and other minorities were the order of the day. At least two of these agents were investigating the church fire bombings. Any reasonable person would feel justified in questioning the credibility of the agents and the agency.

Instead of using the opportunity to demonstrate its seriousness, the Treasury Department's response was to shift the agents around. Mr. Chairman, the Christian Coalition wants to go on record that in our view any law enforcement officer who does not understand that it is his or her job to protect, respect and serve the law abiding citizenry regardless of color or creed who pay his or her salary should not be shifted around but shifted out. Any agency which does not hold its officers to this standard needs to be shaken from top to bottom.

We have had complaints from some churches that the best response they've received

from Federal investigators is "We have no leads", and the worst has been to give lie detector tests to the pastor and members and imply that they burned their own church down. That was the apparent line of inquiry in one Baton Rouge church where three other churches had been burned down the same night. The Pastor felt intimidated. The message he and his church got from Federal investigators was: "you make this an issue and we will make you the issue."

The bottom line here is that the President of the United States should do what the American people elected him to do: lead. Give the appropriate law enforcement agencies clear direction and hold them accountable. Frankly, there has been no serious indication to us or the public in general that he is interested. No wonder then that Federal enforcement agencies are treating it lightly.

As National Liaison for Urban Development for the Christian Coalition, I have not come here today to criticize any other organization, but to say the Christian Coalition joins with any organization which will rise up and say these attacks on the black church, and on Christianity cannot and will not stand.

Some have raised the question why the Christian Coalition is concerned. Let me state it clearly and unequivocally. To paraphrase Dr. King, an attack on Christianity anywhere is an attack on Christianity everywhere. We are the Christian Coalition, and it is a large part of our mission to be sure that Christian values, ideals and institutions foundational to our history remain the building blocks of our present and future. We are not the white Christian Coalition or the black Christian Coalition; we are not the protestant or Catholic coalition. We are the Christian Coalition and our brothers and sisters are white and black, brown and

yellow and red and of all denominations. We are a rainbow that is painted not by politics ultimately but by faith in Jesus Christ.

The Executive Director of the Christian Coalition, Dr. Ralph Reed, has left no room for misunderstanding. I suppose to those who have lied about him and called him and the Christian Coalition Nazi's, he should be dismissed as a "white man." However, for those of us who want to see the kind of America Dr. King envisioned, Ralph Reed is a brother leading the Christian Coalition to reach out a hand of love to everyone, but particularly those who know that obedience to God brings blessings on our nation. Dr. Reed said:

It is a shame in the past the white evangelical church simply looked the other way when [black churches were] confronted by racist attacks. The Christian Coalition will not look the other way. The terrorists who committed these crimes to our African-American brothers and sisters will be dealt with. We will hunt them down, and we will bring them to justice."

In addition to the \$25,000 reward we have offered for information leading to the arrest and conviction of perpetrators, we are mobilizing Christian Coalition leaders across the country to support these churches in whatever way we can.

We will not rest until the Executive Branch of the government and its Federal law enforcement agencies do the things that is their most fundamental duty, the things that inspired the very birth of this nation, protect the First Amend right of citizens to worship their God.

Let me end on what is a wonderfully inspiring development which is emerging from this series of evil acts. The immense good will of the American people, white and black,

has poured forth in an magnificent way. In spite of those whose goal is to keep us racially divided, this country continues to move in the direction of fulfilling Dr. King's vision of not being judged by the color of our skin but the content of our character. White Christians and others all over the country have put their shoulder to the plow, and their money where their mouths are to say, we stand with our brothers and sisters and the color of their skin is irrelevant. Once again, faith, as it did for our Founding Fathers, confronts a curse and transforms it into a blessing.

Mr. McCOLLUM. Thank you, Reverend Jackson. And certainly it is in keeping with the spirit that you last described that this hearing is being conducted.

And I'm very pleased also, in light of that last comment you made, to introduce Dr. Richard Land, the president of the Southern Baptist Christian Life Commission.

Dr. Land, you may give us your testimony.

STATEMENT OF RICHARD D. LAND, PRESIDENT, SOUTHERN BAPTIST CONVENTION CHRISTIAN LIFE COMMISSION

Mr. LAND. Thank you. I want to express my gratitude to the Judiciary Committee for deciding to hold these hearings concerning the disgrace of the torching of black churches across the South in the past 18 months. The burning of these black churches is despicable; it's deplorable, and it's intolerable. It would be insensitive and simplistic to just condemn the outrageous and cowardly actions of these arsonists, but they must be condemned forcefully and unequivocally. Every social entity and every individual in America who believes the burning of these churches to be sickening and disgusting needs to say so publicly and needs to say so now.

First, the perpetrators of these atrocities need to know that their actions are held in contempt by the overwhelming majority of the populace and that, for most people, these arsonists dwell in the ooze at the bottom of the criminal barrel along with child molesters, drug pushers, pimps, and pornographers.

Second, the African-American community needs to hear the overwhelming condemnation of the burning of their churches within the majority community. While there has been real progress toward racial reconciliation in America over the past 30 years, the sense of that progress is far more visible and real in the majority community than it is among African-Americans. The black community needs to know that we are outraged at the arson of their churches and that we are committed to apply the full resources of our society to ending these actions and to helping them rebuild their churches.

Third, the law enforcement authorities at the local, State, and Federal level need to prosecute these cases with firm and unrelenting resolve and they need to be publicly seen to be doing so. The incredibly disparate reaction within the white and black communities to the O.J. Simpson verdict revealed not only a continuing racial divide of tragic magnitude in American, it also revealed a festering mistrust of law enforcement among African-Americans at all levels of our society, one that sadly is substantially justified.

Whether or not there is a conspiracy involved in the torching of these black churches, there is clearly a compelling consistency. The churches are black. The convicted or suspected perpetrators are white. In some instances the arsonists have acknowledged their crimes were racially-motivated, and in other cases the racial slurs and burning crosses left at the scene leave no doubt that racial prejudice and hatred have motivated these crimes.

As a Christian and as a Southerner, I feel compelled at this point to state unequivocally that racism is the antithesis of the Gospel of Jesus Christ, and that to use the cross to symbolize racism and white supremacy is blasphemous.

This pattern of racial violence generates tragic consequences for everyone. The people whose churches have been destroyed are deprived of their church facility and justifiably feel violated by the arsonists and betrayed by the law enforcement officials who have failed to protect them from such violence. These racially-motivated hate crimes also make it incredibly difficult to build the foundation of trust and understanding upon which any meaningful and comprehensive racial reconciliation in this country must be built.

There is an evil, insidious, and almost intuitive logic to burning black churches. The church has been a unique and powerful presence in the African-American community since the days of slavery. The church has been at the very heart and soul of the bittersweet black experience in America. It was the formative and central structure in developing a vibrant and rich African-American culture amidst the horrible deprivations of slavery, and in the too-often-prejudice days since abolition it has sustained, nurtured, and transformed the black community in ways which the white religious community could only aspired to emulate.

To strike at the black church is to drive a dagger into the heart of the black community and the black experience in America. Whether arsonists and racists are successful in burning down the bridges of racial reconciliation in America will depend largely on the American religious and legal communities. In a very real and profound sense, the racism which leads to such atrocious acts of violence is a spiritual problem which will only be resolved by spiritual means.

Dr. King understood the depth of evil which confronted him and he was well aware of the insufficiency of mere human power and reason to conquer it. Those of us in the American religious community must speak out against racism as profound sin and as a functional denial of the gospel. We must be salt and light in confronting racism and practicing reconciliation with people of all races.

However, the fact that racism is at its root a spiritual problem and will be vanquished ultimately only by spiritual means does not mean that legislative and judicial remedies should not be, must not be applied to racial discrimination and bigotry. President Kennedy once reminded us that the great enemy of truth is often not the lie, deliberate, contrived, and dishonest, but the myth, persistent, persuasive, and unrealistic. Perhaps our greatest enemy is not the lie of racism, but the myth that you can't legislate morality. In fact, to a very significant degree, society can and must legislate its morality. If murder were not illegal, the death rate would soar. If theft were not illegal, property losses would mount. Legislative and judicial prohibition against murder and theft do not eliminate these evils, but they do significantly retard their incidence.

The restraint and punishment of those that doeth evil were major reasons God ordained the civil magistracy. Racial discrimination furnishes a compelling example of this principle. Legislative and judicial remedies radically altered the status of de jure segregation and legally-institutionalized racial discrimination in our society.

Many of us are old enough to have experienced and to remember the dramatic differences between then and now. Our history furnishes many painful examples and memories of the situation prior

to such a legislative and judicial restraint, but in fact the South furnishes a dramatic illustration of the power of the law. In 1960 the South was the most racially-segregated section of the Nation in its housing and enrollment patterns, according to the U.S. census. By 1990, in the wake of civil rights legislation, the South has become the most racially-integrated section of the country by those same measurements. Laws and the will to enforce them do make a difference.

When we come to de facto segregation and discrimination, you're dealing with attitudes and not actions, and you're dealing with the mind and the heart, and you're moving beyond the power of mere legal restraint. If elimination, not restraint, of racial prejudice and bigotry is the goal—and for Christians it must be—then we must move beyond legal answers to spiritual ones. However, our belief in the necessity of the latter does not eliminate the need for and our obligation to support the former.

On the 150th anniversary of the Southern Baptist Convention in 1995, Southern Baptists overwhelmingly passed a resolution committing themselves to eradicate racism in all its forms from Southern Baptist life and ministry and to pursuing racial reconciliation in all relationships. Southern Baptists also took the opportunity to apologize to African-Americans and to ask for their forgiveness for not having always stood prophetically against racial prejudice and bigotry and for in some instances having acquiesced to, or even condoned, such prejudice.

While it is true that Southern Baptist have not always stood for racial justice and equality, God has; His word has, and with His help, we do now and we shall in the future. We have been reaching out, and will continue to reach out, to the church members victimized by these fires in concrete and supportive ways. We want to help them rebuild their churches, and we want them to know we condemn these terrible crimes. We are committed to doing our part to address this cultural issue.

We ask that the Federal Government do its part as well. We urge you to make certain that local, State, and Federal authorities investigate these crimes rigorously, and when the investigations yield suspects, that these suspects get prosecuted to the full extent of the law. Further, we call on the Federal Government to intervene whenever there are attempts to intimidate local or State investigations or prosecutions. We call upon the Federal Government to enforce laws or to call for the amendment of laws, if necessary, to force criminals convicted of these crimes to pay restitution to the churches that have been destroyed, many of which had inadequate or nonexistent insurance.

We believe these church burnings are a serious threat to the progress of racial reconciliation in America. These hearings are a dramatic illustration that you agree. When we in the religious community do respond in our communities, and what we do and what you in the Federal Government do here support the full enforcement and prosecution of the law in these cases, will I believe have a direct bearing on just how bright or how dim the future of racial reconciliation in America will be.

Thank you.

[The prepared statement of Mr. Land follows:]

PREPARED STATEMENT OF RICHARD D. LAND, PRESIDENT, SOUTHERN BAPTIST
CONVENTION CHRISTIAN LIFE COMMISSION

The incredibly disparate reaction within the white and black communities to the O.J. Simpson verdict revealed not only a continuing racial divide of tragic magnitude in America—it also revealed a festering mistrust of law enforcement among African-Americans at all levels of our society.

Whether or not there is a conspiracy involved in the torching of these black churches, there is clearly a compelling consistency. All of the churches have been black, and all of the convicted or suspected perpetrators have been white. In some instances, the arsonists have acknowledged that their crimes were racially motivated, and in other cases, the racial slurs and burning crosses left at the scene leave no doubt that racial prejudice and hatred have motivated these crimes. As a Christian and as a Southerner I feel compelled at this point to state unequivocally that racism is the antithesis of the Gospel of Jesus Christ and that to use the cross to symbolize racism and white supremacy is blasphemous.

This pattern of racial violence generates tragic consequences for everyone. The people whose churches have been destroyed are deprived of their church facility, and justifiably feel violated by the arsonists and betrayed by the law enforcement officials who have failed to protect them from such violence. These racially motivated hate crimes also make it incredibly difficult to build the foundation of trust and understanding upon which any meaningful and comprehensive racial reconciliation in this country must be built.

In fact, some white people in the local communities where these crimes have been committed have expressed bewilderment as to why they happened in their areas because "we don't have a lot of racial tension or trouble here." My first answer to their question is that the white community is most often far less aware than blacks of the racial tension caused by the actions of a militant white, racist minority in the community. Second, it is at least possible that some elements among militant racists in a local area burn black churches in an attempt to frustrate and to sabotage an increasingly tolerant racial environment.

And one must admit, there is an evil, insidious, almost intuitive logic to burning black churches. The church has been a unique and powerful presence in the African-American community since the days of slavery. The church has been at the very heart and soul of the bittersweet black experience in America. It was the formative and central structure in developing a vibrant and rich African-American culture amidst the horrible deprivations of slavery and in the too often prejudiced days since abolition it has sustained, nurtured and transformed the black community in ways to which the white religious community could only aspire to emulate. To strike at the black church is to drive a dagger into the heart of the black community and the black experience in America.

Whether the arsonists and the racists are successful in burning down the bridges of racial reconciliation in America will depend largely on the American religious and legal communities. In a very real and profound sense the racism which leads to such atrocious acts of violence is a spiritual problem which will only be resolved finally by spiritual means.

Dr. Martin Luther King, Jr., understood the depth of evil which confronted him and he was well aware of the insufficiency of mere human power and reason to conquer it. Those of us in the American religious community must speak out against racism as profound sin and as a functional denial of the Gospel of the Prince of Peace. We must be the salt of the earth and the light of the world that Jesus commanded us to be in confronting racism and practicing reconciliation with people of all races in our world.

However, the fact that racism is at its root a spiritual problem and will be vanquished ultimately only by spiritual means does not mean that legislative and judicial remedies should not be, must not be, applied to racial discrimination and bigotry. President Kennedy once reminded us that "the great enemy of truth is very often not the lie, deliberate, contrived and dishonest, but the myth, persistent, persuasive and unrealistic." Perhaps our greatest enemy is not the "lie" of racism, but the "myth" that "you can't legislate morality." In fact, to a very significant degree, society can and must legislate its morality.

If murder were not illegal, the death rate would soar. If theft were not illegal, property losses would mount dramatically. Legislative and judicial prohibition against murder and theft do not eliminate these evils, but they do significantly retard their incidence. The restraint and punishment of those "that doeth evil" were major reasons God ordained the civil magistracy (Romans 13:2).

Racial discrimination furnishes a compelling example of this principle. Legislative and judicial remedies radically altered the status of de jure segregation and legally

institutionalized racial discrimination in our society. Many of us are old enough to have experienced and to remember the dramatic differences between then and now. Our history furnishes many painful examples and memories of the situation prior to such legislative and judicial restraint.

But in fact the South furnishes a dramatic illustration of the power of the law. In 1960, the South was the most racially segregated section of the nation in its housing and enrollment patterns, according to the United States Census. By 1990, in the wake of civil rights legislation, the South had become the most racially integrated section of the country by those same measurements. Laws, and the will to enforce them, do make a difference.

What about *de facto* segregation and discrimination? Here you are dealing with attitudes, not actions. When you enter the realm of the mind, and of the heart, you are moving beyond the power of legal restraint. If elimination, not restraint, of racial prejudice and bigotry is the goal—and for Christians it must be—then we must move beyond legal answers to spiritual ones. However, belief in the necessity of the latter does not eliminate the need for, or our obligation to support, the former.

