



U.S. Department of Justice
Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

MAR 26 2018

The Honorable Michael R. Pence
President
United States Senate
Washington, DC 20510

Dear Mr. President:

Pursuant to the Emmett Till Unsolved Civil Rights Crime Act of 2007 and the Emmett Till Unsolved Civil Rights Crimes Reauthorization Act of 2016, enclosed please find a report on the activities of the Department of Justice regarding pre-1980 racially-motivated homicides.

Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

Sincerely,

A handwritten signature in black ink, appearing to be "S. Boyd", written over the word "Sincerely,".

Stephen E. Boyd
Assistant Attorney General

Enclosure



U.S. Department of Justice
Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

MAR 26 2018

The Honorable Orrin G. Hatch
President Pro Tempore
United States Senate
Washington, DC 20510

Dear Mr. President:

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MAR 26 2010

The Honorable Mitch McConnell
Majority Leader
United States Senate
Washington, DC 20510

Dear Mr. Leader:

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MAR 26 2018

The Honorable Charles E. Schumer
Minority Leader
United States Senate
Washington, DC 20510

Dear Mr. Leader:

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Assistant Attorney General

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MAR 26 2018

The Honorable Paul Ryan
Speaker
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Speaker:

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MAR 26 2010

The Honorable Kevin McCarthy
Majority Leader
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Leader:

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Assistant Attorney General

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MAR 26 2010

The Honorable Nancy Pelosi
Minority Leader
U.S. House of Representatives
Washington, DC 20515

Dear Madam Leader:

Pursuant to the Emmett Till Unsolved Civil Rights Crime Act of 2007 and the Emmett Till Unsolved Civil Rights Crimes Reauthorization Act of 2016, enclosed please find a report on the activities of the Department of Justice regarding pre-1980 racially-motivated homicides.

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Stephen B. Boyd
Assistant Attorney General

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Washington, D.C. 20530

MAR 26 2018

The Honorable Charles E. Grassley
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

Pursuant to the Emmett Till Unsolved Civil Rights Crime Act of 2007 and the Emmett Till Unsolved Civil Rights Crimes Reauthorization Act of 2016, enclosed please find a report on the activities of the Department of Justice regarding pre-1980 racially-motivated homicides.

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Washington, D.C. 20530

MAR 26 2018

The Honorable Dianne Feinstein
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Senator Feinstein:

Pursuant to the Emmett Till Unsolved Civil Rights Crime Act of 2007 and the Emmett Till Unsolved Civil Rights Crimes Reauthorization Act of 2016, enclosed please find a report on the activities of the Department of Justice regarding pre-1980 racially-motivated homicides.

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Stephen E. Boyd
Assistant Attorney General

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Office of the Assistant Attorney General

Washington, D.C. 20530

MAR 26 2018

The Honorable Robert Goodlatte
Chairman
Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

Pursuant to the Emmett Till Unsolved Civil Rights Crime Act of 2007 and the Emmett Till Unsolved Civil Rights Crimes Reauthorization Act of 2016, enclosed please find a report on the activities of the Department of Justice regarding pre-1980 racially-motivated homicides.

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Stephen E. Boyd
Assistant Attorney General

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Washington, D.C. 20530

MAR 26 2018

The Honorable Jerrold Nadler
Ranking Member
Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Nadler:

Pursuant to the Emmett Till Unsolved Civil Rights Crime Act of 2007 and the Emmett Till Unsolved Civil Rights Crimes Reauthorization Act of 2016, enclosed please find a report on the activities of the Department of Justice regarding pre-1980 racially-motivated homicides.

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THE ATTORNEY GENERAL'S
SEVENTH ANNUAL REPORT TO CONGRESS
PURSUANT TO THE EMMETT TILL
UNSOLVED CIVIL RIGHTS CRIME ACT OF 2007
AND
FIRST ANNUAL REPORT TO CONGRESS
PURSUANT TO THE EMMETT TILL UNSOLVED CIVIL RIGHTS CRIMES
REAUTHORIZATION ACT OF 2016

FEBRUARY 2018



INTRODUCTION

This is the seventh report (Report) submitted to Congress pursuant to the Emmett Till Unsolved Civil Rights Crime Act of 2007 (Till Act),¹ as well as the first Report submitted pursuant to the Emmett Till Unsolved Civil Rights Crimes Reauthorization Act of 2016 (Reauthorization Act).² This Report includes information about the Department's activities in the time period since the sixth Report, which was submitted in May 2015.

Section I of the Report summarizes the historical efforts of the Department of Justice (Department or DOJ) to prosecute cases involving racial violence and describes the genesis of its Cold Case Initiative. It also provides an overview of the factual and legal challenges that federal prosecutors face in their efforts to secure justice in unsolved civil rights-era homicides. Section II of the Report provides case statistics. Section III of the Report provides a brief overview of the cases the Department has closed or referred for preliminary investigation since its sixth Report; redacted copies of the case closing memoranda in these cases are appended to this Report when available. Case closing memoranda written by Department attorneys are also available on DOJ's website: <https://www.justice.gov/crt/civil-rights-division-emmett-till-act-cold-case-closing-memoranda>.³ Section IV of the Report provides additional information

¹ Pub. L. No. 110-344, 122 Stat. 3934 (2008). The Act requires the Attorney General to annually conduct a study and report to Congress not later than six months after the date of enactment of the Act, and each year thereafter.

² Public Law No. 114-325, 130 Stat. 1965 (2016) extended the Till Act, including its reporting requirements, for an additional ten years.

³ The Department will continue to make available case closing memoranda as they are drafted, reviewed, and redacted by privacy and FOIA attorneys. Any memoranda not yet available will be appended to next year's Report. It will also be placed on the website as soon as it becomes available.

required by the Till Act, other than the statistical information provided in Section II. Finally, Section V of the Report sets forth the Department's plan for implementing the Reauthorization Act, including a description of its plan to meet regularly with interested stakeholders, victims' families, and community groups, as well as its plans to canvass for additional prosecutable cases that may fall into the revised timeline for the Till Act.

I. **THE DEPARTMENT OF JUSTICE'S EFFORTS TO INVESTIGATE AND PROSECUTE UNSOLVED CIVIL RIGHTS-ERA HOMICIDES**

A. **Overview and Background**

The Department's current efforts to bring justice and resolution to civil rights-era cold cases under the Till Act is a continuation of efforts begun decades ago. The below summary of the Department's long-standing efforts to prosecute crimes of racial violence places the Department's current efforts in their historical context.

Reconstruction Era through the 1930s

Since the Reconstruction era (1865-1877), the Department of Justice has taken the lead in prosecuting crimes of racial violence in the United States. These efforts were hampered for many decades, however, by the lack of an effective federal anti-lynching law or other laws specifically prohibiting bias-motivated crimes. When prosecuting cases of racial violence during this era, the Department relied on the Reconstruction Era Enforcement Acts, passed in 1868, 1870, and 1871. But given the courts' restricted interpretation of these statutes, they proved to be imprecise tools for addressing racial violence.

