



NATIONAL CHURCH ARSON TASK FORCE



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September 2000

FOURTH YEAR REPORT FOR THE PRESIDENT

I. OVERVIEW

Since 1996, the National Church Arson Task Force (NCATF or Task Force) has carried out the President's three-part strategy to combat arson at our nation's houses of worship: (1) identifying and prosecuting the arsonists, (2) helping communities rebuild the burned houses of worship, and (3) offering assistance in preventing more fires. Working in partnership with state and local law enforcement and community and private groups, Federal officials continue to achieve considerable success in carrying out the President's mission and strategy.

The Task Force's increased vigilance, well-publicized arrests and prosecutions, and enhanced prevention strategies have helped continue to drive down the number of fires. However, new fires continue to occur, and we continue aggressively to investigate these fires and prosecute those arrested.

Highlights of this report include:

Prosecutions

- **945 Investigations** – The NCATF has opened investigations into 945 arsons, bombings or attempted bombings that have occurred at houses of worship between January 1, 1995 and August 15, 2000.
- **431 Arrests** – Federal, state and local authorities have arrested 431 suspects in connection with 342 of the 945 incidents.
- **36.2% Arrest Rate** – The 36.2% rate of arrest in NCATF arson cases is more than double the 16% rate of arson arrests nationwide.
- **305 Convictions** – Between January 1, 1995 and August 15, 2000, Federal and state prosecutors successfully obtained convictions of 305 defendants in connection with 224 incidents. Most of the incidents involved arsons at houses of worship, but some involved the use of firearms, bombs or violent threats.

- Jay Scott Ballinger, the individual who set the largest number of church fires since the NCATF was created (26 churches in eight states from 1994-1999), pleaded guilty.

Rebuilding

- The Department of Housing and Urban Development (HUD) administers the \$10 million Federal Loan Guarantee Fund, which was established by Congress as part of the 1996 Church Arson Prevention Act to assist the rebuilding effort. Approximately \$6.2 million in loan guarantee commitments was provided as of August 15, 2000.
- HUD continues to work in partnership with the National Council of Churches and the Congress of National Black Churches to provide assistance to congregations in their rebuilding efforts.

Reconciliation

- The Justice Department's Community Relations Service (CRS) plays a critical role in the work of the Task Force, providing conflict prevention and resolution assistance to local officials, law enforcement authorities, clergy and other leaders in affected communities around the country. Through these services, CRS promotes multiracial cooperation in the construction of houses of worship and provides technical assistance in ways that bring together law enforcement agencies and communities of color.

Prevention

- The National Arson Prevention Clearinghouse, housed within the Federal Emergency Management Agency's United States Fire Administration (USFA), provides public education materials and coordinates technical assistance requests from communities. Accessible by a toll-free number (1-888-603-3100), the Clearinghouse has reached over three million individuals, organizations and communities with arson awareness and prevention materials since its inception in 1996.
- The USFA's National Arson Prevention Initiative continues to create coalitions and provide communities with the tools and technical assistance necessary to battle arson. The Initiative issued \$125,000 in arson prevention grants to eight cities in Fiscal Year 1999 and \$150,000 to nine cities in Fiscal Year 2000.

II. HISTORY

In 1996, our nation witnessed a troubling trend. There was an increase in the rate of arsons reported at houses of worship, particularly African American churches in the South. This development was tragic not only because of the intrinsic heinousness of such crimes, but also because of the historical implications.

Throughout much of our nation's history, the church has been the primary communal institution within the African American community. In the nineteenth century, before the abolition of slavery, the church was the only community institution that was permitted for African Americans in many areas. In some instances, the church served not only as a place of worship but also offered educational, legal, banking, housing, and employment services. In the twentieth century, and especially during the civil rights movement, the African American church was the focal point of political oratory and activism.

