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MEETING
OF THE
TENNESSEE ADVISORY COMMITTEE
TO THE
UNITED STATES COMMISSION ON CIVIL RIGHTS

July 10, 1996

Ramada Inn Hotel
160 Union Avenue
Memphis, Tennessee

ORIGINAL

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3 TENNESSEE STATE ADVISORY COMMITTEE:

4

5 Ms. Jocelyn Wurzburg,

6 Chairman of Memphis

7

8 Honorable Mary Frances Berry,

9 Chairperson, Civil Rights Commission

10

11 Mr. Bobby D. Doctor,

12 Regional Director, Southern Regional Office

13

14 Mr. Bob Knight

15 Mr. Tommy L. Tabor

16 Ms. Jane Osgerby

17 Mr. James Blumstein

18 Ms. Dyhana Ziegler

19 Ms. Rosetta Miller-Perry

20 Ms. Carol Berz

21 Mr. Charles P. Dupree

22 Mr. Herman Ewing

23 Ms. Carla Vaughn-Garrett

24 Mr. Michael McCrosky

25 Dr. Zhan Wang

1 MS. WURZBURG: Let me introduce
2 myself and have each of the members of the
3 Tennessee Advisory Committee to the US
4 Commission on Civil Rights introduce
5 themselves to you.

6 Every state in our union has what is
7 called a State Advisory Committee,
8 affectionately known as a SAC. I'm the chair
9 of your SAC right now. And we have from
10 various parts of the state, starting on my
11 extreme right, Tommy, would you introduce
12 yourselves and tell everybody where you are
13 from and what you do in real life when you're
14 not volunteering to serve on this committee?

15 MR. TABOR: My name is Tommy
16 Tabor. I'm from Memphis and I'm an employee
17 of Shelby County.

18 MS. OSGERBY: I'm Jane Osgerby
19 from Nashville and I work for the Department
20 of Correction.

21 MR. BLUMSTEIN: I'm Jim
22 Blumstein from Nashville and I'm a professor
23 at Vanderbilt Law School.

24 MS. ZIEGLER: I'm Dhyana Ziegler
25 from the University of Tennessee in

1 Knoxville. I'm a broadcasting professor and
2 associate director of university resources.

3 MS. MILLER-PERRY: I'm Rosetta
4 Miller-Perry from Nashville, publisher of a
5 newspaper and a magazine and I have a
6 journalism center for high school students in
7 Nashville.

8 MR. DOCTOR: I'm Bobby Doctor.
9 I'm regional director of the US Commission on
10 Civil Rights out of Atlanta.

11 MS. BERZ: I'm Carol Berz from
12 Chattanooga, Tennessee. I guess I'm a
13 recovering lawyer. I do in lot in
14 mediation. I teach law and also currently
15 serve as chair of the Chattanooga Human
16 Rights and Human Relations Commission. I'm
17 in private practice.

18 MR. DUPREE: I'm Charles
19 Dupree. I'm a lawyer and I practice in
20 Chattanooga.

21 MS. VAUGHN-GARRETT: I'm Carla
22 Vaughn-Garrett from Nashville and I am chair
23 for the fund raising committee of the
24 Anthony J. Seaburn Center for Journalism.

25 MR. MCCROSKY: I'm Michael

1 McCrosky from Gatlinburg. I'm an insurance
2 agency and business developer there.

3 DR. WANG: I'm Zhan Wang from
4 Nashville. I work for the Meharry Medical
5 College.

6 MS. WURZBURG: And I'm from
7 Memphis, Tennessee. I'm an attorney and I'm
8 a professional mediator.

9 MR. KNIGHT: I'm Bob Knight from
10 the Southern Regional Office.

11 MS. WURZBURG: Some of you were
12 here with us this morning. I would like to
13 direct your attention in case you were not.
14 We had a press release this morning on racial
15 tensions in Tennessee, a study that we have
16 been conducting over the last few years, as
17 well as many other states across the union,
18 to get the perceptions of community leaders
19 throughout Tennessee of where they felt race
20 relations were today.

- 21 While the information in the
22 hearings that we gathered were a couple of
23 years ago, it is quite obvious that the
24 release of this report is very timely in
25 light of this session that we will be having

1 this afternoon. I would draw your attention
2 to please take a copy of this report.

3 Special attention should be paid to
4 pages twenty-two through twenty-four and I
5 think you will find the statistical data in
6 the back to show that there is still
7 tremendous disparate impact for minorities in
8 various areas of these statistics;
9 employment, incomes, educational attainments
10 and so forth. So, I do hope that you will
11 look at this report on racial tensions and
12 seriously consider this an interesting segue
13 to what we're going to be doing this
14 afternoon.

15 I would also like to tell you that
16 two weeks ago we concluded her in Memphis our
17 hearings conducted across the state on Title
18 6 of the US Civil Rights Act of 1964 and as
19 an amended in '72 and then later for the
20 Restoration Act-- for the Civil Rights
21 Restoration Act.

22 These hearings that we conducted
23 across the state demonstrated to us that
24 there is severe noncompliance to Title 6.
25 Let me refresh you for you non-pros in the

1 area of civil rights. Title 6 of the 1964
2 Civil Rights Act addressed the situation that
3 if you were a recipient of federal funds, you
4 could not spend those funds in any manner
5 that was discriminatory. And further it
6 required that you had somebody on your staff
7 who was to ensure that you didn't spend the
8 money discriminatorily, to ensure that you
9 got input from the community before you spent
10 the money to make sure that you wouldn't
11 spend it discriminatorily, and then sign an
12 affidavit that I have received these funds
13 and I am in compliance with my Title 6
14 obligations.

15 When a comptroller's report --
16 investigation was conducted across the state,
17 motion of the people said title what. It
18 gave great evidence that folk had been
19 signing off for years, yes, I'm in compliance
20 and didn't even know what Title 6 was. The
21 remedy for that, of course, is that if the
22 funding federal agent got your attention
23 strong enough to withdraw your federal funds,
24 you might pay better attention to what you
25 sign off in the future, but, number two,

1 public at large did not know that they had
2 another way of addressing their grievances as
3 to discriminatory practices of various
4 governmental agencies or even private
5 agencies receiving federal funds, to ensure
6 that these funds were spent fairly.

7 An example: We had in testimony
8 given to us some folks up in Covington,
9 Tennessee, who had their lights taken down in
10 their recreational facility while new -- for
11 some reason they didn't replace any lights,
12 didn't replace any light bulbs, but all the
13 federal funds that came in for such
14 expenditures were going to recreational
15 facilities predominantly in the white
16 neighborhoods.

17 We had a situation in Nashville,
18 Tennessee, where federal funds given to the
19 county to fix sewage systems, raw sewage
20 continued to flow in ditches in predominantly
21 black neighborhoods where all the sewage
22 systems were fixed leading to some white
23 recreational subdivisions.

24 So, these are the kinds of things
25 that the federal enforcers of those giving

1 the money should be looking at and what the
2 various members of the public had the right
3 to redress should they be able to investigate
4 and discover them and they had grievances,
5 even a private right to sue.

6 The report on our Title 6 findings I
7 hope will be out within a year and we will
8 submit them to you similarly as we did this
9 morning in a press release and findings.

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

13 MR. KNIGHT: Madam Chair, thank
14 you very much. I certainly would be pleased
15 to do just that. For those of you who were
16 at the press conference this morning,
17 obviously you picked up on this report and
18 certainly the release of this report, but I
19 think it's also interesting to note that
20 we've done the same project in five -- four
21 other states here in the southeastern
22 region. This report reflects an effort done
23 by the Florida Advisory Committee on the
24 subject of racial and ethnic tensions in
25 Florida. This is one that was done -- and it

1 was released a couple of months ago. This
2 report was done by the South Carolina
3 Advisory Committee and it's entitled
4 Receptions of Racial Tensions in South
5 Carolina.

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

17 It is clear to us based on the
18 information we have received in these
19 projects that racial tensions are certainly
20 on the increase. That's a sad commentary
21 given where we have come from and given the
22 fact that we have made significant progress
23 over the years. And it appears at this point
24 we're about to undergo a stage of
25 retrogression, which certainly does not bode

1 well for America. But be that as it may, we
2 feel compelled and obligated to share with
3 you the results of all of these efforts.

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

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

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

1 We were saying that we thought
2 America had a problem that had to do with
3 racial and ethnic tensions. Since we have
4 done these studies, it is clear that the
5 information we have received supports that
6 argument, but the Commission has also done
7 the same project at the national level
8 through- a series of hearings which have been
9 held -- and the Chair will speak to this a
10 little later on, but a series of hearings
11 which have been held in Los Angeles, Chicago,
12 Washington, DC, and New York City. We plan
13 to be coming to Greenville, Mississippi,
14 sometime in the fall to get some sense of
15 what's going on in rural America on this
16 subject.

17 But it is very, very clear that the
18 information we have received at the national
19 level as well as the information we have
20 received in the state efforts support the
21 argument that racial and ethnic tensions in
22 America are on the increase.

23 MS. WURZBURG: Today we are
24 going to be dividing our time to hear first
25 from federal officials that are here with us

1 today. We're going to conduct these informal
2 presentations and questions from our staff to
3 the various officials after giving each of
4 you a period of time.

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

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

19 At 2:15 we're going to hear from
20 state officials, then we will be going to
21 city and county mayors, police and fire
22 chiefs and various other law enforcement
23 agencies. And then at 4:00 o'clock we hope
24 to hear from the religious community, and at
25 4:45 from the civil rights community. That

1 is our agenda for the day and we hope to
2 follow it as carefully as we can.

3 I'm going to beg the indulgence,
4 however, of the federal officials that we
5 asked to speak. Could you allow us to
6 interrupt you when our Chair does arrive for
7 her to welcome all of you from the national
8 or the federal US Commission of Civil
9 Rights. She was enroute a little before 1:00
10 from the airport, but there is construction
11 on the interstate, so I'm hoping that's been
12 the problem.

13 I'll be calling the role before each
14 segment of each group and we will ask that
15 you come to our table here on the left to
16 make your presentations. Some of you will be
17 asked to come as a panel. Some will be asked
18 to come individually.

19 I guess the main thing that we want
20 to ask ourselves is, we have been confronted
21 with the news for almost two years now that
22 people have been desecrating houses of
23 worship and as this has impacted particularly
24 on minority communities where the heart and
25 the soul of many folk are involved with their

1 churches.

2 This has been an extremely hurtful
3 experience. I hate to bring up such a
4 reminder, but in the mid '30's in Europe
5 there occurred an experience that has been
6 called crystal knock. Crystal knock, the
7 breaking of glass. The glass that was broken
8 was glasses in synagogs all over Germany.
9 So, we had our foreboding experience that
10 should have alerted us in the middle '30's,
11 the 1930's, prognosticating something
12 dreadful to come, but we didn't pay attention
13 world wide to crystal knock. I cannot help
14 but draw such an analogy. It is frightening
15 to me. It is scary to me.

16 A house of worship has always been a
17 reverent place of any denomination whatsoever
18 and the fact that anybody could be willing to
19 desecrate a house of worship of any
20 denomination is beyond anything within my
21 experience to understand.

22 And what we're going to do today is
23 to explore this issue, explore this problem,
24 find out who's on the case and who's not on
25 the case and whether or not we even got on

1 the case quick enough I'm sure is in the
2 utmost mind of many of us and to explore and
3 get these feelings and concerns out on the
4 floor for open and honest discussion.

5 I'm happy now to welcome our
6 Chairperson. You must have had a tumultuous
7 ride through the city to get here. I would
8 like to welcome before we call the role on
9 the federal officials. Chair Mary Frances
10 Berry of the US Commission on Civil Rights.
11 Welcome to Memphis, Mary Frances.

12 MS. BERRY: Thank you very much,
13 Chairperson Wurzburg. I'm pleased to finally
14 get here and I apologize for being late and I
15 want to say how much I appreciate the fact
16 that the State Advisory Committee and the
17 staff from the Regional Office headed by the
18 able leadership of Bobby Doctor were able to
19 put this forum together and to respond to the
20 situation as quickly as you have.

21 I also want to thank you and
22 congratulate you for your reports that you
23 have done over the years, including the
24 racial tensions in Tennessee report that you
25 released this morning before I got here, and

1 to say that this has been a particularly
2 effective SAC, as we call them, State
3 Advisory Committee, and to also say that the
4 reason why I am here and the reason why we're
5 here obviously is because there have been
6 these fires. And there have been fires in
7 white churches.

8 Reporters often ask me, well, what
9 about the fires in white churches. There
10 have been fires in white churches. I have
11 had meetings with Duvall Patrick and James
12 Johnson who runs the Bureau of Alcohol,
13 Tobacco and Firearms office that's
14 responsible for this enterprise and stayed in
15 constant touch with them and the other
16 federal officials who are involved in the
17 task force. I have been to Boligee,
18 Alabama. I have been to Baker, Louisiana.
19 And when I leave here, I'm going to
20 Mississippi and then after that I am going to
21 South Carolina, North Carolina. We're going
22 everywhere, every State Advisory Committee in
23 which most of the large number of fires has
24 taken place as having a forum. The State
25 Advisory Committees are having forums and I

1 have promised to attend those.

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

13 The fires at white churches to my
14 knowledge -- and I have asked federal
15 officials this in every state and at the
16 national level. At none of the fires at
17 white churches have there been allegations
18 that the arson was done, in the case where we
19 suspect arson, for racially motivated
20 reasons, as a result of racially motivated
21 violence to our knowledge today.

22 We're concerned as the Civil Rights
23 Commission about religious discrimination and
24 race discrimination. Both are within our
25 mandate. So, that if the churches burned for

1 reasons of religious discrimination, we're
2 concerned about that, too, as are the federal
3 enforcement officials who have that as a
4 mandate.

5 But we're particularly concerned
6 consistent with our racial tensions in
7 America, a project which has been going on
8 now for about five years about evidence of
9 racially motivated violence. I have said
10 that I am not surprised that about seventy
11 percent of these incidents -- according to
12 the information I have been given, there is
13 at least some preliminary evidence that there
14 may be some racial motivation involved. It
15 does not surprise me. The places I have been
16 in to date have been racially polarized.
17 There have been degrees of segregation --
18 racial segregation, that I knew existed, but
19 that reporter's keep telling me everywhere I
20 go they didn't know. They came from
21 somewhere to come to these places and they
22 didn't know it existed.

23 But racial segregation exists and
24 people are not talking to each other. They
25 are not having conversations about the

1 issues. So, no matter who burned the
2 churches, we have a serious problem of racial
3 tensions and racial polarization in this
4 countries as evidenced by everything from
5 increases in hate crimes statistics to the
6 media and the opinion pole responses to
7 highly publicized events that occurred. And
8 so, the church fires should be really a
9 wake-up call to whoever perpetrated them to
10 get us to deal seriously with these issues.

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

24 I have a number of questions raised
25 with me privately and in forums about the way

1 people are carrying out their
2 responsibilities. Also the different
3 perspectives of state law enforcement
4 officials and national law enforcement
5 officials.

6 Some people are saying, well, you
7 know, there really hasn't been an up-surge in
8 fires. We just think there have been a lot
9 of them. In point of fact, the numbers show
10 that there have been increases in the last
11 couple of years. And I would say that even
12 if there were only one in each one of these
13 places, I would be concerned and I would be
14 concerned about that and about what is next.

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

20 Within thirty days after the forums
21 take place, we will have a transcript of the
22 forums, all of them, made available to the
23 public, to the media, and we will have
24 summaries of the transcripts, the information
25 that we found, which will be made available

1 to the public and then the SAC's may after
2 that use the materials however they wish in
3 determining what kind of reports they will
4 make.

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

8 MS. WURZBURG: Thank you very
9 much. The federal officials that I intend to
10 call will be Kelly Hankins from Senator Fred
11 Thompson's office, Paul Stanley from Senator
12 Frist's office, Trina Ingraham from
13 Congressman Ford's office. Then I will be
14 calling on Veronica Coleman, US Attorney for
15 the Western District of Tennessee. Jack
16 Barnett here from ATF.

17 UNIDENTIFIED SPEAKER: Being
18 represented by Dick Garner.

19 MS. WURZBURG: Dick Garner.
20 Okay. I have got your name down to call.
21 Richard Marquise. Thank you. Lawrence
22 Flagg.

23 MS. COLEMAN: I'm representing
24 the Marshall Service.

25 MS. WURZBURG: Thank you for

1 that.

2 MS. COLEMAN: I'm Veronica
3 Coleman.

4 MS. WURZBURG: Okay. Ernest
5 Stallworth I know is here. All right. I
6 would like to have, if you would, please,
7 Ms. Hankins. I think I may have gone out of
8 order of junior and senior senators, so I
9 apologize. I'm not a pro at this. Am I
10 right? I wasn't sure who's what.

11 MS. HANKINS: Yes, ma'am. Thank
12 you Chairperson Wurzburg, Chairperson Berry,
13 Mr. Doctor and members of the State Advisory
14 Committee. My name is Kelly Hankins and I
15 serve as the local field representative for
16 US Senator Fred Thompson. Senator Thompson
17 is in Washington today and regrets that he
18 could not be here personally. However, he
19 has prepared the following statement which I
20 will read on behalf:

21 Like most people I'm distressed over
22 these attacks on our houses of worship
23 throughout the state. For two thousand years
24 the church has been a foundation and a pillar
25 of strength for the community. When someone

1 desecrates a church, they strike at the very
2 heart of all that we hold sacred, decent and
3 honorable; our personal relationship with
4 God. For anyone to be so filled with hate as
5 to desecrate the Lord's house is indeed a
6 miserable and small person. However, even as
7 these forces of evil have struck, we must not
8 give in to the temptation to mistrust all
9 people.

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

17 In my capacity as your United States
18 Senator I have met with representatives from
19 the effected religious communities in my
20 Washington office and will meet with them
21 again in Tennessee. I have also been a
22 vigorous participant in the Senate hearings
23 on the matter. I supported the Senate
24 resolution condemning the burnings and I
25 voted for the new law expanding federal

1 criminal jurisdiction over church burnings.

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

13 People must have faith in the
14 objectivity and fairness of law enforcement.
15 While the overwhelming majority of federal
16 law enforcement officers deserve the trust of
17 his all, it is important during this
18 investigation that all agents notice the
19 activity -- that any activity that could
20 jeopardize the public's confidence in law
21 enforcement will not be tolerated.

22 Finally to be of more personal
23 assistance in this crisis I have recently
24 joined in an effort with Congressman J.C.
25 Watts of Oklahoma to launch an effort to

1 bring together the material resources and
2 expertise from the private sector to assist
3 church members in rebuilding their houses of
4 worship.

5 The Building Alliance is a private,
6 non-partisan, non-denominational organization
7 created to serve as a clearinghouse for all
8 church building efforts in cases of
9 burnings. This will will be an umbrella
10 group including organizations such as Habitat
11 For Humanity, Southern Baptist Conference,
12 Antidefamation League, National Council of
13 Church, and Christian Coalition.

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

25 It is my sincere hope that our law

1 enforcement establishment will be able to
2 apprehend those responsible and that we can
3 all come together to change the human spirit
4 so that these acts do not happen again. The
5 vigorous response to these acts must indicate
6 a resolve by many people to build better and
7 stronger bonds of community. Thank you.

8 MS. WURZBURG: Thank you. I
9 know it would be impossible for you to answer
10 an extemporaneous question coming from us for
11 the Senator. I would like to urge that you
12 spend as much time with us today so that you
13 could report back to the Senator some of the
14 information that will be given here this
15 afternoon.

16 MS. HANKINS: I intend to do
17 that, and I appreciate the opportunity.

18 MS. WURZBURG: Thank you very
19 much. We appreciate the Senate's sentiment.
20 I'm particularly interested about that lack
21 of sensitivity that occurred in that issue.
22 That's important what Chair Berry has brought
23 out. Mr. Paul Stanley.

24 MR. STANLEY: I would like to
25 take this opportunity to thank both Chairs

1 for extending the invitation for us to come
2 today. This is a very important panel that
3 has been established both on the federal and
4 the state level and it's something I think
5 will help all communities involved.

