

CIVIL RIGHTS DIVISION

Notice to Close File

File No.: 144-55-1053

APR 16, 2010  
Date: \_\_\_\_\_

To: Chief, Criminal Section

Re: Unknown Subject(s);  
Shelby, North Carolina- Subject;  
George Washington Singleton, Jr. (Deceased) - Victim  
CIVIL RIGHTS

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

**A. Overview**

During the early morning hours of April 30, 1957, Dr. George Washington Singleton, Jr., a physician, was killed in an explosion and fire in his second-story office suite in Shelby, North Carolina. Singleton's death was investigated locally in 1957 by the Shelby Police Department and the North Carolina State Bureau of Investigation (SBI). The local and Southeastern Regional offices of the NAACP also conducted an independent inquiry into Singleton's death. Neither investigation revealed any evidence of a civil rights violation.

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Katherine Scheflen, Attorney

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To: Records Section  
Office of Legal Administration

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

4/16/10

Deputy Chief, Criminal Section  
FORMERLY CVR-3 FORM CL-3

**B. 1957 Investigations**

SBI investigators concluded that Singleton set fire to the office himself to obtain an insurance payout. The SBI opined that Singleton intended to leave after starting the fire, but became trapped inside.<sup>1</sup> It was theorized that the fire and heat were sudden and intense, causing an explosion that may have dazed Singleton, who was unable to recover and escape. The local investigation revealed that, had Singleton not vacated the building by May 1, 1957, eviction proceedings would have commenced. Singleton's car was parked in front of the office building, packed with clothing and belongings. Personal papers and records had been removed from the office and were located on the dining room table in Singleton's home, including insurance policies in the amount of \$6000 covering "office medical equipment, including books and supplies." An accelerate, gasoline, was discovered at the scene of the fire. Latent fingerprints recovered from a can of gas recovered at the scene matched those of Singleton. The medical examiner determined that Singleton died as the result of his third-degree burns; he found no evidence of gunshot or other wounds.

**C. Federal Review**

The Federal Bureau of Investigation (FBI) initiated a review of the circumstances surrounding Singleton's death on January 12, 2009, pursuant to the Department of Justice's "Cold Case" initiative and the "Emmett Till Unsolved Civil Rights Crime Act of 2007," which focus on civil rights era homicides that occurred not later than December 31, 1969. As part of its review, the FBI obtained and reviewed the results of the SBI investigation and attempted to locate all pertinent witnesses interviewed by the SBI in 1957. Only one witness, a former investigator with the National Board of Fire Underwriters, was located and interviewed. The remaining 29 witnesses contacted by the SBI were either deceased or could not be located using the variety of public and law enforcement databases available to FBI investigators.

The FBI also queried appropriate local, state, and federal agencies for any records which might still exist as a result of the original investigation, such as county and state coroner's records, local law enforcement reports, and hospital records. No records, other than those archived by the SBI, were located. The state medical board, local hospital, and coroner's office do not maintain records more than thirty years.

As mentioned previously, the NAACP conducted an independent inquiry into Singleton's death to determine whether it was racially motivated. The *Shelby Daily Star* reported that the President of the North Carolina NAACP, Kelly Alexander, announced on May 3, 1957, that NAACP investigators found nothing to indicate that Singleton's death "was related to a civil rights matter." As part of its review, the FBI telephoned the NAACP national headquarters

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<sup>1</sup> The investigation revealed that Singleton made it known to others that he planned to leave Shelby and join his wife in Tennessee.

multiple times to request any records of the NAACP inquiry into Singleton’s death. The NAACP did not respond to the FBI’s requests.

#### **D. Analysis of Prosecutive Merit**

This matter does not constitute a prosecutable violation of the federal criminal civil rights statutes. There is no indication that Singleton died as the result of any criminal civil rights violation, or that the initial investigation was not thorough. There is a lack of evidence to disprove the conclusion by local investigators that Singleton himself started the fire, intending to leave, but became trapped inside the building. Accordingly, this matter lacks prosecutive merit and should be closed.

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 kidnapping resulting in death, the facts of the present case do not lend themselves to federal prosecution under other statutes. Because the SBI conducted a thorough investigation of this matter at the time, and because all available evidence supports the conclusion that Singleton himself was responsible for the fire, this matter will not be referred to state authorities for prosecutive review. AUSA Kenny Smith of the Western District of North Carolina concurs in this recommendation.