

CIVIL RIGHTS DIVISION

Notice to Close File

File No. 144-19M-1763

04/07/2010
Date _____

To: Chief, Criminal Section

Re: Officer Joseph Eugene Cameron (Deceased),
Columbus Police Department,
Columbus, Georgia- Subject;
Clarence Horatious Pickett (Deceased) - Victim
CIVIL RIGHTS

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

Case Synopsis

On December 21, 1957, Clarence Horatious Pickett, an African-American Baptist minister, was arrested on a charge of being "plain drunk" near his home in Columbus, Georgia. The victim was transported to the Columbus City Jail (the jail), where he was placed in a cell for intoxicated detainees, known as "the tank." A number of detainees were in the jail when the victim arrived. According to four of those detainees, at about 5:00 p.m., the victim began yelling and cursing at Columbus Police Department (CPD) Officer Joseph Cameron, the subject, who was jailer that night. Cameron opened the tank door and started beating the victim in the face and stomach until the victim fell to the floor. Cameron then started beating the non-resisting victim on the

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To: Records Section
Office of Legal Administration

The above numbered file has been closed as of this date.

Date

Chief, Criminal Section

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head with a "blackjack" (a short, leather-covered club, consisting of a heavy head on a flexible handle). The subject also continued kicking the victim in the side and stomach, until the victim lost consciousness. Two other detainees did not witness the beating itself but they gave statements corroborating that it occurred. Only one detainee stated that he was in the jail throughout the victim's stay there and never saw any beating.

The next morning, December 22, 1957, the victim, who appeared injured and complained of stomach pain, was moved to another holding area in the jail. At about 12:00 p.m., the victim was released from the jail and taken home. Within an hour, relatives brought the victim to the Georgia Medical Center hospital in Columbus. There, the victim was examined and released. On December 23, 1957, the victim was again brought to the hospital, where he was pronounced dead at about 2:30 p.m.

An autopsy, conducted at the request of Coroner C.F. Davis, determined that the victim died as a result of "shock and toxemia due to peritonitis, resulting from traumatic rupture of the duodenum." (Shock and blood poisoning resulting from injury to the first part of the small intestine.)

Several witnesses gave statements that after the victim was released from the jail they heard from the victim himself or through another person that the victim had been beaten at the jail.

The subject gave a statement to CPD on the day of the victim's death, in which he omitted mention of any force he had used against the victim. On January 3, 1958, the subject gave a second statement to CPD in which he admitted using force. Specifically, Cameron stated that the victim grabbed his shirt so he punched the victim and knocked him to the floor. At that point, the victim grabbed Cameron's leg and he kicked the victim only to free his leg. The subject never admitted that he struck the victim with his blackjack.

On January 3, 1958, CPD Chief E.S. Moncrieff filed a murder complaint against Cameron, who was then arrested and jailed. On January 6, 1958, following a preliminary hearing, the subject was bound over on a murder charge to the Muscogee County Superior Court. Two days later, a local Coroner's Jury determined that the victim had died as a result of the beating by Cameron.

On February 3, 1958, a Muscogee County grand jury indicted the subject. On April 23, 1958, the subject's murder trial took place. At the trial the subject testified in conformity with his second CPD statement, admitting that he used force but only in reaction to the victim's actions and maintaining that he was not responsible for the victim's death. A CPD XXXXX reportedly testified that she saw another officer, CPD Officer Bartow Robinson, strike the victim. Officer Robinson died prior to the trial; however, another officer testified that he was present when Robinson brought in his prisoner and that he never saw Robinson strike the victim.

On April 23, 1958, after deliberating about 95 minutes, the all-white, all-male jury acquitted Cameron. Cameron was reinstated in the CPD on April 25, 1958, with full back pay.

The subject died in September 1968.

Federal Investigation and Review

The Federal Bureau of Investigation (FBI) first opened the matter on December 31, 1957, at the request of CPD Chief of Detectives Henry T. Whitley. As part of its investigation, the FBI interviewed a large number of witnesses; and obtained a number of witness statements from the CPD, the autopsy report, the transcript of the local Coroner's Inquest, and a number of newspaper articles.

