

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

**Executive Summary of a Community Forum
Held July 2, 1996, Boligee, Alabama
by the Alabama Advisory Committee to the
United States Commission on Civil Rights**

The United States Commission on Civil Rights

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

The State Advisory Committees

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

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

Mr. Rodney A. Max, Chairperson
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Ms. Charlena Bray
Birmingham

Ms. Nancy A. Carnley
New Brockton

Mr. Michael Davis
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Mr. Jerome A. Gray
Montgomery

Ms. Freddi Aronov-Heilpern
Birmingham

Dr. Rex J. Morthland
Selma

Dr. George Munchus III
Birmingham

Mr. Jack W. Selden
Birmingham

Ms. Anne Shumaker
Centre

Dr. Annie M. Wells
Huntsville

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From October 1995 through June 1996, seven African American churches in Alabama were burned under circumstances that have ruled out accident. These churches were among the more than 59 arsons of African American churches in the South between January 1995 and June 1996,¹ arsons that have caused great concern for reasons that are not apparent to all Americans, particularly those who are too young to remember the bombing of the 16th Street Baptist Church in Birmingham, Alabama, in 1963, when four young black girls were killed at Sunday school. The fires of the 1990s resonate with special force in Alabama, home to so many struggles of the civil rights movement.

The U.S. Commission on Civil Rights, in a statement issued June 14, 1996, noted that "Southern rural black churches...were rallying points for many galvanizing demonstrations that ushered in the modern civil rights movement. As religious institutions, black churches were havens for the people who marched for five days from Selma to Montgomery, shelters where freedom riders ate and slept, hosts for meetings and voter registration drives, and headquarters for the Montgomery bus boycott."² Retaliation against the churches for their support of the civil rights movement included fires and bombs.

In this decade, the first black church to be burned intentionally in Alabama was Faith Whole Truth Holiness in Pennington, a town of less than 400 persons located in Choctaw County in the western part of the State. On October 31, 1995, the 50-member church was vandalized and then burned around 11 p.m. and \$20,000 in damage resulted. Two drunken white teens, who had vandalized a warehouse and truck, burned down a barn, and vandalized Milwood Primitive Baptist Church (predominantly black) before attacking Faith Whole Truth Holiness, were arrested. One was not charged, and the other was sentenced to 3 years of probation and community service.

On December 22, 1995, Mt. Zion Baptist Church was destroyed by fire in Boligee, a small town in Greene County. The African American church was torched a week after the sentencing hearing of two white men for vandalizing churches in Sumter County. As of August 12, no one had been arrested for the Mt. Zion fire or for the two other arsons that were soon to occur in the area: on January 11, 1996, Little Zion Baptist (in Tishabee, Greene County) and Mt. Zoar Baptist (in Boligee). Little Zion Baptist Church was founded in the 1790s and has 70-100 members. The church was destroyed by the fire. Six miles away, Mt. Zoar Baptist Church was also destroyed. The church was founded in 1902 and has 30-60 members.

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

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

The next fire was February 28 at New Liberty Baptist, in Tyler, 10 miles east of Selma, in Dallas County. Founded in 1910, New Liberty Baptist Church has 35-40 members. The church was burned to the ground. A white firefighter confessed to setting the fire, and a series of grass fires, because of a grudge against his chief.

On June 3, 1996, Rising Star Baptist Church of Greensboro, in Hale County, was burned. Founded in 1931, the church has 250 members. As of June 1996, the fire was considered suspicious, but arson had not been proved.

On May 16, 1996, the Alabama Advisory Committee to the U.S. Commission on Civil Rights held a briefing meeting in Livingston, which is in Sumter County, some 17 miles southwest of Boligee. Local officials and leaders and community members described the state of race relations in the area to the Advisory Committee.³ A petition against hate crimes directed against minorities, citing threats of violence, vandalism and shooting at homes of individuals, and burning and vandalism of 23 churches, was presented to the Alabama Committee. The petition was eventually signed by more than 3,000 persons.⁴

In light of all these circumstances, the Commission's Advisory Committee in Alabama decided to hold a community forum in Boligee, on July 2, 1996, to examine two areas: the response of law enforcement to the fires and the status of race relations.

Alabama Snapshot

Alabama ranks number six among the States and the District of Columbia in the proportion of African American residents. In 1990 Alabamians were 73.6 percent white and 25.3 percent black, with American Indians (0.4 percent), Asian Americans (0.5 percent), and Hispanics (0.6 percent) constituting the rest of the population. Overall, in 1992 the population stood at 4,137,511, an increase of 6.3 percent since 1980.⁵

In Greene County, site of the Alabama Advisory Committee's community forum, African Americans in 1990 numbered 8,181 (80.4 percent) and whites 1,966 (19.3 percent), of a total population of 10,174.⁶ Median household income in the county was \$11,990, compared with \$23,597 for the State as a whole; per capita income in the county was \$6,306 and in the State, \$11,486.⁷ Put another way, 56.6 percent of the households in Greene County had incomes below \$15,000 a year.⁸

Alabama does not have a hate crime statute, but does now provide for increased penalties when a crime is motivated by the victim's race, color, religion, national origin, ethnicity, or physical or

³ Minutes, Meeting of the Alabama Advisory Committee to the U.S. Commission on Civil Rights, May 16, 1996.

