

CIVIL RIGHTS DIVISION

Notice to Close File

File No. 144-3-1463

Date: _____

To: Chief, Criminal Section

Re: XXXX - Subject;
Butler, AL
Margaret Ann Knott (Deceased) – Victim;
CIVIL RIGHTS

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

1. Introduction

On September 11, 1971, Margaret Ann Knott, a 19-year-old Black woman, was fatally injured during a sit-in demonstration in Butler, Alabama, when she was hit by a car driven by XXXX, a XX-year-old white man. The demonstration consisted of about 200 people who gathered at the streets surrounding the local courthouse on a Saturday morning to protest longstanding racial inequalities. Despite the tragic nature of this incident, this matter cannot be

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To: Records Section
Office of Legal Administration

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

Date

Barbara Bosserman
Deputy Chief, Cold Case Unit, Criminal Section

prosecuted or further pursued. The driver made two statements in which he claimed that as he was trying to escape protestors who were aggressively chasing and pounding on his car, he

accidentally drove over the victim who was seated on the road. Some of the protestors and all bystanders corroborate his claim that numerous protestors had surrounded and were striking his car at the time. Accordingly, we have concluded that the evidence is insufficient to prove beyond a reasonable doubt that the driver was acting intentionally to interfere with the protestors when the fatal injury occurred. Absent a showing that the driver was acting intentionally to interfere with Ms. Knott's civil rights, we could not prove an element of the governing statute. More importantly, even if the evidence were sufficient, the statute of limitations has passed, precluding a federal prosecution.

2. Factual Synopsis¹

Choctaw County is located in southwest Alabama near the border with Mississippi. In 1971, Choctaw County had a population of about 17,000 (including both Black and white residents). The county seat, Butler, had a population of about 2,200 residents. Yet, according to the New York Times, there were no Black employees at the County Courthouse, City Hall, or in supervisory positions in the schools. For about 14 weeks over that summer, the Concerned Citizens of Choctaw County organized a series of protests that included a boycott of white merchants and a student boycott of classes, as well as marches and sit-ins. On weekends, demonstrators would converge on the square surrounding the Choctaw County courthouse, an imposing three-story brick building.² Once there, they would sit *en masse* to block traffic at the street intersections, including the area where Alabama Highways 10 (Pushmataha Road) and 17 (Mulberry Street) intersected.³ Law enforcement agencies involved in the response included the Choctaw County Sheriff's Department and the Bulter City Police as well as volunteer firefighters and auxiliary police. Personnel from these agencies were responsible for rerouting traffic around the square.

On the morning of Saturday, September 11, 1971, numerous protestors blocked three of four intersections. One of the protestors was Margaret Knott, who, along with some members of her extended family, regularly protested on the frontlines of the demonstrations. Knott was among the group of 50 to 60 people who were blocking the intersection of Pushmataha Road and Mulberry Street, when a car unexpectedly approached. While witness accounts diverge on the precise details of what happened next, the bulk of the witness accounts describe the same basic contour: the driver temporarily halted at the red light at the intersection, but as several protestors surrounded his car, the driver began to move the car forward. All demonstrators except for Knott were able to escape the car's trajectory. The car's right front tire struck Knott, and the rear tire

¹ This memorandum is based on the contemporaneous investigative report of the Federal Bureau of Investigation (FBI), newspaper accounts (contemporaneous and more recent), interviews of witnesses, and additional sources.

² Butler photographer XXXX documented the demonstrations, but his photo collection was destroyed in a 1991 fire. The photo attached to this memorandum had been printed in the Choctaw Advocate.

³ See the hand-drawn street map from the 1971 FBI investigation attached to this memorandum.

rolled over her leg. The driver then continued down the street.

Knott was transported to the local hospital while still conscious. Before succumbing to her injuries, she repeated several times, “I died for freedom.” She was declared dead that afternoon. After one of the protestors signed a criminal warrant against XXXX for murder, the Choctaw County Sheriff’s Department arrested him. He was released on a \$5,000 bond. A county grand jury heard testimony but did not return an indictment.

3. Contemporaneous Federal Response

On September 13, 1971, Assistant Attorney General David Norman of the Civil Rights Division of the United States Department of Justice directed the Federal Bureau of Investigation (FBI) to investigate this matter. In October 1971, 11 FBI agents interviewed about 65 witnesses. Special Agent Gerard Robinson, now deceased, was the lead agent. The FBI recommended that the matter be closed due to insufficient evidence to prove a violation of 18 U.S.C. § 245. The Civil Rights Division did not proceed with a prosecution, and the United States Attorney based in Mobile, Alabama, who worked with the Civil Rights Division, also declined to prosecute.

4. Review under the Emmett Till Unsolved Civil Rights Crime Act

In 2019, this matter was referred by an eligible entity and opened for review under the Emmett Till Unsolved Civil Rights Crime Act. Attorneys from the Civil Rights Division and the United States Attorney’s Office for the Southern District of Alabama along with a special agent from the Federal Bureau of Investigation conducted the review. During the review, this team (1) met with family members of the victim; (2) interviewed three protestor witnesses; (3) corresponded with and interviewed the current Circuit Judge overseeing Choctaw County, the former Choctaw County District Attorney, the Choctaw County Clerk of Courts, the publisher of the Choctaw Sun-Advocate newspaper, personnel of the Meridian Star newspaper, former Criminal Section attorneys and supervisors, and the local photographer XXXX; (4) located and analyzed the contemporaneous FBI investigative file at the National Archives as well as extensive contemporaneous local and national media coverage; (5) reviewed and analyzed writings about the protests by an Alabama author that were provided by Knott’s family members; (6) offered the subject an opportunity to speak about what happened; and (7) located or attempted to locate records from the Alabama Law Enforcement Agency, the Choctaw County public library, the Civil Rights Division, the United States Attorney’s office for the Southern District of Alabama, the Archives Collections at the University of Alabama, and the Choctaw County Courts.