In the fall of 2008, the FBI initiated a review of the circumstances surrounding the victim's death, pursuant to the Department of Justice's "Cold Case" initiative and the "Emmett Till Unsolved Civil Rights Crime Act of 2007," which charges the Department of Justice to investigate "violations of criminal civil rights statutes . . . result[ing] in death" that "occurred not later than December 31, 1969." The FBI case agent retrieved from the National Archives and Records Administration (NARA) the 1958 FBI file relating to the incident; interviewed current CPD and other law enforcement officials; and conducted searches of Georgia death records.

1) The 1958 FBI file

All of the following information was included in the 1958 FBI file.

Events prior to the victim's arrest

Witness statements concerning the events that occurred at about noon on December 21, 1957, are summarized here because, according to an April 24, 1958 *Columbus Ledger* article, these statements were used before and during the subject's trial to attempt to shift the blame for the victim's death. All of the witnesses listed below gave statements to the CPD between December 23 and 26, 1957, testified in the Coroner's Inquest on January 8, 1958, and at the subject's trial on April 23, 1958. Additionally, the victim's XXXXXX, XXXXXX, was interviewed by the FBI on January 1, 1958. The content of the witnesses' trial testimony was summarized in newspaper accounts. These witnesses' accounts are consistent in relevant detail across their statements.

CPD Officer XXXXXX stated that at about noon on December 21, 1957, he and courthouse employee XXXXXX drove by the Dixie Theatre (the theater) in Columbus. A car was parked in front of the theater and XXXXXX remarked that there appeared to be a scuffle occurring near the car. XXXXXX told XXXXXX, who was driving, to pull over. XXXXXX stated that as he approached the car, he saw a man and a woman, later identified as XXXXXX and XXXXXX, trying to place the victim in the car. The victim was resisting their efforts and XXXXXX pushed and struck the victim about the lower body to force him into the car. At the request of XXXXXX and XXXXXX, XXXXXX allowed XXXX to drive the victim, who was drunk, home. XXXXXX gave a similar account.

XXXXXX, the XXXXXX, was also the XXXXXX of the *Columbus World* newspaper and employed the victim to sell advertisements on commission. XXXXXX stated that on December

21, 1957, at around 11:30 a.m., the victim was in XXXXX's office as usual. The victim's XXXXX, XXXXX, and a close friend of the victim's, XXXXXX were also in the office, possibly having just concluded some shopping. XXXXXX testified that the victim "showed his displeasure" when XXXXX suggested they settle accounts. XXXXXX surmised that the victim did not want to conduct business in front of his sister. According to XXXXX, although he did not smell alcohol on the victim and the victim was not "drunk," the victim's mannerism and tone of voice led XXXXX to suspect that the victim had imbibed some alcohol. XXXXX suggested to the victim that they go home. XXXXX testified that the victim was reluctant, but was eventually persuaded to do so. The victim initially got into XXXXXX's car but then started trying to exit. As the victim kept his feet against the inside of the door, XXXXX tried to push it closed. Shortly thereafter, Officer XXXXXX arrived. XXXXX stated that, at that point, he stepped away because it was "police business." XXXXX denied ever striking the victim.

One of the victim's XXXX, XXXXX, stated that she was present and helped XXXXXX place the victim into XXXXXX's car. XXXX stated further that when Officer XXXXXX drove up, he said to the victim, "This is the Preacher.¹ Are you drunk again?" The victim said he was not intoxicated. The officer asked the victim to exit the car and the victim complied. The officer then told the victim to get back into the car and go home with XXXXXX. XXXXX denied that anyone struck the victim in front of the theater.

XXXXX gave an account consistent with that of XXXXX and XXXXX. In particular, she stated that there was no scuffle between XXXXX and the victim.

Events at the jail

A number of jail detainees stated that they were present when the victim was brought into the jail at about 4:20 p.m. on December 21, 1957. The majority of those detainees stated that they saw Cameron assault the victim. Detainees XXXXX (African-American), XXXXX (African-American), XXXXX (African-American), and XXXXX (white) all gave statements to the FBI and testified at Cameron's trial. XXXXX also gave a statement to CPD investigators and testified both at the Coroner's Inquest and the preliminary hearing. Two other detainees, XXXXX (African-American) and XXXXX (African-American), did not witness the beating but their accounts indirectly corroborate the accounts of the detainees who stated that the victim was beaten. Only one detainee, XXXXXX (African-American), gave a statement that contradicted the statements of the other detainees. Finally, detainee XXXXX (African-American) was placed in the tank after the time the victim was beaten and released early the next day. XXXXX told the FBI on December 31, 1957, that there were a number of other detainees in the tank with him but XXXX did not know the victim and, therefore, could not say whether the victim was one of those men. Since XXXX's statement does not speak to the relevant time-period, his statement is not summarized below.