⁴ See sample page of petition, app. A. When presented to the Advisory Committee, the petition had been signed by 1,300 persons.

⁵ U.S. Department of Commerce, Bureau of the Census, *1992 City and County Data Book*, pp. 2-3.

⁶ *Ibid.*, pp. 18-19.

⁷ *Ibid.*, pp. 23 and 7.

⁸ *Ibid.*, p. 23.

mental disability.⁹ In the two most recent reports under the Federal Hate Crimes Statistics Act of 1990 (which called for voluntary reporting of hate crimes by law enforcement agencies to the Federal Bureau of Investigation), Alabama had no law enforcement agencies reporting for 1994¹⁰ and four agencies reporting five incidents in 1993.¹¹ Alabama does not have a human relations or human rights commission.¹²

Alabama had 699 black elected officials in 1993,¹³ or 16.2 percent of all elected officials.¹⁴ Ninety-seven African Americans held county elective offices.¹⁵ The 67 Alabama counties have 357 members of county governing bodies.¹⁶

The Forum in Boligee

The Alabama Advisory Committee's community forum¹⁷ was held at Paramount High School in Boligee. The purpose was to assess the investigative procedures of Federal, State, and local law enforcement officials and to examine race relations in the community.

Invited participants included Congressman Earl F. Hilliard, from Alabama's Seventh Congressional District. Rev. Levi Pickens, whose church was set afire, represented the religious community.

The Advisory Committee moved on to hear from three county officials and a city councilman from Eutaw: Garric Spencer, chairman of the Greene County Commission; Spiver Gordon, city councilman from Eutaw; Booker Cooke, chief of staff, Green County Board of Commissioners; and Barron Langster, district attorney for Greene, Sumter, and Marengo Counties. Federal law enforcement officials followed next: Robert Langford, Federal Bureau of Investigation; James Cavanaugh, Bureau of Alcohol, Tobacco, and Firearms; and Caryl Privett, U.S. Attorney for the Northern District of Alabama.

⁹ Sec. 13A-5-13 of the Alabama Criminal Code, effective Apr. 21, 1994.

¹⁰ U.S. Department of Justice, Federal Bureau of Investigation, *Hate Crime Statistics 1994*, p. 20.

¹¹ U.S. Department of Justice, Federal Bureau of Investigation, *Hate Crime Statistics 1993*, p. 23.

¹² See, Alabama Advisory Committee to the U.S. Commission on Civil Rights, *From the Dream of the Sixties to the Vision of the Nineties--The Case for an Alabama Human Relations Commission* (1992).

¹³ Joint Center for Political and Economic Studies Press, *Black Elected Officials: A National Roster, 1993* (Washington, D.C.: 1994), p. 1.

¹⁴ *Ibid.*, table 2, p. xxiii.

¹⁵ *Ibid.*, table 10, p. xxxi.

¹⁶ *Ibid.*, p. 1.

¹⁷ The State Advisory Committees to the U.S. Commission on Civil Rights do not have subpoena power. When a community forum is held, the Advisory Committee invites persons to present differing points of view on an issue. Since the Advisory Committee cannot compel participation, persons invited to present information may not appear. At the conclusion of such forums, persons in the audience who wish to present a statement on the topic of the forum are permitted to do so.

H.O. Kirskey appeared before the Committee representing a community organization. Then Mayor Lavender of Boligee spoke, followed by Abraham Kinnard, principal of Paramount High School, and George Hall, sheriff of Greene County. After hearing from the invited participants, the community forum was open to the public for remarks.

Summary

Acting Chair of the Alabama Advisory Committee Annie Wells welcomed the public to the forum. Dr. Mary Frances Berry, Chairperson of the U.S. Commission on Civil Rights, presided over the forum until the arrival of Alabama Advisory Committee Chairperson Rodney Max. Regional Director Melvin Jenkins introduced other members of the Alabama Advisory Committee present: Michael Davis, Anne Shumaker, Rex Morthland, George Munchus, and Jerome Gray.

In introductory remarks, Commission Chairperson Berry complimented the Alabama Advisory Committee on its contributions to the Commission, noting reports on such issues as the Tuskegee experiment and race relations in Selma. Dr. Berry referred to the Commission's 1968¹⁸ and 1983¹⁹ reports on Alabama's rural counties (including Greene County) and observed that very little seems to have changed in Greene County since 1983, where African Americans today have political power but lack economic leverage. Dr. Berry referred to her tour of the town of Boligee, including the Warrior Academy, an all-white private academy established after school desegregation was ended in 1967. Dr. Berry also described the Commission's ongoing work on racial and ethnic tensions throughout the United States.

Mayor Buddie Lavender of Boligee welcomed the Commission, the Alabama Advisory Committee, and the public to Boligee.

The first presenter, U. S. Rep. Earl Hilliard, remarked that Alabama is a place of paradoxes: the home of George Wallace, Rosa Parks, Bull Connor, Jimmy Lee Jackson, the cradle of the Confederacy, and where Dr. Martin Luther King, Jr., unveiled the doctrine of passive resistance. Representative Hilliard then focused on two issues: law enforcement efforts regarding the church fires and the FBI's decision to investigate the church fires and allegations of voting fraud simultaneously.