The most famous case of that era, arising from a mass killing of African Americans in Colfax, Louisiana, resulted in a Supreme Court decision that severely limited the Department's ability to prosecute cases of racial violence. The defendants had been charged with conspiring to

deprive the victims of various enumerated rights, privileges, and immunities guaranteed by the Constitution. The Court, however, overturned the convictions, finding most of the indictment counts were defective because those counts charged *private* actors with depriving the victims of constitutional rights, and the Constitutional provisions at issue placed limitations only on the conduct of *government* actors. *United States v. Cruikshank*, 92 U.S. 542, 554 (1875).

During the post-Reconstruction era, racial unrest – particularly in the form of lynchings as a public spectacle – increased. The problem posed by such lynchings, and the federal government’s limited ability to redress such wrongs, was recognized at the highest levels of the Department when, on March 2, 1909, Attorney General Charles Bonaparte argued to the Supreme Court in favor of holding defendants in contempt after members of a mob kidnapped and lynched Ed Johnson, an African American, who had been held in jail while appealing his conviction. In arguing for the defendants to be held in contempt, Attorney General Bonaparte acknowledged the inadequacy of state laws to remedy the underlying violence against Johnson. “Lynchings have occurred in defiance of state laws,” he said, and further noted that state courts had made, at most, “only [a] desultory attempt” to punish the lynchers. <http://www.famous-trials.com/sheriffshipp/1064-bonaparteclosing>. See generally *United States v. Shipp*, 214 U.S. 386 (1909).

The lack of a federal anti-lynching law made it difficult for the federal government to redress acts of racial violence. As noted by Attorney General Bonaparte, states rarely did. Violence escalated through the turn of the century and continued through World War I. In 1919, when soldiers returned from war, the country was gripped by Red Summer, a particularly violent time characterized by hundreds of instances of mob violence and burnings of segregated residential areas. See generally Cameron McWhirter, *Red Summer: The Summer of 1919 and the*

Awakening of Black America (Henry Holt and Company, 2011); Phillip Dray, *At the Hands of Persons Unknown*, Chapter 8 (Modern Day Library, 2002).

World War II through the 1950s

In 1939, the Department made significant advances in addressing the problem of racial violence. Attorney General Frank Murphy created a Civil Liberties Unit (shortly thereafter renamed the Civil Rights Section) in the Criminal Division of the Department of Justice. Its mission was threefold: enforcing the federal civil liberties statutes, identifying the need for additional legislation, and “invigorat[ing] * * * the federal government’s endeavors to protect fundamental rights.” <https://www.justice.gov/sites/default/files/ag/legacy/2011/09/16/07-07-1939pro.pdf>

In 1940, O. John Rogge, Assistant Attorney General for the Criminal Division, urged United States Attorneys to take a more aggressive approach to prosecuting crimes of racial violence, including the lynching of African Americans. Attorney General Francis Biddle agreed, noting in a speech delivered during World War II that “[o]ne response to the challenge of Fascism to the ideals of democracy has been a deepened realization of the importance of these rights, based on a belief in the dignity and the rights of individual men and women.” Francis Biddle, *An Address by Francis Biddle, Attorney General of the United States Annual Conference of the National Urban League*, <https://www.justice.gov/sites/default/files/ag/legacy/2011/09/16/09-28-1944.pdf>. Soon thereafter, the Department began to investigate and attempt to prosecute more bias-motivated murders.

While Assistant Attorney General Rogge’s directive demonstrates an increasing federal will to address the problem of racial violence, the federal government still lacked the necessary

tools to adequately address the problem. Because there was no federal anti-lynching law, the Department could use only the Reconstruction-era laws to prosecute acts of racial violence. Nonetheless, the Department, using only these limited tools, brought federal charges against Claude Screws, a Georgia Sheriff, in 1943. Screws had ordered his deputies to arrest Robert Hall, an African-American man against whom Screws held a grudge. Afterwards, Screws and his deputies brutally beat Hall to death. Although Screws was convicted, his conviction was reversed because the Supreme Court determined that the instructions given during trial were inadequate.

<http://scholarship.law.marquette.edu/cgi/viewcontent.cgi?article=5229&context=mulr>; *Screws v. United States*, 325 U.S. 91 (1945).

The Department also attempted to use the Reconstruction-era laws to prosecute members of a mob who murdered Cleo Wright on January 25, 1942. Wright was an African-American man who, while awaiting trial for allegedly assaulting a white woman and attacking a police officer, was kidnapped from a cell in Sikeston, Missouri, by a mob of angry white men. The mob then burned Wright alive. Attorney General Biddle authorized a federal prosecution under the Reconstruction-era statutes, then codified at 18 U.S.C. §§ 51 and 52. Evidence was presented to a grand jury, but it refused to issue an indictment. The same grand jury issued an advisory report, later made public, in which it labeled the crime a “shameful outrage” and even stated that Wright had been denied “due process of law,” but nonetheless found that the mob’s actions did not constitute a crime under federal law. Victor W. Rotnem, *The Federal Civil Right “Not to Be Lynched,”* 28 Wash. U. L. Rev. 57 (1943); available at:

http://openscholarship.wustl.edu/cgi/viewcontent.cgi?article=3888&context=law_lawreview;

Victor Rotnem, who had become the Chief of the Civil Rights Section in 1941, urged the Department to argue for more aggressive application of the Reconstruction-era statutes that protected persons against deprivations of their rights guaranteed by the Constitution and other federal law. Rotnem argued that, although the right to due process of law protected citizens against only those deprivations of life, liberty, or property committed, without due process, by a *governmental* entity, private persons who commit lynching, like those in the mob who murdered Wright, could still be prosecuted under these statutes. *See id.* at 62. He asserted that, by kidnapping a person from jail, defendants directly interfere with that person's right to have a state or local government try him for the crime he was accused of committing, thus denying him the right to due process of law. *See id.* Courts, however, largely did not accept these arguments, and the lack of a specific federal hate-crime law, coupled with restrictive interpretations of Reconstruction-era statutes, dramatically limited the kinds of prosecutions the Department could undertake.

The Civil Rights Era

The Civil Rights Division was established in 1957 and, thereafter, the Department achieved greater success in prosecuting civil rights cases. The first notable success came in the case of *United States v. Price*, commonly referred to as the "Mississippi Burning" case. The case involved the 1964 murders of James Chaney, Andrew Goodman, and Michael Schwerner — three civil rights workers kidnapped and murdered during Freedom Summer, a time when civil rights organizations, including the Congress of Racial Equality (CORE), the Student Non-violent Coordinating Committee (SNCC), and the Congress of Federated Organizations (COFO), actively recruited students from across the nation to come to Mississippi to participate in voter registration and other civil rights-related activities. The Ku Klux Klan (Klan), which opposed

the goals of Freedom Summer, responded with violence. The three civil rights workers were arrested by Neshoba County Deputy Sheriff Cecil Ray Price and jailed in Philadelphia, Mississippi, but later released. Deputy Price, however, coordinated their release from jail with members of the Klan, who killed the young men, burned their car, and buried their bodies in an earthen dam. Following an FBI investigation, 19 defendants were indicted, seven were convicted after trial, and another pleaded guilty. The jury was unable to reach a verdict with respect to three additional defendants and acquitted the remaining defendants.

In that same era, the Department achieved convictions of two Georgia Klansmen responsible for the murder of Lieutenant Colonel Lemuel Penn, an African-American WWII veteran. The defendants, Cecil Myers and Howard Sims, believed that black men were coming to Georgia to test newly enacted civil rights laws. When they saw a car with African-American men in it, they targeted the car's occupants based solely on their race. Other defendants who were indicted along with Myers and Sims as part of an overarching conspiracy to intimidate African Americans were acquitted.

