

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

**South Carolina Advisory Committee to the  
United States Commission on Civil Rights**

Transcript of a Community Forum  
Held July 16, 1996, Columbia, South Carolina

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**Ms. M. Malissa Burnette**  
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**Mrs. Mary Pentreath Latham Miller**  
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**Mrs. Arleen Bonita Cook Reid**  
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**Bishop Johnnie M. Smith**  
Greenville

**Mrs. Mary Dunlap Snead**  
Columbia

**Mr. Harold Andrew White**  
Columbia

**Mr. Charles Hiram Williams II**  
Orangeburg

**Mr. Gilbert Zimmerman**  
Beauford

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*The community forum of the South Carolina Advisory Committee to the U.S. Commission on Civil Rights convened at 1:00 p.m., July 16, 1996, at the Adams Mark Hotel, 1200 Hampton Street, Columbia, South Carolina, with South Carolina Advisory Committee Chairperson Dr. Milton Kimpson presiding. Other members of the Advisory Committee present were Mrs. Florence Bernardo-Allbaugh, Bishop Johnnie M. Smith, Mrs. Mary Dunlap Snead, Mr. Harold Andrew White, and Mr. Gilbert B. Zimmerman. Also attending the meeting were Commission Chairperson Dr. Mary Frances Berry and Commissioners Mr. Carl A. Anderson, Mr. Robert P. George, and Ms. Yvonne Y. Lee. Also present were Civil Rights Commission Staff Director Ms. Mary K. Mathews and Southern Regional Office Director Mr. Bobby D. Doctor.*

## Proceedings

**Dr. Kimpson.** Good afternoon. My name is Milton Kimpson, and I'm the Chairman of the South Carolina Advisory Committee to the United States Civil Rights Commission. And we are just so pleased that you have come to share with us this afternoon, in this discussion of some things that are going on in our country and in our State that none of us is pleased with. And I think over the United States there's been an outpouring of bipartisan discussion and advocacy against some of the violence that's happening; regardless, if there is a conspiracy or what-have-you, we know that these are things that are contrary to our democratic way of life.

Those of you who live in South Carolina, there have been—and I would just like to call your attention to two things, if you have not read them. In the Saturday issue of *The State* newspaper on the editorial page, there was an interesting editorial: "Time has come to recognize the hate mongers among us."

And in Sunday's newspaper, the president of the Columbia Urban League, on the editorial page, writes about the uncertainty about the future fueling arsons. And these are interesting articles.

I've admired and known Dr. Berry for many, many years. She might not remember, but she was in Columbia at Benedict College on the day there was a real tragedy in this community when some good friends of ours was murdered. And Dr. Berry has been out there as people say "standing on the wall"—calling the issues as she sees and interprets them, just like many of you. But she's

in a position such that she can be heard from a national prospective, a national standpoint.

So, I'm just really feeling good today when we have these Commissioners with us. We have members of our Committee with us. We have staff with us. We have representation from the regional office here with us.

At this time, I would like to ask Dr. Berry if she would make some remarks and introduce the Commissioners who are here.

**Dr. Berry.** Thank you very much for those remarks and thank you very much for setting the tone for what we are about here, Chairperson Kimpson.

I want to thank you and the members of the Advisory Committee for setting up this forum. It is important to us as U.S. Commission on Civil Rights as part of the work that we do. You are, of course, our grassroots "eyes and ears." That's what we call the State Advisory Committees and they've always been important to the Commission. And the South Carolina Advisory Committee is one of the best ones at keeping its eyes open and its ear to the ground.

Last year, you did this report, *Perceptions of Racial Tensions in South Carolina*. And that came about as a result of the fact that about 5 years ago, the U.S. Commission on Civil Rights determined that racial tensions were on the rise in America. And we did that based on an increase in hate crimes statistics, and polls and other barometers of polarization and tension. So, we started a nationwide study of racial tensions, which led to hearings in various communities and reports. That

project is still underway with hearings in September in the Mississippi Delta.

We did it because we wanted to sound the call. Not that many people paid that much attention to our sounding the call, but it was clear that we were present; not that we're happy about it, but that's what the situation is. And the South Carolina SAC did this report as part of the focus on racial tensions in America's communities.

We would be concerned about this issue, whether it's a matter of racial tensions or anything related. We would be concerned—the Commission has a mandate to be concerned about religious discrimination, as well as race discrimination and other kinds of invidious discrimination. If it's churches, then we are concerned.

A lot of good things have happened since the SAC agreed to hold this forum. I have been to every State in which a forum has been held. I promised when the SACs agreed to hold them that I would go to every single one of them. So, I have been everywhere. I have been to Alabama and Mississippi and Tennessee, and I have been places that I don't know even know where I have been. I have learned a great deal in all of those places. Some good things are happening.

In some of the communities where I have visited, people have come in, black and white, across racial lines, to help rebuild the churches. And there is good feeling and people are sitting down and talking about their problems. In other communities, there is still denial. People are trying to deny that there is any problem.

I was in one community where they still have race segregation, and the press was following me around, and the people there denied there was any segregation. So, the press went and took pictures of the black public school, the white public school; the black swimming pool, the white swimming pool. And yet, the people still didn't want to confront that they have a problem.

Whoever burned these churches, it's a problem. We have debate about who did it. Whoever burned them, we have a problem in this society. We have a problem with polarization, and every community ought to be looking at its problem.

The other good things that have happened is, with the greater FBI and BATF work and the State

law enforcement agencies, I would hope that has contributed to the fact that we haven't had any more; at least when I came in here, I didn't hear any reports of any this morning. Who knows where it's going on.

Yes, white churches have been burned. Yes, black churches have been burned. But I am told by the Justice Department that there is no indication that any of the white churches have been burned for racial reasons. Although, as I say, we're concerned about it even if it's for religious reasons or other reasons.

There are two things that I want to know. One is: What is law enforcement doing? What are the Federal law enforcement people doing? What are the State law enforcement people doing, and how soon are they going to find all the perpetrators? If they haven't found them this morning when they got here, I want to know when you are going find them. Because people have to know that they can't do this sort of thing and get away with it.

And the second thing I want to know is: What is the community doing to get about the business of healing and talking about its problems, and using this as sort of a wake-up call, as an opportunity; rather than saying, okay, a church burned, you know, and that's the end of the story as it slips from the pages of the press, as it goes on to other things in reaching that conclusion. So, I am pleased to be here and I await, with great interest, to hear what people have to say.

The next thing I want to do is to say that there are Commissioners who have come to join us here in South Carolina, and we're very pleased that they were able to come.

Commissioner Anderson, who I think is most senior after me among the Commissioners who happen to be here, Commissioner Carl Anderson is right down there. Could you raise your hand, please, Commissioner Anderson. Commissioner Anderson, would you like to make any comments?

**Mr. Anderson.** Oh, I think not right now.

**Dr. Berry.** All right. You will have plenty of opportunity. And there will be questions and opportunity for discussion. And then there is Commissioner Robert George who is right there. Commissioner George, would you like to say something now?

**Mr. George.** I'll wait, Mary. Thank you.

**Dr. Berry.** And Commissioner Yvonne Lee, who was with me in Louisiana and has been able to come to this forum also. And there are assistants to some of the Commissioners, who are here, too. I think Vice Chairperson Cruz Reynoso's assistant Cindy Valenzuela is right here. Could you raise your hand?

**Ms. Valenzuela.** (Raised hand.)

**Dr. Berry.** And if any of you or the other assistants to Commissioners who are here. Commissioner Lee's assistant there and Commissioner George's assistant there. So, we're very pleased to have all of you here. And the Staff Director of the U.S. Commission on Civil Rights is Mary K. Mathews, who is sitting right to the left—raise your hand Mary.

**Staff Director Mathews.** (Raised hand.)

**Dr. Berry.** And, of course, Bobby Doctor, who is a Regional Director. So, with those introductions, I'll turn it back over to you, Chairperson. Thank you.

**Dr. Kimpson.** Thank you, Dr. Berry. Again, it's a pleasure and we feel good in South Carolina that we have this many Commissioners and staff members to share and be here with us.

South Carolina has a committee, an Advisory Committee to the United States Civil Rights Commission. And several members of our committee are here. I'm going to just ask our committee members to introduce themselves, starting with Bishop Smith over here.

**Bishop Smith.** My name is Johnie Smith from the city of Greenville.

**Mrs. Snead.** I'm Mary Dunlap Snead from Columbia.

**Dr. Kimpson.** Harold White.

**Mr. White.** Harold White, Columbia.

**Mr. Zimmerman.** I'm Gilbert Zimmerman out of Beaufort, South Carolina.

**Dr. Kimpson.** Thank you, too, for being here. Let me ask Bobby Doctor to make any remarks before we get into the program. He might want to, our Regional Director. Bobby?

**Mr. Doctor.** Thank you, Mr. Chairman. Just a very quick comment or two. The Chair has already alluded to the fact that the South Carolina

Advisory Committee did this report on *Perceptions of Racial Tensions in South Carolina*.

I am very pleased to also note that the Tennessee Advisory Committee has done a similar report, which was released just this month in Memphis. And the Florida Advisory Committee also did this particular report; all on the same subject racial and/or racial and ethnic tensions in their respective States. I encourage you to get copies of these reports on the table the outside of the meeting room. Thank you, Mr. Chairman.

**Dr. Kimpson.** Thank you, Bobby. We invited many persons. We invited you by way of print media, electronic media, and also by way of letters for persons who are holding specific positions because we felt you had an interest, and plus we wanted to hear from you, as Dr. Berry said, some of the things that you are doing.

I want to run down the people that we invited to make presentations. If you are here, then you would just come up and make your remarks. We would appreciate that.

#### **Federal Officials**

**Dr. Kimpson.** Rene Josey, U.S. Attorney, South Carolina. Is she here? Nancy Wicker, First Assistant, U.S. Attorney's Office, South Carolina. Miss Wicker.

**Ms. Wicker.** Got me by myself right now.

**Dr. Kimpson.** Afraid so.

#### **Statement of Nancy Wicker, First Assistant U.S. Attorney, South Carolina**

**Ms. Wicker.** Mr. Chairperson and Committee members, it's a pleasure to be here. I simply want to state that this is a priority, if not the highest priority, of the United States Attorney's Office in the district of South Carolina. And I also want to relay the regrets from U.S. Attorney Rene Josey; he could not be here today. He had urgent business in Charleston and had to be with one of the Assistant United States Attorney Generals.

Since 1991, the district of South Carolina has had 28 church arsons. We are obviously extremely unhappy with that number. But if there is a bright side, it is that of those 28 church arsons, the latest statistics I heard is that 60 percent of



those have been solved. That is not great, but it is a far cry above the national average, which is 16 percent for arson. So we're doing pretty good with a bad situation here in South Carolina.

The U.S. attorney's office currently has three very active investigations into church burnings. Those three investigations cover three different geographical areas and a total of six different churches. I regret, but I'm sure all of you understand, I cannot speak to specifics of particular investigations. But it has been publicly commented, at least in one of those investigations, arrests have been made and indictments are expected in the near future.

I believe the last church burning in South Carolina was in April of this year. Hopefully, that will be the last one from here on out. I can tell you that the State of South Carolina has been praised in Washington for the cooperative effort that has existed among the State, local, and Federal law enforcement here. There have been no egos getting in the way. And I can assure you that everyone in law enforcement is doing everything they can to bring these people to justice; that is the highest priority.

With specifics to our office, we have one assistant United States attorney who does nothing but work on the church burning prosecutions, and that had been the case for the last year. In addition to that one assistant, who is totally dedicated to this, we have two to three other assistants working part time on these church burnings.

It is such a priority in our office that, I can tell you, when these up cases come in, there comes to be a fight in our office because everybody wants them. Every assistant wants to be the one to do his or her part to bring these folks to justice; and that is not going to slow down and we're going to do all we can.

Could I answer any questions for anyone?

**Dr. Berry.** I have a question. Do you have a task force and when did you set up a task force? The Justice Department said each one of the States is supposed to have a task force, including BATF and FBI and the marshal's office and CRS—by the way, do you know what CRS is?

**Ms. Wicker.** No, ma'am, I don't.

**Dr. Berry.** The Community Relations Service is from the Justice Department.

**Ms. Wicker.** Yes, I believe I had contact yesterday from a member, now that you mention that.

**Dr. Berry.** According to the Justice Department, each State is supposed to have a task force headed up by the U.S. Attorney with the law enforcement agencies and the CRS, Community Human Relations Service, on it. Do you have such a task force?

**Ms. Wicker.** We have not formally organized a task force. We have what I would call a de facto task force because we have had so many burnings in South Carolina and the law enforcement have been working for so long. One has evolved and a procedure has evolved, really before the Attorney General's directive came out. It is a matter of my sitting down and writing a letter to all of those participants who are already acting as a task force, and saying I'd like to formally declare us a task force at this time.

**Dr. Berry.** In the prosecutions, you said 60 percent of the burnings had been solved, if I heard you right.

**Ms. Wicker.** That is my statistic from the State Law Enforcement Division, yes.

**Dr. Berry.** Should I ask the State law enforcement or should I ask you, what percentage of them were motivated by some religious reasons, to your knowledge; and what percentage were by some kind of racial motive, to your knowledge; and what percentage because something burned, electrical plug or something? Has anybody analyzed the 60 percent?

**Ms. Wicker.** The State Law Enforcement Division, I believe, has analyzed those percentages. I do not have that information with me.

**Dr. Berry.** All right. I'll ask them that. But you don't have a task force?

**Ms. Wicker.** Not formally organized, no.

**Dr. Berry.** I'll tell the Justice Department.

**Ms. Wicker.** But we will in the very near future, probably by tomorrow.

**Dr. Kimpson.** Pretty quick. Miss Wicker, you'll have to come back.

**Ms. Wicker.** Let me escape on that one.

**Mr. George.** Miss Wicker.

**Ms. Wicker.** Yes.

**Mr. George.** It's Mr. George. I wondered if there have been any complaints regarding the investigations themselves at any level of law enforcement.

As you probably know, in some cases in some parts of the country, pastors, parishioners, people on the staff at churches, have complained that the investigators handled the investigations in an insensitive manner, leaving staff and pastors with the impression that they might themselves be targets or they might themselves be suspects. Have there been any complaints in South Carolina of that nature?

**Ms. Wicker.** Sir, it would be hearsay on my part. But, yes, I believe there have been. I believe the Bureau of Alcohol, Tobacco and Firearms or the FBI could better address that. I have not directly received those complaints and I do not believe our office has directly received such complaints, but I am aware of those.

**Mr. George.** Has your office received any complaints or are you aware of any complaints by pastors and other church leaders about civil rights violations in connection with the cancellation or nonrenewal of insurance policies.

**Ms. Wicker.** I am not aware of that, no, sir.

**Mr. George.** Do you know if that is an issue with church burnings here in South Carolina, the issue of cancellation of insurance policies; whether there is a civil rights dimension or not?

**Ms. Wicker.** I have not heard that, no, sir.

**Mr. George.** Thank you, ma'am.

**Dr. Berry.** Anyone else? She can go away and set up a task force.

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

**Dr. Kimpson.** Thank you, Ms. Wicker. We certainly appreciate you being here and appearing. Now, let's see, Mr. Kinsella. Mr. Kinsella is a Resident Agent in Charge, BATF, Columbia.

**Dr. Berry.** Bureau of Alcohol, Tobacco and Firearms.

**Mr. Pirotte.** I need to make a correction. I'm Steve Pirotte. I'm the Assistant Special Agent in Charge with ATF out of Charlotte, South Carolina.

**Dr. Kimpson.** Say that last name again.

**Mr. Pirotte.** P-i-r-o-t-t-e.

**Statement of Steve Pirotte, Assistant Special Agent in Charge, Bureau of Alcohol, Tobacco, and Firearms, Charlotte**

**Mr. Pirotte.** I am the Assistant Special Agent in Charge for ATF in Charlotte, and I oversee all of our investigative activities throughout the State of South Carolina. I would like to thank the Commission for this opportunity to be here and speak to you all with an opening statement. As you well know or should be aware by now, ATF is the arson investigative agency for the Federal Government. Title 18, section 8-44(i), makes it a Federal crime to burn a building that affects interstate commerce; and of course, churches in most instances do. And thanks very much to the foresight and the politicians within the Beltway who have recently changed some of the statutes, to make it much easier for us to prosecute those crimes at the Federal level. It has in some of the church fires been a very significant problem in trying to prove that a church has in some manner affected interstate commerce, which is the overriding need that we need to prosecute these crimes federally.

Since January of 1995, we investigated over 2,600 fires throughout the United States and in excess of 51 church fires. Approximately half of these have been at African American churches. Working very closely with other Federal, State, and local law enforcement agencies and fire service agencies, we have had a great deal of success.

As Nancy Wicker stated, the national average for solving arsons is 16 percent; here in the Carolinas, we're running about 60 percent. And ATF on the national average is 70 percent, and that doesn't sound like a great figure, but when you stop and think and if any of you have had the opportunity to visit an arson scene or a fire scene, you realize there is literally nothing but ashes, and we're rebuilding those cases from ashes. So, it's a very, very difficult crime to solve and with a 60 percent solution rate, that is really an exceptional solution rate, and I think we all should be proud of that.

I would also like to thank—we've had a tremendous amount of support from our political leaders

in this country, as well as in the State of South Carolina. And we're very appreciative of that; because, as you well know, it takes a great deal of resources to conduct these types of investigations and operations and rank to bear the force of the Federal Government.

The one thing I would really like to comment on that's been overlooked is the commitment of our special agent resources, the people that are actually out here in the field conducting these investigations. We at ATF, and I can speak for those that we've worked with—with SLED, the South Carolina Law Enforcement Division, and the Federal Bureau of Investigation, I'm really very proud of these law enforcement professionals because they truly are professionals. I know our agents have worked in excess—they average in excess of 60 hours a week per agent. And in many, many instances, we have agents that are working 100 hours a week on these church fires, and that's a significant commitment when you consider the fact that they get no more money for those acts. They get the same amount of pay if they work 40 hours a week or they work 100 hours a week, and that's a deep, deep personal commitment on their part.

I think sometimes in the public we forget and in the public sector, maybe the media forgets, that these agents aren't from inside the Beltway. They are not political bureaucrats or anything like that. They're residents and members of these communities. In one instance in North Carolina, one of our agent's churches was burned. They are personally involved in these communities. They live in these communities. They come here and work in Columbia. They work in Greenville. They're residents of the State of South Carolina. They're not some removed apolitical government entity that's down here not interested or not involved.

We currently have over 100 agents who are committed to active arson investigations and church fires throughout this country. We bring to bear the resources of our national response team. Our certified fire investigators, who we feel, along with the South Carolina Law Enforcement Division's certified fire investigators, are probably some of the most experienced in the country. Also, we bring to bear, our K-9, one of which

SLED also has that they may talk about, which is Radar. If you've ever seen one of these excellent dogs work a fire scene, it's truly something to behold. It's very impressive and makes our work much easier.

There has been an answer alluded to it, but an extraordinary degree of cooperation here in the State of South Carolina and not just within law enforcement, but within the community itself. And I hope when you get the opportunity to visit with some of the ministers from the local churches, you will find that our agents have been very open and very accepted and very understanding of the significant problems that they have. And, again, this wasn't because of our encouraging them to go out and do this, to make contact with the ministers and bring their personal concerns to bear' this is something they did out of their own initiative. And it's something that make me very proud of the ATF agents we have working here in this State. And I think Nancy again alluded to it, but I want to also allude to the fact that at this point—and Dodge Frederick from the FBI will probably reiterate this—we have no evidence of interstate conspiracy based on racial motivations. Some of the fires are racially motivated, but we have to this point found no indication that there is a major interstate conspiracy. I'm not saying that one does not exist; we just have not been able to resolve that at this point.

So, with that opening statement, I'd like to ask if there are any questions.

**Dr. Berry.** Let me just say: Have you distributed your *Church Threat Assessment Guide* to all the churches?

**Mr. Pirotte.** I have some out on the desk out front and I have a box of about 250 here, if anybody needs one.

**Dr. Berry.** Have you already distributed them to churches and to the people?

**Mr. Pirotte.** Yes, we've—of course, you understand, those are very recently come out and trying to keep up with the demand is very difficult. We've received several thousand here in the division.

I attended a portion of the NAACP meeting last week on the church fire initiative, and we distributed several hundred at that. We had an opportu-

nity to do it there. There were several of the ministers, and of course, there was a great representation from North and South Carolina at that convention.

**Dr. Berry.** How many agents do you have working this, the ATF?

**Mr. Pirotte.** Now, are you specifically talking in North and South Carolina or South Carolina alone?

**Dr. Berry.** That's right. You're in both, aren't you?

**Mr. Pirotte.** Yes, ma'am.

**Dr. Berry.** South Carolina.

**Mr. Pirotte.** South Carolina, roughly, we have approximately 25 agents that are working for the most part full time on church arson fires or church investigation.

**Dr. Berry.** Let me ask you about specific churches. Summer Grove Baptist, May 21, 1995, in White Pond, South Carolina.

**Mr. Pirotte.** Okay.

**Dr. Berry.** It says there have been no arrest. That's my information. Are you working that case?

**Mr. Pirotte.** Some of these fires, I can't tell you off the top of my head. ATF currently has approximately 18 open fire investigations in South Carolina. There have been far more than that. Some of these go back a considerable amount of time, and we may not be involved in those. Questions on some of these, such as Summer Grove, would be better directed to SLED; the South Carolina law enforcement agencies are working—

**Dr. Berry.** Do you know which ones you're involved in?

**Mr. Pirotte.** I don't have a list with me right now.

**Dr. Berry.** It would be very helpful. You don't know which—nobody here knows which fire is being investigated in South Carolina.

**Mr. Pirotte.** Dr. Berry, if you will name the church, I can—I'm fairly certain that—

**Dr. Berry.** Could you get me a list of the ones you're involved in?

**Mr. Pirotte.** I can get one. I don't have it here today.

**Dr. Berry.** You could get me one?

**Mr. Pirotte.** Yes, ma'am.

**Dr. Berry.** I'd very much like to know. Summer Grove is one that's open. This is May 21, 1995.

**Mr. Pirotte.** We are not investigating that one.

**Dr. Berry.** The church in Harleyville, South Carolina, January 26, 1996, St. Paul AME Zion?

**Mr. Pirotte.** Yes, ma'am.

**Dr. Berry.** Are you working that one?

**Mr. Pirotte.** Yes, ma'am.

**Dr. Berry.** Any new information? I mean are you arresting somebody today or—?

**Mr. Pirotte.** No, ma'am. You must understand that, as Ms. Wicker said, there's some things we cannot speak about today because they are an ongoing criminal investigations.

**Dr. Berry.** Are you working Rosemary Baptist, Barnwell, South Carolina, April 13, 1996?

**Mr. Pirotte.** Yes, ma'am. There were three churches involved in that. There was Mt. Olive at Rosemary Baptist and Alan's Chapel. There were three fires.

**Dr. Berry.** You don't expect to announce any arrest today, as far as you know?

**Mr. Pirotte.** No, ma'am.

**Dr. Berry.** And you will get us a list of the ones that BATF is involved in?

**Mr. Pirotte.** Yes, ma'am. I can provide you with those. I just did not bring it with me today.

**Dr. Berry.** Very much would appreciate that. Do you think you have sufficient resources from the BATF perspective to work these fires?

**Mr. Pirotte.** That's a loaded question. I don't speak for our agency on the national level. I can speak for ATF here in the Carolinas.

**Dr. Berry.** I mean locally, right here in the Carolinas.

**Mr. Pirotte.** We can always use more resources. And ATF in our headquarters has made those resources available to us if we need them.

Within the last month, we've had seven agents from as far away as Florida; Seattle, Washington; Detroit; Chicago detailed down here to assist us on these church fires, and this is in addition to the agents that we already have here committed to those.

**Dr. Berry.** How soon after the fire has occurred, on the average or for any particular fire among the unresolved cases, did BATF get involved? In some places I have been, BATF was not notified of any fire or didn't get involved until a month or two after the fire had taken place? What's the pattern here?

**Mr. Pirotte.** That's correct. It probably varies. There is instances where we've been on the scene when there's still suppression efforts underway. There are some when we have come to the scene a month or two afterwards, as have some of the local law enforcement agencies.

I think, as you have probably seen, there is very difficult reporting—it's not really a requirement. It's just very difficult reporting some of the church fires in some of the very rural areas where you have volunteer fire departments. Sometimes we don't know about a church fire until the minister submits the insurance claim; that may be after a couple weeks after the fire and we are totally unaware of. And as you know, a building that is nothing but virtually ashes, when it's weathered for 2 weeks with wind and rain, makes it very, very difficult. So, we've been on scenes when they've so hot, we can't get into them. And then there's been some after the fact.

**Dr. Berry.** So, there has been no requirement that the locals inform you guys?

**Mr. Pirotte.** No, ma'am, no requirement. And I think what Ms. Wicker alluded to about our de facto task force, we have really worked out agreements here with the South Carolina State Law Enforcement Division and they with us, and with the U.S. Attorney's Office. We respond to every fire and they respond to every fire.

We constantly converse with one another and meet with one another, and though it's not a formalized task force where we get together and meet on a weekly or daily or monthly basis, we probably work closer together than most task forces that are formally established.

**Dr. Berry.** Okay. And finally, do you have anybody working these cases or have you had anybody working the South Carolina cases who was at the "Good Old Boys Roundup"?

**Mr. Pirotte.** No, ma'am.

**Dr. Berry.** Nobody?

**Mr. Pirotte.** No, ma'am.

**Dr. Berry.** Haven't been working them and isn't working them now?

**Mr. Pirotte.** That's correct.

**Dr. Berry.** Okay. Thank you very much.

**Dr. Kimpson.** Thank you, Dr. Berry. Yes, sir.

**Mr. George.** Thank you. Mr. Pirotte, I want to follow up on our Chairman's line of questions, at the end there, about the "Good Old Boys Roundup."

My understanding was that there is a policy from your national headquarters to remove from investigating any of these arsons any agent who was involved in any way with the "Good Old Boys Roundup"; is that correct?

**Mr. Pirotte.** I think our policy has been those that have attended, and I think they have done it in two instances. They were asked not to participate in the investigation. Not that that impacted their ability as criminal investigators, but that they just didn't want there to be a perception that there would be some problems.

**Mr. George.** Has the adverse publicity growing out of that deplorable event affected or hampered, in any way, the ability of you and your people to effectively respond down here?

**Mr. Pirotte.** Of course. I think that would be naive to say otherwise, especially here where I oversee South Carolina. I have been here about two and a half years, and shortly after I got here was really when the "Good Old Boys Roundup" issue became an issue. And the core of that was in Greenville, South Carolina; I think the retired ATF agent that was involved in that was from Greenville.

So, our Greenville office came under a great deal of scrutiny. So, it has impacted probably here in South Carolina more than it would anywhere because of the fact that the allegation was that our agent in Greenville was involved in putting that conference or meeting together.

**Mr. George.** Are you aware of any complaints about the nature of the investigation? I asked Ms. Wicker the same question and I won't repeat it all—I think you know what I have in mind—complaints about insensitivity dealing with pastors and so forth?

**Mr. Pirotte.** I have heard none whatsoever. As a matter of fact, I've heard completely the opposite from several of the ministers here. I think Reverend Mackey and Reverend Mouzon are here. You're free to ask any of the ministers we've dealt with.

**Mr. George.** So, you feel good about the relationship you and your staff have been able to establish?

**Mr. Pirotte.** I feel very, very comfortable. Like I say, the professionalism of our agents here in South Carolina and North Carolina throughout this has just been incredible.

**Mr. George.** I don't know if you will be able to comment and, of course, if not, that's fine. There have been apparently in some areas, some evidence in some cases, of satanist involvement in church burnings. Are you able to say whether any of the fires here in South Carolina that have you been investigating show any evidence of satanic cult involvement?

**Mr. Pirotte.** There have been a few. But I think what I may do is let SLED comment on that, South Carolina Law Enforcement Division.

**Mr. George.** Thank you very much, Mr. Pirotte. Thank you, Mr. Chairman.

**Dr. Kimpson.** Yes. Ms. Lee.

**Ms. Lee.** You mentioned earlier that this was up to the volunteer fire department to report these arsons or fires. Have they received any training on how to spot arsons? If not, do you have any plans to provide training to these departments?

**Mr. Pirotte.** Yes, that's a very good question. As a matter of fact, either later this week or later next week, our Special Agent in Charge, Mark Logan, will be attending a firefighters conference in South Carolina. I think it's going to be over at either Charleston or Myrtle Beach, where he's going to speak to them about some of these issues.

I've had the opportunity to investigate arsons for the last 20 years in major cities in rural areas, and reporting of fires is always very, very difficult. Firefighters are very highly trained and very skilled individuals. And volunteer fire departments, in a great many ways, are just as capable of fighting a fire as paid professional ones in the major metropolitan areas.

I think one thing that we have found that might have hampered that a little bit is these volunteer firemen don't do this as a full-time job. They're gainfully employed elsewhere. One of the significant problems, getting back to what Ms. Berry alluded to, is that fact that they may go out and fight a church fire that occurs at 2:00, 3:00, or 4:00 in the morning; put the fire out, go back and fill out an incident report; and then go to work, and go and do their 9:00 to 5:00 job. That creates an investigative problem because, sometimes, it can be weeks or several days before we get the information.

Like I said, there's no absolute reporting requirement that fires have to be reported to a law enforcement agency. I think SLED can probably tell you about the fact that—and I'll let them go into that in more detail. They don't automatically go to every fire. They have to be invited to come and investigate a fire. So it creates some problems in getting to every scene they possibly can.

**Dr. Kimpson.** Anybody else?

**Mr. Doctor.** Yes. Mr. Pirotte, you indicated earlier that you all had found no evidence of a conspiracy. Have you found any evidence of a State or local conspiracy?

**Mr. Pirotte.** I really don't feel I can comment on that right now. I think that is something that probably shouldn't be commented on.

**Mr. Doctor.** Okay. Very good.

**Dr. Kimpson.** Mr. Pirotte, is it important that there be a mandatory requirement that when someone is called to a fire, there should be some sort of way of reporting that immediately? And are there efforts to get that in legislation or are you aware of any of that?

**Mr. Pirotte.** I'm not sure whether any efforts being put forth to make that a requirement or mandate. I think that would be very, very difficult to do.

As you well know, and I think Mr. Frederick with the FBI, Dodge, can comment more on it, the NCIC [National Crime Information Center], where the FBI maintains records of everybody that's committed a crime, where they are fingerprinted and photographed, regardless of the crime; but that's not 100 percent participation either, and that's been in effect for years and years and years.

All you can do is encourage people to participate. It's a very valid system. And it would be nice to have something like that when it's related to fires. But quite frankly, one of our best resources is the insurance industry. Whether there is a crime involved, or whether the minister or the victim of the fire may think there is a crime involved, at one point or another, they will file an insurance claim; that's the point which we can find out about the fire the easiest. That's probably the best resource. And we have a very good relationship with the insurance agency on those issues.

**Dr. Kimpson.** Okay. Thank you, sir.

**Mr. Pirotte.** My pleasure. Thank you.

**Dr. Kimpson.** Dodge Frederick, Special Agent in Charge, FBI, Columbia.

**Statement of R. Dodge Frederick, Special Agent in Charge, Federal Bureau of Investigation, Columbia, South Carolina**

**Mr. Frederick.** I'd like to thank the Committee for the opportunity to appear before you today. I really don't have a prepared statement, as such, because I think it would be presumptuous of me to try to address the issues that are on your mind, and I can probably better respond to some of the questions that you have and like to hear from the FBI.

I would like to make one comment in general, following up a little bit on the thing that Mr. Pirotte mentioned. I don't think there is anybody in this room, including the panel and the audience, who would like to see these arsons solved anymore than the law enforcement people who are involved in the investigations and the prosecutions. Not only are they out there working hard and trying to solve them, we would like to establish some mechanism by which we can prevent them from occurring again. I think we can all find common ground there.