The Congressman told the Alabama Committee that nine church fires have occurred in his district and criticized the FBI and ATF for not responding to the urgency of the fires sooner. He added that there have been four cluster areas of fires in the Southeast in Alabama, Mississippi, South Carolina, and Tennessee. The later fires, he added, have been scattered, unorganized, and set by copycats and "firebugs."

Representative Hilliard observed that the FBI investigation of voting fraud in conjunction with the church fire inquiries was a terrible mistake that intimidated African Americans and yielded no positive result. In closing, he expressed concern about insurance company actions that may hamper the rebuilding efforts of rural churches.

¹⁸ *Cycle to Nowhere.*

¹⁹ *Fifteen Years Ago. . . Rural Alabama Revisited.*

Alabama Advisory Committee members asked Representative Hilliard a number of questions at the conclusion of his statement. Dr. Wells asked how the President's allocation of \$6 million to assist the burned churches would be used. The Congressman replied that he was uncertain about the level of agency involvement following the President's announcement. Responding to Ms. Shumaker's question about private donations, Representative Hilliard said that two local private funds have raised \$14,000. With regard to complaints that funds have not been released for necessary building materials, Representative Hilliard proposed a centralized organization to oversee the distribution of funds. It is unclear who holds the funds, said Representative Hilliard. He added that he would provide the address of the bank where people can make donations for the rebuilding efforts.

Advisory Committee member Davis asked Representative Hilliard if he could divulge what he has learned about motives for the arsons from Federal agencies. Representative Hilliard said he had learned from a congressional hearing held by the Congressional Black Caucus and a briefing by the ATF and FBI that government agents have been unable to confirm that the fires are the work of organized activity, since very few of the arsons have been solved. When asked by Commission Chairperson Berry to explain why he thought there was "lost initiative" regarding the fires, Representative Hilliard reiterated his concern that the late response to the fires could mean that the public will never know who or what group is behind the fires. Dr. Berry then asked about the Congressman's concern about "copycats." Representative Hilliard clarified his position, stating that the investigation and exposure of the fires should not be stopped because of concern about copycats. Instead, he called for accelerated efforts where needed.

Rev. Levi Pickens of Mt. Zion Baptist Church, which was burned and is being rebuilt, said there is a denial of racial problems in Greene County. A resident of the county for 71 years, he said racial problems have not just started. He told the Alabama Advisory Committee about a white minister at a seminary whose congregation would not tolerate his teaching black ministers. Reverend Pickens concluded by stating that although African Americans are supposed to have the same rights as everyone else, that is not so in Greene County.

Advisory Committee members Davis, Shumaker, and Gray asked Reverend Pickens about the congregation's reaction to the fire, insurance coverage, and the rebuilding efforts. Reverend Pickens said that his congregation has responded by rebuilding the church with outside assistance; however, there was not enough insurance to cover the damage. He added that two white pastors had responded, with one inviting his congregation to worship with them and use their church. When asked by Dr. Berry about racial and economic conditions in Greene County, Reverend Pickens agreed that little had changed in the last decade. He said that he does not know why Greene County has racial problems, but he is sure that such problems exist, and they will remain after all the churches are rebuilt.

Next to speak were persons from county government and a member of the city council of Eutaw. The first was Garric Spencer, chairman of the Greene County Board of Commissioners. He echoed Representative Hilliard's sentiments, saying that the FBI's and ATF's responses to the fires were late. Mr. Spencer disapproved of the FBI's commingling of the alleged voting fraud and church fire investigations because of concerns that the inquiries would result in fear and silence. He maintained that inquiries by local officials would have been more successful, since the residents know them. Mr. Spencer concluded by citing what he considers the sources of racial tensions: segregated schools and churches.

Mr. Spencer was asked by Advisory Committee member Davis what the county commission has done to encourage discussion and integration in areas such as business, education, and recreation. Mr. Spencer explained that black leaders created a voting district in 1986 to give whites a voice on the Greene County Board of Education and the County Commission. A white person ran and sits on the county commission. But no white has run for the education seat, in a district that is 70 to 80 percent white. He also said that attempts had been made to attract white students back into the public school system under Project Come Back. No such efforts to promote the public schools system have been made to date, said Mr. Spencer. Mr. Spencer said that some blacks and whites have worked together to build a \$9 million plant, with the cooperation of people in Eutaw, the county seat.

Responding to Committee member Shumaker's inquiry about communitywide ecumenical services between the races, Mr. Spencer said that some activities have been held at Christmas time and that a black church-sponsored youth program also involves whites. Dr. Berry asked about political and economic power. Mr. Spencer responded by citing lack of funding for education, pointing to the absence of airconditioning at Paramount High School as an example. Elaborating, he explained that the economic development plan will not yield tax benefits for another 10 to 20 years. He said the county is looking at other sources of funding, for example, *ad valorem* taxes.

Mr. Gray asked how the town's newspapers report on race relations. Mr. Spencer said that there are two newspapers in Greene County, but he reads only one because the other will only "lambaste." Asked by Dr. Berry about his perception of the FBI investigation into voting fraud, Mr. Spencer stated that it was effective in limiting black participation in the last election.

After hearing from Mr. Spencer, Dr. Berry introduced the Alabama Committee Chairperson, Rodney Max, who presided over the community forum for the rest of the evening.