¹ The victim was often referred to as "the Preacher."

i. Detainees who stated they witnessed the subject beating the victim

In his signed CPD statement, **Detainee XXXX** said he was in the jail at the time of the incident and that he never saw anyone hit or kick the victim. XXXXX stated further that on the morning of December 22, 1957, the victim complained of pain in his side and said he wanted to go a hospital.²

XXXXX's statement to the FBI on January 2, 1958, was significantly different. XXXX told the FBI that on December 21, 1957, he was in the jail in the "run around" cell with a number of other detainees. The run around was 8 or 9 feet across from the tank, where the victim was placed upon arrival that afternoon. Shortly after the victim was locked in the tank, he began cursing. Shortly after that, subject Cameron accompanied two inmate trustees as they began distributing dinner trays.³ The victim continued cursing, calling Cameron "a son-of-a-bitch" and demanding to be released because he could pay for bail. Cameron said, "I've got to quieten him down." Cameron then unlocked the door of the tank and entered the cell.

The subject grabbed the victim, shoved him against a wall, and started punching him in the head and stomach with both fists. The victim fell to the floor, and then the subject pulled out his blackjack and began hitting the victim on the head and neck with it. Cameron also kicked the victim several times with his right foot; he appeared to be kicking as hard as he could. After Cameron stopped beating the victim, he said: "Now you bastard you'll be quiet."

XXXXX stated that he did not hear the victim again until the next morning when the victim was transferred into the run-around. XXXXX stated that the victim was walking bent over, holding his side, and groaning. The victim sat on one of the bunks and continued complaining that "his side was hurting so bad." When the victim was released sometime later that day, he was still groaning and appeared to be in great pain. XXXXX stated that he did not see the victim again, but a few days later, the subject brought cigarettes to the run-around detainees and said to them: "You know what happened to the Preacher? You know he died."

In the Coroner's Inquest, on January 8, 1958, XXXXX gave an account generally consistent with his FBI statement. In particular, XXXXX reiterated that Cameron punched the victim and knocked him to the floor and that, as the victim lay on the floor, Cameron struck the victim with his blackjack around the temple area and kicked him in the sides and stomach. XXXXX estimated that the subject punched the victim about five times before the victim fell and kicked the victim six or seven times after the victim was on the floor.

² The bottom of XXXXX's CPD statement, immediately above his signature, states in the first person that XXXXX cannot read or write, but that the statement had been read to him and "is true, So Help Me God." At the bottom of XXXXX's January 2, 1958 FBI statement, he iterated that he was illiterate and that the statement had been read to him and was true.

³ XXXXX and XXXX and other detainees also mentioned trustees but the investigative file contains no information identifying either of the trustees.

Newspaper accounts of XXXXX's testimony at the subject's trial are very brief and summarized together with XXXXX's and XXXX's accounts. However, they state that the three men testified that Cameron assaulted the victim after the victim cursed at him and that they saw Cameron punch the victim, kick him after he fell, and then strike him with the blackjack.

XXXXX (African-American) told the FBI on January 3, 1958, that he was in the run-around when the victim arrived at the jail and was placed in the tank. XXXXXX confirmed XXXXX's account that the victim was cursing. Like XXXXX, XXXXX said that the subject came into the cell area with two trustees who were serving the dinner trays. The subject went over to the tank, and XXXXX then heard a scuffle and looked out the glass door of the run-around. XXXXX saw the victim on the floor and the subject was standing over him, beating him in the head with the blackjack. XXXXX also saw Cameron "stomp" the victim in the stomach with a foot. XXXXX stated that the victim appeared to lose consciousness and, like XXXXX, XXXXXX did not hear the victim say anything the rest of the night. XXXXX added that he walked around for some time in the cell block that night and, when he looked into the tank, he saw the victim lying in the same position. The next day, XXXXX saw the victim in the run-around. Like XXXXX, XXXX stated that the victim was holding his stomach and groaning, apparently in great pain. XXXXX also confirmed that he saw the victim walking in a crouched position. XXXXX was transferred out to another jail sometime between 9:00 and 9:30 a.m. XXXX did not testify before the Coroner's jury but, as stated previously, newspaper articles indicate that he did testify at the trial, in conformance with his prior statements.

