

CIVIL RIGHTS DIVISION

Notice to Close File

File No. 144-2-1437

July 09, 2013  
Date \_\_\_\_\_

To: Chief, Criminal Section

Re: XXXXXXXXXXXX - Subject;  
Willie Edwards, Jr. (Deceased) - Victim  
CIVIL RIGHTS

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

**Case Synopsis**

On the evening of January 22, 1957, Willie Edwards, Jr., a 24-year-old African-American father of two and a truck driver for Winn-Dixie in Montgomery, Alabama, disappeared. On April 23, 1957, fishermen discovered Edwards' body in the Alabama River ten miles west of Montgomery. An autopsy was performed and the medical examiner could not determine the cause of death. A local investigation failed to yield any suspects. The case remained dormant until 1976, when local investigators questioning XXXXXXXXXXXX regarding another crime asked if XXXX knew anything concerning Edwards's disappearance. XXXX admitted being

\_\_\_\_\_  
Karen P. Ruckert  
Attorney

\_\_\_\_\_  
\_\_\_\_\_  
To: Records Section  
Office of Legal Administration

The above file has been closed as of this date.

\_\_\_\_\_  
Date

\_\_\_\_\_  
\_\_\_\_\_  
Chief,  
Criminal Section

present when three men, Henry Alexander, Jimmy York, and Raymond Britt, forced Edwards to jump off the Tyler-Goodwyn bridge to his death. Britt, York, and Alexander are now deceased but were living at the time of XXXX statement. After taking XXXX statement, the State of Alabama reopened the investigation. In January 1976, Alabama Attorney General William J. Baxley signed immunity agreements with Britt and York in exchange for their testimony.

An Alabama state grand jury indicted XXXX, Alexander, and York on March 5, 1976, for the murder of Willie Edwards.<sup>1</sup> On April 15, 1976, the judge granted a motion to dismiss the indictments on the grounds that they failed to state a cause of death. Although state prosecutors attempted to reinstate the indictments, the judge denied their motion on May 17, 1976, writing that “[m]erely forcing a person to jump from a bridge does not naturally and probably lead to the death of such a person” and that “the state must specifically aver in what manner the forcing of Willie Edwards, Jr. to jump from the Tyler Goodwyn bridge resulted in his death.”

In 1997, at the urging of Edwards XXXXXXXXXXXX, the Montgomery County District Attorney’s Office authorized the exhumation and examination of Edwards’s body. The medical examiner determined that the cause of death was drowning and the manner of death was homicide. The victim’s death certificate, which had originally listed the cause and means of death as unknown, was amended in 1998 to reflect the results of the second autopsy. The Montgomery County District Attorney’s Office presented the case to a grand jury in 1998, but it returned a “no bill.” In its returns, the Grand Jury found that Edwards was murdered by “members or associates of the Ku Klux Klan.” However, the Grand Jury also found that “no true bill was returned because of the death of some suspects and because of insufficient evidence due to the 1976 immunity and polygraph agreements with some suspects.” XXXX initially admitted being present when the subjects forced Edwards to jump from the bridge, but later recanted and passed a polygraph examination, indicating XX recantation was truthful. In addition, Britt partially failed a polygraph, indicating that he had lied about XXXX presence but had been truthful concerning the other two men. Britt also recanted his prior testimony that XXXX had been present on the bridge on the day Edwards died.

### **Federal Investigation**

The Federal Bureau of Investigation (FBI) reopened an investigation into Edwards’s death pursuant to the Department of Justice’s “Cold Case” initiative, which focuses on civil rights era homicides that occurred prior to December 31, 1969. As part of its investigation, the FBI reviewed the records of the Alabama Attorney General’s Office, the United States Attorney’s Office, other records identified by the Alabama Department of History and Archives, the autopsy report, and media reports pertaining to the incident. It was determined that the FBI had some involvement in the investigation in the months after Edwards’s death. Specifically, FBI agents interviewed the victim XXXXX, XXXX, on April 2, 1957, and entered a Missing Persons Notice

---

<sup>1</sup>The file does not explain why York was indicted after signing an immunity agreement.

for Edwards on April 8, 1957. FBI records noted that no further investigation was conducted because no information indicated that the case fell within the FBI's jurisdiction. Following the reopening of the investigation, FBI agents interviewed XXXX, XXXXXXXXXXXXXXXX. The account of XXX interview is set forth below.

