

NLWJC- Kagan

Counsel - Box 009 - Folder 003

Roundup (ATF Etc.) [1]

Witness List

U.S. Senate Committee on the Judiciary
Hearing on

"Federal Law Enforcement and the 'Good Ol' Boys Round-up."

Friday, July 21, 1995

10:00 a.m., SH216

Panel I

The Honorable Ronald K. Noble
Under Secretary for Enforcement
U.S. Department of Treasury
Washington, D.C.

The Honorable Jamie S. Gorelick
Deputy Attorney General
U.S. Department of Justice
Washington, D.C.

Ms. Valerie Lau
Inspector General
U.S. Department of Treasury
Washington, D.C.

The Honorable Louis J. Freeh
Director
Federal Bureau of Investigations
Washington, D.C.

The Honorable John W. Magaw
Director
Bureau of Alcohol, Tobacco and Firearms
Washington, D.C.

The Honorable Thomas A. Constantine
Administrator
Drug Enforcement Administration
Washington, D.C.

Panel II

Larry Stewart
Assistant Special Agent in Charge
Bureau of Alcohol, Tobacco and Firearms
Atlanta, Ga.

Curtis Cooper
The Investigative Group, Inc.
Chicago, IL
(retired agent with the Bureau of Alcohol, Tobacco and Firearms)
[more]



News Release

JUDICIARY COMMITTEE

United States Senate • Senator Orrin Hatch, Chairman

July 21, 1995

Contact: Jeanne Lopatto, 202/224-5225

STATEMENT OF SEN. ORRIN HATCH

U.S. SENATE COMMITTEE ON THE JUDICIARY

HEARING ON FEDERAL LAW ENFORCEMENT

AND THE "GOOD OL' BOYS ROUND-UP"

Utahns, and every other citizen and resident of this great country of every race, creed, color, ethnic background, religion, and gender, have a right to equal justice under law. For most Americans, the criminal justice system starts on our streets, in our homes and neighborhoods, in our places of work and recreation -- anywhere where law enforcement officers can reach us, under color of law.

Being a federal, state, or local law enforcement officer is a public trust, an honorable profession, and fulfills a vital societal function. Indeed, there is no liberty without law. We owe these officers much.

Americans must be able to rely on the impartiality of those who enforce the law. I believe such impartiality is the hallmark of the overwhelming number of federal, state, and local law enforcement officers. And the misconduct of some should not taint others who do not engage in misconduct.

But I am deeply troubled by news reports that, for years, some law enforcement agents, including those from the Bureau of Alcohol, Tobacco, and Firearms (ATF), and some other federal, state, and local law enforcement agencies, organized and participated in an annual, formal social gathering that is racially restricted and punctuated by racist trappings. In recent years, at least, the so-called "Good O' Boys Roundup" has been attended by hundreds of law enforcement officers.

According to news reports and our own investigation, some participants in at least some of the events have put on racist skits, displayed blatantly racist signs, and sold T-shirts displaying, among other things, a picture of an African-American man sprawled across a police car with the words "Boys on the Hood." According to The Washington Times of July 11, 1995, "Nigger hunting licenses," were available throughout the compound, at least this year.

STATEMENT BY SENATOR STROM THURMOND (R-S.C.) BEFORE THE SENATE JUDICIARY COMMITTEE REFERENCE JUDICIARY COMMITTEE HEARING ON FEDERAL LAW ENFORCEMENT PARTICIPATION AT ANNUAL "GOOD OL' BOYS ROUND-UP." SH-216, FRIDAY, JULY 21, 1995, 10:00 A.M.

MR. CHAIRMAN:

You are to be commended for convening today's hearing, and I welcome the members of this first panel who are largely responsible for federal law enforcement across the Nation. Treasury Secretary Rubin has ordered a comprehensive and independent investigation of the annual gatherings in Tennessee reportedly attended this year by more than 300 federal, state, and local law enforcement officers. This hearing will help shed light on what has occurred at these events.

We deplore racist activity and find it even more reprehensible if practiced by law enforcement. We live in a country where justice is blind and where the laws are enforced even-handedly. The American people must have confidence that this is a reality and not a goal. If law enforcement officials have participated in the type of activities reportedly occurring at these annual gatherings, then they should be disciplined immediately. Public trust must not be betrayed. I believe it is incumbent for those directing the federal law enforcement agencies to determine if the reported racist activity at these events was unwelcome isolated conduct or was it pervasive and with the willful participation of federal agents. Let me note parenthetically that if state law enforcement officials promoted this behavior, then they should be disciplined well.

Mr. Chairman, it strikes me that the wide net of invitees to

the "Good Ol' Boy Round-up" netted some who were not so good. It is my hope that the intent of these annual gatherings has been to provide an innocent and benign forum for law enforcement to come together and socialize. I condemn the racist activity there and am anxious to learn if it was the work of a few rogue individuals who attended or whether this was a known theme for this annual event.

Mr. Chairman, I will use the remainder of my time to ask questions to the first panel.



Department of Justice

STATEMENT

OF

JAMIE S. GORELICK
DEPUTY ATTORNEY GENERAL

BEFORE THE

COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

PRESENTED ON

JULY 21, 1995

CHAIRMAN HATCH, SENATOR BIDEN, DISTINGUISHED MEMBERS OF THE COMMITTEE, THANK YOU FOR THE OPPORTUNITY TO TESTIFY TODAY. I AM ACCOMPANIED THIS MORNING BY LOUIS FREEH, THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION; AND TOM CONSTANTINE, THE ADMINISTRATOR OF THE DRUG ENFORCEMENT ADMINISTRATION. WE ARE PLEASED TO APPEAR BEFORE YOU TODAY TO DISCUSS HOW THE DEPARTMENT OF JUSTICE IS RESPONDING TO THE DISTURBING ALLEGATIONS RELATING TO THE SO-CALLED "GOOD OL' BOYS ROUNDUP."

THE DEPARTMENT OF JUSTICE IS EXTREMELY PROUD OF THE WORK THAT OUR LAW ENFORCEMENT DIVISIONS DO TO INVESTIGATE, PROSECUTE AND INCARCERATE CRIMINALS, COMBAT ILLEGAL IMMIGRATION, CONTROL ILLEGAL DRUGS, ENFORCE OUR NATION'S CIVIL RIGHTS LAWS, AND GENERALLY PROTECT THE SAFETY AND SECURITY OF OUR CITIZENS. LIKE OUR SISTER LAW ENFORCEMENT AGENTS IN THE DEPARTMENT OF THE TREASURY, OUR EMPLOYEES ARE DEDICATED AND PROFESSIONAL, AND THEY HAVE A STRONG RECORD OF LAW ENFORCEMENT ACCOMPLISHMENTS.

NO RECORD OF DISTINCTION, HOWEVER, COULD EXCUSE UNACCEPTABLE ACTIVITIES SUCH AS THOSE DESCRIBED IN PRESS REPORTS OF THE "GOOD OL' BOYS ROUNDUP." PRESIDENT CLINTON MADE CLEAR THE POSITION OF THE ENTIRE ADMINISTRATION WHEN HE SAID THAT, "IF ANYBODY WHO WORKS IN FEDERAL LAW ENFORCEMENT THINKS THAT THAT KIND OF BEHAVIOR IS ACCEPTABLE, THEY OUGHT TO THINK ABOUT WORKING SOMEPLACE ELSE."

WE ARE AWARE OF ALLEGATIONS THAT DEPARTMENT OF JUSTICE EMPLOYEES MAY HAVE ATTENDED "GOOD OL' BOY" EVENTS THIS YEAR OR IN YEARS PAST. WE TAKE THESE ALLEGATIONS VERY SERIOUSLY, AND WE

WANT TO AND WE WILL GET TO THE BOTTOM OF THIS. ON JULY 13, 1995, WITHIN A DAY OF HEARING OF ALLEGATIONS OF POSSIBLE DEPARTMENT EMPLOYEE INVOLVEMENT, I ASKED THE INSPECTOR GENERAL, MICHAEL BROMWICH, TO CONDUCT A COMPLETE INVESTIGATION. IN PARTICULAR, WE HAVE ASKED THE INSPECTOR GENERAL TO DETERMINE WHETHER ANY DEPARTMENT OF JUSTICE PERSONNEL PARTICIPATED IN THE EVENT CALLED "GOOD OL' BOYS ROUNDUP," AND TO ASSESS ANY SUCH PARTICIPATION IN LIGHT OF THE POLICIES OF THE DEPARTMENT. I HAVE DIRECTED EVERY RELEVANT COMPONENT TO COOPERATE WITH THE INSPECTOR GENERAL'S INQUIRY. DIRECTOR FREEH, ADMINISTRATOR CONSTANTINE THE HEADS OF OTHER COMPONENTS HAVE ASSIGNED THEIR INTERNAL INVESTIGATIVE STAFFS TO WORK AT THE DIRECTION OF THE DEPARTMENT'S INSPECTOR GENERAL.

WE DO NOT KNOW YET WHAT HAPPENED AND WE DO NOT KNOW WHAT, IF ANY, IMPROPER CONDUCT DEPARTMENT OF JUSTICE EMPLOYEES MAY HAVE PARTICIPATED IN OR WITNESSED. WHAT WE HAVE IS A SERIES OF ALLEGATIONS.

THE ATTORNEY GENERAL AND I HAVE THE HIGHEST DEGREE OF CONFIDENCE IN OUR INSPECTOR GENERAL, MICHAEL BROMWICH, AND IN HIS OFFICE, AND I CAN MAKE A COMMITMENT TO YOU TODAY THAT HE WILL GET TO THE TRUTH ABOUT THE "GOOD OL' BOYS ROUNDUP" AND ANY INVOLVEMENT BY JUSTICE LAW ENFORCEMENT PERSONNEL.

OUR INSPECTOR GENERAL IS AN EXPERIENCED PROSECUTOR AND INVESTIGATOR. AS REQUIRED BY STATUTE, HE WAS APPOINTED "WITHOUT REGARD TO [] POLITICAL AFFILIATION AND SOLELY ON THE BASIS OF INTEGRITY AND DEMONSTRATED ABILITY." AS THE INSPECTOR GENERAL OF

THE DEPARTMENT OF JUSTICE, HE IS GRANTED THE AUTHORITY AND ASSURED THE INDEPENDENCE NECESSARY TO PROTECT THE INTEGRITY OF HIS INVESTIGATIONS. HE HAS ACCESS TO ALL OF THE DEPARTMENT'S EMPLOYEES AND RECORDS AND IS ANSWERABLE ONLY TO THE ATTORNEY GENERAL AND THE DEPUTY ATTORNEY GENERAL, AS WELL AS TO CONGRESS.