In both the "Mississippi Burning" case and the case resulting from Penn's murder, the defendants challenged the Department's authority to bring federal charges. In responding to these challenges, the Department obtained important Supreme Court victories that permitted a more expansive application of the Reconstruction-era statutes. See *United States v. Price*, 383 U.S. 787 (1966) (establishing that private persons may act under color of law when they act in concert with state actors); *United States v. Guest*, 383 U.S. 745 (1966) (establishing that the right to interstate travel is a right that may be protected against private interference if the interference of that right is the primary purpose of a conspiracy).

Even more significantly, Congress passed the first federal hate crime statutes in 1968: one prohibiting violent interference with housing rights (42 U.S.C. § 3631), and another prohibiting violent interference with several enumerated federally-protected rights (18 U.S.C. § 245). These statutes were important tools in the federal arsenal that, more so than the Reconstruction-era statutes, clearly and unambiguously allowed for the federal prosecution of racially-motivated murders and assaults.

Unfortunately, these new statutes alone were not transformative. Each statute originally had only a five-year statute of limitations period, meaning the government had to bring charges within five years of the crime, even if the victim was killed. Thus, in cases in which families of victims or other witnesses were too frightened to report crimes, or in which the federal government otherwise failed to learn about a crime or act upon it within five years, the government was barred from prosecuting the case, except in the unlikely event that another federal statute (*e.g.*, murder on federal land) applied. Moreover, not all racially-motivated crimes could be prosecuted because, for federal jurisdiction to apply, prosecutors had to prove not only bias motivation, but also that a defendant had acted to interfere with one of the federally-protected rights specifically set forth in the statute.

The Modern Era

More recently, Congress has passed significant legislation that has given federal prosecutors greater flexibility and authority to prosecute bias-motivated crimes. In 1996, Congress passed the Church Arson Prevention Act, which prohibits destruction and damage to Houses of Worship motivated by either race or religion. *See* Church Arson Prevention Act of 1996, Pub. L. No. 104-155, 110 Stat. 1392 (codified at 18 U.S.C. § 247). Congress amended 18 U.S.C. §§ 241 and 245 in 1994 to allow the government to seek the death penalty for crimes

resulting in a victim's death. See Violent Crime Control and Law Enforcement Act of 1994, Pub. L. No. 103-322, § 60006, 108 Stat. 1970, 2109, 2113, 2147. Because there is no statute of limitations for death-eligible offenses, crimes that are committed after 1994 and result in death may now be charged even decades after the offense occurred. Congress, however, may not extend a statute of limitations that has already expired, see *Stogner v. California*, 539 U.S. 607, 632–633 (2003) (legislatures lack the Constitutional power to expand the limitations period after the period has expired), and therefore these amendments do not permit the government to prosecute cases in which the statute of limitations has already expired.

In 2009, Congress further enhanced the ability of prosecutors to charge defendants with committing a federal hate crime by passing the Matthew Shepard and James Byrd, Jr., Hate Crimes Prevention Act of 2009 (Shepard-Byrd Act), now codified at 18 U.S.C. § 249. This Act eliminates the requirement to prove a defendant intended to interfere with a victim's federally-protected right, at least for race-based crimes. To secure a conviction under the Shepard-Byrd Act, a federal prosecutor need prove only that a defendant willfully inflicted death or bodily injury upon a victim, or attempted to so with a dangerous weapon, and that the defendant acted because of the race of the victim (or some other person). Additionally, under the Shepard-Byrd Act, there is no statute of limitations if death results.

The federal government's increased ability to prosecute modern-day hate crimes still leaves unaddressed those cases that it was unable to prosecute in the past. Congress has stressed, through passage of the Reauthorization Act, its desire for the Department to continue its efforts to bring justice, wherever possible, to unsolved civil rights cases, extending into the decade of the 1970s. The Department has demonstrated a similar commitment to ensuring that any and all prosecutable cold cases be identified, investigated, and prosecuted.

B. History of the Cold Case Initiative

The Department is committed to achieving justice in civil rights-era cold cases. In fact, as outlined above, the Department's efforts to achieve justice in these cases predate the original Till Act. As explained in prior Reports, since the passage of the Till Act, Department lawyers and FBI agents have jointly participated in a multi-faceted strategy to identify cases that might potentially be prosecuted.

The Department began its Cold Case Initiative (Initiative) in 2006. The first step of this Initiative was to have each of the FBI's 56 field offices identify cases that might warrant review. In 2007, the Department began an extensive outreach campaign to solicit assistance from the NAACP, Southern Poverty Law Center, and the National Urban League, as well as various community groups, the academic community, and state and local law enforcement organizations. The Department also conducted an aggressive media campaign, granting interviews to numerous outlets, including the New York Times, the Washington Post, the Baltimore Sun, National Public Radio, the British Broadcasting Company, 60 Minutes, Dateline, and local media outlets, in an effort to elicit the public's assistance with locating witnesses to these crimes, as well as family members of the victims. When the Department's work on the Initiative began, the Department had identified 95 matters for further review. As a result of outreach efforts since the Till Act, that number has grown to 115.

C. Past Efforts to Prosecute Cold Cases

The Department's efforts to identify and resolve civil rights-era cold cases (both before and since the Till Act) have resulted in two successful federal prosecutions and three successful state prosecutions.

Federal prosecutions

The first federal prosecution of a civil rights-era cold case was *United States v. Ernest Henry Avants*, 367 F.3d 433 (5th Cir. 2004). *Avants* involved the 1966 murder of Ben Chester White, an elderly African-American farm worker. Ernest Avants and two other Mississippi Klansmen lured White to Pretty Creek Bridge in the Homochitto National Forest outside of Natchez, Mississippi. Once there, the Klansmen shot White multiple times with an automatic weapon and once with a single-barrel shotgun. White's bullet-ridden body was discovered several days later. The murder was intended to lure Dr. Martin Luther King, Jr., to the area so that he, too, could be murdered, assaulted, or otherwise harmed. A 1967 state prosecution for murder resulted in an acquittal for Avants and a mistrial for another defendant, who is now deceased. A third defendant, also now deceased, was never prosecuted by state officials. In 1999, the Department opened an investigation into White's murder using a federal statute (18 U.S.C. § 1111) that prohibits murder on federal property. Avants was indicted in June 2000, convicted in February 2003, and sentenced to life in prison in June 2003.

The second federal case was *United States v. James Ford Seale*, 600 F.3d 473 (5th Cir. 2010). This case involved the 1964 murders of two 19-year-olds, Charles Moore and Henry Dee, in Franklin County, Mississippi. On May 2, 1964, James Ford Seale and other members of the Klan forced Moore and Dee into a car and drove them into the Homochitto National Forest. Mistakenly believing, without any evidentiary basis, that Dee was a member of the Black Panthers and that he was bringing guns into the county, the Klansmen beat the young men while interrogating them about the location of the weapons. In order to stop the beating, the young men falsely confessed, telling the Klansmen that guns were stored in a nearby church. The

Klansmen then split into two groups: one searched the church for the guns and the other – including Seale – transported the victims to a remote location on the Mississippi River after briefly crossing into Louisiana. Moore and Dee, bound and gagged, were chained to an engine block and railroad ties, taken by Seale out onto the water in a boat, and pushed overboard to their deaths. Their severely decomposed bodies were found months later.