I guess maybe sometimes in law enforcement we get a little sensitive when we hear criticism of our law enforcement efforts that it doesn't appear that anybody appreciates the hours that go into these investigations. To hear people—and I can't say this has been attributed to South Carolina, but in the national media, there has been some criticism of law enforcement's efforts. And I think, partic-

ularly in South Carolina, that would be unfounded and unfair. So, with that statement in mind, I will be glad to respond to any questions that you might have.

**Dr. Kimpson.** Yes.

**Mr. George.** Thank you. Yes, I want to ask the same question I've asked of the two previous witnesses about the relationship of law enforcement, now from the FBI's perspective, with the pastors and church officials. Some of the national criticism that I think you're talking about has to do with pastors feeling as though they have been treated as suspects.

Has there been any problem in that regard? Have there been any complaints directed to the FBI in South Carolina about South Carolina's fires?

**Mr. Frederick.** No, I think to the contrary. And let me just make an observation. When we go out to investigate any crime, obviously, one of the key factors in trying to find out who did the thing is motive. And unfortunately, nationally and dealing with arsons, whether they be in white churches or black churches, whatever it may be, there is a variety of motives present. And one of the things that is incumbent upon law enforcement, I think, is to look at the various aspects.

Unfortunately, there have been times that churches have been burned to collect insurance payments, to cover up evidence of other crimes. It hasn't happened in South Carolina to my knowledge. But I think, as a general statement, we have to look at the motives.

And then you get into the sensitivity involved in the line of questioning. There's ways and then there's ways to question people about their involvement or their knowledge of the crimes that have been committed. But in South Carolina, specifically, I think we have a pretty good track record.

**Mr. George.** Could you comment further on the relationship between the FBI and other State and local investigators. Has that been a good relationship from your point of view?

**Mr. Frederick.** I think it's been excellent. We have a little bit different role than SLED and ATF, in that they are the arson investigators. They are usually the first responders along with

the local law enforcement agency, whether it be the sheriff's office or the local police department.

We have changed our way of looking at these things, in the last 6 months or anyhow. Normally, the FBI would have sat back and said, "If you find indicia of a racially motivated crime, a hate-crime type of thing, then let us know." Otherwise, we would let arson investigators do their thing.

In the wake of the concern over the arsons, nationally and in South Carolina, I've tasked my people, at least, to take a more positive approach, and we will go with SLED and with ATF to the scene of an arson. And until otherwise proven that it's not a racially motivated crime or some type of civil rights violation, we will stay in the investigation. We're taking a little bit more aggressive approach to that.

**Mr. George.** Are you able to enlighten us at all about the number of arsons that are, in fact, first, we could say civil rights related as opposed to other types, and within that, could you break it down as between religious and racial and perhaps other motivation?

**Mr. Frederick.** We're dumping on SLED here a lot on this thing, but I really think they're in a better position. I know they have prepared some analysis on those numbers, and I assume Robert will testify and comment on it.

**Mr. George.** That's fine. Thank you.

**Dr. Kimpson.** Thank you. **Dr. Berry.**

**Dr. Berry.** Let me just ask you: How many agents do you have working cases here?

**Mr. Frederick.** Well, starting this year, I was allotted one. I have anywhere up to about 10 right now, depending on, you know where the arson—and let me just spell this task force existence just a little bit.

**Dr. Berry.** I'm not concerned about it. Don't worry, I'm just teasing.

**Mr. Frederick.** It's so fluid. You know, you may have a crime occur in the upstate and then have one that occurs in the lower part of the State, and I have agents that are specifically responsible for those areas. So, you can't really designate people at that particular time. Anyhow, we have about 10 people involved in various different aspects of the arsons.

**Dr. Berry.** And these are agents that are your agents, or they're detailed and came from somewhere else?

**Mr. Frederick.** No, they're my agents.

**Dr. Berry.** Do you have a list of the fires—are you investigating all the ones that haven't been closed? Or is it like BATF? He didn't know really which ones they were involved in.

**Mr. Frederick.** No, ma'am. I have a list. And if we went down fire by fire, I can probably tell you. A lot of them that we're looking at now, in general, are ones that occurred 2 or 3 or 4 years ago, that we were never involved in to start with. So, we're going back and just trying to review those cases with either the State Law Enforcement Division or the local authorities or with ATF, to see if there is anything we can add. If they're not solved, if we have no suspect, it's hard to say what the motive is; whether it's, you know, racially motivated, religiously motivated, things like that. So, we're really playing catch up.

In fact, just recently, I guess, within the last 2 weeks, we were notified by a pastor of a church in Orangeburg, I believe that occurred in 1994, that he never reported to anybody. I mean he just did not report it. But he saw the press coverage of some of the others and decided he would call the FBI and report this fire occurred 2 years ago. And we asked him if he had reported it at the time to the local authorities or to the State and he said, no, he hadn't, but he was bringing it to our attention. So, we notified the State and we'll conduct an investigation. But it's kind of hard to go back 2 years after the fact to try to recreate and to determine what happened.

**Dr. Berry.** Were there any that were reported at the time, but not to the FBI, that you are looking back that happened?

**Mr. Frederick.** Oh, yes, ma'am.

**Dr. Berry.** So, there were some that you weren't involved in then—

**Mr. Frederick.** But we are now.

**Dr. Berry.** —but you are now? But they were reported to somebody? It wasn't that they just weren't reported at all?

**Mr. Frederick.** Yes, ma'am.



**Dr. Berry.** Because I was in a place, one of the places where I was the other day, where the minister said he reported the fire. He had been burned three times and this is the third time—and the first one happened 3 years ago—and he reported the fire locally, both of the other two times, but nothing happened. And this third time, he reported it in the atmosphere of all these fires happening, so now he's got everybody coming to see what happened. But he never did get an answer on what happened the first two times.

So, you got some—why wasn't the FBI notified about the ones, the old cases, where there were reports that you are now looking at? Or are you just looking at anything that was a church fire?

**Mr. Frederick.** We're looking at anything, including some that marginally are church fires. I mean, anything that relates to a church, an outbuilding, things that—our sensitivities are so elevated at this point, we're looking at virtually anything.

**Dr. Berry.** Also, if there were complaints about the FBI being insensitive in its questioning and so on, do you think the best way to find out is to ask you?

**Mr. Frederick.** I think the best thing to do would be to ask the pastors.

**Dr. Berry.** That's what I was about to say.

**Mr. Frederick.** I don't know why you would ask me—

**Dr. Berry.** Because if somebody had a complaint about one of your agents or you, why would they necessarily complain to you?

**Mr. Frederick.** There is a lot of people that aren't hesitant to call me and tell me about the behavior of the agents. But I think to get a clearer picture and a fairer picture would to ask the religious leaders.

**Dr. Berry.** So, we cannot conclude from the absence of the complaint to you or to BATF that there are absolutely no complaints.

**Mr. Frederick.** Okay.

**Dr. Berry.** That's the only point I wanted to stress. Thank you very much.

**Dr. Kimpson.** Thank you. Ms. Lee.

**Ms. Lee.** When the Hate Crime Statistics Act was passed, in 1990, I guess, the FBI conducted a series of training in different regions with law

enforcement representatives and community representatives, so that there is a uniform interpretation of what a hate crime is under the Federal interpretation.

Do you know if the FBI has continued this kind of community and law enforcement ongoing training? Or if you haven't, do you plan to restart this now that there is renewed attention on this area?

**Mr. Frederick.** I'm not sure how much training we've provided in South Carolina in that area specifically. Normally, our training is in response to topics that the State or local agencies feel that they need. The State does their own training, as well. We have a Criminal Justice Academy here in the State that covers certain types of topics.

We are called upon on a number of occasions to provide training on a variety of topics. I've been here a little over a year. I don't know, specifically, what we've done in the past. If there was a need perceived by the various law enforcement community agencies for that type of training, they would probably ask us and we would probably try to get them the training. I couldn't tell you whether that's ongoing right now.

**Ms. Lee.** Since these fires occurred, have the FBI taken initiatives to offer training to law enforcement agents/agencies?

**Mr. Frederick.** We have not taken the initiative. I'm not sure what you're talking about. Are you talking about the interpretation of the Hate Act? I'm not sure that that's particularly applicable to the local law enforcement agencies in the State as part of the training that would help in what we're talking about right now. That really gets more into a prosecutorial mode as to whether or not they want to charge at a State level or go to a Federal level.

**Ms. Lee.** No, I'm just talking about the interpretation of what a hate crime is, because there is a Federal definition. So, my question is: If the local and State and Federal agents do not operate under a common uniform interpretation of what a hate crime is, then how do you work together as a task force investigating these arsons?

**Mr. Frederick.** I'm not sure you and I are on the same wave length here with respect to the point you've raised.

The investigation, from our standpoint when we work with the State and other Federal agencies and the local investigating agencies, doesn't revolve around the interpretation of a hate crime. The interpretation of the hate crime or whether if it's a Federal statute is something that we talk about when we decide whether we want to charge at a State level or at a Federal level. It doesn't really impact on the investigation itself or how we investigate those.

**Dr. Kimpson.** Yes.

**Mr. Anderson.** Thank you. Agent Frederick, I would like to ask you, based on your experience here in South Carolina, what you think could be done better?

**Mr. Frederick.** From the investigation-end of arson?

**Mr. Anderson.** Yes, since 1991.

**Mr. Frederick.** I think investigatively the State has a pretty good track record. I hope that when you all leave here, you'll feel better about what we're doing here. But whether we solve 60 percent or 80 percent and still have some out there that are unsolved, then that's too many. I think the fact that there is no central repository, there's no requirement statewide—I've talked to some of the other agents in charge, where you may have a fire marshal who is the central focus, and everybody the required to report to the fire marshal, would add some order to these things. We wouldn't be going back 2 years after the fact and trying to pick up on an investigation.

From a national perspective—and I know they have just recently introduced legislation, and I'm not sure whether it's passed yet—the Federal Hate Crimes Statutes 241—or 247 or 248, that's what they are—whatever they are—anyhow, don't have a lot of meat in them, from a prosecutive standpoint. We need to get something else on the table that allows us to come in with weighty punishments.

One of them is a misdemeanor, which doesn't do anything to deter. The other, we have to show interstate—had to show interstate travel in order to affect the crime, which I think that language is going to change, but they haven't been very productive to us. They really, I think, were a

tack-on to the abortion clinic bill that went through several years ago.

I know people are anxious to have these crimes solved as we are in law enforcement. I just can't impress upon you enough, and I think Mr. Pirotte was telling you and probably SLED will tell you too, they are extremely difficult crimes to solve. When all your evidence goes up in flames, if you will, they are difficult.

And then to determine motive, if a person is inclined to do something for a racial or religious purpose and that person never shares that with anybody else, it's very difficult for us to come in and prove that that action was made because of his racial or religious beliefs. Unless the person conspires with somebody else or confides in somebody else or admits it during an interview, then we're likely not to know. That's just the nature of trying to prove these kinds of offenses.

**Mr. Anderson.** Could I ask you what the FBI adds to the investigation over, say, ATF?

**Mr. Frederick.** I wouldn't say necessarily over ATF. In addition to ATF? I think we supplement them with resources. I think we have skilled investigators and skilled interviewers. I think we have—depending on where we might be in a particular geographic locale—people that can respond in a more timely fashion.

We have a lot of investigative experience that we can bring to bear; that's not to say that they're remiss in anything that they do. They have a much larger arson investigation capability than we do. Then when we start looking for the motivation and those types of things, I think that's where we lend something to the investigation as to, you know, based on our experience in doing civil rights type of investigations.

**Mr. Anderson.** Thank you.

**Mr. George.** Mr. Chairman.

**Dr. Kimpson.** Thank you. Yes.

**Ms. Bernardo-Allbaugh.** I understand that since President Clinton designated a certain amount of money for investigations and such, that a lot of that went to additional law enforcement people to help determine what's causing all of this. What has been done with the other funds besides hiring additional personnel?

**Mr. Frederick.** Okay. I am not aware of other personnel having been hired with those funds. And let me say, I don't think—I was asked this by Washington—I don't think additional resources is what the FBI needs in South Carolina to solve some of these crimes. Additional evidence would be greatly appreciated, but I'm not sure resources are necessarily the answer.

As recently as last week, I was talking to one of the officials at FBI headquarters and they are establishing a fund to fund overtime for State and local agencies. We can't use that ourselves, but we can use that to augment the State agencies that are doing the investigation, and it's several million dollars. And they've asked us if we would be interested in sharing with that, and, in fact, Robert and I talked about this last night; whether or not they could use that kind of money to offset some their expenses. As Mr. Pirotte commented, there's an awful lot of manhours that go into these investigations; 60, 70, or 80 hours a week. And these people are not compensated for that. And they can get burned out, tired in a hurry in a protracted investigation. At least we can help the State and local agencies by contributing to compensating them for their efforts.

**Ms. Bernardo-Allbaugh.** I mention that because you said you had one individual beginning that was working on the cases, and now you said you have about 10. So, I was wondering what additional resources were put to use with the monies to get deeper into solving the problems?

**Mr. Frederick.** Well, I have the latitude of being able to allocate my resources, sparingly though they are, to any of the investigations that I think are important. And if I need to, I'll put all the agents I have in this division into working these arson cases to get them solved.

**Ms. Bernardo-Allbaugh.** I have one additional question. Is there any overlapping with your division, as well as ATF, and any of the others or SLED, where you may be working on something and they maybe working on something else? Are you sharing information, I presume, with each division?

**Mr. Frederick.** Yes, absolutely. That's a requirement. We cannot—and I think we stressed that—the agency heads constantly, not just our-

selves, but amongst the investigators, because we have to have that flow of communication between the three of us. So, we all know that we're reading from the same page of the hymn book there. I think it's worked so far.

**Mr. Zimmerman.** I have one.

**Dr. Kimpson.** All right.

**Mr. Zimmerman.** Mr. Frederick, I find it a little disturbing that you would make a statement that you don't have a way to find out if any of these crimes are racially motivated unless the person tells you that they did it because of some racial or hatred or something. When you have crimes that are perpetrated, for the most part by African Americans or other racial minorities, you come up with a sociopsychological profile. And I am finding it hard to understand why you have not drawn some kind of social-psychological profile that would, at least, give you some indication of what you are looking for, in terms of a person who would commit a crime for racial hatred reasons.

**Mr. Frederick.** I think the statement that I made is that: Unless and only until we identify the person who committed the crime, we can't tell whether it was racially or religiously motivated. And then sometimes even then, unless the person confides in someone or confesses to it during the course of an interview, we don't know.

These things don't all fit a particular profile. There is a very large variety of perpetrators of these crimes. There is no one common profile that we could say that: This is what you are looking for. This is the type of individual. If I thought that that was the case, you know, we have a behavioral science unit that we refer things to an awful lot, to give us some kind of indication of the type of person that we might be looking for. They are so varied, at least the ones that we have charged and the ones that have been convicted, they cross all kinds of racial lines, demographics, and everything.

**Mr. Zimmerman.** That's with the church burnings. I am saying: Do you have a sociopsychological profile for people who commit hate crimes or racially motivated hate crimes? And can you fit any of these individuals to that profile?

**Mr. Frederick.** I don't know if that exists or not. Whether someone has done a study as to the person who commits the racially motivated hate crimes. I can check them and find out.

**Mr. Zimmerman.** I would think that that would put you at a better course of, you know, action.

**Mr. Frederick.** Sure.

**Mr. Zimmerman.** Thank you very much. The African American community would certainly appreciate that kind of initiative.

**Dr. Berry.** Can I say something?

**Dr. Kimpson.** Yes, of course.

**Dr. Berry.** I was very happy until this last exchange. Now, I'm getting very unhappy. Because everybody knows from reading "slicer/dicer" novels and watching movies like *Silence of the Lambs* and all the things about the FBI and all the law enforcement stuff, that the law enforcement officials, and particularly the FBI, who are the experts, have profiles of people who commit all kinds of crime, and all kinds of information on people who committed crimes in the past, what kind of psychological profiles, what kind of characteristics you will be looking for.

But if you mean to say—and maybe we're misunderstanding or maybe I'm misunderstanding. If you mean to say that the only way you can tell whether a crime is racially or religiously motivated is for the person to tell you after you arrest somebody by not looking at any of these profiles or factors or anything else as keys, whether somebody has expressed bigoted behavior in the past.

The only way you'll ever know is when you use some other scientific law enforcement techniques and then the person tells you after you arrest them that that's the only way you will ever know. I find that hard to believe. Unless, you know, all we've heard about the FBI and its vaunted technological and scientific ability is a lie.

**Mr. Frederick.** I hate to destroy the myth. Maybe I could clarify that by saying: When we talk about what we know about an individual or what we can charge an individual with, if we can charge the hate crime aspect of an arson, we have to have some evidence, some statement, something there that corroborates what you and I may very well know in our hearts, by the way the person

did it, is a hate crime. But don't think that, in and of itself, is going to determine that we can charge that person with a racially motivated crime is what I am saying.

Do we have certain ways or are there certain things that people do and trails that they leave or signs that they leave that would probably lead us to believe that that was racially motivated? Yes, sure, we have that kind of thing; but it's not an exact science.

**Dr. Berry.** But, at least, it's as exact as economics which is dismal science. You don't have to answer that.

(Laughter.)

**Dr. Berry.** That makes me feel a little bit, although not totally, better. I want to ask you: How long have you been resident agent in charge?

**Mr. Frederick.** Special agent in charge.

**Dr. Berry.** Yes.

**Mr. Frederick.** Since February of 1995.

**Dr. Berry.** 1995. So, you haven't been here that long?

**Mr. Frederick.** No, ma'am.

**Dr. Berry.** I'm just wondering if hate crimes, as defined by the Hate Crimes Act, have been increasing or decreasing? Hate crimes in general. I'm not just talking about church burnings over the last few years. As far as you know, crimes that would fit into the civil rights category in this record.

**Mr. Frederick.** I can tell you in the 15 or 16 months I have been here, whatever it may be, I have not seen any of these kinds of crime come to the fore. Maybe some of them are handled at a local level. I have not seen that, but then I could be in error. Some don't make their way up to the FBI.

**Dr. Berry.** Ask SLED again.

**Dr. Kimpson.** Yes.

**Mr. Anderson.** Thank you. I would like to follow up with the profile based on South Carolina here. You've solved, or someone has solved, 60 percent of the church burnings.

Does there seem to be a pattern or several dominant patterns that would lead you either to say a particular profile would be helpful in solving the unsolved fires, or has it been so varied that there isn't really two or three major categories in which

a psychological profile or some other type of profile would be helpful to you.

**Mr. Frederick.** I'm going to say—and again subject to whatever the State may tell you about the actual statistics—that they are so varied that it's probably not going to be beneficial to try to profile these people. There may be six or eight different kinds of people that do these kinds of things: Whether they are juveniles; whether they're people covering up for other crimes that were committed; whether they were African American; whether they were white; what kind of socioeconomic background they came from; whether some were at least—I don't know how far we can go with some of the comments, because some of the cases are still obviously pending trial—but people closely aligned with the church or related to the church and things like that. So, there is a very broad dichotomy of people.

**Mr. Anderson.** Okay. Thank you.

**Mr. Doctor.** Mr. Frederick, we have received information on this Committee in which allegations have been made clearly suggesting that a particular klavern of the Klan, particularly in the upstate section of the State, has been involved in some of these fires.

Is there any evidence that you have or the FBI might have which would suggest that there is a national conspiracy, a State conspiracy or a local conspiracy behind these burnings?

**Mr. Frederick.** Or any conspiracy. Some of these cases are, like I said, are pending. So I have to be guarded in my comments.

**Mr. Doctor.** I understand.

**Mr. Frederick.** From what we have been able to determine, as far as I know—and I really can only address South Carolina, but in talking with the other agents in charge, we've had several joint meetings—there is no evidence to support a national conspiracy at this point.

I am unaware of any evidence that would support a regional conspiracy. I'm unaware of any evidence that would support a State conspiracy. And with that, I am going to stop.

**Mr. Doctor.** Thank you.

**Dr. Kimpson.** Yes.

**Ms. Lee.** Agent Frederick, do you know how many of South Carolina's local law enforcement

agencies participate in the hate crime statistics reporting?

**Mr. Frederick.** I couldn't tell you.

**Ms. Lee.** Since it's voluntary?

**Mr. Frederick.** It's voluntary, yes. It's really like the uniform crime report. We're really only as good as the participating agencies, and I couldn't tell you how many respond to that.

**Dr. Kimpson.** One more.

**Ms. Bernardo-Allbaugh.** Do you have a percentage of hate crimes committed throughout national, State, regional, and local?

**Mr. Frederick.** Percentages?

**Ms. Bernardo-Allbaugh.** Of hate crimes committed.

**Mr. Frederick.** Versus the number of crimes that are committed, how many of those are hate crimes?

**Ms. Bernardo-Allbaugh.** What percentage of hate crimes are committed, period, throughout either the whole entire United States, by State or regional or local.

**Mr. Frederick.** I can't. Let me try and clarify your question.

**Ms. Bernardo-Allbaugh.** What percentage of all crimes are hate crimes?

**Mr. Frederick.** You know, I think they just came out with a publication that's similar to the uniform crime report. But I honestly don't know how that's broken down, whether it's broken down by geographic area. But there was a study done on the incidence of hate crimes. And my guess is, it probably had it by geographic area, but I'd have to go back and research that for you.

**Ms. Bernardo-Allbaugh.** Could you provide it?

**Mr. Frederick.** If the Commission is interested, I can find that out.

**Ms. Bernardo-Allbaugh.** That would be helpful. Thank you.

**Mrs. Snead.** Very briefly. Mr. Frederick, at the beginning of your statement, you made a statement about being interested in mechanisms for prevention as well as prosecution. And are there any plans in that direction of prevention? How are we going to prevent future incidents?

**Mr. Frederick.** I think there is a job there that transcends a lot of different groups, including those that are here today. It's certainly not clearly a law enforcement function. But I think there are things that could be done. Some of them are underway now, I think, with regard to increases in security and certainly the law enforcement patrols.

Just last night and early this morning, I was at the Sheriff Association meeting. There was a topic of conversation down there about increasing patrols. You have to understand that, at least according to the insurance company that we got the figures from, there are over 12,000 churches in South Carolina. That's an awfully large number. And for people to try to patrol those and guard those and add security devices and things like that is going to be very good, but we do the best we can with what we have. It's all resource driven.

The larger question I think the Commission can influence and the other groups in this room, hopefully, is to get more at the root cause of some of these crimes. And try to work—I know the State is very active with a variety of initiatives, with Martin Luther King Center and other things, to try to improve the community relationships. To try to get away from this mentality that exists. I mean, clearly, there are racially motivated crimes out there. And if there is only one, it's still intolerable. I think we have to work together as a community.

I think one of things that I have seen in some of the community, I think Ms. Berry alluded to it, I think it's had a counterproductive effect to what the perpetrators wanted to do. I've seen communities actually bond together as a result of the crimes, when, clearly, that was not the intent of the person who committed the arson. I think that makes you feel good to see that happen. I think that's the kind of things that meetings like this can spawn.

**Dr. Kimpson.** Florence. You didn't introduce yourself. You were talking and nobody knows who you are.

**Ms. Bernardo-Allbaugh.** My name is Florence Allbaugh, and I represent the Asian community as well as Hilton Head, South Carolina.

**Mr. George.** Mr. Chairman.

**Dr. Kimpson.** Yes, sir.

**Mr. George.** I wonder if you could comment, Mr. Frederick, on whether you've seen the opposite reaction to the positive one that you've talked about. That is, the positive is the community coming together as a result of these arsons and one would hope and expect frustrating the intent of the arsonist.

How many of the arsons in your experience have drawn, created a division in the community; exacerbated it and whipped up racial disharmony any in the community? Does that happen, too, or is it just one way?

**Mr. Frederick.** I haven't seen that aspect of it, Mr. George. I can't say for sure that it didn't happen, but I have not seen that reaction to it.

**Mr. George.** That's just wonderful news, I think, and I hope that message gets out to potential arsonists.

**Mr. Frederick.** Again, I think probably you need to talk to the people from the various congregations and things like that and see what their reaction is. I certainly can't attest to what goes on in every community in South Carolina.

**Mr. George.** I'd just like a little further clarification on the exchange you had about drawing inferences about whether there is a racial or religious motivation. And since we shouldn't talk about real cases, let me just give you a hypothetical case, very clearly drawn.

You capture a guy at the scene with the gasoline can in his hand at a synagogue. The synagogue is burning. The guy's in a Nazi uniform with a swastika. You go out and check his car; he's got a copy of *Mein Kampf* in it. He's not going to tell you anything. He shuts his mouth. His right against any self-incrimination is exercised. Can you infer from that, that this is an anti-Jewish hate crime or not?

**Mr. Frederick.** I was born at night, but it wasn't last night. I can infer. You don't have to hit me in the head with a two by four.

**Mr. George.** Can you classify?

**Mr. Frederick.** I don't think we could necessarily charge that as a hate crime based on his style of address and things like that. But there again, that is something we discuss with the prosecutors. You say: Could we? Are you com-

fortable with that? Do we need? Let's go back into the guy's background. Let's take that a step further. Let's go talk to people that knew him.

**Mr. George.** We did that. He makes anti-Jewish slurs all the time. And now it's a matter of prosecutorial discretion whether the prosecutor charges or accounts this crime as a hate crime?

**Mr. Frederick.** That would be my suggestion, yes.

**Mr. George.** I'm surprised.

**Dr. Berry.** I want to follow up on the question. We were asking on this side of the table, and Mr. Zimmerman, I think, down at the other end, a slightly different spin on Commissioner George's question.

The slightly different spin was that, if you, as in the Oklahoma City bombing case—my understanding from reading the newspapers at least is that they had profiles of different kinds of subjects who might commit certain kinds of crimes, based on certain kinds of histories of crime and so on. In the search for clues, they said, "Okay, we're looking for somebody who. . . ."

And to use Commissioner George's hypothetical, if you were looking to see who burned the synagogue and you didn't know who did it, to figure out that there—you're looking for somebody. If you found people who made Jewish slurs, anti-Jewish slurs all the time or if you found people who—and in the last 10 cases where there was a synagogue burned, it was somebody who had had a Nazi uniform on, and all these things he just said. Then, wouldn't these be the kind of clues that you might go looking for people like that?

**Mr. Frederick.** Well, that's what I said earlier on. It's talking about motive. When we go to the scene of the investigation, one of the things we look at is: What would prompt somebody to do this? And there are certain types of things that we look at, clearly. One would be: Is there an active racist organization within the community? What is the nature of the relationships in that community?

Frankly, we look and see frequently what the firefighters' backgrounds are in things like that, because we have seen times when volunteer firefighters, particularly, will set fires for a variety of reasons. That's possibly a motive.

If we had somebody that burned a synagogue, we would look and see: Do we have an anti-Jewish element out here? These are all the different things that law enforcement routinely will look at. Is it possible that somebody within the religious community did it? Within that congregation did it? Is there a spat between factions in the church? And we look at those kinds of things. I mean, they're all things that go into processing the investigation.

**Dr. Berry.** Last one of my questions, I guess for you, I hope it's the last one: What is the importance of reward money?

**Mr. Frederick.** Nil.

**Dr. Berry.** You've got reward money—how much reward money is out typically in these church burnings?

**Mr. Frederick.** We've got a bank here that's offered half a million dollars. And we've prompted, as far as I know, not one response.

**Dr. Berry.** Is that typical in the case of crimes that reward money doesn't do much in getting tips?

**Mr. Frederick.** We haven't had much luck with it. We've used it in, you know, other investigations where we don't have a real good handle on what might have happened; maybe someone in the community prompted by the monetary reward. And we've been singularly unsuccessful, I hate to say, in most cases.

**Dr. Berry.** Okay. Thank you.

**Dr. Kimpson.** I want to thank you, Mr. Frederick. You certainly have served your time.

(Laughter)

**Mr. Frederick.** It's been my pleasure.

**Dr. Kimpson.** And we're going to proceed. Marshal Brooks is not present. He was not sure he could make it. Mr. Stallworth. Mr. Tom Battle is here representing Mr. Stallworth.

**Statement of Thomas Battles, Community Relations Service, Miami Field Office, U.S. Department of Justice**

**Mr. Battles.** Good afternoon, Mr. Chairman, members of the Advisory Committee, Dr. Berry, Mr. Doctor. It's good to see you again. Last time we were together in Miami at the immigration hearing. And I'm in Miami, Community

Relations Service, in the Miami field office. And joining me today is Leon Burns, from the staff in Atlanta, and Lynn Howard from our staff in San Francisco.

The Community Relations Service was established in 1964 pursuant to Title 10 of the Civil Rights Act. Its primary role is to mediate and facilitate racial and ethnic disputes, real and/or perceived.

CRS serves as part of the arson task force. I am assigned to the South Carolina and North Carolina cluster. We have two clusters. Mr. Ernie Stallworth, head of the other cluster, covers Mississippi, Tennessee, Alabama, and Georgia.

We are just getting on the ground. Many of our staff are being called back to work the church fires, and this is a priority of the CRS.

CRS will be working in the community. We're working with the U.S. attorney's office, with ATF and FBI, as we move around in their investigations. We have been up establishing our contacts with the various agencies and will be working in the community primarily to, one, make an assessment of what the level of tension is in those communities, and to begin the healing process, based on the type of work that CRS does. CRS is one of the agencies that we do our work and are quietly behind the scenes and think that we have an opportunity to get a lot done that way.

We will be working with the churches and the community leaders, a cross section of the community and trying to bring together, to get an idea of what's going on in the community. One of the unknowns in this situation is how will the community react when the media gets hold of a case when someone is charged. How will the community respond to that situation? We're talking about enhancing penalties; lock them up and throw away the key. We just don't know how a community will react. CRS will be involved in making an assessment and will be sharing that with the law enforcement and other officials as this part of the work continues.

We will serve as a clearinghouse of information, as we can, in terms of educating the community. We have heard about the allegations of insensitivity of law enforcement. And one of the things we hope that we can do, in terms of bringing that to

the table, is educating the law enforcement community regarding some of those concerns from the ministers.

We share that also with the ministers and we share with them this: As trained law enforcement officials, they are trained to be suspicious. So, don't be offended when you are getting asked the tough questions and the hard questions. I would liken the situation, as I share this with them, to going to our your doctor. You explain the condition and rule out certain—you explain the symptoms and they rule out the conditions. As they eliminate you, then they move on with their investigation.

One of the other issues that's been a concern is as the investigations take place, having actual access to the facilities. The law enforcement community keeps them from going in, initially, and that's to preserve the investigation, not to hamper the investigation. And with the limited amount of material that's left from a fire, they need all they can to help them with the investigation. So we try to educate the community about that as they go forward with their work.

And, again, we're just happy to be here. Our staff is here on the ground. We're both in North Carolina and South Carolina. And Ozell Sutton will be with you on Thursday, hopefully. He's been all over the place in Washington today trying to give a report on this. And we're bringing on additional staff, as we speak, and getting clearances and getting them on the ground. We should have at least another 12 people in the area within the next 2 weeks working with the task force and the local law enforcement agencies.

**Dr. Kimpson.** Thank you, Mr. Battles. Questions.

**Dr. Berry.** I had one, of course, if nobody has one. Mr. Battles, I know that CRS does what is called, I think, alert. And reading your alerts over the years, it seems to me that I got the impression—last time I looked at them was about a year ago and I've been reading about 10 years. There seemed to have been an increase in racial alerts, as indicated by CRS.

Could you tell us what alerts are, that's number one. And number two, tell me about whether they were increasing/decreasing or give me some



impression, so we can sort of take the temperature of the communities as we go along.

**Mr. Battles.** Again, the primary role of CRS is to mediate and conciliate racial and ethnic disputes. An alert is the initial process of recognizing that we know that a situation exists. We get information either from the media or a newspaper or a direct call or from a local official or a civil rights official in the community or somebody who just feels that the situation has some racial overtones. Again, real and/or perceived, and we know perception is reality for folks.