As Ozell Sutton, the CRS Southeast Regional Director in Atlanta and chair of the CRS Church Burning Response Team, testified to Congress in 1996:

The attack on African American churches is more than just an act of terrorism against a place of worship. A black church to the African American community is far more than a place of worship. It is an attack on the very soul of the African American community. It is the source of their sense of humanity, their sense of self-worth, their fight for dignity and equality, their leader and trainer in the struggle for freedom and justice.

Because of its prominence in the African American community, the church has historically been a target of arson and destruction by bigots and white supremacists. The 1963 bombing of the Sixteenth Street Baptist Church in Birmingham, Alabama, in which four young African American girls lost their lives, may be the most infamous example, but there were countless other churches burned, bombed or destroyed throughout U.S. history. These atrocious crimes were often committed to send a message of intimidation and intolerance.

For years, many arsons at houses of worship were handled by local authorities and not reported to any Federal agency. As a result, local law enforcement often did not benefit from the resources of the Federal government in pursuing these incidents. As a result of the formation of the NCATF in June 1996, however, local authorities began to report such incidents on a regular basis. Federal law enforcement responded swiftly and with the full force of its authority.

The NCATF has made the investigation of arsons at our nation's houses of worship, and the swift prosecution of the arsonists, top priorities of Federal law enforcement. The NCATF's best practices and lessons learned, set forth in the Second Year Report for the President (October 1998), remain a model for similar interagency responses.

III. INSTITUTIONALIZATION

As reported previously, the NCATF has taken a number of steps to ensure that the investigation and prosecution of attacks on houses of worship remain a permanent priority within the Federal government, and that the innovative and highly successful practices of the NCATF Operations Team are a regular part of the Federal law enforcement response. The NCATF Operations Team established protocols and guidelines for the joint investigation and prosecution of suspected arsonists. These protocols and best practices remain in force as the Task Force has

integrated its work into the existing structures of the Civil Rights Division, the Justice Department component that has jurisdiction over these and other Federal criminal civil rights cases; the U.S. Attorneys' offices; the Bureau of Alcohol, Tobacco and Firearms (ATF); and the Federal Bureau of Investigation (FBI).

The NCATF's protocols and best practices include the use of an array of law enforcement tools, such as ATF and FBI databases and computer systems that are used to track and analyze evidence and to generate investigative leads. A nationwide investigative lead database maintained by ATF helps identify, sort and track information from selected church arsons.

In June 1996, after creation of the Task Force, Attorney General Reno directed all of the U.S. Attorneys to establish or expand local task forces focusing on arsons at houses of worship in their districts. These local task forces brought together state and local law enforcement, fire prevention officials, FBI and ATF special agents, CRS mediators and victim/witness coordinators.

In addition to executive branch actions, Congress took steps that have helped to ensure a strong and lasting response to church arsons. By strengthening Federal laws, Congress lent enormous support to the efforts of the NCATF. At the time of the formation of the Task Force, Federal prosecutors often relied on general anti-arson statutes to prosecute those who used fire to destroy property involved in interstate commerce. Under criminal civil rights statutes, they also had the authority to prosecute those who conspired to deprive persons of their civil rights or desecrated religious property or a house of worship. In July 1996, Congress passed and President Clinton signed the Church Arson Prevention Act of 1996, which granted Federal prosecutors greater power in pursuing those who burn and desecrate houses of worship.

IV. PROSECUTIONS

A. Investigations

By August 15, 2000, the NCATF had opened investigations into 945 arsons, bombings or attempted bombings that occurred at houses of worship after January 1, 1995. (See Appendix 1, Charts A, Q, R, and S reflecting the number of church arsons, bombings and attempted bombings nationwide; see Charts T, U, and V reflecting the number of church arsons, bombings and attempted bombings in the South.) In addition to those investigations, Federal and state law enforcement and fire officials have responded to 465 fires that were determined to be caused accidentally.

Of the 945 incidents that the NCATF investigated, 310 have involved African American churches, 213 of which are located in the southern United States. (See Appendix 1, Chart A reflecting total house of worship arsons and bombings; see Appendix 1, Charts G-P for a list of church fire investigations throughout the United States.)