On the 150th anniversary of the Southern Baptist Convention in 1995, Southern Baptists overwhelmingly passed a resolution committing themselves “to eradicate racism in all its forms from Southern Baptist life and ministry” and to “pursuing racial reconciliation in all our relationships.” Southern Baptists also apologized to African-Americans and asked for their forgiveness for not having always stood prophetically against racial prejudice and bigotry, and for in some instances having acquiesced to, or even condoned, such prejudice.

While it is true that Southern Baptists have not always stood for racial justice and equality, God has, His Word has, and with His help, we do now and we shall in the future. We have been reaching out, and will continue to reach out, to the church members victimized by these fires in concrete and supportive ways. We want to help them rebuild their churches, and we want them to know we condemn these terrible crimes. We are committed to doing our part to address this cultural issue.

We ask that the federal government do its part as well. We urge you to make certain that local, state, and federal authorities investigate these crimes rigorously and when the investigations yield suspects that these suspects be prosecuted to the full extent of the law. Further, we call on the federal government to intervene whenever there are attempts to intimidate local or state investigations or prosecutions.

We also call upon the federal government to enforce laws, or to call for the amendment of laws if necessary, to force criminals convicted of these crimes to pay restitution to the churches that have been destroyed, many of which had inadequate or nonexistent insurance.

We believe these church burnings are a serious threat to the progress of racial reconciliation in America. These hearings are a dramatic illustration that you agree. What we in the religious community do to respond in our communities, and what you, the federal government, do here to support the full enforcement and prosecution of the law in these cases will have a direct bearing on just how bright, or dim, the future of racial reconciliation in America will be.

Resolution on Racial Reconciliation on the 150th Anniversary of the Southern Baptist Convention

WHEREAS, Since its founding in 1845, the Southern Baptist Convention has been an effective instrument of God in missions, evangelism, and social ministry; and

WHEREAS, The Scriptures teach that "Eve is the mother of all living" (Genesis 3:20), and that "God shows no partiality, but in every nation whoever fears him and works righteousness is accepted by him" (Acts 10:34-35), and that God has "made from one blood every nation of men to dwell on the face of the earth" (Acts 17:26); and

WHEREAS, Our relationship to African-Americans has been hindered from the beginning by the role that slavery played in the formation of the Southern Baptist Convention; and

WHEREAS, Many of our Southern Baptist forebears defended the "right" to own slaves, and either participated in, supported, or acquiesced in the particularly inhumane nature of American slavery; and

WHEREAS, In later years Southern Baptists failed, in many cases, to support, and in some cases opposed, legitimate initiatives to secure the civil rights of African-Americans; and

WHEREAS, Racism has led to discrimination, oppression, injustice, and violence, both in the Civil War and throughout the history of our nation; and

WHEREAS, Racism has divided the body of Christ and Southern Baptists in particular, and separated us from our African-American brothers and sisters; and

WHEREAS, Many of our congregations have intentionally and/or unintentionally excluded African-Americans from worship, membership, and leadership; and

WHEREAS, Racism profoundly distorts our understanding of Christian morality, leading some Southern Baptists to believe that racial prejudice and discrimination are compatible with the Gospel, and

WHEREAS, Jesus performed the ministry of reconciliation to restore sinners to a right relationship with the Heavenly Father, and to establish right relations among all human beings, especially within the family of faith.

Therefore, be it **RESOLVED**, that we, the messengers to the Sesquicentennial meeting of the

Southern Baptist Convention, assembled in Atlanta, Georgia, June 20-22, 1995, unwaveringly denounce racism, in all its forms, as deplorable sin, and

Be it further **RESOLVED**, that we affirm the Bible's teaching that every human life is sacred, and is of equal and immeasurable worth, made in God's image, regardless of race or ethnicity (Genesis 1:27) and that, with respect to salvation through Christ, "There is neither Jew nor Greek, there is neither slave nor free, there is neither male nor female, for [we] are all one in Christ Jesus" (Galatians 3:28); and

Be it further **RESOLVED**, that we lament and repudiate historic acts of evil such as slavery from which we continue to reap a bitter harvest, and we recognize that the racism which yet plagues our culture today is inextricably tied to the past, and

Be it further **RESOLVED**, that we apologize to all African-Americans for condoning and/or perpetuating individual and systemic racism in our lifetime; and we genuinely repent of racism of which we have been guilty, whether consciously (Psalm 19:13) or unconsciously (Leviticus 4:27); and

Be it further **RESOLVED**, that we ask forgiveness from our African-American brothers and sisters, acknowledging that our own healing is at stake; and

Be it further **RESOLVED**, that we hereby commit ourselves to eradicate racism in all its forms from Southern Baptist life and ministry; and

Be it further **RESOLVED**, that we commit ourselves to be "doers of the Word" (James 1:22) by pursuing racial reconciliation in all our relationships, especially with our brothers and sisters in Christ (1 John 2:6), to the end that our light would so shine before others, "that they may see [our] good works and glorify [our] Father in heaven" (Matthew 5:16); and

Be it finally **RESOLVED**, that we pledge our commitment to the Great Commission task of making disciples of all peoples (Matthew 28:19), confessing that in the church God is calling together one people from every tribe and nation (Revelation 5:9), and proclaiming that the Gospel of our Lord Jesus Christ is the only certain and sufficient ground upon which redeemed persons will stand together in restored family union as joint-heirs with Christ (Romans 8:17).

Mr. HYDE. Thank you, Dr. Land.

The final speaker is the Southeast regional director of the National Association for the Advancement of Colored People, Mr. Nelson Rivers.

Mr. Rivers.

STATEMENT OF NELSON RIVERS III, SOUTHEAST REGIONAL DIRECTOR, THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE

Mr. RIVERS. Thank you, Mr. Chairman and members of the committee. I'm grateful for the opportunity to testify today on behalf of the National Association for the Advancement of Colored People and our president, The Honorable Kweisi Mfume, who is unable to be with us today.

I'm Nelson Rivers III, and I'm the director of the NAACP's Southeast Regional Office. The NAACP has taken an active and leading role in responding to arson fires at churches in the Southeast.

The NAACP is particularly concerned because the overwhelming majority of these fires have occurred at African-American churches. These fires raise the specter of the painful and ugly not-too-distant past in America, especially in the South. The attacks on so many African-American churches in such a brief period of time reminds us of the tactics used all too frequently in the past to intimidate and terrorize African-Americans for merely attempting to exercise their fundamental constitutional rights.

The NAACP turned its attention to what appeared to be an ominous pattern of fires set at African-American churches when we began to receive scattered reports of these fires from NAACP branches in Alabama, South Carolina, and Tennessee. The reports from our branches were followed by stories in the media documenting at least eight fires at African-American churches in Alabama and Tennessee between January 1995 and January 1996.

While there may not be a conspiracy of deed yet proven, there seems to be at least a conspiracy of thought. On January 29 of this year, the NAACP wrote a letter to the U.S. Attorney General, The Honorable Janet Reno, requesting a Department of Justice investigation into potential civil rights violations caused by the fires. On February 7, the Department of Justice announced that it already opened a criminal civil rights investigation into the fires.

As director of the NAACP's Southeast Regional Office, I am charged with the responsibility of coordinating NAACP activities in the many communities that have been affected by the fires. NAACP staff and volunteers have met with the leaders of the churches burned in Boligee, AL, Knoxville, Fruitland, Boliver, Madison, and Gibson Counties, and Tigerett, TN; Lauderdale, MS, and in Barnwell and Effingham, SC.

Near Boligee, three African-American churches were destroyed by fire between the end of 1995 and the first 2 weeks of 1996. I had the opportunity in February to visit the ruins of these three churches that were destroyed by fire. Standing in those ruins, it was driven home to me clearly that the NAACP had to assist in responding to this act of American terrorism.

In Tennessee, west Tennessee, four churches were burned in 1995. A few days ago, on May 14, another African-American church was burned in west Tennessee. The Mt. Pleasant Missionary Baptist Church in Tigerett was consumed by a blaze suspected to be arson. This is the fifth African-American church destroyed by fire in west Tennessee in the past 16 months.

Ms. Gloria Jean Sweet, the president of the Tennessee State Conference of NAACP branches, met with the pastors of all four of the west Tennessee churches that were burned in 1995 a couple of weeks ago. The pastors and members of the four churches told Ms. Sweet of their concerns regarding the interviewing techniques of the Federal agents assigned to the church fire cases. Some of the church members said many of those interviewed by FBI and ATF agents were intimidated and some offended by the manner in which the questions were asked.

While the NAACP has not concluded that Federal agents intended to intimidate anyone, we do believe the reaction of some of those interviewed underscores a problem with the church fire investigation. We urge more sensitivity on the part of law enforcement officials in their contact with the members of the congregation of the burned churches. Most of the burned churches are in small, rural communities, where many residents have, frankly, never seen Federal agents. As a result, they are often wary of the sudden appearance, to quote some of them, of so many "strangers in suits."

Another recurring concern we heard from some of the church members and community residents was the lack of diversity among those investigating the church fires. There have been precious few African-American FBI or ATF agents on the teams conducting interviews as a part of these investigations. While we applaud Treasury Secretary Robert E. Rubin's commitment to increase diversity within ATF, as was in his report on the Good Old Boy Roundup, we urge the Department to do even more.

It was in Tennessee that the NAACP learned of the possible connections between members of ATF and local law enforcement officials with the Good Old Boy Roundup and those who may be investigating the church fires. The issue of the Good Old Boy Roundup and other concerns that we kept hearing from citizens as we moved across the area talking to people affected by the church fires motivated the NAACP to invite ATF agents and FBI representative to participate in a panel discussion at the 44th Annual NAACP Regional Convention held in Huntsville, AL, in March. The panel convened on March 21 at the Union Hill Primitive Baptist Church in Huntsville. Representing ATF was special agent in charge—or as they called them, the SAC of Alabama—James Cavanaugh. The FBI was represented by deputy special agent in charge of middle Alabama, J. Ronnie Webb, and the Alabama State fire marshall, Mr. John Robinson, was also on the panel.

The panel discussion presented a timely and necessary review of the ongoing investigations by Federal authorities into the church fires. ATF and FBI agents faced candid, pointed, and sometimes direct questions about their handling of these matters. Many of the speakers reiterated the NAACP concerns over the reports that ATF agents involved in the church arson investigations had also partici-

pated in the Good Old Boy Roundup. A consistent theme among the delegates in attendance at the convention was the dissatisfaction over the lack of information from authorities on the status of the investigation.

Frankly, Mr. Chairman, I was disappointed to hear from several of the ATF and FBI representatives that they had not heard some of these same complaints. Almost everywhere the NAACP talked to people locally involved with these fires representing those churches they raised these same complaints.

The NAACP is encouraged, however, by the actions taken by the Department of Treasury as a result of the internal investigation of the participation by the ATF officials in the Good Old Boy Roundup. It was significant that Secretary Rubin referred 31 Treasury employees to law enforcement bureaus for disciplinary action and counseling. It is a step in the right direction that Treasury has strengthened its policies on hiring and fighting against bias-motivated conduct, but the most important decision that they announced was the reassignment of the agents involved in the church fires who also attended the Good Old Boy Roundup.

In April of this year in Barnwell County three churches were burned on the same day—April 13, to be exact. You've heard other speakers refer to these fires, they told you that two of the churches were white and one was African-American. But what you did not hear was that it was almost of no consequence to call the attack on the two white churches arson, or even attacks, because they received little or no damage. But Rosemary Baptist Church, which was the African American church, was severely damaged. Its pulpit was set on fire and destroyed.

During the visits to these sites by NAACP officials, statewide and in Barnwell County, they encountered many strong comments from African-Americans suggesting that the two white churches were attacked only to create the impression that race was not the motivating factor in setting fire to Rosemary Baptist Church.

Less than 2 weeks later, on April 26, after the Barnwell County attacks, in Effingham, SC, the 114-year-old Effingham Baptist Church was destroyed by fire. It was particularly troublesome to us because this fire occurred in a county adjacent to Clarendon and Williamsburg Counties. You've heard much about Clarendon and Williamsburg Counties already today. The two churches that were burned, where they've arrested men who have supposedly, or allegedly, connections to the Ku Klux Klan, were in these two counties.

But over the past three months, there have been several incidents in South Carolina that point to an alarming increase in racism and racial intolerance. A cross was recently burned at the entrance of a predominantly African-American neighborhood in Greenville County. In neighboring Laurens, a store called the Red-neck Shop opened to sell Ku Klux Klan paraphernalia amidst almost no comment from white elected officials. In March, a white highway patrolman was seen nationwide on videotape assaulting an African-American woman on the interstate highway in Clarendon County. Earlier this year, a white family was charged with a lynching, after attacking a 9-year-old African-American boy while he visited their home and played with their children, again in Clarendon County.

The church burnings now involve telephone threats. On May 3, 1996, the Durham, NC, branch of NAACP received a message on its telephone answering machine threatening to blow up three black churches four Sundays from the date of the call. The threat was immediately reported to local, State, and Federal law enforcement officials.

The NAACP has formed the NAACP Southeast Region Church Fires Task Force. The task force will coordinate the collection and dissemination of information on the church fires throughout the southeast region and elsewhere as necessary. We expect to have a preliminary report made on the work of the task force at our national convention in Charlotte, NC, this July.

We also urge and encourage other States to duplicate some of the efforts in South Carolina, particularly the creation of a statewide church watch program. The South Carolina Coalition of Black Church Leaders, Inc., have formed such a church watch program that they announced a couple of weeks ago and will begin to implement next month. We look forward to having their program duplicated in many of the States in the southeast region.

And now for the recommendations of the NAACP: No. 1, that the Department of Justice should assume overall coordination for the ongoing investigation into the church fires.

We further recommend the formation of an interagency task force to coordinate the investigations. Mr. Chairman, the basis for that recommendation is that we have found in our discussions with many of the people affected by the church fires that the Department of Justice can maintain, as an honest broker, the ability to contact and continue to engender the support and confidence of many of the people who had serious questions about other agencies of the Government involved in these investigations. We also think that there has to be someone overall responsible, who has overall responsibility for how we proceed on this most serious issue in America.

No. 2, to increase the effectiveness of law enforcement investigations, the ATF and FBI should review and revise, where necessary, their interview techniques. The Department of Justice should direct their community relations service to play a constructive role with these agencies and the communities affected.

No. 3, ATF and FBI should schedule a series of meetings in the communities where fires occurred to give updates on the investigation and answer questions and concerns of community members.

And, finally, Congress should consider field hearings as a part of the continuing investigation into the burning of these churches in our country.

The NAACP knows full well that racism is alive and well and a growing industry in America. The NAACP is committed to our 87-year-old mandate to eradicate all vestiges of discrimination on the basis of race. We believe our response to the church fires is consistent with this mandate.

Mr. Chairman, much of what has been said, and by many people, really provoked me to say "Amen" to much of what was said. I think that it was Mr. Johnson in the earlier panel who talked in a very, very personal way about the feeling that came over him and how this affected him as an African-American and as a Christian.

I had a similar experience in Boligee, AL, in February when I looked at Mt. Zion and looked at Mt. Zoar and Little Zion and stood and felt shock, outrage, and then some hurt. I was shocked by the extent of the damage, outraged at the viciousness of the attack, and hurt, because as a member of the Olivet Baptist Church of Christ in Fayetteville, GA, I recognized this as an attack on my symbol, my refuge, my place to go in the time of storm.

