

CIVIL RIGHTS DIVISION

Notice to Close

File No. 144-40-2149

May 27, 2011  
Date \_\_\_\_\_

To: Chief, Criminal Section

Re: Unknown Subjects,  
Sidon, Mississippi;  
Adlena Hamlett (Deceased)  
Birdia Keglur (Deceased) - Victims  
CIVIL RIGHTS

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

**Case Synopsis**

The Federal Bureau of Investigation (FBI) opened an investigation into this matter based on a referral from the NAACP in the form of an April 2007, article titled "Still Burning," published in the British newspaper *The Guardian*. According to the article, on January 11, 1966, a car occupied by a group of voting-rights advocates crashed on a road near Sidon, Mississippi.

\_\_\_\_\_  
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

FORMERLY CVR-3

FORM CL-3

Birdia Keglal and Adlena Hamlett, the African-American victims, died in the crash. The driver of the car, Grafton Gray (African-American), and the other two passengers, Jessie James Brewer (African-American) and XXXXXXXXXX, were injured but survived. The accident occurred when the car occupied by the victims was struck by another car, driven by Brown Bruce, Jr. (Caucasian); Bruce, Jr. also survived the accident.

According to the *Guardian* article, one of Ms. Keglal's XXXX, XXXX, questioned whether the crash was accidental. According to the article, Ms. Keglal's family stated that she was the first African-American woman to vote in Tallahatchie County after she had spent more than ten years battling local officials to allow her to register. The article stated that both victims had been previously threatened, shot at, and burned in effigy for their voting-rights work. Moreover, according to the article, "engineered car crashes" were a well-known Ku Klux Klan tactic in the 1960's.

In 1961, five years prior to the victims' deaths, the Justice Department filed suit to enjoin Tallahatchie County Sheriff Ellett Dogan from discriminating against potential African-Americans voters. Ms. Keglal and Mr. Gray (the driver of the car on the night of the accident) both filed affidavits for the suit alleging that XXXX had refused to allow them to pay poll taxes. Ms. Keglal also testified in the suit. The Justice Department successfully obtained an injunction against the Tallahatchie county registrar's use of a voting test.

Additionally, in February 1965, both victims testified before the U.S. Commission on Civil Rights (USCCR). The USCCR's "Hearings on Denial of Equal Protection of the Laws in Mississippi" took place in Jackson and the victims' testimony concerned denial of voting rights to African-Americans in Mississippi.<sup>1</sup>

In April 2009, the FBI interviewed XXXXXXXXXX, one of three men injured but not killed in the accident. XXXX stated that on January 11, 1966, he, the victims, Gray, and Brewer drove to Jackson to see a film produced by the USCCR.<sup>2</sup> On the return trip, Gray was driving and the two victims were sitting in the front seat; XXXX and Brewer were sleeping in the back seats. The car was on Highway 49E, somewhere between Sidon and Cruger, Mississippi, when it was struck by a drunk driver (Bruce, Jr.). The impact caused the hood of car to break loose and move through the windshield, decapitating the victims. XXXX stated that he and Bruce, Jr., were transported via ambulance to a hospital in nearby Greenwood, Mississippi, while a hearse transported Mr. Gray and Mr. Brewer to the same hospital.

The FBI determined that Gray died on December 21, 1990, Brewer died on July 19, 1998, and Bruce, Jr., died on August 28, 1996. Thus, XXXX is the lone living survivor of the accident. XXXX reportedly questions XXXX account of the incident and continues to believe that there is relevant information missing.

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<sup>1</sup> The FBI obtained transcripts of the victims' testimony before the USCCR.

<sup>2</sup> As is discussed later in this memorandum, the film depicted testimony from the February 1965 USCCR hearings and the USCCR sent Ms. Hamlett a letter inviting her to view the film.

### **Federal Review**

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 interviewed XXXXXXXX who was in the car with the victims when they died; Ms. Keglars XXXXX, XXXXX; one of Ms. Keglars XXXX, XXXX; and one of Ms. Keglars XXXX, XXXXX. Additionally, the FBI received three documents, including the accident report, from XXXX, XXXXXXXX. The FBI also contacted various Mississippi law enforcement and government officials; conducted searches of the records of the FBI, the Southern Poverty Law Center (SPLC), the Mississippi Department of Archives and History (MDAH), the University of Memphis Library, the *Greenwood Commonwealth* newspaper at the Leflore County Library, the *Clarion Ledger* newspaper, the *Bolivar Commercial* newspaper, the University of Southern Mississippi library, and the internet for relevant references and media articles; and sent letters to both the SPLC and the NAACP requesting information.