The second local representative to speak was Spiver Gordon, civil rights activist from the Southern Christian Leadership Conference and a member of the Eutaw City Council. Mr. Gordon said there is a denial of the poor race relations in the community, the State, and the Nation. He said that local race relations are exploited by the local media, there is racial tension at the postal system, and hinted that law enforcement officials were insensitive in their questioning of victims of the church fires.

Mr. Gordon asserted that the fires were deliberate and urged the investigation of hate groups with a history of burning black churches. He pointed out that Greene County has separate churches, schools, swimming pools, graveyards, and banks. A few white ministers, Mr. Gordon said, tried to bring the races together, but they were dismissed by their congregations because of the effort. The councilman intimated that coalitions use racially coded words to spread negative perceptions of African Americans.

Mr. Gordon told the Alabama Advisory Committee that he and others have raised \$125,000 to assist in church rebuilding efforts. He concluded by stating that racism, expressed by arsonists bypassing white churches to burn black churches, is being fueled by statements of people at the top such as Presidential candidates and Governors. Affirmative action, he noted, is criticized, and whites think blacks are getting the jobs, when in fact with the downsizing of plants, all are

suffering. These and other issues such as the Rodney King beating are examples of contributory factors to the church fires.

The Alabama Advisory Committee asked several questions about racial tensions. Committee Chairperson Max asked Mr. Gordon about the response of State leaders to the church burnings and race issues. Mr. Gordon said that the Alabama Governor has not responded to his letter on racial tensions in the State and was too busy to meet with President Clinton on the issue of church fires. The Alabama Attorney General, he continued, had removed a black district attorney from a case involving a threat to the life of an African American judge. Commission Chairperson Berry stated that the Governor did not directly respond to a letter from the Alabama Advisory Committee about a previous meeting on church fires held in March 1996. Mr. Max informed Dr. Berry that the Governor also did not respond to the petition of 3,000 citizens calling for an official statement condemning fires at houses of worship. Dr. Berry noted that leadership is required from political officials on civil rights issues and that the Governor should speak out on this important issue. She then reissued an invitation to the Governor to speak out against such behavior.

Ms. Shumaker asked if there were a ministerial association to provide leadership to help the community with its racial strife, Mr. Gordon said there could be such efforts but there are not. Mr. Gordon told the Advisory Committee that a white minister who was holding breakfast meetings with white and black ministers was dismissed after 3 weeks. He added that the ministers have allowed a coalition of blacks and whites to address racial problems without the participation of members of the civil rights community or elected officials. Advisory Committee member Gray asked if there was any economic coalition building around development of the Greene County Greyhound Track. Mr. Gordon replied that there was not. Some meaningful discussion between blacks and whites occurs, he said. But, he continued, an honest, open dialogue in Greene County means agreeing with the status quo and saying nothing controversial.

Committee Chairperson Max announced that a coalition would be forming on July 16 at the 16th St. Baptist Church in Birmingham. He invited Mr. Gordon to attend and said he would be inviting all concerned persons in the area. Mr. Gordon then gave the Advisory Committee copies of racist flyers sent to an African American minister whose church was set afire.

Mr. Gordon was followed by Booker Cooke, chief of staff for the Greene County Board of Commissioners. He explained that the predicament of African American males in Greene County is similar to that nationally: black males suffer disproportionate rates of violence, and blacks in Greene County are less likely to have equal educational opportunities or fair employment. Mr. Cooke informed the Advisory Committee that the median income of blacks in Greene County is \$6,000 versus \$14,000 for whites. Whites with a college degree in Greene County will earn approximately \$5,000 more than African American graduates, Mr. Cooke said. Other statistics reported by Mr. Cooke were that African Americans are almost entirely in lower level or unskilled jobs, are 98 percent of county jail inmates, and face increasing health crises, including suicide and homicide. When Mr. Max asked which population was more likely to remain in Greene County, Mr. Cooke replied that blacks are more likely than whites to remain in Greene County. Mr. Cooke agreed to provide the Alabama Advisory Committee a written statement.

Next to speak was Barrown Langster, District Attorney for Greene, Marengo, and Sumter Counties, who became the first elected African American district attorney in Alabama in January 1993. The District Attorney noted there was an improvement in fair housing in Greene County,

but added that economic opportunity for blacks has yet to be realized. Mr. Langster described why he had sought stiffened sentences in the prosecution of three white youths who vandalized three black churches for racial hatred reasons. He said that his arguments were reported by the press account of the sentencing of the youths and that evening two churches were burned in Greene County. Mr. Langster criticized the Governor for posting only one-half of the maximum reward possible for information leading to the perpetrators of church burnings and for failing to attend the meeting with other Governors and President Clinton. He concluded by stressing that investigations into the fires remain focused.

Dr. Wells asked Mr. Langster why he thought most of the cases have not yet been solved. Mr. Langster surmised that the overlooking of potential motives and witnesses may have compromised the investigation. Race, he said, should not be dismissed as a possible motive and all facts must be investigated. Dr. Munchus asked Mr. Langster if he was the individual removed from a case by the State attorney general. Mr. Langster acknowledged that he was the district attorney removed from the case where shots were fired into the home of an African American judge. He explained that the attorney general's letter removing him from the case cited the nature of the case, the parties, and the possibility of a conflict of interest. When asked by Ms. Shumaker if he would have been concerned about his safety had he prosecuted the case, Mr. Langster said no. His job, he said, requires the prosecution of criminals, drug dealers, and capital murderers, and security is always an issue. Mr. Langster further noted that he did not know how he could be a witness to the case since he was not at the scene at the time of the shooting.