Mr. Chairman, I would urge the Congress to not have this be the last, but just the beginning of serious steps to bring an end to these dastardly deeds across the land. It has had a tremendous and negative impact on the African-American community. And much of what you have heard today is only the tip of what we've heard in these communities. The outrage is real. The fear and the frustration can be measured. And we think they are waiting to hear a word from on high. And in this case, and on this day, Congress is the place for that word.

Thank you, Mr. Chairman.

Mr. HYDE. Thank you, Mr. Rivers. Mr. Conyers.

Mr. CONYERS. Thank you, Mr. Chairman. Commendations to members of the panel. You've all made important analysis of the problem, and I and the committee are grateful to you for that.

Before I begin, Chairman Hyde, there are a number of people present here today who should be pointed out. First of all, when a witness has spent 3 hours before the Judiciary Committee and then stays for the second panel, I think that that ought to go into the record. Robert Stewart, the chief of the South Carolina Law Enforcement Division, is still with us because he is taking this all in. I think that his continued presence means something, and I'm grateful that he has chosen to be with us throughout the entire proceedings of this panel.

I was in South Carolina, and I feel that they are working in a very conscious way to deal with the issues that have been raised here.

Secondly, the Alpha Kappa Alpha Sorority, Inc.—and I emphasized the “Kappa” in the Alpha Kappa Alpha—is with us today. Their international president from Lansing, MI, is Dr. Eva Evans. They've been holding a public policy conference here on the Hill, and we're grateful that she and her fellow officers have come over in the midst of their own hearing to join us today. We're delighted.

I wanted to attend their presentation on “Understanding Your Federal Legislator.” I would have loved to have been the fly on the wall during that one because some of us have more difficult problems than others at reaching that understanding.

Also, Mr. Chairman and members, we are privileged to have Ron Daniels from the Center for Constitutional Rights with us, and he has been here throughout these hearings. Now the center is in New York, but I happen to know that Mr. Daniels is a Midwestern person, born and raised. We're delighted to have him here for his civil rights contributions.

In addition, there is the South Carolina field director for the National Rainbow Coalition in the hearing room. He is Mr. Kevin Gray, who was working on his doctorate at American University before he took leave for the next 162 days after which he can re-

sume his studies without penalty. We're delighted that he is here as well.

Dr. Land, I have to start by commending you for what I read last night was a very, very powerful historic statement that takes us even beyond the crisis that brings us here. The churches that you represent in the Southern Baptist Convention—time doesn't permit us to review the history, but you know it better than anyone. Your statement carries a special significance to me.

You didn't have to attach the Southern Baptist Convention resolution on racial reconciliation on the 150th anniversary of the Southern Baptist Convention. You could have left that off, and people might have heard what you said in your prepared statement but maybe they might not have. So I consider this a serious undertaking.

Now I'm going to pose a question. Is there any possibility, Dr. Lowery, that between the civil rights organization founded by Dr. King, the Christian Coalition represented by Reverend Jackson, the Southern Baptist Convention represented by Dr. Richard D. Land, the NAACP, the oldest civil rights organization in the United States, and the Alpha Kappa Alpha Sorority, Inc., International might be able to work together? Am I going beyond my reach here in suggesting that there might be some way, besides this meeting today, there may be some point at which you could—just meet and have a cup of coffee? You don't even need to have an agenda because all of your agendas are so loaded and so varied.

Earlier, I meant to recognize Dr. Odell Jones who for many years chaired the Detroit Baptist Council, accompanied by Reverend Hume from Detroit.

Am I overstepping the jurisdiction of this committee to find out if, after you sit together here for hours and hours, that that's it? We all get up and check our watches and plane tickets and there we are. Or is beneath this tragedy is there an opportunity for us to do something meaningful?

Who would like to talk to me about it?

Mr. LAND. Well, first of all, it's not a question of whether I wanted to put that resolution on there. I desperately wanted to, and I desperately wanted to appear at these hearings because I think that we have to make racism shameful. We need to put the disapproval, the strong shame and disapproval of the society at large on people who acquiesce to or perpetrate or silently support racism and its manifestations. And I think that we need to—I wanted to be here to signal that Southern Baptist Convention is ready and willing to work with anyone at any level to eradicate racism. To us, this is not a question of right and left. It is a question of right and wrong, and it deals with basic decency.

If I could just go a little further and say that I must confess that as someone who was a teenager in the 1960's and who considers himself to be a product of the civil rights movement, in the transformation that has taken place in the section of the country where I come from in the minds and attitudes of vast numbers of people, both young and old, that when we're dealing with something like the burnings of these churches, we cannot wait to see if evidence develops before we suspect that there is racism at work, that these are hate crimes, and that these are limited-ability terrorists. Given

the sad and tragic history of the United States, and particularly the region where these fires have predominated, we have to work on that assumption, in my opinion, until there is compelling evidence to the contrary and react accordingly.

And I think that it matters what is said in these hearings, but it matters as much that these hearings were held, and that attention and notice is being taken and that there is a phalanx of opposition to this that moves from the left to the right on a political spectrum. The race issue must be an issue of basic right and wrong in America. Anyway that we can help to demonstrate that, we're certainly—we want to put everybody on notice, we're willing, able, and ready to do so.

I already have been in contact with local Southern Baptist Churches in some of the areas where these crimes have taken place, and I do know that there are joint efforts underway to help rebuild churches, to give money to help rebuild churches, and to express support and sympathy, and to express outrage at the radical fringe that would support such action.

Mr. CONYERS. Thank you very much.

Reverend Jackson, please.

Reverend JACKSON. Yes, Representative. I could not underscore more the point that you have raised. I think that what is happening here is nothing short of miraculous: to have people who have been on opposite sides of the political spectrum agreeing with one another that something so bad is happening that they've got to come together and support one another and agree that this is wrong and simply can't stand.

I can tell you that the Christian Coalition is here to do that, to work with anybody who wants to bring an end to this, and, also, I think to draw forth the decency and good will that is out there. People are out there saying, "Yeah, this is terrible. This is bad. What can I do?" There are people out there who are like that.

And, of course, there are going to be things that we will disagree on, but my pastor used to always say that you could disagree without being disagreeable. And so, we agree that there might be some things that we might not see eye-to-eye on, but this is something that, it seems to me, we all see eye-to-eye on and ought to be willing to work together on.

Mr. CONYERS. Dr. Lowery.

Mr. LOWERY. I was going to sit it out and learn from all this wisdom. First of all, let me express appreciation for the profound statement coming from the Christian Life Commission and the Southern Baptists and, of course, my colleague, Nelson and these pastors and Brother Jackson, whom I've just met from the Christian Coalition.

I certainly would love to see us work, but I think we ought to work together not just on church burnings. You know, I'm willing to let the law enforcement people take the lead, and I'd like to see that the coalition of conscience, represented with these various groups that you have mentioned, work together on the climate that produces and encourages and facilitates the burning of the churches. And one of those things is that you can't do that by using Dr. King's quotations in isolated circumstances and sometimes in perverse contexts. But we have to work—and, for example, the reason

these angry—and the reason I say “angry, white males” is because, so far, those who have been arrested have all been white males between the ages of 15 and 45, and many of them have admitted that they belong to the Aryan faction; they belong to the Ku Klux Klan; they belong to the Skinheads. And what they are angry about is that the economic uncertainties in which they are caught, they blame on us—those who are least responsible. But the rhetoric and policies and programs and other things coming from high places lead them to believe that their problems would be over if it weren't for reverse discrimination; that they would have no economic challenges really if it weren't for affirmative action and welfare recipients.

So I welcome the opportunity to work with anybody and everybody who is willing to try to eliminate those conditions, that say in their hearts and minds of the American people, who I believe are willing to follow under leadership such as is represented here, if we come together and throw down the gauntlet around these basic issues without which—the burnings are just a symptom of a much deeper disease, and if we work on the symptom without working on the source and the causal effect, it will then pop out somewhere else. I urge all of us who are willing to do this—and why don't you convene it since you are—

Mr. CONYERS. I didn't want to raise that issue because that could meet with strenuous objects, sir. I thought that since you date back beyond the memory runneth not to the contrary. [Laughter.]

Mr. LOWERY. I'm almost as old as you. [Laughter.]

The Black Leadership Forum, Mr. Conyers, Mr. Chairman, which you know is an umbrella organization which I chair, which includes representatives from the Greek and the NAACP and everybody except the Southern Baptists and the Christian Coalition—

Mr. CONYERS. But they are welcome.

Mr. LOWERY. We might have an open door to let them join as well. But we'd be willing to convene such a group around this issue and around the broader, deeper issues of helping change the climate that makes these church burnings possible.

Mr. CONYERS. See that, I knew you had a major contribution to make at this panel before today ended.

Mr. Chairman, I ask unanimous consent that Reverend Hume of New Hope Missionary Baptist Church in Wayne, MI, statement be entered into the record since his church was one of those violated and he was not able to be a witness.

Mr. HYDE. Without objection, so ordered.

[The prepared statement of Reverend Hume follows:]

PREPARED STATEMENT OF REV. VIRGIL HUMES, PASTOR, NEW HOPE MISSIONARY BAPTIST CHURCH

On Tuesday morning, April 30, 1996 at approximately 10:15 a.m. upon arriving at my church office I was confronted by a very horrible and offensive display of racial hatred. The rear double entry doors to my church were covered with about 75 to 100 adhesive stickers that contained anti-black and white supremacist messages (copies of some of the stickers are attached). The rear church grounds were also littered with the same posters. I found this assault on my church to be a grave infraction on our place of worship as it should be on or against any individual or property.

I have served as pastor of this church since June 1990 and actively serve our community through my ministerial obligations, mentoring of boys and girls and other capacities when called upon.

New Hope Baptist Church is located in a western suburb of Detroit, approximately 25 miles west of downtown. Our church has been in this location since 1973. The community is predominately white. Our congregation is predominately black. In 1977 a cross was burned in from the sanctuary. During the past year we have received about six racially harassing phone calls. Most recently the most overt act of racism was assailed upon me and my congregation on the morning of Tuesday, April 30, 1996 when I found our property and grounds defaced with anti-black, hateful symbols.

This bitter act was not only insensitive and intrusive on our church but it also leaves a sour taste for the progress of race relations in our country. Though the alleged perpetrators were sought and apprehended ten days after the malicious act, their apparent lack of remorse signifies that their conduct is a justified means of disseminating racist and hateful messages to persons unlike their ethnic heritage and color.

The racial messages found on some of the stickers offers a mailing address and phone number where more hate literature and information can be purchased and subscribed to. The answering service on the given phone number offers sickening white supremacist messages.

This assault on our church is certainly an act of ethnic intimidation. The spreading of these messages not only incites anger and distrust among Blacks but also infused gullible minds and dupes them into thinking that white people are superior and sovereign above all other peoples that reside in the United States and the world. This kind of activity is, unfortunately, a dreadful and dangerous path for which the advocates of racial hatred can prey upon and delude the weak-minded and the easily influenced.

There is a considerable number of Blacks that I serve and converse with on a daily basis that are disturbed by the current tide of race relations and the lack of attention given to such offenses and the incitement of racial antagonism committed on blacks by white supremacist groups. Most of these offenses are inflicted on blacks simply because of race, no other rationale considered. Thus, groups that incite crimes and hatred on people because of their race are indeed intimidated based on ethnicity. This causes a chasm in communities which America can ill-afford. These activities of hate must be challenged by every level of leadership; educationally, community, religiously, family, and politically. The degree of acceptance of racial assaults on anyone should be zero-tolerance. The present under-current of racial supremacy is strong and often unchallenged, therefore, causing strife and more division between the races. The attacks on black churches constitute an attack on the black community, which certainly has the scent of a systematic conspiracy given the number of reported racially destructive, harassing and inflammatory incidents against black churches.

I thank this Congress for holding these hearings and I implore you to address legislation that imposes stricter penalties and fines on those who assault persons and/or property using ethnic, racial or religious intimidation by means of violence and vandalism.

This vicious act against my church has outraged not only our parishioners but people across the country. To date, I have received over 200 phone calls of concern, ranging in emotion from sadness and disappointment to encouragement and steadfastness for our continued ministry. The calls from New York, Illinois, Missouri, Georgia, Alabama, Ohio, Arkansas, California, Mississippi, and Washington, D.C. Also, additionally over 50 letters, cards and flowers were received as expressions of support against racial intolerance. White and Black churches have joined us in prayer and worship. It is clear that people of good will are not tolerating this mean and cruel racial abuse as expressed by the overwhelming show of support.

Thank you for this opportunity to address this body on this issue of racial intimidation that personally struck me and my congregation. The stickers are removed today but a deep scar remains on our congregation and community.

Mr. HYDE. The Chair is going to observe the 5 minute rule from now on. I've given great latitude—

Mr. CONYERS. Well, before you do, though, Mr. Chairman, could I just ask unanimous consent one more time?

Mr. HYDE. Surely.

Mr. CONYERS. Well, that's very kind of you. Thank you.

Mr. HYDE. Well, I've tried to be kind to you all day, Mr. Conyers—and all night if necessary. [Laughter.]

Mr. CONYERS. It hasn't been easy. I appreciate it.

Mr. HYDE. Thank you. And I remind the committee that we will now proceed under the 5-minute rule out of deference to the panel, who I daresay could use some lunch.

The gentleman from South Carolina, Mr. Inglis.

Mr. INGLIS. Thank you, Mr. Chairman. I am particularly interested in talking with Pastor Mackey about some things that I observed yesterday with some of his church members and at the site of your old church and at the site of the new church.

I want to return, though, quickly to this atmosphere that was very positive, particularly following up on Dr. Land's comments.

But first, just to make sure—tell me, Pastor Mackey, whether this is off-base, this observation. I was particularly troubled to talk with Louis Williams of your church, who told me of a sign in Clarendon County that was apparently a fairly large billboard where the Klan had posted notices of meetings, apparently, and had hooded figures on the billboard, and he was—I was prevailing upon him to take me there, and he really didn't want to go. In fact, he said, "You know, I can't. I don't want to go there." And I said, "I really want to go see it." And, in fact, somebody from a television station wanted to go see it, too. And finally we worked out a deal that he would take us to the road and point to where we could drive down and turn to the left and go down and see it, but that he wasn't going to go down there because he said, "They know my car." This was very troubling to me that this is a member of your church who is frightened to go to some places of South Carolina.

Then it turns out the sign has been taken down recently, apparently, but not before, by the way, ATF apparently got some footage of the sign, which will be very helpful, I think, in further investigations of this matter.

And then one of your church members told me, too, rather nonchalantly, about the cross burnings, and I want to—I'm trying to get to a question, realizing that my time is running out here since we're back on the 5-minute rule. Tell me how often that occurs. What is your impression of how often that happens in your area of South Carolina? I know that you don't have statistics, but just give me an impression. Is it once a year? Or is it once a month? Once a week? What—

Reverend MACKEY. That happens, Congressman, at least once a month there in that county, and when it was brought to my attention as pastor, I raised the issue with the mayor of Greeleyville and never received a response from him nor the sheriff of Williamsburg County to that effort. I then, in turn, raised the issue to the State authorities over at the governor's office, and I never received a response back as of yet to that issue of both the cross burning and the sign in Clarendon County.

Mr. INGLIS. Well, I would just join Dr. Land in noting that that is, as Dr. Land so very eloquently pointed out, absolutely a blasphemy against the cause of Christ to have crosses burned in some sort of vindication like that. And it really troubles me tremendously that that goes on.

I want to return before my time runs out to this positive spirit. We realize that this is an attitude that is pervasive and is a real problem. I'm very encouraged, Dr. Land, about the—what can hap-

pen. We all know that there are, happily, more Baptists in South Carolina than there are people, so—[Laughter.]