XXXXXXXXXX, XXXXXXXXXXXX, was interviewed by the FBI on June 9, 2011, at XXXXXXXXXXXX, Alabama, in the presence of XXXXXXXXXXXXXXXX of the Montgomery County District Attorney's Office and XXXXXXXXXXXX, XXXXXXX. XXXX stated that XX did not recall confessing to involvement with Edwards's death. XXXX also stated that XX remembered being questioned by Montgomery Police Department Investigators Jack Shows and Tom Ward concerning Edwards's death following XX arrest for another crime. Both Ward and Shows are deceased. No other relevant details appear in the report of this interview.

### **Local Investigation and Prosecution**

The incident was investigated locally by the Alabama Attorney General's Office and the Montgomery County District Attorney's Office with assistance from the Montgomery Police Department. FBI agents obtained the investigative file, which contains the following accounts.

XXXXXXXXXX of Willie Edwards, Jr., was interviewed by Shows and Ward on January 7, 1976. XXXXXXX said that the Montgomery Police Department provided him with no help in his efforts to locate XXXX, despite XX multiple requests. XXX stated that XX organized a group to search for XXXX and they discovered blood by a large oak tree near the Tyler-Goodwyn bridge. XXXX also said that XX located the Winn-Dixie truck and that the driver's side door was open.

XXXXXXXXXXXXXXXXXX gave a statement to Ward on December 31, 1975. According to Ward's account of the interview, Ward asked XXXX if X knew anything about a Winn-Dixie truck driver who jumped off a bridge. XXXX replied that "when X saw them do that," he "decided [X] wanted out." Ward provided a similar account when he testified in a preliminary hearing on February 26, 1976, stating that XXXX told him X "was there and saw them make [Edwards] jump off the bridge." Ward said XXXX further stated that, "[w]hen [X] saw that, [X] threw up [X] hands and got out."

Shows stated that, later in 1976, XXXX denied having anything to do with Edwards's death. Shows said that XXXX also passed a polygraph examination authorized by Alabama Attorney General Baxley, producing a result indicating that XXXX did not participate in Edwards's death. An April 1976 newspaper article quoted Montgomery Assistant District Attorney Charles Price as stating that prosecutors had been unaware that XXXX had been administered the polygraph or that the Alabama Attorney General had agreed that the results of Britt and XXXX polygraphs would be admissible. Price stated that he never would have agreed to a test under those terms. In 1999, a newspaper article quoted XXXX as again stating that X was not present on the night that Edwards died.

Jimmy York, who died on May 2, 1979, of congestive heart failure, gave a statement to Shows and Ward on January 11, 1976. According to Ward, York stated that he was at Alexander's

house when “somebody mentioned that they were going to straighten somebody out.” York said that he “denied being with them when they straightened this somebody out.” York also said that XXXX, who was the XXXXXXXX for the Klan, was at Alexander’s house that night. York also admitted to Klan membership. York further stated that he was suffering a memory lapse due to a recent stroke. A letter signed by Alabama Attorney General Baxley, Ward, and York, and dated January 13, 1976, granted York “unqualified immunity from prosecution” concerning Edwards’s death in exchange for his truthful testimony in the case.

