

CIVIL RIGHTS DIVISION

Notice to Close File

File No. 144-9-1898

Date AUG 03 2012

To: Chief, Criminal Section

Re: Unknown Subject(s),  
Marion, Arkansas;  
Isadore Banks (Deceased) – Victim;  
CIVIL RIGHTS

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

1. Date of the Incident: June 8, 1954
2. Synopsis of the Facts and Reasons for Closing:

On June 8, 1954, the charred remains of victim Isadore Banks, a 59-year-old African-American man, were found chained to a tree in a wooded area near Marion, Arkansas. Media reports at the time detailed the finding of the victim's remains and the subsequent

---

Saeed A. Mody, Attorney

---

To: Records Section  
Office of Legal Administration

The above file has been closed as of this date.

8-2-2012

Date

---

Deputy, Criminal Section

FORMERLY CVR-3 FORM CL-3

investigation into his murder.<sup>1</sup> The victim was last seen the morning of June 4, 1954, by his wife Alice Banks, who reported that the victim left to pay some of his employees that worked on a farm. When the victim did not return home that night, his wife called the police, and a search began.

Four days later, Carl Croom, a local farmer, found the victim's body charred and chained to a small tree. Croom went looking for the victim in the area where he found the body, because he reportedly knew the victim frequented the wooded area. There was no evidence of a struggle. The coroner noted a gunshot wound to the victim's torso, and concluded that the victim was either dead or unconscious at the time his body was burned. Based on the decomposition of the body, the coroner concluded that the crime occurred approximately 24 hours before the discovery of the body.

A set of keys, some change, and a small empty fuel can were found near the body. The victim's truck was found approximately 50 feet from his remains. A shotgun, farm fuel tanks, the victim's leather jacket, keys and watch were all found inside the truck. The victim's wife identified the shotgun as belonging to the victim. Both Carl Croom and Alice Banks are now deceased.

The victim's death received substantial publicity, because of the brutality of the crime and because the victim reportedly owned over 1,000 acres of land at or near the time of his death. As discussed in further detail below, however, only one land record was found to indicate land ownership at the time of his death.

As detailed below, individuals interviewed during the Federal Bureau of Investigation (FBI) "Cold Case" investigation recounted a number of unsubstantiated rumors and theories about why the victim was murdered: (1) white men had made offers on the victim's land and he refused; (2) the victim beat up a white man who courted his oldest daughter, Muriel; (3) the victim was involved with a white woman who XXXXXXXXXXXXXXX and whites were upset by this relationship; (4) the victim was involved with several women, and this angered a white man who was interested in one of them; (5) the victim had a number of girlfriends, and he might have been killed by someone who "caught" him in the wooded area.

At the time of the victim's death, local African-American businessmen and citizens offered a \$1,000 reward for any information leading to the arrest and conviction of the victim's murderers. Despite the then-substantial reward, the case has never been solved.

---

<sup>1</sup> The Case Synopsis summarizes information from the following articles: "Negro's Death is Believed Murder," *Crittenden County Times*, 12 June 1954; "Charred Body is Still a Mystery," *State Press*, 19 June 1954; "Charred to Tree, Burned to Death," *Courier*, 19 June 1954; "Negroes Have \$1,000 Fund Raised to Help Solve Death of Fellow Citizen," *Crittenden County Times*, 19 June 1954; "Chain Arkansas Farmer to Tree, Set Him Afire," *The Chicago Defender*, 26 June 1954;

## **Federal Investigation**

The FBI opened an investigation into the circumstances surrounding the victim's death on March 27, 2007, based on the media coverage of the incident. The investigation was opened pursuant to the Department of Justice's "Cold Case" initiative, which focuses on civil rights era homicides that occurred not later than December 31, 1969.