B. Arrests and Convictions

Partnership among law enforcement agencies has produced a significant number of state and Federal arrests. Between January 1, 1995, and August 15, 2000, Federal, state and local authorities arrested 431 defendants in connection with 342 of the 945 incidents that the Task Force has investigated. The 36.2% arrest rate is more than double the general arrest rate for arsons, which is approximately 16%. (See Appendix 1, Chart B.)

Of the 431 persons arrested, 350 are Caucasian, 65 are African American, 13 are Hispanic, and three are Asian. Juvenile arrests numbered 169. Of the 136 suspects arrested for arsons at African American churches, 85 are Caucasian, 50 are African American, and one is Hispanic. Of the 290 suspects arrested for arsons at non-African American houses of worship, 260 are Caucasian, 15 are African American, 12 are Hispanic, and three are Asian. Five Caucasian suspects were arrested for arsons at both African American and non-African American churches. (See Appendix 1, Charts C-F and W-Y.) As of August 15, 2000, there were 584 open investigations in which arrests have not yet been made. Since January 1, 1995, there have been 19 investigations solved with no arrests. (Investigations may be considered solved without arrest when, for example, the child is too young to prosecute or the church refuses to press charges.)

Between January 1, 1995 and August 15, 2000, Federal, state and local prosecutors successfully obtained convictions of 305 defendants in connection with 224 arsons or bombings of houses of worship. (See Appendix 1, Chart Z; see also Appendix 2 for a list of incidents in which a conviction has been obtained between October 5, 1999 and August 15, 2000.) Of the 79 defendants who have been convicted of Federal charges, 46 were convicted of crimes arising from 46 arsons or bombings motivated by bias. Thirty-seven of those defendants were convicted of hate crime charges, and the remaining nine were convicted of, or were allowed to plead guilty to, other Federal charges. (See Appendix 3 for a list of Federal hate crime convictions involving houses of worship.)

In our Third Year Report, the Task Force reported on a major church arson investigation and prosecution — the case of Jay Scott Ballinger — which serves as an important example of the benefits that flow from cooperation by law enforcement at all levels. We can now report that on July 11, 2000, Ballinger pleaded guilty to setting 26 churches on fire in eight states between 1994 and 1999. Sentencing has not yet been scheduled, but the Justice Department has recommended that Ballinger be sentenced to more than 42 years in prison. The Ballinger pleas represent the largest number of fires linked to a single defendant since the Task Force was created.

The Ballinger prosecution is an excellent example of the impact of the NCATF's collaborative efforts. It resulted from a nationwide investigation conducted by the FBI, ATF, investigators from the Indiana State Fire Marshal's Office, numerous state and local fire investigators around the country, and the NCATF. In the words of Timothy M. Morrison, the U.S. Attorney in Indianapolis: "The dots were connected in this case due to timely

communication between state and Federal agencies. And the picture came into focus thanks to the cooperation of law enforcement agencies at all levels across the country.”

V. REBUILDING

A. Loan Guarantee Program

In addition to the important prosecutorial tools it provided, the Church Arson Prevention Act of 1996 authorized the establishment of a Loan Guarantee Recovery Fund for use by HUD to assist in rebuilding places of worship damaged or destroyed by arson. With this \$10 million funding mechanism, HUD can guarantee specific loans made by financial institutions to nonprofit organizations, including houses of worship, to aid in rebuilding property damaged or destroyed by an act or acts of arson or terrorism.

In addition to administering the Loan Guarantee Recovery Fund, HUD continues to work in partnership with the National Council of Churches (NCC) and the Congress of National Black Churches (CNBC), which also provide assistance to congregations in their rebuilding efforts. HUD created this public-private partnership under the National Rebuilding Initiative, which has been maintained by the partnership to aid in the rebuilding of houses of worship. While the partners provide grants for rebuilding, HUD provides loan guarantees.