5. Subject’s Statements

XXXX, a local employee in the XXXX department of the United States Department of Agriculture, drove the car that collided with Knott. According to his initial statement, he had returned to his office just before noon after working that morning.⁴ He picked up his personal

⁴ William Utsey, XXXX’s attorney, provided a written account to FBI investigators in November 1971. The unsigned statement was not dated. XXXX did not testify at the grand jury.

car and was returning home on his usual route around the courthouse square. When he stopped at a traffic light on the southwest side of the square, some of the protestors ran towards him and went in front of his car. The light turned green, and he eased to the next light at the second intersection, stopping when it turned red. He claimed that the protestors surrounded his car and were “hollering at” him. Some people jumped on his car and when the light turned green, he eased through the crowd. According to XXXX, one protestor held XXXX’s car door handle, trying to open the car door. The protestors let him through but then chased the car. He picked up speed to the next intersection which was blocked. When he stopped, his car was immediately surrounded, and someone hit him on the side of his head. The protestors surrounded and rocked his car, and some were “all over his hood.” He “eased off” and felt the car bump. He then continued on until seeing [Bulter Chief of Police] Walter Johnson, when XXXX stopped and told Johnson that he would be at his trailer “if they needed me.”

XXXX’s statement concluded as follows: “I never did see the girl that I ran over until I was up the street and looked in my rearview mirror. I didn’t know anyone was laying in front of my car, and I didn’t intend to run over or hurt anyone. I was frightened for my life, and thought I was doing best to try and get myself out of the way.”

In 2014, XXXX gave a second statement during an interview to the news media. His account generally was consistent with his 1971 statement and added a few details. He explained that he was driving his personal car to begin his drive home after work, a route that typically would take him through the town square. By the third intersection, as his car was surrounded and rocked by protestors, XXXX was afraid they would flip his car over so he began to “ease” forward. Most demonstrators moved but he felt a “thud.” XXXX realized he had hit someone but thought he had hit a person’s leg. In this interview, XXXX said, “You get caught in a life-and-death situation and you have to make a decision.” XXXX added that he did not remember accelerating quickly. According to XXXX, his insurance company paid a settlement of \$10,000 on his behalf to the victim’s family.⁵⁶

6. Witness Accounts

Most eyewitness accounts, including those of some protestors, corroborate the general arc of XXXX’s account: that at the time XXXX approached the third intersection (where Margaret Knott was demonstrating), his car was being pursued by protestors who were surrounding and banging on the car, he stopped momentarily, then proceeded slowly as the protestors in front of his car tried to get out of his way, his car ran over Knott and he continued to drive forward away from the square. However, several protestors contradicted XXXX’s claim that his car was surrounded and rocked by protestors in the moments before he struck the victim. These accounts

⁵ We have been unable to locate additional information about the insurance payment.

⁶ In April 2024, XXXX was sent a registered letter inviting him to provide to the cold case investigators any information in addition to the statement that his lawyer provided in 1972 and his interview with the media in 2014. XXXX did not respond to the letter.

are provided in detail as they are the only accounts which would provide support for any sort of prosecution. However, because most who gave these accounts are deceased or otherwise unavailable, and because other eyewitnesses corroborate XXXX's account, these statements would be insufficient to prove XXXX's guilt beyond a reasonable doubt even if the statute of limitations had not expired.

Set forth below are summaries of representative accounts of protestors, bystanders and law enforcement personnel followed by the names of witnesses who also recounted similar details, and, finally, various assertions that did not have significant corroboration.⁷ Except where otherwise indicated, the statements were given to FBI agents in October 1971.

A. Protestors

1. Protestors who saw others pursuing and/or interfering with XXXX's car before the collision

Several of the demonstrators gave accounts corroborating XXXX's account that protestors surrounded his car or interfered with his car, lending some credence to XXXX's explanation that he was attempting to get away from protestors. Indeed, at least one indicates that some of the protestors may have been attempting to pull XXXX out of the car. Some of these witnesses, while stating that protestors surrounded the car, indicated that the driver accelerated the vehicle, an action that is consistent with an attempt to evade the protestors converging on his car.

XXXX, XX, was interviewed by the FBI in 1971. During that interview, XXXX said he had been sitting next to Knott on the street pavement. XXXX heard people yelling that a car had "broken the line." He stood up and saw a car approach as people ran behind it. The protestors ahead of the car's path rose up from the ground and began to flee, but Knott, who was overweight, struggled to get up from the ground. Suddenly, the front bumper of the car was against Knott's back. XXXX saw a front tire roll over Knott and the car "seemed to stand up in the air." XXXX and others beat on the car to force the driver to move off Knott. XXXX said they were about to lift the car when the driver "gunned it."

As part of this cold case review, XXXX was interviewed in April 2022.⁸ XXXX's

⁷ Persons mentioned who are now deceased (as of the date of the memorandum) include Johnny Alberson, Christine Barefield, Leon Clark, Brellove Collins, Exie Lee Curtis, Eva Dixon, Arthur Lee Duff, Charles Eddie, Luther Elliot, R.H. Graham, Nelson Grubbs, Leland Harrison, Ray Homan, James Ivey, R.C. Jarman, David Kelley, Quincy Johnson, Walter Johnson, Willie Keeton, Robert Mayfield, Waymon Mazingo, George Mitchell, Howard Moody, Godfrey Nettles, Belove Nicholson, Rosetta Nolan (Gordon), Ivan Parker, Rance Philon, Elton Ramsey, Chester Rentz, Bernice Ridgeway, James Nolie Ridgeway, Dean Roberts, Oliver Sealey, Martin Thompson, Grace Turner, Ottis Turner, John Utsey Jr., Mitchell Walters, John A. White, Tillman Wright and Tom Young, Sr.

⁸ An FBI agent, an Assistant United States Attorney and a Civil Rights Division attorney

account was consistent with his 1971 interview, and he added details. During this interview, XXXX said he knew Margaret Knott and her family well. She was two years behind him in school. At the time of the protests, XXXX had just returned from serving in the Vietnam War. When XXXX first noticed the car at the demonstration, it was traveling at a “high rate of speed” of about 25 or 30 miles an hour when it approached the final intersection. The driver stopped in front of the group. Knott was still sitting in the street, while the other demonstrators had been able to stand up and get out of the path. XXXX was on the driver’s side and, along with others, was beating on the car and rocking it. XXXX did not hear a horn blow. The driver side window was rolled up. As the protestors converged around the car, the driver hit the gas, striking Knott. The car rose up and lost traction only momentarily as more demonstrators converged and tried to lift it off Knott. As the car drove away, XXXX could hear a sound, as if the muffler was dragging.

XXXX said Knott’s last words were, “I died for freedom.” People surrounded Knott, and he does not recall how she was brought to the hospital. XXXX and the others left the area after about 40 minutes.

XXXX, a XX-year-old demonstrator, was interviewed by the news media shortly after Knott’s death.⁹ According to the news report, XXXX was sitting next to Knott, but he was able to get up to his feet and out of the way of the car. Knott began to rise up, and as she turned, the car hit her in the stomach and ran over her.