6 Just on a personal note, having
7 grown up in rural west Tennessee, I'm very
8 familiar with the types of churches no_matter
9 what the denomination or the community in
10 which they serve and the importance of those
11 churches to the individual communities that
12 they do serve. I think those are very, very
13 strong focal points of any rural communities
14 as well as an urban community, too, and the
15 churches have always been such a great place
16 for come to people together.

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

25 Since January of 1995 there have

1 been seventy-five fires at churches
2 nationwide. Over the past year and-a-half
3 there have been a rash of church burnings in
4 Tennessee with a total of six so far this
5 year. While some of these fires may have
6 been accidents, it is clear that others were
7 set intentionally.

8 As a United States Senator I will do
9 everything I can to ensure the individuals
10 responsible for church arsons are prosecuted
11 and punished to the fullest extent of the
12 law.

13 Without question we must work
14 together as community leaders, church
15 members, law enforcement officials, not only
16 to recover physically and emotionally from
17 the destruction of a place of worship, but
18 also to bring those who are responsible for
19 these deplorable crimes to justice.

20 In Congress we're doing what we can
21 to demonstrate our commitment to protecting
22 churches and punishing those who destroy
23 religious property. I'm a strong supporter
24 and co-sponsor of the Church Arson Prevention
25 Act of 1996, a bi-partisan bill to make it

1 easier to prosecute to the fullest extent of
2 the law those responsible for destroying
3 religious property.

4 Having grown up and raised my family
5 in Tennessee with many, many generations of
6 southerners in my family tree, I understand
7 the role that the local church plays in
8 communities across the south.

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

16 MS. WURZBURG: Thank you very
17 much. Again the same comment, I doubt that
18 you would be able to answer extemporaneous
19 question from us to you for Senator Frist,
20 but we urge that you stay with us as long as
21 you can.

22 MR. STANLEY: We appreciate
23 that. I did see the report that was
24 introduced at the press conference this
25 morning and I think there are some

1 correlations in there that can be tied not
2 only to the civil rights issues that we face
3 in Tennessee, but the many other issues as
4 well and I just want to thank you for putting
5 that together.

6 MS. WURZBURG: Thank you for
7 that acknowledgment. Ms. Trina Ingraham.

8 I'm going to ask that each of us try
9 and keep our voice levels as high as
10 possible. We wanted to keep this without the
11 barriers of microphones.

12 MS. INGRAHAM: Thank you. Good
13 afternoon Chairperson Berry, Chairperson
14 Wurzburg, members of the Tennessee Advisory
15 Committee and special guests. I am here on
16 behalf of Congressman Ford. My name is Trina
17 Ingraham. I'm not sure if the Congressman
18 was going to be able to make it. He was
19 trying to get into Washington, but he may be
20 able to make it for this event, but he did
21 want me to come on his behalf just to inform
22 you a little bit about what he has been
23 working on.

24 The Congressman was a co-sponser of
25 recent federal legislation, the Church Arson

1 Prevention Act of 1996. And I'm not sure if
2 everyone here knows about this legislation,
3 but what it did was it increased the federal
4 penalties for the burning of the churches.
5 It also appropriated more money for the
6 investigation into these church fires. It
7 also appropriated money to HUD for the banks
8 to provide loans to churches to rebuild and
9 it also increased the penalties.

10 Also the Congressman is a member of
11 the state task force and has been working on
12 that issue with them as well. And some of
13 the recent issues that they have been
14 researching into to address this particular
15 issue is posting signs on churches to let
16 people know that this is a federal crime now
17 and that any acts done against these churches
18 will be prosecuted to the fullest extent of
19 the law. Also, we will be working on risk
20 assessment brochures for these churches.

21 Another thing that we have been
22 working on is increased work by police
23 officers as far as driving by, monitoring the
24 churches, to let them know what's going on
25 with that; also running of ads for the

1 rewards and any tips on the arsonist; and
2 also, another thing that they will be working
3 on is equipping churches with technological
4 devices for monitoring, security devices and
5 things like that. So, that's what we will be
6 working on right now.

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

12 MS. WURZBURG: Thank you. We
13 thank the Congressman for being here with us
14 this morning. I hope he can slip in before
15 he has to get out of town.

16 Veronica Coleman, US Attorney for
17 the Western District of Tennessee.

18 UNIDENTIFIED SPEAKER: For the
19 record, my name is Veronica Freeman Coleman
20 and I'm the United States Attorney for the
21 Western District of Tennessee. Distinguished
22 members of this Commission, I'm pleased to
23 have the opportunity to be here today and
24 share with you my perspective on the crimes
25 committed against houses of worship in the

1 Western District of Tennessee as well as race
2 relations among the good citizens of
3 Tennessee.

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

10 I feel that in my capacity as United
11 States Attorney that I represent certainly
12 all of the federal law enforcement under the
13 Department of Justice guidelines, but in
14 particular in these cases we've had an arson
15 task force for a while that comprised of
16 federal, state and local law enforcement
17 officials.

18 And I have been in communication
19 with the US Marshall and he was enable to
20 make it today, so I feel quite capable in
21 representing him. You will have an
22 opportunity, however, to hear from the
23 special agents in charge for the ATF and the
24 Federal Bureau of Investigation. But in
25 terms of overall responsible, I accept

1 whatever you wish to place upon me.

2 I must begin by noting that my
3 appearance here today is a study in contrast
4 between the past and the present. I'm one of
5 eleven African American United States
6 Attorneys appointed by President Clinton.
7 This number represents at least twice and
8 probably triple the number of such
9 appointments in the entire history of this
10 nation. I am here today not just because a
11 Senator, a President and the Senate of United
12 States approved my appointment, but I'm also
13 here because of the sacrifices and struggles
14 of my parents and forebearers in the fight
15 for freedom and equality.

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

23 Martin Luther King did not die in
24 vain. Although I'm not a native Memphian, I
25 am the beneficiary of the struggles, both

1 legal and moral, that were fought in the
2 streets of this great city. King's legacy of
3 courage and spiritual leadership was the
4 fulcrum for the improvement of race relations
5 for this city and the nation. And although
6 race relations are not perfect or where they
7 should be, your list of invited witnesses
8 speaks volumes about the progress this city
9 has made in the area of race relations.

10 But most importantly today I am here
11 as the legal representative of the federal
12 government, for in this capacity I represent
13 all of the people and I take that
14 responsibility very seriously. I look with
15 disgust and sadness at the events that bring
16 us together today, but I look at the future
17 with hope and optimism. I am disgusted that
18 anyone for whatever reason would burn a place
19 of worship. I am saddened that history could
20 repeat itself because the lessons of the past
21 have been forgotten. You can burn the
22 physical structure, but you cannot burn the
23 eternal spiritual flame that resides in the
24 hearts and souls of people.

25 I'm hopeful that because of the

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

14 The Western District of Tennessee is
15 comprised of twenty-two counties. There are
16 seventeen counties in the eastern division
17 and five counties in the western division.
18 Our main office is here in Memphis and serves
19 the western division and our branch office is
20 in Jackson, Tennessee, and serves our eastern
21 division.

22 There have been four church fires in
23 the eastern division. These were African
24 America congregations. In the western
25 division there have been at least six fires;

1 one an African America congregation and five
2 predominantly white congregations.

3 The arson task force includes agents
4 from the Federal Bureau of Investigation, the
5 Alcohol, Tobacco and Firearms Bureau, the
6 Tennessee Bureau of Investigation, the State
7 Fire Marshall and other state and local
8 police and sheriffs. These men and women
9 have been working feverishly day and night to
10 solve these and other crimes similar in
11 nature. They have accepted the fact that
12 their actions are microscopically examined
13 and they are committed to solving the crimes
14 even at the expense of their own family
15 lives.

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

1 The federal government is using its
2 full range of resources to respond to these
3 violent acts directed at houses of worship
4 and any sort of desecration or destruction of
5 any place of worship is considered among the
6 most despicable crimes reaching to the most
7 deeply felt of all America tenets, which is
8 religious freedom.

9 Law enforcement has been given a
10 boost by the President and Congress, so our
11 job at the local level must be to utilize
12 these resources to their fullest extent, but
13 most importantly these investigations must
14 begin with an open mind without pre-supposed
15 conclusions. Investigative and prosecutive
16 decisions must be made without fear or
17 favor. Some decisions are very difficult to
18 explain to the public because of the legal
19 and ethical constraints placed upon
20 prosecutors and investigators, but I can
21 assure you that the men and women in my
22 office and all of investigative agencies on
23 our task force are deeply concerned about
24 what is happening in our community and we are
25 totally committed to bringing to justice

1 those who have assaulted our places of
2 worship.

3 The words of one prominent
4 US Attorney sums up my feeling about my
5 responsibility as a prosecutor. His name was
6 Whitney North Seymore and he drafted a creed
7 that many prosecutors hang on their walls.

8 He said: Prosecutors are lawyers
9 expected to be public servants more than they
10 are advocates. To be a prosecutor requires
11 commitment to absolute integrity and fair
12 play, to candor and fairness dealing with
13 adversaries and the courts, to careful
14 preparation not making any assumption or
15 leaving anything to chance and to never
16 proceed in any case until convinced of the
17 guilty of the accused or the correctness of
18 one's position.

19 To be a prosecutor demands unusual
20 personal qualities. They include promptness,
21 dependability, precision, thoughtfulness,
22 decency and personal courage and conviction.
23 Seymore further felt that one's basic crede
24 should be like Thomas Payne's: The world is
25 my country, all mankind are my brethren and

1 to do good is my religion.

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

4 MS. WURZBURG: Thank you.

5 Despite the acknowledged classmate status,
6 some of the questions that will be asked may
7 be pertinent and important questions I
8 think.

9 MS. BERZ: One of the things
10 that I have been struck by is the apparently
11 reactive position of the government. In 1991
12 I was privileged to attend the meeting
13 sponsored by the Department of Justice on
14 hate crimes which were on the increase and
15 and have with me -- as a matter of fact, I
16 dug up all of that information. I'm sure
17 that you have the answer and that was why I
18 was waiting for your cohorts from the FBI and
19 the ATF to be up there to help you out a
20 little bit.

21 MS. BERRY: May I interrupt?
22 She's in charge of them on this. The Justice
23 Department, according to what I was told by
24 the Attorney General's Office, the US
25 Attorneys have been asked to coordinate an

1 arson task force, and the special agents in
2 charge of the FBI and the ATF are part of
3 that task force. Her responsibility and each
4 US Attorney has been charged with the
5 responsibility by both the Treasury and
6 Justice departments to coordinate these task
7 forces. So, she should know something.

8 MS. COLEMAN: If I don't know
9 anything, you will find out quick.

10 MS. BERZ: I'm amazed at the
11 reactive stance. I am concerned that all of
12 this information or a great deal of
13 information about hate crimes and even more
14 severe happenings like Oklahoma -- except
15 Oklahoma wasn't named -- and church burnings,
16 especially the activities of not only the
17 Skin Heads and Neo-Natzis, et cetera, were
18 known back in 1990, 1991, because I was
19 there. That's what I was trained to do. And
20 yet, here we are in 1996 and there has been
21 no pro-active stance in the five years to
22 prevent these sorts of things or at least it
23 seems there has been none.

24 As a matter of fact, the positions
25 of the CRS and the Justice Department were

1 cut and then called back. There seems to be
2 no leadership at the national level. I guess
3 the two questions I wrote here, Ms. Coleman,
4 were, why the reactive stance and why did it
5 take church burnings to finally get the
6 attention of Justice when we have been having
7 hate crimes and racial problems, at least I
8 can say to the official attention of the
9 government, since 1991 when I was called to
10 Atlanta to get trained. Can you help here?

11 MS. COLEMAN: Well, while I feel
12 that part of my responsibility may be
13 pro-active or preventative in nature, I don't
14 really see that as my largest
15 responsibility. If there are crimes that are
16 committed that are federal crimes then, yes,
17 that's our responsibility to prosecute. Do
18 agencies collect information or have
19 knowledge of hate groups and, you know, the
20 fact that they exist? I would venture to say
21 yes, they do, but if they simply exist
22 without committing criminal acts, then they
23 exist and their existence is acknowledged.

24 I would not like to think that there
25 are hate crimes that have been committed in

1 the Western District of Tennessee since
2 October of 1993, which was when I was sworn
3 in, that we haven't investigated or taken
4 seriously or prosecuted when they arise. So,
5 I'm not sure what your expectations are of
6 the government with that intelligence.

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

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

1 focusing on prevention.

2 I will say in regard to the church
3 fires, which is what we're here today to talk
4 about, a hundred thousand police officers on
5 the street is not going to prevent a crime
6 against a rural church that's sitting out in
7 the middle of, you know, a cotton field or
8 peanut field when you don't anticipate that
9 that's going to happen.

10 MS. BERZ: I guess maybe your
11 words, we don't anticipate it's going to
12 happen, I think there was anticipation at
13 least five years ago -- not by you. It's
14 putting you in the hot seat I'm sure -- that
15 these things were probably going to happen.
16 And you're right. I don't think that putting
17 more police officers on the street is
18 preventative, but I think that there are a
19 number --

20 MS. COLEMAN: Not these types of
21 crimes.

22 MS. BERZ: Yeah, I think that
23 when we're talking about having knowledge, I
24 think education is preventative. I think
25 getting communities together is

1 preventative. And that may not be your
2 bailiwick.

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

9 MS. COLEMAN: He will address
10 that.

11 MS. BERRY: You can wait for him
12 to address that.

13 MS. BERZ: That's mainly what I
14 wanted to say. You may want to follow up on
15 that.

16 MS. ZIEGLER: So, there were ten
17 churches, I think four in the east and six in
18 the west. How many of the perpetrators have
19 been caught?

20 MS. COLEMAN: At this time?
21 Well, none.

22 Let me be perfectly accurate. There
23 is one individual who has been charged by the
24 State Prosecutor's Office and we are looking
25 at potential federal charges.

1 MS. WURZBURG: I think it might
2 be helpful for us to know the different
3 resource at the beginning of these incidents
4 as compared to the kind of resources that
5 have just poured in as of late.

6 I guess what I want to know, what
7 was the threshold event that has created, oh,
8 we've got a problem, you know? A lot of
9 folks have been saying to us, our churches
10 have been burned, we think it's racially
11 motivated. And they have been telling us
12 that since almost '91 or for a long time
13 now. I don't want to answer the question
14 myself by saying this is a political year,
15 but I think what I want to know know is, it
16 may be helpful to us to know the impact of
17 the new emphasis and what kind of resources
18 do you now have available that you didn't
19 have before.

20 MS. COLEMAN: I'm going to
21 answer it in two perspectives. The first
22 perspective is that the earliest fires in
23 this district that are recognized of record
24 were investigated. And again, Agent Garner
25 will be able to address this issue as well.

1 But three out of the four were investigated
2 and one we just didn't know about, and we
3 found out about later that they didn't report
4 the fire. But they were investigated and
5 files opened at the federal level.

6 The additional resources --
7 obviously we don't just investigate and
8 prosecutor church arsons. I mean, our
9 jurisdiction requires us to prosecute a host
10 of federal crimes. The additional resources
11 clearly means that we can spend more time
12 focused on these particular fires, but I
13 don't want to leave the impression that they
14 weren't investigated at all, because that's
15 an incorrect impression.

16 MR. DUPREE: At the time you
17 were sworn into office in 1993, what type of
18 hate group monitoring or hate group
19 recognition was being done in this section of
20 the state?

21 MS. COLEMAN: I was not aware of
22 any monitoring.

23 MR. DUPREE: Was it being done
24 by your office?

25 MS. COLEMAN: My office does not

1 monitor, no.

2 MR. DUPREE: Was Justice
3 monitoring in any way on the national scope
4 that you knew of at that time?

5 MS. COLEMAN: I don't have any
6 knowledge of that.

7 MS. BERRY: Let me just make a
8 statement and then ask you a question to shed
9 some light in terms of context. First of
10 all, the Hate Crimes Statistics Act required
11 police departments to report hate crimes.
12 They were reported by local police, not by
13 the US Attorney's Office. And the Justice
14 Department tracked those, including any that
15 took place here in Tennessee until the act
16 expired, which has now been renewed in the
17 Senate. I think they just finished. I
18 haven't kept track of the final passage or
19 not, but it's going to be passed if it
20 hasn't, because it has bi-partisan reports to
21 keep track of these.

22 The statistics. There is some
23 questions about whether they are totally
24 reliable because sometimes police departments
25 don't know what to identify. This was on the

1 minds of the US Commission on Civil Rights
2 when five years ago we decided to do a
3 project on racial tensions in America's
4 communities. The reason why we decided to do
5 the project at the national level all over
6 the country was because we were concerned
7 about all the indicators, as I said in my
8 opening statement, that were there including
9 hate crimes statistics, and the query is why
10 no one else seemed to get that concerned
11 about it.

12 And the other query is, no matter
13 what we did, how many reports we've done --
14 and we've done a number on racial tensions
15 and these state committees have. The second
16 point is the resource question that was asked
17 of you.

18 The Commission did a report last
19 summer on budgets for civil rights
20 enforcement in the federal government, and
21 the reports showed that no agency that
22 enforces the civil rights laws, including the
23 Justice Department, had adequate resources to
24 do its job and that in fact there were budget
25 cuts all over the place at the same time that

1 discrimination was on the rise and at the
2 same time that tensions were on the rise and
3 we complained then bitterly about the failure
4 to give the kind of resources that were
5 needed.

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

15 Particular administration had
16 requested budget increases and they didn't
17 get them. In fact, this Community Relation
18 Service, which is responsible for
19 conciliating tensions of all kinds was
20 decimated. I think that's a polite way to
21 put it. So, the big picture answer is in the
22 face of an increase in tensions and in the
23 face of all kind of polarizing issues, the
24 resources weren't there.

25 Now, it is obvious to me -- and I

1 want to ask you this: You have gotten
2 increased resources as a result of the church
3 fires. I don't know whether you personally
4 did or your office, but at the federal level
5 there have been more resources allocated
6 generally to the ATF. And the CRC, Civil
7 Rights Commisson and the Community Relation
8 Service had some staff members detailed the
9 last time I heard to help them to deal with
10 these issues.

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

18 And you're a prosecutor, so your job
19 is not to, I guess, deal with underlying
20 tensions. But did your office get any
21 additional resources or did any of the
22 agencies in your task force get any
23 additional resources as a result of this?

24 MS. COLEMAN: I believe the
25 agencies did and I'll let them tell you what

1 they received. I don't have any more
2 prosecutors. We have an outstanding
3 relationship, however, with the Civil Rights
4 Division in Justice. What they have done in
5 fairness to them is they facilitated some
6 review requirements that might normally take
7 longer going through the channels. They can
8 walk paperwork through us quicker. And
9 that's helpful to us, because we need that.

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

19 MS. BERRY: My last question is
20 just a very simple one. Have you had any
21 hate crimes to prosecute since you have been
22 US Attorney or have any occurred in your
23 district, to your knowledge?

24 MS. COLEMAN: The answer is yes
25 and no. The answer is yes, there have been

1 some. One in particular was prosecuted.
2 They were juveniles prosecuted in the state
3 system. When they do that adequately then we
4 don't step in.

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

16 I can say this, if you will allow
17 me, on not just a personal, but a personal
18 professional note about my office and how
19 they feel about the community in which they
20 live. This last year for the first time they
21 adopted a junior high school. So, in terms
22 of prevention, this is on our minds. That is
23 how we as prosecutors, you know, play a role
24 in terms of prevention or being pro-active.
25 We understand that, but in our professional

1 roles, you know, you have got to bring us
2 evidence that's admissible in a court of law
3 and we prosecute vigorously. That's our
4 primary role.

5 MS. WURZBURG: Could I ask
6 Mr. Garner and Mr. Marquise to join
7 Ms. Coleman at the table?

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

10 MS. COLEMAN: Until about
11 quarter of 3:00, then I must go.

12 MS. WURZBURG: Yes, you told
13 me. Mr. Doctor, do you have a question?

14 MR. DOCTOR: I certainly do,
15 Madam Chair. Ms. Coleman, could you share
16 with us, if you will, a bit more information
17 about the task force that you coordinate here
18 in the western district of the state and
19 could you also share information with us
20 regarding the various agencies that make up
21 that particular task force?