Raymond C. Britt, who died on December 1, 2004, of a heart attack, provided a signed affidavit on February 20, 1976, after receiving immunity from state prosecutors. Britt said that he had joined the Klan on or about 1955 and that York, XXXX, and Alexander were also members. He recounted that a group of Klansmen discussed a rumor that an African-American man said something to offend a white woman. He recalled hearing XXXXXXXX, the XXXXX of the local Klan chapter, say that he was going to have someone look into the matter. Britt stated that on the night of January 23, 1957, he received a phone call directing him to meet at Alexander’s house. He said that he met with York, XXXX, and Alexander at Alexander’s house. He recalled that Alexander XXXXXXXX was also present. Britt said that XXXX or Alexander stated that the group was going to look for a Winn-Dixie driver who had said something to a white woman.

Britt described that the group left Alexander’s house in a vehicle driven by Alexander. Britt said that XXXX and Alexander were armed, as was he. After the group spotted a Winn-Dixie truck, they parked in front of it. According to Britt, XXXX drew his gun and told the driver to get into their vehicle. Britt said that the white men harassed and questioned the driver while shoving and slapping him. He stated that the driver was very frightened and pleaded with them not to harm him. Britt also said that the driver denied speaking to a white woman. At some point, Alexander stopped the vehicle and all of the men exited. According to Britt, XXXX pointed his pistol at the driver and told him that he “ought to cut [the driver’s] nuts out” for harassing a white woman. The men returned to the vehicle and continued to the Tyler Goodwin bridge as the driver continued to sob and beg for his life. Britt said that, along with XXXX and Alexander, he told the driver that they were going to throw him in the river if he didn’t tell the truth. Britt said that York and XXXX exited the car while Britt remained in the car with Alexander. He said that York and XXXX continued to slap and shove the driver. Britt said that XXXX then pointed his gun at the driver and told him to “hit the water.” The driver then climbed up on the railing to the bridge and jumped off, screaming.

Britt recalled that the group returned to Alexander’s house, where Alexander told XXXXX that they had “taken care of the Winn-Dixie driver and that X could read about it in the paper.” He also said that everyone laughed and joked about the driver “jumping in the river for a swim.”

Britt testified in a preliminary hearing in the state prosecution against Alexander, XXXX, and York on February 26, 1976, providing a similar account. On cross-examination, Britt denied that he intended to kill Edwards.

Britt was administered two polygraph tests with conflicting results and later recanted. An

April 22, 1976, newspaper article quotes Alabama Attorney General Baxley as stating that polygraphs administered to Britt, who at the time was the prosecution's star witness, indicated that he was telling the truth when he implicated XXXX, Alexander, and York. However, a June 2, 1976, article quotes Baxley as stating that a polygraph administered to Britt the week before the article's publication showed that Britt had falsely implicated XXXX. Baxley stated that this second polygraph showed that Britt had been truthful about Alexander and York's involvement and that a third man was present at Edwards's death.

These results were cited in a March 7, 2000, letter by Montgomery County District Attorney Ellen Brooks to Edwards XXXXXXXXX, as impediments to a successful prosecution of XXXX and Britt, who were the only living subjects at that time. Brooks wrote that Britt failed a polygraph test in 1976 and that the results indicated that he had lied when he stated that XXXX was on the bridge the night of Edwards's death.

Brooks also noted that Britt recanted again in the 1999 investigation, further complicating efforts to use his testimony against XXXX. According to Brooks, Britt stated that XXXX was not present when Edwards was forced to jump from the bridge. Further details of Britt's recantation do not appear in the record.

No record exists of an interview with Henry Alexander, who died of lung cancer on December 24, 1992.