LET ME ASSURE YOU AS WELL THAT WE HAVE STRINGENT STANDARDS IN PLACE THAT GOVERN THE CONDUCT OF OUR EMPLOYEES. IT IS A VIOLATION OF THE CODE OF CONDUCT TO ENGAGE IN "IMMORAL, OR NOTORIOUSLY DISGRACEFUL CONDUCT, OR OTHER CONDUCT PREJUDICIAL TO THE GOVERNMENT." OUR LAW ENFORCEMENT AGENCIES' RULES PROVIDE YET ANOTHER LAYER OF RESPONSIBILITY. THE U.S. MARSHALS SERVICE, FOR EXAMPLE, REQUIRES THAT ALL EMPLOYEES "REFRAIN FROM ANY ACTIVITY WHICH WOULD ADVERSELY AFFECT THE REPUTATION OF THE DEPARTMENT OF JUSTICE, AND DEMONSTRATE THE HIGHEST STANDARDS OF PERSONAL AND MORAL CONDUCT EXPECTED OF LAW ENFORCEMENT OFFICERS AND OTHER GOVERNMENT EMPLOYEES." WE MUST ASSURE THAT THE PUBLIC CONTINUES TO HAVE CONFIDENCE IN LAW ENFORCEMENT'S ABILITY TO TREAT ALL CITIZENS FAIRLY AND EQUITABLY. IF EVEN JUST A FEW FEDERAL LAW ENFORCEMENT OFFICIALS ENGAGE IN RACIST ACTIVITIES OF THE KIND THAT HAS BEEN ALLEGED HERE, THEY TARNISH THE REPUTATION OF ALL FEDERAL LAW ENFORCEMENT OFFICIALS. THIS IS UNACCEPTABLE. FOR THIS REASON, EACH OF OUR LAW ENFORCEMENT COMPONENTS REQUIRES AGENTS TO ADHERE TO THE HIGHEST CODE OF PERSONAL AND MORAL CONDUCT. THE ALLEGATIONS SURROUNDING THE "GOOD OL' BOYS ROUNDUP" DO, NONETHELESS, AFFORD US THE OPPORTUNITY TO REVIEW THESE POLICIES TO ASSURE THAT THEY ARE APPROPRIATE.

AS TODAY'S HEARINGS DEMONSTRATE, THIS ADMINISTRATION SHARES WITH YOU A NATIONAL AND COMMON CONCERN THAT RACIST BEHAVIOR IS UNACCEPTABLE AND RACIAL DISCRIMINATION IS INTOLERABLE. WE ARE COMMITTED, AT EVERY LEVEL OF THE DEPARTMENT OF JUSTICE, TO ENDING DISCRIMINATION IN THE WORKPLACE. WE HOPE THAT YOU WILL WORK WITH US, BOTH AS WE BEGIN TO SORT OUT THE ALLEGATIONS IN THE "GOOD OL' BOYS ROUNDUP," AND AS OUR NATION CONTINUES TO ADDRESS THE LONGSTANDING ISSUES OF DISCRIMINATION.

LET US REMEMBER THAT FEDERAL LAW ENFORCEMENT AGENTS DO GREAT WORK AND THEY DESERVE OUR SUPPORT. LET US NOT RUSH TO JUDGMENT BASED ON PRESS REPORTS. OUR LAW ENFORCEMENT AGENTS RISK THEIR LIVES AND MAKE GREAT SACRIFICES TO PROTECT OUR SAFETY EVERY SINGLE DAY. WE OWE THEM A THOROUGH, FAIR, AND OBJECTIVE INVESTIGATION INTO THESE ALLEGATIONS.

TESTIMONY OF
VALERIE LAU
INSPECTOR GENERAL, DEPARTMENT OF THE TREASURY
BEFORE THE SENATE JUDICIARY COMMITTEE
JULY 21, 1995

INTRODUCTION

Good morning Mr. Chairman and distinguished members of the Committee. I am Valerie Lau, Inspector General of the U.S. Department of the Treasury. I am pleased to be here today to discuss the event known as the "Good O' Boys Roundup." With me today is James M. Cottos, Assistant Inspector General for Investigations.

As requested by the Committee, I will focus my testimony this morning on the Office of Inspector General's specific role in the investigation into the "Good O' Boys Roundup."

SUMMARY

Treasury Secretary Robert E. Rubin announced on July 17, 1995 that the Office of Inspector General and the Office of the Under Secretary for Enforcement would be jointly conducting a comprehensive and independent investigation of an annual event called the "Good O' Boys Roundup" held in Ocoee, Tennessee. I would like to submit for the record a copy of my memorandum to Secretary Rubin describing our respective roles.

Our office has determined that we will be solely responsible for fact-gathering in relation to the nature and scope of participation and involvement by Department of the Treasury law enforcement personnel in this event.

Under Secretary Noble has demonstrated his full support of this investigation. The Under Secretary has directed all Treasury Law Enforcement Bureaus to turn over all evidence, including memoranda of interviews, gathered to date, directly to our office. This evidence will be evaluated by our office and used as a foundation for the investigation.

At this point we have received all of the information from some of the bureaus and we are awaiting the information from the other bureaus. We are in the process of evaluating this information to ascertain what steps need to be taken in our investigation.

We have also served an Inspector General subpoena for mailing lists and attendee rosters. We are currently retrieving that information recovered from the computer disks and will evaluate the contents for use in our investigation.

Our investigation is in the preliminary stages. Field work and complete analysis of the information still need to be done. For this reason, we are limiting our testimony to preliminary findings to avoid jeopardizing our investigation. Once our investigation has been completed, we will issue a report summarizing the results of our fact-finding investigation. I will be happy to provide this Committee with the report at that time. I will be happy to answer any questions at this time.

DEPARTMENT OF THE TREASURY
WASHINGTON

July 19, 1995

INSPECTOR GENERAL

MEMORANDUM FOR SECRETARY RUBIN

FROM:

VALERIE LAU *Valerie Lau*
INSPECTOR GENERAL

SUBJECT:

INVESTIGATION OF "GOOD OL' BOYS ROUNDUP"

SUMMARY:

This memorandum sets forth the respective duties of the Department of the Treasury's Inspector General, the Under Secretary for Enforcement, and the Citizens Review Panel of the Treasury Investigation into the event known as the "Good Ol' Boys Roundup."

DISCUSSION:

The Office of Inspector General (OIG) has determined that it will be solely responsible for fact-gathering in relation to the nature and scope of participation and involvement by Department of the Treasury law enforcement personnel in an annual event called the "Good Ol' Boys Roundup" held in Ocoee, Tennessee. Within 120 days, the OIG will issue a report summarizing the results of its fact finding investigation.

The OIG has determined that the Office of the Under Secretary for Enforcement will not participate in the fact gathering process, with the exception of referring relevant information to the Inspector General that is brought to the Under Secretary's attention. All Treasury Law Enforcement Bureaus have previously been directed by the Office of the Under Secretary to turn over all evidence, including memoranda of interviews, gathered to date directly to the OIG. This evidence will be evaluated by the OIG and used as a foundation for the investigation. Since this is an open investigation, the OIG believes that testimony provided to the Senate Judiciary Committee should be clearly communicated as preliminary findings as of July 18, 1995. Any details developed in the OIG's investigation will not and should not be made available until the conclusion of the investigation.

The Under Secretary for Enforcement will be responsible for determining the applicability of any existing law, policy, rule, or regulation to the facts found by the Office of Inspector General. In addition, the Under Secretary for Enforcement will be responsible for recommending changes to current law, policy, rule, or regulation if deemed appropriate.

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After the OIG's factual report is final, it will be reviewed by the Citizens Review Panel. The Citizens Review Panel will provide to the Secretary of the Treasury their individual evaluation of the OIG's factual investigation and report. The Citizens Review Panel will also provide to the Secretary of the Treasury their individual evaluation of the Under Secretary for Enforcement's recommendations concerning the applicability of existing law, policy, rule, or regulation, and any proposed changes to the above.

cc: Deputy Secretary Newman

STATEMENT OF DIRECTOR FREEH
FEDERAL BUREAU OF INVESTIGATION

JULY 21, 1995

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

HEARING REGARDING THE
"GOOD OLD BOY ROUNDUP"
CLEVELAND, TENNESSEE

GOOD MORNING, MR. CHAIRMAN AND MEMBERS OF THE
COMMITTEE.

THROUGH A CANVAS OF FBI EMPLOYEES THAT I ORDERED IN
CONJUNCTION WITH THE INSPECTOR GENERAL AUDIT, I HAVE LEARNED THAT
THIS PAST MAY, ONE SPECIAL AGENT OF THE FBI ATTENDED THE "GOOD
OLD BOY ROUNDUP" IN TENNESSEE. I HAVE ALSO LEARNED THAT, DURING
THE COURSE OF THE LAST FOURTEEN YEARS, A TOTAL OF SEVEN AGENTS,
AND ONE CURRENT AND TWO FORMER SUPPORT EMPLOYEES HAVE ATTENDED.
THOSE FBI EMPLOYEES HAVE REPORTED THAT THEY DID NOT TAKE PART IN
OR OBSERVE RACIST ACTIVITIES.

EACH OF OUR EMPLOYEES WHO ATTENDED HAVE STATED THEY
WENT ON THEIR OWN TIME BY PRIVATE CAR TO CAMP WITH FRIENDS. MOST
SAID THEY WENT FOR THE WHITEWATER RAFTING. ONE EMPLOYEE SAID
THAT, WHEN HE ATTENDED IN 1991, HE HEARD THAT SOME OFFENSIVE
"SIGNS" HAD BEEN POSTED AT AN EARLIER ROUNDUP BUT THE SIGNS HAD
BEEN TAKEN DOWN AND THE PEOPLE RESPONSIBLE FOR THEM HAD BEEN
ASKED TO LEAVE.

THE RESULTS OF THE INQUIRY ARE PRELIMINARY. MORE FIELD
WORK REMAINS TO BE DONE BY OUR INVESTIGATORS. I WILL CAREFULLY
REVIEW EACH INSTANCE WHERE AN FBI EMPLOYEE HAS ATTENDED THE
ROUNDUP.

THE FBI INQUIRY AND ALL OF ITS RESULTS ARE BEING REPORTED TO AND COORDINATED BY THE OFFICE OF INSPECTOR GENERAL OF THE DEPARTMENT OF JUSTICE, PURSUANT TO THE INSTRUCTIONS OF DEPUTY ATTORNEY GENERAL JAMIE GORELICK.

AS I HAVE PREVIOUSLY STATED, THE RACIST ACTIVITIES REPORTED TO BE A PART OF THE "GOOD OLD BOY ROUNDUP" ARE REPUGNANT. IF TRUE, THEY ARE ENTIRELY INCONSISTENT WITH FUNDAMENTAL PRINCIPLES OF DECENCY AND JUSTICE. IN MY VIEW, ANYONE WHO ATTENDED THIS EVENT WITH KNOWLEDGE OF ANY RACIST OVERTONES AND THEMES SHOULD RECONSIDER WHETHER THEY ARE, IN FACT, SUITED FOR LAW ENFORCEMENT. I DO NOT BELIEVE THEY ARE.

I WILL NOT TOLERATE KNOWING PARTICIPATION OR SUPPORT BY FBI PERSONNEL OF ANY ACTIVITY THAT IS RACIST OR OTHERWISE ILLEGAL OR IMPROPER. ANY SUCH BEHAVIOR CLEARLY VIOLATES THE STRINGENT STANDARDS GOVERNING THE BEHAVIOR OF FBI SPECIAL AGENTS AND OTHER EMPLOYEES. THE FBI'S JOB IS TO UPHOLD THE LAW AND PROPER STANDARDS OF CONDUCT, NOT TO BREAK OR BEND THEM.