That has something to do with multiple memberships or something, I don't know. There are just a lot of Baptists.

What a wonderful opportunity for the Southern Baptist Convention to help these churches that have been lost and for my denomination, the Presbyterian Church, to be involved in that.

And particularly, Reverend Mackey, I realize that this is a tremendous financial hardship. Something that was mentioned to me yesterday in my time there was pointed out by the chairman of your board of trustees, in fact, was that this is a significant financial hardship for this church. The new building, which will be a wonderful blessing when completed, but the cost of it is significant—

Mr. HYDE. The gentleman's time has expired. Mr. Scott of Virginia?

Mr. SCOTT. Thank you, Mr. Chairman. Mr. Chairman, it's already been pointed out that I think part of the importance of this hearing is that it gives us the opportunity to express our interest in the subject matter, and it gives us an opportunity with the Federal agencies here that we believe that this is important, and they're to be expending whatever resources are necessary and that this issue should not in any way be treated cavalierly or casually.

Mr. Chairman, I would like unanimous consent to enter into the record a statement that was handed to me by Ron Daniels on behalf of the National Council of Churches of Christ in the USA—

Mr. HYDE. Without objection, it is so ordered.

Mr. SCOTT [continuing]. The Center for Constitutional Rights and the Center for Democratic Renewal, a statement on behalf of all of those organizations.

Mr. HYDE. It may be received into the record.

[The prepared statement of Bishop Talbert and Reverend Brown follows:]

PREPARED STATEMENT OF BISHOP MELVIN G. TALBERT, PRESIDENT, AND REV. DR. JOAN BROWN CAMPBELL, GENERAL SECRETARY, NATIONAL COUNCIL OF THE CHURCHES OF CHRIST IN THE U.S.A.

Mr. Chairman, members of the committee, on behalf of the National Council of the Churches of Christ in the U.S.A., we welcome this opportunity to testify on one of this country's most pressing social and moral crises—the epidemic of burnings, firebombings and other acts of racist violence directed at churches, most them African American churches, in several states of our nation.

The National Council of the Churches of Christ in the U.S.A.—often referred to as the National Council of Churches (NCC)—is the pre-eminent expression in the United States of the movement for Christian unity. Its 33 Protestant and Orthodox member communions, to which 52 million people belong, work together and with other church bodies to bring a wide sense of Christian community and to deepen the experience of unity. While we do not purport to speak for all members of the communions constituent to the National Council of Churches, we do speak for our policy making body, the General Assembly, whose 270 members are selected by those communions in numbers proportionate to their size. Founded in 1950 and headquartered in New York City, the National Council of Churches has spoken and acted consistently and forcefully for racial justice and civil rights and against racism since its beginning.

Currently the National Council of Churches is leading a major effort to investigate the attacks on Black churches, provide practical and spiritual support to the victimized ministers and congregations, stop the attacks, bring the perpetrators to justice, make the general public aware of this wave of hate crimes and raise funds for rebuilding the churches, most of them under-insured and many not insured at

all. Partners with us in this effort are the Center for Democratic Renewal, Atlanta, Ga. (formerly the National Anti-Klan Network), which has been monitoring white supremacist movements since 1979 and which since late last year systematically has been investigating the racist attacks on churches, and the Center for Constitutional Rights, New York City, which successfully has brought civil suits against the Ku Klux Klan and its preparing to bring legal action against perpetrators of the church attacks.

Since March 5, 1996, NCC teams have visited destroyed and damaged churches in Tennessee, Alabama, Mississippi, Georgia and Louisiana, and we are planning visits to South Carolina, Arkansas, Georgia and other states next week and in June. On all these visits, we go to the sites of churches that have been destroyed or damaged and gather first-hand testimony from pastors, deacons and other members of these churches.

Our coalition's research has documented that, to date, 57 Black and interracial churches have been bombed, burned or vandalized in Alabama, Georgia, Tennessee, Arkansas, Mississippi, South Carolina, Louisiana and other states since January 1990. Twenty-five of these violent acts have occurred in 1996 alone. Among the most recent attacks was that which destroyed a Black church in Tennessee May 14, the very same day that an NCC delegation was visiting Nashville to speak with pastors whose churches had been burned.

We submit to this committee that these manifestations of domestic terrorism demand the highest degree of bi-partisan attention at the federal, state and local levels. This is not a Democratic or Republic issue, but rather an American problem that should arouse moral outrage and condemnation from all people irrespective of their race, ethnic origin, religious affiliation or political orientation. Furthermore, we call for strong statements of resolve from both the Administration and the Congress that this and all forms of racist violence will not be permitted to continue and that the perpetrators will be sought out aggressively and brought to justice.

Mr. Chairman, our investigations have uncovered striking similarities in these incidents, parallels that constitute a pattern of abuses—including the use of molotov cocktails and other incendiary devices, the spray painting of racist graffiti, the targeting of churches with a history of strong advocacy for African American rights, and racist notes and letters left in the mailboxes of pastors. Many churches were attacked on or around January 15, Martin Luther King Jr. Day (five of those in 1996 and five in 1995).

The 30 persons so far arrested and/or convicted for these crimes all are white males between the ages of 15 and 45, with several of them admitting to be members of such racist groups as the Aryan Faction, Skinheads for White Justice and the Ku Klux Klan. We suspect, however, that many more perpetrators of these crimes have not been arrested and brought to justice because investigations, to date, have focused in large measure on the pastors and members of the burned churches rather than on the violent history of the above-mentioned racist groups.

Indeed, many law enforcement authorities at the local, state and federal levels continue to deny any connections among the several firebombings and say they doubt a conspiracy or motivation based on racism. Moreover, many local officials have told victims that theirs are isolated cases, the results of accidents or electrical fires.

The NCC has been provided with testimony from some of the affected pastors that racial epithets scrawled onto the remaining facades of their churches were immediately painted over by law enforcement officials without the consent of the church.

In addition to several churches in Tennessee, private homes and a lodge in Clarksville were firebombed and shotgunned. It was in the hills of Tennessee where the "whites-only" "Good Ole Boys Round-Up" meetings took place last year and among the participants were known agents of the Treasury Department's Alcohol, Tobacco and Firearms Division (ATF), one of the federal agencies investigating the church bombings.

One of the most disturbing findings from the NCC's tour last week of Mississippi, Tennessee and Louisiana communities where Black church burnings had occurred was a consensus of dissatisfaction and discontent expressed by the pastors and the congregations over the manner of the investigations conducted by state and federal authorities. We encountered a unanimous dismay that the investigations are concentrating on pastors and parishioners, implying that the set their own churches on fire.

Subtle implications are made that it was for the insurance money, even though most churches are uninsured or underinsured. Some of the pastors have been asked to take polygraph tests. Church records have been demanded and church members interrogated to the point of tears. Credible leads provided by the pastors have not been followed up by the investigators and, to date, none of the victimized churches

has been informed of the results or of the progress of the investigations. Without exception, the victims of these hate crimes said they felt intimidated by the very forces they had hoped would provide them with protection and would alleviate their anxieties. They fear that if these crimes go unnoticed and unpunished the perpetrators may become so emboldened as to attempt future firebombings during an actual church service with worshipers in attendance.

Although many of the pastors and other church leaders have received death threats, there have been no investigations of these threatening calls and no protection has been offered to the clergy. Furthermore, there is evidence that the 57 incidents we have documented to date are only a small indication of the number of attacks actually taking place around the country.

It is our contention, Mr. Chairman, that these are not isolated, random incidents but rather pieces in a pattern of hate crimes that have been under-reported by the media and overlooked by law enforcement. It is a sad state of affairs that in 1996 this nation is quietly and, in many cases, unwittingly accepting the racist destruction of houses of worship. The frightening fact is that white hate groups are growing faster than at any time in recent history, yet most of the country remains in a state of denial that such racism and bigotry is widespread.

The National Council of Churches is determined to proceed with its campaign to put an end to these crimes of racial hatred, to restore the houses of worship that have been destroyed or damaged, and to demand that thorough, impartial, non-intimidating investigations be carried out by the Federal Bureau of Investigation and the ATF.

In coming days, NCC delegations will visit sites where these crimes have occurred in South Carolina, Arkansas and Georgia and on June 9 and 10 we will bring a delegation of pastors from across the South to Washington, D.C., for an ecumenical worship service and for meetings with high-level administration officials and Congressional representatives. They will come to the nation's capital seeking answers and explanations, but more importantly, they will come seeking to be taken seriously by the highest authorities in the land.

Finally, Mr. Chairman, we wish to commend you and your committee for calling these hearings. We hope that your action will bring needed attention to this epidemic of hate that is eating away at the heart and soul of our nation. We pray that this hearing will contribute to a healing dialogue between the races and to an open, honest and frank recognition of American racism, which is preventing us from being truly one nation under God, indivisible, with liberty and justice for all.

Mr. SCOTT. I asked the question earlier to the Federal agencies if they had heard any complaints about some of the interviewing techniques. Mr. Rivers, you've cited some problems that have occurred in interviewing. Some of the pastors and members of the churches—have you been meeting with the Federal agencies and conveying these concerns?

Mr. RIVERS. Well, Mr. Chairman, when we had the panel discussion at the NAACP Regional Convention in Huntsville, the ATF and the FBI were represented, and I'm sure they heard Ms. Sweet make some of the same statements to them that she made to me just this past Sunday in Tennessee where I was speaking. I met with her about the progress of her meeting with the four churches and their members to get feedback for this hearing about what did she find. And she reiterated what she had said in that meeting: that there was significant concern about the way that people that were being interviewed perceived the treatment and the interview techniques. And, of course, we understood, at least attempted to understand, that they were simply trying to get the facts and to deal with the information. But the perception and the reaction among the persons being interviewed is where we got the information that we submitted in the testimony that they thought that there was not enough sensitivity.

Frankly, there were not enough African-Americans involved with the whole process. But they really thought that they were put on the defensive, and some of them thought that they were being cast

as suspects themselves, and, of course, the investigation notwithstanding, and we've talked about why that may be the case. We're simply trying, Mr. Scott, to convey to all those present that something needs to be done to address that, because you have to win the confidence of the people to get them to give you information that may or may not be very valuable. And a couple of statements that we got was that they were not interested in talking to Federal agents after that point because of the way that they were interviewed.

Now we did share—that was presented at the panel discussion, and Ms. Sweet indicates that she has developed over time, since this has been going on, a good working relationship with the SAC, the ATF SAC in Tennessee. And she has shared the same information with him.

Mr. SCOTT. So you believe that, notwithstanding some problems in the beginning, progress has been made on that sensitivity?

Mr. RIVERS. Progress has been made by the individual agents or representatives that we've talked to. We've not seen any evidence that there is an agencywide commitment or even recognition that that is an issue, because you heard as well as I did in the previous panel that the leadership said that they had not heard about those complaints.

Mr. SCOTT. Well, you—can the NAACP develop some of this information and convey it to the people that were here?

Mr. RIVERS. I think they heard it and they are going to hear it again because we've invited, and one has already agreed to serve on the NAACP task force. We will deal with getting information on a two-way street from them to us and from us to them.

Mr. SCOTT. Is there any evidence that leads are not being pursued?

Mr. RIVERS. We've not heard anything that would give us any reason to believe that leads are not being pursued. That complaint has also been lodged, though.

Mr. SCOTT. Does anybody have evidence that leads are not being pursued?

Reverend JACKSON. Well, we don't have evidence, Representative, that leads are not being pursued, but we are hearing from pastors that they are being told consistently that there are no leads. And so there is a feeling that the investigation in many instances is just dead.

Mr. SCOTT. Well, sometimes if there are no leads—you've got to burn down—

Reverend JACKSON. But when you hear it consistently again and again and again, of course, it starts to sound like something of a mantra. All I'm telling you is that churches are disturbed by it.

Mr. SCOTT. OK. Well, my time is expired. If you know any leads that are not being pursued, would you let someone know, and if you don't get satisfaction from the Federal agencies, let some of us know so that we can make sure that every possible lead is being followed?

Mr. HYDE. The gentleman's time has expired.

The gentleman from Virginia, Mr. Goodlatte.

Mr. GOODLATTE. Thank you, Mr. Chairman.

I'd like to thank all of the members of the panel for coming to Washington to participate in this, particularly Reverend Mackey and Reverend Jarrett for sharing your personal experiences with this outrageous type of behavior.

Let me ask, perhaps Dr. Lowery—I'd like to follow up on Mr. Scott's questions. Is there anything you think that the Federal Government should be doing, Federal law enforcement officials to better prevent these acts from occurring? Are there organizations that are not being infiltrated, that should be, for example, or other things we should be doing or to find out about the intentions of people to commit these types of crimes?

Mr. LOWERY. Well there is considerable conviction in the African-American community that many law enforcement agencies have been infiltrated by persons who belong to hate groups. And what happened with the Good Old Boy Roundup didn't help the situation because ATF was directly involved in these investigations.

Mr. GOODLATTE. I'm talking about the reverse. Are there insufficient efforts by Federal law enforcement to find out about the activities of some of these people that may belong to groups that would commit this type of crime?

Mr. LOWERY. Yes. You mean are the agencies policing themselves?

Mr. GOODLATTE. Well, not just themselves, but other organizations outside of the Federal Government who may—

Mr. LOWERY. I don't think it's adequate at either level. I think that they are not doing enough to police themselves because when they discovered, for example, that the two members of the ATF staff were at the rally, they did very little about it. And I don't think that they are doing enough to pursue these racist groups and these hate groups. As I said in my statement, we insist on being in denial that there is even a racist element, even if it is the right-wing terrorist group. And our experience is that it's an integrated situation, and usually where you find that there is terrorism on the right, anti-Federal Government, antiwomen, anti-Semitic, antiblack, antipoor, and we don't—you ask what can law enforcement agencies do. I think that also the Federal Government at the legislative level would do well, as I suggested again in my statement, to avoid making us scapegoats. It is in the wind, you know, that our economic problems can be traced to reverse discrimination and affirmative action. And so people get angry at those who are supposed to have been the beneficiaries.

And I think we've got to find ways of addressing our crisis in this Nation in dealing with policies of export and jobs that are disappearing through technology and other ways. We've got to find other ways to deal with them other than leading people to believe that certain segments of the population are responsible and they feel—assume immediately an adversarial posture toward those persons. So I think that the Federal Government at every level has a real challenge to address that issue.

Mr. CONYERS. Thank you. Mr. Rivers.

Mr. RIVERS. Well, I don't have enough information to say whether that may or may not be the case. But I have had an occasion to talk to the folk at ATF about the difficulty—and FBI, too—about some of the infiltration issues that you raised. The problem, of

course, is that there is not enough of that kind of discussion being held with the people in the community. Because our folk are reasonable, if you can give us a reasonable answer for some of the things that are going on, by way of explanation, we will understand it. The problem is that there is a communication gap. We've offered NAACP's assistance, and in many cases the ATF and FBI have indicated an interest in working in that regard. So I think that where they can share more information about the problems they have in doing what you advocate, people understand. But right now we don't have information that says that that is even being considered.

Mr. GOODLATTE. How about after, in some of the instances where individuals have been apprehended and are being tried, are you satisfied generally with the level of commitment of those involved in the prosecution? Are you satisfied that they are seeking serious enough sentences to set a good example that this type of behavior will not be tolerated?