If they feel that they're oppressed, then the impression is real for them. And so we alert the case and we recognize that that existed. The next process after the alert is the assessment; that is, CRS goes in and makes a determination if it's jurisdictional, and if there's something that we can do to address that situation. Most of us—I am a senior member and conciliator—and most of us are required in terms of quantitative reporting to have at least 35 cases in the arsenal. I would say to you, there is enough work for all of us to double that amount, if we had the staff to do it. It's the kind of volume of work that's out there, based on our mandate.

**Dr. Berry.** All I want to say is: I want to introduce you to the U.S. attorney's office.

**Mr. Battles.** We did make the call yesterday.

**Dr. Berry.** And you can all talk to each other, and the FBI and all these people.

**Mr. Battles.** We're passing out the cards already.

**Mr. George.** Mr. Battles.

**Dr. Kimpson.** Yes, sir, Mr. George.

**Mr. George.** The most encouraging thing I heard this morning was Mr. Frederick's report, that in the cases that he knows about, communities have really pulled together in the face of these arsons. And I asked him whether it worked the other way. And he said, really as far as in his experience, so far, it hasn't. Now, could you confirm that good news or do you have a different perspective?

**Mr. Battles.** It's little bit too premature for me to be able make that determination. I can only tell you that I was in North Carolina a couple weeks ago meeting with a community that experienced a

church fire. And that community has rallied there around that particular church and offered all kind of assistance to them. In an assessment phase, we will be able to tell you if there are any underlying other issues that is pervasive out there that could breed this kind of tragedy.

**Mr. George.** When you talk about the community coming together, do you mean across racial lines?

**Mr. Battles.** Yes, sir, particularly from the ministerial community.

**Mr. George.** The clergy?

**Mr. Battles.** Particularly from them.

**Mr. George.** There have been concerns expressed by some religious people, in particular, that where government comes in, religion must move out because of the way the Supreme Court has interpreted the establishment clause of the Constitution and so forth, so that efforts such as yours must necessarily be secular efforts.

Now, that has led some people to suppose that conciliation and mediation and arbitration, particularly where in areas where religion is involved, are better done by private parties that can freely draw upon the religious principles and religious traditions, share their own faith with the people that they are conciliating between than can government-employed people, who might be people of great faith themselves but are hampered in appealing to principles of faith, expressing their own faith in efforts to bring people together.

I am assuming that you don't share that view. But I would wonder if you could comment on it and say whether you do feel constrained, at all, by requirements that your approach be a secular approach?

**Mr. Battles.** First of all, I don't think anybody is out there that can do a better job than CRS. I say that because the credibility that we bring to the table, being able to move in the community, being able to talk to the guy on the street or the minister, and at the same time, cross that fine line and be able to sit at the table with FBI or sheriff or a chief, who, in effect, runs his city or his county, and say to that chief, in the comfort of his office, "I think that there are some problems here in the department that you need to take a look at." At the same time, being able to bring folks togeth-

er who perhaps, otherwise, would not have come together had it not been for the CRS process; to sit at the table to discuss a very, very sensitive and difficult issue, the issue of race.

I don't feel hampered. Again, given the bureaucracy that we have to be responsive to, I don't have that problem. I think CRS has done a great job, and we'll do a good job with the team that is put in place to address the situation.

**Mr. George.** That is very helpful. Thank you, Mr. Battles.

**Dr. Kimpson.** Commissioner Anderson.

**Mr. Anderson.** Thank you very much. We heard evidence earlier, testimony earlier, that there were 28 church arsons in South Carolina since 1991. Could you tell us, specifically, what CRS has done in South Carolina since 1991, in relationship to these church arsons?

**Mr. Battles.** I'm sorry, I can't at this time, because I just don't have that data with me. But I can tell you all of the active cases that the Federal law enforcement people are investigating, CRS will be involved in working in all of those communities.

**Mr. Anderson.** Can you tell me in South Carolina—

**Mr. Battles.** CRS was working long before the church fires, and there may be some activity going on on the staff that I am not aware of. But if you have a need to know that, we could get it.

**Dr. Berry.** Make it available to us.

**Mr. Anderson.** I am just trying to get an idea of what you have been doing in South Carolina in regard to this problem. You mentioned, for example, one of the things that you can do well is to sit down with the chief and say, "Look, you've got problems in your department." Have you done that in South Carolina? Have you had to do that here in this State?

**Mr. Battles.** Again, I'm assigned to the Miami office. I don't know that. There may be some staff person that has done that that I'm just not aware of in the case process.

**Mr. Doctor.** For the record, I'd like it to be noted here that when we move to Charlotte on Thursday, the regional director of the Community Relations Service, namely, Ozell Sutton, will be there to participate in that particular meeting, and

these questions might be better responded to by Mr. Sutton.

**Dr. Berry.** Pastor Smith.

**Bishop Smith.** Thank you, Mr. Chairman. I wanted to ask: Do you work with the, say, human relations commission?

**Mr. Battles.** Yes.

**Bishop Smith.** The State commission and the community relations agencies, which seemingly do the same thing?

**Mr. Battles.** Yes.

**Bishop Smith.** You do work with them?

**Mr. Battles.** Yes.

**Bishop Smith.** Could you explain how that works?

**Mr. Battles.** These 706 agencies or State agencies are established to work their States. They are our counterparts in working in the community, clearly, the jurisdictions within their State. And when we come into an area, we contact them and they are one of the first points of contact in establishing a relationship to try to get an idea of how they assess and evaluate the situation that we are looking into.

Most of those agencies, however, have responsibilities of investigating employment and housing and public accommodations. So, a lot of them don't have the luxury of assigning staff to community relations type issues. However, in those situations where they do, we work hand-in-hand with them and contact them that we are in their area and find out how they assess and evaluate the situation. And we will be doing that here in South Carolina.

**Bishop Smith.** For example, I do know when our South Carolina Advisory Committee began its talks with the communities about racial tension in Greenville—a lot of people said there was no racial tension. Right after that, we had the riots in California.

The city and county immediately called the human relations agencies, and they, in turn, began to work with the local people. I was just wondering how you would tie into that.

**Mr. Battles.** Well, again, being a Federal agency coming into a local community, the locals knows the community better than we can. However, oftentimes when we come in, it's easier. We

are more accepted because we are not dealing with the local politics of that community. And we are there to make recommendations on some steps that their local community could take to address that situation.

**Mrs. Snead.** This might be kind of rhetorical, Mr. Battles, but since you do do such good work—and I think you do good work—then why is it that your budget has been slashed almost in the half by our Congress? I know that restoration is only for a temporary period of time; right? Just to like September?

**Mr. Battles.** I could answer that question, but we are on tape.

**Dr. Berry.** Can I just say this: As you do your work here, realizing you just got here, I would be interested in knowing—after some time; you can't answer it yet—but as you look at what's going on, the patterns that we've seen in other States, I talked earlier about some States where the ministers have gotten together across racial lines, the community seems to be pulling together as a result of this and having open discussions.

The other communities we visited, where the result has been denial, and the only white people who come down to help with the churches have been whites from other States who come into the community to help; different church groups from elsewhere, young people from elsewhere who are there. And who, I might tell you, in one of the communities where we were, were quite upset because they had expected the local white community to greet them with open arms and to come out and help them and that they would be a force for racial healing. So, that isn't happening there. You see blacks and whites working together, but they are from somewhere else.

I would like to have you look at this as you go around in South Carolina. And then at a later time, we can ask you what you see as patterns and what you have been able to do to help to get people together where they're not and where the ministers are together, but the community isn't. How you effect that kind of change.

**Mr. Battles.** Be happy to.

**Dr. Berry.** Thank you.

**Dr. Kimpson.** Thank you, Mr. Battles. We are going to move right along. We are very

fortunate to have representation from Congress here. I think we have a representative from Representative Lindsey Graham's office. We have a representative from Representative Jim Clyburn's office. We just want to give a minute or two, to either of those representatives, if they would like to make a statement. Mr. Williams.

#### **Statement of Ike Williams, Office of Representative James Clyburn, U.S. Congress**

**Mr. Williams.** Good evening. Mr. Chairman and Director. The Congressman wanted his office represented simply because he is seriously interested in helping to resolve some of the problems, and some of the church burnings were in our district. We were down at Greelyville, and I see the pastor here and the President visited and as Ms. Berry indicated, there are communities where you do see local communities with outside intervention coming together. And in South Carolina, I think you would notice that you see a little bit more of coming together on a local level than this denial thing going on.

But you also realize that there are some people who are still not ready to adequately address the real problems that precipitate most of what is going on. And I am going to say off the record—this is not an official statement from the Representative's office; he gave me a break to say this and I will. There are overtones in this State. And your Commission addressed it some years ago in your report, with reference to the continuing lingering issue in this State with reference to the flag, the Confederate flag, other symbols of bygone eras that continue and sometimes a lack of real strong moral leadership.

With that aside, I think we have tremendous efforts coming from the church community and no slack there. There has been no slack across racial lines, group lines, organizations. You don't see any people fighting for territory or turf. Everybody wants to do something to be very helpful. And I'd like to personally say that Congressman was very happy that the Commission saw the need, with this expert leadership, our homegrown Mr. Doctor, coming home to see what he could do on the home front. We appreciate it. And what-

ever we can do in assisting you, we would be delighted.

**Dr. Kimpson.** Thank you. Any questions for Mr. Williams?

**Dr. Berry.** No. I just want to say—what is your name?

**Mr. Williams.** Ike Williams.

**Dr. Berry.** I just want to say that I was with the Congressman on Friday and he talked about this forum, and he assured me that you or someone from the office would be here. And he expressed his great concern, not just about fires but about social context, and people getting together and healing. I respect him so much and very much appreciate your being here.

**Dr. Kimpson.** I would like to say thank you also. Miss Mary Howard. Connie Spencer's office. Thank you. And from John Sprouts and Fritz Hollings. Anyone else. Let's get it on the record. Anyone want to make a statement. Okay. Thank you all for being here.

#### **State and Local Officials**

**Dr. Kimpson.** And get a leg closer to home, we're down to the State level. We're going to start with the top office, Governor Beasley's office; he has a representative here. Miss Matheus.

**Ms. Matheus.** That's right. Matheus.

**Dr. Kimpson.** Thank you for being here.

#### **Statement of Marilyn Matheus, Representing Governor David M. Beasley**

**Ms. Matheus.** Thank you very much for inviting the Governor. First of all, I would like to relay his apologies for not being able to join you all today. He's out of State on State business, and he regrets he could not be here. He does appreciate your coming and really appreciates the work that you all are doing.

And I personally would like to thank you for allowing me the opportunity to speak directly with you on behalf of race relations in South Carolina. It's the work that I work intimately with in the Governor's office. I coordinate the activities of the Governor's Race Relations Committee, which is why I am here speaking to you today and thank you again for the opportunity.

**Dr. Kimpson.** That's the one that is chaired by Mr. Grant.

**Ms. Matheus.** Yes, that's correct.

**Dr. Kimpson.** And Mr. J.T. McLawhorn's here, back there.

**Ms. Matheus.** Yes, one of our commission members is present this afternoon, Mr. McLawhorn. And, again, thank you.

What I would like to do is tell you some of the Governor's initiatives that he has implemented to try and stop the fires—as we have called it, “the stop the fires campaign.”

Early on, early in May, the Governor had dialogue with the religious leaders that were affected by the fires. His first priority was to meet privately with the leaders of the victimized churches to discuss how the State could rebuild and prevent future acts of violence.

In December of 1995, Governor Beasley established the Race Relations Commission, and it is established to help open up dialogue on issues that divide South Carolina along the lines of color, race, and religion. A cross section of ethnic groups and religious affiliations, the commission is holding public hearings across the State. And that's primarily what my task is, is to help coordinate those public hearings and the activities of the commission.

One of the many outgrowths that have come from these hearings has been a broad-based discussion from the grassroots on how to address the burnings of houses of worship. The Governor finds this act to be a tragedy, morally, legally wrong, and is not to be tolerated here in South Carolina.

Another initiative that the Governor has implemented to try and help stop the fires is that he has announced a church arson award fund to aid law enforcement in its investigations. Anyone with information leading to the arrest and conviction of church arsonists will be rewarded through the fund. And I'm dismayed to hear the report that so far it has not netted any convictions. However, the Governor's fund is supported solely through private donations, which have already passed the goal of \$50,000.

The Governor's office is working with the South Carolina insurance news services to expand an

existing arson hotline to include a new focus on church burning. Radio public service announcements currently air to promote the 1-800-92ARSON—that is our hotline—and signs and information are being distributed statewide as well. Since the inception of the Governor's fund, hotline calls have increased from 200 calls per month to more than 800 calls per month. Perhaps one of those 800 calls will be a lead that leads to an arrest.

The Governor also asked for the increase of patrols of rural churches. He's asked for law enforcement agencies under direct control of Governor Beasley, the State Law Enforcement Division, the Division of Natural Resources, and the Highway Patrol, to step up patrols of houses of worship, particularly in rural areas where you may note that these types of crimes are being perpetrated.

He's also requested the same as a voluntary effort from the South Carolina Law Enforcement Officers Association and the South Carolina Sheriffs Association. Governor Beasley has also asked SLED to offer its expertise to any community interested in organizing a local church watch program. We found that the local community is extremely effective in responding to activities that take place right there in their own community. There is also antivandalism legislation pending.

During the current legislative session, Governor Beasley signed into law an initiative doubling the for vandalism against any house of worship.

Perhaps the most important initiative and the one that is most felt is our volunteer spirit. Governor Beasley signed a personal letter to every South Carolina State employee requesting their help in the church burning cases by becoming watchful eyes and ears in their communities. South Carolina currently employs over 69,000 people statewide. The Governor's office staff is coordinating with burned churches statewide to volunteer on rebuilding projects and recruit others to help.

The Governor's office is also serving as a clearinghouse for anyone seeking to donate money, time, or resources. I would like to also add that there are over 10,000 State employees that are updated regularly, by way of E-mail, on rebuilding schedules and activities that are taking place across

the State so that if a State employee has the time on their own time, apart from their job, their job hours, they can go and volunteer to help rebuild the affected churches.

At this time, the only thing that I would like to add, on a personal note, is that I would like to confirm one of the things that have already been said about the coming together of communities. I had firsthand witnessed the activities of a church that was burned in Florence County, Effingham Baptist Church. And the rebuilding efforts that have taken place in that county are incredible. There has been an outpouring of community support from both black, white, and other ethnic backgrounds.

The type of support that I witnessed in that county was overwhelming. And as the individual who has spearheaded the rebuilding effort said that day that I was visiting there, "This act was intended for hate, but in fact it has done the exact opposite. It has brought this community closer together."

So I guess we're all here today for good and bad news. We are here because we're talking about church burnings and what we can do to stop them, and to bring these people, the perpetrators, to justice. But the bad news is that we have to be here. So, I appreciate the opportunity to speak to you and invite any questions that you have of me.

**Dr. Kimpson.** Thank you, Miss Matheus. Questions or comments. Yes, Ms. Lee.

**Ms. Lee.** It's wonderful to hear that you have a Race Relations Commission set up. I'm from California, so I don't know—does South Carolina have any hate crime enhancement—penalty enhancement law?

**Ms. Matheus.** Legislation is pending. Specifically about hate crimes, I'm not aware of it. I'm not aware of the legislation that is pending for that. But in terms of arsonists and crimes against—the arson and church fires and things like that, there is legislation pending to help double the penalties.

**Ms. Lee.** What is the possibility of getting it passed?

**Ms. Matheus.** I'm not quite certain. My gut reaction would be that that would pass, in light of the recent activity.

**Dr. Kimpson.** Thank you. Yes, Commissioner Berry.

**Dr. Berry.** I, unfortunately, always have questions. There was a suggestion made earlier that one of the things that doesn't happen here in South Carolina is that there is no requirement that fires be reported to a central location fire marshal. Some of the other States where the fires have taken place have a requirement that when fires occur, they are reported to the State fire marshal. Do you have a record? Do you know where the fires occurred? Is there any possibility that somebody here in South Carolina could—beginning with the Governor—could undertake legislation or something to require it?

**Ms. Matheus.** I'm sure the Governor would be happy to support that as a requirement and I would like to defer to our fire officials to better address that. But I am sure that that is something that he would be willing to support.

**Dr. Berry.** The other thing is: Have you found that even in communities that might have had racial tensions or problems of religious discrimination or any kind of tensions of that kind, that even when people come together to rebuild a church and they haven't started out addressing the other underlying issues or have any concern about them, and saying let's rebuild the church, and somehow once they come together, it makes them more able to talk about the issues that divide them? Does it have that kind of catalytic effect here?

**Ms. Matheus.** It does. Another along that same line, I would also like to add that one of the things that has been most effective in the public hearings that we've held across the State—and we go all over the State in 10 locations, in different counties. One of things that I am finding is that people who come out to public hearings are not necessarily your "average Joe." People who come to public hearings that will actually take time out of their busy evening and actually come and say and speak before a commission like this—and at first, I have a brand new appreciation for them, because I know that I was petrified to do this, so I know how passionate that they must feel about the issues that they have come to discuss. So that, once those individuals are in the same room with other individuals who feel that passionately about

a belief, and they are given the opportunity to listen to each other, it has a way of changing things, I think, for them. I know it has changed me personally.

**Dr. Kimpson.** Thank you.

**Mr. George.** I am certainly very moved to hear the story of the—is it the Florence?

**Ms. Matheus.** Florence County, yes. Effingham Baptist Church.

**Mr. George.** And especially the comment, I don't know if it was your own or you were attributing it to someone else, that this was an act of hate that's brought out love. It just reminds me, you know, in the Bible, God is always depicted as bringing good out of evil. And this just strikes me as another example to show that God is still at work among his people. Thank you.

**Ms. Matheus.** More so now than ever. Thank you very much.

**Dr. Berry.** He's going to make sure there is an arrest, too.

(Laughter.)

**Ms. Matheus.** Yes. Amen to that.

**Mr. George.** There's some cases of that in the Bible, too. And the punishment would qualify as cruel and unusual, I think, under the Constitution.

**Ms. Bernardo-Allbaugh.** I'm glad that the Governor has set up your commission. Is this commission going to be an ongoing effort or is this a short-term solution?

**Ms. Matheus.** We'll be taking in comments and recommendations throughout the end of the year. I imagine that there will be some recommendations made to the Governor after that. My hope is it will be ongoing. So far the plan—I'm sorry, I neglected to introduce my colleague that works with me on race relations, Mr. Dewitt Zemp. Among the many hats that he wears at the Governor's office, he also wears the hat in helping me to coordinate the activities of the Race Relations Commission. My feeling is that the activities, whether they be termed under another heading or not, will continue out of the Governor's office.

**Ms. Bernardo-Allbaugh.** My other question is: What kind of composition, race, etc., is your commission composed of?

**Ms. Matheus.** It's a 22-member Commission. It's comprised of women, men, blacks, whites, Jews; leaders in the community, lay people. There is two or three teachers, senators, former senators, two judges, and corporate leadership.

**Ms. Bernardo-Allbaugh.** Okay. Do you have black, white? Do you have Hispanic, Asians, Indians—?

**Ms. Matheus.** There is a native American and—no, I don't believe there is any Asian representation on the Commission.

**Ms. Bernardo-Allbaugh.** But you have other religious representation, as well?

**Ms. Matheus.** Yes.

**Dr. Berry.** I have a question about the council. Some people in the community have asked me to ask this question, so I'm going to ask it.

I discovered in going around holding these forums that, while there are people who come in and speak very passionately, there are other people who are fearful about speaking and who are not educated to speak in forums like this, and some who have information they don't want to give in a public forum and who will often give it to me privately and to other people on the Commission or State Committee. So it cuts both ways who shows up.

The question is: Are there any local grassroots community leaders from the African American, Asian, other minority community on this council? And also, exactly what exactly is this Race Relations Commission doing? What has it done and what is it going to do? There seems to be some concern about how much grassroots involvement or relationship there is, and whether this is some kind of a whitewash, blackwash, redwash—whitewash committee or whether this commission is seriously about the business of doing something. Can you shed any light on this question?

**Ms. Matheus.** I'm not sure if I can address exactly what the grassroots effort or what the grassroots representation is. However, there are several subcommittees which are headed by the commission, the commissioners themselves. Those subcommittee are comprised of a number of various individuals that I believe will operate from a grassroots level.

What the commission is in the process of doing—what it has done, is it has met, number one. It has devised a plan as to what they should be about the business of doing. After that meeting took place they—.

**Dr. Berry.** Do we have that plan, Mr. Chairman?

**Dr. Kimpson.** No.

**Dr. Berry.** Could we have a copy of the plan?

**Ms. Matheus.** We'll get you a copy of what we have available.

**Dr. Berry.** What is the budget for this commission.

**Ms. Matheus.** There is no budget.

**Dr. Berry.** No budget.

**Ms. Matheus.** No, this is all voluntary. The first thing they decided was that what they should do is listen to the concerns of the community.

They, themselves, were not in a position to solve whatever problems or concerns that affect South Carolina. But South Carolina, itself, must know what the problems are. And so, therefore, they went about the business of listening to the community. And that's what we're in the process of doing right now and that is going out into the community and holding public hearings and listening to what is going on.

**Dr. Berry.** Does it have a staff?

**Ms. Matheus.** What do you mean a staff?

**Dr. Berry.** You said it has no budget.

**Ms. Matheus.** It has no budget, no.

**Dr. Berry.** Does it have a staff?

**Ms. Matheus.** No. Me and Dewitt. And I am a State employee that's been assigned to the commission from the Department of Social Services; that's what I do.

**Dr. Berry.** Full time?

**Ms. Matheus.** Yes, for right now.

**Dr. Berry.** Both of you. So, you have two full-time staff members?

**Ms. Matheus.** Yes.

**Dr. Berry.** And how many people on the commission?

**Ms. Matheus.** 22.

**Dr. Berry.** And they are volunteers?

**Ms. Matheus.** That's correct.

**Dr. Berry.** Do you have a travel budget for the commissioners?

**Ms. Matheus.** It's all volunteer.

**Dr. Berry.** So, in other words, people who could not afford to volunteer their time or who could not afford to travel without somebody paying the expenses would not necessarily not be able to serve anyway, even if they'd been asked. I mean I realize it's unfair to ask you these questions because you didn't set it up.

**Ms. Matheus.** No, I didn't set it up.

**Dr. Berry.** And they sent you here as the representative—

**Ms. Matheus.** I'll try and address that as best I can. Dr. Berry, there are a number of ways that individuals on the grassroots level can become involved with the work of the commission. And if they would like to know how they can avail themselves, I would be happy to pass their names and addresses on to members of the commission. I'm certain they'll find some way to find us of their talent.

**Dr. Berry.** I'll leave it at that for you.

**Mr. Doctor.** Miss Matheus, I hope I don't increase your discomfort level, but I have a couple of questions I would like to raise, and clearly I was hoping the Governor would be here so that I might raise these questions with him. Obviously, he's not and you are, so you are it, I'm afraid.

I have a copy of a letter that was mailed on May 29 of this year to the Governor in which we asked for—well, I'll just go ahead and read the letter:

“Dear Governor Beasley:

“As a native South Carolinian, I have followed with increasing interest the activities of the newly formed State commission on racial issues. We hereby would like to receive any information you may have on the commission, including a list of the names and addresses of the 22 members.

“We would appreciate also receiving a list of the future dates and locations of the next eight forums of the commission to be held across the State.

“As you may know, our South Carolina Advisory Committee has recently done extensive programming in race-relations in the State and we hereby enclose a copy of their report, *Perceptions of Racial Tensions in South Carolina*, for your consideration.

“We thank you in advance for your response to this request.”

This letter, again, was sent on the 29th of May and we've yet to receive a response. I guess if we had received a response by now, a lot of questions that the Chair has asked, we would have the material and the information. I would like to get your response to this.

And then, secondly, we recently released this report on *Perceptions of Racial Tensions in South Carolina*. We went to some three different communities around the State; namely, Charleston, Columbia, and Greenville. And time and time again, the issue of the flying of the Confederate flag was placed on the table for discussion.

Where are we in the State of South Carolina on the issue of the flag, the Confederate flag? And certainly, I would like to get your response to this letter.

**Ms. Matheus.** First of all, I can't tell you exactly what happened with that letter. I can tell you that that information can be provided to you easily and readily.

Secondly, in terms of the question that you ask about the flag. It is my understanding, and, of course, I cannot speak to all of the activity that is occurring legislatively. But I do understand it is a legislative issue at this particular point, and that legislation is pending or is in the works to help resolve that. And unfortunately that's the only information that I have on it.

**Mr. Doctor.** It is a very divisive issue.

**Ms. Matheus.** Yes, it is.

**Mr. Doctor.** Not only in the State of South Carolina but other States as well. I would appreciate you carrying that message to the Governor, if you would.

**Ms. Matheus.** I would be happy to.

**Dr. Berry.** Could you get a response to our letter?

**Ms. Matheus.** Yes, I could.

**Dr. Berry.** Will you promise us that our letter will be responded to?

**Ms. Matheus.** I will do more than promise; I'll do it.

**Ms. Bernardo-Allbaugh.** Can I make one additional comment? Could you recommend to the Governor that he at least put an Asian in there?



**Ms. Matheus.** I'll make that recommendation as well. Thank you.

**Dr. Kimpson.** We want to thank you, Miss Matheus, and appreciate you being here and express to the Governor that we appreciate him sending us a representative since he couldn't come.

**Ms. Matheus.** Could I just mention one other thing? I brought this up here, just to let you know, that on the State employees' paychecks, "If you have any information concerning a church burning please call Governor David Beasley at the arson hotline." Just one more initiative that it's printed on State employees checks, as well. Again, thank you all very much.

**Dr. Kimpson.** Okay. Mr. Pascoe.

**Mr. Pascoe.** Yes, sir.

**Dr. Kimpson.** Mr. Pascoe is the Assistant South Carolina Attorney General.

**Statement of David M. Pascoe, Jr.,  
Assistant Attorney General of  
South Carolina**

**Mr. Pascoe.** Dr. Kimpson and Dr. Berry, I first want to thank you and this committee for having me here today to talk about this very important topic.

Back in I think it was May of 1996, Attorney General Charles Condon asked me to put together a hate crimes task force in the attorney general's office.

**Dr. Berry.** When?

**Mr. Pascoe.** Back in May of 1996. Due to the rash of church burnings, not only in South Carolina but throughout the South. However, the duties of this task force are not just to look into church burnings, but all race-related crimes, whether they be assaults, murder, burglary, any crime where race factors in.

Another important function we are undergoing is the monitoring and learning about race-hate groups throughout the South. The unit currently has two other prosecutors at its disposal. We also have the civil division, with civil attorneys who, at this moment, are working on a case, which, I apologize, I can't really discuss. And this, of course, is at a minimum. Because the bottom line

is that our whole office is dedicated to fighting race and hate crimes.

Essentially, the function of this task force is to cooperate and work in conjunction with local solicitors and local prosecutors and the United States attorney's office, other Federal officials, as well as other local officials, particularly the South Carolina Law Enforcement Division.

We collect data on race-related crime. We're investigating race-related crimes, and we do everything we can to prosecute.

Now our job is not to go into local government and tell a local prosecutor we're stepping in and taking over a case if it involves a hate crime. What we want to do, though, is we want to monitor the hate crimes and make sure they are moved swiftly. We recognize that local prosecutors have a tremendous caseload. Often cases take a while pending in court. What we want to do is call them up and say, "Hey, this case has to be moved immediately. If you need any help, give me a call personally. I'd love to go down there and prosecute it."

Now, if I can, I would like to speak specifically about the church burnings in South Carolina. I would like to read off some numbers. I also pass the buck to Chief Stewart and Bill Graham from the South Carolina Law Enforcement Division who speak after me. But the reason I want to go over these numbers is to brag just a little bit about South Carolina in dealing with these church bombings, particularly with SLED and local law enforcement.

I'm sure many of the us, of course, know Congressman John Conyers from Michigan, a leader in Congress. He, not long ago, came down here and visited with SLED Chief Stewart and local law enforcement and wanted to see how the State of South Carolina was doing in dealing with these church burnings.

Congressman Conyers, then, in the White House, tells the President of the United States, President Clinton, as well as the southern attorneys general and Governors, South Carolina is the model for which all other States should be dealing with this church problem. We are the model.

Again on the numbers, it's my understanding from numbers I stole from Chief Stewart last

week: 28 arsons in South Carolina, 18 of them have been solved, for a rate of about 64 percent. Pretty good, when the national average is only about 15 or 16 percent.

There has been a lot of tiptoeing today, and rightfully so, because there are pending cases about. Are any of these race related? Well, I am going to say this: I know and the attorney general knows of at least two fires that were born out of nothing more than pure racial hatred. And we, right now, are monitoring those cases. They are pending in State court and Federal court.

And not only that, some of these individuals are not only involved in pure racial hatred as far as burning, but in assaults; these same people. I promise you our office, again, is monitoring these cases. They will be moved by the end of the summer.

Finally, I would like to talk about one more item of concern with the church burnings, which is insurance. Recently, the attorney general and I went to Howard University. We were accompanied by SLED Agent Bill Graham and also Nancy Wicker. One of the major concerns brought up by a number of people, a number of victims of this church fire, they were asking the attorney general, please, do something to make sure we get these insurance proceeds.

For some reason, a lot of them are delaying payments or are not making payments whatsoever. Well, before I could even look into the issues and making phone calls, I get a phone call from a Mr. Robert Bodell, who, ladies and gentlemen, on his own initiative, I don't believe he was invited, is here today. Mr. Bodell, after playing a week of phone tag with me, he tells me—he is the executive vice president of Southern Mutual Church Insurance Company, he tells me that he's going to make sure his company, which insures almost 4,000 churches here in South Carolina alone, isn't going to have that problem. One of those race-hate burnings in Greelyville, that church got their money within 9 days of the first [claim], from Mr. Bodell and his company. Again, I commend him for being here today. I didn't even know he was going to be here. He took his own initiative to come.

And again, I want to thank you for having me here today. If there are any questions I can answer, not only as far as church burnings, but I believe Ms. Lee; Ms. Allbaugh, everybody had some questions about race crime in South Carolina, I'll do my best to answer it.

**Dr. Kimpson.** We're going to start with Chairman Berry.

**Dr. Berry.** Let me just say on the insurance issue, after that meeting you were talking about, where the insurance came up, I was talking to Congressman Conyers, who is ranking on the Judiciary Committee—used to be Chair of the Judiciary Committee, until an unfortunate thing happened to him in November of 1994. But any case, now he's the ranking member of the Senate Judiciary Committee. He and I were chatting about this on Friday.

And the insurance companies, and it's been in the media, as a result of all the publicity, now they are calling up people saying, "Are you sure we don't owe you some money? Are you a church?" And talking about how the publicity and the comments and some of which my colleague, Commissioner George, was instrumental in publicizing. That these comments have made the insurance companies anxious, in advance of a hearing that I think the Judiciary Committee is going to hold on insurance, to make it known wherever we go that they are paying off, and I think that's a good thing. Because shining the little light has helped.

I wanted to ask you whether hate crimes have increased? Decreased? Do you have any sense of—first, I should ask you: How long have you been in office? Maybe you haven't been there long enough to know.

**Mr. Pascoe.** I have been a prosecutor for 3 years now. I've dealt strictly with the local prosecution cases everyday. I've been at the attorney general's office since January or February of this year; however, I have been collecting numbers. Unfortunately, most of it is raw data. We just started back in 1993; some of it is kind of old. But I can tell you this: Ms. Lee, you asked, how many race or hate crimes there are in South Carolina?

Off the top of my head, in 1993, I think there were 27 race-related crimes. Most of them began dealing with assaults.

**Dr. Berry.** Let me ask you the other thing. The Klan. How active is the Klan? Is there a Klan in South Carolina?

**Mr. Pascoe.** Yes, ma'am.

**Dr. Berry.** And how active is it, so far as you can tell. Is it like, you know, two people, a man and his wife and his dog or—

**Mr. Pascoe.** I recently went to a domestic terrorism conference in Charleston, where we talked about the Klan and certain militias. As far as, from what I learned at the conference from the experts there, the Klan is very fragmented in this State. You will have like three or four facias. If you've heard anyone talk about the Klan, everybody is a Grand Wizard or Imperial Wizard; that's because there would be 4 or 5, maybe 30 members per each Klan. But there are two factions that I know of in South Carolina. Numbers-wise, I did ask someone numbers. They said no more than 400. I would be surprised if it's much much less than that in South Carolina.