THROUGH A SERIES OF MEMORANDA TO ALL FBI EMPLOYEES, I HAVE MADE CLEAR THAT THESE STRINGENT STANDARDS OF CONDUCT APPLY TO CONDUCT BOTH ON-DUTY AND OFF-DUTY. AGENTS TELL ME THAT THESE MEMORANDA HAVE CERTAINLY HAD AN EFFECT IN CHANGING BEHAVIOR. I AM ISSUING ANOTHER MEMORANDUM, EVEN MORE STERNLY WORDED, TO ALL SPECIAL AGENTS, AGENT-TRAINEES, AND OTHER EMPLOYEES TO RE-

EMPHASIZE THE HIGH STANDARDS OF CONDUCT EXPECTED OF THEM. I AM ALSO CLEARLY WARNING THEM THAT EMPLOYEES WHO VIOLATE THESE STANDARDS, AND, THUS THE CONFIDENCE OF THE AMERICAN PEOPLE, DO SO AT THEIR OWN PERIL.

YOU AND THE PUBLIC PROPERLY EXPECT A GREAT DEAL FROM THE FBI, WHICH HAS THE MOST DIFFICULT CRIME CONTROL TASKS -- INCLUDING TERRORIST BOMBINGS, ESPIONAGE, VIOLENT DRUG GANGS, PUBLIC CORRUPTION, VIOLENT STREET CRIME, AND WHITE COLLAR CRIME. THE FBI HAS BEEN REMARKABLY SUCCESSFUL IN PART BECAUSE IT HAS A TALENTED, DIVERSE WORK FORCE. FBI EMPLOYEES ARE JUSTIFIABLY PROUD OF WHAT THEY ACCOMPLISH FOR THE AMERICAN PEOPLE.

THE FBI TODAY IS MORE REFLECTIVE OF SOCIETY THAN EVER BEFORE. IN FISCAL YEAR 1994, 19.6 PERCENT OF OUR NEW AGENT HIRES WERE MINORITIES. SO FAR, IN FISCAL YEAR 1995, 20.1 PERCENT OF OUR NEW HIRES WERE MINORITIES.

ON THE SECOND DAY OF MY TENURE AS FBI DIRECTOR, I NOTICED AROUND THE TABLE OF THE EXECUTIVE CONFERENCE THAT WE ONLY HAD WHITE MALES AS ASSISTANT DIRECTORS. AS A FIRST STEP, I SELECTED, PURSUANT TO OUR CAREER BOARD PROCESS, THREE SUPERBLY QUALIFIED FBI VETERANS IN THE CATEGORIES OF MINORITIES AND WOMEN TO BE AMONG THE FIRST ASSISTANT DIRECTORS I APPOINTED. MY APPOINTMENTS WERE THE FIRST HISPANIC MALE, THE FIRST WOMAN, AND THE SECOND AFRICAN-AMERICAN EVER TO HOLD THESE TOP POSTS.

DURING MY TENURE, 23 PERCENT OF MY APPOINTMENTS TO THE IMPORTANT POSITION OF SPECIAL AGENT IN CHARGE, OUR FIELD OFFICE COMMANDERS, HAVE BEEN MINORITIES. WHAT THIS MEANS, IN PART, IS I HAVE APPOINTED SEVEN AFRICAN-AMERICAN AND THREE HISPANIC SPECIAL AGENTS IN CHARGE. I ALSO PLACED GREAT IMPORTANCE ON THE POSITION OF ASSISTANT SPECIAL AGENT IN CHARGE, THE DEPUTY FIELD COMMANDER. DURING MY TENURE, 22 PERCENT OF THE APPOINTMENTS TO THE ASSISTANT SPECIAL AGENT IN CHARGE POSITION HAVE BEEN MINORITIES OR WOMEN; SPECIFICALLY ONE ASIAN-AMERICAN, TWO AFRICAN-AMERICANS, EIGHT HISPANICS, AND FIVE FEMALES. FINALLY, 30 PERCENT OF THE APPOINTMENTS TO HEADQUARTERS SUPERVISOR POSITIONS AND 29 PERCENT OF THE FIELD GS-14s, THE FRONT LINE SUPERVISORS, HAVE BEEN MINORITIES OR WOMEN.

I WILL NOT TOLERATE RACIAL INSENSITIVITY. NOR WILL I TOLERATE MANAGERS WHO TURN A BLIND EYE TO BIGOTRY. ALL FBI EMPLOYEES MUST HAVE INTEGRITY -- AND RESPECT FOR ALL GROUPS. FBI AGENTS MUST ADHERE TO STANDARDS FAR HIGHER THAN THOSE EXPECTED FROM THE REST OF SOCIETY. IT IS THE PRICE OF THE PRIVILEGE AND HONOR OF CARRYING FBI CREDENTIALS.

WE ARE STILL GATHERING FACTS ON FBI PERSONNEL WHO ATTENDED THE SO-CALLED "ROUNDUPS" -- AND I DO NOT WANT TO PREJUDGE ANY CASE. BUT IF ANY FBI EMPLOYEE DISPLAYED DISGUSTING RACIAL ATTITUDES ON SIGNS, OR IN OTHER WAYS, I AM INTENSELY ANGRY. SUCH RACIST BEHAVIOR DAMAGES THE REPUTATIONS OF ALL MEN

AND WOMEN WHO DAILY RISK THEIR LIVES TO PROTECT THE PUBLIC SAFETY.

LAW ENFORCEMENT IS A JOB THAT CANNOT BE DONE WITHOUT THE CONFIDENCE AND TRUST OF THE AMERICAN PUBLIC. THERE IS NO PLACE IN LAW ENFORCEMENT FOR THOSE WHO ENGAGE IN RACIST CONDUCT.

EVEN IF NO EMPLOYEE IN THE FBI ENGAGED IN ANY IMPROPER ACTIVITY, IMPROPER CONDUCT BY ANY LAW ENFORCEMENT OFFICER HURTS ALL LAW ENFORCEMENT AGENCIES. OVER THE NEXT TWO YEARS, THE FBI WILL HIRE 2,000 NEW AGENTS. WE ARE STRIVING TO HIRE THE BEST AND THE BRIGHTEST PEOPLE WE CAN ATTRACT. OUR RECRUITMENT EFFORTS ARE AIMED AT ENSURING THAT MINORITY CANDIDATES ARE AGGRESSIVELY RECRUITED. WE COULD NOT POSSIBLY ATTRACT THE HIGH CALIBER PEOPLE WE NEED IF THEY ARE NOT CONVINCED THEY WILL RECEIVE THE FUNDAMENTAL HUMAN RESPECT AND OPPORTUNITY WE PLEDGE TO ALL. BUT OUR FBI POLICY IS FIRM. WE WILL TOLERATE NO DISCRIMINATION, NO RACISM.

OVER THE LAST TWO YEARS, THE FBI HAS DONE MUCH TO HIRE AND PROMOTE MINORITIES. I HAVE STREAMLINED OUR EQUAL EMPLOYMENT PROCEDURES, CHANGED POLICIES TO ENSURE FAIRNESS, AND MADE THE MOST HIGH-LEVEL APPOINTMENTS OF MINORITIES AND WOMEN IN THE HISTORY OF THE FBI.

IF EVEN ONE FBI EMPLOYRE ENGAGES IN BIGOTED CONDUCT,
THAT IS ONE TOO MANY. THAT IS SOMETHING I WILL NOT TOLERATE.

THANK YOU.

STATEMENT OF JOHN W. MAGAW
DIRECTOR, BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
BEFORE THE
SENATE JUDICIARY COMMITTEE

July 21, 1995

Mr. Chairman and distinguished members of the committee, I am here today to discuss with you the reports of the "Good O' Boy Roundup." Unfortunately for ATF, the issues that have been implicated in the present controversy, and which are under scrutiny here are, by their very nature, sensational. They are also complex. Thus, they lend themselves to becoming targets for oversimplification and cliches.

While I admit that I was apprehensive at the thought of having negative national attention once again focused on ATF, I welcome the opportunity for a full and impartial inquiry to set the record straight. I have complete confidence that this inquiry will reveal that we are making significant measurable improvements in all aspects of our operations.

I am also confident that this inquiry will show that the incidents under investigation do not reflect the tenor of our workplace and its environment.

While even one instance of disreputable conduct by one of our employees is too many and will be taken seriously, we can take heart that overwhelmingly our work force is not only professional, but adheres to the high standards of integrity we expect. However, as long as we rely on people to carry out our mission, we will have to deal with people problems. We believe we are dealing with them effectively as we continually strive for improvement. We will also continue to do our jobs professionally and courageously.

Last month, ATF was alerted to an Internet message from a Gadsen Militia newsletter that mentioned the Roundup. At that time, my Office of Inspection began the process of finding out about the facts concerning such an event. On July 11, 1995, a preliminary inquiry into this matter was instituted by our Office of Inspection. On July 17, 1995, the investigation was turned over to the Inspector General for Treasury. I am eager to share the Bureau's preliminary findings, thus far, with you. Therefore, let me begin by providing the committee with a brief history of this event, and a description of what we have learned.

In 1980, three ATF special agents in the Knoxville, Tennessee, Field Office, planned the first of what they hoped would be an annual get-together of law enforcement personnel. The purpose of the event was to promote fellowship and comraderie among law enforcement personnel in the area.

The event began as a relatively small affair -- attended by several ATF special agents, a few local police officers, and people in the private sector. The gathering was held at a State campground facility near Ocoee, Tennessee. Food and beer were served at the event, and activities such as camping, white-water rafting, golf, and horseshoes were featured as the focal points around which officers established points of liaison and expanded their law enforcement contacts.

Each year, the event grew in popularity, and the crowd grew larger. Although the Roundup was originally intended for law enforcement officers, other professionals from related fields were invited, including prosecutors, judges, and magistrates. Law enforcement officers also brought friends and associates from outside the police community. As time went on, more and more non-law enforcement people attended the Roundup.

Annual attendance figures over the past 3 years have averaged approximately 325.

I wish to clarify, however, that contrary to the impression fostered by some in the media, the vast majority of the Roundup's attendees were not from ATF. Furthermore, although the total number of attendees at the Roundup has increased substantially through the years, the number of ATF special agents attending the

Roundup has not increased. Our preliminary attendance figures for ATF employees are as follows:

| | <u>Total Attending</u> | <u>ATF</u> | <u>Other Treasury</u> |
|------|------------------------|------------|-----------------------|
| 1995 | 309 | 7 | 25 |
| 1994 | 341 | 8 | 21 |
| 1993 | 329 | 7 | 23 |

The inquiry of the Roundup by the ATF Office of Inspection began amid allegations that it was composed of a large group of ATF agents and other Federal, State and local law enforcement officers who had a "Klan attitude" and met every year in the back woods of Tennessee and engaged in racist activities.

At least one newspaper article reported that ATF organizers had attempted to tone down the racist nature of the Roundup, but that a "whites only" policy was still in effect. The article stated that the attendees at the Roundup were mostly ATF agents, and that they engaged in racist conduct, made up signs and documents with racist content, and sold t-shirts depicting racist themes.

The Roundup has never been an ATF sanctioned event.]

The investigation by the Office of Inspection showed that over the past five years there have been isolated incidents of blatant

racist conduct at the Roundup.

According to preliminary results from our inquiry, ATF agents noted t-shirts with racial overtones at this year's event. From the information gathered to date, no ATF agents were wearing the objectionable t-shirts.

Although racial incidents were known to occur over the years at the Roundup, such incidents appear to be undertaken by a small minority of the 300 to 350 attendees -- the vast majority of whom were not ATF or other Federal employees.

Interviewees reported that the theme of the Roundup is fellowship and sports such as golf, rafting, volleyball, and other team sports. Attendees typically attend the Roundup as part of a team of competitors in rafting and various team sports.