Mr. RIVERS. In the cases that we are familiar enough with to comment, yes. We have a kind of a—it's a difficult situation because you have different levels of law enforcement involved all along the way. You know, some of those levels we have a lot of confidence because we have had past working relationships with people like Chief Stewart from South Carolina, who I have known for a long time. Then you have other people involved who, frankly, we don't have any confidence in, and so we don't know whether they will be as committed, as your question suggests. But where we have seen it, we think that they have done what they can, provided the obstacles that the law gives them, because some of them have gone to great lengths to explain to us the constrictions under which they operate, what they can prosecute with, what they can use to take to court. But that is a discussion that we've had.

Mr. HYDE. The gentleman's time has expired.

The gentleman from California, Mr. Becerra.

Mr. BECERRA. Thank you, Mr. Chairman. Let me also thank each and everyone of you for your testimony today and for taking the time to be here.

Let me ask, for those who I hope were present for the previous panel's presentation, mostly from law enforcement at the Federal level, and most specifically I would like to direct my remarks and questions to Reverend Mackey and Reverend Jarrett and Mr. Rivers. The Federal law enforcement representatives indicated that they felt that they had the resources that they needed to conduct the investigations on these church arsons, and they felt that they had enough resources, but if it continued in this vein, if they continued to see the level of arson and the need to investigate, that there may be a problem and they may need to come to Congress and seek resources. I'm wondering if you could give us any comment on whether you believe that the resources that have been applied at the Federal level to your situations have left you with the feeling that the Federal response has been sufficient and thorough.

Reverend MACKKEY. In my situation it leaves me with the conclusion that the Federal agents have done their job, as I said in my statement that I submitted. However, I know there are cases where my peers do not share my sentiments, but my situation is that the

guys were caught two days later. My first response from the fire marshall was that it was an electrical fire that caused a fire to the church that day. Two days later, I got a call from the solicitor in Williamsburg County that two men admittedly burnt the church down because they were trying to sell a PA system in a local pawn shop. It was handed to them, so there was nothing left for them to do to catch anybody because they were already caught. But I feel that they are doing their job adequately to find the root of this problem in Williamsburg County. But we all know that these two guys were not the ones that started this thing. They are trying to find out where this thing comes from. If you can't stop the root, you can't kill the tree.

Mr. BECERRA. Reverend Jarrett, did you want to comment on this?

Reverend JARRETT. I would like to say about the law enforcement, when they were investigating some of our members, they went to school and in the course of one hour one of our members, she was about 17 years old, and he was so hard on her that she just broke out in tears because he was trying to make her say something that wasn't true.

Mr. BECERRA. This was a Federal law enforcement?

Reverend JARRETT. The FBI.

Mr. BECERRA. The FBI?

Reverend JARRETT. Right. And she broke down in tears, and what he was trying to say was that we're the cause of the problem. He's trying to say that it was in our congregation that the problem lives. And he was trying to make her say something that wasn't true, and she just broke out in tears. And that's where I have problems.

Mr. BECERRA. Was this individual actively engaged in the investigation?

Reverend JARRETT. He still is.

Mr. BECERRA. He still is? Has anyone from the congregation complained about this individual?

Reverend JARRETT. Sure.

Mr. BECERRA. And he's still there?

Reverend JARRETT. He's still there.

Mr. BECERRA. Has that been reported to—have you had a chance to speak to the FBI representative that was here today?

Reverend JARRETT. Well, we met at Brother Brown's, and, as a matter of fact, I want to mention his church. He's not able to be here. Macedonia Baptist Church, it was burned. It was bombed. I want to mention this church.

We met at his church, all the officials. They talked, but nobody was willing to give an account—

Mr. CONYERS. Would the gentleman from California yield for 5 seconds?

Mr. BECERRA. And I know that I'm about to run out, but yes.

Mr. CONYERS. What's the name of the FBI agent?

Reverend JARRETT. I believe his name is Roger Kirby, I believe is his name.

Mr. CONYERS. Thank you.

Mr. BECERRA. And I know that my time is going to run out. I know that a number of us would be willing to help try to resolve

this, to make sure that those folks who are investigating are doing just that and not trying to accuse the congregation of having caused this.

Let me ask one last question because my time is going to expire. And, again, focusing on the three individuals mostly on the panel who I mentioned previously, local law enforcement—you mentioned, Reverend Mackey, that you have reported certain things and nothing got done. Can you tell me if, in your opinion, if local law enforcement authorities have been responsive, receptive, and helpful when these types of incidents have been reported?

Reverend MACKEY. No, they have not at all. I have not met with the chief of police of Williamsburg County nor the chief of the sheriff's department nor the mayor or city council since the church burning nor my questions to them of the sign or the cross burning.

Mr. HYDE. The gentleman's time has expired.

The gentleman from Tennessee, Mr. Bryant.

Mr. BRYANT of Tennessee. Thank you, Mr. Chairman.

I, too, want to express my appreciation to this distinguished panel, and nothing could make this panel any more distinguished than perhaps one from my district who can actually vote in my district. And I'm proud to have Reverend Jarrett here today from Hardeman County, and I appreciate very much your testimony.

One of the purposes—I guess one of the groups I am in, the Family Caucus, asked that these hearings be convened. One of the things we wanted to accomplish was shedding some sunlight. I think that any time you shed sunlight on an issue, you mobilize, and I think that several of you have testified today about an apathy out there perhaps, a majority of white people accepting quietly, passively, what's going on here and not standing up on the right side, on the left side, in the Christian community and elsewhere. And I hope that these hearings have that purpose of making these more public that these things are going on again, I think, by just a few people.

And I think that if anything that we've done today—I thank Mr. Stewart for being here today. I think, Reverend Mackey, you've pointed out some very serious issues, cross burnings, and a view on your part that you are not getting cooperation from local law enforcement. And I think that we've got somebody here today from South Carolina who can probably check into that somewhat. His agency is similar to our Tennessee Bureau of Investigation. I'm sure that he has that ability and that they will listen to him. And we may have done something there. So you certainly might want to talk to him about that.

I agree with much of what you all are saying. I don't know that I can really disagree. Mr. Rivers, you've expressed so well some legitimate concerns and I think some real problems and maybe some ways to affect those: maybe more communication from law enforcement to the communities as to the status of these investigations; certainly bringing to the attention of this panel a lack of sensitivity in some of the interviews.

Let me defend just quickly the law enforcement. I don't know in this case, but typically law enforcement does come into a case with total objectivity and should have objectivity, but very little compassion. I know we used to have to hire victim witness coordinators

to try to help out and reach and help the victims along. But the law enforcement line folks come in and, in that spirit of objectivity, not ruling out any cause in trying to find out what the cause of the crime, whether it is a fire or murder or whatever. I think Dr. Land has mentioned that maybe in some of these cases we ought to come in with a presumption that they are race-based because of the circumstances. But I think that typically they go into it without much emotion, trying to maintain an objectivity, so that they can find out what the true cause is. And sometimes they go overboard on that, and I agree that it reflects as a lack of sensitivity.

And I agree with Dr. Lowery that so many times that what we are seeing are the symptoms versus the sickness, and we've got to get to those. I would disagree to some extent, though, in that I think that people who would reach to this low level are in the vast minority. The feelings is that maybe they are on the higher level, but to sink to this depth, to burn churches, I think that they are a radical few.

I think—I guess that I would like to ask a comment maybe from Reverend Jarrett. There has to be some good that has come out of this. I'm not saying that we ought to go out and burn churches, so that we can see what the silver lining in the cloud is, but have there been good things? Have you seen community support? Could you talk about that a little bit, about perhaps what occurred after the fire beyond the law enforcement?

Reverend JARRETT. Sure. The community came together. We're all working together to try to solve this situation, and the law enforcement—I don't have anything that says that they are not doing it. But what I'm saying, that there is a way to do it. In the community where our church is we're working together. We're watching our church. Everybody watches for everybody. So if the Klux comes up, if they seem like they are suspicious, they will tell somebody. So we have our reward for \$30,000. I'm hoping that something good will come out of this, and I believe that it will, and we sure will work together.

Reverend JACKSON. Representative, if I may quickly—Reverend Shaw of South Carolina, who I talked to I guess about a week and a half ago, and, as a matter of fact, he was so overwhelmed with support coming from the white and black community that he was saying, "I don't even know how to handle it all right now. I'm trying to sort through it all." So one of the good things that is happening is that decent people are coming together across racial lines, denominational lines, and saying, "This cannot stand."

One other thing, if I may, Mr. Chairman, and that is that, in response to Mr. Scott, there does need to be systematic way for us to give information and get information. It sounds to me like everybody is, you know, going after who they know and talking to who they know to try to get what information they can, and it might do well that there be a sharing of information, that there be a way to funnel information into some systematic body, some—I don't know—multilevel agency or something; the FBI, the ATF, and whoever else is involved, so that they could get the benefit of everything that we all have to offer.

Mr. HYDE. The gentleman's time has expired.

The gentelady from California, Ms. Lofgren.

Ms. LOFGREN. Thank you, Mr. Chairman.

One of the things in which I've been very interested during this hearing, and one of the things that I would hope that we could do as a committee, would be to ask our first panel, especially the ATF, for a written plan on how they hope to get in an orderly way the kind of information that has been presented to us here. I don't believe that any one of the Government witnesses would tolerate agents intimidating or frightening a witness, but obviously there is some reason for concern. There apparently hasn't been an orderly loop of information, and I think that the committee could provide a very useful role—

Mr. HYDE. Will the gentlelady yield?

Ms. LOFGREN. Certainly, Mr. Chairman.

Mr. HYDE. The committee will submit written questions to all of the witnesses and all of the organizations that testified today, and any member wishing to submit additional questions or proposals in writing to any of the witnesses—and that would include the ATF, FBI, and most importantly, the Justice Department—should submit those questions to your committee staff, and our committee staff will work with your committee staff, by Friday, May 31. So your proposals will be considered.

Thank you.

Ms. LOFGREN. Thank you.

Mr. CONYERS. Will the gentlelady from California yield to me?

Ms. LOFGREN. Yes.

Mr. CONYERS. You are following up and expanding on an observation originally made by Mr. Rivers. He raised the question of whether there is overall law enforcement coordination. Let's look at the law enforcement agencies involved. First of all, the local police; second, the State police; third, the Bureau of Alcohol, Firearms and Tobacco; fourth, the Federal Bureau of Investigation; and fifth, the U.S. Attorney's Office on occasion.

Mr. Rivers if I am wrong—and if the gentlelady would continue to yield—I heard you saying that the Attorney General herself if she is not personally in charge of this operation, ought to designate somebody. Now, Ms. Lofgren, where the problem arises is that people assume that the Assistant Attorney General is in charge. I can tell you, and so can other people, that being the U.S. Attorney General and 50 cents will get the Attorney General a cup of coffee in some of these jurisdictions.

Ms. LOFGREN. If I can reclaim my time—I do, indeed. And we've run into some little glitches in my experience in a prior life as a local government official around those same issues.

But as you are talking about the need for leadership and coordination, I wanted to make sure that I heard Reverend Mackey correctly earlier. When Mr. Inglis was questioning you earlier whether there had been incidents of intimidation and violence in your county, did I hear you say that there had been cross burnings with some frequency? Was that correct?

Reverend MACKEY. Yes you are correct.

Ms. LOFGREN. And what did you say then? Did you say about once a week?

Reverend MACKEY. Once a month.

Ms. LOFGREN. Once a month?

Reverend MACKEY. Yes. That happens, as reported to me as pastor. Some of the members will inform me of what's going on. I don't live in that county. I live in Charleston County, and they inform me when I come on Saturdays and Sundays of what's going on. It had gotten to the point where they bring the truth to me as pastor of the church since the church burned down. My members will now come to church with guns in their cars.

Ms. LOFGREN. Certainly there is bigotry and racism in every corner of America. There is probably no American who is fully exempt from that sickness of American culture. But that is stunning. If there was an incident of that nature in San Jose, it would make headlines in the newspaper. And to think that it would happen on a frequent basis makes me wonder about the coordination not only with law enforcement, but picking up, Dr. Land, with your statement—and a very impressive statement—clearly, as people said here today we need to stand as good people against wrong things, not right and left, but right and wrong.

And what kind of coordination is going on among your churches to help stop this, in addition to what law enforcement ought to be doing? Does that get reported to you at all?

Mr. LAND. Well, one of the problems that we face—"we" being the leadership in the Southern Baptist Convention, and I think whites in general—is that I know that—I've been involved in this enough to know that the African-American community is genuinely stunned at the extent to which many people in the white community are unaware of the extent of this activity and are unaware of the extent of the continued presence of racism as a daily experience for people in the African-American community.

Mr. HYDE. Without objection, the gentelady may have 1 additional minute.

Mr. LAND. Thank you.

They are genuinely—many people in the majority community are genuinely unaware of that. And one of the things that we have tried to do is to foster the kind of discussion among the differing racial communities in America at the local level, so that they can begin to understand that and they can begin to establish the kind of relationships—white deacons and black deacons, white pastors and black pastors, white churches and black churches—to begin to become aware of the situations and be aware of the extent of white outrage.

I think that if there was more white awareness, there would be more white outrage. I think that it's incumbent upon us—it's become increasingly clear to me over my last 8 years in this job that it is incumbent us, the community that has historically pushed African-Americans away, to make it clear that we are concerned and that we are outraged and that we want relationships and want reconciliation.

And to—as one African-American pastor said to me, "You white folks are complicated people. You don't always say what you mean and you don't always mean what you say." So we have to make it very clear that we mean what we say and that we want to know and that we are willing to do something about it.

Mr. HYDE. The gentelady's time has expired.

The gentelady from Texas, Ms. Sheila Jackson Lee.

Ms. JACKSON LEE. Mr. Chairman, thank you again, and since we are coming to a close, let me again thank ranking member Conyers and also the receptiveness of Chairman Hyde for I think a very vital and pivotal hearing this afternoon, I guess this morning and this afternoon, and we hope not this evening.

It disturbs me, and I know the protocol of this committee, but, gentlemen, I certainly would have wished that you had been listened to by those Federal representatives who then had to depart. It might certainly have been appropriate to hear you and then them, because the messages that you are presenting to us are of vital importance.

Let me also say that I am gratified that Dr. Evans with Alpha Kappa Alpha will be able to submit a statement because, in fact, this is a worldwide and worldly issue of concern.

Dr. Land, let me just add a personal note. Realizing the birth of the Southern Baptist Convention, that there are members that I interact with in Houston, Dr. Samuel Ratliff and Ralph Wess, and Rev. Reginald Devon and Dr. Ed Young, I want to compliment the church in its body, if you will, for taking a portion of the leadership on this issue. Let me add that I hope that my colleagues will, likewise, respect those who have been at the cutting edge of this issue over the years, which includes, obviously, the late-great Dr. Martin Luther King, and of course the legacy that Reverend Doctor Lowery brings, and of course what Rev. Jesse Jackson brings to the table.

I think that it is inappropriate that we begin to pitch religious philosophies and groups against each other, and who has a higher standing in this issue than someone else. The Christian Coalition is here, and I'm sure that Reverend Jackson is here because Dr. Reed has some other engagement. I would have liked to have had his presence here, but I'm sure that the case is that he is—

Reverend JACKSON. No, I'm here because I wanted to be here.

Ms. JACKSON LEE. And I appreciate your comment, and I'm sure that Dr. Reed is maybe otherwise engaged. Because this is an issue that needs to cross racial lines, and it also needs to cross the divisive lines that I have seen occur.