**Dr. Berry.** In South Carolina. So, there are enough to worry about.

**Mr. Pascoe.** They are enough to where they are monitored.

**Dr. Berry.** What about the issue of the flag, the Confederate flag? Do you have any sense that that issue has been polarizing or exacerbated tensions or may be a factor in the motivation of some of these folks?

**Mr. Pascoe.** Normally, I would have to say that I would defer that to politicians. However, there was an eloquent speaker from—it was a Congressman's office. I think he said it all right there, "It bothers him and others; it might be a problem." But I think that's a question for the politicians, for them to address.

**Dr. Berry.** You haven't seen any evidence in the prosecutions that the flag issue might have, had been on somebody's mind?

**Mr. Pascoe.** No, ma'am.

**Dr. Berry.** Okay. Thank you. Questions? Comments?

**Mr. Zimmerman.** Are you saying that you're taking the Klan lightly, or they don't have signifi-

cant numbers to be considered a very serious element as far as racial problems are concerned?

**Mr. Pascoe.** Absolutely not. I mean, you can't take them lightly. And I will only say this, there are others in law enforcement who may give you a more detailed answer to that. But they are monitored.

**Mr. Zimmerman.** What I am finding is we may not have very large numbers, but the atmosphere or should I say the influence that they have in this State, you know, it presents itself with an atmosphere that to me is intolerable.

You said something about South Carolina, I think it was you. You said something about being a model and whatnot.

**Mr. Pascoe.** Yes, sir.

**Mr. Zimmerman.** I'm sorry, I don't share the same enthusiasm as you do. Really, we have always in South Carolina talk about how well we do with racial relations. I remember back in the sixties, we talked about how well we integrated our schools with very minimal problems and whatnot.

What is happening, as I see it, is that South Carolina has become a more sophisticated racist State. It's become very sophisticated in its actions. You know longer have the robes and hoods and whatnot to worry about. But you have to worry about—as I've said oftentimes—you have to worry about the guy that sits across from you at the board table, that wears the doublebreasted pinstriped suit, who still has the Klan mentality, but does his—how else do I say it?—perpetrations in a different manner.

He reaches out to those individuals who are less educated and who are more than likely to carry out the kind of racial hatred that we are seeing in South Carolina and across the Nation. And certainly I go back, again, that these are the ones, that these are the ones that are not educated, the ones that are more emotional, more irrational; they carry that sociopsychological profile. Thank you.

**Dr. Kimpson.** Commissioner Lee.

**Ms. Lee.** You mentioned that you're monitoring certain hate groups. How about the militias?

**Mr. Pascoe.** Yes, ma'am. I should have thrown them in as well. We are monitoring and learning about them. Yes, ma'am.

**Ms. Lee.** What's the extent?

**Mr. Pascoe.** From what I learned last week and gathered from some FBI agents, there are just two small, maybe some, militias here in South Carolina. And they are, of course, throughout the country, as well as the Klan, throughout the country. They are just not in the South, unfortunately. They are everywhere.

**Ms. Lee.** Are you sharing this information with other law enforcement or do you have like a national network going?

**Mr. Pascoe.** In fact, what I've learned today comes from other law enforcement. It's coming from SLED. It's coming from Federal Bureau of Investigation.

**Mr. White.** May I?

**Dr. Kimpson.** Yes, Mr. White.

**Mr. White.** Mr. Pascoe, your boss, Attorney General Condon, has been very active and vocal in addressing issues and becoming very tough at times on various kinds of issues here. Much of what we have said today as it relates to the church burning also reflects an attitude of the people of South Carolina.

We've heard from the Governor's office and I'm sure we heard from other offices. From the attorney general's office, is there any plans maybe for the future in develop coalitions or sources for the attorney general to come out as strongly towards bettering relationships, that, hopefully, would then increase relationships among the people of South Carolina?

**Mr. Pascoe.** Sir, we've had many discussions about that. I can say in the future—let's just say that this is not the end of the hate crimes unit. We're not just going out there and just prosecuting the cases. We're going to look into what you're talking about as well. Yes, sir.

I think there was a question earlier about is there a hate-related or hate-based crime on the statutes. As of right now, there is not one, Ms. Lee. However, I think what you got to do is: You got to put the guy in front of the judge—and I prosecuted hate crimes; both white on black, and black on white. You stick them in front of the judge. You have your cameras there and you have the press and you tell the judge, "If there is anybody that deserves the maximum sentence for this

offense, it's this guy right here." And you'd be surprised how many times they generally get it.

**Dr. Berry.** What percentage of the hate crimes have been black against white?

**Mr. Pascoe.** The majority have been white on black in South Carolina. I can get you those numbers.

**Dr. Berry.** I know nationwide numbers, the majority have been white on black. I know that already in the crime statistics report. I just wanted to know in South Carolina.

**Mr. Pascoe.** But in South Carolina as well, and I'm just going on the 27 that occurred in 1993. The majority were white on African American.

**Dr. Kimpson.** That seems to be questions from the Commission. Thank you, Mr. Pascoe. We're going to move right along now, and we're down to one of the main men.

**Dr. Berry.** Main proposition. SLED. Robert Stewart. They all deferred to you now.

#### **Statement of Robert M. Stewart, Chief, South Carolina Law Enforcement Division**

**Chief Stewart.** Mr. Chairman, hearing all my colleagues defer so many issues, I am reminded of the story behind SLED's motto. Where back in Biblical days, they were looking for someone to go out and deliver a message, and if that person got caught, he would surely be killed. Isaiah stepped forward and, "Here, send me." So, here I am.

I appreciate, likewise, the opportunity to be here with you today. I traveled to Washington several weeks ago and spoke before Congressman Conyers and the Judiciary Committee and heard from representatives all over the South, and learned a great deal from that experience. I hope to learn a great deal from here today as well.

It seems like if there is anyplace that we ought to feel like we're safe and secure, it would be in our homes and our schools and our churches. And it is certainly sad that the situation is before us today as it is.

But what I would like to do to start out with is give you the most up-to-date statistics of the situation here in South Carolina.

Since January 1991 through the present, we've had 30 confirmed church arsons. Twenty have

been cleared by arrest, for a 67 percent clearance rate, compared to about a 16 percent national average.

We've had 17 African American churches been victims of arson. Twelve have been cleared by arrest; that's 71 percent of those.

Eleven white churches have been victims of arson, 6 cleared by arrest, for a 55 percent clearance. We've had one Islamic mosque that's been cleared by arrest, and one Hispanic church and it's been cleared by arrest.

We have three African American churches where it's an undetermined cause, and one white church that's undetermined. And that usually means that it's just absolutely nothing left. You can't find enough in the ashes to determine one way or the other.

Of the 11 African American churches that have been cleared by arrest, we have arrested 11 white males and 8 African American males. And of the 6 white churches, we've arrested 5 white males, and 1 African American male. Both the Hispanic church and the Islamic mosque, the arrests there were white males.

Now, you wonder what in the world would cause a person to burn a church, this most horrendous act. We have seen in South Carolina about four motives.

One of the motives is to cover a crime. In one church, the people had stolen some expensive equipment out of the church and set fire to the church to try to cover that.

Another, a white minister had stolen money from the church and set fire to the office and spread into the church and destroyed records.

We've recently—and I've got to be too careful what I say about some of this—but a deacon, an African American deacon in a church from 1992.

Another cause is psychotic behavior, where the person says, "God told me to do it." And you will have a few like that.

And then you will have vandalism. And vandalism can be racism or it may not be racism. In some cases, it clearly is racism; and some cases, which I will explain to you in a minute, it clearly is not.

And then the most treacherous and horrendous of all motives is just outright racism and hate. And we do have some of those as well.

People have asked, What is all the publicity doing? And how has that affected everything? And are we really having more now than before? Well, I can tell you where several years ago, a rural church, African American or white, burned, it might show up, if at all in the news media on P13 and now it's front-page news.

I can't help but think that that in a way is a positive sign, because where the public and the media acted like some years ago they didn't care, now they are not going to tolerate this kind of behavior; and there is a lot of attention being put to it. So, I think, if anything, that may be somewhat of a positive factor.

I have also seen in several places, what others have spoken to, where communities have really come together. I'm not telling you that that is happening in every community, but there is some where that has really happened. And the motive of the racist and what he's trying to accomplish is being defeated by his own horrible act.

I would have to say now, though, and wouldn't say this up until a month or so ago, we didn't think there was any copycat crimes going on. We have seen a couple of fires now, one in north Charleston, back of a church was on fire and there were bicycle tracks leading away, and it was two very young white children. And then we had a fire set and it went out before it could do hardly any damage in Florence. And we found four African American children had set that fire, 12 and under.

I would certainly think when you get into that age group that you've probably gotten some copycat activity there from seeing so much on television about it. We have not seen any insurance fraud at this point involved in these church arsons. And that's one of the main motives in regular arson, of course, is insurance and get the insurance money. We have not seen that, as yet, in the church arsons.

Now, while we've seen no general conspiracy in South Carolina, one group—and believe me, it would be better for us if it was; because then we could truly have one task force and target that

group like we do drug organizations and go after them. But you have so many different people, as I've explained to you, and different motives, there is no one group. So, we have to put a team together on every fire and attack it like that. That's working very well.

FBI, ATF, and SLED and the local agencies are really working great together, hand-in-glove. Quite often the local agencies will get a lot of information on their own and solve these cases without assistance. But everybody in the law enforcement community, we're a small State and we work closely together and that seems to be working very well.

You mentioned the Klan. We do have Klan activity in this State. The history behind that is: In the late sixties and early seventies, we probably had as many as 8,000 Klansmen in South Carolina. We really started working on them pretty hard. I was just getting into law enforcement in the early sixties. I started as a cadet when I was a 17 year old. I don't like to think I'm that old, but I've seen a whole lot in the last 30 years. But it's been whittled down now to where we have four groups. We have the U.S. Klan, the Christian Knights of the Ku Klux Klan, the Keystone Klan, and the United Klan. All of them together would have significantly less than 400 members. One of them has less than 100 members. And other three have significantly less than 100 members.

They began wanting to increase their membership. They were having difficulty with law enforcement and others. In about 1985 or somewhere in there, I forget the exact date—1985 is right. And they wanted to start doing what they call street walks, where they give out these applications to try to increase their membership, and they went to Clinton and asked for a permit and they were denied. And they went to Federal court and Federal court said, as terrible as this is, they have a constitutional right and you must give them a permit.

Well, over the first couple of street walks, we began to watch and see what was going on and video everything. There is usually a rally after a street walk. We take down the license number of everybody that goes to the rally and video them

and record them. And we came up with a model permit for towns to use. In that model permit, we wouldn't let them do anything but walk down the center of the street. They couldn't get off that center line. We had SLED agents and local troopers on both sides of them. So, they couldn't go to the side and give out the applications. You're not going to find too many people going to come through SLED agents and troopers and local police with us videoing them and come back and get an application.

Well, they didn't have a whole lot of success in that. And after a couple years, like every other week, that kind of stopped. And now they have rallies and the biggest group of the most recent rally probably had 50 people counting women and children.

You say: Is this a small problem? And I've likened it recently to cancer. If you got a little cancer, you got a lot of cancer; cancer is cancer. So, we try to monitor it very closely and keep up with what is going on in that. At SLED we have approximately 350 agents, a nationally accredited agency and forensic, NCIC, and uniform crime reporting center for the State. We have 20 agents in our arson team. They are highly trained and very overworked, no question about that. They call on the regional agents in the field to assist them in these cases and others. And we are putting all the resources we can to it. And we are very thankful to have all the Federal assistance that has come our way on this problem in the last 6 months.

I think you have heard an awful lot already on some of the topics I was going to cover, so I know you have a tight schedule. I submit myself to any question.

**Mr. Doctor.** Thank you, Chief. I think they are waiting for you. Who wants to go? Miss Lee, Commissioner Lee.

**Ms. Lee.** Can you give a brief description for those of us who are from other towns. Like, are you an independent agency? Who funds you?

**Chief Stewart.** We are a State agency, the State Law Enforcement Division. We have exclusive and specific authority for all criminal investigations on the State level. While there is nothing requiring it, we normally, except in cases of

corruption or a general breakdown of law enforcement, we respond to request from sheriff's offices and police departments to assist them in any help that they don't have the manpower or the equipment or technology to solve.

**Ms. Lee.** Now, between the fires and the actual arrest, the two statistics. Do you see any connection between the timeliness of a coordinated law enforcement agency response? In other words, does it make any difference?

**Chief Stewart.** Yes, I think it has greatly improved now. When SLED gets a call from the sheriff's office or the police department, we immediately notify the FBI and ATF. All three agencies respond. I think it's been very good.

**Dr. Kimpson.** Yes, Commissioner George.

**Mr. George.** Thank you. Mr. Stewart, could you comment on the problems that have been reported in some areas about the sensitivity with which investigations are conducted, and the relations between the pastors and other church officials and law enforcement. What's your perception in South Carolina?

**Chief Stewart.** Here, again, we haven't received complaints and I understand that we maybe are not the ones that receive complaints, but we just try to do a thorough, objective job. We have had, as I told you, a case of a minister burning a church. We have had a case of a deacon burning a church. And it's one facet that you have to look at, but you certainly need to be sensitive in the way you do it.

**Mr. George.** Could you comment on relations between—I think you're in a unique position to comment on relations between law enforcement at the various levels in the investigations of the arsons? Are they good?

**Chief Stewart.** Yes. As I have said, we're working hand-in-glove, the FBI, ATF, and local agencies. And everyone seems to be working real well.

**Mr. George.** Could you comment whether there is any significant element of religious bigotry involved in any of the fires or would racist motivation exhaust the categories of arsonists that would raise civil rights issues?

**Chief Stewart.** We have seen one or two satanic-motivated fires, usually fairly young people

involved. I think the racism goes against religion, so I put all that in.

**Mr. George.** Certainly. And the Islamic mosque that was burned, was there any element of religious bigotry involved in that, so far as you can tell?

**Chief Stewart.** That case is pending before the court and I'd rather not speak of that.

**Mr. George.** That's just fine. Thank you, Mr. Chairman.

**Dr. Kimpson.** Commissioner Anderson.

**Mr. Anderson.** Thank you. I think I noted that you indicated that there had been 17 African American churches burned, and 12 cleared of those cases?

**Chief Stewart.** Yes, sir.

**Mr. Anderson.** And of the individuals arrested of the 12 cases, 11 were white and 8 were African American?

**Chief Stewart.** Yes, sir.

**Mr. Anderson.** Can you address the question of racial motivation in some of those? I know some of them may be pending. But can you say, for a majority of them, that seemed to be part of the motivation, or none of them? Can you give us some sense?

**Chief Stewart.** I think we could probably show it in, at least, a third to half. And there's been some work—you're talking about a profile. And I noticed, give some credit to media and *The State* paper—they had a good article the other day and they came out and talked with me some more and printed that article about some research out of, I believe, it was Northeastern University, that went into the motivation on hate crimes. And broke it down into basically three categories.

The first was thrill crimes. That was, basically, young white men, low educated, that really don't know what they are going to do that night before they go out. They get on drugs and get on alcohol or whatever, and clearly racism or hate is involved in it, because in this group, they don't pick white churches, they pick African American churches. They don't necessarily go out in it to start, but end up doing it. That's probably two-thirds according to this research of the hate crimes. Not all of them hate crimes.

The second group is called defensive hate crimes, and that's about a third. That's where somebody says, like, "I don't want a Mexican church in my neighborhood. I don't want an Islamic" or whatever and set that fire. Then maybe 1 percent would be the true mission-type crimes; where they belong to some organization and they are in a part of a group and actually go out and target on a mission.

**Mr. Anderson.** Based on your experience with the Klan, how would you say most of their activity falls within those three categories?

**Chief Stewart.** I won't go into specifics, but I think it could fit into all three.

**Mr. Anderson.** Okay. Thank you.

**Chief Stewart.** Because even though some may be a thrill-type thing where they didn't set out to do it, what may have influenced them when they did do it was that connection.

**Mr. Anderson.** Okay. Thank you.

**Ms. Lee.** Can I ask one more question?

**Dr. Kimpson.** Yes.

**Ms. Lee.** Since you are a law enforcement officer, I just wanted to take this opportunity to get your thoughts on a couple of things.

Number one: The Hate Crimes Statistics Act right now is on a voluntary basis. It's not a mandatory thing. I would like your thoughts on how you feel about that.

And number two: States—I think right now there are over 30 States across the country who have penalty enhancement on hate crimes. I would like to get your thoughts on how that is going to affect individual States. Let's say, if you cross the State line, you are going to get a maximum sentence on hate crime. But on the other side, you may not. I would just like to get your thought on it, as a law enforcement officer.

**Chief Stewart.** Well, you know, I'm for any enhancement in this regard. We've just recently, in South Carolina, passed the two strikes, three strikes legislation, which covers very serious violent crimes. So I'm for it on the State and Federal level.

In regard to mandatory hate reporting, I certainly would be in favor of that. Part of the problem you have, though, is how the crime is seen. Everytime a police officer responds to a call

in South Carolina, he fills out a report and it comes to SLED. We try to then interpret that and see what categories it falls under. It depends on what information you get, whether you can classify it as a hate crime or not. That is somewhat "iffy" depending upon what information you get and the accuracy of the information.

**Mr. Doctor.** We obviously are running a little behind schedule. But in the interest of time, I'll be very brief.

**Mr. Stewart,** you have shared with us the number of Klan members here in the State of South Carolina. I don't know that you shared with us the numbers of neo-Nazis or Skinhead or Posse Comitatus members or even militia members. But I am not so much concerned about numbers as I am about climate.

Have you noticed any discernible increase in the impact that hate groups are having in the State of South Carolina as it relates to race relations? Negative impact?

**Chief Stewart.** Well, you know, I explained to you the history of the Klan business, and how we're trying to curtail that as much as we can. As far as the Klan being involved in actual crimes that we can prove, there is some pending action now that I just can't talk about.

**Mr. Doctor.** I'm talking about the climate.

**Chief Stewart.** The climate? There is no question that it hurts the climate. There is absolutely no question about that. But I think you are seeing a lot more people come out against it now. And what that's doing is causing these groups, although they're smaller, to possibly become more radical, and you may even see them get ready to go underground.

The Klan has been sued now. There has been a couple of church fires. And we've noticed that the last Klan rally—not telling you secrets; this was in the newspaper; they're at all the rallies there. There were at least two different Klan groups at this most recent rally and some people who said they were part of the Aryan Nation. I know that's small numbers, but as I told you before, it's like cancer if they are there. You don't usually see that. You don't usually see them coming together. They're coming together, they say, to get up money to fight these suits.



So, while there is still a small number, they do contribute to the climate. They hurt the improving, or what I would like to think is improving, climate on race relations in some areas. And the fact they are now coming together, to get up money to fight these suits, is something I don't like to see.

**Mr. Doctor.** So, you do see some coalescence amongst those groups. Thank you.

**Dr. Berry.** Mr. Stewart, I know you are a law enforcement official and not responsible for public attitudes, but can you think of any reason why the Klan would be so active in South Carolina? In some other States, they tell us the Klan is totally nonexistent. I was just in Alabama—

**Chief Stewart.** Yes, ma'am. I went through the history of the Klan while you were out. And basically, we've gone from 8,000 members from the late sixties to early seventies, down to considerably under 400. The largest group has less than 100, and the other three have probably more like 30 or 40 members. But they went through a period of time where they really started to try to increase their membership and went through—

**Dr. Berry.** Don't do it again.

**Chief Stewart.** Yes, ma'am, but I'd be happy to.

**Dr. Berry.** Why is there still some? There's other States that don't have any.

**Chief Stewart.** If I had control over it, I'd do something about that. Unfortunately, we can't control what's in people's minds and hearts. I wish we could. We do everything legally possible that we can under the Constitution to curtail that kind of activity.

**Dr. Berry.** Let me ask you this—this is something more specific than law enforcement. How do you get involved? SLED, how do you get involved in local crimes; like, a church burning that occurs in the community? Do you have jurisdiction to go out and start investigating?

**Chief Stewart.** Yes, ma'am. As I explained while you were out, State Law Enforcement Division, we have specific and exclusive jurisdiction in criminal investigation on behalf of the State, at the State level. So, there's no duplication of effort on the State level. But unless it's corruption or total breakdown in law enforcement, we

normally take requests to come in and assist, when manpower or technology that we have is needed.

**Dr. Berry.** What if they don't request you? I was in a State just recently, where the local State law enforcement director told me that in a couple of these fires, he wanted to get involved, but the local sheriff didn't ask him to.

**Chief Stewart.** We just really don't have that problem. Sometimes local departments will work them and they work them very well and handle them. We like for SLED to be thought of—except in corruption in some areas—we like to be thought of as an extension of local departments. That's what we were created for, is to have the manpower, some specialized expertise, the forensic laboratory, helicopters, and all these things that local departments, most of them, can't afford to have. We don't put SLED on our trucks. We don't put SLED on the helicopters and or bomb trucks. It's a plain truck.

If you saw the Susan Smith case on CNN, all that big equipment you saw there was from SLED, basically. And that encourages local authorities to use us. They feel like it's theirs, just as much as it is anybody else's. We just really—very rare that we have a case that we need to be in on, that local authorities don't ask us to come in.

**Dr. Berry.** Why did everybody who answered the questions before you got here, everybody came up there said "ask SLED." FBI and BATF think you're theirs, too?

(Laughter.)

**Chief Stewart.** Yes, ma'am, we belong to everybody in South Carolina. We like to think we belong to everybody. Whoever needs our help, if it comes under our statement of law, we will come and help them.

**Dr. Berry.** Thank you.

**Dr. Kimpson.** Thank you, Chief. That was easier than I thought.

**Chief Stewart.** I'll say.

**Dr. Kimpson.** Mr. Bill Graham. Captain of Fire Division, SLED.

**Chief Stewart.** I covered what he was going to cover, unless you all have something else you want to ask.

**Dr. Kimpson.** Not right now.

**Mr. Graham.** Thank you.

**Dr. Kimpson.** Thank you, Mr. Graham, though, for being here. **Mr. Jedziniak.**

**Mr. Jedziniak.** Thank you.

**Dr. Kimpson.** You know, I never have pronounced your last name—

**Mr. Jedziniak.** For those of you who aren't from South Carolina, Commissioner Kimpson used to be a Workers' Comp Commissioner in his prior life, and I used to be a practicing attorney. And let me tell you, you did remarkably well pronouncing my name this time.

**Statement of Lee P. Jedziniak, Director,  
South Carolina Department of Insurance**

**Mr. Jedziniak.** My name is Lee Jedziniak. I am the Director of the State of South Carolina Department of Insurance. In the cabinet form of government that we have in South Carolina, my position is equivalent to what other States call the Chief Insurance Commissioner.

I don't have any prepared presentation for you or any written comments to read off of. However, let me assure you that at the South Carolina Department of Insurance, we recognize that insurance—or maybe the availability or lack of availability of insurance—for religious institutions is becoming a national issue.

So, therefore, let me specifically address the laws in South Carolina, Commissioner George, that you asked about which limit cancellations of insurance policies and nonrenewals of insurance policies. And let me tell you—to follow Chief Stewart's lead, specifically, what we've done at the Department of Insurance in relation to church fires and problems with insurance at places of worship.

First off, we don't have the same problems they have in other States with the inability of churches or any business entity over cancellation or nonrenewal of insurance policies. We have in South Carolina, our legislature has passed a very comprehensive package of consumer protection laws. And included within that package that's been passed, over the years, is a set of cancellation and nonrenewal laws for property and casualty insurance.

And let me stress “over the years.” The laws that I am about to talk to you about weren't passed

during this legislative session as an immediate reaction to some public issue. The laws that I am about to talk about in South Carolina were considered and passed in the mid-1980s in our State.

South Carolina, very simply put, prohibits by law the cancellation midterm of any property and casualty insurance policy. Now, there are certain statutory reasons for cancellation; obviously, nonpayment of premium is one. And material misrepresentation by the applicant, which you don't have with burnings of religious institutions; and substantial breach of contractual duty, and loss of reinsurance and substantial change in the risk. Other than that, there cannot be any midterm cancellation, any unilateral cancellations by insurance companies.

And even if one of those five conditions are met, the insurance company still has to provide 30 days' notice before they could actually cancel the policy, and then State the specific reason for cancellation.

On nonrenewal of insurance policies, a company cannot nonrenew any property and casualty insurance policy in this State without providing 30 days' notice at the end of the policy term and the precise reason. And “precise” is not my language; it's the legislative language: the precise reason for nonrenewal of the policy.

Now, these laws are great to have at this time, with the problem that the other States are having. I know Pastor Mackey and I talked about some of the problems he saw up in Tennessee over the last couple of weeks. So they are nice to have for religious institutions, but those laws apply in South Carolina to all policies; whether it's the policy of a religious institution; whether there is a hurricane bearing down on a coastal hotel, like we had last week; or my homeowner's policy or your homeowner's policy in this State.

The department has taken a lot of specific activities towards helping the religious institutions.

We have in our agency a very strong market assistance program. The purpose of the market assistance program is to provide help to any consumer who cannot find insurance coverage on their own. We've got a 1-800 number. We've got nine consumer assistants who are trained in market assistance. We have a laundry list of

contacts, and anybody who calls in, who needs help, we will help them find coverage.

Southern Church Mutual was mentioned as one of our domestic companies in South Carolina. And I would like to echo the compliments that they've gotten. They have called us several times to remind us that they are out there and willing to write churches in our State, and they're actively willing to help. In fact, they've put up a reward for anybody who is convicted and sentenced for the arson of churches.

We conducted some specialized training for our market assistance program, but it's there to help everybody in South Carolina, including and especially churches.

Now, our consumer services division, over the last several months, has individually contacted every church that has had an arson or a burning of any nature, within the last 3 years, to offer them both claims advice and help them process their claims. To explain the cancellation and nonrenewal laws that I just went over with you, to make sure that they are not the victim of any improper or illegal cancellation. To give them tips on how to avoid nonrenewal of their coverages, and just talk to them generally and give them any advice that they would have. We specifically contacted every church that had a fire, any kind of fire, arson or burning, in this State.

We have contacted, also, because we're completely aware that a lot of times churches—especially the churches that have been burned, small rural churches in South Carolina, don't feel that comfortable calling the bureaucracy of State government, we've also contacted the NAACP and Urban League, the human affairs commission, our consumer affairs office, and our consumer advocate's office reminded them that we're out there and here is what we could do for anybody that has calls.

So, specifically, I think we have done a good bit in South Carolina at the department to try and address the problem. I will tell you that we contacted other States to find out if there was anything else we could do and the short answer was, they were more interested in what we were able to do to avoid the problem than they could give us advice.

On a national level, I'm a member of the National Association of Insurance Commissioners, and I think some of you know that I'm not on the executive committee, but the executive committee has met with Vice President Gore and is presently answering a series of questions for Congress.

I think one of the important things I could do for you here today is answer any questions you have or provide you with any data or information you may want. And like most bureaucrats, I brought my deputy director, who is actually in charge of this area, if I can't answer a particular question. So, if there's anything I could respond to, I'll be glad to try and do it.

**Dr. Berry.** Mr. Jedziniak, do you have a list or do you know specifically what happened in the case of each one of the black church fires; in terms of whether insurance was paid or not paid, or do you have information like that?

**Mr. Jedziniak.** I can't tell you by black or white church. We have contacted every church. We have two files that we are working on right now in the case of churches that needed help. I prefer not to go into specifics.

(To Mr. Byrd) Do you know specifically how much was paid—?

**Dr. Berry.** Even if you don't know how much, do you know, specifically, that in each case, they were, in fact, paid?

**Mr. Jedziniak.** The answer is we haven't heard back from all, but we haven't heard back from any but two of them. So, the best answer I could give is they're either happy with what the insurance companies are doing now, or like most recovery agencies, we'll hear from them at some later point again.

**Mr. Byrd.** We have given them the opportunity to voice any concerns or problems that they may have with our office through our toll-free access. And, of course, these individuals, we have not heard a response back. And should we hear something, then we will commence any inquiry to that particular problem.

**Mr. Doctor.** Your name and position again.

**Mr. Byrd.** My name is James Byrd. I'm deputy director for the consumer services division for the South Carolina Department of Insurance.

**Dr. Berry.** And you said you had two, you heard back from two?

**Mr. Jedziniak.** We have two open consumer assistance files that we're working on right now. One of them was a dispute over, I believe, the amount of value of the organ that was burned up in the church, and we've been working with the insurance company.

I hate to say this, since in my prior life I was an attorney, but both churches are represented by attorneys, and there is a limited amount of how much we can push when you have attorneys on all sides of the situation. The other is a question of, there was a church building and the church moved from one building to a new church, and it was the old church building that burned down, whether the policy on the old church building was canceled by the church itself. Whether or not there was coverage, and Jim's been working to try to resolve that with the churches. So, like I said, we've only gotten two, I think.

Unlike maybe the law enforcement officers, there isn't anyone afraid to call us. We get almost 2,000 calls a month and hundreds of walk-in visitors, and then we try to resolve their concern. We're well publicized who we are and where we are.

**Mrs. Snead.** Just one brief question. I think I already heard the answer and I just want to clarify it. So, there is no danger in South Carolina of policies being canceled because someone files an excessively high claim?

**Mr. Jedziniak.** No, no. You cannot cancel a policy midterm unless you fall into one of the five very clearly delineated, very limited—

**Mrs. Snead.** How about if it's just an annual review and they decide now, we're not going to reissue—

**Mr. Jedziniak.** A company can nonrenew a policy if they state the precise reason for nonrenewal. So the answer is: At some point in the future, some churches may be nonrenewed and that's why we have the market assistance program that we have.

I think what we've seen, and we've probably seen it in South Carolina as well as any other State in the country, whenever there is a time of disaster. We've been through it in Hugo. We almost

went through it last weekend with Bertha. The insurance companies will come to the forefront and do the right thing. I really don't anticipate that we'll have that major of a problem.

**Mrs. Snead.** There is nationally some fear of the impact of that along those lines.

**Mr. Jedziniak.** I understand that, and that's why we started the program as early as we did. And that's why I think we're as far ahead as we are—our market assistance program, like our cancellation laws, is not a knee-jerk reaction to public concerns.

This program has been up and running and working well in South Carolina. We've been through, after Hugo, the same type of situation with mobile homes where we had to go out and find them coverage and I think we'll be successful with churches.

**Mr. Byrd.** And as a supplement to that, we have contacted several of the largest insurers of houses of worship in the State of South Carolina. These individuals, basically, assured us that they are committed to staying with the property which they are insuring. The industry attitude, basically, in South Carolina is that this is very similar to what we were faced with in the natural disaster, where the integrity of the industry is at question. And basically, to ensure that integrity is upheld by the members of the public, then the insurance companies are doing what they can to assure that these policies are not being nonrenewed. And one of the ways to do that, is to, basically, get with a particular house of worship and say, "These are some of the things that you need to do to improve your chance of a risk from being nonrenewed or canceled."

So we have supplemented this process by developing one-page brochures, trifold, to be distributed to individual business entities, houses of worship, basically to educate them as to what you need to do in order to protect your property and to avoid it from being subject to nonrenewal or cancellations by insurance companies.

**Dr. Kimpson.** Commissioner George.

**Mr. George.** Thank you very much, Mr. Chairman. I am going to have to leave now to catch a flight back to New York, if this storm permits. But let me take this opportunity to thank

you for your efforts in putting this forum together. It's been very useful.

Let me also thank, Bobby Doctor, who, has usual, done a terrific job. I'm sure he's happy to be back in his native South Carolina contributing to helping people in this State to deal with this very important issue.