22 MS. WURZBURG: Kind of a flow
23 chart.

24 MS. COLEMAN: A flow chart? I
25 don't think it's going to be susceptible to

1 that easy a configuration. The Federal
2 Bureau of Investigation offices, can I call
3 that the house of the task force. Offices in
4 Jackson, Tennessee, house both the FBI as
5 well as the ATF agents working on the task
6 force. There are local sheriffs or deputies
7 from their departments, I believe some police
8 officers, also two TBI agents, which is the
9 Tennessee Bureau of Investigation, the state
10 agency, assigned to the task force. The best
11 way to describe it, they work in cooperative
12 relationships in terms of making assignments
13 and spreading out their resources to work on
14 the varying cases that are out there. If you
15 want more detailed information -- you know, I
16 not sure exactly what you want. There is no
17 real flow chart.

18 MS. WURZBURG: Like, for
19 example, are you meeting on a regular basis?

20 MS. COLEMAN: They live together
21 virtually. They are housed together.

22 MR. GARNER: I'm Richard
23 Garner. I'm special agent in charge of the
24 Nashville office that includes offices
25 throughout the state of Tennessee. We do not

1 have an office in Jackson. The FBI has an
2 office in Jackson. So, I have taken my
3 supervisor from our Memphis office and
4 relocated him temporarily up in the Jackson
5 area, so I have a supervisor on-site and the
6 FBI has a supervisor that resides in
7 Jackson. So, those are the two supervisory
8 agents that are responsible for the work of
9 the task force.

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

15 MS. COLEMAN: And I'm in
16 communication with them almost on daily
17 basis. I get feedback and updates.

18 MS. WURZBURG: The impression I
19 think the public has is that you have dropped
20 everything else you're doing and going on
21 this full steam ahead. Is that the correct
22 perception?

23 MR. GARNER: No.

24 MS. WURZBURG: Okay. You want
25 to enlighten us? Help us here understand

1 what's happening.

2 MR. MARQUISE: I'm Richard
3 Marquise. I'm assistant agent in charge of
4 the FBI in Memphis which covers the middle
5 and western districts of Tennessee. The FBI
6 is responsible for investigating over two
7 hundred and fifty different violations of
8 federal law. Civil rights statutes are just
9 a small portion of those statutes that we're
10 responsible for investigating.

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

19 MS. WURZBURG: Other questions?

20 MS. BERRY: I would like to
21 know, there have been reports in the press
22 and some reports that people have given to me
23 privately at some of these places where I
24 have been about the black churches losing
25 insurance. And somebody just handed me a

1 news article and I assume that prosecutors
2 and federal agents read the newspaper also or
3 watch the news if you don't do anything else,
4 so you must know that there have been some
5 allegations about church discrimination.

6 I'm planning in our meeting of the
7 Commission on Friday to tell the
8 Commissioners that I am asking Attorney
9 General Reno to direct you folks to try to
10 look into this issue. But since I am here
11 and you're here, why don't I ask you while I
12 am here, are you aware of these allegations
13 about insurance and whose jurisdiction is
14 this if black churches are not given
15 insurance on a discriminatory basis or at
16 least that's the allegation. Whose job is
17 that?

18 MS. COLEMAN: It would be among
19 our responsibilities to investigate, but
20 until we hear a complaint that there has been
21 insurance fraud or some violation of federal
22 law, you know, we wouldn't just investigate
23 based upon a newspaper article.

24 MS. BERRY: So that you need us
25 to send you the complaint through the normal

1 channels?

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

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

25 MS. BERRY: And I was asked also

1 to announce that the Lawyers Committee for
2 Civil Rights Under Law has a task force of
3 thirty corporate attorneys who are partners
4 in big law firms who have announced they will
5 represent any of these churches for free in
6 litigating any claim that they might have
7 against insurance companies, and which I
8 think was a very promising development. And
9 their phone number is 202-662-8600. And we
10 will then forward the complaints to the
11 Justice Department and have them go through
12 the normal channels. Thank you.

13 MS. WURZBURG: I was asked by
14 Mike and Dhyana regarding Ms. Coleman. Do
15 you want your questions before or after you
16 let Mr. Garner and Mr. Marquise make their
17 presentations.

18 MS. ZIEGLER: I have some
19 questions for all three. They talked about
20 investigations, and that's what my question
21 is about. It has been sort of reported out
22 there that these fires are part of a
23 conspiracy or they may be isolated incidents
24 or whatever.

25 I'm just curious, where are your

1 investigations leading you as far as your
2 conclusions?

3 MS. COLEMAN: Well, these are
4 difficult questions for us to answer, so I'll
5 just simply generally say that they lead in
6 lots of different directions.

7 MS. ZIEGLER: So, all of the
8 above?

9 MS. COLEMAN: All of the above,
10 yes, ma'am.

11 MS. WURZBURG: Mike.

12 MR. MCCROSKEY: Considering the
13 time frame -- or the anxiety that we have
14 created, can you give us some sort of time
15 frame when you feel there will be more
16 definitive answers? Because obviously we're
17 concerned not to be jeopardizing the ongoing
18 investigations, but at the same time there is
19 a lot of anxiety in trying to get what is the
20 bottom line.

21 MS. COLEMAN: I wish I could say
22 it was all solved yesterday, but there is no
23 way to predict how long an investigation will
24 last or that you will ever solve each and
25 every one of them. You know, all we can

1 offer is that we're committed to continue to
2 work these as hard as we can until there is
3 just nothing else, no other leads left to
4 follow or until we bring somebody to
5 justice.

6 MR. DUPREE: It's my
7 understanding that the Justice Department
8 Community Relations Service, or the CRS, are
9 the ones normally doing investigations, hate
10 crime statistics and hate crime reporting and
11 so forth in the past. Is that correct?

12 MS. COLEMAN: I have to be
13 honest with you, I have never seen one of
14 those reports.

15 MR. DUPREE: That's what I was
16 getting ready to ask, whether your department
17 coordinates with them in any way in exchange
18 of information.

19 MS. COLEMAN: I have met with
20 the community relations person that was
21 representing our district when I first came
22 on board. He paid me a visit. I knew of his
23 existence and what services he offered. And
24 when we had the problem in Millington, I
25 called him and asked him if he knew anything

1 about it and if he would participate. Beyond
2 that, other than a resource for me and I know
3 he's there. We haven't had any other
4 communication.

5 MS. WURZBURG: I think our time
6 constraints require us to go go ahead and an
7 a let Mr. Garner and Mr. Marquise make their
8 statements.

9 MR. GARNER: I want to also
10 thank each of you for the opportunity to
11 participate on this panel today and I applaud
12 the Commission's efforts as you bring
13 together the law enforcement officials here,
14 the religious leaders, the elected officials
15 and other members of the community in a forum
16 that will allow exchange of ideas as we seek
17 out answers to the problems confronting us.

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

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

8 As I mentioned earlier, I represent
9 the men and women throughout the state of
10 Tennessee, and in the past several months I
11 have had an opportunity to travel throughout
12 Tennessee to these task force sites and not
13 only talk with our special agents, but other
14 members of the task forces, and I can assure
15 you that the investigative personnel on these
16 task forces are equally appalled that anybody
17 would destroy a church building.

18 These officers, the men and women,
19 have been willing to give us weekends and
20 holidays and anniversaries and birthdays to
21 follow every possible lead that they could.

22 They have also shared with me their
23 frustrations, and one of their frustrations
24 that they have is that the rewards that are
25 being offered are generating very few leads.

1 They are also concerned about the many other
2 rural church buildings that continue to make
3 ideal targets for arsonists and thus the
4 potential for further devastation is ever
5 present, but they are not discouraged and
6 they are totally committed to ensure that
7 these investigations will be complete.

8 And just very briefly, in Tennessee
9 thus far our investigative response has
10 included the use of our division response
11 team to respond to the scenes as quickly as
12 possible when we have a fire. We've used the
13 expertise of our certified fire
14 investigators. We've used on-site
15 examination by our laboratory forensic
16 personnel. We've used the expertise of our
17 special agents that are assigned to the FBI's
18 behavioral science branch. We've used all
19 the computer data bases we can from our
20 intelligence division, and I have continually
21 brought in out-of-state agents to help us
22 work on these fires.

23 And in addition to that, we're now
24 meeting with church leaders in an effort to
25 improve those lines of communication. Some

1 of those ministers are in our audience
2 today. And our particular thrust right now
3 is to get out a document entitled The Church
4 Threat Assessment Guide, and I brought one
5 for each of you if you're interested. As I
6 mentioned, there is still so many churches
7 out there that are still vulnerable and we
8 believe this document will help in very
9 realistic ways to make a church and its
10 property less vulnerable to these that would
11 make an effort to destroy such property.

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

1 today.

2 MS. WURZBURG: Mr. Marquise.

3 MR. MARQUISE: Thank you. Good
4 afternoon. On behalf of the FBI I appreciate
5 the opportunity to speak before your
6 Commission and discuss issues relating to the
7 recent church burnings in Tennessee,
8 specifically those in west Tennessee.

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

21 Why are churchs the victims of
22 arson. Obviously some fires are accidental.
23 Unfortunately there are church fires which
24 have been deliberately set. A church, after
25 all, is an extremely vulnerable target. By

1 its very nature the church is accessible to
2 the community it serves, often lacking any
3 security system beyond the lock on the door.
4 Many churches are located in remote and
5 isolated areas where they serve their
6 parishoners well, but where they frequently
7 are out of sight of any potential witnesses
8 when fires occur.

9 --- -- It's been the FBI's experience that
10 motivations for these crimes can range from
11 the bizarre to the deliberately criminal. In
12 most instances the true motivation may not be
13 immediately apparent and can only be
14 determined after through investigations.

15 Churches is a have visible community
16 institution can also be targeted by
17 pyromaniacs. We can also not ignore the
18 possibility that the motivation may be a
19 dispute within the congregation, collection
20 of insurance proceeds, concealment of
21 financial mismanagement or some other
22 retaliatory or personal motivation.

23 Finally most disturbing churches can
24 be targeted out of racial, religious or
25 ethnic hatred. This is the primary focus of

1 the FBI's jurisdiction involving the church
2 arsons. Our jurisdiction is based on various
3 statutes, but primarily is founded in civil
4 rights statutes where individuals are
5 deprived of their right to use church
6 property free of discrimination and also
7 includes damage to religious property.

8 As of June 18, 1996, the National
9 Church Arson Task Force, which incorporates
10 both the departments of Justice and Treasury,
11 had encountered approximately ninety-six
12 church arsons currently under investigation.
13 Our goal is to solve each and every one of
14 these cases and bring individuals identified
15 to justice. To this end, we're working
16 jointly with state and local authorities, the
17 Bureau of ATF, the United States Attorney's
18 Office, the State Fire Marshall here in
19 Tennessee, and the Tennessee Bureau of
20 Investigation. This coordination is
21 important to ensure that no lead is
22 overlooked and duplication of effort is
23 avoided.

24 The FBI along with other agencies
25 have posted rewards in many of these cases in

1 the attempt to further identify potential
2 witnesses and/or sources of information.
3 Currently there is approximately eighty
4 thousand dollars available for information
5 leading to convictions in each one of these
6 cases. Mr. Garner said we've not had very
7 much fortune with that reward out there.
8 Hotlines have been established in many
9 locations to facilitate the receipt of
10 critical information from the public.

11 The ATF and the FBI and the US
12 Attorney's Office, victim and witness
13 coordinators, have made contacts with
14 individuals in communities in west Tennessee
15 whose churches have burned to advise them of
16 our concern. The special agents in charge of
17 the FBI and ATF for the Western District of
18 Tennessee, as well as Ms. Coleman, have met
19 with church members in an effort to assure
20 them of our dedication to and interest in the
21 successful resolution of each one of these
22 cases.

23 In March 1996 the FBI hosted a
24 conference in Birmingham, Alabama, to explore
25 the nature and extent of crimes motivated by

1 racial and religious hatred. Also invited to
2 attend were ATF agents assigned to the
3 investigation, DOJ attorneys, United States
4 Attorneys. And African America community
5 leaders addressed the conference about their
6 concerns and suggested ways in which law
7 enforcement and particularly the FBI and ATF
8 can forge better partnerships with their
9 communities.

10 Although these cases are difficult
11 to solve because of the fact that very often
12 an arson by its own nature results in the
13 destruction of all available evidence, there
14 have been successes in the recent past around
15 the country to include Tennessee.

16 On January 29, 1995, three white
17 males decided to avenge the fact that one of
18 them had been ejected from an African
19 American owned bar in Maury County,
20 Tennessee, just south of Nashville. In
21 addition to attempting to burn down their
22 bar, they also set fire to African America
23 churches on that evening. As a result of a
24 multi-agency investigation, on March 12,
25 1996, all three were convicted in federal

1 court on one count of conspiracy against
2 rights and sentenced to terms of imprisonment
3 ranging from thirty-three to fifty-seven
4 months.

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

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

1 and provide information which they may have.

2 Thank you for allowing me to address
3 the Commission today.

4 MS. WURZBURG: Let me re-ask a
5 question and add another quickly. Help me to
6 know what was the threshold event that has
7 all of a sudden brought such national
8 attention to bear on law enforcement. I
9 mean, did it take church number twenty-seven
10 and all of a sudden that's why we got this
11 deal. I think the public needs help about
12 that. And secondly, Ms. Coleman, had to just
13 say all of the above when asked the question,
14 what do we think we're looking at.

15 I think what the public really wants
16 to know is, has this become a fad, let's go
17 get us a church didn't kind of thing? Or is
18 there some underground assignment of people
19 in various locations promising to burn a
20 church. I mean, are we dealing with, as
21 Dr. Berz has said in her capacity as a
22 therapist, are we dealing with an overt
23 conspiracy or a conspiracy of ideas? Help us
24 here, if you will.

25 MS. COLEMAN: As to your first

1 question, I'm not sure how it's possible to
2 answer about a threshold event. So, I don't
3 know how to respond to that. I don't know
4 how you could determine what was a threshold
5 event. The fact of the matter is that we're
6 faced with some serious crimes that are in
7 all of our minds are despicable and we're
8 doing everything in our power to address
9 them. So, the threshold event is some way
10 irrelevant an at this point. We're dealing
11 with it.

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

20 What I do see, and I think what all
21 of us see, is that a focus on these issues
22 that does focus attention on race relations
23 in this country. You know, let's be frank,
24 racism, while we've improved our condition
25 greatly, is still alive and well and so, to

1 the extent it focuses attention and
2 discussion of race relations then that's
3 fine, but it's not going to help solve these
4 fires.

5 The attention that's drawn from the
6 national media has a good and bad affect.
7 The bad affect is that it creates copy cats.
8 Obviously we now have to deal with people who
9 would just think it's a good idea to do it or
10 to cover some other reason. But the good
11 side of it is, one, the community discussion
12 and debate, but, two, it has brought
13 resources into these communities that may
14 never have happened before. Salem Baptist
15 Church in its process of rebuilding has
16 people coming from Texas helping them. This
17 is a white church -- helping them in
18 rebuild. In fact the pastor, you might ask
19 him this afternoon when he speaks if he is
20 here, when their church that was burned, it
21 was a white church that took them in and
22 allowed them to have services with them and
23 among that congregation, that community. And
24 in fact, when the media came -- and I think
25 he said this when we were at Macedonia. He

1 said when the media came to interview him
2 about the devastation at his church, they
3 didn't even focus where they were located.
4 They didn't take a picture of the mixed
5 congregation that they were in, and he was
6 some what disappointed I think with that.

7 But nevertheless, there have been
8 some terribly good things that have come out
9 of this. I believe there are some Amish
10 people who have come down to help rebuild a
11 church. I want to say it's in Mississippi;
12 maybe Kossuth, Mississippi.

13 At this point in time, there is so
14 many attention by so many people.

15 MS. VAUGHN-GARRETT: In the
16 total number of church fires, are there
17 numbers being kept as to the make-up of the
18 congregation? Some media will say that it's
19 a predominantly black or predominantly white
20 or they will say it's black or white, and I
21 think to them it means the same thing. To me
22 it doesn't.

23 Are there numbers being kept on each
24 of them, the black churches and the white
25 churches as to whether there were other

1 members of other races in their church.

2 MS. COLEMAN: I don't think we
3 as investigators --

4 MR. MARQUISE: The National
5 Arson Task Force does have statistics about
6 that.

7 MS. VAUGHN-GARRETT: Are there
8 any patterns emerging?

9 MR. MARQUISE: I don't know if
10 this is a pattern. I think they found that
11 there are a number of white churches. I
12 think the initial media focus was on black
13 churches, but I think when they went back and
14 started counting them -- we found a number
15 here in Memphis that were white churches.

16 MS. VAUGHN-GARRETT: White
17 churches. But I'm asking, did that mean a
18 hundred percent white? There is no black
19 people at all?

20 MR. MARQUISE: I don't know.

21 MS. VAUGHN-GARRETT: Or other
22 races of people in their churches?

23 MR. MARQUISE: There was a
24 Catholic church that burned two weeks ago.
25 And I don't know, but I going to assume --

1 I am told there was some blacks that belonged
2 to that parish, but I'm told it's
3 predominantly a white parish, but there are
4 some.

5 MR. BLUMSTEIN: I have a
6 technical question, Mr. Garner, about
7 jurisdiction. Mr. Garner mentioned a statute
8 about harm to property affecting interstate
9 commerce and Mr. Marquise talked about the
10 use of property.

11 Ms. Coleman, this will be directed
12 to you. What is the jurisdictional base that
13 you're using?

14 I do worry about it effecting
15 commerce rationale at the end of the day that
16 that will disappear on you on a Lopez type
17 claim and that will be extremely
18 frustrating. The civil rights statute seems
19 to be safer territory. Have you all thought
20 about that question about the appropriate
21 jurisdictional basis for proceeding?

22 MS. COLEMAN: Yeah. First of
23 all, you have to define the defendant to
24 prosecute and you have to have the facts, you
25 know, the given facts of a specific arson to

1 know what it is you're going to charge, but
2 clearly there is federal jurisdiction under
3 844, which is the arson statute, but the
4 civil Rights statute, if the factors are
5 accurate under 241 -- I'm not a civil rights
6 lawyer, so let me make sure that you
7 understand that. I have lawyers on my staff
8 who have the expertise and we utilize the
9 civil rights division out of Department of
10 Justice for the additional expertise.

11 The Lopez problem arises under
12 18-248, which I believe it was originally the
13 abortion clinic statute, and they have
14 addressed that. So, chances are there may
15 not be cases brought under that particular
16 section.

17 247 they have indicated has just
18 been revised and simply reads, intentionally
19 to deface damage or destroy any religious
20 real property because the religious character
21 of that property, which would certainly make
22 federal prosecution easier and you do have to
23 prove that the offense is or effects
24 interstate commerce. There are a number of
25 ways that I understand would prove affecting

1 interstate commerce.

2 MR. BLUMSTEIN: My only follow
3 through on that, I would urge you to give
4 some thought at the front end as you
5 investigate these to establish the interstate
6 commerce linkage so at the end of the day,
7 you don't get caught totally down.

8 MS. COLEMAN: I appreciate
9 that. We've got agents talking directly to
10 the lawyers in civil rights DOJ making sure
11 we do just that. Thank you.

12 MR. MARQUISE: The new statute
13 just passed last month takes out the
14 interstate commerce.

15 MS. ZIEGLER: This is for
16 Mr. Marquise. You mentioned something about
17 one person was sentenced to thirty-three
18 months or something like that. Ideally if
19 someone's sentenced to thirty-three months,
20 how soon could that person get out?

21 It seems to me that the sentencing
22 is a little bit light.

23 MS. COLEMAN: Not in the federal
24 system. There is no parole in the federal
25 system.

1 MS. ZIEGLER: Is there any
2 movement to make the sentencing tougher and a
3 few more -- you know, like, I mean, ten years
4 or five years to really send a strong
5 signal?

6 MS. COLEMAN: Under one of the
7 statutes they just amended that increased the
8 punishment from ten to twenty years.

9 MS. ZIEGLER: Thank you.

10 MS. MILLER-PERRY: Your task
11 force at your office and at the ATF and the
12 FBI, how many African Americans sit on that
13 task force, particularly from ATF?