While the preliminary inquiry indicates there was no prevailing theme of racism, some of the activities that went on at the roundup were objectionable. Again, however, our inquiry has shown that the Roundup was not held at the exclusion of any group of people.

During the first year of the Roundup several ATF agents attended the event, which was mostly a camping and white-water rafting excursion attended by about 50 to 60 people.

While the attendance at the Roundup has grown exponentially in the years since 1980, ATF participation has not markedly increased in 16 years. Many of those interviewed in the course of the inquiry have stated that they had attended the event in years past but had no sustained interest in the event for various reasons. Some agents stated that they stopped attending because there were fewer and fewer people they knew -- that a great number of the attendees were not law enforcement people. Others stated they stopped going because they felt too old to sustain the vigorous pace and found it difficult to put up with the commotion that continued through the night in an open campground. Still others stated they did not appreciate some of the bawdy behavior by some people, and reports they had received about the racial incidents.

To date, this investigation has identified seven ATF special agents who attended the Roundup in 1995. I trust that the independent investigation now being conducted by the Treasury Inspector General into the Roundup will reveal the truth. We have turned over to the Treasury Inspector General all evidence that we have gathered to date concerning this event.

I would be remiss in discussing this issue if I didn't point out the successes ATF has achieved in its Equal Employment Opportunity (EEO) Program.

Since becoming Director of ATF, I have made my position on EEO matters well known. I issued an unambiguous EEO policy statement to all employees emphasizing my commitment to providing equal opportunity for all employees while achieving diversity in our work force. I also confirmed my "zero tolerance" policy for all forms of prohibited discrimination.

My six-point EEO policy established the guidelines for the programs and actions we have taken to realize our EEO program goals. However, I do not believe that it is sufficient to simply issue policy statements and hope that one's organization adheres to those policies.

While such statements are useful and necessary, I believe we will ultimately be judged by the actions we take to realize our goals. On the other hand, I believe we should not be judged by the degree of hyperbole the media or various interest groups decide to employ in the name of "informing the public."

I am proud of our achievements in promoting diversity and advancing the principles of equal opportunity. Do we have a perfect score in this area? Absolutely not. Are we headed in the right direction? Absolutely. While we have taken many positive steps and have implemented several innovative programs to advance our goals, we also realize that changes will not

happen overnight and that there is still much more to be done. But even at this point, I think our achievements speak for themselves.

- * We have implemented many of the recommendations of the EEO task force, which was established in January 1993 to evaluate the Bureau's EEO policies and practices. To date, of the thirty items the task force recommended, two thirds have been completed. The remaining recommendations are in various stages of completion. Several of the recommendations concerned revising our training program for supervisors and employees. This has been largely accomplished.

For example, we have revised our supervisory training course to include expanded segments covering diversity, sensitivity, sexual harassment and other EEO issues.

- * We have instituted a Diversity/Peer Group Program (May 1994) to help identify issues and concerns that are important to employees. Representatives of eight subgroups (African-Americans, Hispanics, American Indian/Native Alaskans, Asian-American/Pacific Islanders, persons with disabilities, women, white males, and gays/lesbians) have taken part in this effort, participating in two conferences

in Washington to present their concerns to management and making recommendations for change. Next month, we will meet again to discuss some of the changes that have already been made and to chart a course for the future.

- * In September 1994, we distributed to all employees a comprehensive document summarizing the Bureau's policies and procedures for filing EEO complaints and grievances. This document was designed to help employees understand the procedures and steps involved in each process. We also provided points of contact for filing EEO complaints and a summary of the major laws and regulations governing the EEO program.

- * In February 1995, we issued a comprehensive Bureau directive dealing with Sexual Harassment in the Workplace which covers a broad range of related issues. In addition to stating the Bureau's strong position against sexual harassment, the directive states our equally strong commitment to corrective action for violations of this policy.

- * We have provided investigators in our Office of Inspection with up-to-date training to identify sexual harassment techniques and investigative procedures. We have also made

sexual harassment investigations a matter of top priority, recognizing that such issues can rapidly escalate and undermine operational effectiveness.

- * About a year ago, we implemented an Ombudsman Program to provide employees with a means to resolve workplace issues

in a more timely fashion than under more traditional procedures. My past experience with this type of program convinced me that it greatly enhanced traditional complaint procedures by affording employees quick and easy access to top management, if necessary, to quickly resolve all types of workplace issues. Although this program is new to ATF, to date, the Ombudsman has resolved a number of complaints he has received.

We also plan to implement an alternative dispute resolution program specifically for resolving EEO complaints. This program would offer complainants and managers an opportunity to resolve their differences informally with the aid of a trained mediator. If resolution efforts fail, complainants would be free to pursue traditional EEO procedures.

- * We are in the process of developing a Diversity and Career Impact Program to eliminate barriers to advancement and

encourage all managers and supervisors to identify and recruit the best qualified applicants for each available position. This program is an outgrowth of an earlier Minority Impact Program which was focused on law enforcement positions. Under this new program, Regulatory Enforcement personnel, as well as other ATF occupations, will be included. This program will offer a more focused approach to recruitment, training, awards, and evaluations and should result in enhanced professionalism and greater work force diversity.

- * Shortly after coming to ATF, I began, what has become a source of great pride to me, our Town Meetings. To date, we have held two such meetings, to which all Headquarters employees are invited. Field personnel participate through on-site field visits.

These gatherings provide me with an opportunity to speak directly to employees about issues which concern them most. Questions can be oral or anonymously written. My intent in instituting these meetings was to try to break down barriers that sometimes exist between upper management and employees. My Executive Staff is also on hand to field questions.

These meetings have generated robust discussion on a variety of topics and I value them for their ability to enlighten us as to the issues which are on the minds of our employees. They also give me a heads up on problem areas we might need to address.

- * Our most recent initiative furthering our commitment to equality for all of our employees was to issue a policy statement (June 1995) committing the Bureau to a work place free of discrimination and harassment based on sexual orientation. This policy is uncompromising in its focus on fair and equal treatment for all and informs potential violators that they will be subject to swift and severe disciplinary action.

- * Finally, I am proud to have increased the number of talented women and minorities on my Executive Staff. They have contributed significantly to the positive atmosphere of our discussions and deliberations.

As of the end of Fiscal Year 1994, 50.9% of ATF's employees were white males. The FY 94 minority and female representation in our Special Agent workforce was 26%, compared with only 6% in 1982. In our Inspector workforce, the representation of minorities and females in FY 94 was 52.7%, compared with 30% in 1982. Also in

FY 94, 42% of ATF's promotions went to white males.

I am proud to be the Director of the Bureau of Alcohol, Tobacco and Firearms. I know its special agents to be of the highest character and fully dedicated to performing the valuable service of protecting the public from the perpetrators of violent crime. Our employees do an exemplary job of dealing with extremely controversial issues and the enormous pressures exerted by special interest groups.

I am convinced that the heart and soul of ATF is healthy and productive. However, in order to ensure that the body of this agency remains healthy, if a tumor of bias develops, I will search it out and destroy it.

I would be naive, however, if I thought we could ever completely eradicate prejudice. That doesn't mean we can be less vigilant or less concerned when we learn of discriminatory behavior by our employees. I expect every manager and employee, at a minimum, to ensure that his or her own behavior comports with the policies and goals for the Bureau. We will take appropriate steps to deal with those few who violate our policies. However, I do not know of any organization that has done as well as we have in so short a period of time in addressing our shortcomings. We have identified our problems and devised creative ways to improve,

while under an unrelenting spotlight of criticism and negative stereotyping.

ATF is not an agency of bigotry, rather we are an agency whose special agents put their lives on the line every day to protect the American public from the violent activities of skinheads, white-supremacists, and Klansmen. I am dedicated to ensuring that our special agents understand that it is not enough to only turn away from an event marred by racism. Rather, it is imperative that they address discrimination and racism with all the diligence with which they enforce the Federal laws under their jurisdiction.

7/20/95

SUMMARY STATEMENT OF
DIRECTOR JOHN W. MAGAW
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
PRESENTED TO THE SENATE JUDICIARY COMMITTEE

July 21, 1995

Mr. Chairman and distinguished members of the committee, I appreciate the opportunity to discuss the appalling allegations surrounding an annual event named the "Good O' Boy Roundup."

Last month, ATF was alerted to an Internet message from a Gadsden Militia newsletter that mentioned the Roundup. At that time, my Office of Inspection began the process of finding out about the facts concerning such an event. On July 11, 1995, that inquiry was expanded into a full investigation. On July 17, 1995, the investigation was turned over to the Inspector General for Treasury.

ATF agents were instrumental in organizing the Roundup since 1980. Approximately a dozen of our current and retired employees have attended in the past few years.

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The total attendance at the Roundup in the past few years has been between 300 and 350 people -- primarily consisting of law enforcement officers from the Federal, State, and local sectors, as well as their civilian guests.

Apparently, knowledge of the Roundup has been fairly wide-spread within ATF. The racial and discriminatory allegations being made are most serious, and if true, should have been dealt with years ago.

Since coming to ATF as Director, I have met with virtually every employee in this agency. In traveling across the country, I have held town hall meetings in every field division and district office. Through our Peer Diversity Program, representatives of every component in this agency have openly brought forward their concerns to me and my Executive Staff. And yet not once in any of these forums was the issue of the Roundup brought to my attention.

I have made it abundantly clear to all ATF employees that my "zero tolerance" policy requires them to report cases of discrimination, harassment, or reprisal -- and that turning a "blind eye" to violations is

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unacceptable. It is my requirement that all reports of violations are investigated, and offenders dealt with appropriately.

I trust that the independent investigation now being conducted by the Treasury Inspector General into the Roundup will reveal the truth. One of the troubling fallouts of the negative publicity that has surrounded this event is the overshadowing of the outstanding accomplishments of ATF's employees. We have turned over to the Treasury Inspector General all evidence that we have gathered to date concerning this event.

In fiscal year 1994, ATF recommended nearly 10,000 criminal defendants for prosecution. Of those, 47% were convicted felons, 49% were involved in drug-trafficking, and 25% had prior violent histories.

The American public also gets a 35 to 1 return on its tax dollars from the alcohol, tobacco, firearms, and ammunition taxes collected by ATF.

As for our EEO accomplishments -- the fiscal year 1994 minority and female representation in our special agent workforce was 26%, compared with only 6% in 1982. In our Inspector workforce, the representation of

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minorities and females in fiscal year 1994 was 52.7%, compared with 30% in 1982.

As an organization, we are committed to responding to any acts of discrimination, harassment, or recrimination as immediately and professionally as we respond to a violation of the laws and regulations ATF enforces.

JOHN D. SCOTT

Mr. Scott is a Special Agent with the Bureau of Alcohol, Tobacco and Firearms (ATF), currently assigned to the Chattanooga, Tennessee Field Office. He has been employed as an ATF Special Agent for approximately 7 1/2 years, and has been assigned to the Chattanooga office during his entire ATF career.

Mr. Scott has a B.S. degree in Political Science from Austin Peay State University in Clarksville, Tennessee.

Prior to joining ATF in 1988, Mr. Scott was employed as a Trooper with the Tennessee Highway Patrol for one year, and also served as a part-time Deputy Sheriff with the Montgomery County, Tennessee Sheriff's Department for 1 1/2 years.

CORDELL MALONE, JR.

Mr. Malone is a Special Agent with the Bureau of Alcohol, Tobacco and Firearms (ATF), currently assigned to the Chattanooga, Tennessee Field Office. He has been employed as an ATF Special Agent for approximately 7 1/2 years, and has been assigned to the Chattanooga office during his entire ATF career.