### **Interviews of the victims' family members and friends; allegations reported in other sources**

In April 2009, the FBI conducted a joint interview of XXXX, Ms. Keglars XXXX, and XXXX, one of Ms. Keglars XXXX.<sup>3</sup> Their statements are summarized together as they were in the FBI report. According to XXXX and XXXX, early on the morning of January 11, 1966, Ms. Keglars stopped by XXXXX house. Ms. Keglars said that she was on her way to a meeting in Jackson, and asked advice about whether she should wear a fur hat with her fur coat or another hat.

That evening at about 6:00 p.m., XXXXXXX, XXXXXXX, arrived at the Keglars residence, accompanied by XXX, XXXX. XXXXXXX that the victims and all three other occupants of the car had been killed in a crash. XXXX then went to the XXXX house and informed the XXXX of the crash. About an hour later, XXXXXXXXX were in town to use a pay phone when a local resident, XXXX, informed them that only the victims had been killed. At some point, the family learned that Gray, XXXX, and Brewer had been taken to Greenwood Hospital.

According to XXXX, while Gray, XXXX, was in the hospital XX was the target of veiled threats from unidentified sources. XXXX told the FBI that Gray came home from the hospital "profoundly changed." He refused to talk about the accident. Additionally, the car involved in the accident was never returned to the victims' families. XXXX stated that XX and XXXX tried to see the car but XX could not remember where; XX did not recall the car being badly damaged.

According to XXXX and XXXX, Ms. Keglars was a "heroine sister in a fraternal organization." Another member of the organization, XXXX, told XXXX that the victims' trip on

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<sup>3</sup> XXXX is also one of Grafton Gray XXXX.

the day of their death was a secret trip and that the victims had tried to talk the other members of the group out of taking the trip. XXXX reportedly implied to XXXX that “someone,” who was not supposed to know about the trip, had found out about it.

XXXX, who met Ms. Keglär through XXXX work in the Student Non-Violent Coordinating Committee (SNCC), was interviewed by the FBI April 2009, and stated that XXXX told XX that XXXXX, Jessie Brewer, never talked about the accident. XXXX stated that XX thought that XX had seen Ms. Keglär at a meeting of the Mississippi Freedom Democratic or of the Council of Federated Organizations (COFO) in Jackson on the day of the victims’ deaths.

The FBI contacted XXXX, one of Ms. Hamlett XXXXX, who stated that XX did not have any information concerning the incident.

There are several additional allegations reported in a 2005 book by Susan Klopfer, titled **“Where Rebels Roost: Mississippi Civil Rights Revisited”** (the Klopfer book).

First, according to the Klopfer book, the victims went to Jackson on the day of their deaths to attend a “special and secret subcommittee meeting on discrimination and poverty in the Delta headed by Senator Robert F. Kennedy.”

According to the Klopfer book, XXXX conducted an investigation of the incident and spoke with several witnesses on the night of the accident. XXXX was quoted as saying that XX saw “some people there [in Sidon] talking about the wreck. It was near a bridge and they were saying that something didn’t look right.”

XXXX, one of Ms. Keglär X XXXXXXX, and XXXX, Ms. Hamlett X XXXX, were both interviewed for the Klopfer book. XXXX stated that XX spoke to witnesses in Sidon and they told XX that the car driven by Bruce, Jr. crossed the road line and struck the victims’ car straight-on but Bruce, Jr. was not injured leading the witnesses and XXXX to conclude that the victims’ car had been forced off the road.

XXXX stated that XX had learned that Ms. Hamlett was decapitated and both her arms were severed. XXXX also stated that the XXXXXXX, XXXXXXX (mentioned above), told XX that the other vehicle involved in the crash, “a sugar truck,” stopped. Two white men then took the victims to the edge of the woods and tortured, killed, and mutilated them. XXXX was also told that Gray pretended to be dead and, thereby, survived. XXXX did not mention the other two survivors, however.

The FBI was unable to locate XXXX XXX XXXX.

#### **Statement of funeral home employee who responded to the scene**

On March 3, 2007, XXXX, XXXXXXXXXXXX Tulane University in New Orleans, recorded an interview with XXXX, the funeral home employee, who reportedly responded to the accident scene to retrieve the victims’ bodies. XXXX asked XXXX whether XX recalled Ms. Keglär.

XXXX replied that XX remembered XX well but then added that three women were killed. XXXX also said that XX found Ms. Keglar's body on the side of the road and it was clear that she had been murdered, and XXXX opined that it appeared that she had been beaten to death. XXXX did not see any cars at the scene.