14 MR. GARNER: On the task force
15 in Jackson I have brought in from out of
16 state several African America special
17 agents. I have two African America special
18 agents that are working on it intermittently
19 in our Memphis office and so, that number
20 would range from a low of one to as high as
21 three or four, five possibly at would be
22 time.

23 MS. MILLER-PERRY: Out of the
24 total number of how many?

25 MR. GARNER: From ATF we would

1 have anywhere from eight to twelve agents
2 plus support personnel working at any one
3 time.

4 MS. MILLER-PERRY: And the FBI.

5 MR. GARNER: That would be on
6 five fires in the area of Jackson. Over in
7 Knoxville, I have also got African America
8 special agents involved in that
9 investigation.

10 MS. MILLER-PERRY: FBI?

11 MR. MARQUISE: We have no
12 African America agents assigned to Jackson or
13 resident agents. We have sent on a temporary
14 duty basis one to two at a time up to Jackson
15 for thirty days at a time to assist. That's
16 how we've augmented our staff up there.

17 MS. COLEMAN: I need to finish
18 answering her questions, of those assigned, I
19 have one African America female and two male
20 whites currently assigned to the cases, but
21 the makeup in my office is different.

22 MS. BERZ: Are your divisions
23 the total team? And why is CRS not sitting
24 at the table here now? Where are they not in
25 your team?

1 MS. COLEMAN: That's a good
2 question. I don't know. I haven't really
3 thought about it.

4 MS. WURZBURG: Thank you very
5 much.

6 MS. BERRY: In order to make the
7 record conform to the kind of questions we
8 had elsewhere, I need to ask you a staccato
9 type question. First of all, there haven't
10 been that many churches that you reported
11 that have burned that you're investigating.
12 So, of that number how many were black, how
13 many white, and does that mean some were
14 interracial or not? I mean, the numbers are
15 small enough so you ought to be able to tell
16 me.

17 MS. COLEMAN: There are five
18 black churches.

19 MS. BERRY: Does that mean all
20 black, as far as you can tell?

21 MS. COLEMAN: Yes.

22 MS. BERRY: What about the
23 others?

24 MS. COLEMAN: The others are six
25 churches. Personally I don't know. I can

1 only speculate. Two of them were probably
2 all white and three may have had a few black
3 members.

4 MS. BERRY: Also where we have
5 had interracial churches attacked, and there
6 was some allegations it had to do with
7 interracial.

8 MS. COLEMAN: What is your
9 definition of interracial? What was your
10 understanding of that? Was it that there was
11 more than one or two or that there was equal
12 division?

13 MS. BERRY: A smaller number of
14 blacks were going to a white church. The
15 other thing is how many witnesses have you --
16 I have asked elsewhere this question and the
17 question has been answered each time. What
18 number of witnesses and the range of
19 witnesses in your efforts to try to find the
20 culprits in this, in the hundreds or what
21 where are you?

22 MR. GARNER: In the
23 investigation in Knoxville we've had I think
24 three to four hundred separate interviews and
25 I would guess.

1 MR. MARQUISE: Probably a like
2 number in Jackson.

3 MR. GARNER: In the five fires
4 in the Jackson area, it would be in the
5 hundreds. It would be a guess of two or
6 three hundred separate interviews.

7 MS. BERRY: Okay. The other
8 question is that in some of the other states
9 where I have been and in the media, the local
10 law enforcement people or the state law
11 enforcement people have indicated that they
12 don't think that there is any serious rise in
13 black church fires enough for anyone to be
14 focusing this kind of attention. In
15 Tennessee do you have that same disparity
16 between the federal focus on trying to figure
17 out who did these fires and worrying about
18 increases and the state of people feeling
19 that there is really nothing that's
20 happened?

21 This is unusual. I mean, this is
22 going on in some of the other states. Does
23 that tension exist in this state?

24 MR. GARNER: The only aspect of
25 that I could address would be the commitment

1 that we've received from the State Fire
2 Marshall's Office and from the Tennessee
3 Bureau of Investigation has been
4 outstanding. From the time we put the task
5 forces together they have been in there with
6 us. The State Fire Marshall's Office has and
7 and more recently the Tennessee Bureau of
8 Investigation.

9 As to the numbers of increasing and
10 decreasing, as you know Mr. Johnson and
11 Duvall Patrick required our federal task
12 force to start collecting that, because to be
13 very candid I don't think any agency really
14 kept an accurate number of the number of
15 church fires that are occurring in the United
16 States. I think this will be very helpful to
17 us.

18 MS. BERRY: One last thing. You
19 didn't answer the question about the ATF and
20 the "Good Old Boys" roundup. One of the
21 earlier representatives read one of the
22 statements of one of the Senators that was
23 about the "Good Old Boys" roundup and we were
24 told you were going to be asked that question
25 and you were going to explain it. So, were

1 there some people who have been involved in
2 the "Good Old Boys" roundup as agents from
3 the ATF involved initially in the
4 investigations of these fires?

5 MR. GARNER: Yes. As I'm sure
6 you're aware, the allegations from the "Good
7 Old Boy" roundup were investigated by the
8 Department of Justice for Justice agents that
9 were there and also the Treasury Department's
10 Office of the Inspector General. So, these
11 two agencies or departments did the
12 investigation, and at the end of their
13 investigation they did in fact conclude that
14 there were racist events that occurred at the
15 "Good Old Boy" round up starting from 1990
16 basically. I think the roundup started in
17 like 1982.

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

1 you to a higher standard.

2 The professional review board then
3 made some proposals of disciplinary action to
4 the agents that attended after they were
5 aware that some racist events had occurred,
6 and basically were going on the premise that
7 they existed poor judgment by attending an
8 event where those types of activities --
9 occurred.

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

19 So, we took two beings actions; one,
20 a disciplinary action still ongoing at this
21 time, and the other was the removal from the
22 church fires.

23 MS. BERRY: Really the last
24 question, Madam Chair, is, have there been
25 any allegations or any evidence that you're

1 aware of that any of the black church
2 congregation members or other African
3 Americas in fact burned down there own
4 churches?

5 MS. COLEMAN: No comment.

6 MS. BERRY: In the incidences is
7 that you're investigating.

8 MS. COLEMAN: No comment.

9 MS. BERRY: That leaves the
10 record as indicating, if the media is to
11 interpret that, that you do have such
12 evidence or that you may have such evidence,
13 that you're simply not commenting on it.

14 MS. COLEMAN: They can interpret
15 it and you can interpret it. No comment.

16 MS. BERRY: Is that your answer,
17 too? I guess you have to because she's the
18 US Attorney. I ask that question because
19 some people have alleged in a number of these
20 instances all of these churches were burned
21 down by the African Americans who are in the
22 churches and that, therefore, we are wasting
23 our time trying to figure out who burned
24 them. So, that's why I asked you the
25 question.

1 MS. COLEMAN: I think I have
2 more than adequately, you know, described the
3 overview of what we've seen in this district,
4 and I would sort of stand by those comments.

5 MR. DUPREE: Does anybody on the
6 panel, as you are now sitting here, all three
7 of you, in any of your groups have any type
8 of pro-active activity that's going on, any
9 intelligence or anything that you're trying
10 to do to prevent this from happening in the
11 future or is everybody just reacting to the
12 fires?

13 MR. GARNER: If I can address
14 that just a minute. I don't know if she's
15 going to be here or not. I'm a member also
16 of the Governor's task force. A woman in the
17 state, Gloria Sweet, who's with the NAACP,
18 she always does a really good job of bringing
19 us down to reality.

20 The reality is, when you go out and
21 visit these congregations there is no magic
22 formula that's going to make those safe.
23 Now, this is one pro-active item that we're
24 doing trying to help to eliminate or diminish
25 the number of church fires. But right now

1 you could go from where we're sitting two
2 hours from here and be in a very rural area
3 of a church that maybe only meets once every
4 two or three weeks, different from the
5 churches that probably most of us attend.
6 There would be no alarm system. There would
7 be no witnesses and you could use available
8 materials and burn that building down where
9 it would even be difficult for investigators
10 maybe to say on the front end that it's
11 definitely arson. Many times the buildings
12 are left open. So, that's an issue that
13 we're still struggling with.

14 How do you diminish the
15 vulnerability of some of these small rural
16 churches?

17 MR. DUPREE: Is anybody
18 monitoring hate groups of any kind?

19 MS. COLEMAN: Yes.

20 MR. DUPREE: Outside of Justice,
21 CRS you have already said you don't
22 coordinate with.

23 MS. COLEMAN: I don't think I
24 said I didn't coordinate with them. There
25 are investigative agencies that do monitor

1 them, yes, and have collected information.

2 MR. DUPREE: And is that a part
3 of your task force now? Is there any
4 pro-active monitoring of hate groups in this
5 area?

6 MS. COLEMAN: We have had
7 several conferences and meetings among law
8 enforcement and prosecutors in the state
9 specifically focused on hate groups.

10 MS. BERZ: Do you coordinate at
11 all with CRS?

12 MS. COLEMAN: I guess not. I'm
13 really at a loss because my relationship with
14 CRS has been as a resource.

15 MS. BERRY: We probably should
16 have asked the FBI the same question. But
17 what I want to do, US Attorney Coleman, is
18 just so that it is clear, the question I
19 asked you earlier about whether you had any
20 evidence that the congregaton members of the
21 black churches burned down churches and you
22 had no remark.

23 MS. COLEMAN: No comment.

24 MS. BERRY: In other words, you
25 just don't want to tell us?

1 MS. COLEMAN: That's right. I
2 don't want to comment on any evidence.

3 MS. BERRY: You don't want to
4 imply that anybody did anything.

5 MS. COLEMAN: That's exactly
6 right.

7 MS. BERRY: Does the FBI
8 coordinate with CRS?

9 MR. MARQUISE: No.

10 MS. BERRY: Who coordinates with
11 CRS? They will tell us. ---

12 MS. WURZBURG: One more,
13 please. --

14 MR. KNIGHT: There has been
15 conflicting numbers of churches and there are
16 other organizations like the Center for
17 Democratic Renewal and the Klan Watch. Do
18 you utilize any of that information from
19 them, because they have different figures, in
20 terms of the numbers of churches in various
21 areas?

22 I was wondering whether you did
23 utilize that in any way or did you find any
24 of that information helpful.

25 MS. COLEMAN: Klan Watch was a

1 presenter at the meeting in Birmingham. I'm
2 on their mailing list, so I see their
3 publication and I imagine there are various
4 organizations and media that are keeping
5 track of numbers. So, I can't be responsible
6 of how they collect their numbers, but we
7 receive information from them.

8 MR. TABOR: I would like to ask
9 a question. I'll be very brief. I think
10 they can respond equally briefly. From a
11 prosecutor's point of view and from an
12 investigator's point of view, have you found
13 patterns in communities where the community
14 has tacitly approved the burning of churches
15 and, if so, has this affected your clearance
16 stream?

17 MS. COLEMAN: Well, I don't know
18 that I want to interpret what I think you
19 asked. If you could repeat that question
20 again.

21 MR. TABOR: Well, it would come
22 out the same way.

23 MS. COLEMAN: We can't comment
24 on evidence. You know, at this point, all we
25 could say is we follow every lead that's

1 presented to us.

2 And in the broad spectrum there are
3 lots of reasons we believe for these fires.
4 They vary with each scene.

5 MS. WURZBURG: I'm going to
6 thank you three, and we appreciate your being
7 here today and answering our questions.

8 MS. COLEMAN: Thank you.

9 MS. BERZ: You're not leaving;
10 are you?

11 MS. WURZBURG: Ms. Coleman has
12 to.

13 MR. MARQUISE: I have to go to
14 Nashville and we all came together.

15 MS. WURZBURG: Mr. Stallworth,
16 can you join the table, please? Mr. Ernest
17 Stallworth with the Community Relations
18 Service Department of the US Department of
19 Justice.

20 MS. BERRY: Could I just
21 announce that Commissioner William Ward is
22 not here today. He had planned to come today
23 but was not able to.

24 MR. STALLWORTH: Good
25 afternoon. CRS is finally here. I have a

1 number of things I want to respond to, but,
2 first of all, I want to say that I bring
3 greetings from my boss, the regional director
4 in Atlanta, Dr. Ozell Sutton, to all of you
5 to Dr. Berry and Ms. Wurzburg and
6 Mr. Doctor.

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

16 I represent one-third of the staff
17 in the office and fifty percent of the
18 field. The field staff that have to cover
19 eight southeast states, where you are looking
20 at the one person who had to deal with all
21 the fires in our region, the southeast
22 region. Well, because of the number of fires
23 in this state -- and I apologize to the State
24 of Tennessee, the Western District in
25 particular, and my colleagues because they

1 were not able to get here. Why? Because I
2 was in four other states and because of the
3 low numbers of fires, we have to prioritize.

4 Normally what would have happened,
5 the first contact would have been with Ms.
6 Coleman, then the FBI SAC and the ATF SAC.
7 Well, until Monday I was it, but thanks to
8 efforts by Dr. Berry, Mr. Doctor, and other
9 members of this body who talked to a number
10 of people who were able to get people back,
11 so it's now more than Ernie Stallworth.
12 There are about forty-six other people who
13 will potentially be dealing with these
14 fires.

15 MS. WURZBURG: You have a
16 prepared statement for us?

17 MR. STALLWORTH: Yeah, it's very
18 short, but I think it was very important
19 because this is the second one of these
20 meetings that -- or briefings that I have
-21 been to. I was with Dr. Berry last week in
22 Alabama where I've spent an awful lot of time
23 in Mississippi and North Carolina and in
24 Georgia and just some meetings in the state
25 of Florida.

1 As a matter of fact, Ms. Coleman got
2 out of here before I introduced -- I would
3 like to introduce three members who really
4 just got activated back in the last day
5 and-a-half. We have a team, and what's going
6 to happen is that in every state where there
7 are fires, CRS is going to have teams. I'll
8 get into specifically what they are going to
9 be doing locally and the national level. We
10 have Bill Whitcomb standing up in the back
11 out of Kansas City will be in this state,
12 then Ken Cook who is out of the Denver
13 office, and you have Rose Salamanca who will
14 be working in Alabama as part of a team. So,
15 I have three members. We've broken the
16 states down into clusters. Cluster A is the
17 Carolinas and cluster B, which I'm the field
18 operations coordinator for, is this state and
19 Alabama and Mississippi.

20 Our charge is to focus on the
21 communities where seventy-three of those
22 fires have happened, and we'll go into those
23 areas and we'll do the kind of things that
24 CRS has been done for the last thirty-two
25 years.

1 But I'll just make a brief statement
2 here of what we're involved in and our
3 mission statement. In response to the
4 upsurge of black church burnings, related
5 community racial tensions, and the
6 President's appointment to the National Arson
7 Task Force, the Community Relation Service,
8 acronym CRS, has established a church burning
9 response team. It's mission is to, one,
10 create healthy relationships between law
11 enforcement agencies and minority communities
12 affected by the burnings; also to improve
13 relationships across racial lines; support
14 the National Church Arson Task Force by
15 keeping lines of communication open among the
16 various agencies, official groups and
17 individuals who are responding to the church
18 burnings or affected by them and assist the
19 National Church Arson Task Force in
20 establishment of a clearinghouse to gather,
21 store and disseminate accurate information
22 regarding church burnings.

23 I won't go into the background,
24 because I think we recall realize that the
25 President created the National Task Force,

1 headed up by Duvall Patrick, Assistant AG of
2 the Civle Rights Division, also Mr. Johnson
3 of the Treasury Department who is I think the
4 Under-secretary in the criminal section.

5 However, our operational plan and
6 from a national standpoint, CRS is a member
7 of the National Church Arson Task Force and
8 is the Chair of the Task Force Community
9 Outreach Working Group. Its mission is, one,
10 to serve as information clearinghouse for
11 involved federal agencies, help resolve the
12 discrepancies among sources reporting church
13 violence, support the work of the US
14 Attorney's local task force on church
15 burnings and operate as a nerve center for
16 identifying the location of the emergence of
17 a conflict.

18 Just a word the local task force.
19 The way that's going to operate, the local
20 task force will involve the US Attorney's
21 Office, of course, FBI, ATF, local law
22 enforcement, State Fire Marshall, et cetera.
23 We are on those teams. We cannot physically
24 be in those locations. We have like
25 twenty-four US Attorneys in our particular

1 region. Of that number you have at least I
2 would say eighteen perhaps that we will be
3 working with. We coordinate information. It
4 has worked very well with ATF in Mississippi
5 and Alabama and also in North Carolina.

6 The reason why this -- again, this
7 office, you know, had blank looks on their
8 face was understandable. We had not --
9 contacted them, but we do coordinate very
10 well and it has been working in other
11 states. What Bill and Ken are going to do is
12 establish the same kind of relationship that
13 I have established in states that I have been
14 working in and will have that ongoing
15 dialogue. The local activities we're going
16 to be involved in, the most critical aspect
17 of the CRS operation is our assistance to
18 local communities.

19 It will be as follows: Number one,
20 CRS will conduct community tension
21 assessments of each community where black
22 churches have been burned or have been
23 desecrated. Some of this has already been
24 going on in some of them, but in the future
25 we'll have teams that will go out and do

1 these kinds of things and work even more
2 close.

3 If other arsons occurs CRS will
4 conduct similar tension assessments, will
5 coordinate the assessment effort with the
6 National Church Arson Task Force and with the
7 respective US Attorney's local task force.
8 We will deploy teams of conciliators to
9 assist communities where according to our
10 assessment racial tension or conflict is
11 evident. We'll seek to bring about and
12 improve racial understanding throughout
13 cooperative efforts including the creation of
14 partnerships and coalition, and that has
15 happened in some cases in other states.
16 We'll deploy teams of conciliators to work
17 with the US Attorney's local task force in
18 prevention and outreach efforts to
19 communities we feel are very vulnerable to
20 that happening. We'll deploy teams of
21 conciliators on-site to respond immediately
22 within a twenty-four hour period to any
23 racial conflicts, violence or tensions during
24 any media crisis, what have you.

25 And I have seen a gamut of different

1 things that have happened. You see in some
2 communities you have seen nothing but a labor
3 of love where communities both white and
4 black have kind of galvanized into groups and
5 say we'll not polarize as a community. I
6 have seen some that gives you the perception
7 that that is happened when in fact the same
8 racial tensions that existed prior to any
9 fires, the things that are systemic or
10 institutional, still exist, so there is work
11 to be done. I have seen some where it's very
12 evident that the tensions do exist and even
13 as people work together from the outside,
14 those tensions do exist and they are still
15 working.

16 That's a brief statement that I
17 have. Are there any questions for the SAC?
18 Please.

19 MS. WURZBURG: Any questions?

20 MS. BERZ: Mr. Stallworth, I see
21 you have got arise in funding -- increased
22 funding in order to bring your teams back
23 into full action. Is in just a stop-gap
24 measure or is this permanent?

25 MR. STALLWORTH: Well, it's not

1 permanent, Doctor. Right now this is in a
2 response to the church burnings.

3 The three people who are my
4 colleagues who are with me, the offices that
5 I gave you -- the offices that they came out
6 of, they're detail from other Department of
7 Justice agencies, from the US Attorney's
8 Office, Ken Cook. Bill Whitcomb is out of
9 the Bureau of Prisons and Rose Salamanca is
10 out of INS. However, we're looking at a
11 minimum of their being involved with this for
12 the next three months. I have also heard
13 that could extend until six months.

14 Again, the first group that we have,
15 again as of Monday and yesterday, were about
16 fifteen people. We're going up to twenty.
17 But the Attorney General as given us the
18 right and the go-ahead to bring on people who
19 are ex-conciliators and mediators or to hire
20 people from outside who in fact do conflict
21 resolution, dispute resolution, conciliation
22 and mediation. So, we will be looking for
23 people like that to hire for that period of
24 time in some capacity in various states.

25 MS. BERZ: I would like to

1 commend you on the work and research you have
2 done in the past, being the recipient of some
3 of your education, and I would hope that the
4 Department of Justice would look at
5 increasing your funding for longer than just
6 three months since the issue is not a
7 three-month issue.