XXXX was interviewed by the FBI in October 1971. In this interview, XXXX said when he was with demonstrators at the intersection of Church and Mulberry, he saw the Chevrolet heading east on Church Street, having already passed through the demonstrators at the first block intersection. When XXXX reached the stoplight on the southeast corner of the courthouse square, he stopped his car. XXXX walked around to the driver and told him to turn the car around, he was not going to go through the intersection. The driver said he was going to go through as soon as the light changed. XXXX was with several others in the front of XXXX’s car when the light changed, so they got out of the way as XXXX went on and turned the corner. XXXX was holding onto the car’s door handle as the car travelled north. XXXX and others were running after the car, yelling at the driver to stop. The car was driving at 40 to 50 miles an hour. They caught up to the car as it reached the next traffic light, which was red. Someone opened the car door and tried to get the driver out of the car. XXXX and other demonstrators were rocking the car.

Knott had been sitting in the street, facing the approaching car. She was just beginning to get up when, despite the traffic light being red, the driver “gassed” the car. XXXX did not see the car strike her, but he heard a noise like the car had run over something and he saw the right side of the car go up a bit. Two police officers further up the street moved the driver through the

conducted the interview. Based on the conversation, it is believed that XXXX is the person XXXXX in the attached photograph of the demonstrations.

⁹ We have not been able to establish contact with XXXX.

intersection and he continued north until turning east.

Charles Eddie, now deceased, was standing just a few feet from where Knott was sitting. He stated that he saw the Chevrolet drive east on Church Street and stop for the demonstrators at the corner of Church and Highway 17. Eddie stated that as the car turned north towards Eddie's location, one of the protestors who Eddie identified as "XXXX" was holding onto the car's door handle. The driver stopped at the intersection because of the demonstrators. Eddie moved out of the way and the car started moving slowly, but then the driver seemed to have "gunned" the car. Margaret was still sitting in the street, facing the car, and was run over.

Belove Nicholson, 17, now deceased, was at Church and Mulberry, the intersection just south of Pushmataha and Mulberry. According to Nicholson's account, when he saw a car approaching, he stood up. The car stopped. Others told him that the driver said that when the light changed, he was going to keep driving. XXXX told Nicholson to go to the group at the next intersection and tell them to be on the lookout for a car coming. Nicholson went ahead but before he could say anything, the car hit Knott, who was sitting in the street. Just before the car struck Knott, Nicholson heard the tires squeal as if it were taking off fast. When the car had been coming, someone was running in front of it, and XXXX was running beside the car. Nicholson saw no one else chasing the car.

James Nollie Ridgeway, a ninth grader at Choctaw County High School, now deceased, saw the beige 1964 Chevrolet coming north. Another protestor, whom Ridgeway believed to be "XXXX" was at that time chasing the car.¹⁰ According to Ridgeway, as the car reached the intersection and slowed down, "XXXX" caught up with it and took ahold of the door glass. Ridgeway said, consistent with XXXX's account, that when the car attempted to go, the rear end rose up off the street.

Ridgeway saw the driver slow down again where a city police car was parked. Ridgeway and others got into a car and headed for the AME Church, passing the trailer where the driver lived. They noticed that there was no license plate on the Chevrolet parked there.

2. Protestors who indicated that they did not see others surrounding XXXX's car before the collision.

Many protestors gave accounts contradicting XXXX's account. Specifically, these witnesses denied seeing protestors converge around XXXX's car at the time XXXX ran over Knott. The absence of any need to evade protestors might suggest that XXXX acted with the intent to harm the protestors. However, most of those who denied that protestors surrounded XXXX's car are now deceased. We have been unable to locate several others, despite efforts to do so. One protestor provided prior inconsistent statements about the events. Notably, none of these witnesses gave an account suggesting that XXXX (1) expressed any intent to kill or harm anyone, (2) made verbal statements disagreeing with the goals of the protestors, or (3) used racial slurs or other derogatory language, further undermining any attempt to prove that XXXX

¹⁰ Ridgeway's description of the actions taken by the person he called "XXXX" fits the description made by others of XXXX. No other witness mentioned the name "XXXX."

willfully violated Margaret Knott's civil rights.

XXXX, a XX-year-old demonstrator, was interviewed by a reporter shortly after the incident. He explained that Knott was struck because she "couldn't get up as fast as the rest of us."¹¹

About a month later, in an interview with the FBI, XXXX added more details. He stated that he was sitting about four people away from Knott, who was facing the car as it approached at about 20 miles an hour. According to XXXX, no one was surrounding the car. The driver stopped momentarily, when the victim's legs were under the front of the car. When the driver started driving after about a second, Knott had her right hand on the pavement as if she were trying to get up. Her body was then "cross-ways" with the car and the right rear wheel ran over her. The driver continued to the next intersection where he stopped for about a minute and talked to the two police officers posted there.

As part of the cold case review, XXXX again was interviewed in May 2022.¹² In this interview, the details regarding the car's speed and direction were somewhat different. XXXX said that he was with 50-60 other protestors who were sitting in the road and facing the courthouse. He heard car tires squealing and looked to see a Chevrolet speeding towards them. When he first saw the car, it was about 20 yards away and traveling at 35 to 40 miles an hour. No one was chasing the car. The group jumped up to get out of the car's path but Knott was not able to stand up as quickly. According to XXXX, the car swerved into the protestors. XXXX deduced that the driver was aiming for Margaret Knott. The car had been traveling in the curb lane closest to the protestors but could have avoided them. The car ran over Knott, with its front end rising up after first making contact.

XXXX explained that when this happened, he was at the driver's side of the car. Along with five to eight others, he tried to pick up the car in an attempt to lift it off Knott. XXXX heard the tires spinning as the vehicle was being lifted. But the car then ran completely over Knott and "took off" down the street. The driver side window was down but XXXX did not hear the driver say anything. He believes the driver could have become "nervous" when they were attempting to lift the car up.

Significantly, XXXX stated he believed the driver intentionally struck Margaret Knott. XXXX speculated that the driver might have targeted Knott, mistakenly believing she actually was her mother, Carrie Mae Johnson, who had been a prominent leader of the protests.

XXXX said he did not recall his prior interviews with the media reporter and with the FBI in 1971. In neither of the prior interviews did he opine that Knott was targeted. No other witness has indicated that Knott was targeted among other protestors.

¹¹ XXXX attributed Knott's inability to get up to her being overweight.