### **Lone survivor of the accident**

The FBI interviewed XXXXXXXX in April 2009. As discussed in the synopsis, XXXX, XXXXXXXX SNCC worker, told the FBI that at the time of the accident, XX, the victims, Gray, and Brewer were returning from Jackson where they had seen a film produced by the USCCR, depicting portions of the testimony during the February 1965 hearings. Gray was driving, the victims were sitting in the front seat; XXXX and Brewer were sleeping in the back seats. Somewhere between Sidon and Cruger on Highway 49E, XXXX was awakened by the screech of the car's brakes and then he felt the impact of the car being struck by another car. The hood of car occupied by XXXX broke loose and came through the windshield, decapitating the victims. The hood injured Gray, struck Brewer on the nose, and then struck XXXX on the forehead, pushing his scalp back.

After the accident, XXXX crawled out of the car and lay on the ground. XXXX recalled hearing a Mississippi Highway Patrol (MHP) officer calling out to the victims and the victims not responding. XXXX was placed in an ambulance with the drunk driver of the other car, Bruce, Jr., and transported to a hospital in Greenwood, Mississippi. Gray and Brewer were transported by a hearse to the same hospital. XXXX stated that at the hospital XX was placed on the "white" floor and XX only had one visitor, a minister XX knew, and the minister was only allowed to speak to XXXX from the doorway.

XXXX later contacted the FBI and inquired concerning the FBI's interview of XXXX. Specifically, XXXX asked whether XXXX had attempted to "sell the same line" to the FBI as XX had given XX. XXXX stated further that XX did not believe XXXX account and added that XX felt that there was still information missing.

### **Physical evidence**

Adlena Hamlett XXXXXXXX, XXXX, provided three letters to the FBI. Two of the letters were from the USCCR. The **first USCCR** letter, dated February 25, 1965, thanked Ms. Hamlett for testifying before the USCCR in Jackson.

The **second USCCR letter**, dated December 30, 1965, invited Ms. Hamlett to Jackson to view a film on the USCCR hearings. According to the letter, the 40-minute film was prepared from various news-clips depicting actual testimony and would be airing in Jackson on January 11, 1966, the day of Ms. Hamlett's death. Presumably the film was the one XXXX told the FBI he, the victims, Gray, and Brewer went to see prior to the crash.

The third letter, dated August 11, 1967, was from the Mississippi Department of Public Safety (MDPS) to XXXX and enclosed a two-page copy of the **MHP crash investigator's report**.

According to the letter, the report was the only portion of the investigative file that the MDPS was permitted to "photostat," however, the letter also invited XXXX to visit the MDPS office and choose what, if any, of the accident scene pictures he wanted copies of.

The MHP report confirmed XXXX statement that Gray was driving the car, the victims were sitting in the front seat, and XXXX and Brewer were sitting in the rear. According to the report, the cars were traveling in opposite directions and impacted head-on. The driver of the other car, Bruce, Jr., was charged with driving on the wrong side of the road. The report does not indicate whether or not Bruce, Jr., was drunk, however it does indicate that the road at the accident site and time was straight, level, and dry, and that it was dark but neither driver's vision was obstructed. The report stated that the injured were taken by ambulance to Greenwood Leflore Hospital.

The FBI obtained the **victims' death certificates**, confirming that they had both died on January 11, 1966. Hamlett's death certificate stated that she had died as a result of a fracture to the cervical spine and skull due to trauma due to a car accident. Keglars death certificate indicated that she was "DOA" due to head injuries.

The FBI also obtained Gray's death certificate indicating he died on December 21, 1990; Brewer's death certificate, indicating that he died on July 19, 1998; and Bruce's death certificate, indicating that he died on August 28, 1996.

### **Other investigative steps**

FBI internet queries reportedly revealed that XXXXX, a resident of Charleston, Mississippi, may have been an eyewitness to the accident. However, the FBI was not able to locate XXXX.

The FBI also contacted officials at the **MDPS**, the **MHP**, **Mississippi Bureau of Investigation**, the **Mississippi Attorney General's Office**, the **Leflore County Sheriff's Department**, and the **Mississippi Crime Laboratory** determined that none of those agencies had any records pertaining to the matter.

### **Legal Analysis**

This matter does not constitute a prosecutable violation of the federal criminal civil rights statutes. First, there is insufficient evidence to indicate that anyone other than Bruce, Jr. was responsible for the deaths of Ms. Hamlett and Ms. Keglars, and Bruce, Jr. is deceased. Second, although there appears to be speculation and rumors that something more nefarious occurred, there is insufficient evidence to disprove the account of the sole survivor, whose account is corroborated by the available documentary evidence. Thus, there is insufficient evidence to indicate that the car crash that resulted in the victims' deaths was other than accidental or, therefore, that their deaths were racially motivated or motivated by their civil rights activism.

Additionally, even if it were possible to locate evidence indicating that the victims were murdered and their murderers were identified, 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 no subjects have been, or are likely to be identified, this matter will not be forwarded to the state for prosecutive review. AUSA Robert Coleman, Northern District of Mississippi, concurs in this recommendation.