I am very glad that I was able to stay long enough to hear Mr. Jedziniak's contribution. And I want to congratulate you on the efforts that you have made.

Chairman Berry was kind enough to mention my efforts to publicize this issue. This issue came to my attention when I attended a summit of ministers whose churches had been burned that was hosted by the Christian Coalition in Atlanta not long ago. And it became very clear to me, from the testimony of many of those ministers, that what we were facing—it was potentially a very precarious situation. An ill-motivated person, a person who would burn a church for racial or religious reasons or some combination of those reasons, would find himself in a position, not only where he could burn a church, but where he could silence that church. That church could not rebuild. That church could not reconvene, because they couldn't get the insurance to get back in business.

It's very easy to infer from that, the mission of that church or synagogue or mosque is silent. The Gospel isn't preached; the Torah isn't taught. The message of the Koran is not promoted. So, it was clear to me that efforts had to be made, whether formal or informal, to ensure that that possibility was not on offer to the potential arsonist.

I would like to make a request, Mr. Jedziniak, because I am impressed by the way your office has dealt with it and by the laws of South Carolina that enable you to do that. I wonder if you would be able to work up a brief statement to us of the facts that you put before us this morning, which you have shared with other States, in your effort to discover what more could be done and only learn that they want to learn from you. And I think we might be able to cooperate with you there, in helping to disseminate that information to other States and perhaps promote your efforts here as a model of what can be done by other States.

I think, happily, that as Chairman Berry has pointed out, insurance companies have got the message that the cancellation of policies of these churches is not going to be tolerated unless there is very good reason for it. But I think we should be vigilant about it, and we should promote efforts like yours. Would that be possible?

**Mr. Jedziniak.** Yes, sir. I think we've already got most of that done, if we could give it out to you now. We've prepared that right along and kept an ongoing log. And let me say that, although Jim and I are both new in our positions, we have been here since this morning. This is our home, and this means a lot to us, to keep the insurance industry in South Carolina, so we'll continue in these efforts.

**Mr. George.** Thank you. Thank you. Thank you.

**Dr. Kimpson.** We want to thank you for being here. We in South Carolina are privileged that you've come down and we appreciate that fact.

**Mr. George.** It's an honor to be here. Thank you, Mr. Chairman.

**Bishop Smith.** I wanted to ask a question in reference to, not so much cancellation, but there have been instances and I'm sure the Commission is aware of—I don't know what the term is. Certain churches and even certain communities, they may not have their insurance canceled, but the cost of it is tremendously increased. Has anybody addressed that? Is that a problem in South Carolina?

**Mr. Jedziniak.** Cost is always a problem in everything. So, I can't say no to that. I don't know that we've actually gotten any concerns or complaints about that. But I would encourage you, if you have any churches in your area or know of any churches anyplace that, one, shop around, to shop; and if not, to call us.

Insurance is a competitive market. The market doesn't expand. It's the same size market. The number of players who compete will expand, and so prices will go down. Our market assistance program could easily give out a laundry list of companies.

Again, we haven't received concerns or complaints that I'm aware of, involving the cost of church insurance. But it wouldn't surprise me that

all churches, all businesses, all people are unhappy with what they pay for coverage.

**Mr. Byrd.** You know, we do have our prior approval.

**Mr. Jedziniak.** That's right. Our laws in South Carolina, again, are rating laws. A rate is a formula that develops a premium. Our rating laws are prior approval laws, which means before any insurance company could use any rate in South Carolina, it has to go through an administrative process. And most of them go through an administrative hearing before an administrative law judge to determine whether or not that rate is adequate. So, we ensure that the rate levels which result in the premiums are not excessive or unfairly discriminatory in this State by law.

Again, our legislature routinely addresses insurance. Those of you who are from South Carolina know that you can't pick up the paper on any day without seeing insurance as a topic. So, we're a very highly regulated State which it comes to especially property and casualty insurance.

**Bishop Smith.** Maybe you can help the Nation in that regard. Frankly we had a situation occur in Chicago where it was a predominately white area. The insurance rating was one thing. Blacks moved in and we purchased a church, and the rate just about doubled simply because blacks moved in. And that's a different subject, but I was just wondering.

**Mr. Jedziniak.** I would hope that wouldn't happen under our laws in South Carolina. Let me put it this way: At the department, we would ensure that that would not happen. And I think Chief Stewart might have interest in that, too.

**Dr. Kimpson.** We want to thank you. And we're going to move right along. We have Dr. Willis Ham, the Commissioner of the State Human Affairs Commission.

**Statement of Willis C. Ham, Commissioner, South Carolina Human Affairs Commission**

**Mr. Ham.** We're going to be very brief in bringing to your attention the fact that we administer on behalf of the State of South Carolina four laws that cover a broad range of areas. Race happens to be one of them; but race, age, sex, color, national origin, and handicapped conditions,

and in the case of fair housing, familial status, which is that we protect the rights of families from children from prenatal to 18 years of age.

The primary thrust of our effort is to investigate discrimination in housing, general employment, ADA [Americans with Disabilities Act], and we have a public accommodations law which crosses this particular area.

On the preventative side of the ledger, we have staff development training, a technical service division that handles affirmative action for the State and, significant to the issue at hand, we have a community relations section that responds—this agency is there for help on matters such as these. We develop community relations councils, in every county that is ready to fend for itself, and we'll bring together a cross section of people for us to train in areas of conciliation and negotiations and the like; so, that all problems that occur on a day-to-day basis, they can handle; and also so they can do progressive—and if there is such a term as proactive—a proactive job of determining what's best for their particular community.

A question was raised earlier as the Governor's representative was on as to what would happen in the aftermath of what will happen increasingly with the Governor's effort. Now, the Human Affairs Commission is developed by statute to deal with some of the kinds of things we've talked about, to include building community relations councils. So, the State of South Carolina is assured that there will always be a force in readiness to deal with the matters such as these.

Governors, on the other hand, have done less than this Governor, some equal to, in terms of dealing with the issues of race across all lines. We want to indicate to you that when Governor Beasley leaves office, whether that happens to be 4 years, 8 years, or whatever, the commission will still be here to address matters such as these.

Now, no individual in a county or city, or what-have-you, is called a commission under the Public Accommodations Act to act and ask for assistance. And we need to answer one question, whether it's asked or not, "Where is Human Affairs in matters such as these?" We serve at the pleasure of the Governor of the State, the General Assembly, and a 15-member board.

We do not act on these kind of matters unless someone calls for our assistance. We are here as a force in readiness, as such. And so, we're here today just to share that with you. When Jesse Washington comes on later in the day and you want to know really what a community relations council does that keeps Human Affairs indirectly in the mix, then you'll have the best indication, and that would be true of Greenville, Anderson, Spartanburg, Rock Hill, and several other areas. The Greater Columbia Community Relations Council happens to be one of the better—if not the very best in the State of South Carolina. With that I'll—

**Dr. Kimpson.** Let me ask you before we get: Is there a formal relationship between the Human Affairs Commission and the Governor's Race Relations Commission; do you all work together? Do you cooperate? Do you staff them or—she mentioned that she didn't have any staff. And it occurred to me, that since there is a legislative body that has some of the same objectives as the Race Relations Commission, is there any relationship or do you work together?

**Mr. Ham.** One of the things that we did, as soon as we found out that the Governor was going to create the commission, was to write him and to indicate to him that we were statutorily designed to do a part of what he was developing a committee to do.

Very hurriedly, they assured us that they were aware of our statutory design, that at a point in time when they have amassed all the information they need to, in public forums and dealing with the people at grassroot level as well, they are certain that there will be a need for the likes of the Human Affairs Commission and the Palmetto Project and the Race Relations Council to get together and attempt to do what the public has suggested needs to be done within the term of this particular Governor and staff.

**Dr. Kimpson.** Very good. Any questions or comments for Dr. Ham?

**Mr. Earl Brown.** Mr. Chairman, members of the Commission, since 1990 and since 1973, the Division of Community Relations at the State Human Affairs Commission has kept an index and analysis on all hate crimes in the State of South

Carolina and the southern region. And we have worked constantly over the last 24 years or more with CRS, that is Community Relations Service of the United States Department of Justice, which we use, because a lot of the task force and studies are not reported. You will recall a lot of that when you were Director of the Community Relations [Columbia Chamber of Commerce].

In all of these studies and things going on here recently, we have studied and kept information indexed and filed at our office. And who did it and why they did it, and when they did it and why they did it and where it happened—that information has been there for our commission members to indicate in their particular district, if this happened in your part of the community, here is the information and here is the data. We don't publish that information. We have that information available and we sort of coordinate that information with anyone who wants to find out as to what we keep on file. We aren't asked to do it. We aren't forced to do it.

**Dr. Kimpson.** Yes. Yes.

**Ms. Bernardo-Allbaugh.** First, could we have access to copies of that information? And secondly, how did you say you compiled this information? Using what methods?

**Mr. Brown.** Using the newspaper, using CRS, that has hate crimes, *Klan Watch*. We are affiliated with these organizations on a national basis, and we get that information and we index it. And take a look at what is going on in the southern regional States and part of what we call the Dew Line of the southern belt, of South Carolina; where you've had these kind of crimes.

**Ms. Bernardo-Allbaugh.** Could you make it available to the Committee?

**Mr. Brown.** We have it available.

**Mr. Ham.** Please depend on Mrs. Mary Snead on your committee to provide you, through us, anything that you need. She is a member of our staff, as well.

**Mrs. Snead.** I was just about to add what an excellent staff they have. They really do good work.

**Dr. Kimpson.** Let me just ask you, since we are talking about church burnings and we've mentioned race relations and hate, etc., and if I

am correct, I think that also is a part of your watch?

**Mr. Ham.** Yes.

**Dr. Kimpson.** Have you all been assisting in this with SLED? Have you been called to do anything in connection with that?

**Mr. Ham.** Again, without invitation or required presence from either the Governor, the General Assembly or our board, the answer is no; but we have been monitoring just the same. We've been kind of a body or shadow in the dark. In most places where matters have occurred, we've had a staff member there to listen to the dialogue, to bring back the feedback, so we can discuss it with the staff. We don't intend to be caught flat-footed, if we're called today or tomorrow to join in and say we know nothing about anything.

**Dr. Kimpson.** So you have not been invited?

**Mr. Ham.** We're just monitoring.

**Dr. Kimpson.** You're ready, but you haven't been invited.

**Mr. Doctor.** Mr. Chairman, I have a great deal of respect for the South Carolina Human Affairs Commission. Dr. Ham's predecessor, Jim Clyburn, is an old classmate and friend of mine. But I am particularly interested, Dr. Ham, in trying to get some indication as to what the relationship is between your agency and the Governor's Race Relations Commission.

**Mr. Ham.** There is not a direct correlation or direct relationship between us at this time. As I said, we did have immediate discussions. We talked about giving them a chance to get up and running, to determine what their mission would be; they hadn't even been staffed. But we were assured by the Governor's chief of staff, who happens to be a friend of mine, that the point in time would come when we would begin to coordinate our efforts.

**Mr. Doctor.** I raised that question because it is very, very clear that you all have a track record in this particular field. And it would make sense to me that that track record be utilized to great advantage by the Governor and the rest of his staff.

**Mr. Ham.** Yes.

**Mr. Doctor.** I certainly would encourage that. I've worked with you guys very closely over the years and I know what you have done in this particular field. That is an asset that clearly needs to be utilized more fully, as far as I'm concerned, anyway.

**Mr. Ham.** Thank you. Might I say this to you: Sometimes we have to discover one another, as we are all busy doing various things. Just recently, the Department of Commerce was worried about a community block grant program administered by HUD and realized, as they are studying the aids to impediments to fair housing, that we are, in fact, the enforcement agency. So, we have come together and we've built a consortium of all our groups and all our agencies in the State that are involved in the fair housing business.

So, you know, I'm patient, and I foresee the times when we're going to get together the way it's supposed to be done.

**Dr. Kimpson.** Commissioner Anderson.

**Mr. Anderson.** Dr. Ham, thank you. You said you have been monitoring the situation here in the State. Can you tell us a little bit about the situation? We've had questions earlier about what is the state of racial tension in the communities, particularly, communities that have had church burnings? Can you talk to us a little bit about what's happening in South Carolina?

**Mr. Ham.** What we really mean, when we say "we are monitoring them" is, for instance: As to the matters in Greelyville, we just sent a person there to listen to the dialogue. And, again, we weren't called, so there was no direct presence, just an indication of who is saying what and who is doing what and what implication it might have for us, should we be called in. And that is the full extent of our monitoring right now. So, we have no direct information. There is nothing we could feed you, in terms of information in writing or verbally now, to say that Human Affairs has done anything.

**Mr. Anderson.** That goes back to 1991. The first church burning was in 1991 here?

**Mr. Ham.** Well, let's say this: The church burnings, as Chief Stewart said earlier, were not a front-page issue. And subsequently, it was not being dealt with by any forces that would pull us



in; the Governor's office or the General Assembly or what-have-you.

You will recall that around 1992, we had a very pervasive issue involving race in South Carolina and it's known today in some places intimately as "Conway." And it had to do with 30 black student athletes walking away from a football program, because presumably an action on the part of a coach to replace a senior quarterback who happened to be black with a freshman quarterback who was white, and was considered a racist act. Human Affairs was brought up by then Governor Campbell, and that in 1992 was perhaps the most pervasive ordeal.

In the Buffalo room incident, a man was not allowed to come into the happy hour period, or any other period for that matter, and to buy drinks and socialize at the club. And Human Affairs got in on it.

Saluda happened to be where black Boy Scouts were allowed to clean the pool at the Jaycees establishment but were not allowed to play in the pool or swim in the pool after they had done the work.

So, when I say we cover a broad spectrum, we have been in on a number of things. And Fairfield County, a team was not allowed to play in a softball tournament because it had a black ball player. Human affairs was called in.

There is enough for us to do, provided we're called.

**Mr. Anderson.** Did the Governor call or local community?

**Mr. Ham.** Governor Campbell was picking up anything that had the racial overtones and he called. But a citizen can call under the public accommodations and ask us to investigate a local recreation department, because they feel decisions being made on a day-to-day basis are racially motivated and not healthy.

**Mr. Anderson.** A pastor could call you to get your involvement?

**Mr. Ham.** Exactly right. Not everyone knows that. Still ironically, we do education and outreach to the extent that manpower and finances will allow. But I would submit to you that not everyone in South Carolina knows that today.

**Mr. Anderson.** Well, let me ask you then: Based on your broad experience—and not because you haven't been called in to the church problem—in your work in South Carolina, how would you assess the state of racial relations and climate that these actions are occurring in now?

**Mr. Ham.** We maintain a watchful eye and regard it in the sense that you would never hear us say carelessly that race relations are deplorable and the worst in the country, but we are not blind. We are not inclined to say that there are no real problems. We maintain that a constant vigil must be maintained. One thing, "you can legislate anything but attitude."

We have to monitor the attitudes of various counties (46 of them in South Carolina) and try to build the Community Relations Councils and through them get our assessment of what is going on. And we have some counties doing extremely well, and others have not made it to this particular century. So it's relative, I would say to you, overall. But there is a need to maintain a constant vigil.

**Mr. Anderson.** Okay. Thanks.

**Mr. Ham.** And that's everything and nothing. But that's pretty much the way we see it with numbers to point to.

**Mr. Zimmerman.** Miss Matheus, I would just recommend that you would say to the Governor he has an organization here that has a very good track record throughout the State of South Carolina, and especially at the African American community, and he needs to utilize them more effectively visionary, as far as the task force and Race Relations concerned. I'm sure they would have valuable information and expertise that they can use and more effective than your ability to carry out your mandate.

**Ms. Matheus.** Thank you very much.

**Bishop Smith.** I don't know when I need that. I just want to also mention the fact that I have worked with the Human Affairs Commission. In fact, I served on the board for over 6 years, and I know about these cases that are referred to by Mr. Ham. The commission—and maybe I'll put on a commission hat, although no longer there, and very much aware of what is happening.

And in fact, when Governor Campbell was Governor, he talked about a special group, statewide group. And now-Congressman Clyburn and I discussed it at length and some of the people on the board plus community people were going to head up this kind of commission. And with the expertise and support of the Human Affairs, we were going to tackle it then, and it never happened. I guess the church burnings and other things have caused Governor Beasley to now come and start this Commission.

I think has been stated, perhaps other people need to know what this group does and they are not only equipped and well-trained in dealing with all of these issues, and perhaps Governor Beasley and whomever should talk about that and that would be my recommendations.

**Dr. Kimpson.** Thank you, Mr. Smith. I think when you look at it, Governor Beasley has the best of both worlds and Mr. McLawhorn and Mr. Grant along with Miss Matheus and Mr. Zemp and as I refer to Mr. McLawhorn, there are good people with lots of ability, when Miss Matheus or Mrs. Matheus stated that they didn't have staff.

It seems to me that this is a good time that the Human Affairs Commission with its know-how working with the Race r Relations Commission—you get more for the money, and suggestions and observation.

And I'm not being negative, because I am proud we have two forces here. And I think when we come together and put our forces together, we might get some better results. Thank you, Doctor Ham and Mr. Brown. Mr. Earl Brown. Did you tell them who you are Mr. Earl Brown.

**Mr. Brown.** I'm Earl Brown, Jr., executive assistant to the Commissioner, external affairs.

**Dr. Kimpson.** I notice some of you going out. That's what we intended for you to do. If we stop with a break, we'll never get through; and we're not going to leave, though, until everyone who has something to say has an opportunity to say it. Because when do you get a chance to have the members of the Civil Rights Commission here and all being recorded, and it simply means that what you say here will go further than just this room. And thank you for being patient. If you have to get some water and go to the restroom, just feel

free to. Please make as little noise as we can. We are going to continue to go.

(The 3:00 p.m. list was read with no response).

### **Religious Community Representatives**

**Dr. Kimpson.** Didn't get any of those. Now, down to the religious community. Director of South Carolina Christian Action council, Wayne Bryan.

### **Statement of Wayne Bryan, Director, South Carolina Christian Action Council**

**Dr. Bryan.** Mr. Chairman, I'm Wayne Bryan. I'm the Executive Minister for the South Carolina Christian Action Council.

The South Carolina Christian Action Council is the statewide ecumenical body of 16 denominations who have been working together in issues of public policy and social justice for more than 60 years. You can see the breadth of our membership by looking at the denominations whose representatives are listed on our letterhead, which you have.

My comments today come from our observation of the burning of houses of worship in South Carolina, a work which has been particularly intense during the last 4 months.

Let me hasten to tell you at the beginning that neither I nor the council are researchers so as to report precise data about the players involved in the episodes of burning. Nor are we mind-readers so as to report all of the motivations of all of the perpetrators of these crimes. Rather, we come as observers and listeners to talk about the atmosphere of South Carolina and the responses of which we are aware to the assaults on houses of worship in our State.

I come, not to give a litany of evil. Such evil, indeed, exists in our State. I come, not to "name names," because such is more adequately done by law enforcement and by those who have been victims of this evil. I come rather to speak a more general word, a more general description. And I come, as you will see at the end of my report, to say a word of warning.

Before I get into my actual report, let me explain to you that the South Carolina Christian Action Council has specifically chosen a language

and a focus in this issue. Our language is to talk about attacks on houses of worship. That's also our focus. For we're concerned about burnings, paintings, threats, all kinds of attacks on houses of worship: Christian, Jewish, Muslim, Hindu, and others.

As we said in a press conference:

"During the past 5 years, the people of South Carolina have been experiencing an assault upon one of their most precious treasures, their houses of worship. Five such fires have occurred in this year alone.

"Destruction of a house of worship is an attack upon that which the society finds most fundamental. It is in these sanctuaries, which have been set aside as places of refuge and of praise, that communities define themselves and proclaim their allegiance to their Creator.

"We denounce any such attacks, but when these attacks are motivated by prejudice against race, creed, ethnic origin, or class, we find it to be particularly reprehensible."

We were joined in that statement and press conference by 19 Christian denominational leaders, as well as representatives from the Jewish community and the interfaith community. So, with all that as the basis, let me speak to a few points.

The first point is this: Yes, there is a racial basis to the attacks. There's also a basis of hate, a basis of frustration, a basis of ignorance, a basis of fear.

We agreed with Chief Robert Stewart, the head of the State Law Enforcement Division, when he said that the best news we could have about the attacks would be that they come from a conspiracy, that there is a group planning and orchestrating them. If that were true, law enforcement could ferret out the group, arrest them, and put a stop to it. But it's not that easy.

In an official policy statement which the South Carolina Christian Action Council made in early April, before the sudden onslaught of burnings, we said:

"We're severely disappointed that after all these years of struggle, we have come such a short distance toward respect, tolerance, and acceptance in race relations. We're ashamed that some people cannot live in a secure environment, trusting that they and their houses of worship will be

safe from acts of violence and destruction. Likewise, we are ashamed that others have found no avenues for their insecurity other than lashing out in hatred, prejudice, and destruction.

"We are sensitive to the fact that the politics of our day are divisive and encourage power, violence, and punishment as solutions to problems and that our society allows violence to be an acceptable norm. We note that such expressions on the public level encourage personal expressions such as the firebombing of African American churches on the private level. We know that a language of intolerance will cause acts of intolerance.

"It becomes increasingly clear to us that our State and Nation need religious communities and other people of good will to stand concertedly against such bigotry and savagery. We cannot rest secure in our own places of comfort while God's children who happen to be racial, ethnic, or religious minorities are threatened or abused.

"We call upon all the members of the religious communities in South Carolina to join us in this condemnation of hatred and violence, especially as it is directed toward minorities and toward houses of worship. Likewise, we ask them to join us and each other in pledges to stand in support of all God's children, to abhor violence as a solution to social ills, to engage in cooperation and dialogue, and to educate all citizens so that they have avenues other than explosions of rage by which to express themselves in the community and in the body politic."

The second point is this: The attacks have released a flood of caring, of civility, and of neighborliness which lay dormant, supporting our relationships to each other but not always overt. Suddenly in the past few months, this flood has overwhelmed us all with its reality and its intensity.

When Rosemary Baptist Church burned in April, they found neighbors appearing from all over the State, asking how they could help. When Effingham Baptist Church burned, Catholics, Lutherans, Baptists, an outpouring of white and black people from Florence County immediately were present with hammers and money.

During these 4 months, our telephones at the council have gone crazy, fielding and directing calls from people all over South Carolina and all over the U.S. who want to help.

So, my second point is this: If those who attack houses of worship want to separate our citizens from each other, they've accomplished quite the opposite. There's a solidarity and support evident in our State which is enormously larger than anyone dared dream existed. I could read to you from a long list of public statements by which the religious community has expressed itself and its solidarity with our brothers and sisters who have been attacked, but I'll refer you only to the two that are on your sheets here. One from the Presbyterians in South Carolina, who, after deploring the violence, say, "We stand with our Christian brothers and sisters who have been threatened by the use of destructive force to violently take from them places which have been set aside as houses of sanctuary and refuge." Similar statements of that have come from one community after another of the religious groups in South Carolina.

I would want to read for you the one from Partners in Dialogue. Partners in Dialogue is a coalition of individuals representing Muslim, Christian, Jewish, Hindu, Buddhist, Baha'i, and Unitarian Universalist communities, and they wrote the following:

"The recent burning of several churches and a mosque in South Carolina is an outrage to every noble instinct of the human family. All houses of worship, mosques, churches, synagogues, temples, are sacred places and must be kept inviolate from the destructive acts of misguided persons. These acts of violence, whether inspired by racism or other forms of prejudice, assault the human spirit and contract the teaching of our religious tradition.

"Partners in Dialogue, therefore, calls on peoples of all faiths, and the leaders in this State, to stand up against these destructive acts, to denounce the prejudice that fuels them and to enact stronger legislation to discourage such acts. We also encourage the citizens in South Carolina, community by community, put themselves into building of a society which affirms the oneness of the human family amidst the valued diversity of its many racial, ethnic, and religious forms."

I want to take a short side from the printed copy which you have in front of you, to draw attention to some way in which this unity has been expressed. South Carolina Christian Action Council and the bishops and executives of the various denominations and those of us from the rest of the religious communities called for the last weekend of June to be a Sabbath of support across the State. So, religious communities of all persuasions on that weekend spoke about the issue, preached about the issue, took offerings, volunteered themselves in ways to help; so it became a very big and bold item.

Along with that, we discovered our concerns here were being picked up across the country, so that at least 10 other States from our urging also celebrated that time as a Sabbath of support. One of those asked that a symbol be placed on the front of all the worshipping communities that weekend. This is the United Church of Christ out of Illinois, by putting a piece of burned lumber on the doors of churches and synagogue for people to arrive.

I noticed when I was down in Charleston, the week afterwards, that one of the Lutheran churches had gone further than that. When worshipers came to their place on that Sunday morning—this was a white church which had not been attacked—but when they came that morning, there was a church this size (indicating) with the back half burned away. Every worshipper had to walk past that to go to worship that morning. South Carolina Christian Action council subsequently has now approved the action of a sabbath of support project, which we hope will be a 2- to 3-year project, working specifically upon the societal issues which give rise to racism, to separation, to violence, to those things which tear us from each other; and many of the folks in this room are people who are already going to be serving on that steering committee, which meets for the first time this Thursday. But I wanted you to see that kind of illustration of what's coming out of this.

Now, the third and final point is a note of warning. In its briefest form and note it is this: In our intensity to identify the source of this evil, we must not separate ourselves from each other by accusations or interests which are too narrowly drawn. Such separation will accomplish exactly

what the burner set out to do and we must not let them win, even if by default.

Let me say it another way: At the beginning of the report, I noted for you that we've talked about attacks on houses of worship. By that we mean the entire religious community is under attack, black and white, Christian and Jews and Muslims and all. Sometimes it's very hard, in the pain of our own loss, to see larger issues, larger issues of hatred and violence. The smoke from black churches burned by white supremacists fills our eyes with tears. Those tears also flow for churches which have been burned by persons angry at their pastors. Those same tears are there for the smoke of houses of worship destroyed by those who fear that new immigrants will displace them in the workplace. In all these instances, we must be diligent both to solve the crimes and to transform society by changing root causes.

In all of these instances, we must be diligent to say, Purveyors of hatred and violence will not win. Our mandate is broad: To build a society where children of every race are accepted and grow into citizens whose talents and potentials flourish so as to benefit the whole community. And to build a society where everyone walks the street in safety, arriving at their houses of worship in joy. To touch the history which makes us individuals, which makes us people, which makes us a nation. We must be very careful that in our own pain of our own losses not to lose sight of that mandate. Thank you, Mr. Chairman.

**Dr. Kimpson.** Questions or comments?

**Dr. Berry.** I had one. I understand being down here that this issue of the Confederate flag is rather polarizing issue, apparently, in the State. Does the Christian Action Council have any position on this issue or its—

**Dr. Bryan.** Yes. We have had a policy asking for it to come down for about 8 years.

**Dr. Kimpson.** Thank you very much.

**Dr. Bryan.** I leave you in the tender mercy of the AME and others.

**Capt. Shea.** Mr. Chairman, would you be interested in hearing from local law enforcement? I stepped out of the room for a moment.

**Dr. Kimpson.** Which?

**Dr. Berry.** You got called. What was your name?

**Capt. Shea.** I'm Captain Larry Shea from Lexington County Sheriff's Department.

**Dr. Kimpson.** Are the ministers here? We'll be with you in a moment. Captain Shea. I'm glad to see you. We didn't have the local law enforcement people.

#### **Statement of Larry Shea, Captain, Lexington County Sheriff's Department**

**Capt. Shea.** Well, I had an emergency page. And I knew if I stepped out of the room, you would call me and sure enough that's what happened.

Mr. Chairman and Committee members, I, too, would like to thank you for the opportunity and am sorry that you called when I was out of the room for a moment.

I am here representing Lexington County Sheriff James R. Metz, who very much would very much would like have been here and feels very strongly about these issues, but he had to be away at another meeting and asked me to be here today.

Lexington County, I think, more than many in our State, sort of feel that we've been the focal point of interest concerning the epidemic of the church burnings across the country, because we have had two in our county and one of them, the burning last August of St. John's Baptist Church in Dixiana was among the first to get some of the national publicity. And also because this church had had such a long history of criminal activity targeted at it for some time before.

So for that reason we feel that the entire issue has had a pretty significant impact on the citizens of Lexington County and also on law enforcement in Lexington County. One of the reasons is that, in some of the published media reports, law enforcement, in particularly, those in Lexington County were singled out as being apathetic in the investigation of the church burnings in our county. We felt strongly about that—Sheriff Metz was particularly incensed and I think all of the officers in our department were as well—because we've been very aggressive in investigating the crime, but also working with the churches in our area. And I thought it would be useful to your Commit-

tee to have a local perspective on what we've done, where we're going, and how we see the situation in Lexington County. And I would be happy to address your questions and I had several more things to—

**Mrs. Snead.** Captain, I don't know if you were here, but the earlier reports—

**Capt. Shea.** I have been here the entire time except for the few moments that I stepped out and, of course, that's when you called me.

**Mrs. Snead.** That's Murphy's Law. Would you agree with some of the reports on the numbers and activity of the Klan in South Carolina, specifically, in your area?

**Capt. Shea.** Yes. Unfortunately, in Lexington County, we not only had the distinction of having one of the early church fires, but we also have a very vocal member of our community who is a member of the Klan and very vocal about it. I would agree with the other law enforcement representatives who have spoken that the activity is very, very limited in our county. We believe that he does not have a great deal of influence among the citizens there.

If anything, we in law enforcement, and I think certainly the citizens of Lexington County, feel strongly that our county and State not be judged on the actions of such a small minority of people. And we have been, and I think the members of the church and the members of our community will tell you this, is this particular church has been targeted for at least 10 years. And we have been very aggressively working with that church to try to solve some of the problems. Clearly, some of the activities directed against that church were racist. There were cases of KKK being written on the doors and evidence of racial hatred present as part of the crime.

Many of the crimes are what we call vandalism. And these were mostly teenagers. And it seems some years ago, a myth had gotten started at one of the local high schools and persisted to this day, that this particular church in a very rural area, and also had a cemetery with it, was haunted. And this is one of the cases where we had some limited satanic cult activity. Although our best guess is that this was teenagers dabbling and not an exam-

ple of very serious adult satanic cult and operation.

So we've had all the wide spectrums directed at this church, of course, culminating with the first last August. We did arrest three people in connection with that fire. And the only other church arson we had in the county, we made an arrest in that case. So, we are very proud of the fact that while there's a 16 percent solve rate in the Nation and 67 in South Carolina, we are at 100 percent solve rate in Lexington County.

And Sheriff Metz feels very strongly about this. He's been very aggressive in pursuit of the investigations. We worked very closely with SLED and ATF, and very closely with the churches. In Lexington County, we have a program called the resident deputy program, which is our equivalent of community policing in some of the urban areas.

We use our resident deputies to work with the churches to help make sure that there are church watches set up where we can, that churches are offered an opportunity for crime prevention inspections and meeting with their congregations and making suggestions, and we've also made a very aggressive effort to ensure that rural churches are patrolled as frequently as we can.

**Dr. Berry.** How many churches do you have in your county, do you know?

**Capt. Shea.** I do not know the exact number. But sitting on my desk is a list of every single church in Lexington County along with the pastor, which was just recently compiled, and I didn't bring it with me. We know. I don't know off the top of my head. I do know that we had a very difficult time compiling that, because many of the churches in our county are rural and many of them are part-time pastors. During the daytime, the pastor is a plumber, and only on the weekends a pastor. So, we've made a very conscious effort to find the pastors and to contact each of them through our resident deputy program, and that's ongoing.

**Dr. Berry.** And you have in fact contacted all of them, whatever the number is?

**Capt. Shea.** It's ongoing right now. We have contacted most.

**Dr. Berry.** Would you submit to us the list, the list you have on your desk of how many there are?

**Capt. Shea.** I would be happy to, Dr. Berry.

**Dr. Berry.** The other thing is this complaint made by some people that your department was not as aggressive, or apathetic, as you put it. From what you do you think this complaint stemmed? Where did this unfair slam against your department come from?