Seale and another Klansman, Charles Edwards, were arrested on state murder charges in late 1964, but the charges were later dropped. In 2006, the Civil Rights Division and the United States Attorney's Office for the Southern District of Mississippi re-opened an investigation into the murders. The investigation determined that the subjects had crossed state lines during the commission of the crime and, as a result, the government could prosecute the subjects under the federal kidnapping statute (18 U.S.C. § 1201). Edwards, who did not directly participate in the murders, was granted immunity and testified against Seale, the only other surviving participant. Seale was indicted in January 2007. In June 2007, Seale was convicted on two counts of kidnapping and one count of conspiracy. He was sentenced to three terms of life imprisonment. Seale's convictions were upheld after extensive appellate litigation. *United States v. Seale*, 600 F.3d 473 (5th Cir. 2010). Seale died in prison in 2011.

State prosecutions

The first successful federally-assisted state prosecution under the initiative was against Klansmen who bombed the Sixteenth Street Baptist Church in Birmingham, Alabama, on a Sunday morning in 1963. The defendants targeted the Church because it served an African-American congregation and had been used as a meeting place for non-violent protests against the city's segregation laws. Four young girls – Addie Mae Collins, Denise McNair, Carole Robertson, and Cynthia Wesley – were killed in the blast. Because of the code of silence among

supporters of the Klan, no one was brought to justice for the murders until 1977, when Robert Chambliss was tried and convicted. *See generally Chambliss v. State*, 373 So. 2d 1185, 1187 (Ala. Crim. App. 1979). Pursuant to our pre-Till Act cold case process, the case was re-examined in the late nineties and early two thousands. The United States Attorney for the Northern District of Alabama was cross-designated to serve as the lead prosecutor in two state trials charging Tommy Blanton and Bobby Cherry with murder. Blanton was convicted in April 2001 and sentenced to four life terms, *see generally Blanton v. State*, 886 So. 2d 850, 857 (Ala. Crim. App. 2003); Cherry was convicted in May 2002 and also sentenced to four life terms, *see generally Cherry v. State*, 933 So. 2d 377, 379 (Ala. Crim. App. 2004). Cherry died in prison in 2004.

The second successful federally-assisted state prosecution was of one of the defendants against whom the state jury failed to reach a verdict in the “Mississippi Burning” case (described in Part A). In a June 2005 trial, Edgar Ray Killen was convicted of three counts of manslaughter and sentenced to 60 years in prison. *See Killen v. State*, 958 So. 2d 172, 173 (Miss. 2007). Killen died in prison in 2018.

The most recent successful federally-assisted state prosecution was against James Bonard Fowler in 2010. Fowler, an Alabama State Trooper, fatally shot Jimmie Lee Jackson in 1965 during a protest in Marion, Alabama. Jackson’s murder served as a catalyst for the famed 1965 march from Selma to Montgomery. *See State v. Fowler*, 32 So. 3d 21, 23 (Ala. 2009). Fowler was convicted of misdemeanor manslaughter and sentenced to six months in prison.

<http://www.nytimes.com/2010/11/16/us/16fowler.html>

D. Barriers to Successful Federal Prosecution of Cold Cases

Despite achieving convictions in a few civil rights-era cold cases, there remain significant legal limitations on the federal government’s ability to prosecute these cases. For example, the

Constitution's *ex post facto* clause prohibits the government from prosecuting defendants using laws that were not yet enacted at the time a crime was committed. Thus, when the government evaluates whether it can bring a case in federal court, it must look to the statutes that existed at the time the crime was committed. There were no federal hate crime laws until 1968. Moreover, because those early laws require proof of an intent to interfere with a federally-protected right, it is more difficult to obtain convictions under the 1968 laws than it would be under modern hate crime laws, like the Shepard-Byrd Act, that have eliminated the requirement that prosecutors prove a nexus with a federally-protected right. If an act of racial violence occurred before 1968, when the first federal hate crime statutes were enacted, then the government must charge a defendant with violating a Reconstruction-era statute, in which case it is even more difficult for the government to obtain a conviction.

The government also cannot prosecute a defendant if the statute of limitations (essentially a deadline by which prosecutors must charge a crime) has expired. There is currently no statute of limitations under 18 U.S.C. §§ 241 and 245 for hate crimes resulting in death; however, as explained above, the limitations period was removed by an Act of Congress in 1994. Before then, the limitations period for these crimes was five years. This means that if an act of racial violence that otherwise met the elements of a federal hate crime occurred before 1994, the case cannot be prosecuted if the five-year limitations period has expired.

State murder prosecutions, while not barred by these factors, may be barred if there was a previous trial on the same or substantially similar charges. The Fifth Amendment's protection against double jeopardy prohibits re-trial by the same sovereign for the same offenses of persons who were previously found not guilty or who were convicted but received shockingly light

sentences. There is no exception to this constitutional protection, regardless of how biased the jury was, how inadequate the prosecution was, or how misinformed a court might have been.

Regardless whether a case is prosecuted in federal or state court, there are certain difficulties inherent in all cold case prosecutions. First, perpetrators die, leaving no responsible party to prosecute. Second, witnesses die or can no longer be located, memories fade, and evidence is destroyed or cannot be located. Finally, original investigators often lacked the technical and scientific advances relied upon today, thus rendering scientific or technical conclusions inaccurate or incomplete (and the evidence on which their conclusions were based may have been destroyed in the routine course of business or may have simply degraded over time). In such cases, even if a living subject exists, these evidentiary hurdles may render it impossible for prosecutors to prove guilt beyond a reasonable doubt. Even with our best efforts, investigations into historic cases are exceptionally difficult, and rarely will justice be reached inside of a courtroom.

II. COLD CASE STUDY AND REPORT: CASE PROGRESS SINCE THE LAST REPORT

Pursuant to sections 3(c)(1)(A)-(E) of the Till Act, the Department must report to Congress the number of investigations opened for review under the Till Act, the number of new cases opened for review since the last Report to Congress, the number of unsealed federal cases charged, the number of cases referred by the Department to a state or local government agency or prosecutor, and the number of cases that were closed without federal prosecution. This information is set forth below.

A. Cases Opened for Review

Pursuant to section 3(c)(1)(A) of the original Till Act, the Department provides Congress information on the number of open investigations within the Department under the Act. As discussed above, the Department's efforts to investigate and prosecute unsolved civil rights-era homicides predate the Till Act. During the course of the Department's focus on these matters, it has opened 115 matters, involving 128 victims, for review, and has fully investigated and resolved 109 of these matters through prosecution, referral, or closure.