Mr. Langster reported that church officials are being trained to implement safety precautions such as installing burglar alarms. When asked by Advisory Committee member Gray, Mr. Langster said that there has been no communication between his office and the FBI on the voting fraud investigation. He said that the failure to contact his office does raise some concerns. Mr. Gray then asked the district attorney for his opinion about the FBI's combining the church fire and voting fraud investigations. Mr. Langster replied that it was imprudent, as it may have compromised one or both investigations. Mr. Langster explained that the Alabama Bureau of Investigation and an agent from the attorney general's office are looking into the shooting in the home of State Judge Ed Hardaway.

Advisory Committee Chairperson Max asked Mr. Langster about his replacement on that case, the individuals he prosecuted under the hate crime law, and if hate crimes are reported to the State office. Mr. Langster told the Committee that he has been replaced by a white district attorney in the case involving threats against Judge Hardaway. He explained that the young men convicted of criminal mischief for vandalizing the three black churches could have been sentenced up to 30 years. The judge showed some consideration in sentencing the young men to only 5 years, with 180 days in jail and the rest on probation, Mr. Langster said. Once these cases were determined to be hate crimes, he explained, they were reported to the State and the office of the U.S. attorney and to the U.S. Attorney General, which deferred to prosecution under State law.

After hearing from the county representatives, the city official, and the district attorney, the Alabama Advisory Committee heard from Federal law enforcement officials in charge of the investigations.

Robert Langford, special agent in charge, Federal Bureau of Investigation, Birmingham, informed the Advisory Committee there have been four unsolved church fires in Alabama, three in Boligee

and one in Greensboro. Of the three Boligee fires, Federal law enforcement officials had not investigated the December 1995 fire, but have investigated the two January 1996 fires since the day after their occurrence. Mr. Langford explained that the churches are in very rural locations and there is no forensic evidence from the fires. Thus, he continued, the focus is on possible witnesses.

Mr. Langford stated it is believed that the churches were burned with intent, but there is no supporting evidence for that assertion. Nor can the FBI say that the church fires are connected, he continued, but that is assumed. Mr. Langford defended inquiries about the possible involvement of drug dealers in the arsons on the basis that the whole spectrum of motives must be considered. Other possible motives about which questions are asked, he said, include hate groups, gang rituals, and insurance fraud. More than 180 hunters in the area and local landowners have been interviewed, he continued, and a \$30,000 reward, in addition to the State's reward, has been posted by the FBI and ATF. Hypnotism and other investigative techniques are also being tried, he added.

Mr. Langford told the panel that approximately 800 interviews had been planned for the voting fraud case before the church fire investigations started and were viewed as a resource for the latter. The FBI agent explained that the church fire interviews, about 1,000, have now been separated from the voting fraud issue. Those interviewed have expressed concern about the fires, he said. He added that the FBI has not received a single complaint about the interviews. Mr. Langford defended the simultaneous interviews as maximizing limited personnel resources. He also remarked that the FBI is aware of and has interviewed an 81-year-old white male from Georgia who has sent hate mail to a minister in Alabama.

Advisory Committee member Davis' questions about the types of materials used in the fires were deferred to ATF agent Cavanaugh because of his expertise on arson. Dr. Wells asked Mr. Langford about the FBI's success rate in solving these fires. Mr. Langford expressed his frustration about solving the fires, which has been hampered by the churches' rural locations, a lack of witnesses, and the total destruction of the churches by fire, resulting in no evidence. Mr. Max asked if the burnings appeared to be the work of pranksters or professionals. Mr. Langford said he could not answer with specificity SAC Chair Max' question about the identification of hate groups in Alabama. He did state that hate groups in Alabama have been identified. Mr. Langford replied that the age, structure, and location of the churches facilitated their burning, whether by a prankster or an expert.

Responding to Dr. Berry's concern about possible connections the 81-year-old white male may have with the arsonists, Mr. Langford said that the man is being investigated to determine if he has had any contact with those who may have set the fires. When asked by Dr. Berry about possible insensitivity the FBI showed by combining the investigations of the church fires and voter fraud, Mr. Langford said that, while he was not present at the inquiries, upon reflection he did not believe it was an improper way to handle the investigation. When pressed on the likelihood that the black community would call the FBI to complain about the FBI, he responded that he understood that argument and he would expect a complaint to be made to the Commission or a similar organization if not to the FBI. He added that he has previously received complaints from African Americans on other violations.

Answering Chairperson Berry's question about FBI coordination with State and local offices, Mr. Langford told the Alabama Advisory Committee that the ATF and FBI coordinated efforts also involve the U.S. attorney, who is kept abreast of developments through reports. A March meeting

with FBI, ATF, and the U.S. attorneys from offices throughout the South was an opportunity for communication about the investigations. Mr. Langford said he has received assistance from the State agencies, including a full-time investigator from Sheriff Hall's office and from the State attorney general's office, plus part-time help from the Alabama Bureau of Investigation. He added that computer databases are being used to maintain information.