¹² An FBI agent, an Assistant United States Attorney and a Civil Rights Division attorney conducted the interview.

XXXX. XXXX was a XX-year-old XXXX teacher in the Choctaw County School District.¹³ In a newspaper interview on September 12, 1971, XXXX said that just before Knott was struck, XXXX was standing on the left side of the car. The driver stopped as some of the young protestors got up and out of the way. The driver waited “momentarily” and then pushed the gas down, and the right front side of his car rose up and came down “and there was some kind of noise – I don’t know how to describe it – and then his right back wheel rose up and he drove on off.”

XXXX subsequently told the FBI he was involved in organizing the demonstrations, and on this morning, he was with the group blocking the corner of Church and Mulberry, the second intersection through which the car passed. The driver stopped for the red light at this intersection, and when the light turned green, he drove forward. The protestors voiced objections to try to prevent the car from going forward, but the driver proceeded ahead anyway. The group at the third intersection, Pushmataha and Mulberry, blocked the car for a short period of time, and then the car “ran through” the crowd. XXXX denied that he had pursued the car from the second intersection to the third intersection. He also said he did not see anyone jostling or climbing onto the car.

Willie Keeton, now deceased, provided an account similar to that of XXXX’s.

Breelove Collins, 18, now deceased, was seated in the northbound lane of Mulberry Street, about six feet west of Knott. According to the interview report, Collins saw the car coming fast and saw no one was around it. As people were trying to get out of the way, Knott, who was sitting and facing the car, did not try to get up. The car struck Knott and continued down the street, slowing down but not stopping. After the car hit Knott, some people chased the car but no one touched it.

Arthur Duff, now deceased, a seventh grader at the time, stated that he was about five feet from Knott. According to Duff, no one interfered with or spoke to the driver as the car proceeded north. When the driver reached the intersection, the car slowed but never completely stopped. Margaret was standing, facing the car. After the right front of the car struck Margaret, she rolled under it and the right-side wheels rolled over her body.

George Mitchell, now deceased, told investigators that he heard people yelling from the intersection just south of his location (Church and Mulberry). When he looked down in that direction, he saw a car break through that line of demonstrators and accelerate north at about 30 miles an hour. Those who were sitting began to get up and away. Mitchell watched as Knott was trying to get up when the car struck her and kept going north. Two police officers waved the car through the next intersection. No one was around the car, or chasing or hitting it.

Rance Philon, now deceased, stated that he was about four to five feet away from Knott, in the middle of the street. When Philon saw the car coming, he got up and moved nearer to the sidewalk. The car stopped and shifted into a lower gear and then drove further, striking Knott

¹³ We have not been able to locate XXXX.

whose back was to the car. No one was chasing or beating on the car. The car continued to the next intersection where it slowed down for the police and then continued on.

Exie Lee Curtis, now deceased, said she and her group had been sitting in the road but stood up to avoid the car. Curtis was on the right side of the car as it passed and was near the front of the car when it struck Knott. When Curtis stepped back, she saw Knott under the car. People were hitting the car and hollering for it to stop when the car took off again.¹⁴ The back end of the car went up as it drove north to the next intersection, where a police officer waved it on.

Bernice Ridgeway, now deceased, was standing in the middle of the intersection facing south when she saw a white Chevrolet coming north. Ridgeway said Knott was sitting in the middle of the street, facing south. The car slowed down, and demonstrators asked the driver if he was going to stop, but Ridgeway did not hear an answer. Ridgeway saw the car “go over” Margaret and continue as it was waved on by police officers.

Oliver Sealey, now deceased, told the FBI in 1972 that he was standing about fifteen feet from the corner of Church and Mulberry when he saw the car approaching the intersection and slow down, as demonstrators let it pass. The car then turned the corner and sped up slightly near the corner of Mulberry and Pushmataha. Sealey said the car did not stop and ran over Margaret Knott; Sealey told the FBI he did not recognize the driver.

In an interview with writer Nancy Callahan decades later, Sealey reiterated his assertion that XXXX did not stop the car before striking Knott.¹⁵ Sealey told Callahan some additional contextual information, including that he knew XXXX’s identity prior to Margaret Knott’s death, but did not recognize him as the driver at the time of the incident. According to Callahan, Sealey was under the mistaken impression that XXXX had never been arrested for his actions, adding, “[A]t that time, they didn’t punish white folks for killing black folks, even if you shot ’em with a gun.”

Sealey told Callahan that sometime after Knott’s death, he spoke with XXXX about digging a pond, because XXXX was the XXXX for the United States Agriculture Department. When asked if he raised the topic of Knott’s death with XXXX, Sealey reportedly replied, “I wouldn’t dare do that, because if he had-a shot me, it would have been another Negro dead. They wouldn’t have done nothing to him. It’s best to be quiet when you know you’re at a disadvantage.”

¹⁴ The report of Curtis’s interview does not make clear when she believes people started hitting the car and yelling at the driver.

¹⁵ The date of Sealey’s interview with prominent Alabama author Nancy Callahan is unclear; it would have taken place sometime after 1989, when Callahan began researching Margaret Knott’s death in its historical context of Butler and the national civil rights movement. Callahan subsequently gave some of her research to Knott’s family members, prior to her death in 2020 before she was able to complete this work. The family provided about 50 pages of Callahan’s draft to the Civil Rights Division.

Eva Dixon, now deceased, also reported similar facts indicating that she did not see anyone near the car when it approached.

Martin Thompson, now deceased, said he followed the Chevrolet up the street in order to find out who the driver was. After the collision, one man tried to pick up Knott, but Knott said her leg was broken, and she should not be picked up, and that she was “dying for freedom.” Thompson returned to the church, passing XXXX’s house along the way. Thompson observed XXXX removing the license plates from his car.¹⁶ Thompson did not report whether he saw what happened immediately before the collision.

XXXX, a high school classmate and friend of Margaret Knott, was sitting near Knott during the demonstration. In an interview in February 2024, XXXX said that all she remembers about the incident that day is hearing someone yell “Run!” so she stood up and ran away from the Courthouse Square towards the nearby church that had been used as the meeting place for demonstrators. She never saw the car. XXXX said she believed Knott’s being heavy-set prevented her from getting out of the street with the other protestors. XXXX was shown current photos of the intersection and confirmed that the scene appeared to be substantially similar as it was in 1972. XXXX also noted that she did not experience any hostility from the bystanders or from law enforcement. A XXXX of prominent demonstrator Rosetta Nolan, XXXX does not recall any conversations she had with XXXX about the death of Margaret Knott.