**Capt. Shea.** The published report and the only allegation that we were apathetic was a report published in *The State* newspaper and in some of the TV broadcast that were done. And I have no idea on what they based their allegation. I think had they talked with members of St. John Baptist, I think, a couple of whom I see are here today, and perhaps they might be the better persons to ask.

I think our arrest record speaks for itself in terms of aggressiveness. We probably arrested 200 people in connection with the church over the last 10 or 15 years. Now that is a little bit misleading, because that may indicate a greater problem in terms of racism in our county than we think is actually there. That is because, again, we've had such a wide variety of problems associated with that church, many of which, in fact, most of which we believe were teenage vandalism and not necessarily typed, at least not directly, to racial hatred.

**Dr. Berry.** Is there any systematic attempt by leaders in the community, black or white or together, to sit down and deal with racial antagonism in the county to the extent that it may exist?

**Capt. Shea.** Yes. Specifically, with regard to the church, Sheriff Metz has met with the leaders of the church, and is a member of the Save St. John Committee. We've worked very closely with leaders in the community, and it is a matter of great concern to us.

**Dr. Berry.** I meant beyond the issue of the fire and the church itself. Is there some kind of ongoing committee or leadership group or grass-roots group that is trying to identify sources of racial antagonism in the county and ways to heal it and ways to make people work together and feel better about whatever is going on? Using the church fire as an opportunity to do this. I'm not saying you shouldn't be doing it.

**Capt. Shea.** Not specifically that I am aware of.

**Dr. Berry.** The other thing is how much Klan activity is there in Lexington County?

**Capt. Shea.** We have one citizen in our county—

**Dr. Berry.** One person?

**Capt. Shea.** One person who is very vocal about his membership and role, and claims to be leader and frequently hosts Klan rallies on his property.

We have monitored these activities carefully. They range in size—typically there will be 25 to 30 people that will attend. We typically will look at license plates and try to find out who these people are. The vast majority of them are from—many of them are from out of State and most of them are outside of our county. So there is not a great number of them inside the county.

They do tend to congregate because of his role and that is of a concern to us.

**Dr. Berry.** Is he an imperial wizard or whatever it is called?

**Capt. Shea.** I don't remember what his title is.

**Dr. Berry.** Okay.

**Dr. Kimpson.** Thank you, Dr. Berry. Yes, Ms. Lee.

**Ms. Lee.** Captain Shea, can you tell us what kind of material your department uses to determine whether hate or bias has anything to do with any given crime?

**Capt. Shea.** Yes. I will try. Like anything else, if there is very clear-cut evidence, if someone has scribbled KKK on the door during the vandalism, obviously, we can draw the conclusion that that is likely to be racially motivated. With many of the other acts of vandalism that have been targeted toward that church, it was a little bit more difficult to tell. Many of the cases, people will not talk to us.

We do know because of the statements made by the people that we have caught there that much of it has not been. Many of the arrests made are teenagers; high school kids. Most of them—many of them were there on dates. This is a group of two or four or even six teenagers, three of whom are boys and three of whom are girls. And we suspect that they are there in response to the

rumors that the church is haunted. The vast majority of the vandalism and problems have occurred on Halloween night. We attribute much but not all to the myth that got started and the satanic activities that were there.

**Ms. Lee.** Does your department receive any training, at all, on the issue of hate crime, like the interpretations and definitions?

**Capt. Shea.** Yes, our department has one specialist who deals exclusively—we are a relatively large department—as Chief Stewart mentioned, they are available to most of the departments that don't have helicopters and forensic units and that sort of thing. We're fortunately large enough that we have most of that stuff. Still, we rely on a great deal on assistance from SLED, and we have invited SLED to participate with us on all these crimes as well as the Federal task force. And each of the church fires has been turned over to the Federal task force for them to evaluate as well.

**Dr. Kimpson.** Thank you. Mr. Doctor.

**Mr. Doctor.** Captain Shea, first of all, I would like to commend you and the Lexington County Sheriff's Department for your positive response to our invitation. And perhaps it's a bit unfair to ask you this question, but I'm going to do it anyway. You are the only public official out of some dozen public officials we invited to participate in this particular meeting.

**Dr. Berry.** Local.

**Mr. Doctor.** Local. I certainly want to make that point. Local public officials to participate in this meeting. Again, you are to be commended. We have had this same kind of response with the racial tension project that we held in Greenville and Charleston and, of course, right here in Columbia initially. The mayor was responsive second time around. Initially, not a positive response. What do you think accounts for this lack of willingness to publicly talk about issues that have to do with race relations. Is it apathy? Is it denial? What do you think accounts for it?

**Capt. Shea.** Mr. Chairman, frankly I'm shocked I'm the only one here. I certainly expected my colleagues from other local law enforcement agencies to be here. One of the things that I noted that Dr. Berry said at the very outset of the program was that many communities were in

denial. I suspect that is partially true, certainly among law enforcement. I don't think there is a community anywhere that would like to admit racial tension in their community or that crime, particularly unsolved crime, is attributable to that racial tension. I think it's a sad fact that that does happen and certainly happens in some of our communities. We don't believe that the people that set fire to St. John's Baptist Church in Dixiana were a part of any organized racial hatred activity or religious antagonism or certainly any organized group.

I think, obviously, the underlying question that you mentioned as well, Dr. Berry, is, I think that concerned us the most and that is, are there things present in our community that may contribute to the underlying climate that will allow things to happen? And that concerns us, that concerns Sheriff Metz very much, and I agree that I think that what Ms. Lee mentioned is that perhaps that needs to be addressed in a very broad spectrum community effort.

I can tell you that we, in law enforcement, are very much aware of it and Sheriff Metz is committed to making sure that any hate-related crime is aggressively pursued and we do everything we can to prevent it from happening, so that we don't have to investigate it.

**Mr. Anderson.** I've asked several other the witnesses similar questions. So let me ask you as well. Do you see the climate changing towards greater racial tension/conflict in Lexington and in South Carolina?

**Capt. Shea.** No, just the opposite. I have seen, particularly in the wake of the St. John fire and the other fire we had, which by the way was clearly not racially related. The subject that we arrested was white and it was a white church that he attempted to set fire to, and this guy probably just got bored perhaps, and he wasn't very smart. He used his own pay voucher stubs to set the fires, two of them, and was relatively easy to track down.

I have seen just the opposite. I think rather than a deteriorating racial climate or racial tensions that the silver lining in all of this, that there has been a greater cohesion. That people have tended to come together more. I think perhaps you may



want to address that question to the members of the church. But we have tried very hard. We've tried publicizing very much. We have asked the local TV stations to cover the efforts that we've made with our resident deputies to provide crime prevention services and they, and also *The State* newspaper, covered our efforts to contact local ministers and local congregations to offer our services, so that if we did miss anyone in that list, that they would perhaps see that in the media and contact us and say we would like to be part of this. We're providing crime prevention tips. I believe that the community has come together, and there has been a considerable show of support and understanding of the problems that have faced that small congregations in Dixiana and in Florence. I think people were shocked and angered by it.

**Mr. Anderson.** The two church burnings that you've talked about that occurred in Lexington apparently were not racially motivated in terms of the attacks on the church; is that right?

**Capt. Shea.** Not directly. The three young men that we have arrested in conjunction with the Dixiana church, we found no overt clear-cut evidence that racial hatred was a motive. We think it was more likely to have been the result of teenage vandalism. However, we are, of course, concerned that there is an underlying climate that, like someone else mentioned, might have contributed to their selection of the target, even though they probably did not go out that evening intent on burning a church.

**Mr. Anderson.** We've heard other evidence, however, there are a number of churches burned in South Carolina as a result of a racial motivation in other communities, not necessarily the ones you have talked about. Now, is it your impression that racial tension in maybe other areas of the State where there is clear evidence or enough evidence that the church burnings are a result of racial motivation, that there is greater tension in other parts of the State?

**Capt. Shea.** I'm sorry, Mr. Anderson, I'm not familiar enough with the crimes in the other locations to be able to make that comparison. I'm very much familiar with the fires we've had. And I know that our arson investigators are working closely with SLED and ATF in those comparisons,

but I'm not familiar enough with the other fires other than what I have read in the paper.

**Mr. Anderson.** I'm sorry I'm asking you this, but you are the only one here. And finally, your sense, it would not necessarily be based on first-hand experience, necessarily, because you've solved your cases. But in some of the cases that have not been solved, looking at it from the perspective of local enforcement, do you think there is a greater Federal role that needs to be assumed here? In other words, are there other ways that the Federal Government, in whatever area, could assist in this problem in South Carolina, maybe not Lexington County, but in other parts of the State?

**Capt. Shea.** I think traditionally there is a desire, if not an insistence, on the part of most communities to retain most law enforcement services at the local level, except where resources mandate that a higher echelon of law enforcement be involved.

So, I certainly would not advocate seeing church burning become a Federal crime. I think it's a local phenomenon and investigated locally. I think the role that the Federal Government is taking in trying to help coordinate and provide intelligence information and such things as profiling and investigative support is very useful. Of course, the problem we get in with local law enforcement is that many of the smaller communities do not enjoy the degree of support that we have in our county, the size of the department and the resources that they can devote to such an investigation. Of course, that's the role that SLED plays in South Carolina. And if it's a small department that did not have those resources, they can ask SLED to come in and assist them. I think also the emphasis placed by the Federal Government does play a major role in how aggressively local enforcement would pursue an investigation.

**Dr. Kimpson.** Thank you. Thank you, Captain Shea, for saving the day for local law enforcement. Now, we are back to our religious community and my good friend Rev. Joseph Darby.

**Statement of Joseph Darby, Chairperson,  
South Carolina Coalition of Black Churches**

**Rev. Darby.** Let me first thank you for this opportunity and invitation. Let me apologize for leaving not soon after I speak to you. But I have an active pastoring, and I have vacation Bible school tonight. I've passed to the Commission the unabridged version of the sermon, so I will present the abridged version of it.

My name is Joseph Darby. I appear before you as board chairman of the South Carolina Coalition of Black Church Leaders. The coalition, founded in 1986, is South Carolina's ecumenical organization for historically African American denominations. Member denominations include the African Methodist Episcopal Church, African Methodist Episcopal Zion Church, Bibleway Church, Baptist Educational and Missionary Convention, Christian Methodist Episcopal Church, and Church of God in Christ.

The coalition has a direct link to over 2,500 churches in the State of South Carolina. The mission of the coalition is to address through interdenominational cooperation the most serious problems of contemporary life that impact negatively on the total community, but are particularly devastating to African Americans, unquote. That mission statement made it a moral imperative that the coalition take action to address the burning of churches in our State.

That action has taken the form of a church watch program. The church watch program is not a vigilante exercise, but is designed to serve as an aid to law enforcement and as a deterrent to those who would seek to destroy the houses of God. Participants do not carry firearms but carry cell phones and cameras to note and immediately report suspicious activity. The basis of the plan are as follows:

Key pastors identified in each county of the State are asked to organize and chair a local steering committee of 10 clergy and our lay leaders to include the local NAACP president and at least one white clergy representative.

The committee then meets with representatives of the local law enforcement community to identify churches that need to be monitored. It sets the

date for a general meeting and sees that the general meeting is publicized.

At the general meeting, the list of identified churches is reviewed for inclusiveness, patrol volunteers are solicited, and a surveillance schedule is agreed upon.

The steering committee then meets to develop routes, control times, and reporting procedures, and holds a second general meeting to make final adjustments.

The final plan is then implemented in the county, and regular reports are being made to the executive director of the coalition to monitor the plan's progress.

I wish I could say that this was being done across our State. It is not. We have done this on a trial basis in some areas. In those areas, the plan has met with modest success.

The greatest obstacles we've encountered in the implementation so far have been selection of the proper county representatives to coordinate the plan and the solicitation of a sufficient numbers of volunteers to effectively carry out the plan.

Church watch has been one response to a tragic and troubling series of events. Results of the fires have been varied. The obvious negative has been the many small churches in rural areas no longer feel secure, and members of those churches have a very real fear of losing what is often taken years to build.

It has been suggested by some that the churches that have been burned are getting monetary windfalls. This in itself reflects a ludicrous and ignorant attitude. Most of the churches destroyed by fire are small churches that evolved in the plantation worship of the Antebellum South. The churches destroyed have been small in membership and of modest means. They're also the same churches that most major insurers, by my personal experience, will not cover. As a result, they are often uninsured or woefully underinsured by companies that charge higher rates for much less coverage. There is no financial gain for any such congregation to destroy what has been built over generations, as the labor of love and faithful devotion.

The positive result has been that many African Americans have been awakened to the necessity of

self-help in the face of residual bigotry, apprised of the sobering fact that even 1996 we must take care of ourselves. Another hopeful positive has been the multiracial response to the church burnings. There has been overwhelming national and State condemnation of the burning of churches and offers of assistance have come from historically white churches and organizations traditionally labeled both as liberal and conservative. Lasting progress depends upon an expansion of the last positive effect.

Those African American churches reduced to rubble are only the visible symbols of a larger struggle. Many have argued against a racist cause for the burning of African American churches, attributing those fires from everything from satanism to teenage pranks. If those are, indeed, plausible explanations, and they may well be, the lingering question is: Why are those acts of destruction most often still visited on African American churches?

I believe that those burnings are the result in large measure of racism. And I would offer you my personal theory in support of my contention. Politics in our nation and within our State is focused in large measure on so-called wedge issues that undeservingly lay the blame for our woes at the feet of select groups of Americans. Weak-minded people simply respond to those divisive political games, by taking direct action to destroy the last identifiable institutions of influence in our nation controlled and financed by African Americans.

It should be noted in South Carolina the burning of African American churches has literally not taken place in a vacuum. Our State is the only one to still officially fly the battle flag of the Confederate States of America. In this past year, our State has seen the establishment of a business that glorifies the Ku Klux Klan that is now mercifully going out of business, the brutal treatment of a black woman stopped for a traffic offense, the murder of a black man in the upstate married to a white woman, at least one lynching, and the burnings of numerous crosses.

Those who decry the burning of African American churches should not disregard the climate of racism that is still pervasive in our State. I do

hope that the response to the burning of African American churches will go beyond the offering of financial Band-aids or the building of unity over one issue and will go forward to treat the cancer of racism that is at the root of those verdicts. It is my hope that our State, and people of faith in our State, will deal honestly, frankly, and in Christian love with the root problem. We must encourage the kind of frank dialogue, keeping what the prophet Isaiah had in mind when he said, "Come now, let us reason together," so that we can go beyond flaming churches to deal with the fires of the very polite racism that still fuels much of our life. We cannot extinguish burning churches until we deal directly and openly by His grace. Thank you very much.

**Dr. Kimpson.** Questions and comments. Mr. Zimmerman.

**Mr. Zimmerman.** I'd just like to say, if the other ministers weren't here, I'd just say out, Amen. I think you have said it all. It's very clear that you understand what is happening.

I did want to say I don't want us to be disillusioned. I think that's what you were alluding to. Because when there are crises, we all come together. It's just like the hurricane. When the storm was raging over and people are in crises and whatnot, they seem to come together. And it's a superficial kind of their coming together. Because after the winds are blown over and we get back and have a climate of calmness, we go back to business as usual, and I'm concerned about that. Because after this blows over and we go back to 11:00 on Sunday morning being the most racial segregated hour of the week. Or will we have churches coming together to worship, to get to know one another? To stay in contact one another?

I attend United Methodist Church in Beaufort, South Carolina, three urban blocks from the white United Methodist Church in Beaufort, South Carolina. I have been a member of that church for 23 years. Not once have those two churches invited one another to worship together. That's what we have to deal with. And I applaud you for being honest about it. Thank you, sir.

**Rev. Darby.** Thank you.

**Dr. Kimpson.** Thank you. Commissioner Anderson.

**Mr. Anderson.** And I must I say apologize. I have a flight that's leaving in about 55 minutes, so I need to leave to go back to Washington. I suppose by now that I should have known better than to trust the adjournment time on one of our Commissioner or even one of our SAC Committee hearings. But I did want to thank the Chairman of the South Carolina Advisory Committee, Dr. Kimpson, and the other members who have been here, as well as everyone who has come and testified. I think this is terribly important for us.

I think it has become a symbol, the pictures have become a symbol, and we must not let that symbol just stand for a moment. It has got to crystalize in people's minds or some of the more fundamental problems that we face, that Reverend Darby has reminded us of—I apologize that I'm not to able to stay for the rest of the ministers, because I particularly wanted to hear what you have to say about that. I hope you have made prepared statements, because I think myself and the other members of the Commission who have not been able to be here will review that material or we will see the transcript. But I think before we are able to get the transcript, it would be good to have the statements. And I, for one, intend to read them and maybe get back on the phone to some of you, individually. Once, again, I want to thank you all.

**Dr. Kimpson.** Commissioner Anderson, I would like to also thank you for coming to South Carolina. We are especially privileged to have you important members of the United States Civil Rights Commission come here and spend—it's going to be six and a half, at least, hours; but we appreciate that. And I was going to mention that we have some pretty important statements coming up and I'm happy that the reporter is here such that you can have the benefit of these statements that will be read to us. But thank you again and hope for a safe trip.

**Dr. Kimpson.** Dr. Berry.

**Dr. Berry.** Thank you. I have more to say than thank you. Thank you, Reverend Darby. But more than thank you, for the record, and so the information is there. You gave a list in your

talk of bad things that have happened in South Carolina. You said something about the black woman who was arrested and then you said something about at least one lynching. And then you said, you listed some things. Now, why is it that when we ask law enforcement officials if they knew anything about hate crimes or knew anything about racially motivated crimes and burnings and so on, they seemed not to be able to figure out how to answer the question. I mean, wouldn't a lynching, if it did happen—and I trust you, you're a man of the cloth—I guess it was in the media or something and I sort of missed it or something.

Why do people have so much trouble when we ask them, trying to figure out that there were some bad things that have happened, other than the burnings in the first place? Is that they don't read the same things you read or they don't know? What do you think?

**Rev. Darby.** Dr. Berry, I have two sons. Both of them are typical boys. Neither of them is fully angelic. Of all those things that they have done that have not been angelic, they have had excellent, reasonable, plausible explanations for them, that dance around the fact of what they actually did.

I think that part of our traditional problem is that when you admit to a problem, you have to admit that you are part of the problem in some way. And none of us like to make that admission, so it's much better to cover up with other explanations and other reasonings and waive the flag of Cum-baya-unity, than it is to actually deal with some things directly. I believe that's why, in many cases, things are not identified as what they are unless there is overwhelming evidence that it cannot be explained in any other way.

**Dr. Kimpson.** Thank you. Yes, Mrs. Snead.

**Mrs. Snead.** Two or three questions, Reverend Darby. Your church watch program, that certainly is a successful-sounding program and the kind of thing that we think has to take place in the community. One, I'd like to know: How many people are involved? And two, I would like to know: Does law enforcement endorse your program?

**Rev. Darby.** The program has been shared with Chief Stewart, and we talked this past week with

the folks from the ATF, Special Agent Logan, I think, in particular, and they were supportive of it.

The participation right now is less than 100 people. The problems that we have had, number one, is the problem of amassing enough people power to effectively do this on a regular basis in the wee hours with the large number of rural and remote churches that we have.

The other is that even though those of us in the clergy, of course, have no ego whatsoever, we do have the consideration of making sure that we approach people in the right community, to make sure that the right support is there. So, we're doing that and doing that slowly, and hopefully, that's going to continue to gain momentum as it goes.

**Dr. Kimpson.** Anyone else? Thank you Reverend Darby, as usual excellent report. We want to move on now to Reverend Mackey. I'm sorry. Reverend Mackey, just a moment, because I skipped Ms. Joanne Emerson, Executive Director of the Interfaith Community Services of South Carolina. Is she here?

(No response.)

**Dr. Kimpson.** All right. Reverend Mackey.

**Statement of Terrance G. Mackey, Sr.,  
Mt. Zion AME, Greeleyville, South Carolina**

**Rev. Mackey.** Yes. Mt. Zion AME.

It's good evening now. Unfortunately, the law enforcement when I was in Washington on the 13th before the Judicial Committee in Washington, the same thing happened to us there as pastors, and you say, the grassroots of the problems. They went first. We went last. They left. So they didn't hear the problem that existed in the grassroots.

But in South Carolina, at this time, the problem with racism is racism still exists in South Carolina. We can downplay it and say what we want to say about it. It exists. When I can sit into the courtroom of this country, and see a guy hold a card in the air and say, "I'm a KKK member and proud of it," there is a problem somewhere.

I'm the pastor of Mt. Zion AME Church. I've been for the past 5 years. June 20th of last year, the church burned down to the ground, totally destroyed. To learn that the church had burned

down was bad down enough. But to learn it had burned down by the hideous crimes of others, hatred of others, broke our hearts at Mt. Zion—to know that race relations in this country, particularly in South Carolina, still exist to this day, to that magnitude.

It tells us, as pastors and as members and as people, that we have a long ways to go in South Carolina and the Southeast and in this country, to mend the fences that have been broken down. Back in the early 1950s, late 1950s, 1960s, we saw Brother Martin Luther King and other civil rights leaders march for the right to be humans and to be treated as a man and as a woman. And their houses were up burned and crosses burned in their yards, and churches were desecrated and burned down. But they had the hope in their heart that one day things would get better, so it was worth it to them to do that.

Now, here 1996, I have two children myself and have to explain to them why things are happening all over again, seems to be. We say to our children, things will get better. But yet burning churches and burning crosses and bombing homes of African Americans. We say to our children, things will get better one day. But unfortunately, my children ask me the question: When, Daddy?

So, we deal with that these days at the churches where I pastor. In Mt. Zion where I pastor about 200 members, I share those burdens every Sunday morning of those parishioners living in fear in Williamsburg and Clarendon County. The ATF earlier said earlier and so did the FBI and the SLED, that the office and local officials have a good relationship together, law enforcement. My question would be to them today: Where are they? To support what you are saying, they should have been here. That tells me that there is a problem somewhere.

Living in a state of denial. We have to accept the fact that there is a problem in our country. It's a problem in South Carolina. For as long as that flag flies over the statehouse, you breathe and create a climate of racial tension in South Carolina. And it's been flying for years.

I would like for people in South Carolina to talk about that we have together in communities and cross racial barrier lines, so to speak, and be

aware of these fire burnings and these churches. I'd love to see the voters of South Carolina come together once again and tell the officials of this State: That flag must come down. We're the voters in this State. The power is in our hands.

If we can only talk about it when there is a tragedy, and live with it as business as usual on tomorrow, then the burning of the churches and these meetings will fall by the wayside. And churches will still be terrorized. And people will be afraid to go out at night in their neighborhoods and be afraid to speak out against certain things in the neighborhood in fear of retaliation.

A member came to me on Sunday after Sunday service and said to me: "Pastor, I want you to pray that the people in the community will leave me alone. They are throwing bricks at my houses and writing on my car and all kind of nasty saying. Just pray that they will leave us alone."

What I do I tell her? That SLED is doing the best they can? The FBI is doing the best that they can? That the ATF is doing the best that they can, and there's no racial problems in South Carolina? What do I tell her?

I tell her things will get better. She want to know, too, When? So I ask you, since you are here.

**Dr. Berry.** When?

**Rev. Mackey.** When will things get better for the people in South Carolina and how are we going to attack this problem. The Governor's office, I wish they were here. They have a task force they said, and they go to the grassroots. I would love to know, what do they do? I've never heard of it before, and my church got burned down. They should be going to the communities that was devastated by these fires and giving those persons on these task forces to find out what is going on in these communities. But yet, they do it all in one place.

So, we have a task force in South Carolina. That's on the record. I would like to know what they are doing. And when is the next meeting going to be publicized? Never seen a meeting publicized yet in South Carolina from the Governor's task force. If there is one publicized, I would be glad to attend it. I even called and asked about one, and I was told they would get back to me,

and that was back in first part of the June. Now, it's the middle of the July, and they haven't gotten back to me as of yet.

So, the question, I end this with this statement: When will things get better? Thank you.

**Audience.** Amen.

**Dr. Kimpson.** Thank you. Questions or comment.

**Dr. Berry.** My goodness, Reverend Mackey. I wanted to say that everywhere I've been to in the States, we have problems with the local law enforcement coming. And all the State people and the FBI and so on, they all say, "We're working together very closely." But then they don't show up.

**Rev. Mackey.** Exactly.

**Dr. Berry.** Which makes me wonder what they're doing and the local law enforcement people. And I very much appreciate your comments about the Governor's task force. I told the press that I thought it was a whitewash, because I haven't heard anything clearly about what it's supposed to do. And I hope this meeting and your testimony and the other testimony that we hear will encourage the Governor to make it something more than a whitewash and to do something serious and involve people like you whose churches were burned. Now, what county are you in?

**Rev. Mackey.** Williamsburg County.

**Dr. Berry.** You are not in Lexington County.

**Rev. Mackey.** No, thank God.

**Dr. Berry.** Thank God.

Why do you think the Ku Klux Klan is still running around here in South Carolina?

**Rev. Mackey.** Because of a state of denial. When a Governor—a former Governor, whose name I won't call at this time, but he's in the Senate—said to me in Washington about a month ago—we were talking about the racial problems in South Carolina—he said to me the first day he came and took the oath of office as Governor, he went back to the Governor's Mansion, to his office. There was a nice big envelope on his desk trimmed in gold. He opened it up and looked at it, and it was a lifetime membership to the ku klux Klan. He said, "But I didn't join."

I said, "But, Governor, excuse me, sir, but shouldn't that tell you that there is some problems

in your office? Infiltration that can get this close to you to put an envelope on your desk. The average guy on the street didn't come off the street and do this. Somebody had to do this to have access to your office. Doesn't that tell you something?"

"Well, I'm not the Governor anymore."

That's true. But the flag is still flying in South Carolina, and that's our problem. Everybody wants to do something about it before they get there. And when they get there, get to a state of denial, and say it does not happen in South Carolina.

They brag about the 60 percent rate they have of these fires that's solved. One fire not solved is an insult to this country and to this nation.

**Dr. Berry.** Now, if they were to solve all the fires, if tomorrow, you woke up and there was an announcement that they had all been solved in South Carolina and arrested somebody for each one. Would that solve the race problem in South Carolina?

**Rev. Mackey.** No, it would not solve the race problem in South Carolina. I don't feel the fires brought all the problems. They were there all the time. The fire just was the fuel that ignited so everybody could see what was going on. If the Klan's movement is so small, as the attorney general's office said to us, then something's wrong with the figure. The figures that we have, they are around 3,000 or 4,000 people strong, so something is wrong somewhere.

When a city can open up a redneck shop and get a license to do this, I understand free enterprise, but a license to create tension, racial tension in South Carolina and it's more tolerated in Laurens, South Carolina?

I have questions for that man and I went to that town to talk to the man, and he wouldn't talk to me, incidentally. That's one of my problems with the members is I've got a big mouth. I wouldn't be quiet when people are treated unjustly and unfairly. It's time for somebody to speak out, not just hide behind and stick the head in the sand any longer, and say, "I'm not going to say anything about it. I'm afraid."

It's time to stop being afraid and it's time to speak out against these problems in our country.

**Dr. Berry.** Your member who said why didn't people leave them alone. What are the local law enforcement people doing to see to it that they are protected and left alone?

**Rev. Mackey.** My understanding is nothing, because she has not told them. To get the members of these rural areas to go and talk to the local police department, you won't get them to do it. They're just not going to do it. The law says, trust us, trust us, but they have broken that trust that we had with them. Now, they got to build it back and it haven't been built back yet, I'm sorry. They'll talk to their pastor, but they won't talk to chief of police. I have never met the guy.

**Dr. Berry.** That tells you something.

**Dr. Kimpson.** Reverend Mackey, Dr. Ham mentioned that his commission is there and that the Governor could direct them or a local citizen could invite them in. Have you attempted to invite them in to help you with your problems in Greelyville?

**Rev. Mackey.** No, I have not, sir.

**Dr. Berry.** Maybe you could.

**Rev. Mackey.** I will after we adjourn.

**Dr. Kimpson.** Even though you didn't know where the meeting was, you may want to appear before the Race Relations Commission.

**Dr. Berry.** If they tell you where it's meeting. If they respond. They don't respond to ours.

**Dr. Kimpson.** Okay. Anybody else? Okay. We want to thank you, Reverend Mackey, and we appreciate it. And certainly we appreciate the struggles you are going through. We'll pray, but we're going to do more than pray.

**Rev. Mackey.** Thank you, sir.

**Dr. Kimpson.** All right. I'm going to run down—I can't pronounce this: Muchelavicks, Islamic Temple Mosque. Okay. Dr. Henry Probst, Allen's Temple Baptist Church. Reverend Troy Shaw, Effingham Baptist Church. Pastor Joe Abstance, Mt. Olive Baptist Church. Pastor Aiken Routh, Rosemary Baptist Church. Pastor Patricia Lowman, St. John Baptist Church, Eastover.

**Rev. Lowman.** Here.

**Dr. Kimpson.** Come right up.

**Statement of Patricia Lowman, St. John Baptist Church, Dixiana, South Carolina**

**Rev. Lowman.** Good evening to all. I am Rev. Patricia Lowman from the St. John's Baptist Church. The church is located in Dixiana, South Carolina.

**Dr. Kimpson.** Oh, we had Eastover. I'm sorry.

**Rev. Lowman.** Yes, that's all right, because—

**Dr. Kimpson.** I am sorry about that.

**Rev. Lowman.** —let me finish. The way we get Eastover in here, it's not really an error because I'm from Eastover. Dixiana and South Congaree, over that way, about 50 miles from Eastover, is my hometown. I was raised there. And after I gotten older and got married and went to school, whatever, and I reside in Eastover.

Over the years, I saw a need to move back and draw my interest back to the St. John's Baptist Church, after many years of being away.

Even being away, I would come in and work with the church on my times off and my days off. I'm a minister of music, so between concerts and my seasons of ministry, I would come back and work with the St. John Church. I would see them on the news from time to time. I could be in Oklahoma or somewhere and see that this church was vandalized real bad. And it kept bringing that attention to me that I could not really keep my interest where I was totally for seeing and knowing of this church and the history.

St. John Baptist Church was founded in 1758. The property was donated to the slaves in 1758. However, at that time, they could not own property. Over in the 1800s, around 1860-something—all of this is documented; I don't have the documents right before me—the slave owners documented property, a deed, and gave the property to our ancestors at the St. John Baptist Church. Since then we have been occupying and operating that ground.

That church was burned by the British in 1800s also. The Army came through, and evidently the general, whatever his name was, he and the pastor of the St. John Church at that time evidently didn't see eye-to-eye, so they burned it. They moved away and they left the slaves and our ancestors

there worshipping on the grounds. Brush arbors were their roof.

Over the years after that, they had gotten materials and built a church. I'm comfortable in saying that St. John is one of oldest existing African American churches in history. This is all documented, of course.

However, in moving right along speedily, bringing your attention to August 1995. I got a call around 9:00—no, no, 6:45 a.m., telling me that my church was on fire. I live, like I said, about 50 miles from it, about 45 to 50 miles since they put the new beltway from 48 Highway to 321. However, I got over there as quick as I could. Finding that the church was burned about to the ground, all but blocks were standing around the wall. And the front steps and the breezeway still stood where you go right inside, right before you walk into the church. However, I believe, it burned slow.

Turn your attention back to about 1985; we started documenting in 1985; however, before then, approximately 3 or 4 years before 1985, 1981, 1982, 1982 or 1983, the church had started being vandalized. Slowly, and it gradually picked up.

In 1985, it was one of the worst periods of our life. I saw this on the news and I came home as quick as I could to work with the church. The congregation is a fairly elderly congregation of people. Over the last 2 years since I've moved my membership back there, I've been generating in other people, other interest. And we've had three or four families to join since the church burned.

However, in 1985, the church was vandalized beyond anything I had ever known. Lights jerked from the ceiling. Piano chopped up with an ax. The sacrament cloths defecated on. The pews shot holes in, and holes shot in all, and much much more. I just won't talk about it for the sake of time.