Mr. Malone has a B.S. degree in Criminal Justice from the University of Tennessee at Chattanooga in Chattanooga, Tennessee.

Prior to joining ATF in 1987, Mr. Malone was employed as a Deputy Sheriff with the Hamilton County, Tennessee Sheriff's Department.

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Testimony
Thomas A. Constantine
Administrator of the Drug Enforcement Administration
before the Senate Judiciary Committee
July 21, 1995

Mr. Chairman, Members of the Senate Judiciary Committee: I welcome the opportunity to appear before the Committee today to discuss allegations that employees of the Drug Enforcement Administration attended, along with other federal law enforcement officers in an event called the "Good Old Boy Roundup." Mr. Chairman, charges that law enforcement officers may have joined in and promoted racist activities at this event are as troubling to me as they are to you and the other Members of the Committee. At a time when the American people are desperate for leadership and assistance in our nation's struggle against violent crime and drugs, it is a tragic betrayal of public confidence if any federal agents perpetrated the racial actions which have been reported in the media.

I and the men and women of the Drug Enforcement Administration find racism and manifestations of racial intolerance reprehensible. DEA's standards of conduct prohibit the misconduct and unprofessional behavior of the kind that this hearing is concerned with. DEA has a diverse work force, and the contributions of men and women from all segments of our population are the source of great pride and inspiration. I believe the American people deserve the best federal drug law enforcement possible, and it is my job to ensure that DEA provides it. I have instituted a number of changes in the way we, as an agency, deal with issues such as racial incidents and sexual harassment, to name two serious problems which many law enforcement agencies are facing. We are facing these issues head on, and I will give you specifics on our policies and programs later in my testimony.

I would like to spend a few moments discussing DEA's response to the allegations that some of our employees participated in the Roundup. Because we and the Department of Justice take these allegations very seriously, based on directions from the Deputy Attorney General, I instructed DEA's Office of Professional Responsibility to conduct an immediate inquiry to determine which DEA employees attended the event in 1995 and in previous years, and whether any DEA employees participated in racial activities connected with this event. These findings have been provided to the Inspector General at the Justice Department who is conducting the investigation on behalf of the Department and its components. Earlier this week DEA investigators travelled to our Atlanta Division, which which is responsible for the activities of DEA's offices in Tennessee.

Our preliminary findings, indicate that during a ten year period a total of only ten DEA employees may have attended this function. We believe four DEA employees attended in 1995. Our review indicated that no DEA employee helped plan or manage the function. Interviews revealed that over the years, fewer and fewer federal law enforcement personnel attended the function.

In 1990, two DEA agents who visited the site of the event to consult with a police officer, but

not to attend the event, told us they recall the offensive sign referred to in the media. One of the agents advised event organizers about the inappropriateness of the sign, and it was removed by the time the agents left the premises twenty minutes later. Another DEA employee remembers possibly seeing a similar sign in 1992. This has not been confirmed by other independent sources.

Another DEA employee advised that in 1993, when arriving for registration, employees were provided rules of conduct that prohibited offensive behavior, including racially offensive behavior, with a warning that such conduct would result in expulsion.

Based on this preliminary information, we have not yet identified any behavior on the part of DEA agents which would require disciplinary action. The investigation is continuing in conjunction with the Justice Department's Inspector General. If it is determined that any misconduct on the part of a DEA employee took place, I assure you that appropriate action will be taken.

There are two standards in our code of conduct which pertain to racial violations: One explicitly prohibits discrimination in official action against an employee or applicant because of race, age, religion, sex, national origin or physical handicap. The other standard prohibits disrespectful conduct, the use of insulting abusive or obscene language to or about others. The penalties for violations of these standards range from admonishment to dismissal, depending on the severity of the violation.

It is critical for federal law enforcement agencies to be able to police themselves and effectively identify and punish misconduct among employees. The American people cannot have faith in law enforcement agencies that do not have effective internal investigative and discipline systems. I feel very confident that the changes made to DEA's investigatory and discipline programs have made us much more effective in our ability to identify and deal with problems. However, we, and other federal law enforcement agencies, still face significant problems with decisions issued by the Merit Systems Protection Board, the entity which represents employees who appeal agency rulings. In many cases, we are effectively unable to adequately discipline personnel who have lied, stolen or broken the law because of the lengthy and often frustrating appeals process.

As I have stated, DEA's investigative and disciplinary process now works well to identify and address wrongdoings. Allegations of wrongdoing are investigated by the Office of Professional Responsibility. Employees receive due process and can respond to the charges verbally or in writing. Once the appeal process has expired, one of DEA's two deciding officials will render a decision based on the entire record.

Our entire investigative and discipline system has been upgraded significantly during the past year because I felt that it was important to ensure that the system work effectively to identify wrongdoing, punish offenders and deter future violations. I'd like to briefly describe to the

Committee the following steps we have taken to ensure that DEA employees conduct themselves with the highest standards of integrity and ethics: Improvements in the investigation process; improvements in agent selection and training; and improvements in managerial accountability.

First, the investigative and disciplinary process: When I assumed the responsibilities of the Administrator of the Drug Enforcement Administration I was convinced that DEA could do a much better job of investigating violations of wrongdoing. Employees and citizens indicated that they had lost faith in the system, and investigations were being conducted slowly, further eroding public confidence in our ability to take care of serious problems. In order to improve the Office of Professional Responsibility (OPR), we established the position of Chief Inspector and recruited highly talented and extremely well qualified Special Agents to conduct investigations. In order to put all DEA employees on notice that the highest standards of integrity are expected in every aspect of their jobs, the standards of conduct are presented to all new employees, and are issued on an annual basis to all employees. Each DEA employee must certify that he or she has read, and understands the standards of conduct.

I can assure the Committee that we are taking very seriously the problems of racial divisiveness and sexual harassment. Two examples of how seriously we have treated these problems follow.

Recently, I issued a memo to all DEA employees articulating my very strong stand against racism in any form. This memo expresses my deep commitment to treating all people, regardless of race, gender, or national origin, equally and with respect. The Committee has my word that any discriminatory misconduct by a DEA employee, has been swiftly addressed and I will continue to investigate and discipline any employee who engages in such behavior.

I am also proud of DEA's response to a recent case involving sexual harassment. A lawsuit was brought by five female police officers who charged DEA trainers with sexual and racial insults during training sessions. DEA's Office of Professional Responsibility was already investigating these allegations; after the lawsuit was filed, DEA put all five agents on non-duty status, and immediately transferred four of the five out of the Chicago division. When the investigation was concluded, DEA proposed removal for the top management official involved in the incidents, and the four others received appropriate penalties. The official to be removed retired from the agency before a final decision was rendered.

While some have criticized my concerns for integrity and the need for ethical controls, and sanctioning offenders, I am heartened by the support I have received from agents in the field from all backgrounds, as well as DEA management. All of our employees have put their lives on the line every day so that Americans can be safer in their communities, and their sacrifices are significant. In fact, as I looked at DEA's Wall of Honor, which pays tribute to those

individuals who lost their lives in the line of duty, I was struck by how even in death, DEA's diversity shines through. I will continue to do everything within my power to ensure that all DEA employees respect the differences among those who serve in DEA.

Second, the agent selection and training process: One of the most effective ways to prevent incidents of misconduct among DEA employees is to ensure that we recruit, select and train the best individuals to serve in DEA. When I first came to DEA I was concerned about existing procedures for agent selection and training, and we made a number of changes to our system. In order to assure that only the most qualified and sound candidates are hired by DEA, our recruitment process has been refined to screen candidates more effectively. After a structured panel interview, we have instituted a polygraph requirement for new agents, and have put in place psychological testing for those seeking to become Special Agents. Our Special Agents in Charge of Field Divisions have been made responsible for personally certifying the background investigations of potential Special Agents, in order to ensure suitability. If there is a question about a particular candidate's qualifications, his or her case is reviewed by the agency's Chief Inspector, Chief of Operations and the Assistant Administrator for Human Resources.

Our improved system is working: a number of candidates were eliminated based on denial of clearances; many candidates declined to proceed because they did not want to take a polygraph. More were screened out of the hiring process because of suitability questions. While the selection system has become very stringent, we know that the candidates who do make it through all phases of the clearance process are well qualified and suitable candidates.

DEA's Basic Agent training at the FBI Academy in Quantico was also revised to place a greater emphasis on ethics and integrity. Basic Agents now receive a greatly increased block time for integrity and ethics training, and the entire training period has been increased. Now new agents are assigned specially-trained mentors in their field divisions who will work closely with them and continue to train them during this critical stage of their career.

We also felt it was important to improve our on-going training for all DEA employees. Comprehensive refresher training is being provided to all employees on a rotating 18 month basis, and supervisors will be required to take training to include ethics and integrity, and an overview of DEA's disciplinary system. Despite the fact that training space is very tight, we feel that in-service training is critical for all DEA employees and we are working to address our training needs.

3. Third, managerial accountability: I believe that DEA managers, should and do, provide examples for the entire agency. We are very proud that our Executive staff and our Special Agents in Charge are a diverse group of individuals, an accurate representation of the DEA workforce. We have also re-configured our Career Board, the entity which makes decisions for the selections of GS 14's and above, to ensure a more diverse workforce representation.

I insist on high standards for DEA managers, and expect that integrity and ethics be a consideration in all decisions made by top DEA personnel. One of the new requirements instituted for DEA managers is mandatory attendance at a session on ethics and policing. In January of this year, DEA's top management attended a two day ethics and integrity seminar which brought together the leading experts in law enforcement ethics, including Judge Milton Mollen, who headed the Mollen Commission, and Dr. Edwin deLattre, professor of education and philosophy at Boston University.

Conclusion

I strongly believe that through a partnership of managers and DEA employees, sharing a goal of integrity and ethical leadership, DEA can and will provide the American people with the caliber of federal drug law enforcement they deserve. I assure you that any incidents of racial bias or discrimination will be dealt with fairly and quickly. This concludes my formal remarks. I will be pleased to respond to any questions you might have.

STATEMENT OF
LARRY D. STEWART
ASSISTANT SPECIAL AGENT IN CHARGE
ATLANTA, GEORGIA FIELD DIVISION
OFFICE OF CRIMINAL ENFORCEMENT
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

before the
HONORABLE ORRIN HATCH, CHAIRMAN
COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

on
GOOD O'L BOY ROUNDUP

July 21, 1995

Good morning. Honorable Mr. Chairman, honored members of the Senate Judiciary Committee, my name is Larry Don Stewart, I am currently employed in the capacity of Assistant Special Agent in Charge, Atlanta Field Division, U.S. Department of the Treasury's Bureau of Alcohol, Tobacco and Firearms. I am an African American citizen of the United States and, presently, a domiciliary of the State of Georgia.

I thank you and the Honorable members of this Committee for the privilege of appearing here today to assist -- to the best of my ability -- this Committee in its inquiry of the infamous "Good O'l Boy Roundup".

Mr. Chairman, for the record, I want this statement to reflect that I am not here as a representative or spokesperson for the Bureau of Alcohol, Tobacco and Firearms (ATF) or for any other federal, state or local agency or any other interest group.