B. Bystanders

Bystander witnesses, largely white, generally corroborated the material portions of the subject’s account and some offered details not mentioned by XXXX. A significant number of non-protestor witnesses were acquainted with XXXX.

David Kelley, a 40-year-old real estate agent, now deceased, watched the events from inside an office building directly adjacent to the incident. Kelley knew XXXX. He recognized one of the protestors, XXXX, and saw XXXX trying to open XXXX’s car door.¹⁷ XXXX’s car sped up as XXXX hung onto the door and eight or ten demonstrators were “charging in” behind the car. XXXX “eased” through the intersection while blowing the car horn. His car “jumped” but Kelley thought that might be because people were rocking it. Robert Mayfield and Raybon Homan, both now deceased, also reported that they saw XXXX reach into the car as if to strike the driver, and Mayfield saw another protestor leaning in from the passenger side.

Howard Moody, 22, now deceased, was standing on the courthouse lawn when he saw XXXX stopped at a stoplight in the southeast corner of the courthouse square. According to Moody, XXXX was unable to proceed because of the demonstrators and asked them to move. The demonstrators refused to move and gathered around XXXX’s car, and XXXX eased his car

¹⁶ No other witness reported that they saw XXXX remove the license plates, although, as noted, Ridgeway recalled that in the days following, XXXX’s license plates were no longer on the car.

¹⁷ Presumably, this is XXXX.

through the group and turned north. Demonstrators ran after the car and, when it stopped at the next intersection, they gathered around as well as climbed on top of the car, rocking it. Moody thought they were going to pull XXXX out. XXXX gunned the car and headed across the intersection. Moody saw the car move up and then down, and learned later that XXXX had run over Knott, with whom Moody went to school. Moody did not see Knott at the time XXXX drove through the intersection.

John Utsey, Jr., now deceased, who knew XXXX personally, saw a protestor chasing XXXX's car with an open knife, and heard the large group of protestors yelling "Get him out" and "Stop him" as they chased XXXX's car.¹⁸ Utsey told investigators that he saw XXXX stop, heard XXXX blow the horn of his car and then proceed ahead. Utsey saw XXXX's car "raise up" and presumed that XXXX had hit "someone or something." He saw the young woman lying in the street and then went inside a nearby building. Utsey said he felt XXXX had no choice but to keep driving once he reached the courthouse square because the situation was so tense that XXXX would not have been safe had he stopped.

Mitchell Walters, 64, now deceased, watched events unfold from the front of the furniture store that he owned on Mulberry Street. Walters recounted that as the Chevrolet made its way east on Church, the route off the square was blocked by protestors, and the car turned north on Mulberry. About 100 protestors were gathered at the intersection of Pushmataha and Mulberry as the car came from the south with other protestors pounding on and shaking the car. Some demonstrators who had been clinging to the car released their hold as the driver sped up. Walters recognized XXXX as the last one to break his hold on the car. The driver then began to slowly proceed to the intersection of Pushmataha and Mulberry where protestors began rocking the car in what appeared to be an effort to overturn it. The driver drew back a few yards and then stopped. The car then drove through the intersection. Walters' view was blocked by demonstrators but after Knott was struck, he saw her assisted into a car where she presumably was brought to the hospital.

R. C. Jarman, now deceased, told investigators he watched from the front steps of the Courthouse and, in addition to seeing XXXX's car being chased, saw a person chasing the car while holding a knife in his hand. The mood of the crowd so frightened Jarman that he went into the Courthouse and did not see XXXX's car reach the intersection where Knott was protesting.

Additional witnesses interviewed by the FBI, whose accounts were consistent in material respects with XXXX's account as well as those of Kelley and Utsey above, included Johnny Alberson (deceased), William "Billy" Davis (City Council member), Luther Elliott (deceased), XXXX, XXXX, Waymon Mazingo (deceased), Godfrey Nettles (deceased), Grace Turner (deceased) and Ottis Turner (deceased).¹⁹

¹⁸ Utsey was the brother of William Utsey, XXXX's attorney.

¹⁹ In addition, some witnesses who provided accounts that were consistent with XXXX's also asserted particular facts that were not corroborated by other witnesses. Luther Elliott, a curb market operator, saw XXXX "try to cut" the driver; James C. "Red" Ivey and R. H. Graham, both deceased, observed some protestors rock the car up and down, and after XXXX struck the

Christine Barefield, now deceased, described being with her ill husband and grandchild to visit Doctor Land, whose office was near the town square. She said that as she drove through three intersections, she was stopped by the demonstrators who then let her pass through.

C. Law Enforcement Personnel

The accounts of law enforcement personnel who were working at the courthouse square that morning generally were consistent with XXXX's statement that protestors aggressively converged on his car immediately before Knott was struck.

Walter Johnson, chief of the Butler Police Department, now deceased, was stationed during the protests at the intersection just north of Pushmataha and Mulberry. Johnson reported that he saw XXXX driving north out of the courthouse square and then stop his car when he saw Chief Johnson. XXXX told Johnson that he would be at home if Chief Johnson wanted him later. XXXX made no mention of having struck anyone with his car. One of the protestors came to tell Johnson what had happened just one block south. Johnson remained at his post for an hour after the incident.

XXXX, a sheriff's deputy for Choctaw County, stood 30 to 50 feet away from the intersection of Pushmataha and Mulberry when he saw the car approaching. According to XXXX, about 25 protestors were chasing the car, some hanging on the door handles. The car stopped at the intersection and was surrounded by about 50 protestors, some of whom climbed on the car. It seemed as if the engine was being "rev'd" or rocked because the front end was raising up. The car then moved forward and the front rose up and came down, as if it had run over something.

Chester Rentz, a sheriff's deputy for Choctaw County, now deceased, told investigators that he was about 60 yards from the intersection of Pushmataha and Mulberry when he saw about 40 protestors chasing the Chevrolet north on Mulberry. The car came to a complete stop at the intersection when four or five protestors tried to open the doors and jumped on the trunk and hood. When those who had been chasing the car caught up with it, the driver started forward.

victim, heard a man (fitting the description of XXXX) yell, "If [drivers] come through, kill them!"; Leland Harrison, now deceased, saw XXXX hanging onto XXXX's door handle and when XXXX stopped at the final intersection, XXXX put his arm into the open window at which time XXXX eased his car forward, and the car moved up and down; Quincy L. Johnson, now deceased, a 65-year-old Dixie gas station attendant, saw the crowd shove a woman into the front of XXXX's car, causing her to be run over; Elton Ramsey, now deceased, was working at his Shell station and saw someone fall over to the side of XXXX's car; Charles Reynolds, now deceased, a volunteer firefighter helping with traffic control, saw protestors surround and rock XXXX's car yelling "Run over us, Run over us!"; and, according to John A. White, now deceased, saw XXXX heading east on Church Street, and then try to turn south on Mulberry Street but demonstrators jumped up and blocked his path, causing him to travel north instead.