8 MR. STALLWORTH: Keep the
9 letters going to those Congress persons who
10 are on the Senate and the House budget
11 subcommittees, because I agree with you,
12 because I'm probably more busy now than I
13 have been in four years prior to all this
14 happening. As has been indicated here,
15 racial tensions are on the rise. We're
16 extremely busy and, yet, you know, we're down
17 to about three people in our region for eight
18 states. Thank you for those comments.

19 MS. WURZBURG: Any other
20 comments or questions from the panel? Thank
21 you, Mr. Stallworth. Welcome to Memphis.

22 We are now going to find out what
23 kind of communications hopefully are going on
24 between state and Federal, state and local,
25 and we have invited Governor Don Sunquist,

1 Attorney General Charles Burson, Larry D.
2 Wallace, Director of the Tennessee Bureau of
3 Investigation. Any of those folks here?

4 Mr. John Mehr, Special Agent in
5 charge of the West Tennessee Criminal
6 Investigation Unit; Dr. Warren Moore,
7 Executive Director of the Tennessee Human
8 Rights Commission; Bud Witt, Arson
9 Investigation Director, Tennessee Insurance
10 Department.

11 MR. MCCROSKEY: You have a
12 representative of the Governor's Office
13 here.

14 MS. WURZBURG: Good. As of this
15 morning we were told the Governor wasn't
16 going to send a representative. Would you
17 come forward since you will be first and
18 introduce yourself? Have a seat over here,
19 please.

20 MR. DOCTOR: Could you please
21 spell your name?

22 MS. SCROGGS: I'm Pat Scroggs,
23 S-C-R-O-G-G-S. I'm the regional
24 representative for the Governor and it was
25 only this afternoon that I was able to

1 attend.

2 MS. WURZBURG: Do you have a
3 statement from the Governor?

4 MS. SCROGGS: Yes, I do. May I
5 read it, please?

6 MS. WURZBURG: Please.

7 MS. SCROGGS: Condemning acts of
8 hatred and vowing in an all out effortto
9 fight them, Governor Don Sundquist on July 3
10 convened a broad-based statewide task force
11 on arson at places of worship and charged
12 members to complete their work by August
13 21st. We have come here with a single
14 message. In Tennessee we will not tolerate
15 these senseless acts of hatred, Sundquist
16 said in opening remarks to the task force he
17 appointed.

18 Our places of worship are the hearts
19 and souls of our communities and we're
20 committed to protecting them. More than
21 eighty people including Lieutenant Governor
22 John Wilder, gathered at the Capitol for the
23 Governor's task force on arson at places of
24 worship, co-chaired by Memphis businessman
25 Ira Lipman and Bishop William Grace of

1 Memphis.

2 Lipman as the chairman and president
3 of Guardsmark, Inc., urged the taks force to
4 quickly, efficiently and effectively end the
5 church fires that have plagued Tennessee over
6 the last eighteen months. Eight fires have
7 occurred in African America churches during
8 that time. Two of the cases have been
9 solved.

10 If there is anything worse than
11 destroying a house of worship, it's doing it
12 for racial or ethnic reasons, Lipman said.
13 The burning of houses of worship in Tennessee
14 must stop. It will stop if we work together,
15 pool our resources, share ideas and let the
16 nation and the world know that there is no
17 where that arsonists can run. There is
18 nowhere that can hide that we will not find
19 them.

20 Bishop Grace announced that
21 religious leaders in west Tennessee, where
22 several of the church fires have occurred,
23 met on July 25 in Brownsville with the
24 Governor to discuss the issue. The
25 destruction of our houses of worship will not

1 be tolerated, said Bishop Grace, who is the
2 presiding bishop of the First Episcopal
3 District, Christian Methodist Episcopal
4 Church.

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

12 The Governor appointed Attorney
13 General Charles Burson to chair the
14 prevention and apprehension committee which
15 met on July 11 in executive conference;
16 Representative Ulysses Jones of Memphis to
17 chair the assistance committee which will
18 meet on July 11 at 10:00, Education
19 Commissioner Jane Walters to chair the
20 education committee which met on July 15; and
21 Senate Bud Gilbert and representative Joe
22 Armstrong, both of Knoxville, to chair the
23 legislative committee which met on July 11.

24 The Governor last month announced
25 that he would work with Gilbert, Armstrong

1 and other lawmakers to propose bi-partisan
2 legislation that would, number one, increase
3 the Governor's reward authorization for hate
4 motivated crimes from the current maximum of
5 five thousand dollars to fifty thousand
6 dollars, create a new class-B felony for
7 arson at places of worship with an eight year
8 to thirty year penalty, and enhance the
9 sentence for vandalism at places of worship.

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

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

16 MS. WURZBURG: Can you submit
17 that for the record for us?

18 MS. SCROGGS: I will be glad to.

19 MR. DUPREE: On the August 21st
20 meeting, are they anticipating that there
21 will be a committee report of some type of
22 progress on this?

23 MS. SCROGGS: Exactly. That's
24 what these particular chairs will be doing
25 and at the time they met, July 3, and then

1 they did form into different committees and
2 they are working on those presently.

3 MR. DUPREE: Are those reports
4 going to be written or is this going to be
5 taken down stenographically or so forth?

6 MS. SCROGGS: Both I'm sure.

7 MR. DUPREE: Do you think that
8 the Governor could make that available to our
9 group and to the United States Commission?

10 MS. SCROGGS: I'm sure that will
11 be possible.

12 MS. WURZBURG: Ms. Scroggs, I
13 hope I'm not wandering off into politics,
14 because I'm of the same party as the
15 Governor, but I am concerned about the
16 situation that from our leadership,
17 especially the closer it gets to home, that
18 we are not doing an effective job. And the
19 reason I am telling you this because I want
20 you to take it back to the Governor. That we
21 are not doing the kind of job that ought to
22 be done to create or -- I hate to put it
23 negatively, but I will -- to dismantle this
24 climate of hate, this climate that allows
25 people to think that they can express racial

1 hatred, ethnic hatred, anti-sematism, that
2 that is okay because we've got a climate out
3 there that says it is.

4 As Dr. Berz said this morning --
5 help me here.

6 MS. BERZ: It's time for all the
7 frogs and lizards to crawl out of the wall,
8 and it's okay. You know, it's not okay.
9 Somebody needs to hear that.

10 MS. WURZBURG: By that I mean,
11 for example, we've had a recent Supreme Court
12 ruling that had no choice in the fact that
13 four of our Supreme Court justices had to
14 remand back to trial court a very high
15 publicity case. It was the rape of an eighty
16 year old woman. Now, it had to be remanded
17 back to trial court, because the trial court
18 judge mistakenly did not allow the
19 perpetrator's psychologists to testify. It
20 doesn't mean that the perpetrator isn't going
21 to spend the rest of us life in jail with no
22 parole. What it could mean is we don't
23 execute him.

24 But to singlehandedly pick out one
25 of the four justices and to spread across the

1 state in a climate of tension and almost
2 vitriolic hatred turning toward one of the
3 best justices that we've had a long time and
4 the only woman justice, that is
5 unconscionable. I know he's not a lawyer and
6 I have known him since he moved to Memphis.
7 I was at the very first dinner party he was
8 at when he came to Memphis. I know he's not
9 a lawyer, but he understands that when four
10 of it justices were forced to remand
11 something back to court to get corrected, it
12 is grossly unfair to do that.

13 Now, I didn't want to branch off
14 into politics. That's beside the point.
15 What I'm just saying is you take a situation
16 like that and nobody can conceive of the rape
17 and a murder of an eighty year old woman. I
18 mean, this is beyond civilized people. But
19 to take one of the people and target her
20 because he's got a preferred candidate for
21 the job, I think that's may be his little
22 agenda, but the big agenda out there is that
23 this fuels the fire of mistrust of
24 government, mistrust of the courts, mistrust
25 of the law. It fuels the fire of hatred. We

1 need better leadership than that.

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

11 Any other comments?

12 MS. ZIEGLER: How many members
13 are on the task force and do you know the
14 racial and gender makeup?

15 MS. SCROGGS: There are eighty
16 members. I would be glad to let you look at
17 this list. To me I would think three-fourths
18 are minorities, one-fourth white. Some of
19 them are representatives of various elected
20 officials, that I wouldn't necessarily count
21 those particular people.

22 But would you want to look at this
23 real quickly? They are divided into these
24 task force groups.

25 MS. ZIEGLER: And they will have

1 some feedback by August 21st?

2 MS. SCROGGS: Yes, ma'am.

3 MR. DUPREE: One thing I would
4 like is you to give a further message back to
5 the Governor. If you heard the roll call
6 here of the people of the state of Tennessee
7 that we had invited to come and talk about
8 what was going on in this situation -- and I
9 know you're here as the Governor's
10 representative, and I'm not in any way trying
11 to attack that, but it's very curious to me
12 that the law enforcement people of the state
13 rather than of the federal government that
14 really would probably have the first line
15 responsibility to identify and coordinate
16 these type of crimes and these offenses,
17 can't seem to find the time to come before us
18 to talk about what they are doing and
19 especially when we have the Chair of the
20 national commission that's of great enough
21 concern for her to appear also for this fact
22 finding. And I know every one of these
23 gentlemen is directly or indirectly -- or any
24 one of these people is under the coordination
25 and supervision of our Governor.

1 So, the thing that bothers me is I
2 don't see state government coming here and
3 saying we are being responsible and I don't
4 see anybody other than you in favor of the
5 governor coming in here and saying this is
6 what we're going to try to do. This looks
7 horrible for the people.

8 MS. SCROGGS: Right. Of course,
9 I cannot answer individually, because I don't
10 know whom you're referring to that was sent
11 notices. I don't know how long ago. I know
12 that originally I got the first one and it
13 was only just in the last day or two that I
14 was aware of this.

15 MR. DUPREE: Three weeks ago
16 notices were mailed out.

17 MS. SCROGGS: For today?

18 MR. DUPREE: For today. Also to
19 Attorney General Burson; to Larry Wallace,
20 the Director of the Tennessee Bureau of
21 Investigation; to John Mehr which is the
22 special agent in charge of the West Tennessee
23 Criminal Investigation Unit; to Dr. Moore,
24 who for his credit is present in the back
25 room; and to Bud Witt, who is the Arson

1 Investigation Director of the Tennessee
2 Insurance Department, asking for them or
3 their designee, as in your situation, to
4 appear. We've heard nothing from any of
5 these people.

6 They're the ones that we have either
7 funded or our elected representatives have
8 selected to do this kind of job. And what
9 kind of a feeling does this give to the
10 people of west Tennessee or to Tennessee
11 about how their state government is
12 responding to their concerns.

13 MS. SCROGGS: Well, I cannot
14 answer for them. I do know by the statement
15 that they are working diligently, and I do
16 not know about the individuals.

17 MR. DUPREE: The Governor might
18 want to ask them; don't you think?

19 MS. WURZBURG: Doctor Ziegler.

20 MS. ZIEGLER: Just one other
21 question. How will have information be
22 disseminated other than the press? I guess
23 that's one question. And then a request.
24 Could we request or could you bring that back
25 to the Governor that this SAC committee

1 receive any kind of report or information
2 that comes out of that task force?

3 MS. SCROGGS: I definitely
4 will.

5 MS. WURZBURG: One other, Ms.
6 Scroggs. We are extremely concerned -- and I
7 would like for Mr. McCroskey to elaborate.
8 We're extremely concerned about the anecdotal
9 evidence we have received that black churches
10 are having their insurance canceled, some
11 even ahead of time, if I'm not mistaken, but
12 definitely after the fact, that there is a
13 disparity about that.

14 Mike, could you elaborate on the
15 issue for us?

16 MR. MCCROSKEY: That's what I
17 was going to comment on. Pat, I want to
18 submit to you a copy from the Chattanooga
19 Times that if you could please take back. We
20 were hoping to be able to ask that question
21 of the Department of Insurance and I still
22 may take some private channels to try to
23 check into this on my own, but there is
24 concern.

25 Any time you're dealing with rural

1 churches, of course, you're in a precarious
2 situation. These are probably churches
3 located more in isolated areas. Fire
4 protection is minimal or maybe in some areas
5 non-existent. So, it's a very touchy
6 situation to begin with, but there does seem
7 to be more and more anecdotal evidence at
8 this point, and we would be concerned that
9 the state show the same concern and
10 specifically through the Department of
11 Insurance that the black churches are not
12 being singled out separately and this
13 Chattanooga article does an excellent job of
14 pointing out specific instances where it
15 seems the white churches were treated
16 differently than some of the black churches.
17 And I'm sure this would be of concern both to
18 the committee that has been formed and
19 possibly to the department of insurance. So,
20 we want to make sure that you have a copy of
21 that article.

22 I want to also, one, to thank you
23 for being here to take this back and there
24 may be a -- again lack of communication in
25 understanding of what this board is all about

1 as opposed to the board that the Governor has
2 created himself, which is very broad based.

3 But if there is anyway possible, one
4 of the suggestions I would like to make is if
5 it would be possible that one of our
6 committee members may be appointed as an
7 ex officio of his committee to help
8 facilitate what is going on in their work to
9 help back that back also to this, and where
10 we can also make them aware, because that's a
11 short term committee, I assume, that will end
12 as they do their work around this specific
13 instance, but as you're probably hearing here
14 today, it's an ongoing concern that I know
15 the Governor has interest in and would be a
16 way for us to continue that work on and
17 possibly bringing the work of the two
18 committees together in a cursory way with
19 maybe one or two appointments from this board
20 to that one. And I would urge you to
21 strongly talk to him this that regard.

22 MS. SCROGGS: That's a good
23 suggestion. Thank you.

24 MR. MCCROSKEY: We appreciate
25 your being here.

1 MS. WURZBURG: Any other
2 questions? Thank you very much.

3 (Whereupon, a recess was taken,
4 after which the following proceedings were
5 had.)

6 MS. WURZBURG: May I reconvene
7 if meeting, please? Will the committee
8 members please take your seats. Thank you.

9 Dr. Moore.

10 MR. MOORE: Dr. Berry, Madam
11 Chair, members of the Tennessee Advisory
12 Committee, the Tennessee Human Rights
13 Commission appreciates the opportunity to
14 participate in this effort.

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

1 acts of violence against churches.

2 Because we believe so strongly that
3 these criminal acts are occurring out of an
4 emboldened spirit of hate that permeates this
5 society, we call upon public officials to
6 take a public stand for justice.

7 Because we feel that the climate of
8 racism and bigotry is traceable to political
9 and cultural dogma, we implore the media to
10 promote the efforts of those who are seeking
11 redress and equity by raising questions about
12 public policy on equal protections.

13 State officials both appointed and
14 elected ought to focus upon law enforcement
15 agencies and insist upon thoroughness in
16 investigations. They should also move
17 quickly to enjoin insurance industry from
18 cancellations of policy based on race.

19 There is evidence to suggest that
20 African America churches have been treated
21 differently than others in similar cases of
22 claims against loss. It is not enough to
23 rebuild the structures. There needs to be an
24 aggressive campaign against violence. To do
25 this, there will need to be a re-ordering of

1 social values and a re-assessment of what it
2 means to be in America.

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

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

17 Whereas, the Commission members both
18 separately and as a body have become aware of
19 acts of bigotry and of violence generated by
20 bigotry within the state;

21 And whereas, these crimes spurred by
22 hatred and bias appears to be on the rise
23 within the borders of the state;

24 And whereas, one notable example of
25 such crimes is the rash of burnings of black

1 churches across the south now up to sixty-six
2 in the last five years and nearly fifty in
3 the last eighteen months according to the
4 Nashville Tennessean of June 10;

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

10 And whereas, the National Council of
11 Churches has issued a report on its
12 investigation in which it criticizes the
13 federal investigation for seeming to target
14 ministers and members of the burned churches,
15 including inquiries and lie detector tests,
16 issuing subpoenas for church records and
17 telling congregation members that everyone is
18 suspect. And members of the Commission have
19 heard similar reports from targeted
20 congregations.

21 And whereas, the Commission is
22 concerned with fair, equitable and swift
23 administration of justice within the borders
24 of the state;

25 And whereas, the charge of the

1 General Assembly and of the Governor to the
2 Commission directs it to protect the
3 interests and personal dignity and freedom
4 from humiliation of the citizens of the
5 state, to secure the state against domestic
6 strife and unrest which would menace the
7 democratic institutions to preserve the
8 public safety health and welfare and to
9 further the interest, rights and
10 opportunities and privileges of individuals
11 within the state;

12 Therefore, be it unanimously
13 resolved by the Tennessee Human Rights
14 Commission that the President of the United
15 States, the Attorney General of the United
16 States, the Justice Department, Federal
17 Bureau of Investigation, the Governor of the
18 State of Tennessee, the Attorney General of
19 the state of Tennessee, the Tennessee Bureau
20 of Investigation and all other appropriate
21 local, state and federal law enforcement
22 agencies are hereby strongly urged to swiftly
23 and aggressively pursue the perpetrators of
24 these crimes through active and thorough
25 investigations which work with the victims of

1 these crimes in a respectful and
2 understanding manner so as to bring the
3 perpetrators to justice as quickly as
4 possible so that the citizens of Tennessee
5 and of United States can experience swift and
6 fair administration of justice and can enjoy
7 their right to assemble for worship and to
8 enjoy freedom from bigotry and violence in
9 their daily lives. Fred Detwiler, Chair;
10 Warren Moore, Executive Director.

11 MS. WURZBURG: Let me interrupt
12 you, Dr. Moore. Would you go back to whereas
13 number six for those who don't have a copy of
14 this and repeat the one that says the
15 National Council of Churches -- yes, would
16 you repeat that, please?

17 MR. MOORE: Whereas, the
18 National Council of Churches has issued a
19 report on its investigation in which it
20 criticizes the federal investigations for
21 seeming to target ministers and members of
22 the burned out churches, including requiring
23 lie detector tests, issuing subpoenas for
24 church records and telling congregation
25 members that everyone is a suspect. And

1 members of this Commission have heard similar
2 reports from targeted congregations.

3 MS. WURZBURG: I thought that's
4 what I heard you read.

5 MS. BERZ: What you're saying,
6 it's a blaming the victim sort of environment
7 in Tennessee?

8 MR. MOORE: Right.

9 MS. WURZBURG: I'm sorry. Did I
10 interrupt your prepared remarks?

11 MR. MOORE: To further
12 illustrate the point, the first twenty-eight
13 of these burning incidents were investigated
14 and the investigation focused on the churches
15 exclusively. As far as we could tell and
16 from information we received, the parameters
17 of the investigation did not exceed the
18 border of the church.

19 MS. WURZBURG: Questions from
20 the panel?

21 MS. BERRY: Dr. Moore, the
22 federal officials who were here have gone, so
23 we can't ask them. I think they are gone, so
24 we can't ask them the question. But the
25 federal officials in the other places where I

1 have been say that the first thing you do
2 when there is an arson in a situation like
3 that is to ask questions of people who are
4 members of the congregation, because there
5 may be people in the congregation that were
6 disgruntled or for some reason have animus
7 against the church and members of the
8 congregation that were involved in some kind
9 of altercation among themselves, so that it
10 made logical sense to ask the members of the
11 congregation. They weren't blaming the
12 victim, they were just trying to be good
13 investigators to explore the members first
14 before. And they also at the same time went
15 out and investigated other people. Is that
16 what you think happened here?

17 MR. MOORE: I'll repeat what I
18 have. Our information suggested that the
19 investigation centered on the church, the
20 minister, the Board of Elders, the Board of
21 Deacons, those persons within the
22 congregation, and at no time was any mention
23 of any witnesses outside that circle or
24 certainly not any suspects within the
25 community. There were persons in the

1 community who came forward and suggested that
2 they get together and rebuild the church.
3 Now, that's the extent of the outside
4 involvement, as far as our information goes.

5 MS. BERRY: I'm not familiar
6 with your jurisdiction, but who in Tennessee
7 would have jurisdiction over allegations that
8 churches are being discriminated against in
9 obtaining insurance coverage?