I began my employment with ATF in Atlanta, Georgia on October 8, 1978. Shortly after this date, I began to hear my training Officer during various times and places (office, enforcement vehicles, etc.) talk about ongoing activities involving the establishment of the "Good O'l Boy Roundup", by Raymond Eugene Rightmeyer. About a year later, my supervisor came into an open bay office area in Atlanta, Georgia and announced that the "Good O'l Boy" Roundup invitations were in. He held in his hand what appeared to be some form of an invitation. My supervisor, Freddie Woodward, cited a date in which he said all dues and a response from those who would be attending needed to be submitted. Mr. Woodward then said that "we" need to have a good showing of agents from Georgia at that year's roundup.

Shortly after making this announcement, Mr. Woodward went over to my training officer's (William Lee Steed) desk and further discussed the events of the "Good O'l Boy Roundup". Thereafter, in my presence, I personally observed Mr. Woodward individually deliver what appeared to me to be invitations to every white Special Agent in the office. I was not offered or provided an invitation. Further, Mr. Woodward did not discuss any particulars about the roundup with me. I assumed, Mr. Chairman, that I was not one of the "Good O'l Boys".

Some time following that "Good O'l Boy Roundup," I overheard some of my fellow white ATF Special Agent coworkers discussing their "good time" at the "Good O'l Boy Roundup." They said that they "drank beer and liquor until they puked", cooked-out, went rafting, played cards, and "other things." My Training Officer, William Lee Steed, described the "other things" as Agents being naked in a tree and jumping down on women attending the "Good O'l Boy Roundup". He did not mention any race related misbehavior.

While no one indicated to me that racist material, signs, skits, etc. were present at any of the "Good O'l Boy Roundups," I got the distinct impression no African-Americans were present or were ever invited to this event.

The white agents in the Atlanta, Georgia ATF Field Office were very secretive in their conversation about the "Good O'l Boy Roundup" and when they did speak about the event, they did so very guardedly. The "Good O'l Boy Roundup" event took place each of the following six years I was assigned to the Atlanta Office. The next time I had any exposure to conversation about the "Good O'l Boy Roundup" was during my assignment to ATF Headquarters in Washington, D.C. during the period between December 1986 and January 1990.

During this period, I recall overhearing conversations on two or three different occasions that the former Director of ATF, Steve Higgins, and then Associate Director for Law Enforcement, Phillip McQuire, had on separate occasions attended the "Good O'l Boy Roundup". Also, it was said that other executive and senior level management officials had attended the "Good O'l Boys" event. As I recall, it was said that the Director -- at one time -- had actually received, what was described to me as the "Good O'l Boy" award of the year. I was never invited to any of the "Good O'l Boy roundups" during these periods. Also, it was my impression that only whites attended the "Good O'l Boy Roundup" as late as January 1990. This is based on the facts that were available to me that the "Good O'l Boy Roundup" was held at night, in the hills/woods of Tennessee, and sponsored and attended by caucasian agents and managers who were insensitive to African-Americans and known to display racist attitudes and behavior. Particularly Mr. Rightmeyer in 1985. During the period from April 1984 through July 1985, I was employed as an ATF agent assigned to the Federal Law Enforcement Training Center, Glynco, Georgia, in the capacity of Senior Instructor/Course Developer. During the course of this assignment, between Jan. 1985 and July 1985, former Resident Agent in charge Gene Rightmeyer was assigned to the ATF National Academy, Glynco, Georgia, on a temporary basis to coordinate a 9-week ATF New Agent Training Class. This class was sponsored/coordinated through the ATF Academy and did not allow for any direct involvement on my part, since I was assigned to the staff at the Federal Law Enforcement Training Center. However, several African-American agents were enrolled in the class whom I had earlier taught in the Treasury Department's required Criminal Investigator School. These agents included African American Special Agents Dondi O. Albritton and William (Bill) Stringer. At the beginning of their New Agent Training Class, they notified me that the coordinators were

planning a "get together" at the Student Center. I believe it was on a Sunday afternoon. I was invited to the event as a way of socializing with "old" students and as an opportunity to meet "new" students. While in attendance at this event, I was introduced to Gene Rightmeyer as being "the" Class Coordinator. After some basic "mingling," agents Albritton and Stringer and myself found ourselves engaged in a conversation about their training group's performance during a "mock raid" during the earlier Criminal Investigator School. Gene Rightmeyer approached and without any provocation, looked toward Mr. Stringer and Albritton and stated, "you" were born trash, you'll live trash and die trash." I immediately thought that this was a follow-up "joke" from some earlier conversation or activity. After Gene Rightmeyer left, I inquired what was that all about? They (Albritton and Stringer) looked extremely puzzled. I believe it was S.A. Albritton who said "this is the second time today Gene Rightmeyer has said that to me. I advised that maybe they needed to follow-up with him about his comments. I did caution them to be careful in how they did it because of their Schedule A employment status. (Note: Schedule A does not afford agents with any civil service protection rights and agents can be fired without any justifications). Also, I advised them to watch-out for Rightmeyer because he seemed to have a problem. And more importantly, in his capacity of Class Coordinator, he could cause their dismissal from the Academy and subsequently being fired from ATF.

On January 28, 1990, I was reassigned to the Atlanta, Georgia ATF Field Office in the capacity of a Group Supervisor. During this assignment, I heard of agents, supervisors and managers attending the "Good O'l Boy Roundup".

On one occasion at a 1992 firearms qualification event, I overheard a fellow ATF Supervisor, Sammuel J. Lewis, discussing his attendance at a recent "Good

O'l Boy Roundup." I heard him say something very outrageous had occurred. Whatever it was, the ATF Supervisor, who had attended each roundup in the past, said he would not be attending another "Good O'l Boy" event. I approached the supervisor and said something to the effect, "I think I'll attend the "Good O'l Boy Roundup" next year. This supervisor look me in the eyes and emphatically said, "You don't want to do that." I asked why? He just looked down, spit from his "tobacco plug" and said, "you don't want to do that."

Thank you Mr. Chairman for allowing me to appear before the Judiciary Committee.

**STATEMENT OF
CURTIS COOPER
REGIONAL INSPECTOR (RETIRED)
OFFICE OF INTERNAL AFFAIRS
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS**

**before the
HONORABLE ORRIN HATCH, CHAIRMAN
COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE**

on

GOOD O'L BOY ROUNDUP

July 21, 1995

Good morning. Honorable Mr. Chairman, honored members of the Senate Judiciary Committee, my name is Curtis Cooper, I am a recently retired Special Agent of the U.S. Department of the Treasury's Bureau of Alcohol, Tobacco and Firearms. I am an African American citizen of the United States and, presently, a domiciliary of the State of Illinois.

I thank you and the Honorable members of this Committee for the privilege of appearing here today to assist -- to the best of my ability -- this Committee in its inquiry of the infamous "Good O'l Boy Roundup".

Mr. Chairman, for the record, I want this record to reflect that I am not a representative or spokesperson for the Bureau of Alcohol, Tobacco and Firearms or for any other federal, state or local agency or any other interest group.

By way of background, I was employed continuously as a Special Agent with the U.S. Department of the Treasury's Bureau of Alcohol, Tobacco and Firearms, from September 8, 1969 through September 30, 1994, the date of my retirement. I held a variety of positions during this employment: first, Special Agent (St. Paul, Minnesota and Chicago, Illinois, 1969-1978); second, Group Supervisor, Detroit, Michigan (1978-1980); third, Operations Officer and Program Manager, Bureau Headquarters, Washington, D.C. (1980-1985); fourth, Assistant Special Agent in Charge, Nashville, Tennessee (1985-1989). When I retired on September 30, 1994, I was the Midwest Regional Inspector, Office of Internal Affairs, Chicago, Illinois. I had been so employed from January 1989 to September 30, 1994.

In addition to my ATF experience, I served in the capacity of a local police officer with the St. Louis County Police Department, St. Louis, Missouri, for approximately five years.

I have served in the U.S. Army as a Military Police Officer for three years in France and Germany. I received an honorable discharge in 1963.

My academic background includes a Bachelors Degree in Urban Planning from Metropolitan State University, St. Paul, Minnesota, as well as attending graduate school in Criminal Justice at the University of Minnesota.

I am a member of several professional and community organizations which have enriched my personal growth, professional development, and managerial resourcefulness.

Among these organizations are: The National Organization of Black Law Enforcement Executives (NOBLE); The African American Agents of the Bureau of Alcohol, Tobacco Firearms; and the Association of Certified Fraud Examiners.

On September 8, 1969, I began my employment with ATF as a special agent, in St. Paul, Minnesota. I was hired from the Treasury Enforcement Agent examination. Approximately 2 weeks after I began my employment, a white special agent sitting at a desk in front of me talking on the telephone, was overheard to say, "I can't talk to you now, because a nigger is standing here". This, I considered, to be part of my welcome to ATF Law Enforcement.

Administratively, I was assigned less visible, lower profile assignments. These assignments were based on my race. Although, similarly situated white Special Agents were assigned cases to work on by their white supervisors during this period, I was forced to find my own cases to work on, in addition to being assigned a disproportionately large amount of undercover work for white agents.

In 1972, I requested a transfer to St. Louis, Missouri. I was informed that my request could not be granted because I was the only black Agent in St. Paul, Minnesota, and that I was needed there for undercover assignments.

In 1974, a large number of Grade 12 promotions were made in the St. Paul District Office. Although fully qualified, I, however, did not receive a grade GS-12 promotion. It was explained to me by my supervisor that I "was never there." I was seldom in St. Paul because I was constantly being sent to various parts of the country by ATF management to do undercover assignments for several months at a time. I did not voluntarily do such undercover assignments.

Later in 1974, I was forced to apply to the National Undercover Pool, although, application to the Pool was allegedly voluntary. I was told that I had to apply for the Pool, because ATF needed another black Agent to do undercover work. I was selected for the Pool.

Between 1973 and 1978, I applied for numerous Group Supervisor/Resident Agent In Charge positions. I was not selected for any of these positions. Between 1972 and 1978, I also applied for Instructor Training. I was not selected for any of these training opportunities. I was informed that I was too valuable as an undercover operative.

In February 1976, I was assigned to an extensive undercover assignment in Atlanta, Georgia. In late June 1976, I was informed by the Special Agent In Charge of the St. Paul District Office, that I had been transferred to the Chicago District Office. The Special Agent In Charge informed me that the transfer would not be effective until I finished my assignment in Atlanta, Georgia. I inquired as to why, in the middle of an assignment, a thousand miles from home, would I be transferred to another city. The Special Agent In Charge informed me that additional black Agents were needed in Chicago to do undercover work. I asked him why didn't ATF simply hire more black special Agents? He made no response. I made the transfer 5 months later, in December 1976, after completing my assignment in Atlanta.

In 1979, during conversations with a number of African-American Special Agents, it was determined to be mutually advantageous, due to a similarity of problems, to have a meeting to discuss these similar problems. The first meeting was held in St. Louis, Missouri, in the summer of 1979. Fifteen Special Agents and a number of support personnel attended this meeting.

At our 1980 meeting in Detroit, Michigan, the Assistant to the Director for EEO was presented with a list of concerns pertaining to employment practices involving race and sex. The Assistant to the Director for EEO took the concerns to the Director. In a follow up response, Director Stephen Higgins informally designated this group as "Concerned Black Agents."