B. Cases Opened Since the Last Report to Congress

Pursuant to section 3(c)(1)(B) of the original Till Act, the Department provides Congress information on the number of new cases opened since the last Report to Congress. The Department has opened two new cases and re-opened another case since the last Report. The two new cases are *In re Alberta O. Jones*, in which extensive materials have been submitted by a professor in an academic organization and are being reviewed by an attorney within the Civil Rights Division;⁴ and *In re Elbert Williams*, which was fully reviewed by the United States Attorney's Office (USAO) for the Western District of Tennessee, which declined to re-open the case. The USAO concluded, after careful review of the facts and law, that all potentially-

⁴ The Reauthorization Act requires the Department to identify the number of cases referred by eligible entities or by state and local law enforcement or prosecutors during the study period. An eligible entity is defined to include entities whose primary purpose is to promote civil rights, as well as institutions of higher education. Emmett Till Unsolved Civil Rights Crimes Reauthorization Act of 2016, Pub. L. No. 114-325, December 16, 2016, 130 Stat 1965, Section II, § 2(B)(i)(iv) (amending the Till Act by inserting paragraph H into the Reporting Requirement). Pursuant to this Section, the Department notes that the referral of the *Jones* matter was made by a member of an eligible entity. The chart in Part F includes cases referred up through July 1, 2017; number of referrals received from eligible entities after July 1, 2017 is discussed in the following footnote.

prosecutable subjects and witnesses were likely deceased, given the year Williams was killed (*i.e.*, 1940), and that the statute of limitations on all potential federal charges had long expired. The Department will produce a separate memorandum supporting the findings in *Williams* and post it on its website.

The Department has re-opened *In re Emmett Till*, a case which had been listed as closed on prior Reports, after receiving new information. (See details on this matter in Section D). Because it is an active investigation, the Department cannot provide any additional information at this time. The status of all cases that the Department has opened is set forth in the chart in Section F.

C. Cases Unsealed Since the Last Report to Congress

Pursuant to section 3(c)(1)(C) of the original Till Act, the Department provides notice that no charged federal cases have been unsealed since the last Report.

D. Cases Referred to State or Local Authorities

Pursuant to section 3(c)(1)(D) of the original Till Act, the Department provides the following information about state/local referrals:

Total Cases Referred Since Passage of the Original Till Act

To date, ten of the 115 matters have been referred to state authorities since Congress passed the original Till Act.

One of those matters originally referred to the state was *In re Emmett Till*, the victim for whom this Act is named. On August 26, 1955, Emmett Till, a 14-year-old African-American teenager from Chicago, was abducted and murdered while visiting relatives near Money, Mississippi. His body was discovered three days later in the Tallahatchie River. In September 1955, two local Mississippi men, Roy Bryant and J.W. Milam, were prosecuted for Till's murder

by state authorities but were acquitted by a jury. Both men subsequently admitted to a journalist that they murdered Till. Milam and Bryant died in 1981 and 1994, respectively. In 2004, several interested parties requested that the Department consider whether it could prosecute any potential surviving subjects involved in Till's murder. After reviewing the information available in 2004, the Department determined that there was no federal jurisdiction because the statute of limitations had run on any potential federal crime, thus barring federal prosecution. In 2007, the matter was referred to the District Attorney for the 4th Judicial District of Mississippi. A state grand jury declined to issue new charges. The Till case has been re-opened by DOJ based upon the discovery of new information. Because the matter is ongoing, the Department can provide no further information about the current investigation.

Referrals since the Last Report

Since the Department's last Report to Congress, two cases in Mississippi have been referred to state prosecutors. One is a case of similar infamy to the Till case – *In re Chaney, Goodman, and Schwerner*, often referred to as the “Mississippi Burning” case. As discussed above, the case involves the 1964 kidnapping and murder of three civil rights workers during Freedom Summer. Nineteen defendants were indicted and seven were convicted at a federal trial in 1967. In addition, a government cooperating witness who was a member of the conspiracy was convicted in a separate proceeding. As noted in Part A, several defendants were acquitted and the jury could not reach a verdict on the remaining defendants. With the help of the Department, one of these defendants, Edgar Ray Killen, was later convicted in a state trial in 2005. *See Killen v. State*, 958 So. 2d 172, 173 (Miss. 2007), discussed in Part C.

Since the last Report, the Department thoroughly reviewed this case to determine whether it was possible to charge any of the remaining defendants against whom the jury could not reach

a verdict, or any other individuals who might have been involved in the murders but not charged originally. In conducting this investigation, the Department also collected evidence that might be helpful in bringing a state prosecution. On April 18, 2016, the Department issued a letter to Mississippi Attorney General Jim Hood, enclosing a case-closing memorandum and referring to him for consideration the question of whether there was sufficient evidence to support state criminal charges. The memorandum explained that, after considering all viable investigative leads and using all investigative tools at its disposal, the Department had concluded that there was insufficient evidence to support a federal prosecution of any individual for the murders of the civil rights workers. It also explained the Department's conclusion that it was not possible to federally prosecute any person for willfully making material false statements to federal investigators, in violation of 18 U.S.C. § 1001. A redacted copy of that memorandum is appended to this Report; Mississippi authorities have posted a copy of the memorandum online.

In addition, in this past reporting period, the Department referred the case *In re William Prather* to the state of Mississippi for potential prosecution. On Halloween night in 1959, William Roy Prather, a thirteen-year-old African-American child, was walking home with his friends in the segregated section of Corinth, Mississippi, when he was shot by a white teenager riding in the back of a truck. Prather died the next day. Seven other white teenagers were also in the truck and, on November 5, 1959, all eight were charged with murder by the state and released on bond. On January 26, 1960, the shooter pleaded guilty to manslaughter and served less than a year in prison. None of the remaining teenagers was prosecuted. Although prosecution of some of the subjects may be barred by double jeopardy and other subjects are deceased, the Department referred the matter to the state of Mississippi to determine whether any state prosecutions might be appropriate.

E. Cases Closed Since the Last Report to Congress

Pursuant to section 3(c)(1)(E) of the original Till Act, the Department provides the following information about cases it has closed. To date, the Department has closed 97 cases without prosecution or referral to the state. (Of the 109 matters it has fully investigated and resolved, 10 were referred to the state, and 2 federally prosecuted.) There have been no federal prosecutions since the last Report. As explained more fully in Section III below, three cases were closed since the last Report without referral to any state.

In total, since the original Till Act was enacted, 56 cases have been closed due to the death of all identifiable subjects; 32 others have been closed due to insufficient evidence to prove a violation of any relevant civil rights statute, most notably an inability to prove that the death of the victim was the result of violent conduct motivated by racial animus or bias as opposed to some other cause of death (*e.g.*, an accidental death or a homicide motivated by some non-racial, non-civil rights motive); and the remaining cases have been closed for a variety of other reasons, such as the inability to overcome a legal hurdle to prosecution (*e.g.*, double jeopardy).