XXXXXX (African-American) told the FBI on January 3, 1958, that he was in the run-around and saw the subject place the victim in the tank. XXXXX stated that as Cameron placed the victim in the tank, he slapped the victim in the face two or three times, but the slaps did not appear to be hard. XXXXX was the only witness to mention the subject slapping the victim at that point. XXXXX confirmed that the victim cursed and that Cameron went into the victim's cell, grabbed him by the collar, and began punching him with his right fist in the face and stomach, until the victim fell to the floor. XXXXX also confirmed that the subject hit the victim with the blackjack after the victim was on the floor. From XXXXX's position, he could not see the victim's body on the floor, but he could see the subject moving up and down either jumping on top of the victim or kicking him. The victim was not resisting. The subject exited the cell and an inmate trustee asked him if the trustee should give the victim food; the subject replied: "I wouldn't want to put anything in there for him if he stayed in there 20 years." XXXXX confirmed XXXXXX's and XXXXX's accounts of the ensuing events in relevant detail. As with XXXXX and XXXXX, newspaper accounts of XXXXX's testimony indicate that it was in conformity with his prior statements.

XXXXX (white) told the FBI on January 6, 1958, that he was a detainee at the jail and saw the victim being placed in the tank. At that point, the victim was walking under his own power and did not appear drunk. XXXXXX confirmed that the victim started cursing and that about 30 minutes after the victim was placed in the tank, Cameron also entered the tank. XXXXXX then heard "some licks and blows that sounded like a foot or fist hitting a body." XXXXX heard seven or eight such blows and someone groaning as if in pain. XXXXX then heard the subject instruct the other detainees in the tank to move over to the "bull-pen," presumably what the other detainees

referred to as the “run-around.” XXXXX then saw Cameron and two detainees move from the tank to the bull-pen. After Cameron locked the bull-pen, the victim said something that XXXXX did not understand. Cameron returned to the tank and XXXXX again heard “several licks and blows.” With the first two “licks,” XXXXX again heard someone groan but no sounds following the other blows. Cameron then left the tank and walked by XXXXX’s cell. XXXXX stated that Cameron was sweating profusely and breathing heavily. Cameron spoke to XXXXX but XXXXX could not recall what the subject said.

About an hour later, the subject accompanied another detainee to the tank. The detainee stopped at the cell door and said “I don’t want to go in. That man is dead, ain’t he?” Cameron replied that he did not think so, entered the cell, then came back out and said, “No, he is not dead.” At that point, the detainee entered the cell.⁴ On the morning of December 22, 1957, XXXXX saw an African-American detainee come out of the tank holding his hand and arm over his stomach. XXXXX did not see the detainee again. Sometime on December 23, XXXXXXXX learned that the man had died. At about that time, XXXXX asked the subject whether he was concerned that he might get in trouble as a result of what had happened to the victim. Cameron replied: “No, he waited too long to say anything about it.” XXXXX did not testify in the Coroner’s Inquest but he did testify at the trial, and his testimony as quoted in newspaper accounts conforms with his FBI account.

ii. Detainees who explicitly corroborate that the victim was beaten

Detainee XXXX (African-American) told the FBI on January 3, 1958, that he was in the run-around at the time of the incident. XXXXX heard the victim curse at the subject and the subject say “he must not know where he is.” XXXX did not go up to the run-around window because there were too many detainees there, but one of the detainees at the window told XXXXX that the victim was being beaten. XXXXX saw the victim the next morning and confirmed that the victim was groaning.⁵ XXXXX did not testify in the Coroner’s Inquest or at the subject’s trial.