10 MR. MOORE: Well, we have a
11 Department of Insurance at the state level.

12 MS. BERRY: It would be the
13 Department of Insurance?

14 MR. MOORE: Yes, commerce and
15 insurance.

16 MS. WURZBURG: Do you bird-dog
17 them?

18 MR. MOORE: Well, we were not
19 invited to participate in any of these things
20 up to this point, but I hope that we will be
21 able to get the word to the Department of
22 Insurance that they should investigate,
23 particularly in cases where you don't have to
24 guess at it, because we heard on television
25 one agent saying that it's not an equal

1 exchange to receive six thousand dollars in
2 premiums and pay out a hundred and sixty-five
3 thousand. So, it's obvious that the intent
4 is not to pay or to give a market value for
5 the churches. So, I think on the face of it
6 there is reason to ask some questions and get
7 commerce and insurance involved in that.

8 MS. WURZBURG: Before the
9 enforcement laws was written, there was an
10 executive order in the past that your
11 commission did oversee or take complaints
12 against other departments in the state.
13 Would somebody with a grievance come to your
14 commission to do that?

15 MR. MOORE: Our statute is very
16 broad and because it is broad almost to the
17 point of being somewhat ambiguous, we take
18 the position we can look into anything,
19 because ultimately we have the responsibility
20 to report to the Governor and the General
21 Assembly any situation that potentially could
22 threaten the general welfare of the
23 community. So, we could take the posture to
24 go unchecked a situation like this could
25 ultimately lead to some real racial

1 conflict.

2 MS. WURZBURG: That's why it was
3 written that way, Dr. Moore.

4 MR. MOORE: Thank you. I know
5 you're involved in it.

6 MR. MCCROSKEY: Dr. Moore, is
7 the report that you were alluding to, is that
8 in a written form? ==

9 MR. MOORE: I'm sorry. These
10 are resolutions that I would like to pass
11 out.

12 MR. MCCROSKEY: One thing, I was
13 going to make a request. Mr. Stallworth is
14 still with us from the US Department of
15 Justice and I would imagine if these
16 allegations can be substantiated that that
17 would be a civil rights violation and,
18 therefore, under the purview of the US
19 Department of Justice.

20 I'm not confident that the
21 Department of Insurance would investigate
22 those sorts of allegations as far as how the
23 criminal investigation as to the arson was
24 conducted.

25 Are you saying that these were the

1 arson investigators for the insurance
2 companies? Maybe I need to clarify.

3 MR. MOORE: No, these were the
4 federal investigators. These were not state
5 level people.

6 MR. MCCROSKEY: So, I would
7 again then be back to, we need to get or try
8 to facilitate getting that information to the
9 US Department of Justice, because that's a
10 clear violation, I would imagine.

11 MR. MOORE: Well, let me be
12 clear where I am in this situation. You
13 heard earlier persons who would not tell you
14 exactly what they are doing, and I know that
15 there are certain protections you have to be
16 aware of, but I think that the public needs
17 to know what its government is doing about a
18 problem as serious as this, at least we ought
19 to be that much above board.

20 I'm not particularly interested in
21 funneling all of my information into the
22 Justice Department and have it get buried
23 there. You know, we didn't just meet the
24 Justice Department. We've been dealing with
25 them for years and years. And in my mind

1 it's not surprising that it took the first
2 twenty-five or twenty-six burnings before we
3 had any visible connection with the Justice
4 Department.

5 So, I think what we need to do is
6 let the Governor know, because we're here in
7 the state of Tennessee, let the Governor know
8 that there is not that much coordination
9 going on. I mean, we heard that this
10 morning, that some of these people didn't
11 know others existed and they are supposed to
12 be working together. Now, we need to tell
13 the Governor that the team is not working and
14 we need to tell him that he needs to make a
15 public statement about this situation and he
16 needs to call all these folk, those who
17 didn't come here today, to let them know that
18 their responsibility is to show up -- at
19 least show up and give people some
20 satisfaction that they are on the job.

21 MS. BERRY: What has been the
22 Governor's statement about the church fires?

23 MR. MOORE: Well, we heard a
24 statement read earlier.

25 MS. ZIEGLER: Which was indeed a

1 press release, which says they met July 11
2 and it's July 10, so that was a prepared
3 press release that is probably going to be
4 released maybe tomorrow.

5 MS. BERRY: Has the Governor
6 made a statement before now on the fires,
7 Mr. Moore? Has the Governor made a
8 statement?

9 MR. MOORE: Ms. Miller said that
10 she heard it. I was not aware.

11 MS. BERRY: To your knowledge.

12 MR. MOORE: No, I was not aware
13 of it. I know that the Governor, as other
14 governors, was involved in a meeting at the
15 White House.

16 MR. MCCROSKEY: When the
17 Governor came back from the White House
18 conference and then there was the
19 announcement of the committee formation and
20 the task force itself, there were several
21 rather strong statements made at that time.
22 But I think we've not done a good job when
23 communicating the need for the coordination
24 also with this committee with the work. I
25 think that the Governor's office has possibly

1 been under the incorrect assumption that the
2 work that they are doing there would be
3 sufficient and that reporting to this
4 committee has not been given the priority it
5 obviously needs to be given. I hope today we
6 took a pretty large step in rectifying that
7 situation. We'll see how successful we are.

8 MR. MCCROSKEY: I would prefer
9 to reserve comment until I can do some
10 personal digging myself to find out where the
11 hitch is. I mean, there's an obvious hitch.
12 What I now want to convince myself of is
13 whether or not it's intentional or whether
14 it's inadvertent and any other comment at
15 this point is pretty useless. I mean, it is
16 what it is. What we had here is what we had,
17 which was no one from the state other than
18 the Memphis representative for the Governor
19 and that was put together very late. I mean,
20 there is no way of hiding that or a desire
21 for me to do so, and that concerns me deeply,
22 and I can assure you that over the next seven
23 days I'll be making several phone calls that
24 will be helping clarify -- while I appreciate
25 that Pat was here and I think she's going to

1 take back a pretty strong message, there is
2 going to be several avenues that we're going
3 to use, and I think it's been a simple matter
4 of possible misunderstanding of the scope of
5 this committee and exactly what its purview
6 is.

7 And I may again be naive in my
8 assumptions, but I would prefer to do that
9 until I can convince myself otherwise, but I
10 can assure you it will be done with due
11 diligence.

12 MS. WURZBURG: Dr. Moore, you
13 have brought up an issue that was brought up
14 after the folks from federal enforcement have
15 left. I don't know whether or not there is
16 any constraint on having our committee
17 submitting additional questions to them for
18 the record. So, thank you for bringing up
19 some other issues for us.

20 Sensitivity was brought up, but you
21 have detailed it for us, that it creates a
22 fear of a chilling effect of wanting to
23 report such a burning. If you know you're
24 going to be subjecting your members to lie
25 detector tests, that's kind of scary. So,

1 thank you for addressing that issue before
2 the Commission for it's resolution that
3 expresses that sensitivity even in greater
4 detail.

5 MS. BERZ: Are you on the
6 Governor's committee?

7 MR. MOORE: No, I'm not.

8 MS. WURZBURG: Well, a civil
9 rights presence might be important, not only
10 from us, but from its own state civil rights
11 agency.

12 MS. BERZ: I think that's what
13 you're saying, there is no coordination and I
14 think we've not gotten a satisfactory answer
15 from the federal government.

16 MS. BERRY: I would like to say
17 to the SAC that I hope you would inform the
18 Governor. I'm disappointed that the Governor
19 did not show up and I'm also disappointed
20 that state officials did not show up, which
21 unless they were not informed as to what the
22 scope of this meeting was, and I'm sure they
23 were.

24 If they take these issues seriously,
25 I would expected them to show up or at least

1 some representative from each one of their
2 offices to say they were willing to make an
3 appearance. I hope you will make that clear
4 to them and not just let this drop, the fact
5 that they didn't come here today.

6 MR. MCCROSKEY: Again, to help
7 clarify, the Governor is out of the state.
8 He's physically not in Tennessee as we
9 speak. But the other problem I think we're
10 having again is, it isn't a lack of resolve
11 to do something in this very serious
12 situation and that's why they formed an
13 eighty person task force. I think the
14 problem is keeping that isolated from our
15 ongoing work that we're doing here and
16 getting that together so that that process
17 doesn't end with, well, we've done our work,
18 once again being reactionary instead of as
19 being pro-active.

20 MS. BERRY: We just say we did a
21 good job, because as I understand the
22 announcement, it said the task force would
23 start on July 11. That's tomorrow.

24 MR. MCCROSKEY: No, that's when
25 the task force had its original meeting.

1 MS. BERRY: But here we are.
2 The burnings took application. There is
3 enough time to already have done something.
4 So, maybe we can consider ourselves as a
5 catalyst to have the task force show greater
6 energy, but I think the Governor's Office
7 ought to be informed that state officials
8 didn't come here. If they can't come
9 themselves, they could send somebody from
10 each one of their offices. They clearly have
11 somebody to send.

12 MR. MCCROSKEY: I can assure you
13 that discussion was made before she left
14 out.

15 MS. ZIEGLER: The chairman of
16 the task force or the subcommittees, you
17 know -- that task force needs to hear this.

18 MS. BERRY: If I can come down
19 here to my native state to travel around and
20 go to all of these meetings, because the
21 Commission is seriously concerned, and you
22 would think that somebody who is right here
23 in Tennessee could come over here to Memphis
24 from one of these offices to represent what
25 the state officials are doing. So, I'm just

1 disappointed in my native state of
2 Tennessee.

3 During my time growing up here maybe
4 I wouldn't have been shocked if something
5 liked this happened, but today, this is
6 1996. I would expect somebody to be here
7 from each one of these state offices to tell
8 us what they are doing. So, I'm just
9 disappointed.

10 MS. WURZBURG: I have got to
11 move our hearing along. Thank you,
12 Dr. Moore.

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

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

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

1 Janet Hooks, City Council

2 Chairperson. Mayor Rout is unable to attend,
3 was going to have other representatives and
4 he had to leave, but one of our own has a
5 statement that he would like to make. We'll
6 wait on that.

7 Julian Bolton. Chairperson Bolton.

8 He was here.

9 Chief Landis Smith, Bells Police
10 Department, Bells, Tennessee; Chief Lee
11 Hickman, Bells Fire Department; Sheriff Neal
12 Klyce, Crockett County, Mayor Larry Smithson,
13 Columbia; Chief James Boyd, Columbia Police
14 Department; Chief Don Martin, Columbia Fire
15 Department; Sheriff enoch George, Maury
16 County; Mayor Charles Frost, Bolivar; Chief
17 John Ray Anthony, Bolivar Police; Chief Jake
18 Baker Basics, Bolivar Fire Department;
19 Sheriff Cecil Geter, Bolivar. Thank you.

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

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

1 MR. WINFREY: Thank you, ma'am.
2 It's a pleasure to be here and I will be very
3 brief. The Memphis Police Department's
4 jurisdiction is within the boundaries of the
5 city, which is in Shelby County. And within
6 the county of Shelby there are four or five
7 other police departments. Millington is
8 incorporated. Bartlett has their own police
9 department. Germantown and Collierville.

10 Within the Memphis Police Department
11 I don't have an arson squad per se. But the
12 Fire Director and the police department, what
13 we do is set up an arson squad which comes
14 under the command of the Fire Director and I
15 assign some investigators to that squad to
16 assist the Fire Director in investigating
17 arson. I mention that because we're here to
18 discuss church fires. And I go across this
19 community weekly participating in
20 neighborhood watch meetings and other town
21 hall meetings.

22 And since the church fires across
23 the south and across this country have been
24 occurring, I have not heard one complaint
25 within the City of Memphis in regards to a

1 church fire stemming from some racial
2 nature. Of course, we have fires here and
3 the Fire Director can address that, but I
4 haven't had one complaint in the last year in
5 Memphis in regards to a fire stemming from
6 some type of hate crime.

7 I, of course, go to workshops across
8 the country, and I just came back from the
9 FBI academy just two weeks ago for a week
10 where ATF put on a presentation in the terms
11 of what they are doing across the country
12 about the hate crimes associated with church
13 fires.

14 What I have done in the Memphis
15 Police Department I guess within the last
16 three or four months is got my other chiefs
17 and staff together and had them to convey to
18 the precincts which patrol the city. We have
19 some eight precincts across the city. And
20 what I have done through my staff is to
21 increase the awareness of the men and women
22 of the Memphis Police Department about church
23 fires and, of course, they are pretty well up
24 to speed like everybody else by way of the
25 media, but what I have done through my staff

1 is to increase patrols around churches in
2 Memphis and pay particular attention to
3 especially late at night to the churches.
4 And this is done more or less in a
5 preventative measure.

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

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

17 MS. WURZBURG: I'm going to ask
18 you to go ahead and make your presentation
19 and then we'll ask questions of either of
20 you, if you don't mind.

21 MR. SMITH: First of all, I'm
22 Charles E. Smith, Fire Director of Memphis,
23 and I certainly appreciate the opportunity to
24 come here today to present to you what we see
25 in the city of Memphis with regards to

1 arson.

2 Like Director Winfrey has said, we
3 work very closely with the city on arson as a
4 crime. And what I have provided for you is
5 some data. I think the best thing for me to
6 do is just walk you through this. We can
7 show you what's occurring here in the city of
8 Memphis and we can tell you what we're doing,
9 what we would consider pro-active to prevent
10 arson related church fires.

11 If you would turn to the last
12 page -- I probably should have put it
13 first -- entitled Fiscal Year 1995, 1996
14 Arson Summary. Obviously as a fire director
15 I look at the whole case of arson in the city
16 of Memphis and then I can come down and talk
17 about the issue of church fires in
18 particular. But right now in the city of
19 Memphis we're experiencing about seven
20 hundred cases of arson per year and for a
21 city of this size, that's a very high
22 number. And we have compared that data with
23 other cities and Memphis and the southeast
24 region of the United States. It's safe to
25 say that we have a high percent incident of

1 arson in the southeast United States.

2 Memphis is really no different. I
3 think you need to understand of seven hundred
4 cases of arson that last year alone we made
5 seventy-four arrests. You don't see a very
6 high conviction rate of arson fires. It's
7 very difficult to -- well, first of all, it's
8 not easy, but relatively easy to determine
9 whether it's arson or not, but it's very,
10 very difficult at that point to get a
11 conviction. So, that's what you see. That's
12 a problem nationwide. It's certainly not
13 unique to Memphis. So, I wanted to point
14 that out to you.

15 Right now, we're experiencing ten to
16 fifteen million dollars in property damage
17 related to arson. That's a very high dollar
18 loss. So, I think you need to understand the
19 big picture. When we say arson, obviously to
20 me arson is a major crime and it's not
21 necessarily limited to churches. I know that
22 is the real issue that we're talking about
23 today and I'm prepared to talk about that.

24 If you flip back a page, I have got
25 a report here that I have sent into the

1 Governor's task force on church fires. Most
2 of the numbers that you have heard today I
3 don't think reflect the numbers in the city
4 of Memphis. And most large cities have their
5 own investigative units and very seldom do we
6 use the resources of the Tennessee Bureau of
7 Investigation or the Tennessee Fire
8 Marshall's Office. I can speak in what
9 situations we do. But I can tell you, for
10 example here locally, we do use the resources
11 of ATF and the FBI and certainly the county
12 resources as much as possible.

13 If you will look from June 1st,
14 1994, through July 1st, 1996, we have had
15 seven churches that we classify as arson
16 fires. Of that number we had fourteen total
17 church fires in the city of Memphis during
18 that same period; seven of which we declared
19 arson.

20 Out of those arsons fires we broke
21 that down by race to best we could. We have
22 determined that we had one black church out
23 of those seven. We had five white churches
24 and we had one combination church, black and
25 white, and we had one that was just unknown,

1 because that was a vacant building.

2 If you will flip back to the first
3 page -- again I'll come back and answer
4 anything you have about the data to tell you
5 what we're doing here. I think I can
6 re-inforce what Director Winfrey said. To
7 date we've not seen any evidence of any
8 conspiracies or so forth regarding church
9 fires.

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

19 We've got now what's called A
20 Blueprint for Preventing Church Fires. We've
21 distributed copies as we speak to all the
22 churches in the city of Memphis trying to
23 make a point to get by every church with fire
24 apparatus and try to meet with the pastors
25 and parishoners and so forth to talk about

1 the issue of arson.

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

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

16 I guess two weeks ago I sent out a
17 letter to a lot of church leaders and met
18 with the various denominations about the
19 issue of arson, what's going on in west
20 Tennessee and what's going on nationwide, to
21 also re-inforce to them locally that we have
22 not seen a problem yet. I would not be
23 having that meeting if I didn't suspect there
24 could be a problem and I think the clue is to
25 open up communications with the local church

1 leaders that, in particular, at 2:00 o'clock
2 in the morning if you have a fire, it's best
3 to know that person by first name if you can
4 and that certainly helps the investigation.

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

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

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

1 answer any questions.

2 MS. WURZBURG: Shady Grove
3 Presbyterian Church, is that too recent for
4 your chart or is that an old case that was
5 opened up?

6 MS. BERZ: I'm impressed with
7 your pro-active stance; the fact that you're
8 not reacting to a fire, but saying, hey, we
9 may have a problem here in the past year and
10 let's do something. I'm impressed by that.
11 Thank you. Thank you both.

12 MR. SMITH: Another thing we're
13 doing at the same time, our fire trucks are
14 out on the road every day and we make it a
15 point to drive by churches. If you have got
16 a would-be arsonist out there that sees the
17 fire truck passing that church now and then,
18 I think it sends a real clear message that
19 the fire department is sensitive to what's
20 going on and we are watching these
21 buildings.

22 I think a key, too, is we can't do
23 it by ourselves. We've got to work with the
24 community leaders and especially the
25 pastors. A lot of times they see things that

1 they need to tell us. And that's what we're
2 telling them. We're telling them whatever
3 you see, let us know and we will investigate
4 that, because it's really disappointing to us
5 after the fact that a pastor or somebody
6 said, well, I have seen this guy hanging
7 around this building the last two or three
8 days. We need to know that before it occurs.

9 MS. BERZ: You're establishing
10 good community relations before the fact. I
11 like that.

12 MS. ZIEGLER: You mentioned
13 seven hundred a year approximately. Have the
14 number of churches increased each year? I
15 mean, is it going up each year?

16 Is there sort of a trend or pattern
17 that you are getting two more a year, three
18 more a year?

19 MR. SMITH: No, we have not seen
20 that. We have twenty-two hundred churches in
21 the city of Memphis that we estimate. That's
22 a very large number of churches. So, you
23 know, it's safe for us to say that you will
24 have church fires. We had two fire churches
25 night before last. One was created by

1 lightning and one created by a homeless
2 person, we believe because of the debris and
3 evidence that was on the scene. The fact
4 that you have twenty-two hundred churches
5 tells us that you will have fires.

6 You have got to keep in mind that a
7 church is a building that's unoccupied most
8 of the week. It's a lot of times in an
9 isolated location. One of the things about a
10 lot of churches, they are not well lit. A
11 lot of churches are kept open. It's not
12 unusual to find a lot of churches that leave
13 their church open twenty-four hours a day for
14 people to pray.

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

1 MS. ZIEGLER: Overall have the
2 numbers be increasing each year for the last
3 five years or so?

4 MR. SMITH: I think they are
5 about the same. I think the average arson
6 problem in the city of Memphis is averaging
7 six hundred fifty, seven hundred fifty fires
8 a year. Churches are probably in that same
9 category as far as numbers.

10 MS. VAUGHN-GARRETT: Of the
11 fourteen fires you said seven were determined
12 arson and you have the racial makeup. Do you
13 know the racial makeup of the seven that were
14 determined not to be arson?

15 MR. SMITH: No, we didn't do
16 that. I guess in light of what's going on
17 here in the last two years and in particular
18 the last six months, we do that now, but
19 previously we never did. A church was a
20 church to us.

21 MR. KNIGHT: Have any
22 firefighters been injured or hurt in fighting
23 church fires?

24 MR. SMITH: We had two
25 firefighters killed in an arson related

1 church fire in 1992. So, we take arson in
2 churches very, very serious in this city. As
3 a matter of fact, the last five firemen
4 killed in the line of duty in the city of
5 Memphis has been in arson fires.