The front and rear raised up, and there was a lot of “hollering and screaming” by the people standing on the corner. Rentz went to the Sheriff’s Office and told Sheriff Clark that someone had been run over.

About 30 minutes later, Deputies XXXX and Rentz, as well as Butler Police Officer XXXX, were directed by Sheriff Clark to bring XXXX to the county jail, where he was booked on the charge of murder. Rentz guarded XXXX’s house for about four hours but no incidents occurred.

Dean Roberts, an officer with the Butler Police Department, now deceased, was stationed at Church and Mulberry. Roberts told investigators he saw a number of demonstrators banging on XXXX’s car and one riding on XXXX’s hood as XXXX proceeded slowly north on Mulberry Street and out of Roberts’ sight. Roberts also described how he had been unable to reach the Chevrolet in time to redirect it away from the square because he was helping XXXX, one of the XXXX of the protest, park his car off the square.

Leon Clark, the sheriff of Choctaw County, now deceased, said about 300 to 400 protestors were blocking the roads. He watched from his office window in the Courthouse building as ten to twenty protestors chased the Chevrolet on Church Street. He was unable to see the next intersection where Knott was struck and was told of the event by someone in a courthouse hallway. After Clark learned the driver’s identity from the two police officers where XXXX stopped, Clark called XXXX, who admitted that he had run over someone at the intersection. Clark told XXXX he would have to go to jail. XXXX said he was afraid for his wife and children, so Clark told him he would send two deputies, and one would bring XXXX to jail while the other stayed with XXXX’s family.

Protest leaders arrived at Clark’s office and told him they had information from the license tag of the car. Clark went with them to the Judge of the Probate Court where they signed a warrant for XXXX’s arrest. One leader told him that if the driver was not arrested, the protests would resume.²⁰

7. Local Response

A. Medical Evidence

The emergency room record of the Choctaw County General Hospital in Butler indicates that the victim was admitted with multiple injuries, contusions, and abrasions. Doctor Ivan Parker, now deceased, examined the victim. He first treated her for shock with various medications and then for a fracture to her lower leg. X-rays revealed a fractured pelvis. Parker also detected blood in her urine due to bladder damage. Parker reported that as he was applying a cast to her leg, she suffered a “massive fat embolism.” Resuscitation efforts were unsuccessful. She died at about 2 p.m. State toxicologist Nelson Grubbs (deceased) conducted the autopsy and determined that the cause of death was a ruptured spleen.

²⁰ The sequence of these events is unclear based on Clark’s interview summary.

B. Arrest of XXXX and Investigation

Hardie Kimbrough was the District Attorney for the First Judicial District, which included Choctaw County. According to Kimbrough, one of the demonstrators, Mrs. Rosetta Nolan, signed a citizen's warrant and affidavit charging XXXX with murder.²¹ The Choctaw County Sheriff then arrested XXXX and he was released on a \$5,000 bond.

Kimbrough told investigators he directed Sergeant XXXX of the Alabama State Patrol to interview all of the white witnesses and directed Sheriff's Deputy XXXX to interview all of the Black witnesses. XXXX reported to Kimbrough that none of the Black witnesses would speak with him.

XXXX later informed the FBI that he had interviewed only 12 people as part of his investigation. XXXX explained that because of the short time that elapsed between Knott's death and the convening of the grand jury, he was unable to contact additional witnesses. He discontinued his investigation following the no bill of the grand jury.

C. State Grand Jury

The grand jury was comprised of 12 white and six Black citizens. Because Kimbrough became ill, Alabama Attorney General Bill Baxley appointed Tom Young, Sr., as the district attorney to handle the grand jury.

Sheriff Clark told the FBI that evidence was presented from about 30 witnesses. A contemporaneous record from the Clerk of Court shows that 49 people were summoned to the grand jury. While it is unclear which individuals of those summoned actually testified, among those who later disclosed to the FBI that they testified were: Johnny Alberson, BreeLove Collins, Exie Lee Curtis, R.C. Jarman, David Kelley, D'Wayne Oscar May, Robert Mayfield, Marvin Mazingo, Godfrey Nettles, Dr. Ivan Parker, Bernice Ridgeway, XXXX, and Mitchell Walters.

Under Alabama criminal law, the evidence needed to show that XXXX acted with intent or reckless intent. However, on September 23, according to media reports, the grand jury issued a report that cleared XXXX of all criminal charges, including second-degree manslaughter, and concluded that Knott's death was accidental. The media also reported that the attorney who represented the Knott family, A.J. Cooper of Mobile, Alabama, expressed strong disagreement with the grand jury outcome.

²¹ Rosetta Nolan declined to speak with the FBI during the October 1971, investigation. Author Nancy Callahan interviewed Nolan in 1989; the only details provided to the Civil Rights Division were that at the time of the incident, Nolan feared the person struck by the car was XXXX XXXX, also a protestor who was sitting next to Knott. According to Callahan, Nolan was holding Knott in her arms at the hospital at the time she died.

According to current Circuit Judge Robert Montgomery of Alabama's First Judicial Circuit, court reporters were not used for grand jury proceedings and therefore no transcripts would be available.

D. Choctaw County Sheriff

According to media accounts, Sheriff Clark issued a press release, concluding that XXXX "eased through the intersection at a safe rate of speed when he ran over the deceased."²² Clark further affirmed XXXX's account, asserting that XXXX's car was "surrounded and being rocked by shouting demonstrators who were attempting to open his car door." Clark noted that one witness testified that a demonstrator had chased XXXX's car with an open knife.