### **1. Investigative Files**

As part of its investigation, the FBI attempted to obtain the results of the local investigation into the matter. An investigator from the Crittenden County Sheriff's Department ("CCSD") informed the FBI that the basement of the Crittenden County Courthouse flooded due to a sewer backup in the 1970s. All CCSD investigative files created prior to 1978, including the Isadore Banks file, were destroyed as a result of the flood. Media reports indicated that a committee was appointed to investigate the victim's death, however, no other information could be found about who the committee was comprised of or what findings, if any, were made. Additionally, the original FBI file on the case was destroyed on October 19, 1992, according to the policy set by the National Archives and Records Administration. There is no documentation as to what documents, if any, were part of the destroyed FBI file.

### **2. Witness Interviews**

The FBI interviewed numerous individuals including law enforcement officers and the victim's family members in an attempt to learn more about the circumstances surrounding the victim's disappearance and death. All of the witnesses who might have had direct information are now deceased.

XXXXXXXXXXXXXXXXXXXX, stated that XXX knew former CCSD Deputies Richard Davy and C.M. Rieves, both of whom were quoted in media reports as having been involved in the investigation, but are now deceased. As a young XXXXX rode with Rieves and recalled hearing him talk about the Banks murder. XXXX could not recall the specifics of the conversation, but recalled that the victim's murder might have had something to do with the victim "messing with a white woman." XXXX stated further that former Crittenden County Coroner T.H. McGough and former Sheriff Cecil Goodwin are also deceased.

XXXXXXXXXX at the time of the victim's murder, was not interviewed. XXXXXXXXXXXX informed the FBI that XXXXXXXXXXXX in poor health and had a bad memory. XXXXXXXXXXXX advised the FBI that XXX did not want XXXXX interviewed due to XXXXXXX health issues. XXXXX, XXXXXXX in an article discussed in detail below, interviewed XXXXXXX. XXXXX told XXXX that there were rumors in the community about who might have murdered the victim, but XX never heard any specific names.

The FBI also searched for the victim's surviving family members and interviewed them. XXXXXXX, the victim's XXXX, was XXXXX at the time of XXXXX murder. XXX only heard rumors about XXXXX murder. XXX heard that a white man made a pass at XXXXXXXX, Muriel, and the victim warned the man to stay away from XXXXXXX. The man threatened the victim, and the victim assaulted the man. XXXX also heard a rumor that the victim was

involved with a white woman who XXXXXXXX. Another rumor was that the victim was involved with an African-American woman, who was also involved with a white man, who became jealous. XXXX informed the FBI that after the victim's death, XXX family was forced off their land. The victim's family was told that the victim owed taxes so their property and possessions were auctioned off. XXXXXXXXX had no information or records of who received the land, despite attempts to find out more about the transferred land.

XXXXXXXXXXXX, the victim's XXXXX, had no information about XXXXXXXX death, but XXXXXXXXXXXXXXX began doing research into XXXXXXXX murder in October 2010. Based on XXX research, XXXXXXXXXXXXXXX recommended the FBI interview the following individuals: XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX and XXXXXXXXX.<sup>2</sup>

XXXXXX, the victim's XXXX, did not know why the victim was killed. XXXXX did not believe that the victim's killing was racially motivated, because, according to XXX, the racial climate in Marion was not hostile during that period and the victim was not a civil rights activist. XXXX believes that the victim's death was associated with someone trying to steal his real estate holdings. XXXX stated further that the victim owned a GMC pickup truck, found at the crime scene that held 50-gallon gasoline tanks for the tractors. The gasoline was used to burn the victim's body. XXXX stated that the victim's shotgun was also found inside his truck. XXXXX found this unusual because XXX had never known the victim to keep a weapon with him. XXXX wondered if the victim was expecting trouble of some sort. XXXX stated further that XXXXX John, who is now deceased, told XXX that before the victim was burned, he was taken to a nearby barn where he was beaten and castrated. John also told XXXX that he had heard that some people, both white and black, had set out to "break" the victim. XXXX stated that the minister at First Baptist Church had spoken from the pulpit against the murderers and was allegedly "let go" by the church. XXXX also said that a local black man named Steve Massey reportedly knew something about the victim's murder, but later died in a motel fire.