Let me just—before I pose a question, as I lend myself to the remarks of Mr. Conyers and my two colleagues from California, since we're supposed to be problem-solvers, let me add an additional dimension to the problem I've heard from Reverend Jarrett and the Reverend Mackey. And that is to ensure you, through my questioning or to my posing of questions to those Federal officials that are no longer here, to ensure—and Reverend Jackson I think mentioned it as well in his very, very direct comments—that we not have individuals involved in the investigation further, or they be so instructed without violating the necessary privacy notions of their investigation, that they do not target members of the church and community inappropriately while they are supposed to be investigating a very tragic incident. I'm going to make that inquiry and request to the chairman and this committee, as well as to all the officials who proceeded you, and to demand a response to ensure that this immediately ceases and desists now and as of today. So I hope that we will not have that kind of threatening atmosphere.

Let me also applaud those of you who have worked actively with the Federal and local officials. I have had the lack of pleasure to sit through many series of hearings that see an unworthy attack of Federal officials. I've been on of the more stronger advocates of the work that the Alcohol, Tobacco and Firearms have done, as well as the FBI, and I don't like the climate that we're in that attacks some of the good works that our Federal authorities do. Those of us who are aware of the civil rights movement recognize that you had to bring in the Federal officials to be a wedge against the inactivity of local officials. But we cannot in any way tolerate any inappropriate behavior on behalf of our Federal officials. So you have my pledge on that question.

I would like, Dr. Lowery and all of the—I assume I'm talking to all of the pastors except Mr. Rivers. You stand uniquely, but I know that you have certainly a personal, religious belief. What can we do further? You heard the discussion about resources. I believe that, as you speak about the President, we must also remember the Republican majority in the Congress that has a role to play in resources for law enforcement. I advocate more resources for law enforcement. What can we do, gentlemen, if you would, to ensure that, in fact, we are dealing not only with this crisis that may result—we hope not—in some tragic loss of life, but in some of the other spiritual violence, if you will, or the speech violence that may create the atmosphere for what we're seeing now in these bombings? And include, if you will, your position on this very volatile debate on affirmative action.

Mr. LOWERY. Thank you, Congresswoman Jackson Lee. I think that I've about said all I could say on that subject. We have to be aware. I don't know if people and Members of Congress are always aware—as Dr. Land talked about white people may not be aware of how black people feel—I'm not sure that Members of Congress are always aware of the strong impact that their statements, their rhetoric, their positions and policies have on the rank and file. And I heard the distinguished Congressman from Tennessee would be influenced by the high place.

I guarantee you that in 1965, when Dr. King appointed me to chair the committee to meet with Governor Wallace following the Selma march, one of the things that we tried to impress on him was that his rhetoric, his raving and ranting against the Government, against black people. He had a forum where he could do it with dignity—well, not with dignity, but he could do it with at least a degree of respectability and without violence. But the people on the street who wanted to identify with him, who wanted to affirm his position, they had no other weapons other than lead pipes and shotguns. So they shot and kill on the Selma-Montgomery Highway, and they thought they were identifying with George Wallace.

And I'm saying that Mr. Wallace has a message now for those in this day who would carry that kind or rhetoric. George Wallace came to meet us last March, as we came into Montgomery from Selma commemorating the 30th anniversary for that march, and asked forgiveness for his raving and ranting and for the negative impact that he had on social relations and human relations in that time.

So I would hope that that is one thing that we could do: be aware of the impact of our rhetoric and our policies when we seek and create scapegoats for problems that need to be resolved otherwise.

Mr. HYDE. The gentelady's time has expired.

The gentelady from California—

Ms. JACKSON LEE. Mr. Chairman, Mr. Chairman.

Mr. HYDE. Yes ma'am?

Ms. JACKSON LEE. I asked a question, and I would ask most politely your indulgence to allow the gentlemen to answer.

Mr. HYDE. I thought that he had. Were you asking Dr. Lowery?

Ms. JACKSON LEE. No, I was asking the panel.

Mr. HYDE. Oh, I was unaware of that.

Ms. JACKSON LEE. And I thank you for that, Mr. Chairman.

Mr. HYDE. How long do you think that will—well—

Ms. JACKSON LEE. I find these gentlemen both erudite and lucid and scholarly, and I know that they will probably be both appropriate, and appropriately brief, but pointed in their comments. I would appreciate your indulgence, Mr. Chairman.

Mr. HYDE. Well, without objection, the gentelady is granted whatever additional time she wishes.

Ms. JACKSON LEE. They will be courteous of your generosity. Thank you very much, Mr. Chairman.

Reverend JACKSON. And thank you, Mr. Chairman, and thank you, Representative.

Let me just briefly say that, as national liaison for urban development, what I bring to this task is almost 20 years as a pastor and a deep concern about the fate of the black church. And so, I'm not here, with all due respect, because I'm sure that you didn't mean it in anyway to me disrespectfully, I'm not here because someone else could not be here; I'm here because I am deeply concerned and committed to this issue. I've given it my life.

Ms. JACKSON LEE. And I applaud that, Reverend. I wanted to acknowledge your presence and would have invited and would have wanted to see Dr. Reed here as well.

Reverend JACKSON. Well, thank you. I can assure you that he is deeply committed to this issue.

Representative, let me say this: I think that we can all agree that the level of rhetoric and political discourse needs to come down. I think that it needs to be depersonalized. I think we have to understand that people can have philosophical disagreements and don't hate each other, don't have to hate each other. It doesn't have to be personal, but all too often it seems to become personal, whether it's individualized or by group. That is something to which I am categorically opposed. I may not see eye-to-eye on everything with Dr. Lowery, but I love him. He is my Christian brother. And the same is true, or ought to be true, for all of us, and I think that maybe all of us trying to set a tone of decency and manners toward one another would help to, shall we say, make us all feel a little bit better about each other.

Now having said that, I do find it difficult to make the connection between some of the terrible things that go on and our political discourse. I mean, for example, the discussion on affirmative action and killing of black people, I just have a feeling that people who

are evil enough to do that would probably do it whether you had a debate on affirmative action or not.

But having said that, I think you strike the right tone. We do need to be more civil and more decent toward one another.

Reverend MACKEY. I'll agree with my colleagues here today that this has struck and reached down into the hearts of Americans all over this country, regardless of their race or religious preference, that we would not tolerate the burning of anybody's church, not only black churches. but white churches or any church, because we can not allow anyone to rip the heart of this country, which is our churches. If we allow that under any circumstances, regardless of the race of the church, then we allow pandemonium to enter our country. We can do whatever we want to do now. We can't allow this to happen.

Forget the thing about black churches, white churches. You hear that all the time. My thing is that these are churches where people come to worship. Whether it's black or white, it doesn't matter, Jews or Protestant. They come refuge from a daily or a week of turmoil on their jobs and their families. If they can't go there anymore, where are they going to go? And we need help to—from Congress and from the Federal officials—to stop this, to let them be able to have a haven or refuge to go to in peace and not in threat.

Mr. LAND. Madam Congresswoman, first of all, I'm a native Houstonian and still consider Houston my hometown, and my parents live there. And Dr. Radliff and Dr. Young particularly are good friends of mine. I appreciate your comments about them and the leadership role they have taken to bring about racial reconciliation in Houston.

I think that we have to, in all segments of our society, make it very clear that this is just unacceptable, intolerable, barbaric behavior. And I'm not just talking about the burning of churches. I think that to disrespect—in the earlier panel there was a discussion about racism and the definition of racism. To me, racism is treating anyone or looking upon anyone as being less than anyone else based on their race or ethnicity. I know that that is a comprehensive definition, but I think that it fits. And to paraphrase, I believe it was, Justice Marshall, "I'm not sure that I can give you a definition of pornography, but I know it when I see it." I think that we can say that, even if you can't give a definition of racism that fits every situation, you know it when you feel it. And there is a lot of it still in the air in this country that needs to be—whenver it raises its head, it needs to be addressed. It is a cancer that is still as fresh as the day that it first matasticized in our culture.

And I want to certainly affirm the historic leadership that was given by Dr. King and by the Southern Leadership Conference. It is an honor for me to share on a panel with Dr. Lowery. I graduated from high school in 1965. Bill Clinton and I are the same age, and I think that many of us of that generation see ourselves as among those who were liberated from our environment, although I was always taught personally in my home that racism was wrong. We were liberated by the Civil Rights Acts of 1964 and 1965 and the Voting Rights Act of 1967.

I would make the distinction, and I hope you'll hear me carefully here, between affirmative action and reverse discrimination. I

think that there is a distinction to be made. I think that we ought to do everything that we can in this society to guarantee equal opportunity or at least a threshold. You know, I once made the point that I don't have an equal opportunity to someone who was born with a trust fund of \$8 million. I'm a welder's son, the first person in my family to go to university. But I think that we do have to do our very best to guarantee at least a threshold of opportunity. And we need to do what we can at the local, Federal, State, and in the private domain to try to ameliorate the results of past discrimination.

But I am—and I am speaking now of personally because the Southern Baptist Convention has not taken a position on the issue—I am opposed to reverse discrimination. And I would define that as trying to guarantee certain outcomes even if it involves different standards of admission or different standards for promotion. And I am opposed to it for two reasons.

No. 1, I am opposed to discrimination against anybody ever.

And No. 2, I believe that it is counterproductive. I believe that when affirmative action falls over into reverse discrimination, that it becomes counterproductive because of the hostility that it breeds for those who are then discriminated against, and because, whatever the person who is the recipient of reverse discrimination, they are never given full credit for what they have done because it is always assumed by a certain segment of the population that they received special treatment. So I think that it just perpetuates prejudice.

Ms. JACKSON LEE. Mr. Rivers.

Mr. RIVERS. Congresswoman Jackson Lee, I want to thank you for the question and also for the opportunity to represent the laity. Until you called that to my attention, I did not realize that I was the only lay member present.

Ms. JACKSON LEE. You're doing it well.

Mr. RIVERS. Thank you very much.

I think that the resource question can be addressed in the standpoint of implementing the recommendations of the association, and those that require additional resources ought to be had. The issue of the environment, the atmosphere—I pointed out the issues in South Carolina for a particular reason. The Congresswoman from California spoke before you and pointed a concern to Reverend Mackey about whether that happened on a regular basis. But the horror stories in South Carolina can take up a hearing by itself. And not just because South Carolina is also my home—I am from the county that he is from—but I know the State very well. I worked there as State director of the NAACP. And it's not news to us about what is going on in Clarendon County.

To bring it home to you, Clarendon County is also the county where the highway patrolman stopped the woman on I-95 and pulled her out of the car by her head. Clarendon County is the county where the lynching happened to the 9-year-old African-American boy.

Just as those instances, those issues, received national attention, they all happened in the same county. But there are many things that happen in our State that go to it. I'm stunned—Dr. Land said that the white people are often stunned by what happens to black

folk, and I believe that because, when I talk to a lot of white folk, I am shocked by what they don't know or what they don't believe about the depth and breadth of racism in this country and the impact on us. But I'm stunned at him. I find his statement on it not only compelling and eloquent, but amazing.

I was suspect last year when the Southern Baptists apologized to me. In fact, I was so suspect, I wondered why they got somebody to represent me to accept the apology because, if you wanted me to accept the apology, let me do it and I'll tell you whether I accept it or not. And I think that the basis for accepting the apology had to have something to do with the biblical structure that I've been taught in my church, which means that I have to see something from you more than just you saying that you're sorry about what you did. I heard that in his statement today, and so I'm hoping that this is an evolution that I'm witnessing.

I reach out my hand to you now to say that, since that he's in my region, in the State of Tennessee, I want to meet with you and talk to you further and understand what has changed, the way that you and your church see their role and responsibility, because I want to get deeper with that because affirmative action is part and parcel of that. I think that if you have been able so far as to recognize what happened in the past and what a detrimental impact that had on it, then how can you stop and draw the line and say that there's no connection between that and where we are right now?

And with those other churches who are looking for justifications or explanations of affirmative action, I can suggest several pieces of scripture because I was really impressed that Dr. Land used scripture to point out how we are one and how racism is wrong scripturally-based—because so often in the past his church and others have used scripture to justify slavery, justify oppression, justify racism. And I say to you, if you're looking for a biblical justification for affirmative action, you can look in Exodus, in the 20th chapter, the 5th verse, the 34th chapter, the 7th verse. And if you're looking for something that takes you further, you can go into Matthew and see how Jesus answers the lawyer when the lawyer asks Him if the great commandments were in the law, because so much of what is said gives me the impression that people don't look at me as their neighbor and love me as they love themselves. That's why I'm so concerned about what happens out of some of the people who call themselves Christians, because some of what I hear from them is not neighborly. In fact, it's mean and the foundation is greed.

But if we're going to move forward, then I think that people cannot stop and end the discussion when it gets to the level where they become uncomfortable. I heard—and Dr. Lowery was there—when Dr. King's daughter made the quote when she was called to speak for the celebration, that a part of our job ought to be to comfort the disturbed and disturb the comfortable. And so much of what we've come to has to do with people who are comfortable and their own aloofness about being right all the time and knowing that they are the personal representative of Christ, and everything that they say about Christ is absolutely true because Christ has sent them personally to represent Him.

I think that this panel today has helped in a lot of ways for both me personally and I think for the discussion. Affirmative action has a logical justification, too, and I think that you'll find under felony law. My friend Robert Stewart can tell you that in South Carolina that it is against the law to receive stolen goods, and if I receive it from somebody, I am just as guilty as those who stole it.

And then, of course, there is a third dimension. I sometimes have to stretch and just say that there's an African answer for affirmative action, too, and simply just say that what goes around comes around, but sometimes they don't want me to say that because it doesn't always become accepted.

I hope that out of this hearing—and Congressman Conyers made the point about the overall responsibility. I'm very concerned about overall responsibility. The church burnings are different. I think that the response of law enforcement has to be different. And the one thing that we've tried to stress in law enforcement we've talked to is that you're not dealing with just the kind of crime where you can go after the usual suspects and use the same kind of strategy. This is different. And the reason that we're having a hearing, I think, is a recognition that these crimes are different and we must use some different strategies to respond. So I hope that someone is given the responsibility to have an overall responsibility, so that when we need to have an agency or person accountable, we'll know who that is.

And then, lastly, the resources ought to be directed. The Government has within its own power right now—I was very surprised to hear the FBI say that the Civil Rights Division was the smallest. I shouldn't have been, but I was. And I'm hoping that one of the things that happens—since he did also say that he had the ability to change the allocations—that he would change the allocation in the morning and that the Civil Rights Division would no longer, as of tomorrow morning, be the smallest; that it will quickly be on its way to being in measurement to what the problem is that we have in this country, especially with the church fires.

Thank you very much, and I really appreciate you asking that question because all of this stuff, the multitude of things that was burning my heart has not been released from my heart, and I can go back to our previous relationship, which is: I don't attack it; it doesn't attack me. Thank you very much.

Reverend JARRETT. And I also would like to say—I'm going to make my long story short by saying that we're not fighting against flesh and blood, but we're fighting spiritual weakness. So we don't want to get thrown off track as a trick of Satan and let us maybe think that white against black and black against white might be it. But what I'm saying is let's not get thrown off track, because that's one of his tricks. If we're going to make it in, we've got to love one another regardless of what.

And so I just wanted to say that you may burn down a building, but you won't burn down a church because the Master sits up on this rock. I'll be in my church and every gate of hell should not prevail against it.

So that's what's happening now. Hell's trying to prevail against God's church, but it won't work because God built it, and up on it's rock it will stand. And I just want to say to all of us, let's not leave

here upset, mad at black and white. Let's leave here in Christ. Let's leave here in love. Let Satan know that he can't win because we have the victory. We have more than comfort; we have the victory. Let's not be thrown off track and go back. We've got to go forward. We've got to press on toward the mark of a higher cause and that is Jesus Christ. So I want to say to all of us, this whole building, let's not let anger stir us up to go against what the Master says for us to do, and that is to love one another.