8. Additional Information

A. Victim's Mother

Carrie Mae Johnson, the victim's mother, now deceased, was a schoolteacher and well-regarded civil rights activist, and later, a member of the Board of Education.²³ In 2008, she spoke on a radio show carried on Alabama Public Radio. She regularly had been involved in the sit-ins that summer, but at the moment her daughter was struck by XXXX's car, Johnson was at their church. During the radio interview, Johnson described her general understanding of the circumstances surrounding her daughter's death. She said the street had been sealed off but somehow XXXX was able to drive through. As XXXX came closer to the group that contained her daughter, other protestors were on his car, pounding, trying to get him to turn around. The young people had to scramble to get out of the way, but Margaret had trouble getting up because of her weight. Her daughter was brought to the hospital and Johnson was summoned from the church to see her before she died.

During this interview, Johnson alleged that at the hospital, one doctor initially refused to treat Knott and used a racial epithet. She did not provide a name of the doctor.²⁴

²² In response to our request for a copy of this report as well as all law enforcement records related to this incident from the Alabama Law Enforcement Agency, state authorities reported that they are unable to locate any records.

²³ XXXX, XXXX, was also involved in organizing the demonstration and was at the square that morning, though he did not witness the incident. During this review, XXXX participated in a conversation with Department of Justice representatives and family members.

²⁴ As noted earlier in this memorandum, her daughter did receive medical care from Dr. Parker and was in the process of being treated for internal trauma and a broken leg when she succumbed to her injuries. Under a complicated legal analysis, public facility medical personnel sometimes can be held criminally liable for demonstrating deliberate indifference to known medical needs. However, there is insufficient information upon which to proceed on this allegation, which would also be prohibited by the statute of limitations as more fully described on pages 18-19 of this memorandum.

In 2008, agents from the FBI interviewed Johnson about an unrelated matter. During that interview, Johnson raised the topic of her daughter's death. She said she believed Sheriff Clark was a racist and that XXXX intentionally drove into the group of protestors; however, she apparently was not asked for nor did she provide additional facts to support that opinion.

In an interview with the media in 2014, Johnson said she did not believe that XXXX acted deliberately, and believed that he should not be prosecuted. She believed that forgiveness was a better approach than vengeance. Johnson added that she told her children, "Imagine yourself [as a white person] in a crowd of Blacks and they are taunting and shaking your car and rocking your car.... I don't hold it against him because I really don't think he deliberately did it."

According to author Nancy Callahan, who interviewed Johnson in 1989, in addition to describing the pain of losing her daughter, Johnson also expressed forgiveness of the driver.

B. National Focus

Knott's death garnered national media and public attention. On the day after, more than 600 people convened at the town square to protest and convey their anger and sadness. The quiet march included kneeling for a five-minute moment of silence at the scene where XXXX's car struck Knott, followed by convening at the Butler African Methodist Zion Church, where Knott and her family were members. Over 2,500 people attended Knott's funeral. The Rev. Ralph David Abernathy called the teen a "Black martyr" and announced further demonstrations in response to her death. "We're going to march tomorrow and the next day and the next and however long it takes to guarantee that people won't have to die for their rights," Abernathy said.

C. Public impact

After the funeral, local leaders formed a biracial commission which reached an agreement that ended the demonstrations within a week. The aftermath of these demonstrations and the work of the commission saw four Black teachers rehired, a Black officer added to the three-person, all-white police force, a Black deputy hired in the sheriff's department, and three Black persons named as assistant principals in the school system.

In 1980, Margaret Knott's mother initiated an annual college scholarship in her daughter's honor, for local students. After her mother's death, family members have continued this tradition.

In 1999, the Choctaw County Commission voted 3-2 against the placement of a monument marking the death of Margaret Knott at the Courthouse Square. Relying on a previous verbal promise from members of the Commission, advocates – including Knott's mother – had raised \$5,000 for the monument. Casting the Commission's tie-breaking vote, Probate Judge Raymond Uptagrafft objected to the placement, implying that placing the monument regarding Margaret Knott's death could lead to the Commission being asked to place a similar monument by the Ku Klux Klan.

In 2019, the Margaret Ann Knott Memorial Bridge opened on County Road 45 in Yantley, Alabama, near Knott's home. Near the bridge is a plaque honoring Knott and memorializing that her "dedication has left an enduring and positive impact on generations of all races in Choctaw County."

D. XXXX's background

The XXXX of the weekly Choctaw Advocate, XXXX, told a New York Times reporter that XXXX was a "shy, quiet, non-violent man." XXXX, who served with XXXX as a volunteer fire fighter for five years, described XXXX as a "fine and calm" man. There is no indication in the available record that he espoused racist beliefs or was a member of any group with overtly racist views. No witness claimed that he expressed such views immediately before, during, or after the incident. XXXX had no criminal record before or after the incident.

9. Conclusion

The untimely death of Margaret Knott was a terrible tragedy that had a profound and lasting impact on her family, the people of Choctaw County and the national civil rights movement. However, the case must be closed without federal prosecution because the statute of limitations — essentially a deadline for bringing a federal case — has long expired for the relevant civil rights crime. Even if the statute of limitations had not run, based on the available evidence as described above, there is insufficient evidence to prove a federal criminal civil rights violation beyond a reasonable doubt.

Prior to 1994, federal criminal civil rights violations were not capital offenses, therefore a five-year statute of limitations was in effect. 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 resulting 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 this case do not permit a prosecution invoking these statutes.