To date, the partnership has provided approximately \$15.2 million in direct assistance for the rebuilding of burned houses of worship. Of this amount, approximately \$8.6 million was in the form of grants awarded by the NCC and the CNBC. Additionally, approximately \$6.2 million was provided as private loans guaranteed by HUD. This combined assistance of grants and guaranteed loans has resulted in assistance to burned places of worship in approximately 30 states. States in the South have received most of the financial support and related resources.

Grants and guaranteed loan funds have been used to finance a wide variety of rebuilding activities including acquisition of real property, construction materials, furnishings, plans and specifications, site improvements, and the installation of security systems. Also, much has been provided in the form of in-kind contributions to the rebuilding effort, such as volunteer labor and project management, architectural and legal assistance, donated lumber, construction modules, pews, altar furnishings, bibles, hymnals, and choir robes. Such contributions have been made by congregations around the country, private companies, nonprofit organizations and individuals.

In addition to financial assistance, in-kind contributions and volunteer coordination, the rebuilding effort has aided places of worship through the provision of technical assistance. The NCC conducted site assessments and visits, and provided each congregation with the information, resources and networking that addressed its individual situation. The CNBC also performed assessments, assisted with construction planning, made insurance and fire prevention information available, established a special arson prevention program and made on-site visits.

HUD provided detailed information on the loan guarantee program, and continued to identify financial institutions interested in providing rebuilding loans for guarantee by HUD.

Who May Apply: The HUD loan guarantee process accepts applications from nonprofit organizations, including houses of worship, that are described in Section 501(c)(3) of the Internal Revenue Code of 1986. Though the organization may not have sought or obtained a ruling from the IRS under this section, its purpose must be consistent with that of organizations described therein. To qualify, a Federal, state or local fire official must certify the fire at the place of worship to be arson. For purposes of the guarantee process, the financial institution that serves as a lender may be a bank, trust company, savings and loan association, credit union, mortgage company or other issuer regulated by the Federal Deposit Insurance Corporation, Office of Thrift Supervision, National Credit Union Administration or U.S. Comptroller of the Currency. The financial institution may also be a pension fund.

Application Process: A place of worship initiates the loan-making process by submitting a HUD application to a local bank or other financial institution requesting a rebuilding loan. The financial institution reviews the application, seeks additional financial data if necessary, conducts its underwriting analysis (using its own underwriting standards), and makes a submission to HUD requesting a loan guarantee. HUD is authorized to guarantee up to 100% of the loan amount.

HUD will participate in the rebuilding process through new construction, rehabilitation of real property, refinancing of existing debt, restoration or acquisition of personal property, and related costs. Assistance may be given if the insurance proceeds for the property are not sufficient to complete rebuilding or to reimburse the related loss/damage.

As of August 15, 2000, approximately \$6.2 million in loan guarantee commitments was provided to 11 different churches: Emmanuel Church (Decatur, AL), Second New Light OFW Baptist Church (Bridgeport, CT), New Birth Temple Church of God In Christ (COGIC) (Shreveport, LA), Greater Mount Zion Tabernacle (Portsmouth, VA), New Harvest Baptist (Cornwall, NY), Bethel AME Church (Monroeville, PA), Southtowns Christian Center (Lakeview, NY), Avenue M COGIC (Birmingham, AL), Springhill Missionary Baptist Church (Memphis, TN), Greater Holy Temple COGIC (Wichita, KS), and Solid Rock Missionary Baptist Church (Miami, FL). Currently, approximately \$3.8 million in guarantee authority remains to be committed.

B. Future Actions

HUD is working to expand its role of managing the loan guarantee program. One of the objectives of this expansion is the provision of technical assistance designed to assist congregations of burned churches in accessing conventional financing and/or grants to support rebuilding efforts. In many of the burned churches, congregations are small and lack the capacity and adequate resources for rebuilding. These churches often serve as the focal point in the

community for social activities and for responding to the human needs of their members. Many of these churches do not have the financial capability to access conventional financing. In many cases, the church's budget is inadequate to service debt. Technical assistance in the area of financial management and training in the HUD loan guarantee process are critical to helping congregations restore, replace or repair houses of worship burned due to arson.