When asked by Mr. Gray about the number of whites interviewed about voting fraud and the racial make-up of the investigating agents, Mr. Langford replied that two to three black FBI agents were among the interviewers. He stated that he was not sure that any of the voters interviewed was white, noting that most of the absentee ballots in question were voted by blacks. Dr. Munchus asked about the FBI's contact with the local district attorney on the voting investigation, and Mr. Langford explained that there had been none because there was no investigative input from the district attorney's office. In retrospect, he said, a contact should have been made.

Dr. Berry asked Mr. Langford about the FBI's success rate in resolving civil rights complaints. Mr. Langford said probably 60 percent of civil rights complaints received by the FBI are resolved, with the majority of those complaints dealing with police brutality, with very few discrimination in housing and business complaints. He noted that bank robberies, in contrast, have an 85 percent solve rate.

James Cavanaugh, special agent in charge, Bureau of Alcohol, Tobacco and Firearms, Birmingham, is in charge of the Alabama and Mississippi region. He explained that he currently has eight active church fire investigations, five accidental church fires at African American churches, and two cases with arrests. Some of the ATF agents involved in the investigations have worked to the point of exhaustion, he said.

Mr. Cavanaugh informed the Alabama Advisory Committee that the national arson solve rate is about 16 percent. He provided the following information: There have been over 243 reported church fires or desecrations since 1990, with more than half of those incidents occurring in the last 18 months; and there have been arrests in 83 cases and convictions of 41 persons. In the last 3 months, the ATF assisted State authorities with arrests in Tyler, Alabama, and Yazoo County, Mississippi, Mr. Cavanaugh reported.

Advisory Committee Chairperson Max asked Mr. Cavanaugh a number of questions about the fires, motivation behind the fires, and the 1992 investigation into hate crimes. Mr. Cavanaugh explained there are eight open church fire cases in Alabama and Mississippi classified as arson, incendiary, or undetermined/suspicious fires. He dismissed the relevance of the copycat notion, pointing out that a firesetter motivated by bigotry is a bigot, not a copycat. He added that the fires are easily spread because the churches are very old, may suffer termite infestation, lack fire walls and sprinklers, and are located in rural areas away from fire stations or hydrants. The fires are being looked into as clusters, especially those in Greene and Hale Counties.

Responding to a question about a 1992 investigation into the rise of hate groups, Mr. Cavanaugh said that since the arrest and conviction of the Skinhead leader in 1992 with the help of the sheriff and police, there has been less activity in the area. Such activities never completely go away, he noted, and ATF has remained in contact with the FBI, Morris Dees' organization, the Center for Democratic Renewal, the Anti-Defamation League, and others to obtain information.

Commission Chairperson Berry asked about the ATF's *Church Threat Assessment Guide*. Mr. Cavanaugh said that the ATF has plans to distribute the guides in Hale County to 75 ministers. Distribution in Greene County will follow. Dr. Berry asked about a church that firefighters allowed to burn through, and Mr. Cavanaugh replied that efforts to stop the burning of a building are always judgment calls depending on the risk to life or limb, the number of firefighters present, and the amount of water available, but the goal always is to put the fire out.

Asked by Dr. Berry about a fire set by a firefighter, Mr. Cavanaugh said that a church fire in Tyler, Alabama, was set by a volunteer firefighter whose case is being reviewed by the FBI and the U.S. attorney's office for possible civil rights violation charges. He added that a firefighter with a hero complex may set a building ablaze and would know how to let it burn through, thereby consuming evidence of arson. He also explained that preventing churches from being victimized by arson after they've been rebuilt can be undermined if fire codes, such as the proximity of fire hydrants, are not updated or met.

On the issue of the ATF involvement with the "Good Old Boys Roundup" raised by Dr. Berry, Mr. Cavanaugh said that in the early years the event was mostly a picnic and whitewater rafting affair, but racist elements became apparent in 1989, 1990. The ATF Director has disciplined 31 agents for attending the roundup since the racist events occurred, he said. Two agents had been removed from the church cases based on that, Mr. Cavanaugh continued, so that no one is involved in the investigations who attended the roundups in the pertinent years.

Regarding notification to ATF of church fires, Mr. Cavanaugh reported that his office was not contacted about the Greene County fire of December 1995 but was notified of the two January fires. Since ATF's involvement in the investigations, he added, other fires have come to the attention of the office. In response to a question from Mr. Davis, Mr. Cavanaugh reminded the panel that it is the job of local fire officials to investigate fires, and Federal agents assist in the investigation only when the cases involve factors such as major community impact, traveling arsonists, paid arsonists, an organized crime or ring, major loss of life, and so on.

Dr. Wells asked Mr. Cavanaugh if a common fuel was involved in the eight fires. Flammable liquid was found at the site of the Kossuth, Mississippi, fires, Mr. Cavanaugh replied, but not in the cluster fires of Alabama's Greene or Hale Counties. Fire setters use different methods, he added.

Caryl Privett, U.S. Attorney for the Northern District of Alabama, told the Advisory Committee that ATF and FBI agents have worked very hard on these investigations. She said that the assistant U.S. attorney assigned is briefed on a regular basis and there is frequent communication with assigned attorneys from the Civil Rights Division of the Department of Justice. Ms. Privett stated that the level of coordination on the church fires that she has witnessed in the Northern District of Alabama has been exemplary.