6 MR. DUPREE: As part of your
7 standards in developing this here, are there
8 any systems in either the fire or police
9 department to deal with hate group monitoring
10 in this area or hate group activities?

11 MR. SMITH: We don't.

12 MR. DUPREE: Is anybody in the
13 police department doing that? You knew I was
14 going to ask you that.

15 MR. WINFREY: I can answer
16 that. We have what we called an organized
17 crime unit and, of course, we don't
18 investigate or gather information on anyone
19 that we feel is not involved in criminality
20 or criminal activity, but occasionally these
21 undercover officers pick up information.

22 For lack of a better group, there is
23 always something coming in about the Skin
24 Heads or something like that. And when we
25 do, if we can associate some type of criminal

1 offense to the information then we'll start
2 an investigation into it. Once we get to a
3 point where we make a determination whether
4 it can be prosecuted or not, then we go to
5 the Attorney General. If we can't develop
6 nothing, then we close the file. We don't
7 destroy it, we close it. That way if someone
8 comes in and said that we are maintaining a
9 file on someone not involved in criminality,
10 then we can show where there were allegations
11 of criminality. So, yeah, we monitor that.

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

17 And I would like to say this:
18 Across the city -- Tommy Tabor over there on
19 the Commission, he's a former police officer
20 and a precinct commander and he knows what we
21 do. But I want to respond to what you say
22 about what we do in our preventative mode.
23 We try to keep abreast and up to speed on
24 what's going on. And across the city of
25 Memphis every precinct have a neighborhood

1 watch coordinator and in every square inch of
2 Memphis we have a neighborhood watch leader
3 across the city. Whether it's the inner-city
4 or suburban area, we have neighborhood watch
5 contact and we bring these organizations to
6 the precinct monthly and meet with them,
7 whether it's crime prevention.

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

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

19 MS. BERZ: You even got a
20 compliment from us this at this time.

21 MR. MOORE: I sat back and
22 listened to Charlie. I just wanted to say
23 that. Thank you.

24 MS. WURZBURG: Less applicable
25 to prepares the city than some of the other

1 county departments that are not here.

2 I wanted to a to ask a question.

3 Has any assistance been asked from you
4 regarding any of our neighbors? I'm not even
5 sure you would be allowed to offer it except
6 some technical assistance.

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

10 MR. MOORE: Well, no, there is
11 no request been made for assistance. I
12 belong to what we call the Memphis
13 Metropolitan Chief of Police Association and
14 that's an organization which consists of the
15 other metropolitan areas even into Southaven,
16 Mississippi, Horn Lake, Mississippi, West
17 Memphis, Arkansas. And we do that because
18 criminals, you know, have no -- they don't
19 honor boundaries. So, we meet with them. As
20 a matter of fact, in the last six or seven
21 months the churches burning has been the
22 topic.

23 ATF has met with us and discussed
24 what they are doing with the church burnings,
25 but I don't know of any other than in

1 Bartlett, which is a suburban area here in
2 Memphis. They had a fire that they declared
3 to be an arson. But I haven't met with the
4 Bartlett Police Department. I don't know if
5 you met with the fire department.

6 MR. SMITH: In our case we had
7 one case here recently where the Bartlett
8 Fire Department requested assistance of the
9 Memphis Fire Department for an arson fire
10 they had at a church. So, in that particular
11 case -- I can't talk about the investigation,
12 but in that particular case we responded and
13 requested the assistance of ATF. So, that's
14 a good example where locally that works very
15 well with the police chiefs and I work very
16 well with the fire chiefs and that assistance
17 is available to them if they request it.

18 We have to keep in mind we have
19 seven hundred cases here in Memphis. We
20 can't --

21 MS. WURZBURG: At one time we
22 were called the best fire department in the
23 country and kept our fire insurance rates
24 low. Are we still blessed with that kind of
25 classification?

1 MR. MCCROSKEY: Only one in the
2 state; aren't you?

3 MR. KNIGHT: The federal Hate
4 Crime Reporting Act, has that posed any
5 specific problem with you? Can you say
6 anything about the effectiveness of it?

7 MR. MOORE: Well, it's a federal
8 crime. But what we do any time we gather or
9 ascertain anything in that regard, what I do
10 is send it to Ms. Coleman, US Attorney, and
11 let them pursue that.

12 Now, we have had a situation where
13 we built the case, so to speak. We took all
14 of the statements and worked it up to a
15 point, but when it comes time for
16 prosecution, then we to go the federal
17 government for their assistance.

18 I heard someone ask about the
19 sentencing when one of the guys talked about
20 the thirty-two months. In the federal
21 system -- you may be already know this -- if
22 you are prosecuted in the federal system and
23 if you are convicted and you get thirty-three
24 months, you have got to do eighty-five
25 percent of that, whereas if that was in the

1 state system you probably wouldn't do
2 thirty-five percent.

3 MS. ZIEGLER: Still too light.

4 MR. MOORE: It is.

5 MS. WURZBURG: Any other
6 questions?

7 MR. MCCROSKEY: Chief Smith, to
8 elaborate, you're running about six-fifty
9 hundred, seven-fifty arsons a year.
10 Obviously many of those or some of those are
11 race related, possibly even outside of the
12 church situation. How long have you been
13 chief?

14 MR. SMITH: Going on five
15 years.

16 MR. MCCROSKEY: In that
17 five-year period -- I assume you were
18 associated with the fire department him years
19 prior to that.

20 MR. SMITH: Twenty-five.

21 MR. MCCROSKEY: Do you feel that
22 you have got enough of a feel to make an
23 opinion on the question of, in your opinion
24 what you know of both for the Memphis area
25 and the surroundings areas what you have

1 knowledge of, are the race related arsons
2 increasing, decreasing, about the same? Do
3 you feel comfortable making that judgment?

4 MR. SMITH: I really don't feel
5 comfortable. Let me tell you what I think I
6 do know. You have to almost look at each
7 particular case and determine whether or
8 not -- we have not seen indications of race
9 related fires where you have a black versus a
10 white fire or white versus a black fire. I
11 think it would be safe to say that we have
12 seen some gang related activity and that
13 certainly on a national system I think there
14 is a lot of concern in the fire service and
15 also the police departments about, are we
16 starting to see a trend that obviously could
17 be hate related or race related, but locally
18 most of those have appeared to be one gang
19 versus another.

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

23 MS. BERZ: You all are doing a
24 very fine job. Have you all been asked to
25 serve on the Governor's task force?

1 MR. SMITH: No, we haven't. I
2 guess Memphis is kind of unique. It stands
3 on it's own many times. We're doing the best
4 we can locally.

5 MR. MOORE: We're not part of
6 Tennessee, we're northern Mississippi.

7 MS. WURZBURG: Let's now go to
8 county government. Tommy, you were asked to
9 read statement or enter a statement into the
10 record.

11 MR. TABOR: Madam Chairman,
12 would you prefer I did it here or there?

13 MS. WURZBURG: It's probably
14 appropriate you go there so you can be close
15 to the reporter.

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

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

20 MR. TABOR: Yes, ditto. First
21 of all, let me thank you for extending me an
22 opportunity to read this statement into the
23 record. The mayor sent one of his directors
24 down to make a statement on his behalf. The
25 mayor's out of the country on business.

1 Secondly, that director had to leave because
2 he also serves on the Defense Depot
3 transition board and they are making some
4 major decisions this evening, as I
5 understand. His objective was to go there
6 and hopefully get back in time, but I don't
7 think he is going to make it based on my
8 knowledge of those meetings. So, I thank you
9 again for extending an opportunity to me to
10 be able to step out of one role into another
11 to make this presentation.

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

25 The county does have a fire

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

14 Finally the Mayor supports the work
15 of the Commission and extends available to
16 each of you, as well as other groups of good
17 will, to do whatever he can do to assist you
18 further in bringing an end to such acts and
19 bringing responsible parties to justice.
20 That is the end of the statement and I thank
21 you again for having afforded me an
22 opportunity to read the Mayor's statement
23 into the record.

24 MS. WURZBURG: Thank you.

25 MR. DOCTOR: While we have this

1 pause, Reverend Maynard left a statement that
2 he would like to have incorporated into the
3 record. He's the Pastor of the Shady Grove
4 Presbyterian Church. I won't read it. I'm
5 just going to enter it in the record.

6 MS. WURZBURG: I know that all
7 the cameras were here when all the feds with
8 here -- some are still here, but what I
9 think, however, is the real meat of this
10 coconut is to be hearing right now from the
11 religious community and what it has to share
12 with us and then the civil rights community,
13 what it may have to share with us.

14 Allow me to call the role. We know
15 that Reverend Maynard has submitted a
16 comment. Reverend Fred Lofton, Metropolitan
17 Baptist; Reverend Leon Williams, Greenwood
18 CME; Reverend Robert Branch, Providence AME;
19 Bishop Samuel Lowe of COGIC; Reverend P.E.
20 Lusby, Mount Pleasant Missionary Baptist from
21 Tigrett; Reverend Donald Donaldson, Salem
22 Missionary Baptist in Gibson County; Reverend
23 Sherron Brown of Crockett County; Reverend
24 Walter Thomas of Madison County. And
25 Reverend Maynard's will be submitted without

1 reading, but will be submitted for the
2 record.

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

6 MR. DOCTOR: Reverend Thomas,
7 Reverend Brooks.

8 MS. WURZBURG: You are welcome
9 to this opportunity if you would like to. If
10 you will join the panel, we'll give you a few
11 minutes each and then well be hearing from
12 the civil rights community and then open
13 forum for any other person to express their
14 concerns.

15 REVEREND THOMAS: James Thomas,
16 pastor of the Jefferson Street Missionary
17 Baptist Church in Nashville. I was watching
18 C-Span and Dr. Berry said she was going to be
19 in Memphis. In fact, we told ATF that you
20 were going to be here. They met with
21 Reverend Brooks, who is our state president,
22 at my church two weeks ago to inform us of
23 what was going on in the state.

24 I said to them and as I say to you
25 that there are two issues here. One is,

1 there are churches being burned and we need
2 to stop that. We need to stop that. That's
3 the first issue. And we have a lot of nice
4 folk raising money and going around the city
5 and asking, is this racism. We've got to
6 stop the burning of the churches. That's the
7 first issue. We can deal with that.

8 The next issue is that we've got to
9 deal with racism in the city. We're trying
10 to deal with two different things. Now, the
11 Governor did have a meeting in Nashville. He
12 did not call any of the Nashville pastors.
13 He did not think of grass roots blacks, who
14 this president is over one hundred and
15 sixty-seven black churches. He brought a
16 group from Memphis, two or three from
17 Knoxville, and a bunch of policemen.

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

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

11 A governor who never spoke out on
12 racism comes out and talks about that's
13 wrong. Whenever the doctor cuts you open and
14 says you have cancer, that's too late to find
15 the problem. Whenever a church is burned
16 down and folk get upset and say, well, there
17 must be some racism, that's too late. We
18 already no racism exists in America in our
19 culture. I don't know what to say.

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

1 REVEREND BROOKS: I'm George
2 Brooks, senior pastor of the Saint James
3 Baptist Church in Nashville, also serve as
4 president of the Missionary Baptist State
5 Convention of Tennessee. I just assumed the
6 helm from Reverend Thomas in October of last
7 year.

8 I am concerned because many of the
9 churches in our state convention are in rural
10 areas. Most of the churches are within sixty
11 miles from Nashville and again in rural areas
12 in Clarksville, Springfield, Murfreesboro,
13 Tennessee. That's where the crux of our
14 churches are. So, it's a very important
15 issue. Also having pastored in the rural
16 area in Cross Plains, Tennessee, for six
17 years, seven and-a-half months.

18 And the problem that you have -- and
19 I'm vehemently concerned about the
20 insurance -- black churches, many of them
21 have no insurance, but those who have
22 insurance are under-insured. The church
23 where I'm now in north Nashville, we are
24 insured for four hundred seventy thousand
25 dollars. We have more than six thousand

1 square feet in our building. If we had to
2 rebuild that building because of a fire, it
3 would cost us more than six hundred thousand
4 dollars. The company we are insured with
5 insures nothing but churches and church
6 property and we've got all they will write on
7 us.

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

19 So, we have a real serious problem
20 that we are having to deal with in the black
21 community. That means that if one of our
22 churches burned, we have to find personal
23 money to rebuild those churches or find
24 persons with money in our communities who
25 will assist us. We have a real problem,

1 because we can't even get insurance companies
2 to be equal with us even with their
3 underwriting procedures.

4 We can't even get banks to deal with
5 us fairly even with proper evaluation of our
6 building. Several years ago we got ready to
7 borrow some money and the bank valued our
8 church building, six thousand square feet, at
9 ninety-five thousand dollars. They came
10 right back and we said we can't stand for
11 that. Finally we got somebody to value our
12 building at a hundred and ninety-five
13 thousand dollars. Now, these are two
14 different people in less than a two weeks
15 time looking at the same building, but, yet,
16 putting a different value on it.

17 We've got serious problems where
18 equality is concerned, and the reason is
19 people are writing rules to govern us and the
20 rules don't apply to other people who may be
21 right next door, down the street or around
22 the corner; real problem. I don't know what
23 can be done.

24 On the 26th of this month at the
25 closing of our state convention, ATF agents

1 will be there doing a workshop sharing with
2 you the same information that was brought
3 today by Mr. Garner. As Reverend Thomas
4 mentioned, we met with them a couple weeks
5 ago. So, they are going to be sharing with
6 our state convention some of this same
7 information.

8 REVEREND THOMAS: I need to say
9 this, that the Governor has attacked the
10 insurance industry. He is going to deal with
11 that. I always say a broke watch is right
12 twice a day. He is going to deal with that
13 and I want to be as fair as possible with
14 it. I have looked at this Memphis group and
15 how well organized they are but if a church
16 was burned down, they couldn't come to the
17 community. They will be too late.

18 We are afraid as people in the black
19 community, the black pastors, who are
20 independent who works for God and not the
21 Governor or the Mayor; and that I work for
22 black folk. I have been marching in
23 Nashville since 1964.

24 1985 the Klansmen cut up my car, cut
25 up my tires. I had to lay in my house at

1 night with my pistol and my shotgun in '85,
2 and apparently they thought a fool was in
3 that house, so they wouldn't come in.

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

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

21 MS. WURZBURG: Questions?

22 MS. MILLER-PERRY: I have one.
23 Reverend Brooks, do you think all the
24 churches that you have jurisdiction over,
25 could you get them together and perhaps file

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

5 REVEREND BROOKS: We can look
6 into doing that. I don't know how many of
7 them have the courage to. It's like Reverend
8 Thomas said, in many of our communities we've
9 been gragmented by people coming in getting
10 us on their side and particularly at election
11 time, some of us are in person's pockets and
12 because of whose pockets we're in, some
13 things we won't say. I think the Lord that I
14 help sign my check, because my name is one of
15 the signatures at Saint James Baptist
16 Church. So, I don't have to be concerned
17 about upsetting someone.

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

22 MS. BERZ: Being one of the few
23 people that speaks out, not being nice but
24 speaking out again -- I'm not a very nice
25 person. You're right, it is political.

1 There is all kind of stuff. How can we be
2 part of the solution?

3 We've addressed the problem. How
4 can we focus individuals -- because we all
5 live here, how can we be part of the
6 solution?

7 REVEREND THOMAS: Well, I'm
8 fifty-six years old and I have never known a
9 time in my life when state government have
10 ever been fair to black folk, state
11 government or local government, city
12 government, and now we almost have lost faith
13 in the federal government.

14 I am here because I believe in this
15 group. I believe that you're going to be
16 open and you're going to be fair and you're
17 going to struggle with truth. Anybody that
18 will struggle with truth, because I have to
19 struggle with it -- what I see, you may be
20 the ones that can make the difference for
21 us. For me you have. I know that what I
22 want I'll never see it in my life time. I'm
23 just making my contribution and get the hell
24 out of here. But you may be the ones. You
25 may be the one.

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

4 MR. MCCROSKEY: Rough? I'm
5 listening.

6 REVEREND THOMAS: But I mean,
7 we've met at some meetings somewhere. But
8 anyway, if the black church would be more
9 political and prophetic and the white church
10 repent and not just say they repent, but
11 change the political views, the theology
12 changes, we may be able to come together. It
13 won't be done in my life time or our
14 lifetime, but it's a start.

15 MS. BERZ: Is there a way in
16 Nashville that we can all come to the table
17 and talk and have solutions come from the
18 grass roots? Because it is the grass roots
19 that elects or doesn't elect folk. Is there
20 a way or is there so much distrust?

21 REVEREND THOMAS: Politics
22 doesn't like grass root folks. They don't
23 deal with grass root folks. Now, we will do
24 the marching. Grass root folks will do the
25 marching, but the folk who doesn't march will

1 get the jobs.

2 MS. BERZ: Is there a way that
3 you and I or your group and some of us can
4 sit at the table?

5 REVEREND BROOKS: Probably that
6 could work, yes. Yes, we just need to find a
7 time that's agreeable that can be worked.
8 And when I say that can be worked, I'm not
9 looking at a hundred and sixty-seven
10 churches. I wish I could get a hundred and
11 sixty-seven churches at our meeting week
12 after next, but probably could get a
13 representation of about thirty percent of
14 that hundred and sixty churches. If we could
15 get that, I think we would have included some
16 of the key people.

17 For instance, Reverend Thomas
18 represents of that group the Chair of our
19 social concerns committee, because we're
20 trying to target anything that affects us as
21 black people. And since he's more abreast,
22 he represents the Chair. But also we have
23 persons representing every district in our
24 state convention so that we can address
25 issues in every area of our state convention.

1 MS. BERZ: Just one more
2 follow-up question. Do you at least have
3 enough trust of the federal government that
4 you would at least allow people from the
5 Justice Department at the table?

6 REVEREND BROOKS: I think so. I
7 think that's why we have the ATF, because
8 these are our big brothers and our big__
9 sisters. They have information we cannot
10 get. And we've got to trust one another
11 enough to at least sit down and talk to each
12 other. So, yes.

13 MS. BERZ: Thank you.

14 MS. WURZBURG: Reverend, do you
15 belong to ministerial societies or
16 associations that are black and white and
17 other churches?

18 REVEREND THOMAS: We belong to
19 the National Baptist Convention of America,
20 Incorporated. Dr. E. Edward Jones of
21 Shreveport, Louisiana, is our president. I
22 guess you met Charles Jones. He works with
23 our group. We are members of the Nashville
24 City Association. That's black. We met with
25 the IMF.

1 MS. WURZBURG: Like our Shelby
2 County Inter-faith? I guess the question I
3 was asking, have you networked enough with
4 white ministers or white church leaders about
5 a church of a similar dimension to know that
6 their insurance may or may not be different?

7 There could be various factors of
8 what kind of detectors you may have or—
9 sprinkler systems. I understand that. But I
10 mean, in your disparity of insurance
11 coverage, under-coverage and so forth, do you
12 have some data that could be shared with
13 either Dr. Moore of the Tennessee Commission
14 or with the Justice Department when they need
15 to know, I have got an identical church right
16 over here and they are white and we are black
17 and we are being treated differently?

18 REVEREND BROOKS: I don't know
19 how easily, but it depends how they do
20 insurance. It depends on the material in
21 your building and the zone in which your
22 building is located. That helps to.

23 MS. WURZBURG: Like a red line
24 zone?

25 REVEREND THOMAS: Yes.

1 REVEREND BROOKS: For instance,
2 Reverend Thomas has some apartments that they
3 are renovating, twenty-two units. Where he's
4 located, those units would be worth about
5 eight hundred thousand dollars. If those
6 units were set sitting about ten miles away
7 in Bellview they would be worth about one
8 point two million dollars. Those are factors
9 that determines what it costs to build in a
10 certain area.

11 Our church is in the process of
12 developing a subdivision in Nashville. The
13 houses range from seventy to seventy-five
14 thousand dollars, fifty-two houses. If those
15 same houses were being built on the other
16 side of town in west Nashville, those houses
17 would be worth five to ten thousand dollars
18 more. Those are factors that determine
19 insurance; not just building, but also
20 insurance.