Detainee XXXXX (African-American) told the FBI on January 2, 1958, that he was placed in the tank at about 9:30 p.m. on the night of December 21, 1957. [Jail logs indicate that XXXXX arrived at 11:00 p.m.] The victim was lying on the floor in the middle of the tank, groaning as if in severe pain. About 20 minutes after arriving, XXXXX was moved from the tank to the “cell area” (likely the run-around) with other detainees. The next morning, the victim was moved to the same cell area. XXXXX confirmed XXXXX’s account that the victim walked in a crouched position until he sat down on a bunk but he appeared not to be able to rest there because he was in pain. According to XXXX, the victim said, “Those officers should not have done me this way.”

⁴ The investigative file contains no indication identifying that detainee.

⁵ CPD investigators reported on December 24, 1957 that they spoke to XXXXX that day, and that when asked whether he had seen any officer strike or kick anyone, XXXXX said that he had not.

XXXX did not question the victim about the comment. Shortly thereafter, XXXXX commented to another detainee that the victim appeared to be in “awful pain.” The other detainee replied that XXXXX would be too if he “had taken a beating like Reverend Pickett had.” Another detainee stated later to the victim that the victim “had brought it upon [himself.]” At about 4:00 p.m. that day, an officer distributed cigarettes to the detainees and a detainee told XXXXX that the officer was the one who had beaten the victim. XXXXX did not testify in the Coroner’s Inquest or at the subject’s trial.

iii. Detainees who corroborate that the victim was in pain the morning after the beating

In addition to XXXXXX, XXXXX, XXXX, and XXXX, detainees XXXXX and XXXX gave statements concerning the victim’s condition on the morning of December 22, 1957.

XXXXX (African-American) told the FBI on January 2, 1958, that he was arrested for being drunk on December 21, 1957 and placed in the jail. XXXXX stated that he did not know what time he was arrested or brought to the jail, but jail logs indicate that XXXX arrived at 12:40 p.m. When XXXXX regained consciousness the next day, he was in a cell with several other detainees, including a man who was complaining of stomach-ache. At some point, an officer gave the man white tablets and, sometime later, the man was released and XXXX did not see him again. XXXXX (African-American) similarly told the FBI on January 2, 1958, that he woke up on December 22 in the same cell as the victim and that the victim was holding a hand on his stomach and groaning as if in great pain. Neither XXXXX nor XXXX testified in the Coroner’s Inquest or at the subject’s trial.

iv. Detainee who contradicted the other detainees’ accounts

XXXXX (African-American) gave a signed statement to CPD investigators on December 23, 1957.⁶ XXXXXX stated that he was in the tank from the morning until 9:00 p.m. on December 21, 1957 and then again from 11:45 p.m. that date until early the next morning. XXXXXX stated he never heard any commotion or anyone complain of having been beaten. XXXXXX was not interviewed by the FBI and he did not testify in the Coroner’s Inquest or at the subject’s trial.

Events after the victim’s release from the jail

XXXXX, XXXXX, XXXXX, and two witnesses at the hospital gave statements about the victim’s condition after he was released from the jail on December 22, 1957. All of those witnesses stated that they heard either from the victim himself or through another person that the victim had been beaten at the jail.

⁶ Unlike XXXXX’s CPD and FBI statements, XXXXX’s CPD statement does not indicate that he was illiterate or that the statement was read to him. Rather, immediately above his signature, XXXXX attested that the statement was true and that he had not been threatened.

XXXXXX testified at the Coroner's Inquest on January 8, 1958, that on December 22, 1957, XXXXX, who paid the victim's bond, told XXXX that the victim could not walk out of the jail.⁷ Presuming that the victim was merely stiff as a result of the overnight stay, XXXXXX sent two men, XXXXX and XXXXX, to help the victim home. The men brought the victim to XXXXX's theater rather than taking him home. XXXX asked the victim how he was doing, and the victim replied that his stomach hurt and that he could not walk. The two men took the victim home and then came back. One of them, XXXX did not identify which, then told XXXXX that the victim had told XXXXX that he had been beaten by police officers.⁸

XXXXXX told the FBI on January 1, 1958, that on December 22, 1957, at about noon, two men brought the victim into his house and placed him on his bed. The victim then told XXXXX that the police "done killed [him.]" The officer(s) had reportedly kicked the victim in the side and stomach and then gotten on top of him and "stomped" him. The victim quoted the officer(s) as saying, "That black son-of-a-bitch is dying, if he is not dying, he is going to die."