At the August 1983 meeting in St. Louis, Missouri, I, along with a consensus of the African-American Agents in attendance agreed that discrimination existed in ATF. A list of our concerns was formulated and forwarded to Director

Higgins on January 24, 1984. The letter described the actions of African-American Special Agents attempting to work within the system to resolve a number of longstanding concerns regarding ATF's policies with respect to hiring, promotions, assignments, training, and the disparity of disciplinary actions on the part of African-American and other minority Agents. Statistical data was developed and included showing that only four tenths of one percent (0.4%) of 259 ATF supervisory and managerial positions in the Office of Law Enforcement were held by African-Americans, and that no African American had been appointed to a supervisory position in more than 5 years. There were 45 identifiable African Americans in ATF at the time.

A list of eight recommendations for change was made to Director Higgins. The recommendations included immediate promotions of African-Americans to Special Agent In Charge (SAC), Assistant Special Agent In Charge (ASAC), and Resident Agent In Charge (RAC) positions; increased training; increased hiring of African-American Special Agents; uniform application of punishment; equal promotional developmental opportunities and training; and the elimination of all vestiges of the systematic exclusion of African-Americans and other minorities on the basis of race within the Office of Law Enforcement. I, along with Ronald Hendrix and Frank Sanders were designated as representatives of the Concerned Black Agents.

During my 4 years and 9 months in ATF Headquarters (1980-1985), I was never selected to serve as an acting supervisor, although I had requested to do so. Despite the fact that I was a GM-14, white Special Agents who were only at the GS-13 level were assigned to serve as acting supervisor. During my assignment in Headquarters, I was given a 4-month assignment to the Los Angeles District

Office as an Interim Assistant Special Agent In Charge. For this detail, I was given an outstanding evaluation by the Special Agent In Charge. Although, recommended for a Special Achievement Award by the Headquarters Branch supervisor, the Division Chief refused, without comment to approve the award. Although having completed many assignments and details since 1978, I have not received an award since that time. In 1988, while assigned as the Assistant Special Agent In Charge of the Nashville District Office, the Special Agent In Charge was given a 1-day detail to ATF headquarters for field input into ATF computer usage. Several weeks later he received a Special Achievement Award, with a monetary attachment, for this detail.

On March 19, 1984, Regional Inspector, Ronald Hendrix, Group Supervisor Frank Sanders, and I met with Director Higgins, Associate Director Phillip McGuire, Office of Law Enforcement, Associate Director William Drake, Office of Compliance Operations, and Assistant to the Director for EEO Joseph Coleman, to discuss the list of concerns that had been previously submitted to the Director. At this meeting, Director Higgins stated that he had caused several studies to be conducted which revealed; (a) a disparity in the hiring of African American Special Agents; (b) that African-Americans did not receive the same degree of training as non-African American Agents; (c) African-Americans were not receiving a fair share of supervisory and managerial promotions; (d) African-Americans performed more undercover work than non-African-Americans, but were not given sufficient credit for such work; (e) insufficient evidence that African-Americans were not being provided the same opportunities to perform the full range of ATF special agent duties; (f) there were insufficient facts to establish that African-Americans were punished more severely than non-African-Americans;

and (g) there was insufficient information to establish that African Americans were appraised differently than non-African Americans.

Director Higgins appointed Regional Inspector Hendrix, Group Supervisor Frank Sanders, and me to a special task force to develop and submit recommendations in the areas of orientation, training, and work assignments for the full development of African-American Agents; revision of the system for selection and training of African-Americans; sensitizing supervisors and managers to the necessity for fair, impartial and equitable assessments of African-American, female and other minority agents. Recommendations were made, however, they were not acted upon by management.

In the summer of 1989, after numerous meetings and contacts with Director Higgins or his representative, with negative results. On November 16, 1990, a class action complaint was filed in United States District Court for the District of Columbia.

In January 1989, I was appointed to the position of Regional Inspector, Midwest Regional Office of Internal Affairs, Bureau of Alcohol, Tobacco and Firearms. In this capacity, I was responsible for the planning, implementation, and management of investigations into complaints and allegations of misconduct or irregularities concerning ATF employees and non-ATF persons affecting the integrity of ATF. I was responsible for conducting investigations into other matters as requested by the Office of the Assistant Director for Internal Affairs.

During my assignment to ATF Headquarters, in Washington, D.C., from 1980-1985, I became aware of the Good O'l Boy Roundup, because it was common knowledge among the Headquarters management personnel.

Because there was no general circulation of information concerning the Good O'l Boy Roundup, such as posting of information on the bulletin board, I assumed that the invitation to attend was for white agents only, as I was the only African American assigned to the Headquarters staff, out of a total of approximately 50 agents in Headquarters.

The organizer of the Roundup, Gene Rightmeyer, was known to have racist tendencies. In April 1985, I was transferred from the ATF, Washington Headquarters to the position of Assistant Special Agent in Charge, Nashville, Tennessee. Prior to my arrival at the new assignment in Nashville, Tennessee, I was made aware, by senior Headquarters management, that the supervisor of the Nashville, Tennessee office, Raymond Eugene Rightmeyer, had stated at the time of my selection as Assistant Special Agent in Charge, that "It would be a cold day in hell, before he worked for a nigger."

In July 1985, shortly after my arrival in Nashville, Tennessee, Rightmeyer presented me with a sketch depicting the devil in hell, with a pitch fork, wearing an overcoat. He (Rightmeyer) said something to the effect that "I guess this is a cold day in hell."

In 1988, while I was ASAC in Nashville, I received a call from ATF Internal Affairs Office about Rightmeyer's use of government envelopes and letter to announce the Roundup. I went to the Special Agent in Charge of the Nashville

office, Watson Cummins Beaty, who informed me that he had issued Rightmeyer an oral admonishment for utilizing government letterhead and envelopes to promote the Good O'1 Boy Roundup and the sale of residential properties in the area of the Roundup. Beaty's only concern was the use of the letterhead, not the racist nature of the Roundup.

Similar overt racism within the ATF came to my attention during my tenure as Regional Inspector with the office of Internal Affairs, I was the supervisor for the investigation of allegations of misconduct in the ATF Midwest Region.

One of the investigations I supervised during my tenure as Regional Inspector occurred in 1992. This incident concerned the posting of racist paraphernalia on the bulletin board in the Oklahoma City ATF office. This paraphernalia depicted a State of Oklahoma "Nigger Hunting License," a confederate flag, Klu Klux Klan material, and other racist material to include a Swastika. To my knowledge, the only discipline that ATF imposed on the agents who engaged in this conduct was a written reprimand.

Another incident investigated by the Chicago Office of Internal Affairs occurred in the Chicago Field Division office. This incident concerned a copy of a photograph of Reverend Jesse Jackson, with a caption beneath the photograph that contained very racist and offensive language. With all due respect Mr. Chairman it read, and I quote, "Jungle Bunny Mother-Fucker". To the best of my knowledge, no discipline has been issued in this matter.

Mr. Chairman, members of the Committee, the Bureau of Alcohol, Tobacco and Firearms maintains an illegal system of racial discrimination and illegal retaliation for those African-American special agents who speak out against these

illegal acts. The individual becomes the problem, as has been previously stated, "you become retroactively incompetent," when you address issues of discrimination and sexual harassment within ATF. In my 25 years with ATF, I became less competent, the more become involved with the class action, racial discrimination complaint. The bottom line is that no effective means exists for federal employees to address problems of systemic and individual discrimination, without virtually bankrupting themselves with expensive and lengthy litigation in the federal courts.

Thank you Mr. Chairman for allowing me to appear before the Judiciary Committee.

DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
Statement of Cordell Malone, Jr.
Before the Senate Committee on the Judiciary
July 21, 1995

MY NAME IS SPECIAL AGENT CORDELL MALONE, JR. THIS YEAR, I HAD THE OPPORTUNITY TO ATTEND THE "GOOD OL' BOYS ROUNDUP" IN OCOEE, TENNESSEE. EVERY YEAR SINCE 1987, WHEN I ENTERED ON DUTY AS A SPECIAL AGENT WITH THE BUREAU OF ALCOHOL TOBACCO AND FIREARMS, I HAVE BEEN INVITED TO THIS EVENT BY GENE RIGHTMYER, WINSTON T. DAVIDSON, COURTNEY MCGRADY AND JOHN D. SCOTT. WINSTON, WHO I CONSIDER A GOOD FRIEND, TOLD ME THAT NOT MANY BLACKS HAVE ATTENDED THIS EVENT. HOWEVER, HE TOLD ME THAT HE WANTED ME TO COME, BECAUSE THIS WAS NOT A WHITES ONLY EVENT. A FEW YEARS AGO, WINSTON TOLD ME OF A STORY THAT A GUY ONCE DRESSED UP IN A WHITE SHEET, GIVING THE APPEARANCE OF A KLANSMAN. WINSTON TOLD ME THAT THIS INFURIATED HIM AND OTHERS, BECAUSE THIS BEHAVIOR WAS NOT TOLERATED. I TOLD WINSTON AND THE OTHERS THAT I WOULD ATTEND. HOWEVER, I NEVER HAD THE TIME OR I WAS ALWAYS DOING SOMETHING AND COULD NOT ATTEND.

THIS YEAR, JOHN "JACK" SCOTT, WHO I CONSIDER ONE OF MY BEST FRIENDS, WANTED ME TO ATTEND THE ROUNDUP. JACK ALSO WANTED ME TO PLAY VOLLEYBALL AND PARTICIPATE IN SOME OF THE OTHER EVENTS AT THE ROUNDUP WITH HIS TEAM. I WENT TO THE "GOOD OL' BOYS ROUNDUP" AND ARRIVED AT APPROXIMATELY 7:00 P.M. OR 8:00 P.M. I ENTERED THROUGH THE GATE, WHERE I SIGNED IN AND WAS GIVEN AN IDENTIFICATION BRACELET TO WEAR. I NEVER SAW ANY RACIST SIGNS OR T-SHIRTS OR SYMBOLS AS I ENTERED OR WHILE I WAS AT THE CAMPSITE. I DID SEE A COUPLE OF REBEL FLAGS, WHICH SOME BLACK PEOPLE WOULD CONSIDER OFFENSIVE, BUT I DIDN'T. I IMMEDIATELY WENT OVER TO JACK SCOTT'S CAMPSITE. JACK IMMEDIATELY STARTED TO INTRODUCE ME

TO EVERYONE. AT THIS, TIME ROBERT GOLSTON OF THE CLEVELAND, TENNESSEE POLICE DEPARTMENT, WHO IS ALSO BLACK, CAME OVER TO ME. I PERSONALLY KNOW ROBERT AND HAVE WORKED WITH HIM IN THE PAST. ROBERT AND I EXCHANGED CASUAL CONVERSATION. DURING THE TIME THAT I WAS AT THE ROUNDUP, OFFICERS FROM ALL OVER THE UNITED STATES AND CANADA CAME OVER TO GREET ME AND OFFICER GOLSTON. DURING THE TIME I WAS AT THE ROUNDUP, I NEVER FELT THAT I WAS NOT WELCOME OR WANTED THERE. I WAS GENERALLY WELCOMED BY EVERYONE. ON ONE OCCASION, GENE RIGHTMYER CAME OVER TO ME AND TOLD ME HE WAS GLAD I FINALLY CAME TO THE ROUNDUP. HE ALSO TOLD ME THAT IF I HAD ANY PROBLEMS OR NEEDED ANYTHING, COME TO HIM. GENE ALSO TOLD ME IF ANYONE DID ANYTHING OR SAID ANYTHING THAT OFFENDED ME, LET HIM KNOW AND THEY WOULD BE ASKED TO LEAVE.