Thank you.

Mr. HYDE. Does the gentledady yield back her time? [Laughter.]

Ms. JACKSON LEE. With all of the genuineness of those who have offered their words, Mr. Chairman, I do yield back the balance of my time.

Mr. HYDE. I thank the gentledady, and I'm pleased to recognize our new member, Ms. Waters.

Ms. WATERS. Thank you, Mr. Chairman.

I'd like to, first, thank all of those who have come today, all of our witnesses, for coming to testify on this most important issue.

I wish that all of our members could have been here, and especially members on the other side of the aisle. I would have asked each of our witnesses to recount acts of racism and identify acts of racism in their community and in their daily lives. I won't do that now because those who should really hear it are not here.

But you are absolutely right, I guess there is a great difference in understanding about what racism is, about where it occurs, and how it occurs, and how often it occurs. And I am always amazed at Members of Congress who don't know that the Ku Klux Klan is in their district, that militia is in their district, that Skinheads are in their districts, and all of the acts that are being perpetrated. But whenever you have the opportunity, I wish you would keep talking about it and keep saying it because I suppose they really do need to hear it.

You and I both know, and it's been said, that on Sunday morning at the worship hour that America is the most segregated place ever. Whites go to worship in their churches and blacks go to worship in their churches. And I grew up in the church and had to go to Sunday school every Sunday morning and went to church at 11 o'clock and went back to WPU Sunday night at 6 o'clock. So I have great respect for the church. I also know that those who take the responsibility of leadership in the churches, ministers, most African-American ministers are ministering to people who come on Sunday morning who are segregated against, who are treated very badly during the week, who for the most part are very poor, who oftentimes don't know where their children are going to get food from, don't know if they've got a job the next day, who may be fired for no reason at all, last hired and the first fired.

So you can't separate yourselves from public policy and what goes on in the Congress of the United States. And while you are not politicians, you certainly must be concerned about the ability of your parishioners to eat, to make a living, and to enjoy a decent quality of life. And so, those who would separate you from that really don't understand what the mission and the role of what the African-American church is, and the platform that it has provided for us to do the kind of battle and to do the kind of work that

would simply cause our people to be able to eat and to live and to have clothing, et cetera, et cetera.

You are oftentimes approached by politicians who want to use your churches as platforms, black and white who want to come. I would simply tell you today this: while I have great respect for you, I am neither going to pray nor love my enemy. Even though I went to church every Sunday, that part of the message you all got lost on me. I'm a good person, and I'm going to do the best I can and respect everybody, but I'm not going to love my enemy. I'm not going to pray for him. I'm going to pray that my enemy is apprehended. When they burn your church, I'm going to pray that the racism in America is eliminated through some of the work that I'm going to do. So I want you to know, so that we're very clear about that.

Reverend Mackey, I feel your pain, and I see the pain in your face, and I want you to know that I'm going to help you get that enemy. I'm going to do everything that I can. And you probably can pray a lot better than I can, and you do that, because I'm going to use all my power and my influence to put him in jail and to do what you do to the enemy. I'd like for you to say—watch what goes on right now. When the Christian right comes to you right now, some of them are going to offer money to rebuild the church. Don't take the money. I'd like for you to struggle the way you've always struggled and rebuild those churches and get the help that you are going to get, because many people are going to use this vulnerable time to try to tie you into their political agenda. The Christian right has a political agenda that is financed and is carried out every day. They listen to Rush Limbaugh and others all week long, and in their churches they are not being taught to love anybody but themselves. And so I want you to be very clear about this vulnerable time and not to allow this time to be used to get you on another agenda.

They will also tell you that we are the enemy. And they will tell you that our policies on affirmative action, our policies dealing with welfare reform, all of those policies are wrong. So I want you to be very careful right now, and while they are talking about how much they love you, recognize anybody in their right mind is going to be against church burnings. And that's right. Everybody is going to tell you that. Everybody's against it and that's easy. What's not easy is to support the efforts to make sure that those children that you are ministering to all week long have got to have food on their plate when they come home from school, and whether or not their grandma who is sitting there in pain is going to have health care, and whether there is going to be Medicare. The same ones who tell you they love you and want to protect the church are—you know, they were down with the right in this Congress with their Contract With America that was going to take that Medicare from their grandmas, and they weren't going to have the opportunity to have the medicine that they need to get rid of the pain.

So I say to you, keep doing what you are doing, and you all keep loving and preaching and ministering. But don't let anybody separate you from us, those of us who are fighting public policy to make sure that God's work is really done. Don't let anybody use this vul-

nerable time to say to you that those of us who are fighting for public policy is your enemy.

And I want you to know that affirmative action is tied to that message that you are giving on Sunday. When you say to everybody, "Love you neighbor. Help those who cannot help themselves," really what you are talking about is not simply go next door and take somebody some food, but also fight and organize in your community, so that whether it is affirmative action or any other public policy, that will help make this an equal country. I mean that's what this is all about. That, too, is the message of the Bible.

So I thank you for being here, and I thank the chairman for allowing me to wax on about this, but this is the only time I'm going to get a chance to talk with you collectively. And I want to say that when the President even invites you in the ministerial meetings there that you are invited to and some of you all go to, don't let him off the hook, either. You talk about these issues. You cannot let him talk to you about everything but affirmative action, everything but Medicare, everything but church bombings. You talk to him about these issues also. If we understand what our role and our responsibilities are to help those who cannot help themselves, then we'll understand that we've got a lot of work to do, a lot of educating to do, and we've got a lot of facing down people and question them about how much they really love us, whether they are just doing the easy thing or whether they are prepared to do the more difficult thing.

I like what Dr. Land is alluding to. You're all mixed up on affirmative action, and you really don't understand the Congresswoman's question, because she didn't ask you about reverse discrimination, and to associate that and tie that in with your same discussion on affirmative action means that you need a little bit more education. But, hopefully, Mr. Rivers and others are going to avail themselves of the opportunity that you have offered for outreach so they can straighten you out on that, OK?

Thank you very much.

Mr. LAND. May I respond?

Mr. HYDE. No, you may not. The Chair—please, Dr. Land, please. All right go ahead, take 30 minutes.

Mr. LAND. Mr. Chairman, if I might respond, Madam Congresswoman—I certainly am well aware that I can always use further instruction and education in virtually every subject, and not being an African-American, I am very sensitive to the fact that it is impossible for me to understand the depth of the deprivation that African-Americans have suffered in this culture. I want you to—it probably won't be a comfort to you, but I do want you to know that I have at least one conversation a month with one of my constituents in which I try to explain to them that racism still exists. And the fact that they don't think that it still exists is because they are white, and if they were black they would understand it.

What I was trying to do in making the distinction that I did between affirmative action and reverse discrimination is that there is a huge lumping together of all sorts of Federal programs in the common mind. And I think that it is possible—I know that it's possible because I am committed to racial equality. I'm committed to racial justice. I'm committed to affirmative steps by both public and

private means, recognizing that there are consequences for the past discrimination that we've had, but also saying that when we start trying to determine equalities of outcomes with different assessments and with prejudice against individuals who have not been perpetrators of that prejudice, it just perpetuates the discrimination. And I have to deal with it in my constituency every week.

So to the extent that we can delineate the distinctions between legitimate affirmative action programs and those that fall over into quotas and set-asides and reverse discrimination, it's very helpful to the cause of racial reconciliation.

Mr. CONYERS. Chairman Hyde, please.

Mr. HYDE. For what purpose does the gentleman seek recognition?

Mr. CONYERS. The gentleman from Michigan, the senior member on the committee, seeks recognition to commend the chairman before this hearing terminates.

Mr. HYDE. The chairman's humility forbids his accepting. [Laughter.]

Mr. CONYERS. Then I have yet another purpose for—

Mr. HYDE. I thought so.

Mr. CONYERS. To strike the last word, though, we're closing, and I do want to say this. Before you close it, I yield to Mr. Scott.

Mr. SCOTT. Thank you, Mr. Conyers and Mr. Chairman.

One of the first questions that I asked the other panel was who was coordinating this effort, and you got a kind of vague idea, and there wasn't a point person. I think that's one thing that we need to do.

But I also wanted to point out that I'm not sure—I don't remember how much Mr. Magaw read of his testimony, but the ATF does have two computer systems, the EXIS and the ASCME, both of which are data base systems to help coordinate all the leads and sort all the leads that they get. They also have a toll-free hotline that people need to be aware of. It's 1-888-ATF-FIRE. So if anyone has any information, you call it into that. It will get put into the computer and it can be used. It's 1-888-ATF-FIRE. We want to make sure that we use all of those resources. The more information we have, the more of these cases we can solve.

Mr. CONYERS. Thank you, Mr. Scott.

There are a lot of things, strands of important discussions, that have not been taken care of, so I just want to take this time to wind up. First of all, Chairman Hyde, you know we have praised you to the skies. I cannot remember your being showered with this much approval by the Democrats on this committee since you have become a chairman.

Mr. HYDE. I don't know how to handle it.

Mr. CONYERS. I realize that this gets kind of tricky. But the point of the matter is that I would implore you, sir, to consider whether or not we need to continue an additional hearing or not. We don't have to decide that now. But, as we review the transcript and talk to each other, it may turn out that this should not be the first and the last hearing. It might be necessary for there be other hearings. I leave that on your conscience, and I know that you'll be able to take care of it.

You know, it's so good to have Maxine Waters on our committee, isn't it? We're going to introduce her formally, not at this hearing but at another one. We've agreed to do that. But to hear her recall her religious philosophy almost made me remember my own much less significant background in church activity. I'm going to study with her, while Dr. Land studies with you, about affirmative action. I'm going to discuss with you how loving your neighbor, if applied in the fuller dimensions that Dr. Lowery can speak to, could move into this huge area of loving your enemy. They might not be as far apart as the gentlelady from California imagines. But that, of course, is another discourse at another time.

Mr. Chairman, I thank you for your kindness.

Mr. HYDE. I thank the gentleman. And, without objection, the statement of Representative Ed Bryant of Tennessee will be entered into the record.

[The prepared statement of Mr. Bryant of Tennessee follows:]

PREPARED STATEMENT OF HON. ED BRYANT, A REPRESENTATIVE IN CONGRESS FROM
THE STATE OF TENNESSEE

Mr. Chairman, I commend you for holding these hearings on church fires, which appear to have increased significantly over the past couple of years. In the past two years, at least 50 churches and synagogues have burned in 15 states. Many of these fires have occurred in the Southeast, and nine church fires occurred in Tennessee.

I share your concern regarding this matter. For one thing, three of the churches that have burned are in my congressional district. Furthermore, I have grave concern when houses of worship are torched because of the First Amendment right to the freedom of religion.

The Constitution's Bill of Rights guarantees each citizen the right to freely exercise his religion. When someone purposely and maliciously destroys a house of worship, that person, figuratively speaking, violently attacks a corporate body, a body of worshippers. The members of that church or synagogue gather together regularly in order to exercise their constitutional right. They praise God according to their doctrines; they support each other in times of need; they give their tithes and offerings in order to advance their holy religion.

When an arsonist burns a building, he doesn't destroy that church because the church is actually the people. However, the arsonist takes away what isn't rightfully his to take away: the house of God which a group of like-minded people have set apart for worship, built and maintained with their resources. Arson of churches and synagogues is more than a property crime because of the motivation behind it. It is a crime of passion, a crime of hateful intent. And it is wrong.

While some have made the assertion that a conspiracy lies behind these fires, the evidence federal investigators have found so far doesn't support that theory. That is not to say that some of the arsons are not linked. It is to say, however, that no national conspiracy appears to exist.

The silver lining to these fires is that diverse groups and organizations have begun working together to investigate the church fires and seeking to curtail future fires. The diverse coalition includes the Southern Christian Leadership Conference and the Christian Coalition working side by side.

A further aspect of the silver lining is that these fires have given neighbors the opportunity to help neighbors. The citizens of Columbia, Tennessee, and Maury County came together after arson destroyed the Friendship Missionary Baptist Church. This 130-year-old church burned at the hands of arsonists on Super Bowl Sunday 1995. The members of the community responded quickly and compassionately to help repair the sanctuary so services could be held the next Sunday.

By the way, the Friendship Missionary Baptist Church has a black congregation and many of the people who helped restore the church after the fire are white. I don't believe that distinction should need to be made, but in a time when many are so race-conscious, we should highlight the instances in which race doesn't matter to people as much as human beings helping other human beings.

Again, I commend you, Mr. Chairman, for holding these hearings, and I look forward to learning from and participating in them.

Mr. HYDE. And this hearing stands adjourned.

APPENDIX

MATERIAL SUBMITTED FOR THE HEARING



ASSISTANT SECRETARY

DEPARTMENT OF THE TREASURY
WASHINGTON

August 2, 1996

The Honorable Henry J. Hyde
Chairman, House Judiciary Committee
United States House of Representatives
Washington, DC 20515

Dear Chairman Hyde:

Thank you for the opportunity to review the transcript of my May 21, 1996 testimony before the Judiciary Committee concerning the rash of fires at southern African-American churches. Having reviewed the transcript, I would like to clarify one response I made during the hearing.

On page 76, following an exchange about ATF agents being removed from the church fire investigations because of their attendance at the Good O' Boys Roundup, Congressman Scott asked me whether I was aware of any complaints about insensitivity during the investigations. I stated that I was not aware of any complaints of insensitivity by ATF agents during the investigations. Given the nature of the preceding exchange, my answer assumed that Congressman Scott was referring to racial insensitivity.

Having reviewed the written transcript, including issues raised after I left the hearing room, it is possible that Congressman Scott may have been referring to complaints voiced by a few individuals who felt unfairly targeted by Federal agents. That issue was raised with me prior to the hearing. The National Church Arson Task Force now overseeing the Federal investigations, which Assistant Attorney General Patrick and I co-chair, has made every effort to ensure that individuals do not feel unfairly targeted.

I thank you and Congressman Conyers for having held this important hearing and for having moved so quickly to enact responsive legislation to protect this Nation's houses of worship.

Sincerely,

James E. Johnson
Assistant Secretary
(Enforcement)

cc: The Honorable John Conyers
The Honorable Robert Scott

Church Women United

110 Maryland Avenue NE • Washington, D.C. 20002

Telephone: 202-544-8747 • Fax: 202-543-1297



SUPPORTING ORGANIZATIONS of CHURCH WOMEN UNITED

- African Methodist Episcopal Church
Women's Mission Society
- African Methodist Episcopal (AME) Church
Women's Home and Church
Mission Society
- American Baptist Churches in the USA
American Baptist Women's Missions
- Christian Church, Disciples of Christ
International Christian Women's
Fellowship
- Christian Methodist Episcopal Church
Women's Mission Society
- Church of God
(Women of the Church of God)
- Church of the Brethren
(Program for Women)
- Church of the New Jerusalem
Methodist Episcopal
(League of New Church Women)
- Council of Hispanic American
Ministries (Latino/Hispanic)
Women's Department of COHAM
- Continental Presbyterian Church
(Council of Presbyterian Women)
- The Episcopal Church
Women in Ministry and Ministry
- The Evangelical Lutheran Church in
America
Women of The Evangelical Lutheran
Church in America
- International Council of Christian
Churches
Women's Christian Fellowship
- Islamic American Church Women's League of
Evangelical Women's Fellowship
- The Methodist Church
Women's Mission and Service
Commission
- The Methodist Church in America, North
Province Women's Work, Northern
Province
- The Methodist Church in America, South
Province Women's Work, Southern
Province
- National Baptist Convention of America
Women's Mission Society
- National Baptist Convention USA, Inc.
Women's Department
- Presbyterian Church USA
Presbyterian Women
- Progressive Unitarian Fellowship, Inc.
Women's Department
- Reformed Church in America
Reformed Church Women's Mission
Society
- Religious Society of Friends
Women's Mission Society
- Reorganized Church of Jesus Christ of
Latter Day Saints
Women's Mission Society
- United Church of Christ
Women's Department
- The United Methodist Church
Women's Mission Society

STATEMENT OF CONCERN CHURCH BURNINGS IN THE SOUTH

Church Women United is profoundly concerned over the recent wave of church burnings in the Southern states. We are saddened at what appears to be an expression of racial violence. We note with alarm that, of the dozens of churches burned since January 1996, most are African American or interracial churches. As a national ecumenical group of Christian women representing 27 denominations, we reaffirm our historic position opposing all forms of racism and violence.