21 MS. WURZBURG: Any other
22 questions?

23 MR. MCCROSKEY: To help clarify
24 on those points, there may well be red lining
25 and if there is, we need to find it and we

1 need to stomp on it. At the same time, I
2 will tell you in the area that I am in in
3 Sevier County we have the same sort of zones
4 and it goes to building costs. To put up a
5 building in Gatlinburg is exceedingly more
6 expensive than to put up the exact same
7 building in Wears Valley. These places mean
8 something to me, me only probably. But that
9 is a legitimate attempt on their part.

10 What I am concerned with and I want
11 to ask you specifically is, where you were
12 saying that you feel that the replacement
13 costs on your building would run closer to
14 six hundred thousand. That's about a hundred
15 a square foot.

16 REVEREND BROOKS: Yes.

17 MR. MCCROSKEY: Are you on a
18 replacement cost form or actual cash value.

19 REVEREND BROOKS: Replacement.

20 MR. MCCROSKEY: Are they
21 maintaining they have done an appraisal of
22 their own and they are saying that four
23 hundred seventy is what they say it will take
24 to put that building back?

25 REVEREND BROOKS: I can't

1 remember. I don't remember. We've had the
2 insurance with the company for probably
3 eight, nine years.

4 MR. MCCROSKEY: Because that may
5 well be the case. And with many of the
6 companies now you may want to inquire with
7 them on the possibility of having a
8 guaranteed replacement cost endorsement.
9 When there is a dispute -- ask them first if
10 they over it and then secondly, if there is a
11 dispute over what a building is worth, a lot
12 of these companies have gone to these
13 guaranteed replacement costs where they say
14 if you will take our appraisal and it goes
15 down, we'll spend whatever it takes to put
16 the building back. We guarantee the
17 replacement of the building, but this is what
18 we feel that the building is worth.

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

25 Now, if they are just refusing, they

1 are saying four hundred seventy is the
2 highest we want to go, we admit it's worth
3 more, then you have certainly got a problem,
4 because there is also a clause in the policy
5 most likely, a co-insurance clause, which
6 requires you to carry so much insurance to
7 get replacement cost. And it's definitely
8 something that needs to be addressed and
9 needs to be addressed through the agent that
10 you're using to place the policy.

11 If it's direct with a company,
12 demand them to answer those questions
13 pointblank. And if not, I'll give you a card
14 and I will be happy to help you in any way I
15 could.

16 REVEREND THOMAS: I would like
17 to get a card from you. I believe the black
18 church will get a lot of help now from the
19 insurance companies because the Governor says
20 he is going to attack this, and I believe
21 what he said about that. He's going to
22 really attack it.

23 But it's been difficult. It's been
24 difficult. We have a problem being second to
25 none in the inner-city and we could lose two

1 hundred thousand dollars out of it.

2 MR. MCCROSKEY: Maybe it's a
3 lack of information and make we can help
4 remedy that.

5 MR. DOCTOR: Madam Chair, I
6 would like to take this opportunity publicly
7 to commend you two gentleman who clearly are
8 here out of commitment, out of concern. The
9 one word that rings true over and over again
10 in my mind anyway is the word that was used
11 by Reverend Thomas to describe what America
12 needs, particularly on the part of its
13 leadership and that word is guts.

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

1 lines.

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

7 MS. WURZBURG: And coming such a
8 long way to do it.

9 MS. BERZ: And having the guts
10 to speak out.

11 REVEREND THOMAS: I say God
12 furnishes everything but guts. God gives
13 everybody everything else, but you have got
14 to have your own guts.

15 MS. ZIEGLER: I just want to
16 make sure that I am clear and not leave the
17 assumption that your church and the
18 assessment of the insurance is probably maybe
19 the only miscommunication. I would assume,
20 and I'll ask to clarify this, that there are
21 more churches in your organization who's
22 having the same problem that you are having,
23 not only in churches, but in houses and
24 businesses and on every other playing field,
25 which goes to what you said in the first

1 place, that it is racism.

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

7 REVEREND BROOKS: I live in a
8 house that is church parsonage. We bought
9 the house at a real good price, but with the
10 square footage in that house, to rebuild that
11 house it would cost about two hundred sixty
12 thousand dollars, thirty-eight hundred
13 twenty-five square feet. But the insurance
14 company would not dare insure that house for
15 two hundred sixty thousand dollars, church
16 parsonage. They wouldn't dare insure it for
17 two hundred sixty thousand dollars. The
18 reason being is a black person owns it.

19 MS. ZIEGLER: Just wanted that
20 to be on in the record.

21 REVEREND THOMAS: I'm sorry you
22 called us up here, because you're going to
23 get us in trouble when we get back to
24 Nashville.

25 MS. WURZBURG: I would like to

1 submit for the record and just read a
2 quotation. Whenever and wherever a house of
3 worship is torched out of hate, it becomes
4 ours to rebuild. And I will submit for the
5 record the particular religious response to
6 the church burnings.

7 Any other religious person that
8 would like to address us?

9 I'm now going to call on Herman
10 Morris, President of NAACP. I haven't seen
11 Herman this afternoon. Gary Siepser,
12 Executive Director, Jewish federation; Jim
13 Foreman, Executive Director, National
14 Conference of Christians and Jews.

15 Thank you. If you will come on to
16 the panel. William Taylor, Board Chairman,
17 Memphis Urban League. Okay. Thank you,
18 Mr. Foreman. I haven't met you yet.
19 Welcome.

20 MR. FOREMAN: Thank you very
21 much. My name is Jim Foreman. I'm with the
22 National Conference of Christians and Jews,
23 and I promise to be brief this afternoon.
24 You have had a long day.

25 MS. WURZBURG: Take your time.

1 MR. FOREMAN: As I was
2 preparing, I listened attentatively all day
3 and I heard you ask several questions. I
4 hope that my comments can bear some of the
5 intense passon and emotion that the preceding
6 speakers had, because I think what they had
7 to say is indeed at the root of what we're
8 talking about.

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

17 In 1993 shortly after joining the
18 National Conference there was a report
19 published which was a national survey that
20 was conducted that indeed confirmed that
21 racial attitudes within the United States
22 were further dividing an already divided
23 nation and yet very few people wanted to hear
24 this report. Very few people listened to
25 what was being said. In the fall of 1995

1 there was suddenly intense media scrutiny and
2 awareness that the country was dividing and
3 dividing along racial lines.

4 Our organization for two years had
5 been pointing out that this was a reality and
6 one that we needed to address. Over eighteen
7 months ago media became aware that church
8 fires were taking place across this country
9 and it's only been within the last six months
10 that it's become a front page story.

11 You asked what the flash point was,
12 when was the magic number hit, what
13 occurred. I think that at a point in January
14 when a church in east Tennessee that happened
15 to be pastored by a prominent national
16 football player was involved, that the public
17 took notice. It became news and the news
18 began to focus on what was happening.

19 As an organization the National
20 Conference of Christians and Jews has
21 previously convened directors in fourteen
22 southern regions to talk about what we could
23 do in terms of assisting communities that
24 were involved with church fires. How could
25 we serve as a community resource, how could

1 we as southerners help stop what was
2 happening across the country, and more
3 importantly, here in the city of Memphis, how
4 could we as Memphians stand up to make sure
5 that the church's role was recognized, that
6 church fires were stopped and that we began
7 to approach the problem intelligently.

8 At a national level, we formed a
9 coalition with the National Urban League,
10 National Council of Laraza, and instituted a
11 four-prong approach. One was to urge and
12 encourage federal and state legal authorities
13 to pursue vigorously and actively the
14 perpetrators of the church fires and to
15 prosecute within the fullest extent of the
16 law.

17 We're helping to raise money to help
18 rebuild those churches in those communities
19 knowing that in most smaller communities that
20 they are indeed under-insured, that there
21 aren't always funds available to help.

22 But in addition to rebuilding, the
23 word pro-active has been used in helping
24 those churches better insulate themselves
25 from the possibility of fire, providing

1 information to them and manpower that can
2 assist in preparing the churches so that they
3 won't be easy targets.

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

20 But we also dealt with how we could
21 possibly approach this insidiousness of
22 church fires that seems to take place in
23 rural communities. Everybody wants to help.
24 And you have heard today how a lot of people
25 are helping. But it's kind of like grasping

1 Jello. You reach out and touch it and it's
2 suddenly gone and it springs up somewhere
3 else.

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

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

19 Everyone has to understand, whether
20 in the state of Tennessee, whether in the
21 south, that church fires destroying hope as
22 represented by those churches will not and
23 cannot stand.

24 Coordination as we've experienced
25 today is a difficult task, but coordination

1 continues to be at the key of all of the
2 people who are addressing the problem. The
3 flash point, as I have outlined for you, I
4 think was national recognition. The
5 pro-active stance is the rallying that you're
6 seeing around the country and in communities
7 throughout the south where previously we felt
8 the communities might not necessarily be
9 active; money being raised, a white church
10 taking in a black church, congregations
11 assisting each other, small communities in
12 Mississippi raising money days after, not
13 waiting on outside assistance, but raising
14 money to help rebuild churches. That's
15 pro-active.

16 Prevention is important. The
17 solution is much more difficult. It's
18 grasping at Jello. It's having
19 conversations. It's hearing things that
20 aren't pleasant. It's asking questions that
21 are hard. It's recognizing that racism does
22 exist and that it is institutional racism and
23 it's much more insidious than overt racism.
24 When you are denied a loan or your denied a
25 job or no one waits on you, your striking at

1 the very root of what happens in America
2 today, and we must address this issue if
3 anything is to ever change. Thank you.

4 MS. WURZBURG: Thank you. Any
5 questions? Happy to meet you.

6 MS. BERZ: Where are your
7 counterparts?

8 MR. FOREMAN: We have also an
9 office in Nashville and also an office in
10 Knoxville and I will be more than happy to
11 provide you with that information.

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

21 MS. WURZBURG: Is that still
22 Ms. Leinbock?

23 MR. FOREMAN: No, it has not.
24 Katherine has retired along with Harry. It
25 seems like we had a generational change

1 here. Linda Berry is our director in our
2 Nashville office.

3 MS. WURZBURG: Because her
4 contribution to this report was
5 extraordinary.

6 MR. FOREMAN: Very substantial
7 and very much appreciated. Thank you very
8 much.

9 MS. WURZBURG: Thank you very
10 much.

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

17 MR. TODD: My name is Charles
18 Todd. The first thing, I appreciate the
19 panel for coming in here. I think that
20 you're doing a beautiful job, because it is
21 some kind of struggle for help. The very
22 first thing I want to address to the panel is
23 that if you understand the plantation
24 mentality, the mind that Memphis have, you no
25 what could have happened to Martin Luther

1 King. They had a survey all over the
2 country, whereas that this is the only place
3 with the kind of mentality that the people
4 have to kill him and get away with it. I
5 feel like it was a conspiracy.

6 But, then, like the reverend say, a
7 lot of intelligent people don't want to deal
8 with the grass root people like me myself and
9 we can't get the grass root people to come
10 out with the guts to speak to a panel like
11 you all. So, we do the best that we can and
12 this is why I went to the Million Man March,
13 because I want people to understand, to see
14 the little kids, to be able to see black mens
15 come together, whether they are Catholic,
16 Protestant or Baptist, and do not cause any
17 kind of catastrophe for the society. So,
18 that is history for our young boys. That is
19 the only reason that I participate.

20 Everybody said that's a hate
21 situation. It's not a hate situation. No
22 one can sit here intelligently and say there
23 is not a double standard situation all over
24 the world; not just in the United States, but
25 what we've got to do right now is try to get

1 with people who are trying to do something to
2 try to save society. Now, if we don't do
3 something about that, we are all going to
4 lose, white and black. So, the best thing I
5 can tell you to do is to, hey, keep doing and
6 I'm proud of what you're doing. Thank you.

7 MS. WURZBURG: Thank you.

8 MS. BERZ: Thank you, Mr. Todd.

9 MS. WURZBURG: Anyone else that
10 would like to address the SAC at this time?
11 Yes, sir.

12 MR. TAYLOR: How you doing
13 today?

14 MS. WURZBURG: Fine. Thank
15 you. State your name for the record.

16 MR. TAYLOR: My name is Bill
17 Taylor. I'm an inside candidate for the 9th
18 Congressional District, the people's
19 candidate. And let me start out by saying
20 that the Lord has brought me here today to
21 address the religious side and then also to
22 address you on the political side, and I ask
23 please to allow me the time to fully express
24 myself and the views of the people.

25 MS. WURZBURG: How much time are

1 you asking for, Mr. Taylor?

2 MR. TAYLOR: I can say ten
3 minutes. It may not even take that long.

4 MS. WURZBURG: Thank you. Nice
5 to see you again. Go ahead.

6 MR. TAYLOR: It's good to see
7 you. First of all, we need to wake up and
8 remove this sight that is actually a —
9 blindness. It is not so much of a racial
10 thing that we see here in the burning of the
11 church, but if we look deep inside of America
12 we will see that America has had a strong
13 base in religion and in God. On the very
14 dollar that we print it say, In God We Trust,
15 and that's what America has been built on or
16 was built on, putting its trust in God and
17 finding leadership through God. That has
18 been deteriorated by those that have sought
19 to blind us, those who have been advocates of
20 separation, division. Satan was thrown out
21 of heaven because he divided heaven.

22 There is no black, white in heaven.
23 The spirit is transcended. There is no way
24 that you can look at my spirit and say this
25 is a white spirit or a black spirit. It does

1 not exist. If you were to bleed today, no
2 matter what color you are, where you came
3 from, that blood is going to be the same
4 color. There will be no difference. If I
5 removed your heart today and I put my heart
6 beside yours, there will be no difference in
7 our hearts.

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

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

21 I can print up a million of these
22 books and tell you about racism, but I live
23 in racism every day. You don't have to tell
24 me what's going on. I don't need to know
25 because I already know what's going on. This

1 is just another dollar spent that's costing
2 me as a taxpayer to not have the necessary
3 income to live a decent life to provide for
4 my family.

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

9 Malcolm X denounced intergration as
10 a fraud. And if you look at it today, it has
11 been a fraud. Why? It's simply intergration
12 without economic growth is a fraud.
13 Separation can only be something that is a
14 devisive factor, which is evil.

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

24 I go into a church and the first
25 thing they asked me is what is your

1 denomination. My denomination is that of
2 God. And until we realize -- and God is
3 telling you now and he's given you signs.
4 We've had the big earthquake in California.
5 And if you look around, we've had wars here
6 and there and rumors of wars. Look at the
7 signs.

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

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

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

15 Since the murder, and I mean the
16 brutal murder of Martin, Jack, John, and
17 Martin Luther King, we've been as dead as any
18 dead person can be. We've buried our
19 ourselves. We've taken and put ourselves in
20 a tomb. And God is telling you and Jesus is
21 telling you just like he called Lazaruth from
22 the tomb. He's calling you from the tomb and
23 he's opened that door and there is a stink, a
24 stench of racism, poverty and economically
25 poor people out there, God's people, and this

1 has all been because of our separation. Wake
2 up and see the signs.

3 We need to move in a position of
4 making black America economically strong,
5 economically empowered. We need to attack
6 the EEOC for not doing its job. We need to
7 attack the justice system for not doing its
8 job. We need to attack the education system
9 that has not done its job. And we need to
10 attack the Health Department system that has
11 not done its job.

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

15 MS. WURZBURG: Thank you.

16 MR. TAYLOR: We don't need
17 another letter printed. We don't need
18 another book printed. We need you to
19 investigate and then come out and say you are
20 the problem.

21 I asked before Mr. Bobby Doctor at
22 the other meeting -- and I don't know if you
23 all did that, and I questioned you and asked
24 were you an investigative body and you said
25 yes. Well, I asked you to investigate EEOC.

1 It has a three-year backlog of racism. I
2 asked if you would investigate the Justice
3 Department. You said yes. I asked if you
4 would investigate the education department
5 here in the manner in which it administered
6 the hepatitis A shot racially. You said
7 yes. I asked would you investigate the
8 Health Department in the manner in which it
9 joined in with the educational system. You
10 said yes. I ask you today is that
11 investigation going on?

12 MS. BERZ: Were you here when
13 Chair Berry spoke about she was going to take
14 all this information back to Washington? And
15 that's what she was doing. Did you hear her
16 talk at the beginning?

17 MR. TAYLOR: I was not here.
18 And I have called out to the city. I have
19 called Mr. Doctor's office. And I requested
20 the very time that this organization,
21 considering its importance to this community
22 and to any community in America, the very
23 time that it had set to be held was racial.

24 How in the world people that has to
25 work, poor people, going to take off their

1 jobs on a week day and come down here to
2 address you? Now, those that are in business
3 that have sought to keep us down, they can do
4 it because they are not tied to a time clock
5 and they are not tied to having to pay their
6 rent.

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

12 MR. DOCTOR: Madam Chair, I
13 would like to quickly respond and then I
14 suggest that we adjourned this meeting.

15 First of all, I don't recall
16 personally talking to this gentleman,
17 Mr. Taylor. I don't know who you talked to
18 in my office. I have never suggested or
19 inferred that this agency, that my office in
20 particular, works magic. It is very clear to
21 me we've been just as critical of a lot of
22 those agencies that Mr. Taylor is referring
23 to. We're going to be even more critical of
24 them when we come out with that report in a
25 week or two on the subject of Title 6

1 enforcement. We have been critical of them
2 since 1974 in a series of reports we've done
3 on the federal civil rights enforcement
4 effort. I would be the first to admit that I
5 am not satisfied with the extent to which the
6 federal government is in fact enforcing its
7 own federal civil rights laws and
8 regulations.

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

16 MS. WURZBURG: One final
17 statement. I'm sorry that Chair Berry isn't
18 here, because she would be able to tell you
19 of the investigation ongoing of the EEOC and
20 other agencies who are supposed to be and are
21 being charged with investigating and
22 eliminating discrimination and how they are
23 falling short of their job, in our
24 estimation.

25 For the record, I would like to

1 share with you that we're not paid. We're
2 volunteers and we've taken off from our work
3 to come and perform the task of inquiring
4 into the church burnings and what is being
5 done and what's not being done and the root
6 causes of it. So, like you, we are here in
7 our day gigs and are here because we think we
8 care.

9 MR. TAYLOR: Ma'am, I'm not
10 referring to you personally. There is an
11 office that has people on the board and that
12 office is the Commission on Civil Rights and
13 the people that run that office are being
14 paid and they are being paid to do a job and
15 that job has not been done and we want you to
16 do the job.

17 Before we go off the record I would
18 like to ask the question again. Will you
19 investigate the Justice Department? Will you
20 investigate the education department? Will
21 you investigate EEOC and will you investigate
22 the labor board?

23 These people or these organizations
24 that are receiving federal funding, yes, or
25 no, will you investigate these

1 organizations?

2 MS. WURZBURG: Yes. Thank you
3 for coming and thank you for being with us.

4 (Whereupon, said hearing was
5 concluded at approximately 5:45 PM.)

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7 (Exhibits attached)

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COURT REPORTER'S CERTIFICATE

STATE OF TENNESSEE:

COUNTY OF SHELBY:

I, DAVID TRENT THURMAN, Registered Professional Reporter and Notary Public, Shelby County, Tennessee, CERTIFY:

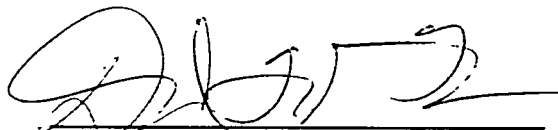
1. The foregoing proceedings were taken before me at the time and place stated in the foregoing styled cause with the appearances as noted;

2. Being a Court Reporter, I then reported the proceedings in Stenotype to the best of my skill and ability, and the foregoing pages contain a full, true and correct transcript of my said Stenotype notes then and there taken;

3. I am not in the employ of and am not related to any of the parties or their counsel, and I have no interest in the matter involved.

WITNESS MY SIGNATURE, this, the

1 day of July, 1996.



DAVID TRENT THURMAN
Registered Professional
Reporter
Notary Public for
Shelby County, Tennessee

My commission expires: August 12, 1998