Dr. Berry asked about the lack of arrests, the susceptibility of the churches to fires, and the perception that the Federal Government is responsible for solving the arsons. Ms. Privett stated that the Federal Government cannot prevent the fires, but it can provide various types of information and encourage fellow law enforcement officers to work in their communities on fire

prevention. She noted that allegations of hate crime bring in the Federal jurisdiction in these cases. Ms. Privett said she remained optimistic that the cases will be solved.

After hearing from the Federal law enforcement officials, the Alabama Advisory Committee heard from community representative H.O. Kirksey. Mr. Kirksey, a member of Citizens for a Better Greene County and writer for the *Greene County Independent*, said he would have preferred a forum where the presenters were under oath. Mr. Kirksey said that the problems of Greene County are not interracial, but intraracial. Citizens for a Better Greene County, which is 3 years old and biracial, does not deal with racial issues but seeks better living conditions in Greene County, Mr. Kirksey said. The group has helped people in six other counties to organize, Mr. Kirksey reported, has discussed the voting situation and has met with other organizations in the surrounding counties to improve relations.

Mr. Max asked Mr. Kirksey for more details about the organization. Mr. Kirksey replied that Citizens for a Better Greene County has 600 registered members. The number of members who attend the monthly meetings varies depending on the agenda, he said. Mr. Kirksey stated that race relations are good where people want them to be and they are not good where people perceive an advantage in that. Mr. Max asked about the activities of Citizens for a Better Greene County, and Mr. Kirksey said it acts as a conduit between the local population and the government, meets with State officials, awards scholarships, and monitors voting poll sites. In addition, the organization is planning a voter education class. Mr. Kirksey said the organization's focus is fair opportunities for everyone.

Dr. Munchus asked about the ownership of the *Greene County Independent*. Mr. Kirksey responded that the newspaper is co-owned by black and white citizens. He told Advisory Committee member Gray that the organization would exist even if whites had political control of Greene County. When asked by Dr. Berry about the prevalence of racial separation in the county, Mr. Kirksey said that racism exists everywhere. In response to Dr. Berry's question about separate swimming facilities, Mr. Kirksey responded that there are two swimming pools in many cities. He went on to say that the schools are segregated, but he said that it is by choice. An attempt had been made to integrate the schools, he continued, but that was rejected by the board of education. Mr. Kirksey concluded by questioning the use of funds for economic development by the Greene County government.

Rev. Abraham Woods, from Birmingham, talked about racial and ethnic tensions that were characteristic of Birmingham's past, a city nicknamed "Bombingham" and "Dynamite Hills". Reverend Woods expressed his reservations about an FBI that failed to consult with the African American district attorney and concluded by stating that it is necessary to continue working on race relations.

Buddie Lavender, the mayor of Boligee, said he was disappointed that he had not heard the "real issue and problems" at the forum. Mayor Lavender stated that the media has not given equal time to reporting that of 49 churches burned, 23 were white churches. He suggested that the media reports only those things that cause tensions. Mayor Lavender added that there is not a race problem in Greene County; the problem is that job opportunities in Greene County depend on one's political alignment, he said. Regarding charges of a segregated educational system, Mayor Lavender said that such charges are inaccurate, pointing out that his son had graduated from the

public school system. Mr. Lavender explained that whites, along with upper and middle class blacks, left the public school system for better educational options in other counties. Other reasons for the lack of white students in the schools are racially imbalanced faculty, administration, and supervisory staff in the central office, he stated.

Mayor Lavender, who has resided in Boligee since 1935, said he has watched the city go from an industrial town to having only one store and a post office. Concluding, the mayor said that he hopes that the perpetrators are caught, the churches rebuilt, and that the races come together.

When Advisory Committee Chairperson Max asked why it was difficult for the people of Greene County to communicate about racial issues, Mayor Lavender responded that he did not know. Asked by Mr. Max what efforts had been made to bridge the racial divide, Mayor Lavender reported that the preachers and church members have rejected offers of assistance from local people to aid in the rebuilding efforts. He said that he has met with ministerial associations but the invited black ministers did not attend.

Mr. Max moved on to the issue of economic development and asked if an integrated task force on the issue would help bring businesses to the area. Mayor Lavender noted that Greene County has an integrated industrial board that has actively tried to bring businesses to the county. When asked by Mr. Max about the ability of the task force to attract business to the area, Mr. Lavender said that a German paper company that purchased 512 acres for over \$1 million for investment left to go to Oregon after being told that it had to hire specific persons of color.

Responding to Dr. Wells' question about a coalition against hate crimes, human relations commission, or something to help better the community, Mayor Lavender asked the Alabama Advisory Committee for assistance in helping to put that together. He reiterated his concern about the views aired at the forum. The mayor explained that the average income in Boligee is only \$6,000. Mayor Lavender challenged the citizens of Greene County to accept Mr. Max's offer to meet in a neutral area, such as Birmingham, with a coalition to fight racism. Mayor Lavender also welcomed the opportunity to work with the Community Relations Service of the Department of Justice.