F. Chart

The Department provides the following chart to illustrate the statistics provided in subsections A through E of Section II of this Report. It lists the names of the victims, incident locations, incident dates, and closing dates (for those cases that are closed) of all cases that have been opened pursuant to the original Till Act through July 1, 2017.⁵

⁵ Since July 1, 2017, we have received approximately 21 referrals. This includes approximately 19 referrals from a civil rights activist (the number is approximated as it is dependent upon the manner in which referrals are calculated. Some of the referrals urged re-opening of cases already included on this list and some requests were otherwise duplicative). We have opened one of these cases and asked for additional information about the others; we are also independently researching the ones not opened to determine if they are appropriate for further action. We have

	NAME OF VICTIM	INCIDENT LOCATION	INCIDENT DATE	CLOSING DATE
1.	Louis Allen	Amite County, Mississippi	January 31, 1964	May 18, 2015
2.	Andrew Lee Anderson	Crittenden County, Arkansas	July 17, 1963	April 9, 2010
3.	Frank Andrews	Lisman, Alabama	November 28, 1964	November 13, 2013
4.	Isadore Banks	Marion, Arkansas	June 8, 1964	August 2, 2012
5.	John Larry Bolden	Chattanooga, Tennessee	May 3, 1958	April 15, 2010
6.	Preston Bolden	San Antonio, Texas	May 8, 1953	May 26, 2011
7.	James Brazier	Dawson, Georgia	April 20, 1958	April 6, 2009
8.	Thomas Brewer	Columbus, Georgia	February 18, 1956	April 6, 2009
9.	Hillard Brooks	Montgomery, Alabama	August 13, 1952	April 9, 2010
10.	Benjamin Brown	Jackson, Mississippi	May 11, 1967	March 19, 2013
11.	Charles Brown	Yazoo City, Mississippi	June 18, 1957	April 16, 2010
12.	Gene Brown/a.k.a. Pheld Evans	Canton, Mississippi	1964	April 21, 2010
13.	Jessie Brown	Winona, Mississippi	January 13, 1965	April 19, 2010
14.	Carrie Brumfield	Franklinton, Louisiana	September 12, 1967	September 24, 2013
15.	Eli Brumfield	McComb, Mississippi	October 13, 1961	April 16, 2010
16.	Johnnie Mae Chappell	Jacksonville, Florida	March 23, 1964	March 20, 2015
17.	Jesse Cano	Brookville, Florida	January 1, 1965	June 3, 2011
18.	Silas Caston	Hinds County, Mississippi	March 1, 1964	May 2, 2010
19.	James Chaney	Philadelphia, Mississippi	June 21, 1964	June 20, 2016
20.	Thad Christian	Anniston, Alabama	August 28, 1965	April 6, 2011
21.	Clarence Cloniger	Gaston, North Carolina	October 10, 1960	April 3, 2009
22.	Willie Countryman	Dawson, Georgia	May 25, 1958	April 6, 2009
23.	Vincent Dahmon	N/A	N/A	April 12, 2010
24.	Jonathan Daniels	Lowndes County, Alabama	August 20, 1965	April 26, 2011

also received a request from a civil rights organization regarding a police-shooting of an African-American subject that occurred in 1991. This matter, which is outside of the Reauthorization period, was not opened. The matter was investigated by the Division in 1991 and, presently, the statute of limitations for federal crimes, which was five years at the time of the shooting, has passed. Finally, a member of the Tribal Nation's Leadership Council referred a case to us through the Department's Office of Tribal Justice involving a Native American victim. It is being assessed by the office to determine whether it should be re-opened.

25.	Woodrow Wilson Daniels	Yalobusha County, Mississippi	June 25, 1958	April 12, 2010
26.	Henry Hezekiah Dee	Parker's Landing, Mississippi	May 2, 1964	March 15, 2010
27.	George Dorsey	Monroe, Georgia	July 25, 1946	January 27, 2017
28.	Mae Dorsey	Monroe, Georgia	July 25, 1946	January 27, 2017
29.	Roman Ducksworth	Taylorville, Mississippi	April 9, 1962	April 12, 2010
30.	Joseph Dumas	Perry, Florida	May 5, 1962	April 9, 2010
31.	Joseph Edwards	Vidalia, Mississippi	July 12, 1964	February 20, 2013
32.	Willie Edwards	Montgomery, Alabama	January 23, 1957	July 2, 2013
33.	James Evansington	Tallahatchie County, Mississippi	December 24, 1955	April 12, 2010
34.	Andrew Goodman	Philadelphia, Mississippi	June 21, 1964	June 20, 2016
35.	Mattie Greene	Ringgold, Georgia	May 20, 1965	May 4, 2012
36.	Jasper Greenwood	Vicksburg, Mississippi	July 10, 1964	June 17, 2010
37.	Jimmie Lee Griffith	Sturgis, Mississippi	September 24, 1965	August 14, 2012
38.	Paul Guihard	Oxford, Mississippi	September 30, 1962	July 19, 2011
39.	A.C. Hall	Macon, Georgia	October 11, 1962	July 27, 2011
40.	Rogers Hamilton	Lowndes County, Alabama	October 22, 1957	February 10, 2016
41.	Adlena Hamlett	Sidon, Mississippi	January 11, 1966	May 26, 2011
42.	Samuel Hammond	Orangeburg, South Carolina	February 8, 1968	
43.	Collie Hampton	Winchester, Kentucky	August 14, 1966	June 1, 2011
44.	Alphonso Harris	Albany, Georgia	December 1, 1966	April 12, 2010
45.	Isaiah Henry	Greensburg, Louisiana	July 28, 1954	May 21, 2012
46.	Arthur James Hill	Villa Rica, Louisiana	August 20, 1965	May 18, 2011
47.	Ernest Hunter	St. Marys, Georgia	September 13, 1958	April 6, 2009
48.	Jimmie Lee Jackson	Marion, Alabama	February 18, 1965	May 3, 2011
49.	Luther Jackson	Philadelphia, Mississippi	October 25, 1959	April 16, 2010
50.	Wharlest Jackson	Natchez, Mississippi	February 27, 1967	May 4, 2015
51.	Alberta O. Jones	Louisville, Kentucky	August 5, 1965	
52.	Ernest Jells	Clarksdale, Mississippi	October 20, 1963	April 16, 2010
53.	Joseph Jeter	Atlanta, Georgia	September 13, 1958	May 2, 2010
54.	Nathan Johnson	Alabaster, Alabama	May 8, 1966	April 21, 2011
55.	Marshall Johns	Ouachita Parish, Louisiana	July 13, 1960	April 22, 2010
56.	Birdie Kegar	Sidon, Mississippi	January 11, 1966	May 18, 2011
57.	Bruce Klunder	Cleveland, Ohio	March 7, 1964	April 16, 2010
58.	William Henry "John" Lee	Rankin County, Mississippi	February 25, 1965	May 5, 2011
59.	George Lee	Belzoni, Mississippi	May 7, 1955	June 6, 2011
60.	Herbert Lee	Amite County, Mississippi	September 25, 1961	April 16, 2010
61.	Richard Lillard	Nashville, Tennessee	July 20, 1958	April 15, 2010
62.	George Love	Ruleville, Mississippi	January 8, 1958	June 10, 2011
63.	Maybelle Mahone	Zebulon, Georgia	December 5, 1967	April 6, 2009