However, in 1985, there was a lady who was interested in the church and to see what was happening, because at that time our secretary was working for her. Her name is Amy Murray. She came into the picture and began to work with St. John. She came down and saw the problem with



the church. So, therefore, she said, "I'm going to start a Save St. John Committee."

Her background is out of the Lexington County police force and the school districts and all these kinds of organizations; so therefore, she went back to her colleagues and other people and said, "Join my Committee to Save St. John."

People came from all over. All areas of background to work rebuilding St. John. We had to literally build the church inside. It was destroyed that bad. Carpets, everything had to be taken up. What couldn't be destroyed, they just put graffiti all over everything. All kind of Nazi symbols and KKK and all this and all kind of writings. So, over that.

Since 1985 we got this committee together and rebuilt the church over about a year or so period of time. And this time we had to end up putting bulletproof windows around in the church. We had to end up doing all kind of things to save the church, cutting down the trees around the church so it could be visible. However, we've have vandalism every Halloween since 1985. New Year's and other holidays when people wanted to party out there.

Now, one thing I do want to say, they are saying that the place was haunted, the reason they wanted to vandalize it. I happen to be walking along the grounds one day after just looking at the ruins around there and I picked up a paper like this with instructions of what to get from a grave, how many steps to take, what to do with it, and all kind of things. These people who were vandalizing the church, they robbed the graves. They broke the tombstones they couldn't take with them; they were broken. We had an archeologist to come out and mark the graves again and to give us a stake of some kind or some kind of marker and looked legible, and they marked our graves and put all kinds of little things out there to give us our cemetery back again where our ancestors were buried. However, that didn't stay there long before all of the markers were moved and destroyed, thrown away. So, we've got to we got to mark our graves again.

Anyway, during the time that the church was being vandalized, I do salute our sheriff's department, Sheriff Metz from Lexington County. They

would have stakeouts every Halloween. They would be in the church, no lights, hiding out. They would be out around the grounds. And the cars would come in by the groves to have their beer party. And they would arrest 35 or 50 people each time, you know. So, this went on.

My question to me and the saints who ask me and the members ask me since I became involved, Why is this, repeat, 200 people, why would they continuously keep coming out? The penalties wasn't stiff enough at that time.

However, I had an opportunity to speak with Governor Beasley since our church burned. And I had an opportunity to talk with him concerning the penalties. I have talked with the President when he came to Greelyville here and I spoke with them at length, and they decided to double the penalty finally, you see.

Now, after all of this is done, we are still without a church. We have donations. We worship and we have the doors open to us for a Seventh Day Adventist church, and they gave us a church to worship there for a few months.

However, we overstayed our boundaries, 3 months over and, therefore, they started occupying that little space there. So, we eased out of there. And now we are worshiping in our senior deacon's home, who totally remolded the front part of his house and made a sanctuary in his home. At least in that way, with the congregation as small as it is, we do not have the overhead expenses to get a church or whatever.

They are very reluctant about getting a loan to build the church because of the congregation is not as large as some of the churches to pay back. We are believing that—well, there is a gentleman who bought the property all the way around the St. John site. Our church is a historic site, and it is located facing the State road. Used to be an old State road, like I said, where the army came through. And this is a government road here, a State road, a dirt road. St. John faced it to about from where you're sitting to where I am. This is the old State road.

Now, over the last 10 or 12 years that road has been—even before that, they closed up that road from going straight through. So, therefore, there is no traffic through there. That's one of the

reasons that the church was such a target. However, about from here to about the twice the length of the wall, they curved the old State road to go out another way. So, St. John sets on a dead end. We put a big fence, a metal fence down there, a gate to block off this vandalism from coming in. That helped some, but it didn't stop the burning. However, we had that gate there about 10 years.

When Governor Beasley came out and spoke, on the 7th of June, I believe; he had a conference on our grounds speaking about his plans to stop the arson—so anyway, keep in mind this road is building and curving to the left. It's no through traffic anymore. Trees grown up. St. John is the last part of the old State road. We put a fence there.

Now, the people who come through that fence, they were arrested for trespassing. All—but one attorney came through and said, "No, this is an old State road." He got a lot of people off the hook from being arrested. All right. That's the old State road. We have no problem with that.

When Governor Beasley spoke, he said he saw no problem giving up that piece of property right in front of where the church is, so we could put our gate back up there.

Since then, in the last week, I have discovered that the same gentleman from Blanchard Trucking Company, who owns about 100 acres around St. John, owns the old State road in front of St. John's Church. This is really something that I went before our church and told them, saints we must pray, because here this is an expensive lawsuit here or something.

The Governor saw reason to give us a strip of property so we could own that piece right there. And so when we rebuild, we don't have to build the church out of view, we could turn it round where the old State road is, kind of let it be more visible. Now we find out that the gentleman that bought all the property around St. John owns the old State road; so, therefore, we'll trespass if we go on his property to get to our church. This is heartbreaking to St. John members right there. I do my best to try to encourage them as much as I can.

I've been to St. John Church all my life, other than the time I move away and went to school or

whatever. And I'm back to work be them as much as I can and to see that justice is done with this, with the problem of this old State road. Now, we have our members here. If we do build there, now they don't want to build it. They're scared to build there, because we can't get in and out there. The next 10 or 20 years—we've had this property since the 1700s. But this gentleman who bought the property around there says he's going to give us right-of-way there, said, "Don't worry about it. We'll give you right-of-way to there or donate you some property elsewhere and put a fence around your cemetery and keep it clean for you. You just don't bury anybody else there."

That's where we stand this afternoon. I didn't have to write anything. I go through this 24 hours a day, every day.

**Dr. Kimpson.** Dr. Berry.

**Dr. Berry.** What is the Governor's office—did you tell the Governor about, did somebody tell the Governor's representative about the fact that this land, this road that he said he was going to give you.

**Rev. Lowman.** I recognized Mr. Zemp, he might have left. We spoke with him, the lady of Save St. John Committee chairman. She's the one who's handling this. However, she brought the information back, "I believe we just don't have that property; we've lost that." And that's where I stand today how. Now, I have to go to Lexington and find out how did we lose that. We had a gate there for 10 years—

**Dr. Berry.** And now all of a sudden, you lost it.

**Rev. Lowman.** We don't have it. Don't have a right-of-way to get there even if we wanted to build there.

**Dr. Berry.** How about money to build your church? All of these organizations have been collecting money nationally, and say that they are giving the money to the churches to rebuild. Have they given you any?

**Rev. Lowman.** I have to look down my list and see who all has given.

**Dr. Berry.** Have you got enough to build the church?

**Rev. Lowman.** No, we don't have enough to build the church yet. We have around \$50,000 or something like that.

**Dr. Berry.** How much will it cost?

**Rev. Lowman.** They appraised the church that we had standing there. Around, they said, approximately \$75,000 to do the structure. And not the inside. However, we have a lot of things were donated to us, the pews and different things. Now, I believe what we have to do, if we use the pews so that were so nicely donated to us, we have to change the width of our building, because these pews came out of a bigger, much wider church.

**Dr. Berry.** In other words, you got a problem.

**Dr. Kimpson.** You didn't have insurance?

**Rev. Lowman.** We had insurance on this structure over the years. What happened in the last year or so—I think, now, I have to really find out about this. By the 10 years of vandalism, somehow we lost insurance. I really have to go back to the senior deacon and speak on this and find out the details about this.

**Dr. Berry.** Mr. Jedziniak, maybe you know something about this?

**Mr. Jedziniak.** I don't know particularly about this church—

**Dr. Berry.** Will you look into it?

**Mr. Jedziniak.** Yes, ma'am, we'll look into it. Some of this may go back to your concerns that after repeated vandalism, repeated acts, and I think your question was, will not there be a problem for some of these places of worship to get coverage and the answer is yes. I'll talk with her and get with her after this and hopefully we can resolve this.

**Dr. Berry.** So, you need some more contributions and you need a lawyer to help you resolve this issue over the right-of-way? Those are two things you need?

**Rev. Lowman.** Yes.

**Dr. Berry.** The Governor said you could have that, so somebody needs to lean on the Governor. He hasn't answered the letter our regional director sent. He hasn't answered Reverend Mackey's inquiry, so I don't know whether to get any answers. You at least talked to him, you said,

when he was out there and he said you could have the land.

**Rev. Lowman.** He said he saw no problem with that. He saw the land there and I'm—

**Dr. Berry.** I'm sure he'll see to it that you will get it. But you need a lawyer and you need some money?

**Rev. Lowman.** Yes.

**Dr. Kimpson.** There is a law if you own property, some property, and somebody buys around you, it's required to give you right of way. They cannot stop you. They have to give you right-of-way. And maybe that's what the Governor had in mind. Ask the Governor to use his powers to do that for you.

**Rev. Lowman.** That old State road was like a main highway. The man who bought the property around us didn't have to give us that. We paid taxes for that, anyway. That's the part that I can't quite understand.

**Dr. Berry.** From what you have seen of the vandalism and then the fire, do you think that the people who did this, that racial motivation, you know, to actually burn a black church, played any role in their doing it, you just think that all this vandalism and all these things have happened to the church or not?

**Rev. Lowman.** There is no question about it. I do know that there is a racial problem with this. Because you don't just play with the word "KK". Why don't you put AAA or BBB or something else? You don't play with these things and these slurs and all that and writing the stuff up there unless you want to get a message across or whatever. There is no question in my mind that that was racially motivated. The actual burning of the church, however, we met in court last Monday and I saw the gentleman, one of the gentleman, who burned the church, they were trying to get his bail dropped from \$20,000 to \$10,000. The Judge wouldn't hear of it. As a matter of fact, our case lasted about 60 seconds because he had his mind made up and this was how it was supposed to have been. However, whether that gentleman had a racial anger against me or against us or whatever, that you cannot pinpoint but it's no question about it. It had some racial tension to it.

**Dr. Kimpson.** Any other comments? Yes, Ms. Lee.

**Ms. Lee.** I admire you and your members determination and endurance. I just wish that the Governor's representatives and law enforcement representatives were here to listen to you and other religious community leaders' powerful statements. And I am really upset that they are not here. And that's the main reason I came out to listen to the community. Whether we think the Governor's Race Relations Commission is a whitewash or whatever, it's established and has a responsibility to the community. I would also ask our Madam Chair to see if our Commission should get involved to make sure that that commission is responsible to the community, in addition, to the local State Advisory Committee.

I just want to ask you a question I meant to ask the previous speakers. A large amount of tolerance to these hate activities is generated by elected officials or people who are in a position to stop it. And they either chose not to or chose to encourage it, such as the flag and all these other activities. Where is the religious community or what plan do you have on working with your leadership in discouraging these kinds of activities from continuing? Because it's pretty frightening to hear that a former Governor has a lifetime membership in the KKK in his office and didn't see that there was a problem. Seems like the religious community can influence some kind of pressure on these elected officials. Your members are voters in this community.

**Rev. Lowman.** I believe what you have to do is, I think, Reverend Mackey, we have said also, we have to really band together more so and be able to pinpoint our leaders after they get in their positions. You know, we get the promises before they get there, and then after they get in the position I believe we need to stay with whoever we put there, and keep them in remembrance of us. It's a job to do. We don't want to stay on somebody's doorstep or whatever, but then I believe we may just need to band together more to let them know that this is your statement prior to election. We need your help in this or whatever. Is that answering your question somewhat?

**Ms. Lee.** Are you doing any voter education activities around some of these issues?

**Rev. Lowman.** Well, in the particular community where St. John is, like so many of us living away from the community, I don't know of any activity of that sort as being done in the St. John community. However, I do know as a whole that there is more encouragement to the people, to young people, to the blacks to get out and vote than ever before. That's the language all around me.

**Dr. Kimpson.** Pastor Lowman—

**Ms. Veo.** Commissioner Lee, I don't think it's fair to the Senator in question to assume that he has a lifetime membership in the KKK. I don't think that was the—

**Dr. Kimpson.** May I say this. We're going, after the Commission gets through, we're going to have people in the audience participate, and you may make your statement at that point.

**Ms. Veo.** I think that Reverend Mackey did not even say that. It's part of the record.

**Dr. Kimpson.** I'm saying that you may make your statement at the end, because I'm going to give some time, and we appreciate your concern. If you would identify yourself.

**Ms. Veo.** I'm Sally Veo from Rock Hill and I'm a member of Rock Hill Council for Human Rights and an active member of the Palmetto Project.

**Dr. Kimpson.** If you plan to stay, we'll get to you.

**Dr. Berry.** Chairperson, what Reverend Mackey said was, I think it was Reverend Mackey who said it, was that somebody brought—the Senator in question told him that there was a that there was a gold KKK membership brought in, offered to him, and that was the lifetime membership. And the query Reverend Mackey had was that somebody was able to get in his office and actually offer that to him. And the point is that Reverend Mackey did not say that the Senator was a lifetime member of the Klan. That is correct, he did not say. So, I don't know if somebody said that, I didn't hear that part. If that's your point, let the record show that no one said that or meant that Senator—whoever he was; nobody said his

name—the Senator in question was a lifetime member of the KKK. Is that your concern?

**Ms. Veo.** Nor did Reverend Mackey say that he has a member of the KKK working on his staff; that was my point.

**Dr. Berry.** I think we did what you needed to have done. Reverend Mackey's statement will be in the record and I don't think anyone said that he had a member on his staff.

**Ms. Veo.** I think Commissioner Lee did.

**Dr. Kimpson.** Well, we're going to get back, because we've got people who have been here all afternoon, and I appreciate that. Yes.

**Bishop Smith.** Mr. Chairman, I have to leave. I have a 7:30 church meeting myself in Greenville.

**Dr. Berry.** We're going to be here all night.

**Bishop Smith.** But I wanted to thank Chairman Berry and the Commission for coming to South Carolina, and I wanted to thank all of those who have participated. I believe we're getting a clear picture of what is happening. I wish I could stay and hear everybody. But I need to get back and I just wanted to say that.

**Dr. Kimpson.** Appreciate it. Thank you, Bishop Smith, and certainly we can understand that.

**Mr. Doctor.** One quick question, Mr. Chairman. As a native South Carolinian, I'm familiar with Dixiana. We, obviously, those of us who are from Columbia and worked in Columbia at that particular time and attended South Carolina State, and these were the days before the interstate—we had to travel through that particular area to get to Orangeburg, South Carolina. Interestingly enough, I recall a one-pump small store which received a great deal of notoriety nationwide, which had out front a sign, and I would like to quote the sign, "No niggers or dogs allowed." It was featured in *Jet* magazine and a number of other national magazines at that particular time.

The question I guess that comes to mind at this point: I know what the racial tensions were like back during those days. How would you characterize that situation today in the Dixiana area?

**Rev. Lowman.** Well, I would say that that—I really cannot speak legibly as far as the racial tension now. Now when I visit there and I go through there, and when I happen to stop through

there when I was going to church, I didn't see or sense much of a problem as the signs out front—"No niggers and dogs allowed"—or anything like that. Seems to be the stores have kind of upgraded now and we have national chains in the area, and that kind of activity is not there.

**Mr. Doctor.** I guess the question speaks to the climate, the racial climate in Dixiana these days. I understand what I describe took place a long time ago. But the racial climate today, how would you characterize it?

**Rev. Lowman.** I would say that it's more covered. I don't think it as open as one would think it is, but I wouldn't deny its existence.

**Mrs. Snead.** Yes. Quickly, have you ever contacted the Human Affairs Commission at all and asked their assistance at all in investigating the problem? I was curious if you did and didn't get any response.

**Rev. Lowman.** I would have to check my notes. I have some who I did contact and who has been working with us and offering their assistance and who is working with us now and it could very well be this organization. However, I was there when this person in Washington told about this letter was put on his desk. He plainly said he was not a part of that. He just said that this was offered to him. Okay.

**Mrs. Snead.** Thank you.

**Dr. Kimpson.** Thank you and certainly we appreciate you coming. Reverend Mouzon. Ron Carter, Covenant Baptist Church, Lexington. Reverend Patrick "Buster" Mellerson, Butler Chapel AME Church, Orangeburg.

#### **Civil Rights Community Representatives**

**Dr. Kimpson.** Okay. We're down to the last three. Mr. J.T. McLawhorn, executive director and chief operating officer of the Urban League.

#### **Statement of J.T. McLawhorn, Executive Director, Columbia Urban League**

**Mr. McLawhorn.** Good evening. We've been here a long time. I want to greet you this evening in the name of God, who looks beyond our faults and see our needs.

I want to kind of focus my comments on a little different—I think we put a lot of emphasis on the

church burnings, but what I am really concerned about: What is behind the church burnings? And I think we have to shift through the ashes and see really what is going on.

I have looked at the latest evidence and empirical data that indicated that the church fires are more random than conspiratory; however, there is ample evidence to show that at the heart of these church burnings is racism, mean-spiritedness that is fueled by ignorance. There is some power African Americans are being made scape goat.

I ask myself: Why the church? The church is a symbol that represents the heart and the spirit and the soul of the African American community. I saw Ted Koppel the evening he did a special on South Carolina. He was talking about church burnings. He opened his show up with a letter that was to Congressmen John Lewis and he read it on the air. I don't know how many of you saw that show. It was signed by a gentleman who said that, "I am glad that these 'N' churches are being burned because they are a threat to white people. They are a destruction to white people." We are trying to see what's behind that sacket.

In my prepared statement, there was a quote by someone who was anonymous. It said this: "If you want to defeat them, distract them." So, we're trying to see what's behind the church fires.

If you hear this emerging group of racists, I was listening to Jerry Springer this morning with my 11-year-old son. It was about the Klan. You know what they all said, "The bottom line is that black people are taking something from us. That we are losing our jobs."

So, we look at this whole issue of wage stagnation. We look at this whole issue of globalization of the economy. What we see, we see politicians and other people in high places giving out misinformation to the masses of people. Telling people somehow that you are being displaced because of affirmative action. And these people are venting these frustrations against African American people.

I want to share with you an article that was in the Monday edition of the *Wall Street Journal*, July 15. "It's a Time to Build" is the topic, the title of the article. And it talks about a church burning in Columbia, Tennessee. This church is the Friendship Missionary Baptist Church that was

burned on Super Bowl Sunday 1995. And it goes down to say that this is a statement that's made by the black pastor of the Canon African Methodist Episcopal Church. He says this and I quote:

"At the same time, there is something now in the air. A random almost mindless racial hate that is nearly as frightening to African Americans as the orchestrated violence of the 1960s. There is a different kind of fear," Mr. Lawson continued, "power in the hands of the ignorant is dangerous. If these three convicted men are an example of the kind of people who are doing this across the country, we are in serious trouble." He's talking about the people that burned the AME church in Columbia. Let's see why these guys said they did what they did do. And this is what they said:

"There were three men apprehended. Mr. Johnson, identified in Federal court as the ring-leader, was 33 years old, a self-employed house painter who lived in a trailer park. Among his few assets was a \$900 car. A few years earlier, he had been convicted and put on probation for burglarizing a black-owned tavern that he was also now about to fire bomb. He apparently lost money gambling there.

"Michael Wilson Jett, 41 years old, was nursing a deeper anger that Sunday morning. One of his daughters had run away from home. Unsuccessfully searching for her in Knoxville, he had become incensed at the sight of black pimps managing white prostitutes.

"The three men began a beer and Valium that lasted 14 hours. And after nightfall, they headed into the countryside. They were first burning crosses."

There's that cross again. You know, someone talked about that cross. I heard someone on Jerry Springer saying the cross is about Jesus, but they use it for some other purpose.

"They first burned a cross at the tavern which they then fire bombed. And then they burned a second cross in front of Friendship Missionary Baptist Church, and fire bombed it. They ended up by throwing kerosene-filled beer bottles into the Cannon African Methodist Episcopal Church."

The man goes onto to complain that blacks are getting preferential treatment in the employment place and driving fancier automobiles than they

own. He typified the scarcely concealed racism, [that] sometimes. . .remains among some lower income whites here, [including] the three arsonists who pleaded guilty.

So I think that this Commission has a mandate to gather data. And I would suggest that this Commission look at what's fueling these church burnings. And look at these politicians who are telling people that the reason that you are making less than that \$10 per hour manufacturing job is because of affirmative action. It's because these people are not thinking comprehensibly and want someone to blame and they're blaming African Americans. And what better symbol to vent this venom at than African American churches.

And going back to the letter that was mailed to Ted Koppel on "Nightline." This man said, "The African American church is the enemy to white people." Thank you very much.

**Dr. Kimpson.** Thank you, Mr. McLawhorn. Questions or comments. Mr. McLawhorn, you didn't want to mention anything about the commission, did you?

**Mr. McLawhorn.** Well, you all are really pushing the commission around so much.

**Dr. Kimpson.** I thought you might want equal time.

**Mr. McLawhorn.** I do want to say, I'm a former member of the South Carolina Human Affairs Commission also, and I am serving on the Governor's Commission on Race Relations. I do just want to make a notation. The Governor spoke for the Columbia Urban League in November at our annual Urban League Equal Opportunity Day dinner. One of the missions of the Urban League is to build bridges and bring people together. And certainly we felt that the Governor of the State of South Carolina was too important a person not to have a relationship with the African American community. So, we extended an invitation to him. But, prior to him speaking, we asked that he form a commission to look at race relations because we felt that race relations in South Carolina had deteriorated to a crisis level.

And one of the positive things about the Race Relations Commission is that this is the first time that I have known the Governor to acknowledge that we had a racial problem. The establishment

of the Race Relations Commission was, in essence, an acknowledgement that we have a racial problem.

In the past, when we talked about racism in South Carolina, it has been pushed to the side as a subjective issue. So, we think that the establishment of the Race Relations Commission was a recognition by the chief executive officer of the State that we have a racial problem.

I do agree that there are many things that the commission needs to do. And I think the comments and observations made by those here today are very valid. As a member of the commission, I will work hard to incorporate many of these recommendations. I'm only one member. I was appointed by the Governor, but I'm committed over the long term to making a difference. And I ask and call on your support, but more importantly, I call on your prayers. For we wrestle not with flesh and blood. We wrestle with evil wickedness and we need your prayers and we need your support, and if I weren't optimistic, I really would not have agreed to serve on the commission. I was not going to raise the issue of the Commission, because I'm here to speak on behalf of the Urban League.

**Dr. Kimpson.** I appreciate that, Mr. McLawhorn.

**Dr. Berry.** I hadn't plan to ask you anything, but now I will. If I understand your comments and I agreed with all the things that you said about, on behalf of the Urban League, the mere setting up of the commission by the Governor and he finally acknowledged that there may be a race problem in South Carolina is something that should make us optimistic. I'm prepared to be optimistic, and I didn't know things were so bad that even the mere recognition by the Governor that there might be a race problem was something that everybody would jump up and applaud, oh, my gosh, he finally realized there's a race problem. Since I don't live here, I'm prepared to be optimistic—you know better than I do whether that's the kind of sign that you generally [can be] optimistic [about]. But I would like to know, how seriously can one take such a commission, if on May 29 we write a letter to the Governor, asking him to even tell us who is on it, and to give us the

addresses and when is it meeting and nobody even answers the letter? How seriously can we take it, if Reverend Mackey's church was burned, he wasn't even aware who these people are or what are they doing or if there is no response, how can the people take it seriously? If people in the community are giving me notes because they don't want to say anything in here—they've got their own reasons for not wanting to say anything; that happens often when we go places—asking me to ask, Why is it that nobody said anything to him and they don't have any clear idea of what this commission is supposed to be doing.

Now, I know you're one member. And I'm aware and I wouldn't criticize you as a person or as chair of the commission or anything for having Governor Beasley or anybody else who wanted to come and speak at your functions. That's not the point. The point is, if there's going to be a commission, well, and good. But if people are to take it seriously, then we ought to at least get some response as to who's on it and what is it doing and people in the community who have problems, and who have two churches have been burned, ought to at least to know something about what it is. Would you agree with that?

**Mr. McLawhorn.** I certainly will. Certainly will agree with that. Easy questions.

**Dr. Kimpson.** Thank you, Mr. McLawhorn. Now, Jesse Washington was here.

**Mr. Doctor.** Jesse indicated that he had to leave and he's going to try to get back. Obviously, he's not here. We should move on.

**Dr. Kimpson.** All right. Mrs. Connie Barnes who is the interim director of the South Carolina Conference of NAACP branches.

**Statement of Constance Barnes, Interim Director, South Carolina Conference of NAACP Branches**

**Ms. Barnes.** Thank you for this invitation, Chairman Berry, members of the Commission. I think there is something real noble about bringing up the rear. So, I am delighted to be the last speaker.

Again, I would like to thank the Commission. Receiving the invitation very late yesterday afternoon about the Commission being in South Caroli-

na and I did not want to miss the opportunity, I was in Charleston thinking that the Commission was meeting tomorrow, so I made my way back just to make sure the NAACP in South Carolina would be represented. Please note that we really appreciate your presence in South Carolina.

Again, my name is Constance, Connie Barnes, and I serve as interim executive director of the South Carolina Conference of the NAACP. The NAACP is the Nation's oldest civil rights organization in the world, having been founded in 1909. With over 500,000 members in 50 States, the District of Columbia, and throughout the world, the NAACP is committed to the protection of civil, legal, political, educational, and economic, as well as human rights of African American and other citizens of color within the United States. Presently in South Carolina, we have 88 branches in the State.

I have been serving as interim executive director for 7 months. And in the past 7 months, I have had the opportunity to travel the State of South Carolina. I have investigated the lynching that you have heard mentioned here this evening in Clarendon County.

It was during that time regarding that investigation that we were informed briefly about the two churches that burned in Clarendon, one church in Clarendon and other in Williamsburg County. There was not an organized effort to report church burnings, if you will, at that time. So as a result there was no known mention of the church burnings at that time.

I have also had the opportunity to talk with those persons who were involved with the female, the African American female, who was pulled out of the car by the white officer. We've had the opportunity to investigate with other branches in the State, the redneck shop in Laurens, as well as the shooting of various persons in Greenville County, the cross burning and various racial kind of episodes in South Carolina—the NAACP has been involved in those kinds of areas.

Also, we have been looking at legislative measures that have been taking place in the State. When you are talking about wanting to change a constitution to include some kind of reading not to provide preferential treatment to anyone based on



race and gender, you begin to build up some kind of hierarchal that there are persons that are benefited as a result of race. The Confederate flag, the NAACP has been working in conjunction with that. We've been investigating issues of schools, problems of school as it relates to African American students and white authorities.

I am here to say that this evening also that the Governor's Commission on Race Relations has not been very receptive to us at the NAACP. We also sent them a letter asking why they have not included the NAACP, an organization that has been working on race for these 87 years; as well as not including grassroot persons in the neighborhood, who are on the ground, who know about these issues in the State. So, I'm not as enthusiastic as Mr. McLawhorn as it relates to the commission that the Governor has appointed.

And all of that, the words that's flying around about the colorblind society and all these kind of making the playing field level—some folk are already on a slope, but with all of these kinds of things being transpired in our State, yes, we have church burnings; but as so many other persons have said, the church burnings is just one, if you are going to lump it and if you are going to make this big pie, it's just one section of what's going on in South Carolina as it relates to race relations.

So, we do have several problems here. A lot of the problems, the Governor was not willing to admit. At the racial justice task force in Myrtle Beach, the question was asked, strictly to the Governor, How did he feel about race relations? And he emphatically said that he does not believe that there is a race relations problem in South Carolina.

So to come back now and appoint a Commission on Race Relations when, in fact, we're really not sure where we are in race relations? [So it leaves] something to be desired.

However, again, as I said, the NAACP has been working with the church burning as well as other issues in the State. Just out of our national convention, there was a resolution passed in support of the church burning task force that has been developed for the seven States. The southeastern region is comprised of seven States: Alabama, Georgia, Mississippi, South Carolina, North

Carolina, Florida, and Tennessee. A task force has been developed around these seven States to monitor the church burning in these States, as well as, to provide some assistance in the regional office to assist with the church burnings.

I would just like to commend President Clinton for coming to South Carolina and to bringing the national attention to church burnings. As a result of doing that, he brought the attention of racial problems in the State. I also applaud him for assigning the two gentlemen, Deval Patrick and James Johnson, to spearhead the church burning task force on the national level. Again, as I said, we, at the NAACP will continue to work as it relates to race relations and our doors, our input are available, and we will seek to do what is necessary as we move forward.

Again, I would like to again thank the Commission for being in South Carolina, and to continue to work as we move forward trying to bridge the gap as it relates to race relations in South Carolina. Thank you.

**Dr. Kimpson.** Comments or questions.

**Dr. Berry.** Did they answer your letter?

**Ms. Barnes.** They did not answer my letter to begin with. I had an opportunity to meet with the Governor at the Governor's mansion and I mentioned that to him, and he promised that he would and I FAXed those letters to him and someone from his office did respond after that.

**Dr. Berry.** That's what you have to do. Go to the Governor's mansion.

**Dr. Kimpson.** Anybody else? Okay, Bobby.

**Mr. Doctor.** One quick question. I know it's been a long day and we're all very tired. We certainly appreciate your staying around all day to wrap things up for us. But on a scale of 1-10, where would you rank South Carolina in terms of race relations, with 10 being the worst?

**Ms. Barnes.** Based on all that I have been exposed to in the last 7 months, I think we're closely heading to a 9 plus plus. I see tension rising on every front, every front. Whenever there is any kind of meeting or any kind of discussion, it appears that the dialogue is not open. We'll come together and put our dollars there, thinking that that is going to take care of the problem, but we're not willing to sit across the

table and be open about what we're thinking and feeling as it relates to race relations. So, I really do see an increase, if you will, regarding the racial tension at the height and awareness in South Carolina.

**Ms. Lee.** Do you work with other community groups, racial/ethnic groups in South Carolina?

**Ms. Barnes.** Since having the opportunity, I have met with the Center for Democratic Renewal, the Antidefamation League, the Coalition of Black Church Leaders, Christian Action Council, the United Methodist Church with an ethnic minority local concern. So, we all work in conjunction with several groups and organization.

**Ms. Lee.** Will you be trying to outreach to the Hispanic and Asian communities, even though they are small in terms of population here?

**Ms. Barnes.** In terms of actual organized groups, I am not aware of those groups. But if there is any representative, by all means, wholeheartedly, we will be happy to work in conjunction with it.

**Dr. Berry.** Is the NAACP now going to be included in the commission?

**Ms. Barnes.** No, they have still denied us access to the commission.

**Dr. Berry.** You got an answer after you asked; it was a no.

**Ms. Barnes.** Right, we did get an answer and it was no.

**Dr. Kimpson.** We have a few minutes left since we've extended our time. Carl Oglesby. He is a writer and he came to our conference and he just has a short presentation. Something he has thought about since all these problems. If we can give him about 3 minutes.

**Ms. Bernardo-Allbaugh.** Ms. Barnes, Connie Barnes. I apologize. In your outreach—this was from our last meeting over in Greenville. I spoke with a Major Willie Brown over there. He's the chief deputy. I understand that they have a large Laotian population. I can speak to you later about this, but that might be something that you might want to touch.

**Ms. Barnes.** One other thing and I appreciate that. Dr. Berry made a question in terms of local law enforcement being involved in the community. And what I found and what was told to me when

I went to Clarendon County was that the local sheriff there and some of the local officials are involved in the KKK. And for that reason, they are not openly or aggressively taking those leads because they are involved in that area.

**Dr. Kimpson.** So you are going to get the information.

**Ms. Barnes.** Yes, sir.

### **Public Session**

**Dr. Kimpson.** Mr. Oglesby.

### **Statement of Carl Oglesby, Columbia, South Carolina**

**Mr. Oglesby.** Thank you, Chairman Kimpson. It's a real pleasure to be here and address this distinguished Committee.

All Honor and Glory to my God and my Lord and Savior, Jesus Christ and the Holy Spirit. This poem was written not only to inspire and encourage those victims of the church burning and those churches, but also, one thing I would like to say is that this problem of racism in South Carolina, as throughout the Nation, is all-pervasive one; that will not be dealt with easily and simply. In addition, I liken it to a birth. A birth that just as a child is in birth canal, it's forced back again and again. And the flames of racism continue to be fanned in South Carolina as throughout the Nation. I think we would be deceiving ourselves if we didn't pay heed to the constant state of denial that we are in this State and the Nation.

