

CIVIL RIGHTS DIVISION  
Notice to Close File

File No. 144-41-3577

Date April 28, 2010

To: Chief, Criminal Section

Re: Unknown Subject(s)  
Canton, Mississippi;  
Pheld Evans aka Gene Brown (Deceased) - Victim  
CIVIL RIGHTS

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

**Case Synopsis**

According to a July 1964 newspaper article, former NAACP State Field Director Charles Evers stated that 11 African-American men had died under mysterious circumstances in Mississippi since the murder of Mr. Evers's brother, Medgar Evers, on June 12, 1963. Among those listed in the article was "Pheld Evans" who reportedly died in Canton, Mississippi. The article provided no additional information concerning Evans's death.

The Federal Bureau of Investigation (FBI) initiated an investigation but was unable to

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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.

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Date

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Chief, Criminal Section

locate any records regarding anyone named Pheld Evans. The FBI then contacted a number of civil rights activists in the Canton area and eventually learned that Pheld Evans's real name was Gene Brown (Evans was his mother's maiden name.) The FBI then interviewed a number of Gene Brown's relatives. One relative, XXXX, stated that Gene and one of his cousins, Eddie Brown, were beaten to death by Klan members in Kosciusko, Mississippi. XXXX did not indicate the source of X information. Another relative, XXXX, told the FBI that Gene and Eddie Brown had been beaten and then run over, but XXXX did not identify the perpetrators or the source of the account.

Four other XXXX interviewed by the FBI stated that another relative, Percy (Durf) Mack, Jr., had accidentally run over Gene and Eddie Brown and that the story of the Klan beating had been made up, likely by Mack's family, to cover up the accident. One of those four, XXXX, (XXXXX) stated that X learned the truth from XXXX, Percy Mack XXXX. The other three stated that they had been told by their relative XXXX, one of Percy Mack XXXX.

### **2008 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 a number of Gene Brown's relatives and several civil rights activists; contacted numerous Mississippi officials; sent letters to the Southern Poverty Law Center (SPLC), the NAACP, and the Mississippi Crime Laboratory requesting information; conducted searches of the internet, the *Madison County Herald*, the Mississippi Department of Archives and History (MDAH), the University of Southern Mississippi library, and the records of the SPLC; and solicited information about the case via a press release that was published in local newspapers and broadcast on local television and radio stations.

As mentioned above, the FBI interviewed XXXX, one of Gene Brown XXXXXXXX who stated that Gene and his cousin, Eddie Brown, were beaten to death by Klan members in Kosciusko, Mississippi. XXXX added that Gene and Eddie Brown XXXX, Percy (Durf) Mack, Jr., had run off, leaving them to be beaten. XXXX explained that "white folks were strict during those days, they would beat black folks for anything." XXXX did not elaborate further or identify the source of the account, but X then referred the FBI to another relative, XXXX.

The FBI also interviewed a XXXX of Eddie Brown, XXXX, XXXX that Gene and Eddie Brown had been beaten and then run over near Thomas Town. XXXX did not elaborate further, or identify the perpetrators or the source of the account.

The FBI interviewed XXXX, who stated that the story about the Klan killing was not true. According to XXXX, cousins Gene Brown, Eddie Brown, and Percy Mack, Jr., had gone to Kosciusko where Mack had dropped the other two off at a girlfriend's house. Later that night, Gene and Eddie Brown left the girlfriend's house and were walking on a dark road heading to meet Mack so he could drive them back home. According to XXXX, the three cousins "were playing games" and Mack accidentally ran over and killed his cousins. Mack returned home and

informed his parents, who then washed down the car. A rumor of the Klan beating had then been started. XXXX stated that, years later, X was visiting Percy Mack XXXX, XXXX who told XXXX that Percy Mack had accidentally killed his cousins.

Gene Brown XXXXXXXXXXXXXXXXXXXX activist; Blackmon XXXXXXXX; and XXXXXXXXXXXXXXXXXXXX gave the FBI accounts confirming that Gene Brown had been accidentally killed by XXXXXXXX relative, Percy Mack. All three stated that they had learned the truth from XXXX, Ray Lacey XXXX, who was also both Percy Mack's and the victim XXXX.

The FBI interviewed several civil rights activists: former NAACP State XXXX; XXXXXXXX of the *Jackson Advocate* newspaper; Mississippi XXXXXXXXXXXX. None recalled the case of Gene Brown.

After Annie Ruth Greenwood told the FBI that Gene Brown was buried in the Old True Light Church Cemetery, the FBI searched the cemetery but did not find Brown's gravestone. The FBI then contacted Old True Light XXXXXXXXXXXX. Both XXXX and XXXX stated that the church did not maintain records of who was buried in the cemetery and neither was familiar with the names Gene Brown or Pheld Evans. However, the FBI was able to locate the gravestone of Percy Mack, Jr., indicating that he had died on September 18, 1978.

The FBI contacted Karl Banks, owner of the Canton "People's Funeral Home," who stated that he had no records of funeral services for Gene Brown.

The FBI contacted the Canton Police Department, the Madison County District Attorney's Office, the Natchez Park Police, the Mississippi Attorney General's Office (MAGO), the Mississippi Bureau of Investigation, the Mississippi Department of Public Safety, and the Mississippi Bureau of Vital Records but none of those agencies had any records relevant to the death of Gene Brown.

Additionally, the MAGO requested that the Mississippi Department of Health conduct a search for the death certificate of Pheld Evans but none was found.

In response to the FBI's letter requesting information, the Mississippi Crime Laboratory conducted a search of its records from mid-1966 (when it came into existence) through January 1968<sup>1</sup> and found no information relating to Gene Brown or Pheld Evans.

As of the date of this memorandum, the letters directed to the NAACP and the SPLC, and the press release have yielded no information. The FBI also conducted a search of SPLC records, but found none relevant to Brown's death.

### **Legal Analysis**

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<sup>1</sup> The FBI had requested information concerning 41 cold case deaths, all of which had occurred prior to January 1968.

This matter does not constitute a prosecutable violation of the federal criminal civil rights statutes. The weight of the evidence indicates that Gene Brown was killed accidentally by his cousin, Percy Mack, Jr., now deceased. Accordingly, this matter lacks prosecutive merit and should be closed. Additionally, because there is no evidence of a civil rights crime and Mack is deceased, the matter will not be forwarded to the state for prosecutive review. AUSA Glenda Haynes, Southern District of Mississippi, concurs in this recommendation.