64.	Dorothy Malcolm	Monroe, Georgia	July 25, 1946	January 27, 2017
65.	Roger Malcolm	Monroe, Georgia	July 25, 1946	January 27, 2017
66.	Sylvester Maxwell	Canton, Mississippi	January 17, 1963	May 2, 2010
67.	Bessie McDowell	Andalusia, Alabama	June 14, 1956	April 9, 2010
68.	Ernest McPharland	Ouachita Parish, Louisiana	July 13, 1960	April 22, 2010
69.	Robert McNair	Pelahatchie, Mississippi	November 6, 1965	May 26, 2011
70.	Clinton Melton	Sumner, Mississippi	December 3, 1955	April 12, 2010
71.	Delano Middleton	Orangeburg, South Carolina	February 8, 1968	
72.	James Andrew Miller	Jackson, Georgia	August 30, 1964	April 12, 2010
73.	Hosie Miller	Newton, Georgia	March 25, 1965	June 21, 2011
74.	Booker T. Mixon	Clarksdale, Mississippi	September 12, 1959	August 13, 2012
75.	Nelmiah Montgomery	Cleveland, Mississippi	August 10, 1964	April 12, 2010
76.	Charles Edward Moore	Parker's Landing, Mississippi	May 2, 1964	March 15, 2010
77.	Harriette Moore	Mims, Florida	December 25, 1951	July 15, 2011
78.	Harry Moore	Mims, Florida	December 25, 1951	July 15, 2011
79.	Oneal Moore	Varnado, Louisiana	June 2, 1965	March 31, 2016
80.	William Moore	Attalla, Alabama	April 23, 1963	August 2, 2012
81.	Frank Morris	Ferriday, Louisiana	December 10, 1964	December 30, 2013
82.	James Motley	Elmore County, Alabama	November 20, 1966	April 12, 2010
83.	Claude Neal	Greenwood, Florida	October 26, 1934	October 1, 2013
84.	Samuel O'Quinn	Centreville, Mississippi	August 14, 1959	May 4, 2012
85.	Herbert Orsby	Canton, Mississippi	September 7, 1964	April 12, 2010
86.	Will Owens	New Bern, North Carolina	March 5, 1956	April 3, 2009
87.	Mack Charles Parker	Pearl River County, Mississippi	May 4, 1959	
88.	Larry Payne	Memphis, Tennessee	March 28, 1968	July 5, 2011
89.	Charles Horatious Pickett	Columbus, Georgia	December 21, 1957	April 12, 2010
90.	William Piercefield	Concordia Parish, Louisiana	July 24, 1965	September 16, 2013
91.	Albert Pitts	Ouachita Parish, Louisiana	July 13, 1960	April 22, 2010
92.	David Pitts	Ouachita Parish, Louisiana	July 13, 1960	April 22, 2010
93.	Jimmy Powell	New York City, New York	July 16, 1964	February 9, 2012
94.	William Roy Prather	Corinth, Mississippi	October 31, 1959	February 16, 2016
95.	Johnny Queen	Fayette, Mississippi	August 8, 1965	July 26, 2013
96.	Donald Raspberry	Okolona, Mississippi	February 27, 1965	May 17, 2010
97.	James Reeb	Selma, Alabama	March 8, 1965	May 18, 2011
98.	James Earl Reese	Gregg County, Texas	October 22, 1955	April 15, 2010
99.	Fred Robinson	Edisto Island, South Carolina	August 3, 1960	February 2, 2012
100.	Johnnie Robinson	Birmingham, Alabama	September 15, 1963	April 9, 2010
101.	Dan Carter Sanders	Johnston Co., North Carolina	November 18, 1946	

102.	Willie Joe Sanford	Hawkinsville, Georgia	March 1, 1957	July 5, 2012
103.	Michael Schwerner	Philadelphia, Mississippi	June 21, 1964	June 20, 2016
104.	Marshall Scott	Orleans Parish, Louisiana	January, 1965	May 25, 2012
105.	Jessie James Shelby	Yazoo City, Mississippi	January 21, 1956	May 24, 2010
106.	Ollie Shelby	Hinds County, Mississippi	January 22, 1965	April 16, 2010
107.	George Singleton	Shelby, North Carolina	April 30, 1957	April 16, 2010
108.	Ed Smith	Stateline, Mississippi	April 27, 1958	November 5, 2009
109.	Henry Smith	Orangeburg, South Carolina	February 8, 1968	
110.	Lamar Smith	Brookhaven, Mississippi	August 13, 1955	April 12, 2010
111.	Maceo Snipes	Butler, Georgia	July 18, 1946	April 12, 2010
112.	Eddie Stewart	Jackson, Mississippi	July 9, 1966	May 26, 2011
113.	Isaiah Taylor	Ruleville, Mississippi	June 26, 1964	April 12, 2010
114.	Emmett Till	Money, Mississippi	August 28, 1955	December 28, 2007 (initial closing date) Re-opened
115.	Ann Thomas	San Antonio, Texas	April 8, 1969	April 15, 2010
116.	Freddie Lee Thomas	Sidon, Mississippi	August 19, 1965	June 9, 2011
117.	Selma Trigg	Hattiesburg, Mississippi	January 21, 1965	May 2, 2010
118.	Ladislado Ureste	San Antonio, Texas	April 23, 1953	April 20, 2010
119.	Hulet Varner	Atlanta, Georgia	September 10, 1966	April 6, 2009
120.	Clifton Walker	Woodville, Mississippi	February 29, 1964	October 1, 2013
121.	Virgil Ware	Birmingham, Alabama	September 23, 1963	March 29, 2011
122.	James Waymers	Allendale, South Carolina	July 10, 1965	April 15, 2010
123.	Ben Chester White	Natchez, Mississippi	June 10, 1966	October 16, 2003
124.	Robert Wilder	Ruston, Louisiana	July 17, 1965	May 25, 2011
125.	Elbert Williams	Brownsville, Tennessee	June 20, 1940	
126.	Rodell Williamson	Camden, Alabama	May 20, 1967	May 2, 2010
127.	Archie Wooden	Camden, Alabama	December 25, 1967	April 20, 2010
128.	Samuel Younge	Tuskegee, Alabama	January 3, 1966	March 28, 2011

III. COLD CASE STUDY AND REPORT: SUMMARY OF CASES CLOSED SINCE LAST REPORT

Since the last Report, the Department has created a website on which it has posted memoranda about Till Act cases that it has reviewed and closed.

<https://www.justice.gov/crt/civil-rights-division-emmett-till-act-cold-case-closing-memoranda>.

The case closing memorandum for each case is available for interested readers.⁶ The memoranda are redacted to protect the privacy rights of witnesses and uncharged subjects. Copies of the case closing memoranda issued since the Department's last Report to Congress are appended to this Report. A redacted copy of the memorandum provided to Attorney General Hood in the "Mississippi Burning" case (*In re Chaney, Goodman, and Schwerner*) is appended to this Report; Mississippi authorities have posted a copy of the memorandum online.⁷

A. Murders at Moore's Ford Bridge (July 25, 1946)

Since the last Report, the Department has spent considerable time and effort analyzing the evidence and exploring whether it could bring charges concerning a lynching that occurred in 1946 at Moore's Ford Bridge in Walton County, Georgia. The Department's efforts resulted in a January 27, 2017, case closing memorandum of more than 350 pages. The incident, which occurred on the evening of July 25, 1946, involved the shooting of two African-American couples: Roger and Dorothy Malcom, and George and Mae Murray Dorsey. The couples, who worked as sharecroppers, were shot to death by a mob of 20 to 50 white men on Moore's Ford Bridge, which spans the Apalachee River.

At the request of President Harry S. Truman, the FBI immediately began an investigation following the couples' deaths and conducted more than 10,000 interviews of almost 2,800 witnesses. The Department also conducted a federal grand jury investigation in December 1946,

⁶ The Reauthorization Act requires the Department to develop a singular, publicly accessible repository for disclosed documents. Emmett Till Unsolved Civil Rights Crimes Reauthorization Act of 2016, Pub. L. No. 114-325, 130 Stat 1965, Section II, § (1)(C)(8). All Freedom of Information Act materials related to cold cases will be posted on this website.