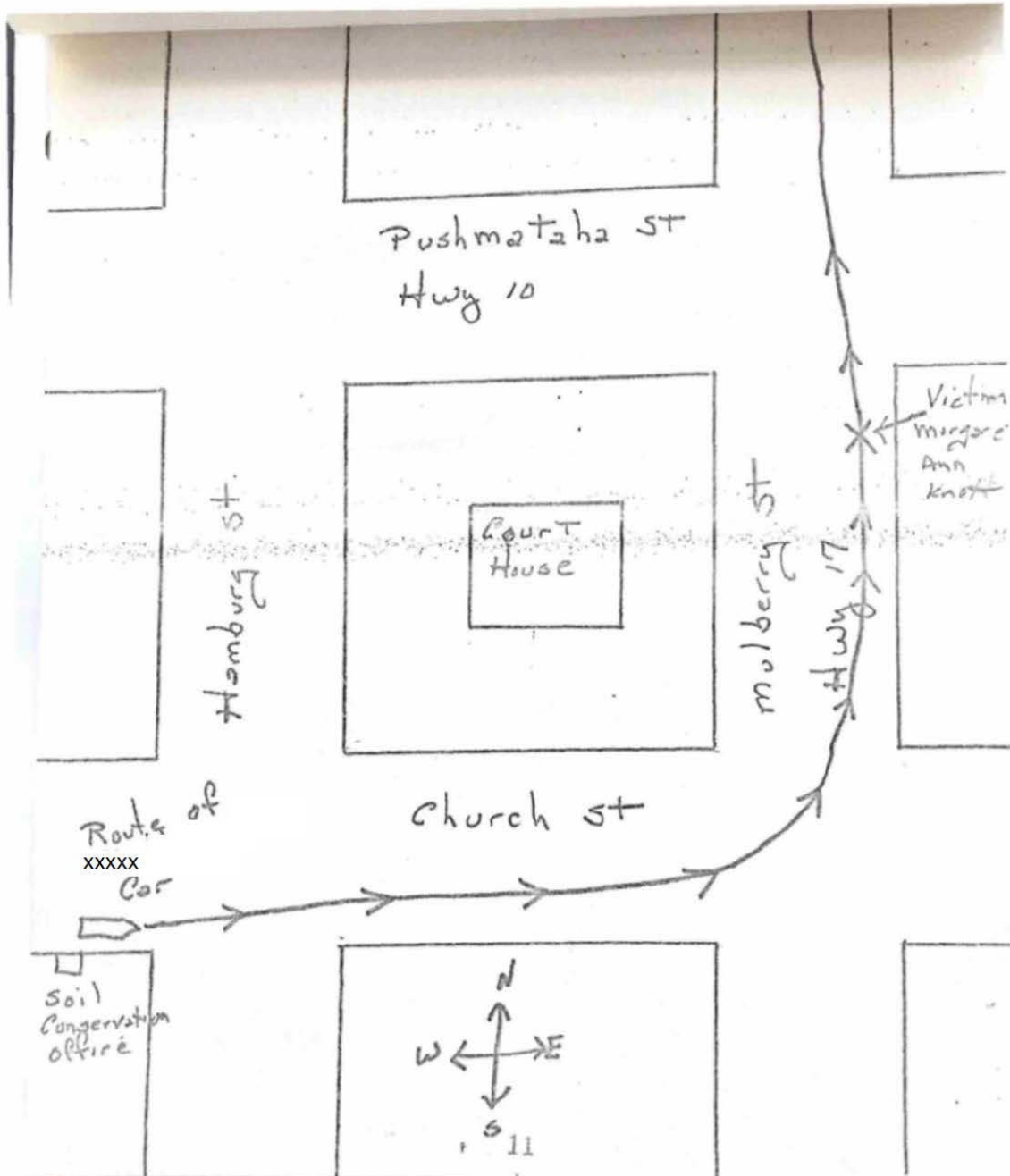
Even if the statute of limitations had not expired, there would be insufficient evidence to prosecute this case. The relevant federal criminal civil rights statute in effect in 1971 was 18 U.S.C. § 245(b), which prohibits bias-motivated violence that interferes with certain federally-protected activities. Still in effect today, the applicable provision prohibits willful interference "by force or threat of force" against any person because he/she is or has been ... "lawfully aiding or encouraging other persons to participate" in specified federally-protected activities "without discrimination as to race, color, religion, or national origin." Significantly, it would be insufficient to show only that XXXX deliberately killed or injured Knott; in addition, the government would also have to prove beyond a reasonable doubt that XXXX did so because of Knott's participation in the demonstrations.

The threshold factual question presented is whether the available evidence is sufficient to prove beyond a reasonable doubt that XXXX willfully intended to use force or the threat of force to interfere with the protestors' rights when he drove his car through the intersection where they were demonstrating, thereby fatally injuring Margaret Knott. Based on the witness accounts summarized in this memorandum, the evidence is insufficient to prove that XXXX acted with the required willful intent. In short, the available evidence is insufficient to prove XXXX willfully intended to use his car to interfere with the protestors and strike Knott. While some protestors clearly believed the act was intentional, their accounts are contradicted by other bystanders and even several protestors. The bulk of the evidence is consistent with or corroborates XXXX's account that his car accidentally struck Knott as he attempted to evade demonstrators who had chased, surrounded, and pounded on his car.

There is no evidence that XXXX intentionally chose to enter the square in order to interfere with the demonstrators; the route around the square appears to have been the usual route from his work to his home, where he was traveling that day. While some evidence suggests he might have been warned about the demonstration, there is no evidence that his choice of route was made to interfere with that demonstration as opposed to a reference to take his usual route home.

Numerous witnesses – including several protestors, bystanders, and law enforcement officers – saw XXXX's car first being chased, and then pounded, jumped on, and rocked by protestors. Most witnesses observed XXXX stopping, albeit briefly, in front of the protestors at the Pushmataha/Mulberry intersection. Nearly all of the witnesses who saw the moment of impact describe the victim as still sitting on the ground possibly at the right front side of the car, which, if accurate, arguably comports with XXXX's claim that he did not see the victim until after he drove north and looked in his rearview mirror. Moreover, there is no evidence that XXXX acted due to a racial motivation. There were, for example, no witnesses who said he expressed disagreement with the goals of the protestors or that he made racial statements in connection with the event. The investigation did not find that XXXX had ties to organized hate groups nor did it uncover any witnesses who believed XXXX harbored any racist beliefs.

For the reasons stated above, the evidence in this matter, though a terrible tragedy, does not constitute a prosecutable federal criminal civil rights violation and, therefore, this review must be closed. We note that the Till Act and its Reauthorization provide that the federal government can assist or refer cases to state or local governments when they cannot be pursued federally. Here, however, because there is insufficient proof that XXXX was acting deliberately or recklessly when his car struck Margaret Knott, the evidence would likely not support murder or manslaughter charges. Moreover, the state contemporaneously considered such charges and determined, after the grand jury rejected them, not to pursue them further. Accordingly, we do not refer this matter to the state of Alabama. We have, however, provided a copy of this memorandum to the appropriate state law enforcement authorities for informational purposes. The United States Attorney's Office for the Southern District of Alabama, through Assistant United States Attorney Andrew Arrington, concurs with these recommendations.





Photograph printed in Choctaw Advocate on September 16, 1971, with the following caption: "This picture was made shortly before Margaret Ann Knott was killed at this intersection last Saturday afternoon during black demonstrations in Butler. None of the group in the picture is identified."

Photographer: XXXX of the XXXX Studio. (Mr. XXXX's collection of photos was lost in a fire in the 1991.)



This image is taken looking south from the intersection of Pushmataha and Mulberry Streets. Google Maps, 2018. The County Courthouse and parts of the Courthouse Square can be seen on the right. The Utsey Law Office is located in the second story building on the left.