The victim had been home about 20 minutes when XXXXX called an ambulance and had him transported to the hospital. There the treating physician, later identified as John Harris, told XXXX that the victim had no broken bones, just bruises, and was malingering. The victim was released at about 5:00 p.m. and sent home with tablets to help him "rest." The victim continued to complain of stomach pain and on December 23, 1957, at about 2:00 p.m., XXXXX called another ambulance. The victim was transported again to the hospital where he was pronounced dead on arrival.

XXXXXX gave a sworn statement to CPD on December 23, 1957, in which she said that the victim had told her that he had been beaten in the jail. In the Coroner's Inquest, XXXXX reiterated that the victim told her that an officer had stomped and kicked him in the stomach.

XXXXXX gave a statement to CPD on December 26, 1957, testified in the Coroner's Inquest, and at the subject's trial. Her accounts are consistent and summarized together. XXXXX stated that she saw the victim in his room on the night of December 22. XXXXX stated that the victim told her that a white officer at the jail had "stomped and kicked" him in the stomach and that he felt as though his stomach was "busted."

Medical Center XXXXX told the FBI on January 2, 1958, that she was present when the victim arrived at the hospital. XXXX heard the victim's XXXX say that the victim had been "kicked and stomped" by an officer at the jail. XXXXX immediately phoned the CPD and informed an unidentified person there of the allegation.

⁷ The investigative file does not contain any statement from XXXXX.

⁸ CPD investigators reported on December 24, 1957, that they spoke to XXXXXX that day. XXXXXX reportedly said that the victim complained of a stomach ache but did not say anything else.

CPD Patrolman XXXXX gave a statement to CPD on December 30, 1957. XXXXX stated that he was dispatched to the Medical Center to check on the victim. XXXXX talked to the victim as he was being examined, who said that he had been beaten by a white officer but did not know where or when. XXXXX exited the room and spoke to the examining physician, John Harris. XXXXX asked whether Harris thought the victim had been beaten. Harris opined that the victim was "putting on," but that he would have x-rays taken and then inform XXXX of the results.

Subject's statements

Subject Joseph Cameron gave a statement to CPD investigators on December 23, 1957. The lead CPD investigator, XXXX, provided the statement to the FBI. CPD investigator XXXX told the FBI that the subject had given another signed statement to the CPD on January 3, 1958. XXXX declined to furnish the statement to the FBI but provided a summary, instead. The second statement differs from the first in significant detail: in his first statement, Cameron did not mention using any force on the victim; in his second statement, Cameron admitted using force but claimed that he did so in reaction to the victim's actions and to protect the other detainees in the tank.

In his **December 23, 1957 account**, Cameron stated that the victim was placed in "tank # 1" at about 4:30 p.m. The victim was drunk and cursing. There were three or four other detainees in the tank. Cameron left and returned 35 to 40 minutes later with a white detainee. At that point, the victim, who was still cursing loudly, sounded as though he wanted to fight the other detainees in the tank. Cameron moved those detainees to the "bull-pen" (or run-around) and left. At about 7:00 p.m., Cameron returned to give the sober detainees cigarettes. At that point, the victim was singing in his cell. An hour later, Cameron placed another detainee in the tank and noted that the victim was asleep. The subject returned to the jail office and was told that someone wanted to post the victim's bond. The subject tried to wake the victim but was unsuccessful. Cameron returned to the office and told Sgt. FNU XXXX that the victim was too intoxicated to wake up.

In his **second account**, Cameron again said that there were three or four other detainees in the tank with the victim, but specified that they were unconscious. He again said that when he returned to the tank, he noticed that the victim appeared to be trying to fight the other detainees. Cameron stated that entered the cell to remove the other detainees and prevent the victim from harming them. The victim grabbed the subject's shirt. The subject punched the victim in the chest, knocking the victim down. Once on the floor, the victim grabbed one of Cameron's legs and Cameron kicked the victim to free himself. Cameron then took out his blackjack and tapped the shoes of the other, still unconscious detainees, to awaken them and move them out of the tank.