HUD, in partnership with the National Rebuilding Initiative, has identified a number of grant-making foundations that have expressed interest in supporting the church rebuilding program. Seventeen senior-level officials of some of the nation's largest financial institutions (banks, mortgage banks and credit unions) have agreed to become part of a participating lenders group for those places of worship that have the resources to carry debt financing and may need assistance in the rebuilding process.

As noted above, of the initial allocation of \$10 million authorized by Congress for the Loan Guarantee Recovery Fund, there is a balance of \$3.8 million. A pending request for \$4 million will exhaust this balance. To continue the purpose of this program and to respond to the needs that exist, HUD will request authorization for additional funding. Technical assistance and training will increase requests for participation in the loan guarantee program. HUD understands the importance of a special public-private partnership in responding to the church reconstruction process and will continue active outreach to identify potential new partners that can support and enhance the delivery of the program.

VI. RECONCILIATION

This Administration has been committed to bridging the racial divide. President Clinton has spoken powerfully to this goal by creating the White House Office of One America and by continuing his strong support for civil rights. The Community Relations Service has been a key player in this broader effort and in combating church arsons in particular.

CRS continues to provide conflict prevention and resolution assistance to local officials, law enforcement authorities, clergy and other leaders in affected communities across the country. CRS regional conciliators and conflict resolution contractors have assumed responsibility for the work of the CRS Church Burning Response Team. Their close work with U.S. Attorneys, community leaders, and Federal, state and local law enforcement has facilitated the coordinated effort necessary for community healing and reconciliation to occur.

CRS remains committed to dispatching conflict resolution and reconciliation experts from its regional offices to work directly with local communities to promote multiracial cooperation in the construction of houses of worship, and to provide technical assistance in ways that bring together law enforcement agencies and minority neighborhoods.

VII. PREVENTION

A. Community-Based Arson Prevention Grants

The National Arson Prevention Initiative (NAPI or Initiative), led by the Federal Emergency Management Agency's United States Fire Administration (USFA), completed its fourth and final year of providing grants to communities to create arson prevention coalitions. The grants are used to provide cities with the tools and technical assistance to battle arson. In Fiscal Year 1997, the first year of the Initiative, four communities received grants. Fourteen communities received grants in Fiscal Year 1998, eight in Fiscal Year 1999 and nine in Fiscal Year 2000. This year's jurisdictions received a total of \$150,000. In total, 35 communities over the last four years received NAPI grants, and in 2001, a best practices study will be made of those communities.

This year's recipients of \$16,325 grants were Ann Arbor, Michigan; Harrisburg, Pennsylvania; Beatrice, Nebraska; Marshalltown, Iowa; Bridgeport, Connecticut; Worcester, Massachusetts; Cadiz, Kentucky; Taylors, South Carolina; and Page, Arizona.

B. National Arson Prevention Clearinghouse

The USFA's National Arson Prevention Clearinghouse was established to provide public education materials and coordinate technical assistance requests from communities. Accessible by a toll-free number (1-888-603-3100) and highlighted on the USFA web site (www.usfa.fema.gov/napi), the Clearinghouse has reached over a million individuals, organizations and communities with arson awareness and prevention materials for the fourth consecutive year. A new brochure entitled "Children and Fire: A Growing Concern" was developed and has been distributed since May 2000. A new Juvenile Firesetting Community Awareness Program (including a video) has been produced and will be available from the Clearinghouse in December 2000. The Clearinghouse has maintained its efforts working through the NCC, the CNBC and others in the faith community. Thousands of houses of worship have been reached with arson prevention pamphlets and brochures. Materials distributed through the Clearinghouse include church and other structure threat assessment and fire safety documents, juvenile firesetter intervention brochures, public education materials such as bumper stickers, and community organizing and coalition building guidance.