There has always been an attempt in the United States and South Carolina to maintain the advantages where the economic, socioeconomic, political, or by every institution in this country, by this State, especially churches. We used to maintain slavery and they were used to maintain this climate of fear and hatred and racism and yes, in South Carolina, it is the most segregated day of the week Sunday. And it continues to be that way. Let's not deceive ourselves. As I spoke with Tom Fieldings, a very great illustrator, the illustrator of the book, *Middle Passage*, [phonetic] it's been a great great pain to him, and to myself as a poet and author and writer and publisher, that sometimes we find as artists we're the ones who we feel God has given us the commission to try and

open up the eyes of people, to make them see what they don't want to see, to take the blindfolds off and what have you.

Like I said, let's not deceive ourselves. This country is full of hate and still remains full of hate. And everybody in this room has participated in some way in the maintenance of economic systems that put some people at a disadvantage, and every institution in this country, every single institution, especially in South Carolina, has been used to maintain this climate of racism and hatred and advantage. I think in some ways we are responsible and I think we need to take a ourselves and at our hearts. We need to all get on our knees and ask God to forgive us, and the hate mongers that we are for deceiving ourselves but we're not deceiving God. The Holy Spirit inspired me to write this poem:

#### **Up from the Ashes**

Up from the ashes like a Phoenix, I'll rise,  
As gems of God's mercy and grace like the  
night;  
Who dare try burn our hopes and dreams?  
Fruitless warfare against the Supreme.  
How dare you think our God won't prevail,  
Against the darkness in the hearts of man.  
But look at the centuries of Our God's reign,  
Undeclared, invincible, the Great I Am.  
So, throw your bombs and set your fires,  
Let the devil dance among the flames,  
For even before the ashes cool in the night,  
God's gems of grace and mercy shall arise.  
Up from the ashes bursting forth from the  
flames,  
God's gems of grace and mercy shall arise  
again.  
Up from the ashes bursting forth from the  
flames,  
God's glory and power will triumphantly  
reign.  
Up from the ashes like a Phoenix I'll rise,  
To chase away the darkness from men's  
hearts and minds.

This problem of racism goes as deep as it can possibly go to our very hearts. It's going to take God to solve this problem and rule out the hatred

and deceit and denial that I think we all have in some way been a part of. Yes, I am disgusted with it. And yes, it's a very depressing thing. And as a poet, I have to search my soul daily. As I searched my soul, before I wrote this, I didn't have anything to write. I didn't have anything to say. I asked the Holy Spirit to inspire my words, and this is what the Holy Spirit said to say to you and to say to the nation. I say again, let us not deceive ourselves. We are all part of the problem, whether it's on Sunday morning, whether it's at home with our families, whether it's what we teach our children. But every attempt still remains in this nation. There's every attempt still being maintained to maintain advantages, one race over another, where it economically finds us. And that's all I have to say: Quit deceiving and true repentance.

**Dr. Kimpson.** Thank you, Mr. Oglesby. And Reverend Frances, I promised the lady from Rock Hill and then to you.

**Ms. Veo.** I don't have anything else to say. I came today to learn and I'm trained in medical transcription, and I listen carefully and I heard what I thought was a misinterpretation of something that was said by someone else.

**Dr. Kimpson.** Are you comfortable with the explanation?

**Ms. Veo.** I'm comfortable with what I said. I wasn't taking exact notes, so I hope it was clarified?

**Dr. Kimpson.** They attempted to try to clear it. That's why I'm asking you. Are you comfortable with the attempts to clarify with what the interpretation was.

**Ms. Veo.** Yes, I am.

**Dr. Kimpson.** Reverend Frances and then you.

#### **Statement of Reverend Frances**

**Rev. Frances.** Thank you, Dr. Kimpson, Dr. Berry, and all the members of the Commission for giving me the opportunity to be heard. I'm very much concerned with the atmosphere and the climate within our State as it pertains to the racism. Mr. Oglesby said it's a matter for which the devil is responsible.

Unfortunately the devil doesn't do things by himself. But human beings serves as his agents.

And within this State, the atmosphere and climate has generated substantially. I have been involved in the civil rights community for the last 30 years. And in the 1970s, many of my white brothers and sisters said to me, if we would start marching and demonstrating, as soon as the older crowd died out, the younger people will be able to clasp hands together and be able to resolve our differences. I want to say this: That in the last 10 or 15 years, bigotry and the hatred and divisiveness is much more rapid. Unfortunately, the focal point here has been the Ku Klux Klan. Most of the Klansmen are ignorant individuals who have no power. They are merely symptomatic of the greater evil. There need not be any Klansman in this State, for the greatest perpetrators of racism wear three-piece suits and black judicial robes.

In our State the ATF had a rally. I think it was in Tennessee, but all of the agents from our State participated in that racist rally.

The person, Mr. Shea, who was the deputy sheriff of Lexington County, said he did not understand that there were really any racial problems within the County of Lexington. I presume not, when there was an article in *The State* paper that stated the Lexington County Sheriff's Department had planted drugs on this black deputy sheriff. So if you have law enforcement people who are committing these kind of acts against black law enforcement officers, what do you think happens to black citizens?

I am concerned with the fact that we have Chief Stewart, and many of the other people in law enforcement, who obviously don't see any racial impetus in these church burnings. If we solve every church burning, the legal lynching that goes on within this judicial system, the wiretapping of phones—every black political leader we have ever elected to that legislature that is not serving there now went out as a result of a criminal indictment. And there is no way in the world that we are such a degenerated criminal group of people that we are predisposed to commit crimes. If you can wiretap their phones and censor their mail, you can almost dictate their behavior.

And what I'm saying is the institutionalized racism within our State, it's so pervasive that it isn't considered racism. It's considered business

as usual. To take away our freedoms is not considered a criminal act. To burn our churches, to lynch us legally, it's not considered criminal behavior. It's considered par for the course. And truly I suppose folks think that, well, churches—and churches are very important in our community—but had not these churches been burned, then I think maybe if anything God works in a mysterious way. The church burning has only brought the Commission here to hear a greater tragedy, and that's the legal genocide that is being perpetrated upon every black leader who have had any impact within the political arena in this State, has been driven out of office, has been smeared not only by law enforcement, but by the press. Law enforcement in this State controls every aspect. I gave Dr. Berry a copy of an article.

When you have SLED, when you have the police force in this State lobbies with the legislature, and they determine who gets elected judges. They control the judicial, executive, and the investigative branches of our government. So when they when a commit a crime against one of us, who do we go to? You go to the very same people who are committing the crime against you. And obviously, they don't see anything wrong with what they have done.

So, now, you have come here as a commission and our desire is to find some remedy. We need an independent source of the legal assistance. If you file a complaint against a judge or a lawyer or a member of law enforcement within this State, you might as well go and give it to the Ku Klux Klan. There is no difference. I would much rather go to them.

**Dr. Kimpson.** You are sort of rambling now.

**Rev. Frances.** Basically, what I want to say also, before I close, I'm happy that Mr. McLawhorn has enthusiasm and some—he's optimistic. I know Governor Beasley. Know him very well. As a matter of fact, if he would tell you the truth, when he was a Democrat, I was probably one of the first persons who urged him to run for state-wide elective office. But unfortunately in our State, the very same people who used to embrace us when we were [Democrats] and we were supposedly brothers are the very same people who are now the individuals who are perpetrating the

most heinous acts of racism, and who are most insensitive. And we need some redress. The deputy sheriff said that he hoped that the fire burnings don't become a Federal crime, because then the local people and SLED and the FBI, and the ATF, will be able to continue to whitewash especially those situations where individuals of power, of whites with influence, can do whatever they want and get away with it. If there's to be any help in the remedy in this State, it must come from a Federal level. What I would like to do is ask this commission, other than hearing the facts, when folks like myself find themselves in the fight that I am in, where do we go for assistance?

**Dr. Kimpson.** Is that a question for Dr. Berry?

**Rev. Frances.** Dr. Berry, the panel.

**Dr. Berry.** You can file a complaint with the Commission, if you wish and somebody will look into it; if that's your question. Yes, you can and we do that.

**Rev. Frances.** Well, I'm certainly going to do that and I would—

**Dr. Berry.** What's the phone number, Bobby?

**Mr. Doctor.** Area code (404) 730-2476.

**Rev. Frances.** I think I have your card to the house.

**Dr. Berry.** Just file a complaint.

**Mr. Doctor.** Let me give you my home number, too, because we may not be in; because of the Olympic situation, we're going to be operating from afar.

**Dr. Berry.** I wouldn't give my home phone number out.

**Mr. Doctor.** Just call the other number. We'll get to it.

### **Statement of Harry Rogers**

**Mr. Rogers.** I'll make it as brief as I can. Thank you. I would like to feel that I am one of those grassroots people. I serve on the board of the Carolina Peace Resource Center—Harry Rogers. Rural Southern Voice for Peace and Quaker House, we're currently doing bridges [phonetic] reduction training in Fayetteville and came as a result of the black couple that was murdered by the soldiers on the Fort.

I want to address something first. My expectation of leaders and Governor Beasley, and some-

thing that wasn't mentioned is that one party used the Confederate flag as issue and was on a referendum. My expectations of leaders is for them to get on the Greyhound bus and need to make some kind of personal commitment that involves some risk, and any of those leaders have the opportunity to make that kind of commitment and didn't. Where Ms. Berry characterized it as a whitewash, I see the race commission as political minimalism: "What's the least I can do, because there is so much attention drawn to this situation?"

I wish I could speak with the eloquence of Dr. Bryan and Reverend Darby.

**Mr. Doctor.** Take your time.

**Mr. Rogers.** The other thing I would like to bring to this Commission is that I watched a video called "Shadow of Hate" from the Southern Poverty Law Center and I recommend that this Commission watch it. It details what this country has done to the Lakota Sioux, what it has done to the Chinese, what it has done to Japanese and internment camps; and certainly African Americans have suffered the most insidious forms of this type of this type of racism. And I worry that the focus of this Commission is too much on those 400 Klansman or those people that perpetrated the crimes and it has been mentioned, the underlying climate. And also I think if we look too much at punitive measures—I've heard it and saw published a number of times and, "Let's increase the penalty and make it from 20 to 40" and find some punitive or some threatening gesture that will cause this racism to go away.

And I think—I'm late to the civil rights movement, but what I appreciated most to it, what was most successful was nonviolence and response of love to hate. And I feel it with the listening project and ask you to look at it. And this is the way to respond. And that's going to be the appropriate response, is that—maybe we can't [get to] those hating Klansman. The reports I get is it's considerably more than 400, and if it's 4,000 that's not my concern either. It is the 70,000 or 80,000 people that are passively—no, they are not passively approving. But they're not standing up and speaking out.

I think that that's where the commission's efforts need to be. It's looking for those type of solutions

and not looking in just the obvious places. I do have a concern at the list of names that you mentioned, the race commission here that the Governor appointed, lacked some diversity. I would suggest, too, the people that you've invited here also lacked some of that diversity, because I don't see poor people and I don't see the grassroots people here. Some of those grass roots people, I'm sure gave you the question, Ms. Berry, some of them from—for instance, South Carolina United Actions—some people that are still outspoken advocates of civil rights.

I sometimes wonder when we get to a position, speaking out does involve some personal risk, that we don't search out for those answers in these other areas and we search for those other people that are just as comfortable as we are. I think you as the Commission need to do that. You need to go beyond that comfort level and even—and I suggest that the listening project is going to do that, too. I think we have a responsibility to listen to those Klansmen, too. I think that we have a responsibility to ask all of these people, Why are you so angry? Talk to me. Why are you so angry? Are there parts of your anger that I can address? Because I want to address those things that I can address and hopefully we can set aside those things that still separate us. I think that I can close with a part of a song, "Sweet Honey in the Rock": "We all who believe in freedom cannot rest until it comes."

Thank you very much.

**Dr. Kimpson.** Mr. Rogers, we appreciate that. Thank you.

**Mr. Doctor.** Amen.

**Mr. Rogers.** And I would offer from the Rural Southern Voice for Peace and from my religious community, the Quakers, and the Carolina Peace Resource Center, our pledge to cooperate with the NAACP, and any other group that's working to address these problems. We want to work with you.

**Dr. Berry.** I think it's great you were willing to come and want you to know as you leave that I am very aware that there are people who don't participate in such forums who have something to say for a variety of reasons. Which is why in every place that we've had these forums, I have

gone out and talked to community people and collected information from them and talked to people who do that. There are people who don't participate in such forums and say nothing to say for a variety of reasons, and that's why in any place which we have a forum, I've gone out and talked outside the room, to gather information that is not available in a more formal setting. I hope this Commission on Race Relations, whatever it is, they would follow that kind of pattern, also.

**Mr. Rogers.** I would suggest Commissioner Berry, that there is just an enormous amount of grassroots wisdom and that may be the benefit of going out there into the community.

**Dr. Kimpson.** Yes, ma'am.

### **Statement of Sally Veo, Rock Hill, South Carolina**

**Ms. Veo.** Dr. Kimpson and Chairperson Berry. I am Sally Veo from Rock Hill. I am with the Rock Hill Council for Human Right and the American Association of University Women. I am with the Palmetto Project. I am also speaking up today for gender and for disability.

I had cancer twice as a teenager and again 8 years ago. As a woman, I have been discriminated a number of times by men who assumed that they are smarter than I am. Because I was dumbfounded with the remarks that there has not been great progress in this State, I am speaking up for the educators and the students and all the volunteers across South Carolina, who have been working together for decades and decades. This is a great State with a great future. I do not want you to leave Columbia, South Carolina, thinking that the major problem is alone, a few disturbed people. This State is much stronger than you might've had the impression.

At the Palmetto Conference in Myrtle Beach on January 6—it took a year to prepare for that conference. They expected 300 people. Over 500 came and the law enforcement people were among the strongest participants. Newspaper editors came from Rock Hill, from Greenville, from around the State. This is a much better State than you got some impression this afternoon.

Thank you for letting me speak.

**Dr. Kimpson.** Thank you so much. Any comments? We certainly appreciate that and appreciate you coming.

Mr. Tony Grant is the chairman of the Race Commission appointed by the Governor. And Mr. Grant, you have not had the benefit of many of the comments that were made relating to the commission. I called Mr. McLawhorn back and he did a good job as to trying to put in perspective where you are on there and what his opinions and philosophies might be. So, if you want to give us a few brief remarks about the Race Relations commission and then the Commissioners may have a question or two for you.

**Statement of Tony Grant, Chairman,  
Governor's Race Relations Commission**

**Mr. Grant.** First of all, let me start by saying thank you. And if I may offer some apologies for not being here. We talked to one another, I think it was 6:50 a.m. this morning. I indicated to you that I had not received an invitation to attend and told you I had a funeral at 2:00 and a little one with a temperature of 103 degrees. So, I went to the doctor's office with my son—both my sons. Just returning back to the office. I apologize. My absence does not in any way suggest that there is a lack for respect for this Commission.

Let me also say start by saying to you that I think that the work that you are doing is very worthwhile and very meaningful. And certainly to you, Dr. Kimpson, as a person that I have grown up knowing, I have told you, over the years, of what you have meant to many young African American males who didn't have a father to grow up in a home. I've recounted to you on numbers of occasions my visit to your office and the Governor's office, and what that meant. So, on a personal note, it's pleasure to see that you convened your group here to talk about a very important issue.

As chair of the commission, I'll say to you that I don't have all the answers. Nor did this commission come into being by knowing that we would know what the response would be or the end result.

The commission was formed as a result of some discussions with the Governor, some very frank

discussions with the Governor about there being issues of concern regarding the racial climate in our State. That led to a meeting at the mansion and thusly, this commission was formed.

The role of the commission is, as you have seen in documentation that created this commission and the executive order, that this Commission is designed to address issues that divide people in South Carolina and build bridges to help bring communities together. We have done that by having—first of all, this commission met, our first meeting was February of 1996 of this year. This commission met. We formed an executive committee. Shortly thereafter, we had a retreat. We didn't want to begin dealing with racial issues of the State without knowing one another. So, we had a retreat or a working weekend, if you will, where we all pulled to the side to get to talk about issues that were very simple in nature but, nonetheless, very important to talk about race and what it meant to a number of us. Shortly thereafter, we scheduled meetings around the State. We've had one in Beaufort County. We had another in Florence. Another in Anderson. One was scheduled for last week, but was canceled because of Hurricane Bertha, and the next is scheduled for, I believe, August 3. But, nevertheless, we've got several other hearings around the State. And the mission is simply to go around the State, to hear from the constituents of the State, because there are varying views.

There are views that simply say that things are fine, and then there are other views that suggest that this State is on the way to hell in a hand basket.

But as members of the commission, we feel our role is to listen to all the constituents of South Carolina, to gauge their view regarding issues of race. And what we hope to do after that is, we've formed various committees within the commission. We've got a commission on crimes and the legal community. And we have another committee, subcommittee, that deals with economic development, another one that deals with education, and so forth. So, we've broken the commission down into various subcommittees. And after the work is done with the hearings, subcommittee members are beginning to meet now to address issues of

health and issues of economic development and so forth. So, that kind of gives you a real brief background.

I have heard a lot of characterizations of the commission being made up of very affluent folk. And I simply say to you that you know my background and you know from whence I've come. Now, I'm not the only one on that commission. And I'm not the only one on that commission and I know there are people on that commission that have a lot to bring to the commission.

We are involving others. The Commission has agreed to go out and reach out and involve others who may not have been appointed by the Governor but who have meaningful testimony and meaningful experience they would be willing to share with this Commission. So, we are reaching out to bring those in.

**Dr. Kimpson.** All right, sir. Okay. Questions?

**Ms. Lee.** Are the members appointed by the Governor?

**Mr. Grant.** Yes, ma'am.

**Ms. Lee.** Are they appointed to a set term or at the pleasure of the Governor.

**Mr. Grant.** There is no term that's been specified by the Governor, to my knowledge. First of all, we would do the work and then prepare a report with recommendations to the Governor.

After that report is made to the Governor, there may be some discussion of whether the commission wants to stay in place on a permanent basis. At this point, that has not been decided.

**Ms. Lee.** Do you have any plans on how to get input from the community when you are comparing the report?

**Mr. Grant.** One of the things we have done is, every time we have meetings, we note the meetings early in advance. We have been publicizing Internet addresses. We have been putting in the paper our post office box where they can send information to the Governor's office direct that gets to us. There have been a number of ways to get data or information to the commission.

**Ms. Lee.** Those are minimum legal requirements that you have to notify other people. I'm just talking about other efforts that the committee

or the commission is doing to really reach out to community groups, who really share with you valuable information that you will need to do your report.

**Mr. Grant.** Let me say to you that I don't have the sole responsibility, if you will. This commission intends to get the word out; that is part of our initiative. I'm going out and speaking to group—so are other members of the commission—to talk about the role of the commission and how they might get information to us. So, to answer another way, we are open to suggestions, if that's what you are telling me. And not only that, we are receptive to any information we receive regarding the commission.

**Dr. Berry.** I'm afraid I'm not aware of the members of the Commission or your present responsibilities. You said, talked about where you came from and then you said you were chairman of the board and then you said you had a funeral.

**Mr. Grant.** What would you like to know about me?

**Dr. Berry.** What line of employment are you in?

**Mr. Grant.** I am a senior vice president with NationsBank.

**Dr. Berry.** That's what I wanted to know, no one said.

**Mr. Grant.** Commercial regional executive for NationsBank. I manage a billion dollar portfolio for NationsBank. I've got Columbia that reports to me, West Columbia, Orangeburg, Sumter and Camden. Five senior vice presidents and about 45 other folks.

**Dr. Berry.** That's fine, I just wanted to know what you said—

**Mr. Grant.** Finance background. Graduate of South Carolina State University. Former chairman of the board of South Carolina State University. Grew up in public housing, public assistance, single parent household, and so forth.

**Dr. Berry.** I am pleased to know—

**Mr. Grant.** And I'm a Democrat.

**Dr. Berry.** —that we've got somebody who is as experienced as you are heading up this commission. Let me just ask, and I'm glad you came, finally, because we received a great deal of information and a number of questions to ask about the



commission, which if you had been here earlier, perhaps we could have gotten the answer. For example: Does the commission have a staff?

**Mr. Grant.** The commission has a staff that's assigned to work with us from the Governor's office and that is—we've got Dewitt Zemp, who works with Jenny. And Jenny is working with us. And there is another person, Charles something. Marilyn—

**Ms. Lee.** Matheus.

**Mr. Grant.** —Matheus working with us, yes. So, we've got a lot of people.

**Dr. Berry.** Because today, we had testimony from, I don't know the woman's name representing the Governor's office and she told us that there were two people, herself and Mr. Zemp.

**Mr. Grant.** Yes, Zemp, but they report to—I mean, Jenny is involved with, Jenny Wolfe, and Charles—I forget his last name and then Jennifer Sparks.

**Dr. Berry.** But does Ms. Matheus know these people?

**Mr. Grant.** Ms. Matheus has just recently been reassigned to the commission within the last 45 to 60 days. So, I couldn't answer that question.

**Dr. Berry.** And I was wondering and somebody should inform her as to who is working at the Commission.

**Mr. Grant.** Again, I can't answer for her, but I would just summarize that she may have assumed that someone would be aware that Jenny Wolfe is the second.

**Dr. Berry.** When is this commission expected to report to the Governor?

**Mr. Grant.** We began our hearings, so it should be completed around fall, September or October. And hopefully 60 or 90 days and may even, in fact, by the end of the year, early next year.

**Dr. Berry.** Will the commission have the benefit of research reports on or about staff investigations concerning the issues before the commission, so you will be able to test the testimony of the witnesses against information that you have, so you can tell the wheat from the chaff?

**Mr. Grant.** That is something that we've talked, and someone specifically assigned in the manner you have talked about. And I have talked

about involving people from local colleges and university to work with us in order to test some of the data.

**Dr. Berry.** So that, principally, what you will be doing, if I understand it correctly, is listening to people around the State, and commission members will meet and have collaborations written by staff and approved by the commission and make recommendations; is that basically it?

**Mr. Grant.** With a strong emphasis on trying to make dates available where everyone who would like to get their word in will have an opportunity to do so. I am very conscientious about that. One of the things that I talked about in Florence was having a hearing on Saturday and typically have the hearing in the afternoon, 6:00 o'clock. People who work got to go home and take care of family and come out. And I think it's important for us to make available to them access to getting their word on the record.

**Dr. Berry.** I'm a little bit concerned about your response to the question about grassroots involvement. Are people getting involved who are not related to—by giving me and the committee your own background and then talking about your current responsibilities when I ask you. That grew up in an orphanage, who can identify? When in fact haven't been for a number of years, although I did grow up in one. And pinpoint strategy you see?

**Mr. Grant.** Let me respond to that, if I may. I would differ with you. That would be from the standpoint, I'm not here to suggest in any way that, one, that this commission doesn't hear what's said about it. I know that one of the very kind characterizations of this Commission is that it's an elitist group and income over \$50,000 and so on and so on. And I say to you to introduce, who may not know my background, even though I did grow up from there and still involved in those communities everyday by the work that I do. And not only by that burden of proof, by the other organizations that I am involved in. So I was simply trying to say to you that there is a parallel, but however there is also some dichotomy.

**Dr. Berry.** Is it true that members of the commission, I don't know who they are, is it true

people who are affluent, you say these criticisms exist?

**Mr. Grant.** Sure.

**Dr. Berry.** Are they factually correct?

**Mr. Grant.** There would be some truth as to the members of the commission, but not all of them. But these are the things that have been said about the commission and I am simply saying to you as a person who may have heard it by testimony today. But let's be certain of one point, your analogy of growing up in an orphanage and you're not in one today and still got memories and still remember where you been to know where you are going. And I simply say to you that is part of my history as well.

**Dr. Berry.** What is the plan? What is the strategy for letting people like Reverend Mackey or from the NAACP know about it and giving them access to it?

**Mr. Grant.** I have met with a number of people individually to ask them for their participation and I simply will make an appeal to them here or whatever, they're always welcome to come and get involved.

We're asking people to participate and this isn't a group that is going to be solely directed toward the members of the commission. I have met with several other people that—Joe Darby being one of them; I don't know if you know Joe Darby—had a concern about the Commission and asked him to get involved. So, I'm saying to you that I want to make sure we have all views available for us so we can have some meaningful discussion and dialogue.

**Dr. Berry.** Is it going to take up the issue of the Confederate flag? What is your opinion?

**Mr. Grant.** I cannot disclose that at this point. I don't have a position on it. I will talk with you outside. I don't want to disclose it.

**Chairperson Berry.** You don't have a public one that's been made by the commission.

**Mr. Grant.** You asked me what my view was.

**Dr. Berry.** Yours not been made public?

**Mr. Grant.** It has not.

**Dr. Berry.** Do you know have any of your members made public their views on it?

**Mr. Grant.** Some of the members of the commission have.

**Dr. Berry.** That's their personal prerogative and the commission's going to take it up?

**Mr. Grant.** Absolutely.

**Dr. Berry.** What about the issue of Ku Klux Klan activities in the State?

**Mr. Grant.** I will say to you that nothing, absolutely anything that comes before this commission will be addressed unequivocally. If the issue of Ku Klux Klan comes up and how we deal with it, it gets discussed and how we deal with the Ku Klux Klan and talk about it and recommend with the Governor how to do it.

**Dr. Berry.** You don't know whether Ku Klux Klan is an issue to discuss?

**Mr. Grant.** I will say, it will be an issue, because it's an issue within the contents of the executive order, issues that divide South Carolina; that's certainly an issue that divides South Carolina.

**Dr. Berry.** Are you going to discuss civil rights issues or have a subcommittee?

**Mr. Grant.** We do not have a subcommittee or what have you, do we, about those issues? I'm trying to remember.

**Dr. Berry.** Affirmative action, you know, issues like that.

**Mr. Grant.** No. We did not name a group, other than if it comes up under the confines of employment or economic development, then it will be addressed, yes.

**Dr. Berry.** Do you think affirmative action is a racially polarizing issue in South Carolina?

**Mr. Grant.** I think it's an issue, not totally in South Carolina, but everywhere.

**Dr. Berry.** Your commission is working on South Carolina, that's why I said South Carolina. Do you believe in South Carolina it is a racially polarizing issue?

**Mr. Grant.** I think it is, yes.

**Dr. Berry.** Do you think discrimination and antidiscrimination and its enforcement in lots of areas of life are, in fact, issues in South Carolina?

**Mr. Grant.** Let me say to you, I would hope that issues of affirmative action and other issues of concern, that employment-related subcommittee—it may not be specifically delineated as a committee, but it certainly is an employment issue that should be addressed at that group.

**Dr. Berry.** These issues have been in the testimony. We've gotten some with the burnings and some of the graffiti and vandalism at the churches, quite explicitly, the perpetrators or, at least, we think there are people arrested who have views about issues of affirmative action, very kind of raw and crude views about the issues as motivating and your other committee members.

When they were testifying about blacks taking jobs from them, affirmative issues polarizing. These are major hot put issues as far as I read the media in this case. And the Commission on Race Relations doesn't explicitly have a subcommittee and take up the civil rights issues that people consider as racial divides.

**Mr. Grant.** I'll say to you, Ms. Berry, we did not, again, specifically delineate the issue of the affirmative action as a subcommittee. But I will say to you that I am certain it will be addressed, through—obviously through Mr. McLawhorn and others, through that commission. We didn't have a committee on unemployment, but it's going to be addressed.

**Dr. Berry.** I'm asking the question because there are those who distrust what the commission is doing. If explicitly people engaged in the burning and hate crimes and so forth, the query somewhere—maybe, I don't know what the executive order said. Maybe I'm just ignorant. Why wouldn't it up explicitly have a section devoted to issues that people put out there?

**Mr. Grant.** Okay. First of all, the commission was put together in December, and it was the issue of church burnings became front-page items, but still issues that concerned them and will be addressed. So consequently as the time has moved on and moved to the front pages and obviously on the minds of everyone, certainly a member of the commission and me included, so just not a committee.

**Dr. Berry.** I suppose committee would mean committee? I would assume that. Is that the correct inference drawn?

**Mr. Grant.** I don't know. I will say to you that I think those are the committees put together, that there is no rhyme or reason to them, other than issues of concern at the time when we formed the commission.

**Dr. Berry.** I won't pursue this, Mr. Chairman, and would like a copy of the executive order—

**Mr. Grant.** I'll be happy to get it.

**Dr. Berry.** —and put it in its place in the record and list of committees. And Mr. Grant, find out why we can't get an answer to our letter of May 29 asking him for the members of this Commission and other information about it to which we have yet to receive a response. And Reverend Mackey who called the Governor's office to find out something about this and wants to get involved and his church was one that was bombed—staff or something; work on communications. We would appreciate that.

**Mr. Grant.** Let me say this to you: I'm available if anyone has any concern or any issues; I'm available for the phone calls. I can't address the letter. It bothers me some correspondence where we haven't responded to. I can simply say to you, if you copy me on that correspondence, I'll get an answer to you. And I can't address why someone didn't do something if you sent it to me. I'll get it taken care of

**Ms. Bernardo-Allbaugh.** I also asked when Ms. Mathews was speaking why there was no Asians on your commission. And though a small population, why aren't Asians, rich or poor or middle class for that matter; we have some here.

**Mr. Grant.** You have to ask the Governor.

**Ms. Bernardo-Allbaugh.** I recommend that you're asking for recommendations. You recommended talk to him about getting some of that. From the Quaker community or grassroots. Ms. Barnes from the NAACP and in Greenville, there is a large Laotian community in Spartanburg that needs addressing. And several other issues that are coming up that haven't been addressed need to be addressed.

**Mr. Grant.** Point well taken.

**Ms. Bernardo-Allbaugh.** Also that you had a meeting in Beaufort. Did Mr. Zimmerman know? I had no idea and I live in that county.

**Mr. Zimmerman.** I was aware and out of town on business and was on the Thursday and—

**Mr. Grant.** Two weeks apart Thursday and Thursday every 2 weeks has been the pattern.

**Ms. Bernardo-Allbaugh.** I live there and read the paper and haven't seen it.

**Mr. Grant.** I don't know why you didn't see it, why one member would see it, and another wouldn't. We put it in the paper.

**Mr. Doctor.** The communications that Chairman Berry referred to are reflected in that letter. You might take a minute or so to read it while I contemplate this next question. I just want to ask why do you think that if the Governor wants that commission and executive order and already has in place the Human Affairs Commission and what have you to be doing?

**Mr. Grant.** I don't know the answer to that. I can say to you again, the total speculation is that the Governor wanted a cursory review of what is currently in place and recommendations to make a change—but I can't answer why he did that. I don't know that to be a fact and categorically say that I don't know that to be the case. I'm only surmising and speculating. I don't know.

**Dr. Kimpson.** Mr. J.T. McLawhorn and Tony Grant, I've known Tony and J.T. since they've been in Columbia and they do know I had some concerns. Once I found out that the Governor placed the two of them on there, I felt much more comfortable. And I think, Tony, the information

that has been generated here today and I hope Bobby can get a copy of it, because there is some good recommendations especially as it relates to the commission, the working with the Human Affairs Commission because Ms. Matheus only had two staff, and I think that's where you do share the staff and Human Affairs Commission knowledge and staff. You won't have to replot the ground.

**Mr. Doctor.** Any other material that you would like to get on the record but make certain every member of the commission has to include any data, we assure you they'll receive it.

**Dr. Kimpson.** Okay. Thank you. Somebody else want to say something. Okay. Thank you for bearing with us. We were scheduled for 1:00 to 5:00 and it's almost it's about 15 minutes of 8:00 clock. I want to thank the audience and especially thank the members of the United States Civil Rights Commission and staff. You do United States real good by being here with us.

And those not on the agenda and wanted to make statements, we appreciate that also. So this is where we are going to end.

(The meeting was adjourned at 8:00 p.m.)

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