

CIVIL RIGHTS DIVISION

Notice to Close File

File No. 144-32M-797

Date MAY 21, 2012

To: Chief, Criminal Section

Re: Lester Hornsby (Deceased),  
Carl Womak (Deceased),  
Greensburg, Louisiana - Subjects;  
Isaiah Henry (Deceased) - Victim  
CIVIL RIGHTS

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

**Case Synopsis**

According to a November 11, 2007, article in *The Advocate* (the article), on July 28, 1954, Isaiah Henry, a 38-year-old African-American school-bus driver and farmer, was found severely beaten on the side of a road in St. Helena Parish, Louisiana. Henry, who helped his African-American neighbors prepare for voter registration tests, had voted in the Democratic primary the day before. He was taken to a hospital in New Orleans, where doctors placed a metal plate in his head and where he stayed for several weeks. Henry died on May 2, 1973, of causes unrelated to the beating.

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Cristina Gamondi  
Attorney

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To: Records Section  
Office of Legal Administration

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

5-21-12

Date

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Chief, Criminal Section

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According to the article, unidentified men had called on Henry on the morning of July 28, 1954, and he left with them. In early August 1954, St. Helena Parish Sheriff's Office (SHPSO) deputies arrested 3rd Ward Police Juror Lester Hornsby and SHPSO Deputy Carl Womak on charges of simple kidnaping and attempted murder. Womak had been assigned to the polling place where Henry had voted on July 27, 1954. The article stated that St. Helena Parish jail logbooks, SHPSO arrest warrants, and District Attorney investigative files no longer exist. Moreover, although a contemporaneous article quoted then Assistant District Attorney Grover Covington as saying that Womak and Hornsby "were held for investigation" because Covington believed they knew something about the beating, no record indicates that either man was ever indicted.

According to one of Henry's sons, XXXXX, his father was likely beaten as a result of his political involvement. The article reported XXXXX as saying that Henry told his sons that he had been beaten over politics, but he never provided any specific details.

XXXXX another African-American resident of St. Helena Parish, was interviewed for the article. XXXXX stated that XXXXXXXX, Ira "Buddy" Irving, had also voted in the 1954 election. XXXXX stated further that on the morning of July 28, 1954, Hornsby and Womak picked up Mr. Irving in their car. When Mr. Irving returned 10 minutes later, he told his XXXXX that Hornsby and Womak were upset with the results of the School Board race in which their candidate had lost. According to XXXXXXXX later hid in New Orleans. XXXXX further stated that Mr. Irving spoke to the FBI in New Orleans.<sup>1</sup>

According to the article, XXXXXXXX one of Womak's XXXXX said that XX never heard of XXXXX father being arrested and could not believe he would be involved in the beating. XXXXX added that XXXXXXXX would never have shared such information with his children. Similarly, XXXXXXXX one of Hornsby's XXXXX was interviewed and said that XXXXX was with XXXXX at the polls on July 27, and they were both home through the next evening.

Hornsby died in 1981 and Womak 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 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 interviewed one of Henry's XXXXXXXX, and XXXXXXXX the November 2007 article in *The Advocate*, discussed

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<sup>1</sup> It is unclear how long Mr. Irving stayed in New Orleans, nor what, if anything was the outcome of Mr. Irving's contacts with the FBI.

in the case synopsis.<sup>2</sup> The FBI case agent also conducted various searches and contacted the Southern Poverty Law Center (SPLC) and the St. Helena Parish Sheriff's Office (SHPSO).

The FBI case agent obtained copies of Hornsby's and Womak's death certificates. Hornsby died on December 2, 1981, of cancer, and Womak died on January 14, 1996, of heart disease.

### **Legal Analysis**

This matter does not constitute a prosecutable violation of the federal criminal civil rights statutes. First, although severely beaten, Henry did not die until almost 20 years after the beating and of unrelated causes. Therefore, the five-year statute of limitations, applicable to non-death resulting violations of the federal criminal civil rights statutes, would preclude a prosecution.

Second, even if not precluded by the statute of limitations, the federal government could not prosecute the only two identified subjects, Hornsby and Womak, because they are both deceased.

Based on the foregoing, this matter lacks prosecutive merit and should be closed. AUSA Robert Piedrahita, Middle District of Louisiana, concurs in this recommendation.

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<sup>2</sup> David Mitchell interviewed XXXXXXXXXXXX Womak's XXXX, and XXXXXXXXXXXX Hornsby XXXX. Additionally, Mitchell contacted various officials, living relatives of now-deceased officials involved in the case, and obtained the SPLC's file on the case. According to the article, the SPLC interviewed a number of Henry's family members in the late 1980s and they mistakenly believed that he died in the 1950s.