XXXXX, XXXXXXX of Henry Alexander, provided a statement to Shows and Ward on January 7, 1976. XXXXXXX is still living. When asked if X knew anything regarding allegations that an African-American man fell from a bridge in 1957, XXXX said that York, XXXX, Henry Alexander, and Britt had met at the house X shared with XXXX. X said that the four men then left for a couple of hours. X assumed that they were engaged in something related to the Klan. XXXX said that when they returned, the men laughed and said "something about a Negro man making a pass at a white woman" and that "he will never make a pass at another white woman." When XXXX asked the men what they were talking about, X stated that they told XXX would read about it in the paper and that "his truck is sitting at the river bridge and [] it was a Winn-Dixie truck." X said that X asked the men if they harmed the driver and they said "no he just jumped off the river bridge." XXXX also confirmed that the four men were members of the Klan, commenting that XXX "black maid has washed Henry's Klan robe." XXXX was called as a witness in a preliminary hearing in the state prosecution against Alexander, XXXX, and York on February 26, 1976. XXX admitted being hospitalized in state mental hospitals on multiple occasions and receiving more than 25 shock treatments. XXX also stated that XX did not "even remember what yesterday was." XX refused to answer substantive questions about XX knowledge of Edwards's death on grounds of XXXX privilege and invoked X right against self-incrimination.

XXXX, who married XXXXXXXXXXXXXXXXXXXX by the time of XXX statement, told Shows and Ward on January 7, 1976, that XXXX once told X that Henry Alexander and XXXX had thrown an African-American man into the Alabama River because the man had asked a white woman on a date.

XXXXXXXXX was interviewed on January 15, 1976. X stated that X had attended Klan meetings and knew York but did not know anything about a Winn-Dixie truck driver who had disappeared in 1957.

XXXXXXXXX, the XXXX of Jimmy York, told Ward on January 18, 1976, that XXX XXXXXXXX was a member of the Klan and had once told X that "if they still had the Klan like they used to, they'd make the Nigras swim the Alabama River."

XXXXXX, the XXXX of Jimmy York, was asked whether X overheard X husband make a statement regarding blacks being forced to jump into a river. X replied that he said that "[i]f the Klan was like it used to be there would be more of them in the river." X also stated that XXXXX was a member of the Klan.

XXXXXXXXX, Henry Alexander XXXXXX, wrote a letter to XXXX, Willie Edwards XXXXXX, on August 9, 1993. XXXXXXXX wrote that shortly before his death, Henry Alexander confessed to X that he was "the one that caused seven mean men to drive Mr. Edwards around and charge him of making a pass at a white woman" and that he was present "when Willie Edwards was told to run or jump" off the Tyler-Goodwyn bridge. X also stated that Henry Alexander "played a big part in the Klan."

The investigation uncovered no evidence of the existence or identity of additional subjects beyond XXXX, Alexander, Britt, and York, aside from XXXXXXXX statement that Henry Alexander had mentioned seven men and York's statement that XXXXXXXX, who denied involvement in 1976, was at Alexander's house the evening of Edwards's murder.

### **Medical and Physical Evidence**

The victim's autopsy was performed on April 23, 1957, at the State of Alabama Department of Toxicology and Criminal Investigation. The state toxicologist wrote that the cause of death could not be determined due to the decomposition of the body. The report also noted that the victim's widow identified the body as that of her husband after examination of his clothing.

At the request of Edwards's widow and children, his body was exhumed in 1997 and a second autopsy was performed. The second autopsy listed the cause of death as drowning and the manner of death as homicide. In 1998, the victim's death certificate was amended so that the cause of death was changed from "unknown" to "drowning" and the means of death was changed from "unknown" to "homicide."

### **Legal Analysis**

The applicable statute of limitations precludes prosecution of Willie Edwards's murder under the federal criminal civil rights statutes. 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 kidnaping resulting in death when the victim is transported in interstate or foreign commerce, the facts do not indicate that federal prosecution is available under other statutes. There is no evidence that the subjects crossed state lines or entered federal land during the abduction and killing of Edwards.

The State of Alabama has declined to authorize a third prosecution of XXXX, the only living subject, under Alabama law. It should be noted that additional witnesses and subjects have died since the second grand jury declined to indict based upon insufficient evidence, and all individuals other than XXXXXX alleged to have had direct knowledge of this incident are now deceased. Accordingly, this matter should be closed. The United States Attorney’s Office for the Middle District of Alabama concurs in this recommendation.