XXXXXX, the victim's XXXX, stated that prior to the victim's death, XXX had a falling out with his XXXXX, which they ended up settling in court. The victim's assets were discussed in open court, and XXXXX believes that this is how people in the community found out the victim's net worth. XXXXX stated further that there was a rumor going around at the time that someone had attempted to purchase some of the victim's land, which the victim had refused to sell. There was also a rumor that the victim had hired a young white lawyer to handle the matter, and the lawyer was also killed. Muriel Banks, the victim's now deceased daughter, told XXXXX that prior to the victim's disappearance, he had gone to the bank and withdrawn a large sum of money. On the Saturday of his disappearance, the victim left the house with the money and told Muriel that he would be back. The victim was never seen again until his remains were discovered.

XXXXXX stated that after the victim's death, Muriel went to the courthouse to pay his real estate taxes. The amount she was told to pay was much lower than it had been in previous years. When Muriel told the clerk that the bill was too low, the clerk said, "He sold all that land, you prove that he didn't." This caused Muriel to question what had happened to the victim's land

---

<sup>2</sup> XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX were interviewed by the FBI but provided no new leads or information.

holdings. At the conclusion of XX interview, XXXXX stated that XXX had never heard any rumors that the victim was killed by the Ku Klux Klan or other racist group.

### 3. Land Ownership

At the time of his death, the victim was said to have owned more than 1,000 acres of land in and around the county. Banks reportedly amassed his wealth by helping bring electricity to Marion and the surrounding communities. He then started buying land, helped form a black-owned cotton gin business in the 1940s, and started a trucking company.<sup>3</sup> Although land records were found that showed land ownership in the years prior to the victim's death, no records of ownership could be found that indicated the victim owned land at the time of his death. The FBI reviewed the grantor/grantee records at the Crittenden County Courthouse, which included records of land in both Crittenden County and the neighboring county of St. Francis. Many of the records were destroyed during flooding that occurred at the courthouse in the 1980s.

Upon review of the still existing records, no transactions were noted that appeared to be associated with the victim's death. A deed of trust, filed December 17, 1953, was found that indicated a sale of land for one dollar to "XXXXX," a name that was handwritten and not fully legible. The grantor/grantee index indicated a chattel mortgage dated December 31, 1953, between the victim and Mauriel Banks Easley, grantor, and Forrest City PCA, grantee. However, the FBI was unable to locate the chattel mortgage journal associated with the entry. Additionally, the grantor/grantee index indicated a chattel mortgage dated June 29, 1954, after the victim's death, between the victim, Alice and Mauriel banks Easley, grantor, and Forrest City PCA, grantee. The FBI was unable to locate the chattel mortgage journal for this entry as well. Deputy County Clerk XXXX advised that the victim did not own property in St. Francis County, according to the county records.

On behalf of the victim's family, the Civil Rights and Restorative Justice Project at Northeastern University's School of Law also looked into the victim's land records, and a professional title examiner found four parcels of land in Crittenden County that were sold or leased by the victim prior to his death.

### 4. CNN Report

On April 6, 2010, CNN reporter Wayne Drash wrote an article for CNN.com, "50 years after he was chained and set afire, WWI veteran is honored." The article concerned the victim receiving military honors posthumously for his service in World War I, 90 years after he had served. As part of the article, Drash included the circumstances and questions surrounding the victim's death. Drash was contacted via certified mail about any information he was willing to provide to aid in the investigation. He has not responded to the request.

---

<sup>3</sup> Drash, Wayne. "50 years after he was chained and set afire, WWI veteran is honored," *CNN.com*, 6 April 2010.

## Legal Analysis

This matter does not constitute a prosecutable violation of the federal criminal civil rights statutes. First, despite extensive efforts, no subjects have been identified. Because of the destruction of the FBI and local investigative files, the lack of any known living witnesses, the various unsubstantiated theories of motive, including insufficient evidence that the victim's death was in fact racially motivated, there is no reasonable possibility that further investigation will lead to a prosecutable case.

Second, even if a living subject could be identified, the statute of limitations has expired. 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, even with identified subjects, do not lend themselves to federal prosecution under other federal statutes.

Accordingly, this matter lacks prosecutive merit and should be closed. AUSA Julie Peters of the Eastern District of Arkansas concurs in this recommendation.