

CIVIL RIGHTS DIVISION

Notice to Close File

File No. 144-33-2291

Date _____

To: Chief, Criminal Section

Re: Concordia Parish Sheriff's Deputy Frank DeLaughter (Deceased),
Unknown Concordia Parish Sheriff's deputies,
Ferriday Police Department Officer XXXXXXXX,
Unknown Ferriday Police Department officers
Ferriday, Louisiana - Subjects;
William Piercefield (Deceased) - Victim
CIVIL RIGHTS

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

Case Synopsis

On the night of July 24, 1965, William Piercefield, the African-American victim, was shot and killed during a standoff with Ferriday Police Department (FPD) and Concordia Parish

Cristina Gamondi
Attorney

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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Sheriff's Office (CPSO) officers. According to a contemporaneous newspaper account, earlier that evening, Piercefield threatened, during an argument with his XXXXX, to go get a gun. Piercefield's family called the police and the officers responded to Piercefield's home. By the time the officers arrived, the victim had armed himself with a .22 caliber rifle and barricaded himself in his home with his 11-year-old son, Roy.

According to the newspaper account, officers twice fired tear gas into the house. At some point, during the resulting confusion, Piercefield shot his son through the hand, but then released him. After the second tear-gas deployment failed, one of Piercefield's brothers (later identified as Lester Piercefield) tried to convince him to surrender; Piercefield shot his brother. Lester Piercefield sustained a grazing wound to the head, but he received medical treatment and survived. However, after Piercefield shot his brother, officers kicked down the door and shot and killed Piercefield.

In March 2012, the FBI interviewed one of the victim's surviving XXXXX, XXXXXX. XXXXX, who was XXX years old at the time of the shooting¹, stated that she too was present in the house when the officers arrived. XXXXX identified CPSO Deputy Frank DeLaughter and FPD Officer XXXXX as being among the officers present at the scene of the shooting. According to XXXX, it was not XXXX who shot either XXXXX or XXXXX - rather, they were both shot by the officers standing outside the home. XX also asserted that, although XXXXX owned a .22 caliber rifle, he kept it in a locked cabinet in the bathroom, and did not brandish or use it that night.

Frank DeLaughter died in 1996.

Federal Review

In the fall of 2008, the Federal Bureau of Investigation (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 directs 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 interviewed XXXXXXX, one of the victim's XXXXX; obtained and reviewed a 1965 *Concordia Sentinel* article; and contacted various Louisiana law enforcement agencies.

As mentioned above, the FBI interviewed XXXX in March 2012. During the interview, XXXX provided notes she had written concerning the shooting. She stated that she had re-written the notes on numerous occasions since the incident. XXXX said that on the night of the incident, there was a XXXX at her XXXXX's house, which was located XXXXXX to the Piercefield home. According to XXXX, XXXX argued with his XXXXX, XXXXXXX. During the argument, XXXX struck Piercefield on the back with a wooden board. XXXX's XXXXX told her and her 11-year-old XXXX XXX to take XXXXXXX home. Piercefield and the XXX XXXX went to a

¹ In addition to her interview, XXXX provided the FBI with handwritten notes. In the notes, she stated that she was XX-years-old. However, according to the FBI 302, she was born in XXXX XXXX, which would have made her XX-years-old in July 1965.

store to purchase ice and other groceries, and then returned home at about 7:00 p.m. A few minutes later, XXXX saw the headlights of three or four cars shining through the front-window curtains. XXXX did not see police lights or hear sirens. A car-door slammed and then XXXX heard someone yelling "P.I. (Piercefield's nickname), you're a nigger and you're going to die like a nigger!" Piercefield told XXXXXXX that he recognized the voices of "Big Frank" (CPSO Deputy DeLaughter) and XXXXXXX, both of whom he knew well, and that they were probably just playing a joke on him. Nevertheless, Piercefield told XXXXXXX to hide under the kitchen counter.

Shortly thereafter, tear-gas canisters were shot through the living-room window, followed by gunshots, and then a second round of tear gas. XXXX stated that XXXX was standing near a side door, trying to breathe fresh air, and was shot in the hand. Piercefield was afraid to leave the house. XXXX knew that XXXX owned a .22 caliber rifle, which he kept in a locked cabinet in the bathroom, but she never saw XXX holding it that night.

After about three hours, Piercefield told the officers that XXXXXXX in the house and had XXXX and Roy exit the front door. The XXXXX were taken to an ambulance at the scene, where they were tended to by a female officer and a paramedic. Once the XXXXXXX were outside, the shooting resumed.

Piercefield's brother, Lester Piercefield, arrived at the scene and was given permission to approach the house. While being tended to at the ambulance, XXXXX saw XXX standing by a side-door talking to XXXXX. Piercefield refused to leave the home. XXXXX then saw the flash of a gunshot, originating from behind the house (and not from Piercefield) strike XXXX in the back of the head.²

Lester Piercefield was transported from the scene in an ambulance and then the shooting resumed again. XXXXXXX and XXXX were taken next door to XXXXXXXXXXXXs' house. About 30 minutes later, officers came to the house and informed XXXXX that they had to shoot Piercefield because he was on drugs.³

XXXX stated that XXXXXXX never had problems with drugs or alcohol and had a good relationship with the law enforcement officers in town.

XXXXXX stated that both XXXXX Roy and XXXXXXX Lester are now deceased.

2 In XXXX handwritten notes, she stated that she saw her XXXXX fall to the ground after being shot, and he said, "PI, I'm shot." She did not indicate the origin of the gunshot.

3 In XXXXXXX handwritten notes, she stated that, after XXXX was taken from the scene by ambulance, the officers continued firing and kicked down the door. She then saw XXXXXXX's body being removed from the house, covered in a bloody sheet.

The FBI interviewed Clyde Ray Webber, Concordia Parish Clerk of Court (COC). Weber became Clerk in March 1966. Weber stated that he replaced FNU XXXX, who was under the control of Concordia Parish Sheriff Noah Cross. According to Webber, XXXX destroyed many of the COC records at Sheriff's Cross's direction. Webber stated that he was not familiar with Piercefield, or the incident that resulted in his death.

The FBI contacted officials at the Louisiana State Police, the CPSO, and the FPD, but none of those agencies had records pertaining to the shooting. Additionally, the FBI assisted in the search of thousands of records at the Concordia Parish Clerk's Office, and determined that there were none pertaining to Piercefield's death.

In 2013, the FBI unsuccessfully attempted to contact XXXXXXXX concerning this matter.

Legal Analysis

This matter does not constitute a prosecutable violation of the federal criminal civil rights statutes. First, prior to 1994, all federal criminal civil rights violations were subject 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. § 245, were amended to provide the death penalty for violations resulting in death, thereby eliminating the statute of limitations for death-resulting cases. 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 or involving kidnappings resulting in death, the facts of the present case do not lend themselves to prosecution under those other statutes.

Additionally, with respect to subject Frank Delaughter, prosecution is impossible because he is dead. Although subject XXXXXXXX is still alive, there is insufficient evidence to prove that he shot Piercefield, much less that he willfully violated Piercefield constitutional rights. Thus, even if prosecution were not barred by the statute of limitations, we would be unable to pursue this case.

Based on the foregoing, this matter lacks prosecutive merit and should be closed. Additionally, because one of the subjects is deceased and the other cannot be reached, this matter will not be forwarded to the state for prosecutive review. United States Attorney William J. Flanagan, Western District of Louisiana, concurs in this recommendation.