

CIVIL RIGHTS DIVISION

Notice to Close File

File No. 144-2-1430

Date April 09, 2010

To: Chief, Criminal Section

Re: Claude Ingle (Deceased),  
XXXXXXXXXX  
Andalusia, Alabama- Subjects;  
Bessie McDowell (Deceased) – Victim  
CIVIL RIGHTS

It is recommended that the above case be closed for the following reasons:

**Case Synopsis**

One June 14, 1956, victim Bessie McDowell, a 58-year-old African-American domestic worker, was fatally shot by the subject Claude Ingle, a 48-year-old white man. According to media reports, the subject and XXXXX, XXXXXXXXX (age XX), were working as debt collectors for a small loan establishment called XXXX XXXX Company in Andalusia, Alabama.

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Shelly Ward  
Attorney

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To: Records Section  
Office of Legal Administration

The above file has been closed as of this date.

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Date

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Chief, Criminal Section

FOMERLY CVR-3 FORM CL-3

On the night of the incident, they went to the McDowell's home to collect on a loan that had been given to XXXXXX, the victim's XXXX. XXXXX went to the window to speak with the XXXX, and an argument over the loan payment ensued. The subject slapped XXXXX, and XXXXX ran from the window. The subject then fired a .32 caliber pistol into the open window. The victim was struck in the eye and died from her injuries en route to the hospital. The subject and XXXXX subsequently told investigators that the room was dimly lit, and they did not know that the victim was in the room. The subject stated further that he fired the gun to scare XXXXX because he thought XXXX had run to get a shotgun. Both the subject and XXXXX were arrested following the incident and held in the Covington County Jail.

### **Federal Investigation**

The Federal Bureau of Investigation (FBI) initiated a review of the circumstances surrounding the victim's death on July 24, 2008, based on media coverage of the incident. The investigation was opened pursuant to the Department of Justice's "Cold Case" initiative, which focuses on civil rights era homicides that occurred no later than December 31, 1969. As part of its investigation, the FBI attempted to obtain the results of the local investigation into the matter. However, because of the extended time period (52 years) between the incident and the initiation of a federal investigation, and the lack of seasonable computerized records from the era, Covington County officials were unable to locate any existing law enforcement reports pertaining to the incident.

Covington County court documents revealed that both the subject and XXXXX were arrested and indicted for Murder First Degree. A court docket entry dated October 18, 1956, documents that a *nolle prosequi* motion was filed by prosecutors for XXXXX due to insufficient evidence. A separate docket entry dated October 19, 1956, documents that the subject was found guilty of Manslaughter Second Degree and sentenced to 12 months in jail and a fine of \$500. An Autotrak XP database search revealed that the subject died in July 1979, in Knoxville, Tennessee. A database search for "XXXXXXX" returned several results. One result listed a date of birth of XXXXX which means he would have been XX years old on the day of the incident. Of all the results returned by the database search, this result most clearly corresponds with the age of XXXX listed for XXXXX in the original newspaper article. The database indicated that this XXXXX currently resides in Spanaway, Washington.

The FBI agent investigating the case also met with an investigation reporter from *The Andalusia Star-News* who provided access to the publication's archives. The agent was able to locate the original newspaper article detailing the incident, a summary of which is contained in the case synopsis section of this memorandum.

### **Legal Analysis**

This matter does not constitute a prosecutable violation of the federal criminal civil rights statute. Prior to 1994, federal criminal civil rights violations were not capital offenses, thereby subjecting them to a five-year statute of limitations. See 18 U.S.C. § 3282(a). In 1994, some of these civil rights statutes were amended to provide the death penalty for violations resulting in

death, thereby eliminating the statute of limitations. See 18 U.S.C. § 3281 (“An indictment for any offense punishable by death may be found at any time without limitation.”). However the *Ex Post Facto* Clause prohibits the retroactive application of the 1994 increase in penalties and the resultant change in the statute of limitations to the detriment of criminal defendants. Stogner v. California, 539 U.S. 607, 611 (2003). While the Civil Rights Division has used non-civil rights statutes to overcome the statute of limitations challenge in certain cases, such as those occurring on federal land and kidnapping resulting in death, the facts of the present case do not provide a basis for federal prosecution under these other statutes. Thus, the Department of Justice is unable to prosecute the sole living subject. Accordingly, this matter lacks prosecutive merit and should be closed. AUSA Louis Franklin of the Middle District of Alabama concurs in this recommendation.