As women of faith, we acknowledge the historic central role of the church in African American communities. Through much of U.S. history, many mainline institutions systematically excluded blacks. The church has represented one of the few safe places in the black community for a black person to call her/his own. Indeed black churches have been the center for numerous activities: spiritual renewal, cultural enhancement, and political organizing. In this light the arson attacks are less random than they are a systematic assault on the heart and soul of the African American community.

We ask church people throughout the country to aid these targeted groups in their rebuilding efforts, noting especially a fund-raising drive being carried out by ecumenical, denominational, and other organizations. We encourage law enforcement officials to proceed with all due haste to bring to an end the terrorism represented by such attacks.

As heirs of a movement whose founders defied laws of segregation, we rededicate ourselves to building racial harmony and to the creation of a multi-cultural society where ethnic differences are affirmed as a rich tapestry, not as the source of hatred and violence. We take heed at the words of the prophet Daniel (11: 31-32), "Forces shall...profane the temple and fortress...but the people who are loyal to their God shall stand firm and take action."

Press Contact: Nancy Chupp
Legislative Director

National Council of the Churches of Christ in the USA



Washington
Office

May 23, 1996

Diana Schacht
Deputy Counsel
House Judiciary Committee
Room 2138 Rayburn House Office Building
Washington, DC 20515

Dear Ms. Schacht:

Enclosed is a copy of the National Council of Churches' testimony on the firebombing and other attacks on churches. As we discussed with you, we would like to submit this to the Judiciary Committee for inclusion in the printed record of the May 21 Committee hearings on this matter. We thank the Committee for including our concerns about this crisis along with the oral testimony which was presented to the Committee at its hearing.

Should you be interested, we would be happy to provide you with further information about our findings and recommendations.

We thank the Committee for its attention and concern on this pressing issue.

Sincerely,

The Rev. Dr. Albert M. Pennybacker
Director, Washington Office

National Council of the Churches of Christ in the U.S.A.

Bishop Melvin G. Talbert, President
The Rev. Dr. Joan Brown Campbell, General Secretary

Testimony for Committee on the Judiciary
U.S. House of Representatives
Concerning Firebombing and Other Attacks on Churches

May 21, 1996

Mr. Chairman,

Members of the Committee:

On behalf of the National Council of the Churches of Christ in the U.S.A., we welcome this opportunity to testify on one of this country's most pressing social and moral crises -- the epidemic of burnings, firebombings and other acts of racist violence directed at churches, most of them African American churches, in several states of our nation.

The National Council of the Churches of Christ in the U.S.A. -- often referred to as the National Council of Churches (NCC) -- is the pre-eminent expression in the United States of the movement for Christian unity. Its 33 Protestant and Orthodox member communions, to which 52 million people belong, work together and with other church bodies to bring a wide sense of Christian community and to deepen the experience of unity. While we do not purport to speak for all members of the communions constituent to the National Council of Churches, we do speak for our policy making body, the General Assembly, whose 270 members are selected by those communions in numbers proportionate to their size. Founded in 1950 and headquartered in New York City, the National Council of Churches has spoken and acted consistently and forcefully for racial justice and civil rights and against racism since its beginning

Currently the National Council of Churches is leading a major effort to investigate the attacks on Black churches, provide practical and spiritual support to the victimized ministers and congregations, stop the attacks, bring the perpetrators to justice, make the general public aware of this wave of hate crimes and raise funds for rebuilding the churches, most of them under-insured and many not insured at all. Partners with us in this effort are the Center for Democratic Renewal, Atlanta, Ga. (formerly the National Anti-Klan Network), which has been monitoring white supremacist movements since 1979 and which since late last year systematically has been investigating the racist attacks on churches, and the Center for Constitutional Rights, New York City, which successfully has brought civil suits against the Ku Klux Klan and is preparing to bring legal action against perpetrators of the church attacks.

Since March 5, 1996, NCC teams have visited destroyed and damaged churches in Tennessee, Alabama, Mississippi, Georgia and Louisiana, and we are planning visits to South Carolina, Arkansas, Georgia and other states next week and in June. On all these visits, we go to the sites of churches that have been destroyed or damaged and gather first-hand testimony from pastors, deacons and other members of these churches.

Our coalition's research has documented that, to date, 57 Black and interracial churches have been bombed, burned or vandalized in Alabama, Georgia, Tennessee, Arkansas, Mississippi, South Carolina, Louisiana and other states since January 1990. Twenty-five of these violent acts have occurred in 1996 alone. Among the most recent attacks was that which destroyed a Black church in Tennessee May 14, the very same day that an NCC delegation was visiting Nashville to speak with pastors whose churches had been burned.

We submit to this committee that these manifestations of domestic terrorism demand the highest degree of bi-partisan attention at the federal, state and local levels. This is not a Democratic or Republican issue, but rather an American problem that should arouse moral outrage and condemnation from all people irrespective of their race, ethnic origin, religious affiliation or political orientation. Furthermore, we call for strong statements of resolve from both the Administration and the Congress that this and all forms of racist violence will not be permitted to continue and that the perpetrators will be sought out aggressively and brought to justice.

Mr. Chairman, our investigations have uncovered striking similarities in these incidents, parallels that constitute a pattern of abuses -- including the use of molotov cocktails and other incendiary devices, the spray painting of racist graffiti, the targeting of churches with a history of strong advocacy for African American rights, and racist notes and letters left in the mailboxes of pastors. Many churches were attacked on or around January 15, Martin Luther King Jr. Day (five of those in 1996 and five in 1995).

The 30 persons so far arrested and/or convicted for these crimes all are white males between the ages of 15 and 45, with several of them admitting to be members of such racist groups as the Aryan Faction, Skinheads for White Justice and the Ku Klux Klan. We suspect, however, that many more perpetrators of these crimes have not been arrested and brought to justice because investigations, to date, have focused in large measure on the pastors and members of the burned churches rather than on the violent history of the above-mentioned racist groups.

Indeed, many law enforcement authorities at the local, state and federal levels continue to deny any connections among the several firebombings and say they doubt a conspiracy or motivation based on racism. Moreover, many local officials have told victims that theirs are isolated cases, the results of accidents or electrical fires.

The NCC has been provided with testimony from some of the affected pastors that racial epithets scrawled onto the remaining facades of their churches were immediately painted over by law enforcement officials without the consent of the church.

In addition to several churches in Tennessee, private homes and a lodge in Clarksville were firebombed and shotgunned. It was in the hills of Tennessee where the 'whites-only' "Good Ole Boys Round-Up" meetings took place last year and among the participants were known agents of the Treasury Department's Alcohol, Tobacco and Firearms Division (ATF), one of the federal agencies investigating the church bombings.

One of the most disturbing findings from the NCC's tour last week of Mississippi, Tennessee and Louisiana communities where Black church burnings had occurred was a consensus of dissatisfaction and discontent expressed by the pastors and the congregations over the manner of the investigations conducted by state and federal authorities. We encountered a unanimous dismay that the investigations are concentrating on pastors and parishioners, implying that they set their own churches on fire.

Subtle implications are made that it was for the insurance money, even though most churches are uninsured or underinsured. Some of the pastors have been asked to take polygraph tests.

Church records have been demanded and church members interrogated to the point of tears. Credible leads provided by the pastors have not been followed up by the investigators and, to date, none of the victimized churches has been informed of the results or of the progress of the investigations. Without exception, the victims of these hate crimes said they felt intimidated by the very forces they had hoped would provide them with protection and would alleviate their anxieties. They fear that if these crimes go unnoticed and unpunished the perpetrators may become so emboldened as to attempt future firebombings during an actual church service with worshippers in attendance.

Although many of the pastors and other church leaders have received death threats, there have been no investigations of these threatening calls and no protection has been offered to the clergy. Furthermore, there is evidence that the 57 incidents we have documented to date are only a small indication of the number of attacks actually taking place around the country.

It is our contention, Mr. Chairman, that these are not isolated, random incidents but rather pieces in a pattern of hate crimes that have been under-reported by the media and overlooked by law enforcement. It is a sad state of affairs that in 1996 this nation is quietly and, in many cases, unwittingly accepting the racist destruction of houses of worship. The frightening fact is that white hate groups are growing faster than at any time in recent history, yet most of the country remains in a state of denial that such racism and bigotry is widespread.

The National Council of Churches is determined to proceed with its campaign to put an end to these crimes of racial hatred, to restore the houses of worship that have been destroyed or

damaged, and to demand that thorough, impartial, non-intimidating investigations be carried out by the Federal Bureau of Investigation and the ATF.

In coming days, NCC delegations will visit sites where these crimes have occurred in South Carolina, Arkansas and Georgia and on June 9 and 10 we will bring a delegation of pastors from across the South to Washington, D.C., for an ecumenical worship service and for meetings with high-level administration officials and Congressional representatives. They will come to the nation's capital seeking answers and explanations, but more importantly, they will come seeking to be taken seriously by the highest authorities in the land.

Finally, Mr. Chairman, we wish to commend you and your committee for calling these hearings. We hope that your action will bring needed attention to this epidemic of hate that is eating away at the heart and soul of our nation. We pray that this hearing will contribute to a healing dialogue between the races and to an open, honest and frank recognition of American racism, which is preventing us from being truly one nation under God, indivisible, with liberty and justice for all.

**TESTIMONY OF
BRIAN LEVIN
SOUTHERN POVERTY LAW CENTER**

My name is Brian Levin. I am the Associate Director for Legal Affairs of the Southern Poverty Law Center's Klanwatch Project. The Center was founded 25 years ago in Montgomery, Alabama to protect the rights of victims of injustice. The Center's Klanwatch Project has monitored extremist groups, tracked hate crimes and has sued on behalf of the victims of hate violence since 1980. Klanwatch was one of the first organizations in the United States to collect and maintain data on hate groups and hate crime. We have been storing this information on our computers for over a decade and today maintain the largest database in the nation on neo-Nazi groups like the Aryan Nations and Ku Klux Klan. Last year we counted 270 active hate groups throughout the United States and numerous hate motivated murders, assaults, arsons, and bombings.

We publish the *Klanwatch Intelligence Report* quarterly to share our information with the law enforcement community. Currently, over 6,500 law enforcement agencies receive our free reports, including numerous offices of the FBI, the BATF, and the Department of Justice. In addition our staff frequently makes presentations on hate crime and extremism to law enforcement training programs and legislative hearings.

Over the last 18 months we have monitored a disturbing increase in suspicious fires at black churches in the Southeastern United States. While most of the investigations are still ongoing, we are very concerned about the possibility that a substantial number of these appalling incidents could be the result of a series of coordinated efforts to intimidate African-Americans in the exercise of their fundamental rights. Since 1989, Klanwatch has tracked 32 instances of arson at black churches in eight southern states—Kentucky, Mississippi, Tennessee, South Carolina, North Carolina, Alabama, Virginia, and Louisiana. Twenty-three of these—or over 70 percent—occurred in the

last 17 months. In the last five months alone, 16 black churches have been engulfed in flames—five in Alabama, four in Louisiana, three in Tennessee, one in Virginia, one in North Carolina, one in South Carolina and one in Mississippi.

Tennessee has been heaviest hit by the arson of black churches. A total of eight churches in that state have been burned since January 1995. Kentucky had six known black church burnings in 1989-1990, but none has been detected there since that date, according to our data. A complete numerical breakdown of these church fires by year and location is appended to this testimony.

The devastating effects of these fires, however, can not be reflected by numbers alone. Not only are these churches the spiritual centers of their respective communities, they often provide essential social services ranging from health care to education. Like the flames from a burning cross, the flames engulfing these churches today, simultaneously evoke memories of a violent past and fears of additional random attacks against Blacks. Indeed, one of the most horrendous attacks of the civil rights movement was the bombing of Birmingham's Sixteenth Street Baptist Church that left four young girls dead in September 1963. Today, according to FBI statistics, African Americans remain the most frequent target for hate crime. For a country founded on the protection of religious liberty, the wanton destruction of these churches represents a direct assault not only on innocent parishioners, but on the very core values that define our national community and hold us together as a people -- equality, tolerance, and the rule of law.

Federal authorities have jurisdiction over the destruction of churches pursuant to various criminal statutes. Title 18 U.S.C. 241 prohibits conspiracies to interfere with civil rights. It is not, however, applicable to a

church arson committed by a lone perpetrator. Another statute, 18 U.S.C. 247, enacted in 1988, punishes damaging religious real property if there is a minimum \$10,000 loss and the involvement of an "instrumentality" of interstate commerce. A more recent statute, 18 U.S.C. 248 is more broadly applicable to church arson than 18 U.S.C. 247. It criminalizes church arsons under federal law without the limitations present in the other statutes. Lastly, 18 U.S.C. 844 punishes arsons that involve additional crimes or a relationship to interstate commerce.

The Center applauds the assiduous effort being made by federal authorities to solve these crimes and bring the perpetrators to justice. For many victims of hate crime, federal intervention is a last resort because local authorities are either unable or unwilling to address these victimizations.

However, it is our belief that federal authorities are often at a distinct disadvantage in the investigation and prosecution of suspected civil rights violations because of severe funding restrictions that limit available personnel, training, intelligence gathering and interagency coordination. For instance, only a small number of federal prosecutors and FBI agents are available to address the thousands of criminal civil rights complaints that are filed annually. Moreover, funding restrictions prevent continuing in-service civil rights training for all the federal agents and U.S. attorneys who are empowered to enforce the criminal civil rights laws. Hopefully, Congress will provide additional funding to expand both the FBI's and the Federal Law Enforcement Training Center's excellent hate crime training programs. The lack of funding for training and personnel also prevents enhancements to existing efforts at interagency coordination and intelligence gathering.

The protection of minorities and their religious liberty is central to our core values as a pluralistic society. The Southern Poverty Law Center will

continue to monitor this disturbing trend and, as in the past, make our free services available to federal authorities to assist them in the resolution of these cases.

Thank you.

**Arson at Black Churches By State
1989-1996**

Tennessee	8
Kentucky	6
Alabama	5 (includes one attempted arson)
Louisiana	4
Mississippi	3
South Carolina	3
North Carolina	2
Virginia	1
	<hr/>
	32 total

Arson at Black Churches By Year

1989/1990	7
1993	2
1995	11
1996	12
	<hr/>
	32 total

Klanwatch, the investigative arm of the Montgomery, Ala.-based Southern Poverty Law Center, has monitored white supremacist groups and hate crime since 1980. In 1994, Klanwatch and its Militia Task Force began tracking the Patriot movement and its quasi-military arm, the anti-government militias.

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