C. Juvenile Firesetter Prevention

Data indicate that juveniles are disproportionately responsible for burning or damaging houses of worship. Since 1995, children under the age of 18 were arrested in connection with nearly 40% of all church arsons and bombings nationwide. The focus of the Initiative this year was to concentrate on juvenile arson prevention at places of worship and in the public arena. This was accomplished by working with childcare providers at places of worship and daycare centers. This effort complements the USFA prevention mission. In concert with the awareness

and prevention programs, the Initiative was instrumental in the development and implementation of a new juvenile firesetting intervention curriculum. The curriculum consists of three courses: a one-day course on management needs for the implementation of the juvenile firesetter intervention specialist at the National Fire Academy; a two-day course to outline juvenile firesetter intervention specialist skills and identify outside agencies to implement an intervention program; and a five-day course that provides the skills necessary to be a juvenile firesetter intervention specialist.

D. Public Education

Each year during the first week of May, the USFA and NAPI sponsor National Arson Awareness Week. The Initiative works in cooperation with other organizations, including the International Association of Arson Investigators (IAAI). "Target Arson," the national public education campaign that is the theme of Arson Awareness Week, encourages communities to become involved in the solutions to their arson problems. Along with NAPI grant communities, chapters of the IAAI host events and activities in virtually every state. The three major goals of National Arson Awareness Week are: (1) to create a national umbrella of recognition, awareness and understanding of the arson problem in the United States (2) to highlight accomplishments and successes of the NAPI grants; and (3) to promote the dissemination of arson awareness, prevention and investigation literature and training materials via the National Arson Prevention Clearinghouse.

E. Technical Assistance and Training

In addition to the juvenile firesetter intervention curriculum and community awareness program, the Initiative partnered with the National Volunteer Fire Council and the IAAI to sponsor two "Arson Mitigation for the First Responder" seminars. The training took place at the National Emergency Training Center in April and July 2000. The course addressed the challenges facing the volunteer fire service in arson detection and prevention. The training addressed recognition of red flags of an incendiary fire, as well as the creation of prevention programs in rural communities.

F. Threat Assessment Guide

The Task Force has produced a comprehensive guide for arson prevention, entitled "Threat Assessment Guide for Houses of Worship." (See Appendix 4.) This guide is designed to share helpful practices for members of the faith community in determining their vulnerability to fire and bombing incidents. The guide provides useful checklists and contact information.

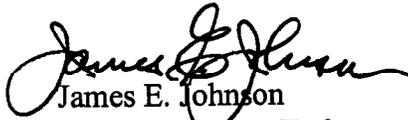
VIII. CONCLUSION

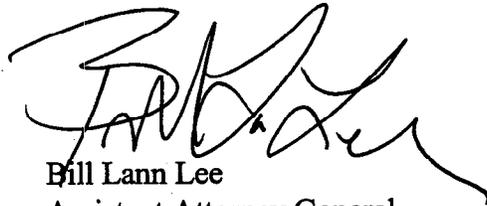
Law enforcement, government agencies, private groups and individuals have continued their tireless and diligent efforts to investigate fires, identify and prosecute arsonists, rebuild houses of worship and restore communities.

While the statistics indicate great progress in the fight against arsons at our nation's houses of worship, and our community work has healed communities, our task is not yet complete. Combating arsons at America's houses of worship is, for the Federal government, a permanent priority. Our continuing commitment is to work across jurisdictional and racial lines in a spirit of respect and cooperation towards the goal of eliminating the scourge of arsons at our nation's houses of worship.

The co-chairs of the Task Force would like to thank the investigators, prosecutors, conciliators, state and local officials, and others who have worked so effectively over the course of the past four years. We would also like to thank our partners in these efforts at the Department of Housing and Urban Development and the Federal Emergency Management Agency.

Respectfully submitted,


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Under Secretary (Enforcement)
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