⁷ The closing of the "Mississippi Burning" case is not discussed in this section, as it is summarized above in the section on cases referred to state or local authorities.

which resulted in a single indictment for perjury. The investigation, however, did not identify any of the murderers and did not result in any other indictments. The FBI re-opened its investigation in 1991, and again in 1998 and 2006. During the "modern" investigations, the FBI interviewed or contacted approximately 40 individuals, including six of the original suspects, two of the original witnesses, and two new suspects. In all, the modern investigations identified approximately 20 new suspects.

Although a number of potential suspects were developed, the murders were never solved. Only one of 170 original suspects remains alive, but there is little evidence against that suspect, who was only 15 at the time of the crime. Most of the suspects identified by the modern investigations are also deceased. The remainder were either too young at the time of the killings to have been likely participants or were not mentioned in the 1946 file which, given the extent of that investigation, renders them unlikely suspects.

B. Murder of Roger Hamilton (October 22, 1957)

On February 10, 2016, the Department closed *In re Roger Hamilton*, a case in which a young African-American man in Lowndes County, Alabama, was picked up by a white man in 1957, driven a short distance, and then shot in the face. The case was closed in large measure due to the fact that relevant, historical records were destroyed by fire, precluding the development of investigative leads. The case closing memorandum also notes that the statute of limitations would have long expired on any federal civil rights charges and likewise notes that there is no indication, even if a subject could be identified, that there would be any other viable federal charges (*e.g.*, murder on federal land or kidnapping across state lines).

C. Murder of O'Neal Moore (June 2, 1965)

On March 31, 2016, the Department closed *In re O'Neal Moore*. Moore had been hired in 1964 as one of the first two African-American sheriff's deputies in Washington Parish, Louisiana. He and the other African-American deputy sheriff, who was working as his partner, were gunned down in Varnado, Louisiana, while on duty investigating a brush fire. The defendant was identified as someone in a pick-up truck displaying a confederate flag. As explained in the appended case closing memorandum, the FBI devoted significant resources towards solving this crime both immediately following the shooting and over the ensuing years. The FBI's efforts, however, have failed to yield any charges or even to narrow the field of suspects. Witnesses and most subjects are deceased, leaving behind second-generation and third-generation witnesses who do not possess first-hand information to share with the FBI. Because all viable leads have been exhausted, the case was closed.

IV. COLD CASE STUDY AND REPORT: REPORT ON NON-CASE SPECIFIC FACTORS

Pursuant to sections 3(c)(1)(F)-(G) of the Till Act, the Department must report to Congress the number of attorneys who worked on any case under the Till Act, as well as the number of grant applications submitted by state or local law enforcement agencies for expenses associated with their investigation and prosecution of cases under the Till Act, and the amount of any grants awarded. This information is set forth below.

A. Number of Attorneys Who Worked in Whole or in Part on Cases

Pursuant to section 3(c)(1)(F) of the original Till Act, the Department provides the following information about the number of attorneys who have worked on cold cases. At least 77 federal prosecutors have worked on cases under review as part of the Department's Cold Case

Initiative and the Till Act. Some of these attorneys have reviewed files (many of which are extensive) and drafted memoranda explaining decisions about why a case could not be prosecuted. Others have participated with the FBI in witness interviews. Still others have participated in the prosecution of the *Seale* case. The resources involved to prosecute a federal criminal case are enormous. More than 40 federal employees participated in the *Seale* prosecution alone. That number does not include the numerous retired federal employees, local law enforcement officials, or contract employees who provided additional assistance.

B. Number of Grants

No funding has been appropriated for grants under the Till Act, and the Department has received no applications for grants from state or local law enforcement agencies under the Till Act.

C. Notifying Victim Family Members

The FBI has devoted considerable resources to locating victims' next-of-kin, and has successfully located family members for 108 of the 122 victims in which a case has been closed or referred to the state. In a few of these cases, FBI agents and/or prosecutors have met with family members to discuss the reason a case could not be federally prosecuted. In all others, letters explaining reasons for the closings have been hand-delivered to the family members or, when requested, to their legal representatives. In some rare instances, the government has been able to give family members further closure by returning property of their loved one that had been long held in evidence files.

We have been informed that while many family members appreciate this notification process, others do not. During a November 2017 meeting, we invited stakeholders to reach out to the Civil Rights Division's victim-witness coordinator to express any views they may have

about ways in which the Department can improve its interaction with family members. The victim-witness coordinator will make recommendations to the Cold Case Deputy Chief.

V. IMPLEMENTATION OF THE REAUTHORIZATION ACT

The Reauthorization Act was passed on December 16, 2016. The Act requires, among other things, that the Department meet regularly with civil rights organizations, institutions of higher education, and DOJ-designated entities to coordinate information sharing and to discuss the status of the Department's Till Act work; support the full accounting of all victims whose deaths or disappearances were the result of racially-motivated crimes; hold accountable under federal and state law individuals who were perpetrators of, or accomplices to, unsolved civil rights-era murders and disappearances; keep families regularly informed about the status of the investigations; and expeditiously comply with Freedom of Information Act requests and develop a singular, publicly accessible repository of these disclosed documents.

Since the Reauthorization Act was passed, the Civil Rights Division has selected a new Cold Case Deputy Chief, who has consulted with the FBI Civil Rights Unit Chief and with the outgoing Cold Case Deputy Chief. The Department has also created an outreach plan to ensure that it elicits cold cases from every possible source and otherwise complies with the requirements of the Reauthorization Act.

A. National Meetings

Hate Crimes Summit

The Department hosted a Hate Crimes Summit on June 29, 2017. During this important civil rights initiative, the Department solicited input on implementation of the Reauthorization Act and requested that anyone interested in participating in ongoing meetings provide contact information to the Cold Case Deputy Chief.

Moderated Discussion

In November 2017, the Civil Rights Division and the FBI held a moderated discussion with stakeholders who have a vested interest in cold case investigation and prosecution. The forum included an interactive discussion to explain the Department's plans to implement the Reauthorization Act, to solicit recommendations on how to better support families and communities of victims, and to provide a platform for identifying how better to obtain information about cases and matters. The Department plans to hold a second discussion with interested stakeholders in the spring/summer of 2018.

Ongoing Meetings

To satisfy the Reauthorization Act's requirements that the Department meet regularly with eligible entities to coordinate information sharing, the Department will set up regular meetings to report upon its work and to receive information from groups committed to solving civil rights-era murders.

B. Community Meetings and Informational Sessions

The FBI will host a series of community meetings, with input and occasional assistance from Assistant United States Attorneys and Civil Rights Division prosecutors. Stakeholders within communities that have an interest in civil rights, criminal justice, and cold case issues will be invited to attend these sessions, as will other members of the public. The public will be educated about how to provide case information to the FBI. Whenever practicable, informational sessions may be paired with trainings about prevention and prosecution of modern-day hate crimes, in order to keep communities fully apprised of federal initiatives and resources.

VI. CONCLUSION

The Department is committed to prosecuting any cold case in which living subjects exist, a federal statute provides jurisdiction, and the law and facts warrant prosecution. The Department also stands ready to assist our state and local partners in their efforts to achieve justice in these important cases.