Cameron declined to give the FBI a separate statement. Instead, he referred the FBI to his previous statements and added that "he did not believe" he killed the victim.

The subject testified at his **state trial** and his testimony was summarized and quoted in various local newspaper articles. Reportedly, the subject testified in conformity with his second CPD statement. In particular, Cameron testified that he struck the victim, knocking him to the

floor and the victim grabbed his leg. Cameron again claimed that he shook his leg to free it from the victim but he denied that he ever kicked the victim. Cameron testified that when he returned to the tank 45 minutes later, the victim was singing and had apparently “forgotten his troubles.” Cameron added that he “knew” that he did not kill the victim.

Trial witness statement blaming another officer

As reported in the previously referenced April 24, 1958 Columbus *Ledger* article, **XXXXXX**, a CPD XXX, testified at the subject’s trial that she started her shift at 3:00 p.m. on December 21 and, a short time later, CPD Officer Bartow Robinson brought in an African-American prisoner. **XXXXXX** testified that she did not know whether the prisoner was the victim, however, **XXXXXX** was the victim’s arresting officer and he did bring the victim sometime around 4:00 p.m. **XXXXXX** testified that she saw Officer Robinson strike the prisoner and that the prisoner was “bent over” as he was led into the cell area.

Officer Robinson gave a statement to CPD on December 23, 1957. Robinson stated that after he and his partner, Officer **XXXXXX**, brought the victim to the jail, they remained there only a few minutes to fill out paperwork. Robinson stated that he did not see any officer strike the victim. Robinson also briefly testified in the Coroner’s Inquest to the effect that the victim was drunk and cursing at him during the arrest, as he had done during prior arrests. Robinson stated that the victim did not resist arrest. Robinson died shortly prior to the subject’s trial.

Officer **XXXXXX** testified at the subject’s trial that he was in the same room as **XXXXXX** when Robinson brought in the prisoner and **XXXXXX** did not see Robinson strike the victim.

Medical evidence

As stated previously, the victim was examined at the Medical Center on the afternoon of December 22, 1957. The report of that examination, written by Dr. John Harris, was read into the record at the Coroner’s Inquest. Harris physically examined the victim and the victim had urinalysis and x-rays performed. The report states under the “Impression” section that there were multiple contusions of the abdomen and pelvis and that there were abdominal muscular pains due to the contusions, but no internal injuries. According to the report, because of “negative physical and laboratory findings” and because the victim, who came in with “marked anxiety,” eventually relaxed and fell asleep, Harris concluded that the victim’s trauma was not of a serious nature.

The **autopsy**, conducted by Dr. Joe M. Webber at the Medical Center hospital, at the request of Coroner C.F. Davis, determined that the victim died as a result of “shock and toxemia due to peritonitis, resulting from traumatic rupture of the duodenum.” (Shock and blood poisoning resulting from injury to the first part of the small intestine.)

2) The 2008 investigation

In addition to retrieving the 1958 FBI file, the FBI conducted a search of public source databases and determined that the subject died in September 1968. The FBI then searched the

Georgia State Registrar, Vital Records Branch, but did not locate a death certificate for the subject.

The FBI also searched public records for the victim's next-of-kin. The search determined that records relating to the names of two of the victim's sisters, Annie Pickett and Lillie Banks, were attributed to deceased individuals. The victim's XXXXX was named Gertrude Payne. The FBI conducted a search and determined that Gertrude L. Payne was deceased. A record for Gertrude O. Payne listed an address in Omaha, Nebraska. The FBI case agent called the number associated with the Omaha address and was told that no one named Gertrude Payne resided at the address or was related to any resident.

Legal Analysis

This matter does not constitute a prosecutable violation of the federal criminal civil rights statutes. First, the federal government cannot prosecute the subject because he is deceased.

Second, 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, including 18 U.S.C. § 242, 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 kidnaping resulting in death, the facts of the present case do not lend themselves to prosecution under other statutes.

Based on the foregoing, this matter lacks prosecutive merit and should be closed. Additionally, because the only identified subject is deceased and he was previously prosecuted by the state, this matter will not be forwarded to the state for prosecutive review. AUSA Sharon Ratley, Middle District of Georgia, concurs in this recommendation.