AS THE NIGHT WENT ON, ROBERT GOLSTON CAME OVER TO ME AND POINTED OVER TO SOME GUYS. I NOTICED THAT JACK WAS OVER THERE AND WAS VERY AGITATED AND IT WAS OBVIOUS THAT HE WAS HAVING SOME WORDS WITH THESE GUYS. I ASKED ROBERT WHAT WAS GOING ON. ROBERT SAID AS HE PASSED BY THE GROUP THEY SAID WORDS TO THE EFFECT OF SOMETHING LIKE, THERE GOES ONE OF THOSE NIGGERS. ROBERT SAID HE TOLD JACK AND THAT IS WHY JACK WAS OVER THERE.

AFTER A SHORT PERIOD OF TIME, JACK CAME OVER TO ROBERT AND I AND TOLD US NOT TO WORRY ABOUT COMING BACK TOMORROW TO PARTICIPATE IN THE GAMES. JACK TOLD ME THAT HE TOLD THE GUYS IF THEY HAD A PROBLEM WITH US, THEY COULD GO OVER AND TALK TO US ABOUT IT, BUT

THEY WOULDN'T. JACK TOLD ME THAT HE WAS SORRY THAT THIS HAPPENED. I ASKED JACK WHO WERE THOSE GUYS AND JACK TOLD ME SOME OFFICERS OUT OF ALABAMA. I TOLD JACK THAT HE DID NOT HAVE TO APOLOGIZE TO ME, BECAUSE HE HAD NO CONTROL OVER THE WAY SOMEONE ACTED OR FELT. JACK TOLD ME THAT IF THIS IS THE WAY PEOPLE ARE GOING TO ACT, HE WILL NOT BE ATTENDING ANOTHER ROUNDUP. SHORTLY AFTER THIS EVENT HAPPENED, ROBERT LEFT. I LEFT SHORTLY AFTER ROBERT DID. I ESTIMATE THE TIME THAT I LEFT WAS SOMEWHERE AROUND MIDNIGHT. NEITHER ROBERT NOR I AT ANYTIME WAS FORCED TO LEAVE THE ROUNDUP.

THE NEXT DAY, IN THE OFFICE, JACK CAME IN AND SAID HE HAD PACKED ALL HIS THINGS AND LEFT THE ROUNDUP. JACK AGAIN APOLOGIZED TO ME. I TOLD JACK THAT I KNEW HE NOR ANY OTHER AGENT IN THE CHATTANOOGA OFFICE WOULD INTENTIONALLY PUT ME IN AN ENVIRONMENT WHERE I WAS NOT WELCOME OR WANTED. I TOLD JACK THAT I NEVER KNEW WHAT HAD OCCURRED UNTIL HE AND ROBERT HAD TOLD ME. BECAUSE NO ONE SAID ANYTHING TO ME, THAT I WOULD CONSIDER RACIST. JACK AGAIN APOLOGIZED TO ME AND SAID THAT RIGHTMYER HAD ALSO EXPRESSED HIS APOLOGIES.

MR. CHAIRMAN, I APPRECIATE THE OPPORTUNITY TO APPEAR BEFORE THE COMMITTEE, AND WILL BE HAPPY TO ANSWER ANY QUESTIONS CONCERNING THIS MATTER.

DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
Statement of Special Agent John Scott
Before the Committee on the Judiciary
July 21, 1995

MR. CHAIRMAN AND DISTINGUISHED MEMBERS OF THE COMMITTEE, THANK YOU FOR THIS OPPORTUNITY TO DISCUSS WITH YOU MY ATTENDANCE AT THIS YEAR'S "GOOD OL' BOYS ROUNDUP" HELD IN OCOEE, TENNESSEE.

MY NAME IS JOHN SCOTT. I HAVE BEEN A SPECIAL AGENT WITH THE BUREAU OF ALCOHOL, TOBACCO AND FIREARMS FOR APPROXIMATELY 7 YEARS IN THE CHATTANOOGA FIELD OFFICE. PRIOR TO COMING TO ATF, I WAS EMPLOYED AS A DEPUTY SHERIFF WITH THE MONTGOMERY COUNTY, TENNESSEE, SHERIFF'S DEPARTMENT, AND I SERVED 1 YEAR AS A STATE TROOPER WITH THE TENNESSEE HIGHWAY PATROL.

I FIRST BECAME AWARE OF THE ROUNDUP IN 1988. I DON'T REMEMBER EXACTLY WHO INFORMED ME ABOUT IT, ONLY THAT IT TOOK PLACE AT A CAMPSITE IN OCOEE, TENNESSEE. I WAS NEVER TOLD THAT IT WAS A RACIST OR "WHITES ONLY" EVENT; I WAS TOLD THAT THE ROUNDUP CONSISTED OF SEVERAL DAYS OF RAFTING, GOLFING, AND BARBECUES. I WAS ALSO INFORMED THAT IT WAS BASICALLY A 3-DAY "BEER BASH."

I WAS UNABLE TO ATTEND THE ROUNDUP FOR THE FIRST FEW YEARS AFTER I CAME TO ATF. THE FIRST ONE I ATTENDED WAS EITHER IN 1990 OR 1991; I HAVE GONE TO FOUR IN TOTAL.

I HAVE NEVER SEEN ANY RACIALLY BIASED SIGNS, POSTERS, OR OTHER ITEMS AT ANY OF THE ROUNDUPS I HAVE ATTENDED. THIS IS NOT MEANT TO SUGGEST, HOWEVER, THAT THE ROUNDUPS DID NOT BECOME ROWDY AT TIMES. ON SEVERAL OCCASIONS, I SAW STRIPPERS, AS WELL AS BOTH

MEN AND WOMEN WALKING AROUND IN VARIOUS STAGES OF UNDRESS. THE SIGHT OF INDIVIDUALS UNDER THE INFLUENCE OF ALCOHOL WAS NOT UNCOMMON.

DURING THE YEARS THAT I ATTENDED THE ROUNDUP, I ALWAYS CAMPED IN THE SAME LOCATION WITH GENERALLY THE SAME GROUP OF PEOPLE. THE GROUP I ASSOCIATED WITH WAS COMPRISED OF OFFICERS FROM THE HAMILTON COUNTY AND CHATTANOOGA AREAS. AT NO TIME DID I OR ANYONE FROM MY CAMP DISPLAY OR CONDONE THE DISPLAY OF RACIST SHIRTS, HATS, OR OTHER PARAPHERNALIA AS HAS BEEN SUGGESTED BY VARIOUS NEWS AGENCIES.

I HAVE ALWAYS KNOWN THE ROUNDUPS TO BE OPEN TO ANY LAW ENFORCEMENT OFFICER AND GUESTS. HAD THIS NOT BEEN THE CASE, I WOULD NEVER HAVE ATTENDED THE FIRST ONE.

AT EACH ROUNDUP I ATTENDED, I ALWAYS INVITED SPECIAL AGENT CORDELL MALONE TO COME ALONG. CORDELL IS MY CLOSEST FRIEND AT ATF AS WELL AS MY PARTNER AT WORK. SPECIAL AGENT MALONE IS BLACK. I WOULD NEVER SUGGEST THAT CORDELL ATTEND ANY FUNCTION WHERE HE WOULD NOT BE AFFORDED THE SAME COURTESIES AS ANYONE ELSE PRESENT. ALTHOUGH CORDELL DECLINED TO GO WITH ME SEVERAL TIMES, HE CHOSE TO ATTEND THE 1995 ROUNDUP. IN ADDITION, ANOTHER BLACK LAW ENFORCEMENT OFFICER DECIDED TO ATTEND THE 1995 ROUNDUP AT MY

REQUEST, A PATROLMAN FOR THE CLEVELAND POLICE DEPARTMENT NAMED ROBERT GOLDSTEN.

WE WERE AT THE ROUNDUP FOR A PERIOD OF TIME WITHOUT INCIDENT. HOWEVER, AT SOME POINT THAT EVENING, ROBERT INFORMED ME THAT SOMEONE HAD YELLED "NIGGER" AT HIM AS HE WALKED THROUGH THE CAMPGROUND. THIS WAS THE ONLY INCIDENT I AM AWARE OF UNTIL I WAS APPROACHED BY FOUR MEN WHO WERE EXTREMELY IRATE THAT I HAD INVITED TWO "NIGGERS" TO THE ROUNDUP. A FEW WORDS WERE EXCHANGED AND THE INDIVIDUALS WERE DISPERSED BY SOME OF THE OTHER ATTENDEES AND ME. I WAS LATER INFORMED THAT THE FOUR MEN WERE NEWCOMERS TO THE ROUNDUP (WITH ONE EXCEPTION) AND THAT THEY WERE ALL FROM SOUTH ALABAMA. NONE OF THESE INDIVIDUALS WERE ATF EMPLOYEES, NOR WERE THEY FEDERAL AGENTS.

AFTER THE CONFRONTATION, I TOLD CORDELL WHAT HAD HAPPENED. BOTH HE AND ROBERT DECIDED TO LEAVE THE ROUNDUP SHORTLY THEREAFTER. EARLY THE NEXT MORNING, I PACKED MY GEAR AND ALSO LEFT. I TOLD THE PEOPLE AT THE CAMPSITE WHAT HAD HAPPENED THE PREVIOUS EVENING AND THAT I HAD ATTENDED MY LAST GOOD OL' BOYS ROUNDUP.

SEVERAL DAYS AFTER THE ROUNDUP, I RECEIVED A PHONE CALL FROM GENE RIGHTMEYER. GENE EXPRESSED DEEP REGRET OVER THE INCIDENT

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AND ASSURED ME THE INDIVIDUALS RESPONSIBLE FOR THE CONFRONTATION WOULD NOT BE ALLOWED TO ATTEND ANY FUTURE ROUNDUPS. HE ASKED ME TO RELAY HIS APOLOGY TO CORDELL MALONE. I TOLD GENE I WOULD TELL CORDELL HE HAD CALLED BUT THAT NEITHER CORDELL NOR I PLANNED TO ATTEND ANOTHER EVENT.

LASTLY, I WOULD LIKE TO ADDRESS ATF'S OVERALL PARTICIPATION IN THE GOOD OL' BOYS ROUNDUP. TO THE BEST OF MY KNOWLEDGE, EACH YEAR, THE ROUNDUP DRAWS ANYWHERE FROM 300 TO 400 LAW ENFORCEMENT PERSONNEL FROM ACROSS THE UNITED STATES AND CANADA. ON AVERAGE, THERE ARE MAYBE THREE OR FOUR ACTIVE ATF AGENTS PRESENT WITH THE SAME NUMBER OF RETIRED AGENTS. I WOULD NOT CHARACTERIZE THE ROUNDUP AS AN ATF-SPONSORED EVENT. IT IS SPONSORED, PERPETUATED, AND SUPPORTED BY A DIVERSE GROUP OF LAW ENFORCEMENT PERSONNEL. IN MY VIEW, THE ROUNDUP WAS DESIGNED AS AN OPPORTUNITY FOR LAW ENFORCEMENT AGENTS TO GET TOGETHER, RELAX, AND ENJOY A FEW STRESS-FREE DAYS WITH OTHERS WHO UNDERSTAND THE DIFFICULTIES OF THE CAREER WE HAVE ALL CHOSEN.

MR. CHAIRMAN, THANK YOU FOR ALLOWING ME TO SPEAK HERE TODAY ON BEHALF OF ATF. I WOULD BE HAPPY TO ANSWER ANY QUESTIONS.