Agents Cavanaugh and Langford were called back by Commission Chairperson Berry to address Mayor Lavender's concern that white church fires were not given the same attention as the fires affecting African American churches. The agents were asked if they found evidence of racial animus as motive in the fires at white churches. Mr. Cavanaugh explained that ATF had responded to 243 fires affecting all houses of worship, black and white. Although the mayor made a good point about fires affecting white churches, Mr. Cavanaugh said, the African American church fires in the Birmingham division have been multiple or cluster fires, which has not been the case with white church fires. When the same questions were posed to Mr. Langford by Dr. Berry, he responded that there have been no reports of racially motivated arsons of white churches. Under the new statute, Mr. Langford noted, racial motivation is not required. He told the Advisory Committee that the racial motivation behind the fires of white churches will be examined, but reiterated that no such reports have been made. Dr. Berry stated that church fires are taken very seriously by the Commission, which is charged with looking into allegations of religious as well as racial discrimination.

Next the Alabama Advisory Committee heard from Abraham Kinnard, principal of Paramount High School in Boligee. Mr. Kinnard explained that because Paramount High School is located in the middle of the sites of the fires, the students have been deeply affected. Despite the rural location of the school, he added, the problems of drugs and violence have been an issue at the high school.

The last invited presenter at the community forum was Sheriff George Hall of Greene County. The sheriff said that he is baffled by statements that racism is not a problem in the county. Part of the problem, Sheriff Hall explained, is that African Americans are not viewed as being capable of holding political office. Although the community is looking for law enforcement, he continued, it is misled by misquotations and general disapproval of leadership by African Americans.

Sheriff Hall expressed his dismay that the mayor of the town was contacted by Federal officials, but not the county sheriff. The sheriff stated he was elected by a majority of the population and he represents the people of the county and is therefore deserving of respect. Sheriff Hall related that he is addressed by his first name by town residents, which he sees as disrespect. He stated that blacks are reluctant to speak out or complain because they are fearful of the consequences. The sheriff concluded by stating that he, too, is concerned about the consequences if racism in Alabama is not addressed.

When asked by Mr. Max what would help improve racial relations, Sheriff Hall said improvement would come if whites would work with the elected officials and put aside criticism and negativity. The public, he added, is quick to criticize shortcomings without addressing improvements. Responding to Mr. Max's questions about the sheriff's office, Sheriff Hall explained that his department, which has six officers including himself, does not have a community relations program to ease the relationships between the public and the force. When asked by Ms. Shumaker if there is regular interaction between the races, Sheriff Hall reported that there are instances of individual relationships between whites and blacks, but that is not generally the case.

The sheriff, who is in his sixth year in office, said that he has not had a white person work on his campaign, although he has contacted white citizens for that purpose. Dr. Berry asked Sheriff Hall about the types of complaints his office receives. The sheriff explained that whites do not complain about police brutality but rather that he is not aggressive enough in making arrests. Responding to Dr. Berry's question, Sheriff Hall informed the Advisory Committee that most of the arrestees are African American. He stated that it is important to investigate fully before making any arrests, a fact he thinks is missed by those who complain about the department's effectiveness. Sheriff Hall concluded by stating that a coalition organized to address racism would make his job a lot easier.

Following Sheriff Hall's statement, Mr. Max moved on to the open forum where the Advisory Committee heard from Lawton Higgs, Eunice Outland, Carol Zippert, Jan Lavender, and Lamar Washington.

First to speak at the open forum was Reverend Higgs, a white pastor of a multicultural-interracial church in Birmingham, who said that what Greene County is experiencing is akin to the factors that fed the Los Angeles riot. He challenged the community and white churches to take leadership. Reverend Higgs concluded by asking the Commission to analyze whether race relations in Greene County are a manifestation in rural America of what took place in Los Angeles.

Eunice Outland, a retired educator and a resident of Greene County for 40 years, stated that there is a decline in race relations at the local, State, and national levels. The decline in race relations is fueled by the inability of whites to rise above stereotyping, Ms. Outland said. She cited affirmative action, welfare, violence, crime, and drugs as examples of stereotypes. Ms. Outland also said that efforts to organize for improvement face the possibility of political bashing.

Carol Zippert, a resident of Greene County, spoke about racial polarization. She said that African American children who attempt to go to one of the pools are subjected to harassment and that the Memorial Highway sign bearing Martin Luther King, Jr.'s, name has been riddled with bullets and painted with KKK symbols. She compared the way the funds raised for church rebuilding were managed to the old plantation system. In conclusion, Ms. Zippert challenged the community to find a way to better the lives of children and to meet to discuss underlying tensions.

Jan Lavender, wife of Mayor Buddie Lavender, told the Alabama Advisory Committee that Greene County's major problems are paid agitators and the public school system. She said that it is not reasonable to expect a white parent to send a child to a school where there are no white principals, administrators, or supervisors in the central office. There are only about 19 white teachers in the public schools, Mrs. Lavender said, and qualified white teachers who have applied for supervisory positions have not been hired. Mrs. Lavender rejected allegations that African American children are mistreated at one pool and denounced attacks on her husband's performance as mayor. In conclusion, Mrs. Lavender questioned the integrity of the absentee ballot system.

The last speaker at the public forum was Lamar Washington, executive director of the National Conference of Christians and Jews in Birmingham, who called for all Alabamians to unite to fight the crisis.

Advisory Committee Chairperson Max offered the assistance of the Alabama Advisory Committee and invited the people of Boligee to the upcoming National Conference of Christians and Jews meeting on race relations in Birmingham.

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